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IN RE: NOMINATION PETITION OF
BRENDAN J. MURRAY FOR THE OFFICE
OF SCHOOL DIRECTOR (TWO YEAR TERM)
FOR THE HARRISBURG SCHOOL DISTRICT

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: CIVIL ACTION
: NO. 2013 CV 2404 EL
:
:
:

PETITION TO CHALLENGE THE NOMINATION PETITION OF BRENDAN J. MURRAY
FOR THE OFFICE OF SCHOOL DIRECTOR (TWO YEAR TERM) OF THE HARRISBURG
SCHOOL DISTRICT

To the Honorable Judges of said Court:

The undersigned, by her attorney, Lenora M. Smith, hereby files these objections to the above
Nomination Petition, and respectfully represent:

1. The said Petitioner is a citizen and registered Democratic Party elector of the City of
Harrisburg, County of Dauphin, Pennsylvania.
2. Petitioner, Autumn L. Cooper, is an adult individual residing at 2224 Green Street, Harrisburg
PA 17110, in the City of Harrisburg, County of Dauphin, Pennsylvania.
3. This Petition is filed pursuant to the Pennsylvania Election Code, 25 P.S. 2937 and the Public
Officials and Employee Ethics Act, 65 Pa. C.S. §1104.
4. Brendan J. Murray, an individual residing at 1603 N. 2nd Street, Apt. 2, Harrisburg, PA
17102, in the City of Harrisburg, County of Dauphin, Pennsylvania, filed on or about March 12,
2013, with the Dauphin County Board of Elections his nomination petition as a candidate for the
office of School Director (Two year term) of the Harrisburg School District in the Democrat
Party Primary election scheduled for May 21, 2013.
5. Mr. Murray attached a copy of his Statement of Financial Interests to the nomination petition
he filed with the Dauphin County Board of Elections.

6. However, Mr. Murray failed to also timely file a Statement of Financial Interests with the Harrisburg School District on or before March 12, 2013 as is required for all candidates for said offices by the Public Officials and Employee Ethics Act Law, 65 Pa.C.S. § 1104(b)(2), and by regulations of the State Ethics Commission, 51 Pa. Code § 15.3(b). See March 12, 2013 time stamped copy of Statement of Financial Interests of Brendan J. Murray, attached hereto as Exhibit A.

7. Although Mr. Murray filed his Statement of Financial Interests with the Harrisburg School District on or about March 13, 2013, this filing was beyond the legally mandated deadline of March 12, 2013.

8. A candidate's failure to file a Statement of Financial Interests in the proper manner and in the prescribed time with the local governing authority is a fatal defect requiring the striking of that candidate from the ballot. In re: Nomination of Greg Paulmier, 594 Pa. 445; 937 A.2d 364, 371 (Pa 2007 stating: "Therefore, we now hold that the fatality rule announced in Section 1104 of the Ethics Act was intended by Legislature to bar only those candidates from the ballot who fail to file statements of financial interests or who file them in an untimely manner.").

WHEREFORE, your Petitioners pray that: (a) a hearing on the Petitioner's objections, as provided in the Pennsylvania Elections Code, 25 P.S. § 2937, be scheduled forthwith; (b) Mr. Murray's nomination petition for School Director (Two year term) of the Harrisburg School District be set aside; and (c) the name of Brendan J. Murray as a candidate for the office of School Director (Two year term) of the Harrisburg School District be stricken from the ballot for the Dauphin County Democratic Party Primary scheduled for May 21, 2013.

By: Lenora M. Smith

Lenora M. Smith, Esquire
1205 N. 2nd Street
Harrisburg, PA 17102
Counsel for Petitioner, Autumn L. Cooper
717-234-1688

STATEMENT OF FINANCIAL INTERESTS
PLEASE PRINT NEATLY

01 LAST NAME FIRST NAME MI SUFFIX
Murray Brendan J

02 ADDRESS City State Zip Code Area Code Phone
1603 N 2nd St Apt 2 Harrisburg PA 17102 (717) 413-4227

NOTE: IF YOU ARE INCLUDING ATTACHMENTS, DO NOT INCLUDE ANYTHING THAT BEARS YOUR SOCIAL SECURITY NUMBER OR FINANCIAL ACCOUNT NUMBERS.

