

## Philadelphia Board of Ethics

**Contact:** J. Shane Creamer, Jr., Executive Director, 215-686-9450

**For Immediate Release:** September 22, 2011

**PHILADELPHIA** – The Philadelphia Board of Ethics announced today that it has approved nine settlement agreements with six current and former candidates for City office, their campaign committees and treasurers, and with three political committees and their treasurers. The violations in all nine settlements arise from disclosures that were made, or should have been made, in campaign finance reports covering the primary election: the pre-primary report (cycle 2), 24 hour reports, or the post-primary report (cycle 3).

On September 21, 2011 the Ethics Board approved settlement agreements involving the following candidates, political committees, and treasurers of political committees:

1. Pennsylvanians for Good Govt, James Rosica, and Christine DiNunzio-Sylvestro resolving violations of § 20-1006(4);
2. PA UAW Good Government Committee and Tom Ashton resolving violations of § 20-1006(4);
3. Progressive Agenda PAC resolving violations of §§ 20-1006(4) and 20-1002(2);
4. Friends of Blondell Reynolds Brown, Councilwoman Blondell Reynolds Brown, and Gail Scarborough resolving violations of §§ 20-1006(4) and 20-1002(12);
5. Friends of Stephanie Singer, Stephanie Singer, and Ellen Chapman resolving violations of §§ 20-1006(4) and 20-1003;
6. Tyner for Council, Verna Tyner, and Otis Hightower resolving violations of § 20-1006(4);
7. Taubenberger for Philadelphia, Al Taubenberger, and William St. Clair resolving violations of § 20-1006(4); and
8. Friends of Greg Paulmier, Greg Paulmier, and Glendora Byrd resolving violations of § 20-1006(4).

Previously, on August 23, 2011, the Ethics Board approved a settlement agreement with Whaumbush for Sheriff , Jacque Whaumbush, and Harris Brooks resolving violations of §§ 20-1006(4) and 20-1003.

Section 20-1002(2) prohibits political committees from making excess contribution to candidates;

Section 20-1002(12) prohibits City candidates from accepting excess contributions;

Section 20-1003 requires City candidates to use a single committee to receive contributions and make expenditures to influence their election; and

Section 20-1006(4) provides that failure to file a required report with the Ethics Board, or the making of a material misstatement or omission in a report, is a violation of the City's campaign finance law.

Copies of the approved settlement agreements are attached.

*The Philadelphia Board of Ethics is a five-member independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. It is charged with providing ethics training for all City employees and enforcing City campaign finance, financial disclosure and conflict of interest laws. The Ethics Board has authority to render advice, investigate complaints and issue fines.*

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SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, James Rosica, Christine DiNunzio-Sylvestro, and the Pennsylvanians for Good Govt. Committee, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. The Pennsylvanians for Good Govt. Committee is a political committee registered with the Pennsylvania Secretary of State.
- C. Christine DiNunzio-Sylvestro was the treasurer of the Pennsylvanians for Good Govt. Committee, which was terminated effective August 3, 2011. James Rosica was the treasurer of the Pennsylvanians for Good Govt committee from August 2, 2010 to February 22, 2011.
- D. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee’s treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

- E. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is a civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.

- F. As disclosed in the 2010 cycle 7 campaign finance report the Pennsylvanians for Good Govt committee filed with the Secretary of State, the committee made an expenditure of \$2,500 on December 16, 2010 to Giordano 11, the candidate committee of John Giordano, a candidate for City Council.
- G. As a result of the December 16, 2010 expenditure to Giordano 11, pursuant to the City's campaign finance law, the Pennsylvanians for Good Govt committee should have electronically filed a 2010 cycle 7 campaign finance report with the Ethics Board by January 31, 2011.
- H. As disclosed in the 2011 cycle 2 campaign finance reports filed by Donna for Council – which was the candidate committee for Donna Gentile O'Donnell, a candidate for City Council – the Pennsylvanians for Good Govt committee made an expenditure of \$10,000 to Donna for Council on January 20th.
- I. As a result of the January 20, 2011 expenditure to Donna for Council, pursuant to the City's campaign finance law, the Pennsylvanians for Good Govt committee should have electronically filed a 2011 cycle 2 campaign finance report with the Ethics Board by May 6, 2011.
- J. On May 26th, as a courtesy, Ethics Board staff sent a letter addressed to DiNunzio-Sylvestro at the committee's registered address informing her of the committee's failure to electronically file campaign finance reports with the Ethics Board.
- K. The letter informed DiNunzio-Sylvestro of the penalties for failure to file a required report with the Ethics Board, but further informed her that if the committee filed by June 7th, Ethics Board staff would not pursue enforcement of the failure to file.
- L. However, notwithstanding this notice and additional time to file reports without penalty, the Pennsylvanians for Good Govt committee did not file outstanding campaign finance reports with the Ethics Board by June 7<sup>th</sup>. DiNunzio-Sylvestro maintains that she did not receive the courtesy letter, and would have filed the required reports immediately thereafter if she had received it.
- M. On July 20<sup>th</sup>, the Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Rosica, DiNunzio-Sylvestro, and the Pennsylvanians for Good Govt. Committee alleging a violation of Code § 20-1006 for the failure to electronically file a 2010 cycle 7 and a 2011 cycle 2 campaign finance reports with the Board.
- N. On July 25 and 26, 2011, after receiving the Notice, the Pennsylvanians for Good Govt. Committee electronically filed its outstanding campaign finance reports with the Board. The committee filed a termination report with the Secretary of State that was effective as of August 3, 2011.

- O. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

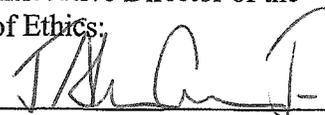
## **AGREEMENT**

The Parties agree that:

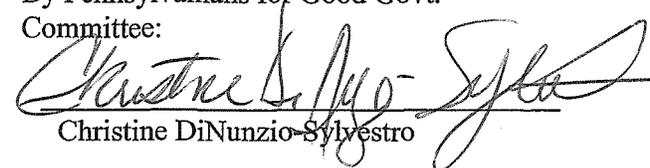
1. The Pennsylvanians for Good Govt. Committee's failure to electronically file a 2010 cycle 7 campaign finance report with the Board by January 31<sup>st</sup> violated § 20-1006(1)(a) of the Philadelphia Code.
2. The Pennsylvanians for Good Govt. Committee's failure to electronically file a 2011 cycle 2 campaign finance report with the Board by May 6<sup>th</sup> violated § 20-1006(1)(a) of the Philadelphia Code.
3. The failure to electronically file campaign finance reports with the Board on January 31<sup>st</sup> and May 6<sup>th</sup> shall be subject to a civil penalty of \$1,000.
4. James Rosica and Christine DiNunzio-Sylvestro shall make payment on the following schedule:
  - 4.1. \$250 from James Rosica by September 31, 2011;
  - 4.2. \$250 from Christine DiNunzio-Sylvestro by October 31, 2011;
  - 4.3. \$250 from James Rosica by November 30, 2011; and
  - 4.4. \$250 from Christine DiNunzio-Sylvestro by December 31, 2011.
5. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
6. The Pennsylvanians for Good Govt. Committee, Rosica, and DiNunzio-Sylvestro release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
7. In consideration of the above and in exchange for the Pennsylvanians for Good Govt. Committee's, Rosica's, and DiNunzio-Sylvestro's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
8. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
9. If the Ethics Board is forced to seek judicial enforcement of the Agreement, the Pennsylvanians for Good Govt. Committee, Rosica, and DiNunzio-Sylvestro shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.

10. The Agreement contains the entire agreement between the Parties.
11. The Parties will submit a signed copy of the Agreement to the Board for approval.
12. The Agreement shall become effective upon approval by the Board.
13. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board shall not preclude the Board or its staff from further participation, consideration, or resolution of the pending Administrative adjudication of these matter described in the Agreement.

Dated: 8/17/11

By the Executive Director of the  
Board of Ethics:  
  
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J. Shane Creamer, Jr., Esquire

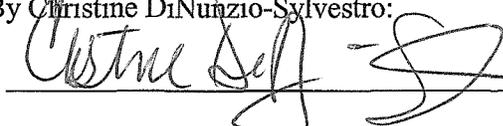
Dated: 8/16/11

By Pennsylvanians for Good Govt.  
Committee:  
  
\_\_\_\_\_  
Christine DiNunzio-Sylvestro

Dated: 17 Aug. 2011

By James Rosica:  
  
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Dated: 8/16/11

By Christine DiNunzio-Sylvestro:  
  
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Approved by the Board of Ethics:

Dated: 9/2/11

  
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Richard Glazer, Esquire  
Chair

**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Thomas Ashton, and the PA UAW Good Government Committee, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. The PA UAW Good Government Committee is a political committee registered with the Pennsylvania Secretary of State.
- C. Thomas Ashton the treasurer of the PA UAW Good Government Committee.
- D. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee’s treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

- E. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.

