

***Meeting Agenda***  
**Rental Housing Revocation Appeal Board**  
**Public Meeting**  
**Wednesday, May 27, 2015**  
**3:00 p.m.**

**I. Call to Order**

**II. Roll Call & Introductions**

Larry Miles  
James Lee  
Nicholas Ferraro  
David McClelland - Alternate

**III. Public Hour - Hearing of Citizens**

**IV. Review of the Board's Responsibilities and Election of Officers**

A. Ed LeClear, Planning Director, will review the Board's responsibilities and assist with the election of officers.

**V. Call the Hearing to Order**

- A. Advise the Board on Procedures
- B. Swear in all who will be testifying
- C. Review the History of the Ordinance and present the case
- D. Testimony

**VI. Board Discussion**

**VII. Board Decision**

**VIII. Approval of Minutes – July 9, 2012**

**IX. Any Other Matters**

A. Conflict of Interest Policy – Informational

**X. Adjournment**



**Meeting Minutes**  
**Rental Housing Revocation Appeal Board**  
**Monday, July 9, 2012**

The Rental Housing Revocation Appeals Board met on Monday, July 9, 2012 in Room 220 of the State College Municipal Building, 243 South Allen Street, State College, PA.

**I. Call to Order**

Mr. Williams called the meeting to order at 2:30 p.m.

**II. Roll Call & Introductions**

**Present**

Larry Miles

David McClelland

**Also present:**

Terry Williams, Solicitor

Lisa Welsh, Solicitor

Tom Fontaine, Borough Manager

Carl Hess, Director of Planning/Acting Health Director

Denise L. Rhoads, Recording Secretary

David Engle, Attorney for Sigma Alpha Mu Fraternity

Tyler Abad, Sigma Alpha Mu President

Kathleen Yurchak, Attorney for Greek Housing Services, Inc.

Officer Mark Rhodes, State College Borough Police Officer

Officer Kelly Aston, State College Borough Police Officer

Mr. Williams called the meeting to order at 2:30 p.m.

**III. Call the Hearing to Order**

**A. Advise the Board on Procedures**

Mr. Williams explained that the hearing is generally run where both parties present the facts of the case. The Board then discusses the case in an open session; however, no additional testimony is received during that time.

**B. Swear in all who will be testifying**

Mr. Williams swore in all parties who wished to provide testimony.

C. Review the History of the Ordinance and present the case

Next, Mr. Williams provided the Board and parties involved with packets of information, which included a copy of the consent agreement, notice of violation letter, and the appeal letter.

Officer Rhodes gave his testimony and answered questions. Then, Officer Aston gave her testimony and answered questions. Finally, Mr. Fontaine gave his testimony and answered questions.

Next, Mr. Williams introduces Exhibit 6. It was a recusal email from Board member Mr. Cantina.

Mr. Fontaine gave some additional testimony regarding the ordinance and answered additional questions.

D. Hear testimony from the Representatives from Sigma Alpha Mu Fraternity

Mr. Engle called Mr. Tyler Abad, current President elected December 2011. Mr. Abad gave his testimony and answered questions.

Ms. Yurchak called Mr. Maloney, the property owner, who gave his testimony and answered questions.

Mr. Engle addressed the Board and gave his closing arguments followed by Ms. Yurchak giving her closing arguments.

Mr. Fontaine had no further comment.

**IV. Board Discussion**

Mr. Williams addressed the Board telling them they were closing the record at this time (4:06 p.m.) and turned it over to the Board members. He also stated that all could stay until the members decided.

Mr. McClelland and Mr. Miles discussed this among themselves.

Next, the Board discussed the case in an open session. They discussed the evidence presented to them and agreed to proceed with rendering a decision.

**V. Board Decision**

Mr. Miles made a motion to rescind the revocation and extend the consent agreement until December 31, 2012. Mr. McClelland seconded the motion, which passed unanimously 2-0-0.

## **VI. Adjournment**

The meeting adjourned at 4:10 p.m.

Respectfully submitted by:  
Denise L. Rhoads, Staff Assistant



# Borough of State College

## MEMORANDUM

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**to:** ABC Secretaries and Staff Assistants

**from:** Lu Hoover :~~LA~~

**re:** Conflict of Interest Policy and Code of Conduct With Regard to HUD Programs

**date:** December 1, 2014

A Conflict of Interest Policy and Code of Conduct with Regard to HUD Programs was adopted by the State College Borough Council in 2005. Elected and appointed officials are to receive a copy of the policy at a regular meeting of their respective council, authority, board or commission annually. Members who are absent should receive a copy by mail.

A copy of the policy is attached. Please include it as an agenda item or as an attachment to the agenda at the first meeting of the ABC in 2015. Also, please be sure to note distribution of the policy in the meeting minutes.

from the desk of...  
**Lu Hoover**  
Senior Planner  
Borough of State College  
243 South Allen Street  
State College, PA 16801  
lhoover@statecollegepa.us  
(814) 278-4703  
Fax: (814) 234-7197

## **BOROUGH OF STATE COLLEGE**

### **Conflict of Interest Policy and Code of Conduct With Regard to HUD Programs**

#### SECTION 1

#### **CONFLICTS OF INTEREST**

#### **COVERED INDIVIDUALS:**

Any employee, agent, officer, elected official, appointed official or consultant of the Borough of State College (Participating Jurisdiction) or; any member of an employee's, agent's, officer's, elected official's or appointed official's immediate family; an employee's, agent's, officer's, elected official's or appointed official's partner; or an organization that employs or is about to employ any of the above.

