

ACT 44 DISCLOSURE

**ACT 44 DISCLOSURE FORM FOR ENTITIES PROVIDING  
PROFESSIONAL SERVICES TO THE  
HATFIELD BOROUGH PENSION SYSTEM**

CHAPTER 7-A OF ACT 44 OF 2009 MANDATES the annual disclosure of certain information by every entity (hereinafter “**Contractor**”) which is a party to a professional services contract with one of the pension funds of HATFIELD BOROUGH (hereinafter the “**Requesting Municipality**”). Act 44 disclosure requirements apply to *Contractors* who provide professional pension services and receive payment of any kind from the **Requesting Municipality**’s pension fund. The **Requesting Municipality** has determined that your company falls under the requirements of Act 44 and must complete this disclosure form. You are expected to submit this completed form, to the Requesting Municipality below, by **October 25th, 2011**. If, for any reason you believe that Act 44 does not require you to complete this disclosure form, please provide a written explanation of your reason(s) by **October 11th, 2011**.

**RETURN COMPLETED  
DISCLOSURE TO:**

**Hatfield Borough**

**Attn: Ms. Linda Watts, Asst. Secretary**

**P.O. Box 190**

**Hatfield, PA 19440**

**REQUIRED UPDATES:**

Where noted, information in this form must be updated in writing as changes occur.

# Act 44 Disclosure Form for Entities Providing Professional Services to Hatfield Borough Pension System

## Introduction

Chapter 7-A of Act 44 of 2009 mandates the annual disclosure of certain information by every entity (hereinafter "Contractor") which is party to a professional services contract with one of Hatfield Borough's pension funds. This disclosure form is being submitted in compliance with this mandate.

## Definitions for Disclosure Questions

The following definitions apply to answering the questions in this disclosure form:

**Affiliated Entity:** Any of the following: (1) A subsidiary or holding company of a lobbying firm or other business entity owned in whole or in part by a lobbying firm. (2) An organization recognized by the Internal Revenue Service as a tax-exempt organization under Section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)) established by a lobbyist or lobbying firm or an affiliated entity.

**Contractor:** Any person, company or other entity that receives payments, fees, or any other form of compensation from a municipal pension fund in exchange for rendering professional services for the benefit of the municipal pension fund. The term Contractor shall also include an Affiliated Entity of the Contractor.

**Contributions:** As defined in section 1621 of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

**Executive Level Employee:** Any employee of a Contractor or the Contractor's Affiliated Entity who: (1) can affect or influence the outcome of the Contractor's or Affiliated Entity's actions, policies, or decisions relating to pensions and the conduct of business with a municipality or a Municipal Pension System; or (2) is directly involved in

the implementation or development of policies relating to pensions, investments, contracts or procurement or the conduct of business with a municipality or Municipal Pension System.

**Municipal Pension System:** Any qualifying pension plan, under Pennsylvania state law, for any municipality within the Commonwealth of Pennsylvania; includes the Pennsylvania Municipal Retirement System.

**Political Committee:** As defined in section 1621 of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

**Professional Services Contract:** A contract to which the Municipal Pension System is a party that is: (1) for the purchase or provision of professional services including investment services, legal services, real estate services, and other consulting services; and (2) not subject to a requirement that the lowest bid be accepted.

**Subcontractor or Advisor:** Anyone who is paid a fee or receives compensation from a Municipal Pension System – directly or indirectly from or through a Contractor.

### **List of Municipal Officials**

Certain disclosures refer to Municipal Pension System officials and employees as well as municipal officials and employees. We have considered the following names to be the list of pension system and municipal officials and employees for this purpose. Throughout this Disclosure Form, the below names will be referred to as the List of Municipal Officials.

Robert L. Kaler III	Mayor / Executive
John H. Weierman	President / Chairperson
Bryan Moyer	Council Member
John Kroesser	Council Member
Kenneth Farrall	Council Member
Lawrence Stevens	Council Member
Michael J. DeFinis	Manager / Chief Administrator
Linda Watts	Assistant Secretary
Diane A. Farrall	Appointed Treasurer

**Disclosures by Current Contractors**

The following information is being provided for the Hatfield Borough Non-Uniformed Pension Plan(s).

1. Provide the names and titles of all individuals providing professional services to Hatfield Borough pension plan or plans identified above.

Ronald H. Bittner, CPA, Vice President, Univest/Trollinger Consulting Group

2. Provide the name and title of any Affiliated Entity and their Executive-Level Employee(s) that require disclosure; after each name, include a brief description of their duties.

None

3. There are no current or former officials or employees of Hatfield Borough listed above or any others employed by the Contractor.

4. There are no individuals listed above, or any others employed by the Contractor, who have been registered Federal or Pennsylvania State lobbyists.

All information provided above will be updated in writing as changes occur.

5. Since December 17, 2009, the Contractor has not employed or paid compensation to a third party intermediary, agent or lobbyist to directly or indirectly communicate with any individual on the List of Municipal Officials in connection with any transaction or investment involving the Contractor and the Municipal Pension System. This question does not apply to any officer or employee of the Contractor who is acting within the scope of the Contractor's standard professional duties including the actual provision of professional advice, services or assistance pursuant to its professional services contract with the Municipal Pension System.

6. Since December 17, 2009, no agent, officer, director or employee of the Contractor has solicited a third party to make a political contribution to any municipal official or candidate for municipal office in Hatfield Borough or to the political party or political action committee of that official or candidate.

7. Since December 17, 2009, the Contractor has made no contribution to a municipal official or candidate for municipal office in Hatfield Borough.

8. The Contractor does not have a direct financial, commercial or business relationship with any individual on the List of Municipal Officials.

9. The Contractor has not conferred any gift of more than nominal value to any individual on the List of Municipal Officials. A gift includes money, services, loans, travel, lodging, entertainment, discount, or other thing of value.

10. The Contractor has not made any political contributions that meet all of the following four criteria: (i) The contribution was made in the last five years, specifically, since December 18, 2004; (ii) The contribution was made by an officer, director, executive-level employee or owner of at least five percent (5%) of the Contractor; (iii) The amount of the contribution was at least \$500 in the form of either a single contribution by an officer, director, executive-level employee, or owner of at least five percent (5%) or the aggregate of all contributions by all officers, directors, executive-level employees, and owners of at least five percent (5%); and (iv) The contribution was made to a candidate for any public office in the Commonwealth or to an individual who holds that office, or to a political committee of a candidate for public office in the Commonwealth or of an individual who holds that office.

11. With respect to the provision of professional services to Hatfield Borough, we are not aware of any apparent, potential or actual conflict of interest with respect to any officer, director or employee of the Contractor and officials or employees of Hatfield Borough.

12. We do not believe that any additional disclosure beyond what has been requested is necessary at this time pursuant to the provisions of Chapter 7-A of Act 44 of 2009.

**NOTE: If, in the future, we become aware of any apparent, potential or actual conflict of interest, we will update this Disclosure Form immediately and provide an explanation of the steps taken to address this apparent, potential or actual conflict.**

#### VERIFICATION

I, Ronald H. Bittner, CPA, hereby state that I am Vice President for Univest/Trollinger Consulting Group, and I am authorized to make this verification.

I hereby verify that the facts set forth in the foregoing Act 44 Disclosure Form for Entities Providing Professional Services to Hatfield Borough Pension System are true and correct to the best of my knowledge, information and belief.

Ronald H. Bittner  
Signature

September 15, 2011  
Date