- F. Under the Pennsylvania Election Code, April 5, 2011 was the deadline for political committees to file 2011 sixth Tuesday pre-primary (cycle 1) campaign finance reports with the Secretary of State.
- G. On or about April 5, the PA UAW Good Government Committee filed a cycle 1 campaign finance report with the Secretary of State that disclosed the following expenditures to City candidates:
- i. March 3<sup>rd</sup>, \$5,000 to Bobby 11;
  - ii. March 7<sup>th</sup>, \$500 to Denny O'Brien for Philadelphia; and
  - iii. March 9<sup>th</sup>, \$500 to Friends of Brian O'Neill
- H. As a result of the expenditures to City candidates described in paragraph F, pursuant to the City's campaign finance law, the PA UAW Good Government Committee should have electronically filed a cycle 1 report with the Board. However, the committee did not electronically file a cycle 1 report with the Board by April 5, 2011.
- I. Under the Pennsylvania Election Code, May 6, 2011 was the deadline for political committees to file 2011 second Friday pre-primary (cycle 2) campaign finance reports with the Secretary of State.
- J. On or about May 6, the PA UAW Good Government Committee filed a cycle 2 campaign finance report with the Secretary of State that disclosed the following expenditures to City candidates:
- i. March 31<sup>st</sup>, \$250 to Cohen for Council;
  - ii. March 31<sup>st</sup>, \$250 to Denny O'Brien for Philadelphia;
  - iii. April 6<sup>th</sup>, \$1,000 to Squilla for Council; and
  - iv. April 7<sup>th</sup>, \$5,000 to Bobby 11.
- K. As a result of the expenditures to City candidates described in paragraph I, pursuant to the City's campaign finance law, the PA UAW Good Government Committee should have electronically filed a cycle 2 report with the Board. However, the committee did not electronically file a cycle 2 report with the Board by May 6, 2011.
- L. On May 26, 2011, as a courtesy, Board staff sent the PA UAW Good Government Committee a letter informing them of the committee's failure to electronically file a cycle 2 campaign finance report with the Board.
- M. The letter informed the committee of the penalties for failure to file a required report with the Ethics Board, but told them that if the committee filed the report by June 7<sup>th</sup>, Ethics Board staff would not pursue enforcement of the failure to file. However, the committee did not file a 2011 cycle 2 report with the Board by June 7<sup>th</sup>.

- N. On July 21<sup>st</sup>, the Board's Executive Director served an Amended Notice of Administrative Enforcement Proceeding on Ashton and the PA UAW Good Government Committee alleging a violation of Code § 20-1006 for the failure to electronically file 2011 cycle 1 and cycle 2 campaign finance reports with the Board.
- O. On July 27, 2011, after receiving the Notice, the PA UAW Good Government Committee electronically filed its 2011 cycle 1 and cycle 2 campaign finance report with the Board.
- P. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## **AGREEMENT**

The Parties agree that:

1. The PA UAW Good Government Committee's failure to electronically file a 2011 cycle 1 campaign finance report with the Board by April 5<sup>th</sup> violated § 20-1006(1)(a) of the Philadelphia Code.
2. The PA UAW Good Government Committee will pay a civil penalty of \$500 for the failure to electronically file a 2011 cycle 1 with the Board by April 5, 2011.
3. The PA UAW Good Government Committee's failure to electronically file a 2011 cycle 2 campaign finance report with the Board by May 6<sup>th</sup> violated § 20-1006(1)(a) of the Philadelphia Code.
4. The PA UAW Good Government Committee will pay a civil penalty of \$500 for the failure to electronically file a 2011 cycle 2 with the Board by May 6, 2011.
5. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
6. The PA UAW Good Government Committee and Thomas Ashton release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
7. In consideration of the above and in exchange for the PA UAW Good Government Committee's and Ashton's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
8. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

9. If the Ethics Board is forced to seek judicial enforcement of the Agreement, the PA UAW Good Government Committee and Ashton shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
10. The Agreement contains the entire agreement between the Parties.
11. The Parties will submit a signed copy of the Agreement to the Board for approval.
12. The Agreement shall become effective upon approval by the Board.
13. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board, it shall not preclude the Board or its staff from further participation, consideration, or resolution of the pending Administrative adjudication of these matter described in the Agreement.

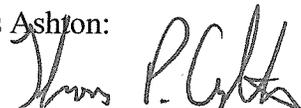
Dated: 8/22/11

By the Executive Director of the  
Board of Ethics:

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

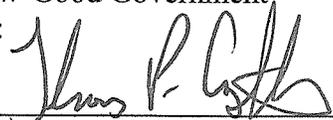
Dated: 8/18/2011

By Thomas Ashton:

  
\_\_\_\_\_  
Thomas Ashton, Treasurer

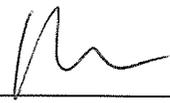
Dated: 8/18/2011

By PA UAW Good Government  
Committee:

  
\_\_\_\_\_  
Thomas Ashton, Treasurer

Approved by the Board of Ethics:

Dated: 9/21/2011

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia and the Progressive Agenda PAC, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. Progressive Agenda PAC is a political committee registered with the Pennsylvania Secretary of State. Tracy Shillman is the treasurer of the committee. Kyle Andrews is the Chairman of the committee.
- C. The Honorable Blondell Reynolds Brown was a candidate for the Democratic nomination for a Democratic nomination for a Philadelphia City Council at-large seat in Philadelphia’s May 2011 primary election.
- D. Because Councilwoman Reynolds Brown was a candidate for City of Philadelphia elective office, both she and her authorized candidate committee, the Friends of Blondell Reynolds Brown, were subject to Philadelphia’s campaign finance law.
- E. Pursuant to Philadelphia Code § 20-1002(2), a political committee may not contribute more than \$10,600 to a City candidate’s candidate committee in a calendar year.
- F. Pursuant to Philadelphia Code § 20-1302, making an excess contribution is subject to a civil penalty of \$1,000.
- G. Progressive Agenda PAC made the following contributions to the Friends of Blondell Reynolds Brown in 2011:
  - i. April 15<sup>th</sup>, \$10,000;
  - ii. April 22<sup>nd</sup>, \$15,000; and
  - iii. May 13<sup>th</sup>, \$500.

- H. Progressive Agenda PAC's contributions to the Friends of Blondell Reynolds Brown on April 22<sup>nd</sup> and May 13<sup>th</sup> exceeded the contribution limits set by the City's campaign finance law.
- I. Progressive Agenda PAC did not disclose either the April 15<sup>th</sup> or the May 13<sup>th</sup> contribution in campaign finance reports it filed with Board.
- J. On August 2, 2011, the Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Progressive Agenda PAC alleging that the committee had violated Code § 20-1002(2).
- K. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## AGREEMENT

The Parties agree that:

1. Progressive Agenda PAC's contributions to Friends of Blondell Reynolds Brown on April 22, 2011 and May 13, 2011 exceeded the contribution limits and therefore violated § 20-1002(2) of the Philadelphia Code, for which Progressive Agenda PAC will pay a civil penalty of \$1,500.
2. Progressive Agenda PAC's failure to disclose its April 15, 2011 and its May 13, 2011 contribution to Friends of Blondell Reynolds Brown violated § 20-1006(4) of the Philadelphia Code, for which Progressive Agenda PAC will pay a civil penalty of \$1,000.
3. Payment shall be made on the following schedule:
  - 3.1. \$500 by October 31, 2011;
  - 3.2. \$1,500 by February 29, 2012; and
  - 3.3. \$500 by May 31, 2012.
4. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
5. Progressive Agenda PAC releases and holds harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
6. In consideration of the above and in exchange for Progressive Agenda PAC's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
7. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

8. If the Ethics Board is forced to seek judicial enforcement of the Agreement, Progressive Agenda PAC shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
9. The Agreement contains the entire agreement between the Parties.
10. The Parties will submit a signed copy of the Agreement to the Board for approval.
11. The Agreement shall become effective upon approval by the Board.
12. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board shall not preclude the Board or its staff from further participation, consideration, or resolution of the pending Administrative adjudication of the matters described in the Agreement.

Dated: 9/13/11

By the Executive Director of the  
Board of Ethics:

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

Dated: 9-2-11

By Progressive Agenda PAC:

  
\_\_\_\_\_  
Kyle Andrews, Chairman

Approved by the Board of Ethics:

Dated: 9/21/2011

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair

**Administrative Adjudication  
Matters # 1108CF6 and 1108CF12**

**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Councilwoman Blondell Reynolds Brown, Gail Scarborough, and the Friends of Blondell Reynolds Brown, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. The Friends of Blondell Reynolds Brown is the authorized candidate political committee of Councilwoman Blondell Reynolds Brown, a candidate for Philadelphia City Council in 2011.
- C. Gail Scarborough is the treasurer of Friends of Blondell Reynolds Brown.
- D. On February 23, 2011, Councilwoman Blondell Reynolds Brown filed a nomination petition to be placed on the ballot as a candidate for a Democratic nomination for a Philadelphia City Council at-large seat.
- E. Because Councilwoman Brown was a candidate for City of Philadelphia elective office, both she and her authorized candidate committee were subject to Philadelphia’s campaign finance law during the 2011 primary election.
- F. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate’s treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

G. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee's treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

H. Pursuant to Philadelphia Code § 20-1006(4):

The failure to file information as required by this Section, or the making of material misstatements or omissions in any filing required by this Section, shall be deemed to be a violation of Chapter 20-1300 (Penalties for Campaign Finance-Related and Ethics-Related Violations) and subject to enforcement and the imposition of penalties under that Chapter.