#### **CONFLICTS PROHIBITED:**

No person(s) described in Paragraph 1 of section 1 who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME Investment Partnerships Program (HOME) or Community Development Block Grant (CDBG) or other U.S. Department of Housing and Urban Development (HUD) funds or who is in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or benefit from a HOME, CDBG, or other HUD-assisted activity, or has an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Occupancy of a HOME-assisted unit by a covered person constitutes a financial interest.

#### **EXCEPTIONS:**

Threshold Requirements – Upon the written request of the participating jurisdiction, the U.S. Housing and Urban Development (HUD) or its successor, may grant an exception to the provisions of Paragraph 1 of this section on a case-by-case basis when it determines that the exception will serve to further the purpose of the HOME, CDBG or other HUD program and the effective and efficient administration of the Borough's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

- a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure\* of the conflict and a description of how the public disclosure was made; and
- b. An opinion from the Borough's attorney that the interest for which the exception is sought would not violate state or local laws.

\*The requirements for public disclosure include publication in a local newspaper or disclosure during an advertised public hearing.

Factors to be considered for Exceptions – In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraphs a. and b. above, HUD, or its successors, will consider the cumulative affect of the following factors, where applicable:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

- b. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiary of the assisted activity, and the exception will permit such person(s) to receive generally the same interests or benefits as are being made available or provided to the group or class;
- c. Whether the affected person(s) has withdrawn from his/her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;
- d. Whether the interest or benefit was present before the affected person was in a position as described in Paragraph 2 of this section;
- e. Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- F. Any other relevant considerations.

#### OWNERS AND DEVELOPERS:

No owner, developer or sponsor of a project assisted with HOME, CDBG or other HUD funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME, CDBG or other HUD-assisted affordable housing unit in a project. This provision does not apply to an individual who receives HOME, CDBG or other HUD funds to acquire or rehabilitate his or her principal residence or to an employee or agent to the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

#### EXCEPTIONS:

Upon written request of a housing owner or developer, the Borough may grant an exception to the provisions of the above paragraph of this section on a case by case basis when it determines that the exception will serve to further the purposes of the HOME, CDBG or other HUD program and the effective and efficient administration of the owner's or developer's HOME, CDBG or other HUD-assisted project. In determining whether to grant a requested exception, the Borough shall consider the following factors:

- a. Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class;
- b. Whether the person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted housing in question;
- c. Whether the tenant protection requirements of Sec. 92.253 are being observed;
- d. Whether the affirmative marketing requirements of Sec. 92.351 are being observed and followed; and
- e. Any other factor relevant to the Borough's determination, including the timing of the requested exception.

## SECTION 2

#### COVERED INDIVIDUALS:

Any employee, officer, or agent of the Borough of State College (Participating Jurisdiction).

## PROCUREMENT

The CDBG, HOME and other HUD Programs follow the procurement policy of the Borough of State College located in the Borough of State College Code of Ordinances, Chapter 1, Part N. If any provisions of CFR 24 85.36, 24 CFR 570.611, 24 CFR 92.356 are not included or conflict with the Borough's Procurement Policy, the provisions of CFR 24 85.36, 24 CFR 570.611, and 24 CFR 92.356 shall supersede the Borough's Procurement Policy.

No Covered Individuals in section 2, paragraph 1, may participate in the selection, award or administration of a contract supported by HOME, CDBG or other HUD Program if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for award:

- employee, agents, or officer of the Borough of State College;
- any member of an employee's, agent's or officer's immediate family;
- an employee's, agent's or officer's partner; or
- an organization that employs or is about to employ any of the above

No employee, officer, or agent of the Borough or subrecipient may solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.

### CODE OF CONDUCT:

Persons covered in section 2, paragraph 1, are expressly forbidden from soliciting or accepting money, gifts, gratuities, services, favors, or anything of monetary value (excepting unsolicited calendars, pens, or other items of nominal value used as an advertising medium) from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded or from a party to any potential subcontract.

The Borough shall also take disciplinary action in accordance with the Borough Personnel Rules and Regulations against any covered persons in section 2 paragraph 1 who violate this conflict of interest policy.

Employees will receive a copy of the conflict of interest policy on an annual basis as a mailer included in a paycheck. Elected and appointed officials will receive a copy of the policy at a regular meeting of their respective council, authority, board or commission. Distribution of the policy will be noted in the minutes of the meeting. Members who are absent will receive a copy by mail. Consultants and agents will be provided a copy of the policy as part of their contracts.

### SUB-RECIPIENTS:

Applicable Conflict of Interest and Procurement Policies for the Borough's subrecipients are covered under CFR 24 84.42, 24 CFR 570.611 and CFR 24 92.356. Each subrecipient has developed its own Conflict of Interest Policy and Procurement Policy in accordance with the applicable regulations.

Authorized Official: Ed LeClear, Director of Planning and Community Development  
243 S. Allen Street  
State College, PA 16801  
814-234-7109

Adopted by the State College Borough Council on April 18, 2005.