

COREY O'CONNOR
MAYOR



LEANNE DAVIS
EXECUTIVE DIRECTOR

CITY OF PITTSBURGH
ETHICS HEARING BOARD
CITY-COUNTY BUILDING

ETHICS OFFICER FORMAL ADVICE

February 6, 2026

To the Requester:

Drew Ayotte, Digital Engagement Coordinator
Department of City Planning
Via electronic mail

RE: 26-A-004 Ayotte URA Housing Assistance

Dear Mr. Ayotte:

This letter is in response to your request conveyed on this date for a formal opinion of the City of Pittsburgh Ethics Hearing Board (“Board”); you ask:

I. Issue:

Is a Digital Engagement Coordinator permitted under the Code of Conduct to receive financial housing assistance from the Urban Redevelopment Authority (“URA”)?

II. Short Answer:

Yes, you may receive URA financial assistance. Based on the facts presented, your conduct would be in compliance with conflict of interest and contracting restrictions.

III. Background:

The Board's advice applies to the facts as summarized in this advisory, with no independent investigation as to information presented or potentially omitted. City of Pittsburgh Code of Ordinances ("Code") § 197.13. It is the burden of each requesting party to truthfully disclose all material facts relevant to the inquiry.

The stated facts are:

- You are a City of Pittsburgh ("City") employee.
- You currently hold the position of Digital Engagement Coordinator for the Department of City Planning ("DCP").
- Your job is essentially that of a press officer. [Job Description, Digital Engagement Coordinator \(2023\)](#).
- Your office is located in the same building as the URA, on different floors.

Your position does not perform or have special access to funding or administering of URA programs. Your position does not make decisions affecting the URA, nor its funding or operations.

You seek to participate in one of the URA's housing assistance and stability programs, the Down Payment and Closing Cost Assistance Program ("DPCCAP"), which provides financial assistance to eligible first-time homebuyers interested in purchasing an existing or newly constructed home in the City of Pittsburgh for their personal residence. [DPCCAP](#). URA programs help residents with qualifying income to become homeowners or to rehabilitate their homes – these programs are open to all city residents.

The URA receives funds from the City and other sources.

IV. Legal Analysis

Relevant Law: Conflict of interest and contracting laws are relevant to this analysis. [Public Official and Employee Ethics Act \("Ethics Act" or "state law"\) 65 Pa.C.S. §§ 1103 and 1102; City of Pittsburgh Code of Ordinances \("Code"\) § 197.03\(a\); Home Rule Charter § 706, and Code § 161.17.](#) These laws, and related definitions are listed in full at the end of this letter.

Conflict of Interest under State Law and Code: Governmental ethics rules vary based on employee status. It is my understanding that your position would not be considered a "public employee" under state law due to the fact that your position, as described in the objective materials provided, lacks the authority to take or recommend official non-ministerial "action which is directed by a planning commission, zoning board, department, agency or governmental body which involves the regulation of real property." Instead, your role is to successfully communicate decisions and goals made by DCP leadership. It is my recommendation that your position is not considered a public employee under the Ethics Act, nor our Code, and accordingly is not subject to conflict of interest restrictions under [the State Ethics Act §§ 1103 and 1102; and Code § 197.03\(a\)](#).

Contracting and the Home Rule Charter: Our Home Rule Charter and contracting rules apply to all City staff and generally make it unlawful to enter into a contract with the City, or to receive any direct or indirect benefit from a contract, service, or financial dealings with the City. [Home Rule Charter § 706](#), and [Code § 161.17](#). The Board looked at how these contracting rules apply to your situation in an earlier case, [Visnich, Opinion 23-A-002](#), and found receiving funds through URA housing assistance programs is not an unlawful financial gain from a City contract because the program is available to all residents and is similar to other City services.

Here, as similar to the [Visnich](#) advisory, your work is separate and apart from the URA, the administration, and any other decisionmakers related to URA funding or programming. Your position does not perform or have special access to the funding or administration of URA programs. Your position does not make decisions affecting the URA, nor its funding or operations.

Based on the specifics of your position and the URA program, you are permitted to receive URA financial assistance in accordance with the Board's ruling in [Visnich, Opinion 23-A-002](#). Your conduct is permitted under the Code of Conduct conflict and contracting rules.

V. Reliance:

Our decision is dependent upon a snapshot of the facts as currently presented. Code §§ 197.13 and 197.16(a). Advice can be reconsidered. Please contact our staff if these facts are inaccurate or incomplete – or if the facts change in the future. Code § 197.13. Requests must be in writing, describe the error in fact or law, and be received within thirty days from the date of this letter.

The Ethics Hearing Board works with the Code of Conduct, which contains portions of our Home Rule Charter, Code, and the Ethics Act. Code § 197.01. The State Ethics Commission is the authority on the Ethics Act. If the State Ethics Commission provides a more restrictive view than this writing, the State's position will govern. [65 Pa.C.S. §§ 1107](#), and [1109](#). In complement, the Board and its staff adopt or exceed State Ethics Commission interpretations of the Act. [65 Pa.C.S. § 1111](#).

Legal issues are multi-faceted, and you may have rights or obligations beyond the ethics laws within the Board's jurisdiction. This Opinion does not address other aspects of potential liability which can be reviewed with the Law Department. Furthermore, HUD/CDBG-funded programs or employment may require additional levels of approval for compliance.

VI. Conclusion:

You are permitted to receive URA financial assistance, per the Board's ruling in [Visnich, Opinion 23-A-002](#). Your conduct is permitted under conflict and contracting rules.

Thank you for contacting me for this ethics opinion. Please let me know if I can assist you with any questions.

Sincerely,

Leanne Davis

Leanne Davis, Ethics Officer

cc: Maryann Herman, Board Chair; URA Legal Counsel (*via electronic mail*)

Cited Law:

Ethics Act § 1102(a) "Public employee." (also at Code § 197.02)

Any individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- (1) contracting or procurement;
- (2) administering or monitoring grants or subsidies;
- (3) planning or zoning;
- (4) inspecting, licensing, regulating or auditing any person; or
- (5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person.

The term shall not include individuals who are employed by this Commonwealth or any political subdivision thereof in teaching as distinguished from administrative duties.

Title 51, Part 1 of the Pennsylvania Code (51 Pa. Code § 11.1). "Planning or zoning"—An action which is directed by a planning commission, zoning board, department, agency or governmental body which involves the regulation of real property.

Ethics Act § 1103(a) Conflict of interest.--No public official or public employee shall engage in conduct that constitutes a conflict of interest.

Ethics Act § 1102(a) "Conflict" or "conflict of interest." Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a

member of his immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he or a member of his immediate family is associated.

Code § 197.03(a) - CONFLICT OF INTEREST. No public official or public employee shall exert influence with respect to property or a business with which he or a member of his or her direct family is associated.

Home Rule Charter § 706: No elected official, officer or employee shall in any manner receive benefit from the profits or emoluments of any contract, job work or service for the City, or accept any service or thing of value directly or indirectly upon more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City. No elected official, officer, or employee shall solicit or receive any compensation, gratuity or other thing for any act done in the course of public work. This section shall be broadly construed and strictly enforced. Any violation of this section shall cause the offending official, officer, or employee to forfeit office or employment.

Code § 161.17 CONTRACT INTEREST OF City OFFICIALS, OFFICERS AND EMPLOYEES. No contract shall be made with any City elected or appointed official, officer or employee, or with any corporation, partnership or other nongovernmental entity of which he or she is a member. If any official, officer or employee should, during his or her term of office or employment, knowingly acquire a proprietary or pecuniary interest in any contract, he or she shall forfeit his or her office or employment.