I. Pursuant to Philadelphia Code § 20-1002(2), a political committee may not contribute more than \$10,600 to a City candidate's candidate committee in a calendar year.

J. Pursuant to Code § 20-1002(12), no candidate for City elective office, and no political committee, may accept any contribution which exceeds the contribution limits set forth in Chapter 20-1000.

K. Pursuant to the Pennsylvania Election Code (25 P.S. 3248), in 2011, all candidates for Philadelphia municipal office, and their authorized candidate committees, were required to file pre-primary campaign finance reports (cycle 2) with the City Commissioners by May 6, 2011. Pursuant to the City's campaign finance law, authorized candidate committees were also required to electronically file those reports with the Ethics Board. In such a pre-primary report, a candidate committee should have disclosed all of its receipts and expenditures for the time period January 1 – May 2, 2011, including all contributions received by the committee.

L. In order to ensure that the public has access to information about large contributions received by candidates before the primary, but after the close of the pre-primary reporting period, the Pennsylvania Election Code further requires that candidates' committees disclose any contributions of \$500 or more received in that time period within 24 hours of receipt. Therefore, in 2011, a City candidate's authorized committee should have filed reports with the City Commissioners disclosing all contributions of \$500 or more received from May 3<sup>rd</sup> through May 17<sup>th</sup>. Pursuant to the City's campaign finance law, the committee should also have disclosed such contributions in reports electronically filed with the Ethics Board.

M. In addition, all candidates for Philadelphia municipal office, and their authorized candidate committees, were required to file post-primary campaign finance reports (cycle 3) with the City Commissioners by June 16, 2011. Pursuant to the City's campaign finance law, authorized candidate committees were therefore required to electronically file those reports with the Ethics Board. In such a post-primary report, a candidate committee should have disclosed all of its receipts and expenditures for the time period May 3 – June 6, 2011, 2011, including all contributions received by the committee.

N. The Friends of Blondell Reynolds Brown failed to disclose the following contributions in the pre-primary (cycle 2) campaign finance report the committee filed with the Ethics Board on May 12, 2011:

- 1) April 16, Progressive Agenda, \$10,000
- 2) April 21, Progressive Agenda, \$15,000
- 3) April 20, Faculty Federation of Community College of Phila., \$500
- 4) April 21, Swanson St Assoc, \$500
- 5) April 24, Citizens for Hughes, \$1,000
- 6) April 25, J. McDaniel, \$500
- 7) May 1, Power Point, \$500
- 8) May 1, HAPCO, \$1250
- 9) May 1, C. Williams, \$500
- 10) May 1, Neighbors United to Elect Frank DiCicco, \$1,000
- 11) May 1, Citizens for Hughes, \$1,000
- 12) May 1, SRW&A PAC, \$1,000
- 13) May 2, H. Kimmel, \$500

O. The Friends of Blondell Reynolds Brown failed to disclose the following contributions received during the 2011 primary election 24 hour reporting period:

- 1) May 3, N. Shah, \$500
- 2) May 3, Linebarger, Goggan, \$500
- 3) May 3, R. Vague, \$1,000
- 4) May 3, T. Dean, \$500
- 5) May 3, M. Shaw, \$1,000
- 6) May 3, Comcast PAC, \$5,000
- 7) May 3, Fattah for Congress, \$5,000
- 8) May 5, F. Devine, \$1,000
- 9) May 5, D. Richman, \$500
- 10) May 5, L. McKay, \$1,000
- 11) May 5, J. Tucker, \$1,500
- 12) May 5, M. Feeley, \$500
- 13) May 5, M. Bowen, \$800
- 14) May 5, Pepper Hamilton, \$2,500
- 15) May 6, Phila PAC, \$1,500
- 16) May 9, Ballard Spahr, \$2,500

- 17) May 9, PFT, \$1,000
- 18) May 9, GPCC Penn PAC, \$1,000
- 19) May 11, TWU Local 234, \$1,000
- 20) May 11, Jackmont Hospitality, \$500
- 21) May 11, A. Clay, \$500
- 22) May 11, Walker Nell Partners, \$500
- 23) May 11, D. Allie, \$500
- 24) May 11, W. Johnson, \$1,000
- 25) May 11, N. Ball, \$1,000
- 26) May 11, F. Ahmed, \$1,500
- 27) May 11, D. Boozer, \$500
- 28) May 16, Progressive Agenda, \$500
- 29) May 16, Citizens for Hughes, \$1,000
- 30) May 16, Power Point, \$500
- 31) May 16, R. Straughter, \$500
- 32) May 16, Duane Morris PAC, \$1,000
- 33) May 16, Aramark PAC, \$500
- 34) May 16, Clear Channel, \$500
- 35) May 16, A. Pratt, \$700
- 36) May 16, B. Ficken, \$500
- 37) May 16, T. Cole, \$500
- 38) May 9, J. Del Raso, \$500
- 39) May 16, R Harris, \$500
- 40) May 16, W. Walker, \$500
- 41) May 16, Citizens for Hughes, \$1,000
- 42) May 16, Cashsman LLC, \$500
- 43) May 16, D. Napper, \$1,000
- 44) May 16, D. Dunphy, \$500

P. The Friends of Blondell Reynolds Brown failed to disclose the following contributions in the post-primary (cycle 3) campaign finance report the committee filed with the Ethics Board on June 16, 2011:

- 1) May 3, N. Shah, \$500
- 2) May 3, Linebarger, Goggan, \$500
- 3) May 3, R. Vague, \$1,000
- 4) May 3, T. Dean, \$500
- 5) May 3, M. Shaw, \$1,000
- 6) May 3, Fattah for Congress, \$5,000
- 7) May 5, F. Devine, \$1,000
- 8) May 5, D. Richman, \$500
- 9) May 5, L. McKay, \$1,000
- 10) May 5, J. Tucker, \$1,500
- 11) May 5, M. Feeley, \$500
- 12) May 5, M. Bowen, \$800
- 13) May 5, Pepper Hamilton, \$2,500

- 14) May 6, Phila PAC, \$1,500
- 15) May 9, Ballard Spahr, \$2,500
- 16) May 9, PFT, \$1,000
- 17) May 9, GPCC Penn PAC, \$1,000
- 18) May 16, Progressive Agenda, \$500
- 19) May 16, Citizens for Hughes, \$1,000
- 20) May 16, Power Point, \$500
- 21) May 16, R. Straughter, \$500
- 22) May 16, Duane Morris PAC, \$1,000
- 23) May 16, Aramark PAC, \$500
- 24) May 16, Clear Channel, \$500
- 25) May 16, A. Pratt, \$700
- 26) May 16, B. Ficken, \$500
- 27) May 16, T. Cole, \$500
- 28) May 16, J. Del Raso, \$500
- 29) May 16, Cashman LLC, \$500
- 30) May 16, D. Napper, \$1,000
- 31) May 16, D. Dunphy, \$500

Q. Progressive Agenda PAC made the following contributions to the Friends of Blondell Reynolds Brown in 2011:

- 1) April 15<sup>th</sup>, \$10,000;
- 2) April 22<sup>nd</sup>, \$15,000; and
- 3) May 13<sup>th</sup>, \$500.

R. Progressive Agenda PAC's contributions to the Friends of Blondell Reynolds Brown on April 22<sup>nd</sup> and May 13<sup>th</sup> exceeded the contribution limits set by the City's campaign finance law by a total of \$14,900.

S. On June 15, 2011, the Friends of Blondell Reynolds Brown refunded \$5,000 of the excess contributions to Progressive Agenda PAC. The Friends of Blondell Reynolds Brown refunded the remaining \$9,900 on September, 21, 2011.

T. On August 2, 2011, the Board's Executive Director served Notices of Administrative Enforcement Proceeding on Councilwoman Brown, Scarborough, and the Friends of Blondell Reynolds Brown alleging violations of Code §§ 20-1002(2) and 20-1006(4).

U. In response to the Notices of Administrative Enforcement Proceeding, Councilwoman Brown and the Friends of Blondell Reynolds Brown have cooperated fully with Ethics Board staff to identify any and all contributions omitted from the committee's campaign finance reports and to remedy the related violations of the City's campaign finance law.

V. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## **AGREEMENT**

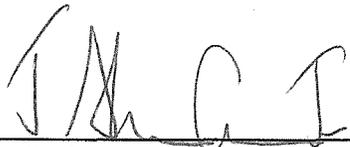
The Parties agree that:

1. The Friends of Blondell Reynolds Brown's and Scarborough's failure to disclose the contributions identified in Paragraph N violated §20-1006(4) of the Philadelphia Code and shall be subject to a civil penalty of \$2,000.
2. The Friends of Blondell Reynolds Brown's and Scarborough's failure to disclose the contributions identified in Paragraph O violated §20-1006(4) of the Philadelphia Code and shall be subject to a civil penalty of \$2,500.
3. Friends of Blondell Reynolds Brown's and Scarborough's failure to disclose the contributions identified in Paragraph P violated §20-1006(4) of the Philadelphia Code and shall be subject to a civil penalty of \$2,000.
4. Friends of Blondell Reynolds Brown shall pay an aggregate civil penalty of \$6,500 on the following schedule:
  - 4.1. \$1,500 by October 31, 2011;
  - 4.2. \$1,000 by March 31, 2012;
  - 4.3. \$1,000 by September 30, 2012;
  - 4.4. \$1,000 by January 31, 2013;
  - 4.5. \$1,000 by March 31, 2013; and
  - 4.6. \$1,000 by September 30, 2013.
5. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
6. Friends of Blondell Reynolds Brown's and Councilwoman Reynolds Brown's acceptance of excess contributions from Progressive Agenda PAC in 2011 violated §20-1002(12) of the Philadelphia Code and shall be subject to a civil penalty of \$1,500.
7. Councilwoman Blondell Reynolds Brown shall pay the civil penalty of \$1,500 on the following schedule:
  - 7.1. \$500 by October 31, 2011;
  - 7.2. \$500 by June 30, 2012; and
  - 7.3. \$500 by March 31, 2013.
8. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.

9. Within 45 days of the execution of the Agreement, the Friends of Blondell Reynolds Brown will file amended campaign finance reports correcting all omissions and errors identified in the Agreement. In addition, the committee will thoroughly review its records of all contributions received from January 2, 2011 to June 7, 2011 and will disclose any and all contributions received in that time period. Any omissions or errors that are discovered and disclosed by the committee in its amended reports will not be the basis for an enforcement action initiated by the Board, even if such omissions or errors are not identified in the Agreement.
10. Councilwoman Brown, Scarborough, and the Friends of Blondell Reynolds Brown release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
11. In consideration of the above and in exchange for Councilwoman Brown's, Scarborough's, and the Friends of Blondell Reynolds Brown's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement and in the Notices of Administrative Enforcement Proceeding served on Councilwoman Brown, Scarborough, and the Friends of Blondell Reynolds Brown on August 2, 2011 alleging violations of Code §§ 20-1002(2) and 20-1006(4).
12. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
13. If the Ethics Board is forced to seek judicial enforcement of the Agreement, and prevails, Friends of Blondell Reynolds Brown and Councilwoman Brown shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with paragraph 7 of this Agreement; the Friends of Blondell Reynolds Brown shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with paragraphs 4 and 9 of this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
14. The Agreement contains the entire agreement between the Parties.
15. The Parties will submit a signed copy of the Agreement to the Board for approval. Signatures may be submitted in counterparts.
16. The Agreement shall become effective upon approval by the Board.
17. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board shall not preclude the Board or its staff from further participation in or consideration or resolution of the pending Administrative adjudication of the matters described in the Agreement.

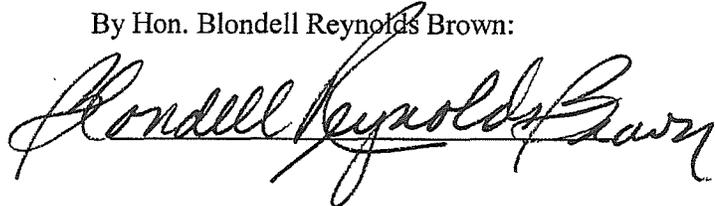
By the Executive Director of the Board of Ethics:

Dated: 9/21/11

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

By Hon. Blondell Reynolds Brown:

Dated: 9/18/11

  
\_\_\_\_\_  
Blondell Reynolds Brown

By Gail Scarborough:

Dated: \_\_\_\_\_

\_\_\_\_\_

By Friends of Blondell Reynolds Brown:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Gail Scarborough, Treasurer

Approved by the Board of Ethics:

Dated: 9/21/2011

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair

By the Executive Director of the Board of Ethics:

Dated: 9/21/11

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

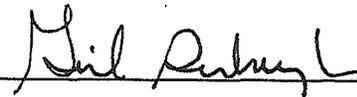
By Hon. Blondell Reynolds Brown:

Dated: \_\_\_\_\_

\_\_\_\_\_

By Gail Scarborough:

Dated: 9/20/11

  
\_\_\_\_\_

By Friends of Blondell Reynolds Brown:

Dated: 9/20/11

  
\_\_\_\_\_  
Gail Scarborough, Treasurer

Approved by the Board of Ethics:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Richard Glazer, Esquire  
Chair

## **SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Stephanie Singer, Ellen Chapman, and Friends of Stephanie Singer, jointly referred to as “the Parties.”

### **RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. The Friends of Stephanie Singer is the authorized candidate political committee of Stephanie Singer, a candidate for Philadelphia City Commissioner in 2011.
- C. Ellen Chapman is the treasurer of Friends of Stephanie Singer.
- D. On March 8, 2011, Stephanie Singer filed a nomination petition to be placed on the ballot as a candidate for a Democratic nomination for City Commissioner.
- E. Because Singer was a candidate for City of Philadelphia elective office, both she and her authorized candidate committee were subject to Philadelphia’s campaign finance law during the 2011 primary election.
- F. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate’s treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

- G. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee’s treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

H. Pursuant to Philadelphia Code § 20-1006(4):

The failure to file information as required by this Section, or the making of material misstatements or omissions in any filing required by this Section, shall be deemed to be a violation of Chapter 20-1300 (Penalties for Campaign Finance-Related and Ethics-Related Violations) and subject to enforcement and the imposition of penalties under that Chapter.

- I. Pursuant to the Pennsylvania Election Code (25 P.S. 3241, *et seq.*), a candidate or candidate committee may file a campaign finance statement (which discloses only the committee's cash balance and debts as of the end of the reporting period) in lieu of a full campaign finance report if aggregate receipts, expenditures, or liabilities incurred each did not exceed \$250 during the reporting period.
- J. On January 31, 2011, the Friends of Stephanie Singer electronically filed a 2010 cycle 7 campaign finance statement with the Ethics Board. The statement disclosed a cash balance of \$15,700.
- K. However, on January 31, 2011, the Friends of Stephanie Singer filed a campaign finance report with the City Commissioners that, in addition to disclosing a cash balance of \$15,700, disclosed numerous contributions received by the committee during the reporting period.
- L. Pursuant to the City's campaign finance law, on January 31, 2011, the Friends of Stephanie Singer should have electronically filed with the Ethics Board a full 2011 cycle 7 campaign finance report disclosing all contributions received during the reporting period.
- M. The Singer campaign did enter the required contribution data into the software program used to electronically file reports with the Ethics Board. However, due to an error by the campaign, it failed actually to submit that data to the Ethics Board.
- N. On September 20, 2011, the Singer campaign electronically filed a 2010 cycle 7 campaign finance report with the Ethics Board disclosing all reportable activity that occurred during the reporting period.
- O. In February of 2011, the Friends of Stephanie Singer retained the Pivot Group to provide various campaign services including the production and mass mailing of campaign literature.
- P. In early May of 2011, the Friends of Stephanie Singer made several payments to Pivot for services provided to the campaign. These payments were made out of the committee's checking account.

- Q. However, Singer used her personal credit card to make payments to Pivot of \$20,000 on May 9, 2011 and \$16,000 on May 11, 2011. On June 3, 2011, Singer paid \$38,000 from her personal bank account to her credit card to cover the cost of the charges to Pivot.
- R. The Friends of Stephanie Singer disclosed the following transactions in relation to Singer's personal payment to Pivot on the 2011 cycle 3 campaign finance report it electronically filed with the Ethics Board on June 28, 2011:
1. A May 13<sup>th</sup> contribution of \$36,000 from Singer;
  2. A May 31<sup>st</sup> expenditure of \$8,000 to her; and
  3. An unpaid debt of \$28,000 owed to Singer.
- S. Singer disclosed the following transactions in relation to her personal payment to Pivot on the 2011 cycle 3 campaign finance report she electronically filed with the Ethics Board on July 20, 2011:
1. A May 13<sup>th</sup> expenditure of \$36,000 to Pivot for "campaign mail expense"; and
  2. A May 31<sup>st</sup> contribution of \$8,000 from Friends of Stephanie Singer.
- T. Singer did not accept or deposit any campaign contributions into her personal accounts. All contributions to the Singer campaign were deposited into the Friends of Stephanie Singer's checking account.
- U. In August of 2011, after receiving a complaint, Board enforcement staff initiated an investigation into potential violations of the City's campaign finance law by Singer and the Friends of Stephanie Singer.
- V. Singer and the Friends of Stephanie Singer have cooperated fully with the Board's investigation.
- W. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## **AGREEMENT**

