

The Zoning Board controversy: part 4

The Bethlehem Gadfly City government, Serious Issues August 25, 2019

(The latest in a series of posts on City government)

It must be stressed that virtually all information about the events leading up to the withdrawal of the nomination presented at the August 20 Council meeting comes from Councilman Callahan (BC). Nominee-1 did not attend the Council meeting (though BC said she may attend and speak next time). We do not have any information directly from Nominee-1. Neither Councilwoman Van Wirt (PVW) nor Councilman Reynolds (JWR) gave any facts about their involvement in the events. Again, virtually all information comes from BC.

So let's finally get to it, Gadfly!

Was PVW wrong? Does Nominee-1 have a legitimate right to feel bullied? Is BC's charge of unethical behavior on PVW's part reasonably based?

What are you thinking?

To help us focus, see if this is a fair statement of the question relating to PVW's phone contact with Nominee-1.

Was it unethical for PVW to say that her support was contingent on a promise that Nominee-1 would recuse herself from any case involving someone who gave her a campaign donation?

Here's how Gadfly sees it. See if you agree.

If that is a fair statement of the question — if PVW did ask for such a guarantee as BC described — then for Gadfly the answer is “no” — PVW did nothing unethical.

What was Nominee-1 prepared to do in a case involving one of her donors? As reported by BC, Nominee-1 says that she would judge such cases on their merit and never see a need to recuse herself, implying that the campaign contributions would have no influence.

Did PVW indicate there was anything unethical in the campaign contributions that Nominee-1 received? No.

Did PVW have “probable cause” to raise the issue of Nominee-1’s campaign contributions? Yes, as documented in the previous post, 80-85% of Nominee-1’s campaign contributions came from the pro-development community (for want of a better term), strong evidence (by BC’s own words) of their recognition of her existing pro-development views, thereby raising the appearance of a possible conflict of interest.

Did PVW go “too far” in asking Nominee-1 for a guarantee of recusal? No, as described by BC, PVW asked for recusal *only* in a case involving one of her donors [individual donors] — nothing more — a situation in which Gadfly feels common sense would normally call for recusal, a situation, that is, needing virtually no reflection. The ethical thing to do would be to recuse yourself in a case involving one of your donors. It sounds to Gadfly that PVW was not calling Nominee-1 unethical but calling her to be ethical.

Is asking for the promise of recusal in a case involving a donor, the same as questioning Nominee-1’s ethics? No, it is pointing out how important it is that judicial processes avoid the appearance of undue outside influence.

What would happen should Nominee-1 recuse herself from a case involving one of her donors? An alternate already previously appointed by City Council would take her place for that one case.

Did PVW (or anyone else on Council) question Nominee-1's ethics, call her "unethical"? No, according to president AW: "In my conversations with everyone on Council . . . no one accused her of being unethical; that was not an accusation I heard from anyone. That word didn't come up. So [for BC] to throw that word around I don't think is fair. . . . Nobody said 'unethical' to me. There was a perception of a conflict of interest; that was the term that was used. An appearance. . . .When you [BC] throw that word ['unethical'] around, it's a very strong word. It's not helpful, especially when there's nothing to stand behind it."

So for Gadfly there was no evidence presented at the meeting that PVW did anything unethical or that anybody questioned Nominee-1's ethics.

How do you see it? Gadfly welcomes your views. Make sure they are based on the primary source.

(A reminder again that you can see the meeting for yourself: "[Zoning Hearing Board appointment withdrawn, Council discussion ensues](#)" or [the City web site](#) for audio and video.)

Gadfly started this series of posts by saying we are going to examine the last section of the August 20 City Council meeting because "we will learn something about our elected officials."

It's the thought process of Councilman Callahan and what it tells us about Council dynamics that we want to look at next.