03 STATUS Check applicable block or blocks, more than one block may be marked. (See instructions on page 2)
A ☐ Candidate (including write-in) C ☒ Public Official (Current) D ☐ Public Employee (Current) E ☐ Check this block if you are filing as a solicitor
B ☐ Nominee C ☐ Public Official (Former) D ☐ Public Employee (Former) ☐ Check this block if you are amending an original filing

04 PUBLIC POSITION OR PUBLIC OFFICE (administrator, member, Commissioner, job title, etc.) ☐ seeking ☒ hold ☐ held
A School Director ☐ seeking ☐ hold ☐ held
B

05 GOVERNMENTAL ENTITY in which you are/were an Official, Employee, Candidate or Nominee (e.g., dept, agency, authority, borough, board, commission, county, school district, twp, etc.)
A Harrisburg School District ☐ seeking ☐ hold ☐ held
B

06 OCCUPATION OR PROFESSION (This may be the same as block 4) 07 YEAR The information in blocks 8 through 15 below represents financial interests for the PRIOR calendar year indicated:
Skip Trace Rep at PHEAA 2012

08 REAL ESTATE INTERESTS (See instructions on page 2) If NONE, check this box. ☒

09 CREDITORS (See instructions on page 2). Creditor (Name and Address) If NONE, check this box. ☐
Name: AES Address: 1700 North 7th St Harrisburg PA 17103

10 DIRECT OR INDIRECT SOURCES OF INCOME including (but not limited to) all employment. (See instructions on pg. 2) ONLY IF NONE, check this block. ☐
Name: AES Address: 1700 North 7th St Harrisburg PA 17103

11 GIFTS (See instructions on page 2) If NONE, check this box. ☒
Source of Gift Value of Gift
Address of Source of Gift Circumstances (including description) of Gift

12 TRANSPORTATION, LODGING, HOSPITALITY (See instructions on page 2) If NONE, check this box. ☒
Source (Name and Address) Value

13 OFFICE, DIRECTORSHIP OR EMPLOYMENT IN ANY BUSINESS (See instructions on page 2) If NONE, check this box. ☒
Business Entity (Name and Address) Position Held
Name: Address:

14 FINANCIAL INTEREST IN ANY LEGAL ENTITY IN BUSINESS FOR PROFIT (See instructions on page 2) If NONE, check this box. ☒
Name and Address of Business Interest Held

15 BUSINESS INTERESTS TRANSFERRED TO IMMEDIATE FAMILY MEMBER (See instructions on page 2) If NONE, check this box. ☒
Business (Name and Address) Interest Held Relationship Date Transferred
Transferee (Name and Address)

The undersigned hereby affirms that the foregoing information is true and correct to the best of said person's knowledge, information and belief; said affirmation being made subject to the penalties prescribed by 18 Pa.C.S. §4904 (unsworn falsification to authorities) and the Public Official and Employee Ethics Act, 65 Pa.C.S. §1109(b).

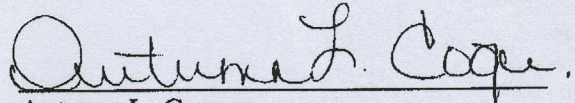
Signature: Brendan Murray Enter Current Date: 3/13/12

THIS FORM IS CONSIDERED DEFICIENT IF ANY BLOCK ABOVE IS NOT COMPLETED. MAKE A COPY FOR YOUR RECORDS.

VERIFICATION

I, Autumn L. Cooper, the undersigned, being duly sworn, state that I believe the facts stated in the foregoing Petition In re: Nomination Petition of Brendan J. Murray are true and correct to the best of my knowledge and belief, the Statement of Financial Interests of Brendan J. Murray was not timely filed with the Harrisburg School District and the objection to Mr. Murray's Nomination is made in good faith.

I understand that any false statement herein are made subject to penalties of 18 Pa. C.S. Section 4909, relating to unsworn falsification to authorities.


Autumn L. Cooper