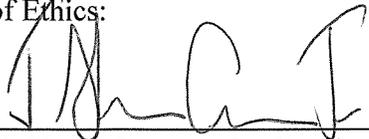
The Parties agree that:

1. Friends of Stephanie Singer's and Ellen Chapman's failure to electronically file a full 2010 cycle 7 campaign finance report with the Board disclosing all contributions received during the reporting period violated §20-1006(4) of the Philadelphia Code and shall be subject to a civil penalty of \$500.
2. The Friends of Stephanie Singer shall pay the civil penalty of \$500 by October 31, 2011.
3. Stephanie Singer's use of her personal credit card to make payments to Pivot violated §20-1003 of the Philadelphia Code and shall be subject to a civil penalty of \$500.
4. Stephanie Singer shall pay the civil penalty of \$500 by October 31, 2011.
5. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
6. Friends of Stephanie Singer, Singer, and Chapman release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
7. In consideration of the above and in exchange for Friends of Stephanie Singer's, Singer's, and Chapman's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
8. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
9. If the Ethics Board is forced to seek judicial enforcement of the Agreement, Friends of Stephanie Singer, Singer, and Chapman shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
10. The Agreement contains the entire agreement between the Parties.
11. The Parties will submit a signed copy of the Agreement to the Board for approval.
12. The Agreement shall become effective upon approval by the Board.

13. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board shall not preclude the Board or its staff from further participation in or consideration or resolution of the pending Administrative adjudication of the matters described in the Agreement.

By the Executive Director of the Board of Ethics:

Dated: 9/21/11

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

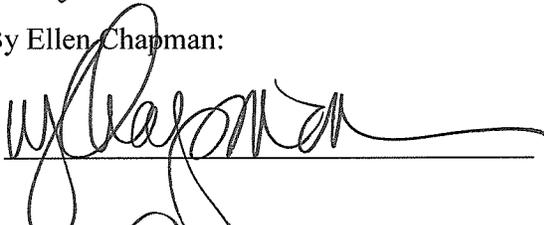
By Stephanie Singer:

Dated: 9/20/11

  
\_\_\_\_\_

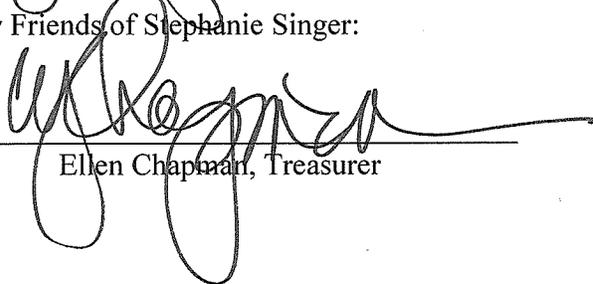
By Ellen Chapman:

Dated: 9/20/2011

  
\_\_\_\_\_

By Friends of Stephanie Singer:

Dated: 9/20/2011

  
\_\_\_\_\_  
Ellen Chapman, Treasurer

Approved by the Board of Ethics:

Dated: 9/21/2011

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair

**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Otis Hightower, Verna Tyner, and Tyner for Council, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. Tyner for Council is the authorized candidate political committee of Verna Tyner, a candidate for Philadelphia City Council in 2011.
- C. Otis Hightower is the treasurer of Tyner for Council.
- D. On March 8, 2011, Verna Tyner filed a nomination petition to be placed on the ballot as a candidate for Philadelphia City Council
- E. Because Ms. Tyner was a candidate for City of Philadelphia elective office, both she and her authorized candidate committee were subject to Philadelphia’s campaign finance law.
- F. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate’s treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

G. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee's treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

H. Pursuant to Philadelphia Code § 20-1006(4):

The failure to file information as required by this Section, or the making of material misstatements or omissions in any filing required by this Section, shall be deemed to be a violation of Chapter 20-1300 (Penalties for Campaign Finance-Related and Ethics-Related Violations) and subject to enforcement and the imposition of penalties under that Chapter.

- I. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.
- J. Pursuant to the Pennsylvania Election Code (25 P.S. 3248), in 2011, all candidates for Philadelphia municipal office, and their authorized candidate committees, were required to file pre-primary campaign finance reports (cycle 2) with the City Commissioners by May 6, 2011. Pursuant to the City's campaign finance law, authorized candidate committees were also required to electronically file those reports with the Board. In such a pre-primary report, a candidate committee should have disclosed all of its receipts and expenditures for the time period January 1 – May 2, 2011, including all contributions received by the committee.
- K. In order to ensure that the public has access to information about large contributions received by candidates before the primary, but after the close of the pre-primary reporting period, the Pennsylvania Election Code further requires that candidates' committees disclose any contributions of \$500 received in that time period within 24 hours of receipt.

- L. Therefore, in 2011, if a City candidate's authorized committee received a contribution of \$500 or more from May 3<sup>rd</sup> through May 17<sup>th</sup>, the committee should have filed a campaign finance report with the City Commissioners disclosing that contribution within 24 hours of receipt. Pursuant to the City's campaign finance law, the committee should also have electronically filed such a report with the Board.
- M. In addition, any contribution that should have been disclosed in a 24 hour report, should also have been disclosed in the post-primary report. In 2011, post-primary reports disclosed financial activity for the time period May 3<sup>rd</sup> – June 6<sup>th</sup>, 2011.
- N. On May 4<sup>th</sup>, as a courtesy, Board enforcement staff sent an email to the campaigns and treasurers of candidates for City office reminding them of the requirement to electronically file 24 hour reports with the Ethics Board disclosing all contributions of \$500 or more received from May 3<sup>rd</sup> through May 17<sup>th</sup>.
- O. According to the post-primary report Tyner for Council filed with the Board on June 17, 2011, Tyner for Council received the following 14 contributions totaling \$23,000 during the 2011 pre-primary 24 hour reporting period:
1. May 6, \$2,500 from Martin Coleman for Judge;
  2. May 6, \$1,000 from Atticus Rice;
  3. May 11, \$1,500 from Cohen for Council;
  4. May 11, \$1,500 from the Committee to Elect Drew Aldinger;
  5. May 11, \$500 from Liberty Bell Beverage PAC
  6. May 13, \$500 from Daniel F. Gordon;
  7. May 13, \$2500 from Committee to Elect Charles Ehrlich Judge;
  8. May 13, \$1,500 from Ladov for Court of Common Pleas;
  9. May 13, \$500 from Ken Powell for Judge;
  10. May 16, \$1,500 from Green for Philadelphia;
  11. May 16, \$3,000 from 20<sup>th</sup> Ward;
  12. May 16, \$3,00 from Greenlee for Council-at-large;
  13. May 16, \$2,500 from Friends of Leanna Washington; and
  14. May 16, \$1,000 from Ladov for Court of Common Pleas.
- P. Pursuant to the City's campaign finance law, Tyner for Council should have filed at least four campaign finance reports with the Ethics Board disclosing contributions received during the 2011 pre-primary 24 hour reporting period. The reports should have been filed on the following dates: May 7<sup>th</sup>, May 12<sup>th</sup>, May 14<sup>th</sup>, and May 17<sup>th</sup>.
- Q. However, Tyner for Council did not file reports with the Board on the dates identified in Paragraph P.

R. On June 30<sup>th</sup>, having noted that many candidate committees had not filed required 24 hour reports with the Board, as a courtesy, Board enforcement staff sent an email to the campaigns and treasurers of candidates for City reminding them of the requirement to electronically file pre-primary 24 hour reports with the Board. The email stated, in part:

If you or your candidate committee received any contributions of \$500 or more between May 3 and May 17, then your committee should have filed 24 hour reports disclosing those contributions. If you or your committee received a contribution of \$500 or more from May 3 to May 17 and you did not file 24 hour report with the Ethics Board disclosing that contribution, you are still required to file that report, even though it is late. If you (or your committee) file all required 24 hour reports electronically with the Ethics Board by **July 8**, we will not pursue enforcement of the failure to file.

S. However, notwithstanding this notice and additional time to file reports without penalty Tyner for Council did not file their outstanding 24 hour report with the Board by July 8<sup>th</sup>.

T. On August 2<sup>nd</sup>, the Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Hightower and Tyner for Council alleging a violation of Code § 20-1006(1)(a) for the failure of Tyner for Council to electronically file required campaign finance reports with the Board on May 7<sup>th</sup>, May 12<sup>th</sup>, May 14<sup>th</sup>, and May 17<sup>th</sup>.

