

Legislation Text

File #: 150769, **Version:** 0

Amending Chapter 9-2200 of The Philadelphia Code, entitled "Expediter," by revising the rules, obligations and procedures pertaining to expediter licenses, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-2200 of The Philadelphia Code is amended to read as follows:

CHAPTER 9-2200. EXPEDITERS.

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§ 9-2203. License Issuance; Renewal.

(1) Applications for an Expediter license shall be filed on a form to be provided by the Department. No such application will be received unless it is accompanied by:

* * *

(iv) [proof that the applicant is an employee of one of the following: an attorney or firm of attorneys currently licensed in the state of Pennsylvania; an architect or firm of architects currently licensed in the state of Pennsylvania; or an engineer or firm of engineers currently licensed in the state of Pennsylvania.] *copies of any civil judgments against or records of conviction of the applicant within the prior ten years for fraud, deceptive or unfair conduct, negligence, recklessness, or breach of contract in a professional capacity.*

* * *

(2) Issuance of Expediter License. If the Department determines that an application is complete and satisfactory on its face, that the application fee has been paid, and that the necessary proof of insurance and the criminal history records search report have been submitted, the Department shall issue the applicant an Expediter license, unless the Department finds that the applicant:

(i) Has, within the six years immediately prior to the date of license application, been finally found guilty of or plead no defense to any crime of fraud, dishonesty, breach of trust or deceit, or has, within such six year period, been finally found guilty of or plead no defense to a violation of the Public Official and Employee Ethics Law, Act 9 of 1989 (65 P.S. §§ 401 et seq.);

(ii) [Had his or her Expediter license revoked within the previous two years]

Has been the subject of significant substantiated complaints to the Department or a pattern of

judgments or convictions regarding fraud, deceptive or unfair conduct, negligence, recklessness, or breach of contract;

(iii) Is currently serving a period of Expediter license suspension;

(iv) Was employed by the Department or any of the Review Boards within one year prior to the date of license application;

(v) Was employed by any City agency within one year prior to the date of license application as a "public employee" or "public official", as those terms are defined by the State Ethics Act (65 P.S. §§ 401 et seq.); or

(vi) Was dismissed from employment with the Department or with any of the Review Boards due to malfeasance or misfeasance within the five years prior to the date of application.

§ 9-2204. License Suspension; Revocation; *Disqualification*.

(1) An Expediter license shall be revoked if the Agent is finally found guilty of or pleads no defense to bribery or other crime of fraud, dishonesty, breach of trust or deceit, or to a violation of the Public Official and Employee Ethics Law, Act 9 of 1989 (65 P.S. §§ 401 et seq.).

(2) [An Expediter license may be suspended or revoked] *The Department may suspend or revoke a license, and may disqualify an individual from obtaining a license for a future period, for violation of § 9-2206 ("Prohibited Conduct") or for meeting one of the bases for disqualification to obtain a license under § 9-2203 (License Issuance; Renewal), for a period of time commensurate with the severity of the conduct.*

(3) The Department shall by regulation promulgate license suspension and revocation procedures as well as a complaint process to implement this Section.

§ 9-2205. Entry of Appearance Forms.

(1) All licensed Expeditors shall file an entry of appearance form with the Department or with a Review Board before which the Expediter is engaging in representation, prior to any act of representation in a particular matter. The entry of appearance form shall be provided by the Department, and shall include the Expediter's name, license number, and the name of the person the agent is representing. *The entry of appearance form shall be accompanied by a copy of a contract for services, which shall include a description of the specific services to be provided and the relevant price terms, as well a clear disclosure in not less than 14-point font that the Expediter is not authorized to engage in the practice of law, architecture, landscape architecture, or engineering, and is not a licensed real estate agent or broker, unless the Expediter is otherwise licensed to do so.*

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