U. After receiving the Notice, Tyner for Council filed its outstanding reports with the Board on August 4, 2011.

V. During the six months she was running for City office, Verna Tyner was unemployed.

W. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## **AGREEMENT**

The Parties agree that:

1. Tyner for Council's failure to electronically file a campaign finance reports with the Board on May 7<sup>th</sup>, May 12<sup>th</sup>, May 14<sup>th</sup>, and May 17<sup>th</sup> violated §20-1006(1)(a) of the Philadelphia Code.
2. The failure to electronically file campaign finance reports May 7<sup>th</sup>, May 12<sup>th</sup>, May 14<sup>th</sup>, and May 17<sup>th</sup>, shall be subject to a civil penalty of \$2,000. However, in recognition of Ms. Tyner's financial hardship caused by unemployment, the civil penalty is reduced to \$1,500.
3. Verna Tyner shall make payment on the following schedule:
  - 3.1. \$500 by October 31, 2011;
  - 3.2. \$500 by February 29, 2012; and
  - 3.3. \$500 by June 30, 2012.
4. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
5. Tyner for Council, Hightower, and Tyner release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
6. In consideration of the above and in exchange for Tyner for Council's, Hightower's, and Tyner's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
7. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
8. If the Board is forced to seek judicial enforcement of the Agreement, Tyner for Council, Hightower, and Tyner shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
9. The Agreement contains the entire agreement between the Parties.
10. The Parties will submit a signed copy of the Agreement to the Board for approval.
11. The Agreement shall become effective upon approval by the Board.

12. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board shall not preclude the Board or its staff from further participation, consideration, or resolution of the pending Administrative adjudication of these matter described in the Agreement.

Dated: 8/11/11

By the Executive Director of the Board of Ethics:

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

Dated: 8/10/11

By Tyner for Council:

  
\_\_\_\_\_  
Otis Hightower, Treasurer

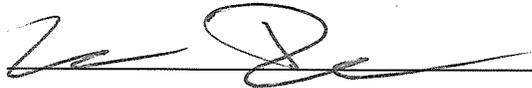
Dated: 8/10/11

By Otis Hightower:

  
\_\_\_\_\_

Dated: 8/9/11

By Verna Tyner:

  
\_\_\_\_\_

Approved by the Board of Ethics:

Dated: 9/21/2011

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair

**Administrative Adjudication  
Matter # 1108CF10**

**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Al Taubenberger, William St. Clair, and Taubenberger for Philadelphia, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. Taubenberger for Philadelphia is the authorized candidate political committee of Al Taubenberger, a candidate for Philadelphia City Council in 2011.
- C. William St. Clair is the treasurer of Taubenberger for Philadelphia.
- D. On March 8, 2011, Al Taubenberger filed a nomination petition to be placed on the ballot as a candidate for a Republican nomination for a Philadelphia City Council at-large seat.
- E. Because Taubenberger is a candidate for City of Philadelphia elective office, both he and his authorized candidate committee are subject to Philadelphia’s campaign finance law.
- F. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate’s treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

G. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee's treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

H. Pursuant to Philadelphia Code § 20-1006(4):

The failure to file information as required by this Section, or the making of material misstatements or omissions in any filing required by this Section, shall be deemed to be a violation of Chapter 20-1300 (Penalties for Campaign Finance-Related and Ethics-Related Violations) and subject to enforcement and the imposition of penalties under that Chapter.

- I. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.
- J. Pursuant to the Pennsylvania Election Code (25 P.S. 3248), in 2011, all candidates for Philadelphia municipal office, and their authorized candidate committees, were required to file pre-primary campaign finance reports (cycle 2) with the City Commissioners by May 6, 2011. Pursuant to the City's campaign finance law, authorized candidate committees were also required to electronically file those reports with the Ethics Board. In such a pre-primary report, a candidate committee should have disclosed all of its receipts and expenditures for the time period January 1 – May 2, 2011, including all contributions received by the committee.
- K. In order to ensure that the public has access to information about large contributions received by candidates before the primary, but after the close of the pre-primary reporting period, the Pennsylvania Election Code further requires that candidates' committees disclose any contributions of \$500 received in that time period within 24 hours of receipt.

- L. Therefore, in 2011, if a City candidate's authorized committee received a contribution of \$500 or more from May 3<sup>rd</sup> through May 17<sup>th</sup>, the committee should have filed a campaign finance report with the City Commissioners disclosing that contribution within 24 hours of receipt. Pursuant to the City's campaign finance law, the committee should also have electronically filed such a report with the Ethics Board.
- M. In addition, any contribution that should have been disclosed in a 24 hour report, should also have been disclosed in the post-primary report. In 2011, post-primary reports disclosed financial activity for the time period May 3<sup>rd</sup> – June 6<sup>th</sup>, 2011.
- N. On May 4<sup>th</sup>, as a courtesy, Ethics Board enforcement staff sent an email to the campaigns and treasurers of candidates for City office reminding them of the requirement to electronically file 24 hour reports with the Ethics Board disclosing all contributions of \$500 or more received from May 3<sup>rd</sup> through May 17<sup>th</sup>.
- O. According to the post-primary report Respondents filed with the Ethics Board on June 17, 2011, Taubenberger for Philadelphia received the following 22 contributions totaling \$23,050 during the 2011 pre-primary 24 hour reporting period:
1. May 3, \$1,500 from Greater Philadelphia Chamber of Commerce PAC;
  2. May 3, \$1,000 from Crown PAC;
  3. May 3, \$500 from Greenlee Partners State PAC;
  4. May 4, \$500 from AFSCME D.C. 47 PAC
  5. May 5, \$500 from Bruce Foulke;
  6. May 5, \$500 from Lawrence Gallagher;
  7. May 6, \$500 from Sandra Muller;
  8. May 6, \$500 from David Singer;
  9. May 8, \$500 from David Benedict;
  10. May 9, \$550 from Margaret Houck;
  11. May 9, \$500 from Joel Shafer;
  12. May 10, \$500 from Friends of Jack Kelly;
  13. May 10, \$500 from William Heeney.
  14. May 11, \$5,000 from I.U.P.A.T District Council 21 PAC;
  15. May 11, \$2,500 from Local Union #98 I.B.E.W.;
  16. May 11, \$1,000 from Jerry Aspote, Sr.
  17. May 11, \$1,000 from Wawa, Inc PAC;
  18. May 11, \$500 from Michael Meehan;
  19. May 11, \$500 from Robert Wetzal;
  20. May 12, \$500 from Stradley Ronon Stevens & Young, LLP;
  21. May 13, \$2,500 from Thomas Bock; and
  22. May 13, \$1,500 from Philadelphia Coca-Cola Employee Good Government PAC.

- P. Pursuant to the City's campaign finance law, Taubenberger for Philadelphia should have filed at least 10 campaign finance reports with the Ethics Board disclosing contributions received during the 2011 pre-primary 24 hour reporting period. The reports should have been filed on the following dates: May 4<sup>th</sup>, May 5<sup>th</sup>, May 6<sup>th</sup>, May 7<sup>th</sup>, May 9<sup>th</sup>, May 10<sup>th</sup>, May 11<sup>th</sup>, May 12<sup>th</sup>, May 13<sup>th</sup>, and May 14<sup>th</sup>.
- Q. However, Taubenberger for Philadelphia did not file reports with the Ethics Board on the dates identified in Paragraph P.
- R. On June 30<sup>th</sup>, having noted that many candidate committees had not filed required 24 hour reports with the Ethics Board, as a courtesy, Ethics Board enforcement staff sent an email to the campaigns and treasurers of candidates for City reminding them of the requirement to electronically file pre-primary 24 hour reports with the Ethics Board. The email stated, in part:
- If you or your candidate committee received any contributions of \$500 or more between May 3 and May 17, then your committee should have filed 24 hour reports disclosing those contributions. If you or your committee received a contribution of \$500 or more from May 3 to May 17 and you did not file 24 hour report with the Ethics Board disclosing that contribution, you are still required to file that report, even though it is late. If you (or your committee) file all required 24 hour reports electronically with the Ethics Board by **July 8**, we will not pursue enforcement of the failure to file.
- S. However, notwithstanding this notice and additional time to file reports without penalty, Respondents did not file their outstanding 24 hour reports with the Ethics Board until July 25<sup>th</sup>.
- T. On August 2<sup>nd</sup>, the Board's Executive Director served a Notice of Administrative Enforcement Proceeding alleging a violation of Code § 20-1006(1)(a) for the failure of Taubenberger for Philadelphia to electronically file required campaign finance reports with the Board on May 4<sup>th</sup>, May 5<sup>th</sup>, May 6<sup>th</sup>, May 7<sup>th</sup>, May 9<sup>th</sup>, May 10<sup>th</sup>, May 11<sup>th</sup>, May 12<sup>th</sup>, May 13<sup>th</sup>, and May 14<sup>th</sup>.
- U. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## **AGREEMENT**

The Parties agree that:

1. Taubenberger for Philadelphia's failure to electronically file campaign finance reports with the Board on May 4<sup>th</sup>, May 5<sup>th</sup>, May 6<sup>th</sup>, May 7<sup>th</sup>, May 9<sup>th</sup>, May 10<sup>th</sup>, May 11<sup>th</sup>, May 12<sup>th</sup>, May 13<sup>th</sup>, and May 14<sup>th</sup> violated §20-1006(1)(a) of the Philadelphia Code.
2. The failure to electronically file campaign finance reports on May 4<sup>th</sup>, May 5<sup>th</sup>, May 6<sup>th</sup>, May 7<sup>th</sup>, May 9<sup>th</sup>, May 10<sup>th</sup>, May 11<sup>th</sup>, May 12<sup>th</sup>, May 13<sup>th</sup>, and May 14<sup>th</sup>, shall be subject to a civil penalty of \$3,000.
3. Al Taubenberger shall pay the civil penalty on the following schedule:
  - 3.1. \$500 by September 30, 2011;
  - 3.2. \$500 by January 31, 2012;
  - 3.3. \$500 by May 31, 2012;
  - 3.4. \$500 by September 30, 2012;
  - 3.5. \$500 by January 31, 2013; and
  - 3.6. \$500 by May 31, 2013.
4. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
5. Taubenberger for Philadelphia, Taubenberger, and St. Clair release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
6. In consideration of the above and in exchange for Taubenberger for Philadelphia's, Taubenberger's, and St. Clair's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
7. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
8. If the Ethics Board is forced to seek judicial enforcement of the Agreement, Taubenberger for Philadelphia, Taubenberger, and St. Clair shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
9. The Agreement contains the entire agreement between the Parties.

10. The Parties will submit a signed copy of the Agreement to the Board for approval.

11. The Agreement shall become effective upon approval by the Board.

12. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board, it shall not preclude the Board or its staff from further participation, consideration, or resolution of the pending Administrative adjudication of these matter described in the Agreement.

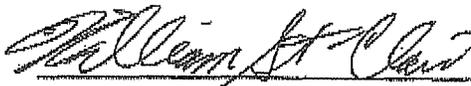
By the Executive Director of the Board of Ethics:

Dated: 9/16/11

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

By William St. Clair:

Dated: \_\_\_\_\_

  
\_\_\_\_\_

By Al Taubenberger:

Dated: 9/15/11

  
\_\_\_\_\_

By Taubenberger for Philadelphia:

Dated: \_\_\_\_\_

  
\_\_\_\_\_   
William St. Clair, Treasurer

Approved by the Board of Ethics:

Dated: 9/21/2011

  
\_\_\_\_\_   
Richard Glazer, Esquire  
Chair

**Administrative Adjudication  
Matter # 1108CF9**

**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Greg Paulmier, Glendora Byrd, and Friends of Greg Paulmier for City Council, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. Friends of Greg Paulmier for City Council is the authorized candidate political committee of Greg Paulmier, a candidate for Philadelphia City Council in 2011.
- C. Glendora Byrd is the treasurer of Friends of Greg Paulmier for City Council.
- D. On March 8, 2011, Greg Paulmier filed a nomination petition to be placed on the ballot as a candidate for a Democratic nomination for Philadelphia City Council’s Ninth District seat.
- E. Because Paulmier was a candidate for City of Philadelphia elective office, both he and his authorized candidate committee were subject to Philadelphia’s campaign finance law during the 2011 primary election.
- F. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate’s treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

G. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee's treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

H. Pursuant to Philadelphia Code § 20-1006(4):

The failure to file information as required by this Section, or the making of material misstatements or omissions in any filing required by this Section, shall be deemed to be a violation of Chapter 20-1300 (Penalties for Campaign Finance-Related and Ethics-Related Violations) and subject to enforcement and the imposition of penalties under that Chapter.

- I. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.
- J. Pursuant to the Pennsylvania Election Code (25 P.S. 3248), in 2011, all candidates for Philadelphia municipal office, and their authorized candidate committees, were required to file pre-primary campaign finance reports (cycle 2) with the City Commissioners by May 6, 2011. Pursuant to the City's campaign finance law, authorized candidate committees were also required to electronically file those reports with the Ethics Board. In such a pre-primary report, a candidate committee should have disclosed all of its receipts and expenditures for the time period January 1 – May 2, 2011, including all contributions received by the committee.
- K. In order to ensure that the public has access to information about large contributions received by candidates before the primary, but after the close of the pre-primary reporting period, the Pennsylvania Election Code further requires that candidates' committees disclose any contributions of \$500 received in that time period within 24 hours of receipt.

- L. Therefore, in 2011, if a City candidate's authorized committee received a contribution of \$500 or more from May 3<sup>rd</sup> through May 17<sup>th</sup>, the committee should have filed a campaign finance report with the City Commissioners disclosing that contribution within 24 hours of receipt. Pursuant to the City's campaign finance law, the committee should also have electronically filed such a report with the Ethics Board.
- M. In addition, any contribution that should have been disclosed in a 24 hour report, should also have been disclosed in the post-primary report. In 2011, post-primary reports disclosed financial activity for the time period May 3<sup>rd</sup> – June 6<sup>th</sup>, 2011.
- N. On May 4<sup>th</sup>, as a courtesy, Ethics Board enforcement staff sent an email to the campaigns and treasurers of candidates for City office reminding them of the requirement to electronically file 24 hour reports with the Ethics Board disclosing all contributions of \$500 or more received from May 3<sup>rd</sup> through May 17<sup>th</sup>.
- O. According to the post-primary report Friends of Greg Paulmier filed with the Ethics Board on June 17, 2011, the committee received the following 12 contributions totaling \$ 16,251.98 during the 2011 pre-primary 24 hour reporting period:
- 1) May 8, \$2,600 from Stephen Paulmier;
  - 2) May 8, \$1,250 from Greg Paulmier;
  - 3) May 9, \$4,843.50 from Greg Paulmier;
  - 4) May 9, \$1,659.96 from Greg Paulmier;
  - 5) May 9, \$695.52 from Greg Paulmier;
  - 6) May 9, \$500 from Richard Hamiton & Louise Dalessandro;
  - 7) May 12, \$1,575 from Greg Paulmier;
  - 8) May 12, \$575 from Friends of Giovanni Campbell;
  - 9) May 12, \$500 from Cohen for Council;
  - 10) May 13, \$500 from Friends of Andy Toy;
  - 11) May 15, \$1,053 from Greg Paulmier;
  - 12) May 15, \$500 from Committee to elect Barbara McDermott .
- P. Pursuant to the City's campaign finance law, Friends of Greg Paulmier should have filed at least five campaign finance reports with the Ethics Board disclosing contributions received during the 2011 pre-primary 24 hour reporting period. The reports should have been filed on the following dates: May 9<sup>th</sup>, May 10<sup>th</sup>, May 13<sup>th</sup>, May 14<sup>th</sup>, and May 16<sup>th</sup>.
- Q. However, Friends of Greg Paulmier did not file reports with the Ethics Board on the dates identified in Paragraph P.

- R. On June 30<sup>th</sup>, having noted that many candidate committees had not filed required 24 hour reports with the Ethics Board, as a courtesy, Ethics Board enforcement staff sent an email to the campaigns and treasurers of candidates for City reminding them of the requirement to electronically file pre-primary 24 hour reports with the Ethics Board. The email stated, in part:

If you or your candidate committee received any contributions of \$500 or more between May 3 and May 17, then your committee should have filed 24 hour reports disclosing those contributions. If you or your committee received a contribution of \$500 or more from May 3 to May 17 and you did not file 24 hour report with the Ethics Board disclosing that contribution, you are still required to file that report, even though it is late. If you (or your committee) file all required 24 hour reports electronically with the Ethics Board by **July 8**, we will not pursue enforcement of the failure to file.

- S. However, notwithstanding this notice and additional time to file reports without penalty, Respondents did not file their outstanding 24 hour reports with the Ethics Board until August 15<sup>th</sup>.
- T. On August 2<sup>nd</sup>, the Board's Executive Director served a Notice of Administrative Enforcement Proceeding alleging a violation of Code § 20-1006(1)(a) for the failure of Friends of Greg Paulmier to electronically file required campaign finance reports with the Board on May 9<sup>th</sup>, May 10<sup>th</sup>, May 13<sup>th</sup>, May 14<sup>th</sup>, and May 16<sup>th</sup>.
- U. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## **AGREEMENT**

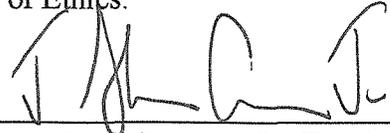
The Parties agree that:

1. Friends of Greg Paulmier's failure to electronically file campaign finance reports with the Board on May 9<sup>th</sup>, May 10<sup>th</sup>, May 13<sup>th</sup>, May 14<sup>th</sup>, and May 16<sup>th</sup> violated §20-1006(1)(a) of the Philadelphia Code.
2. The failure to electronically file campaign finance reports on May 9<sup>th</sup>, May 10<sup>th</sup>, May 13<sup>th</sup>, May 14<sup>th</sup>, and May 16<sup>th</sup>, shall be subject to a civil penalty of \$2,000.
3. Greg Paulmier shall pay the civil penalty on the following schedule:
  - 3.1. \$500 by October 31, 2011;
  - 3.2. \$500 by March 31, 2012;
  - 3.3. \$500 by September 30, 2012; and
  - 3.4. \$500 by January 31, 2013;
4. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
5. Friends of Greg Paulmier, Paulmier, and Byrd release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
6. In consideration of the above and in exchange for Friends of Greg Paulmier's, Paulmier's, and Byrd's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
7. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
8. If the Ethics Board is forced to seek judicial enforcement of the Agreement, Friends of Greg Paulmier, Paulmier, and Byrd shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
9. The Agreement contains the entire agreement between the Parties.
10. The Parties will submit a signed copy of the Agreement to the Board for approval.
11. The Agreement shall become effective upon approval by the Board.

12. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board shall not preclude the Board or its staff from further participation in or consideration or resolution of the pending Administrative adjudication of the matters described in the Agreement.

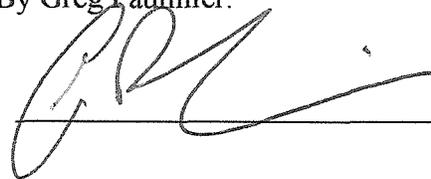
By the Executive Director of the Board of Ethics:

Dated: 9/13/11

  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

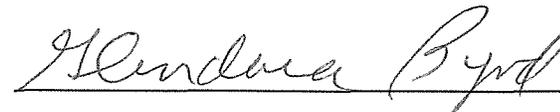
By Greg Paulmier:

Dated: 9/14/11

  
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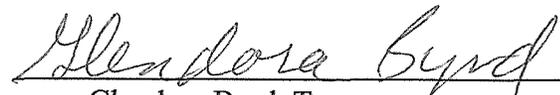
By Glendora Byrd:

Dated: 9/14/11

  
\_\_\_\_\_

By Friends of Greg Paulmier for City Council:

Dated: 9/14/11

  
\_\_\_\_\_  
Glendora Byrd, Treasurer

Approved by the Board of Ethics:

Dated: 9/21/2011

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Jacque Whaumbush, Harris Brooks, and Whaumbush for Sheriff, jointly referred to as “the Parties.”

**RECITALS**

- A. The Board of Ethics of the City of Philadelphia is a five-member, independent board established by ordinance, approved by Philadelphia voters in May 2006, and installed on November 27, 2006. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, enforcing the City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. Jacque Whaumbush was a candidate for Philadelphia Sheriff in the 2011 primary election. Whaumbush for Sheriff is Whaumbush’s authorized candidate political committee. Harris Brooks is the treasurer of Whaumbush for Sheriff.
- C. As a declared candidate for City elective office during the 2011 primary election, Whaumbush was subject to the City’s campaign finance law.
- D. Philadelphia Code § 20-1003 requires all candidates for City office to provide information about their candidate committees to the Ethics Board, as explained in Paragraph 1.32 of Board of Ethics Regulation No. 1, which provides:

**Notice of formation of candidate political committee.** Within three business days of the formation of a candidate political committee or within three business days of becoming a candidate, the candidate shall notify the Board of the following information by postal mail or email sent to the attention of the Board’s Executive Director:

- a. The committee’s name and street address (other than a P.O. box);
- b. The name of the bank where the committee’s checking account is established; and
- c. The name and telephone number of the treasurer of the committee. If the treasurer has an email address, he or she shall also provide that email address.

A candidate may satisfy the requirements of this Paragraph by providing the Board with a copy of the Political Committee Registration Statement he or she filed with the City Commissioners or Secretary of State as long as the candidate includes the information described in (a)-(c) above.

- E. On March 15, 2011, as a courtesy, Ethics Board staff sent Respondent Whaumbush a letter by U.S. Postal mail explaining his obligation to provide the information required by Regulation No. 1.
- F. However, Whaumbush did not provide the required information about his candidate committee to the Ethics Board in response to the March 15<sup>th</sup> letter.
- G. On April 12, 2011, as a courtesy, Ethics Board staff sent Whaumbush a letter, by hand delivery, notifying him that he had failed to provide the information required by Regulation No. 1. The letter set an extended deadline of April 15 for him to provide the required information and informed him that, if he did not provide the information by April 15<sup>th</sup>, Board staff would initiate an administrative enforcement action against him.
- H. However, Whaumbush did not provide the required information about his candidate committee to the Ethics Board as required by Code § 20-1003 and Regulation No. 1, Paragraph 1.32 by April 15<sup>th</sup>.
- I. On May 17<sup>th</sup>, the Ethics Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Whaumbush alleging a violation of Code § 20-1003 for the failure to provide required information about his candidate committee to the Ethics Board.
- J. On July 13, 2011, Whaumbush provided required information about his candidate committee to the Ethics Board, as required by Code section 20-1003 and Regulation No. 1, Paragraph 1.32.
- K. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate's treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

- L. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee's treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

- M. Under the Pennsylvania Election Code, May 6, 2011 was the deadline for municipal candidates and political committees to file 2011 pre-primary (cycle 2) campaign finance reports with the City Commissioners.
- N. Because Whaumbush was a candidate for City elective office, his candidate political committee, Whaumbush for Sheriff, should have electronically filed a cycle 2 campaign finance report with the Ethics Board by May 6, 2011.
- O. On May 11, 2011, as a courtesy, Ethics Board staff sent Whaumbush and Brooks a letter, by hand delivery and email, informing them of the committee's failure to electronically file a cycle 2 campaign finance report with the Ethics Board.
- P. The letter informed Whaumbush and Brooks of the penalties for failure to file a required report with the Ethics Board, but told them that if the committee filed the report by May 13<sup>th</sup>, Ethics Board staff would not pursue enforcement of the failure to file. However, the Whaumbush for Sheriff did not file a 2011 cycle 2 report with the Ethics Board by May 13<sup>th</sup>.
- Q. On May 17<sup>th</sup>, the Ethics Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Whaumbush, Brooks, and Whaumbush for Sheriff alleging a violation of Code § 20-1006 for the failure to electronically file a 2011 cycle 2 campaign finance report with the Ethics Board.
- R. Whaumbush for Sheriff did not electronically file its 2011 cycle 2 campaign finance report with the Ethics Board until July 20, 2011.
- S. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.
- T. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## AGREEMENT

The Parties agree that:

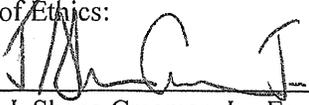
1. Jacque Whaumbush's failure to provide required information about his candidate committee to the Ethics Board violated Code section 20-1003.
2. Whaumbush will pay a civil penalty of \$500 for the failure to provide required information about his candidate committee to the Ethics Board.
3. Jacque Whaumbush's, Harris Brooks' and Whaumbush for Sheriff's failure to electronically file a 2011 cycle 2 campaign finance report with the Ethics Board by May 6<sup>th</sup> violated § 20-1006 of the Philadelphia Code.
4. Whaumbush will pay a civil penalty of \$500 for the failure to electronically file a 2011 cycle 2 with the Ethics Board by May 6, 2011.
5. The civil penalties shall be paid by Whaumbush in the following increments:
  - 5.1. \$500 by August 15, 2011.
  - 5.2. \$500 by December 31, 2011

Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board at 1441 Sansom Street.

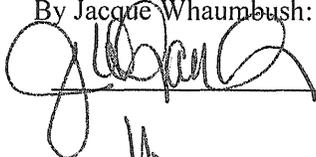
6. Whaumbush, Brooks, and Whaumbush for Sheriff release and hold harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the violations described in the Agreement.
7. In consideration of the above and in exchange for Whaumbush's, Brooks' and Whaumbush for Sheriff's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
8. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
9. If the Ethics Board is forced to seek judicial enforcement of the Agreement, Whaumbush, Brooks, and Whaumbush for Sheriff shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Ethics Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
10. The Agreement contains the entire agreement between the Parties.

11. The Parties will submit a signed copy of the Agreement to the Board for approval.
12. The Agreement shall become effective upon approval by the Board.
13. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board, it shall not preclude the Board from further participation, consideration, or resolution of the pending Administrative adjudication of these matter described in the Agreement.

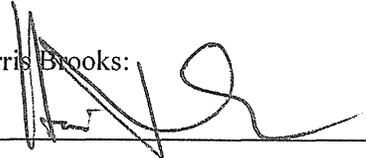
Dated: 8/2/11

By the Executive Director of the Board of Ethics:  
  
\_\_\_\_\_  
J. Shane Creamer, Jr., Esquire

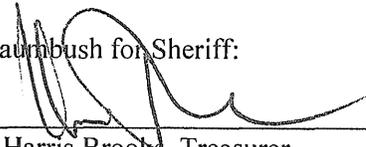
Dated: 7/29/11

By Jacque Whaumbush:  
  
\_\_\_\_\_

Dated: 7/29/11

By Harris Brooks:  
  
\_\_\_\_\_

Dated: 7/29/11

By Whaumbush for Sheriff:  
  
\_\_\_\_\_  
Harris Brooks, Treasurer

Approved by the Board of Ethics:

Dated: 8/23/11

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair