

Philadelphia Board of Ethics

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

For Immediate Release: February 25, 2013

PHILADELPHIA – On February 25, 2013, the Board of Ethics approved a settlement agreement involving John D. McDaniel. The agreement resolves violations of the campaign finance law by McDaniel for: a) making material misstatements and omissions in campaign finance reports filed with the Board (Phila. Code § 20-1006(4)); and b) making excess contributions (Phila. Code § 20-1002(1)). The agreement also resolves violations by McDaniel for making prohibited gifts (Phila. Code § 20-604(2)) and for engaging in political activity prohibited by Home Rule Charter Section 10-107.

A copy of the approved settlement agreement is 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 by the Board of Ethics of the City of Philadelphia, the Executive Director of the Board, and John D. McDaniel, 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 Ethics Code, campaign finance law, and the sections of the Philadelphia Home Rule Charter that impose restrictions on the political activity of City employees.
- B. From January of 2012 until January 29, 2013, John D. McDaniel was an employee of the City of Philadelphia working at the Philadelphia Airport for the Mayor’s Office of Transportation. McDaniel previously worked for the City from 2000 through 2005.
- C. Under the City’s campaign finance law, political committees that make expenditures to influence a City election are required to electronically file campaign finance reports with the Board disclosing their financial activity. Filings with the Board follow the schedule set by the Pennsylvania Election Code which divides the year into seven filing cycles.
- D. Pursuant to Philadelphia Code § 20-1006(4), the making of a material misstatement or omission in a report filed with the Board is a violation of the City’s campaign finance law.
- E. Pursuant to Philadelphia Code § 20-1002(1), in 2011, a person could not permissibly contribute more than \$2,600 to a City candidate’s candidate committee in a calendar year.
- F. Philadelphia Code § 20-604(2) provides that no person shall offer, make, or render any gift, loan, gratuity, favor, or service of substantial economic value to any member of Council or other City officer or employee which might reasonably be expected to influence such City officer or employee in the discharge of his or her official duties.
- G. Section 10-107(3) of Philadelphia’s Home Rule Charter provides that a City employee may not “directly or indirectly demand, solicit, collect, or receive, or be in any manner concerned in demanding, soliciting, collecting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, intended for any political purpose whatever.”

- H. Section 10-107(4) of the Philadelphia Home Rule Charter provides that a City employee may not engage in certain types of political activity. The political activity restrictions in the Home Rule Charter ensure that government operates effectively and fairly, that elections play their proper part in representative government, and that employees are free from improper influences and execute the programs of the Government without bias or favoritism for or against any political party.
- I. Board Regulation No. 8 provides detailed guidance on the limitations that Charter sections 10-107(3) and (4) impose on City employees.
- J. If the Board finds a violation of § 10-107 of the Home Rule Charter through administrative adjudication, it may impose a civil penalty of \$300. If a City employee is found to have violated § 10-107, he or she is subject to immediate dismissal and is ineligible for City employment for one year.
- K. In 2004, McDaniel established the political committee Progressive Agenda PAC in order to support his potential candidacy for Philadelphia City Council. Although he decided not to run for City office, McDaniel kept the PAC active. In 2010 and 2011 Tracy Shillman was the registered treasurer of Progressive Agenda, but she had no actual involvement with the PAC during that time period. During 2010, 2011, and 2012, McDaniel acted as the *de facto* treasurer and personally wrote checks and made withdrawals from the PAC's account, on which he was the sole signer. McDaniel also collected and deposited contributions made to the PAC and prepared and filed campaign finance reports with the Ethics Board and the Department of State on behalf of the PAC.
- L. In 2010, 2011, and 2012 McDaniel used Progressive Agenda to pay for and organize get-out-the-vote efforts in Philadelphia and its surrounding counties.
- M. During 2011, McDaniel served as the campaign manager for Councilwoman Blondell Reynolds Brown's campaign for re-election to a City Council at-large seat.
- N. Previously, from 1999 through 2003, McDaniel was the registered treasurer of the Friends of Blondell Reynolds Brown, the political committee Councilwoman Reynolds Brown authorized to accept contributions and make expenditures on her behalf.
- O. From 2006 through the end of 2011, Gail Scarborough was the registered treasurer of the Friends of Blondell Reynolds Brown, but she had no actual involvement with the committee during that time period. With Councilwoman Reynolds Brown's knowledge, McDaniel acted as the *de facto* treasurer and personally wrote checks and made expenditures from the committee's account. He also collected and deposited contributions made to the Councilwoman's campaign and prepared and filed campaign finance reports with the Ethics Board and City Commissioners on behalf of the committee. McDaniel was the sole signer on the checking account held by the committee.

- P. In 2011, McDaniel personally made a total of \$4,600 in contributions to Friends of Blondell Reynolds Brown checking account, as follows:
1. An April 6th check for \$1,000 drawn on his personal checking account;
 2. An April 6th check for \$500 drawn on his personal checking account;
 3. An April 25th check for \$500 drawn on his personal checking account;
 4. A June 22nd deposit of \$1,450 in cash from his personal checking account;
 5. An August 26th check for \$150 drawn on his personal checking account;
 6. A September 30th deposit of \$450 in cash from his personal checking account; and
 7. A December 21st check for \$550 drawn on his personal checking account.
- Q. McDaniel made these contributions in order to ensure that the Friends of Blondell Reynolds Brown had enough money to pay its campaign expenses. He sometimes made cash contributions in order to ensure that the money was available right away. He did not tell Councilwoman Reynolds Brown that he was making excess contributions to Friends of Blondell Reynolds Brown. McDaniel was aware of the contribution limits and knew that the contributions he made exceeded them.
- R. In August of 2011, the Ethics Board initiated an enforcement action against the Friends of Blondell Reynolds Brown and Councilwoman Reynolds Brown alleging various violations of the City's campaign finance law. In September of 2011, the Board, the committee, and Councilwoman Reynolds Brown entered into a settlement agreement in which the committee and Councilwoman admitted to violations of the campaign finance law for accepting excess contributions from Progressive Agenda and for failing to disclose numerous contributions in multiple campaign finance reports. Under the agreement, the committee agreed to pay the Board a \$6,500 monetary penalty and the Councilwoman agreed to personally pay the Board \$1,500. The committee also agreed to file amended campaign finance reports to correct its reporting failures.
- S. Around the time that the Friends of Blondell Reynolds Brown was finalizing its settlement agreement with the Board, McDaniel told Councilwoman Reynolds Brown that he felt responsible for the violations and that he could cover the penalties she personally owed the Board and whatever legal fees she had personally incurred. Councilwoman Reynolds Brown accepted his offer.
- T. On October 31, 2011, McDaniel gave Councilwoman Reynolds Brown a cashier's check for \$1,500. On November 1, 2011, McDaniel gave her a cashier's check for \$750. He got the money for the cashier's checks from his personal account. McDaniel gave the Councilwoman the cashier's checks to cover personal expenses connected to the settlement agreement with the Board. Councilwoman Reynolds Brown should have, but did not, disclose the \$1,500 and \$750 she received from McDaniel on her City of Philadelphia 2011 Statement of Financial Interest.

- U. In early March of 2012, Councilwoman Reynolds Brown contacted McDaniel and said that she needed money to cover the penalty she owed the Board. On March 9, 2012, McDaniel gave the Councilwoman a check drawn on his personal account and made out for \$1,000. He left the payee line blank. The Councilwoman made the check out to herself.
- V. On May 4, 2012, McDaniel gave Councilwoman Reynolds Brown a check drawn on his personal account for \$500 as a final installment of what he had offered to help her with as a result of the Councilwoman's settlement agreement with the Board.
- W. In 2011, McDaniel personally prepared and filed campaign finance reports for Progressive Agenda with the Ethics Board for 2011 cycles 3, 4, 6, and 7. These reports were supposed to disclose the PAC's financial activity for 2011. However, McDaniel made the following material omissions and misstatements in reports he filed with the Board for Progressive Agenda in 2011:
 - 1. Twelve material omissions and eight material misstatements in the cycle 3 report;
 - 2. One material misstatement in the cycle 4 report;
 - 3. Eleven material omissions in the cycle 5 report; and
 - 4. 16 material omissions in the cycle 6 report.
- X. The material omissions and misstatements McDaniel made in the campaign finance reports he filed with the Board for Progressive Agenda in 2011 are set forth at Exhibit A.
- Y. The misstatements in reports McDaniel filed with the Board for Progressive Agenda included the following four contributions from the Friends of Blondell Reynolds Brown that McDaniel falsely disclosed as being either from himself or from Action PAC in order to hide certain expenditures made by Friends of Blondell Reynolds Brown:
 - 1. On February 24, 2011, McDaniel made out a Friends of Blondell Reynolds Brown check to Progressive Agenda for \$2,000 to cover petition circulation costs. McDaniel did not want Councilwoman Reynolds Brown to know who he was using to do the work so Friends of Blondell Reynolds Brown gave the money to Progressive Agenda and Progressive Agenda paid the workers. To further hide the true nature of the transaction, Progressive Agenda disclosed the contribution from Friends of Blondell Reynolds Brown as being from Action PAC.
 - 2. On April 21, 2011, McDaniel made out a Friends of Blondell Reynolds Brown check to Progressive Agenda for \$1,000 to cover election-day work in Germantown. McDaniel did not want Councilwoman Reynolds Brown to know who he was using to do the work so Friends of Blondell Reynolds Brown gave the money to Progressive Agenda and Progressive Agenda paid the workers. To further hide the true nature of the transaction, Progressive Agenda disclosed the contribution from Friends of Blondell Reynolds Brown as being from Action PAC.

3. On April 26, 2011, McDaniel made out a Friends of Blondell Reynolds Brown check to Progressive Agenda for \$1,116.20. The purpose of the check was to pay a lawyer, Sharon Losier, who had handled a ballot challenge against one of Councilwoman Reynolds Brown's opponents. Rather than disclose that Friends of Blondell Reynolds Brown funded the ballot challenge, Friends of Blondell Reynolds Brown gave Progressive Agenda the money and Progressive Agenda wrote a check to Losier.
 4. On May 17, 2011, McDaniel made out a Friends of Blondell Reynolds Brown check to Progressive Agenda for \$2,000 to pay for election-day workers in a ward that had cut Councilwoman Reynolds Brown from its sample ballot. Rather than disclose that Friends of Blondell Reynolds Brown was paying for workers in that ward, Friends of Blondell Reynolds Brown gave Progressive Agenda the money and Progressive Agenda paid the workers. To further hide the true nature of the transaction, Progressive Agenda disclosed the \$2,000 contribution from Friends of Blondell Reynolds Brown as being from McDaniel personally.
- Z. In the 2011 cycle 3 campaign finance report he filed with the Board for Progressive Agenda, McDaniel falsely disclosed that an April 20, 2011 check made out to him for \$10,000 was for "Street Money Distribution" when, in fact, he used that money to make a cash contribution to the Friends of Blondell Reynolds Brown.
- AA. In the 2011 cycle 4 campaign finance report he filed with the Board for Progressive Agenda, McDaniel falsely disclosed that a June 23, 2011 check made out to him for \$5,000 was for "Post election worker payments" when, in fact, he used the money to cover a cash contribution to the Friends of Blondell Reynolds Brown.
- BB. In the 2011 cycle 5 campaign finance report he filed for Progressive Agenda, McDaniel failed to disclose an October 13, 2011 check for \$2,600 which he cashed. McDaniel used \$1,500 of the cash to make a deposit to Friends of Blondell Reynolds Brown to cover the first penalty payment the committee owed the Board under the September 2011 settlement agreement.
- CC. In 2012, after he became a City employee, McDaniel maintained active control of Progressive Agenda PAC although he knew that as a City employee he was prohibited from engaging in political fundraising and certain types of political activity.
- DD. On March 8, 2012, McDaniel accepted and deposited in Progressive Agenda's account a contribution check of \$42,000 from the Laborers District Council PAC. Progressive Agenda used the money to fund get-out-the-vote efforts in Philadelphia and surrounding counties and educational activities related to the Pennsylvania Voter ID Act.

- EE. On March 26, 2012, McDaniel accepted and deposited in Progressive Agenda's account a contribution check of \$6,000 from the Students First PAC. According to McDaniel, Students First made the contribution to Progressive Agenda with the understanding that Progressive Agenda would make a contribution to Friends of Fatimah, the committee of a candidate for state office. According to McDaniel, the contribution was arranged this way so Students First would not be directly connected with Friends of Fatimah. On April 4, 2012, McDaniel made out and delivered to Friends of Fatimah a check for \$5,900. According to McDaniel, Progressive Agenda kept \$100 of the Students First contribution to cover what he called administrative costs.
- FF. On April 16, 2012 McDaniel accepted and deposited in Progressive Agenda's account a contribution check of \$33,000 from the Laborers District Council PAC. Progressive Agenda used the money to fund get-out-the-vote efforts in Philadelphia and surrounding counties and educational activities related to the Pennsylvania Voter ID Act.
- GG. On April 16, 2012 McDaniel accepted and deposited in Progressive Agenda's account a contribution check of \$12,000 from the Regional Priorities PAC. Progressive Agenda used the money to fund get-out-the-vote efforts in Philadelphia and surrounding counties and educational activities related to the Pennsylvania Voter ID Act.
- HH. On January 29, 2013, McDaniel was terminated from his City position as a result of the disclosure of his activities regarding Friends of Blondell Reynolds Brown and Progressive Agenda.
- II. On February 6, 2013, the United States Attorney for the Eastern District of Pennsylvania filed an information against McDaniel alleging that he had committed wire fraud in the course of stealing approximately \$100,000 from the Friends of Blondell Reynolds Brown. These charges could subject McDaniel to more than \$100,000 in restitution and fines. He could also be sentenced to serve time in prison.
- JJ. As the responsible party for the Progressive Agenda, McDaniel made material omissions and misstatements in the reports he filed on behalf of Progressive Agenda with the Board, in violation of Code Section 20-1006(4). In addition, he personally made excess contributions to Friends of Blondell Reynolds Brown in violation of Code Section 20-1002(1), made gifts of money to Blondell Reynolds Brown in violation of Code Section 20-604(2), and engaged in prohibited political activity in violation of Home Rule Charter Section 10-107.
- KK. The Parties desire to enter into this Agreement in order to resolve the matters described herein.

AGREEMENT

The Parties agree that:

Material Omissions and Misstatements

1. By making twelve material omissions and eight material misstatements in the 2011 cycle 3 campaign finance report he filed with the Board for Progressive Agenda, McDaniel violated § 20-1006(4) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$2,000.
2. By making a material misstatement in the 2011 cycle 4 campaign finance report he filed with the Board for Progressive Agenda, McDaniel violated § 20-1006(4) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$1,000.
3. By making eleven material omissions in the 2011 cycle 5 campaign finance report he filed with the Board for Progressive Agenda, McDaniel violated § 20-1006(4) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$2,000.
4. By making 16 material omissions in the 2011 cycle 6 campaign finance report he filed with the Board for Progressive Agenda, McDaniel violated § 20-1006(4) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$2,000.

Excess Contributions to Friends of Blondell Reynolds Brown

5. By making a contribution to Friends of Blondell Reynolds Brown on June 22, 2011 that exceeded the contributions limits by \$850, McDaniel violated § 20-1002(1) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$500.
6. By making a contribution to Friends of Blondell Reynolds Brown on August 26, 2011 that exceeded the contributions limits by \$150, McDaniel violated § 20-1002(1) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$450.
7. By making a contribution to Friends of Blondell Reynolds Brown on September 30, 2011 that exceeded the contributions limits by \$450, McDaniel violated § 20-1002(1) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$500.
8. By making a contribution to Friends of Blondell Reynolds Brown on December 21, 2011 that exceeded the contributions limits by \$550, McDaniel violated § 20-1002(1) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$500.

Gifts of money to Blondell Reynolds Brown in violation of Code § 20-604(2)

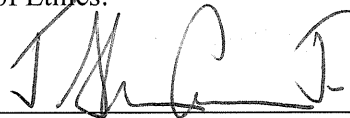
9. By giving Councilwoman Reynolds Brown \$1,500 on October 31, 2011, McDaniel violated § 20-604(2) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$500.
10. By giving Councilwoman Reynolds Brown \$750 on November 1, 2011, McDaniel violated § 20-604(2) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$500.
11. By giving Councilwoman Reynolds Brown \$1,000 on March 9, 2012, McDaniel violated § 20-604(2) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$500.
12. By giving Councilwoman Reynolds Brown \$500 on May 4, 2012, McDaniel violated § 20-604(2) of the Philadelphia Code, for which he shall be subject to a civil monetary penalty of \$500.

Prohibited Political Activity

13. By coordinating and participating in Progressive Agenda PAC's activities in April of 2012, McDaniel violated § 10-107(4) of the Philadelphia Home Rule Charter, for which he shall be subject to a civil monetary penalty of \$300.
14. By accepting and depositing a contribution check from the Laborers District Council PAC on March 8, 2012, McDaniel violated § 10-107(3) of the Philadelphia Home Rule Charter, for which he shall be subject to a civil monetary penalty of \$300.
15. By accepting and depositing a contribution check from the Students First PAC on March 26, 2012, McDaniel violated § 10-107(3) of the Philadelphia Home Rule Charter, for which he shall be subject to a civil monetary penalty of \$300.
16. By accepting and depositing a contribution check from the Laborers District Council PAC on April 16, 2012, McDaniel violated § 10-107(3) of the Philadelphia Home Rule Charter, for which he shall be subject to a civil monetary penalty of \$300.
17. By accepting and depositing a contribution check from Regional Priorities PAC on May 22, 2012, McDaniel violated § 10-107(3) of the Philadelphia Home Rule Charter, for which he shall be subject to a civil monetary penalty of \$300.
18. McDaniel shall be subject to \$12,450 in aggregate civil monetary penalties. However, if McDaniel is sentenced in 2013 to serve time in prison, the aggregate civil monetary penalty of \$12,500 shall be waived. If McDaniel is not sentenced in 2013 to serve time in prison, he shall pay the aggregate civil monetary penalty of \$12,500 no later than December 31, 2013.

19. McDaniel 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 matters described in the Agreement.
20. In consideration of the above and in exchange for McDaniel's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against him for the violations described in the Agreement.
21. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
22. If the Ethics Board is forced to seek judicial enforcement of the Agreement, and prevails, McDaniel shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the 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.
23. The Agreement contains the entire agreement between the Parties.
24. The Parties will submit a signed copy of the Agreement to the Board for approval.
25. The Agreement shall become effective upon approval by the Board. The effective date of the Agreement shall be the date the Board approves the Agreement.
26. 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 participating in or considering or resolving an administrative adjudication of the matters described in the Agreement.
27. If the Board rejects the proposed Agreement, nothing in the proposed Agreement shall be considered an admission by either party and, except for paragraph 22, nothing in the Agreement shall be effective.

By the Executive Director of the
Board of Ethics:



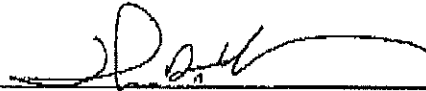
J. Shane Creamer, Jr., Esquire

Dated: _____

2/14/13

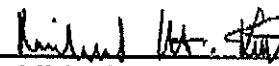
By John D. McDaniel

Dated: 2/14/13



Approved by the Board of Ethics:

Dated: 2/25/13



Michael Reed, Esquire
Chair

EXHIBIT A

Settlement Agreement – John D. McDaniel

I. PROGRESSIVE AGENDA CYCLE 3 REPORT OMISSIONS & MISSTATEMENTS

a. Undisclosed Contributions

| Date | Contributor | Amount | Notes |
|---------|---------------------------|------------|----------------------------|
| 3/9/11 | Unknown | \$600.00 | Entry on PA Bank Statement |
| 4/30/11 | Friends of Daine Grey Jr. | \$2,500.00 | |
| 5/13/11 | People for [illegible] | \$1,250.00 | |
| 5/15/11 | Friends of Nycole Watson | \$300.00 | |

b. Undisclosed Expenditures

| Date | Payee | Amount | Check# |
|---------|-------------------|------------|--------|
| 4/18/11 | Obra Kernodle | \$1,000.00 | 1673 |
| 6/1/11 | [illegible] Group | \$1,000.00 | 1721 |

| Date | Source | Amount | Purchase |
|---------|------------|------------|-----------------|
| 2/22/11 | Withdrawal | \$4,000.00 | Bank Withdrawal |
| 2/24/11 | ATM | \$503.00 | ATM |
| 4/25/11 | ATM | \$200.00 | ATM |
| 4/29/11 | ATM | \$201.75 | ATM |
| 6/6/11 | ATM | \$250.00 | ATM |
| 6/6/11 | ATM | \$203.00 | ATM |

c. Material Misstatements of Contributions

| Date | Disclosed Contributor | Actual Contributor | Amount |
|---------|-----------------------|------------------------------------|------------|
| 1/24/11 | John McDaniel | Friends of Blondell Reynolds Brown | \$1,500.00 |
| 2/17/11 | John McDaniel | Friends of Blondell Reynolds Brown | \$750.00 |
| 2/24/11 | Action PAC | Friends of Blondell Reynolds Brown | \$2,000.00 |
| 3/28/11 | John McDaniel | Friends of Blondell Reynolds Brown | \$1,050.00 |
| 4/21/11 | Action PAC | Friends of Blondell Reynolds Brown | \$1,000.00 |
| 4/26/11 | John McDaniel | Friends of Blondell Reynolds Brown | \$1,116.20 |
| 5/17/11 | John McDaniel | Friends of Blondell Reynolds Brown | \$2,000.00 |

d. Material Misstatement of Expenditure

| Payee | Date | Amount | Check # | Description |
|---------------|---------|----------|---------|---------------------------|
| John McDaniel | 4/20/11 | \$10,000 | 1673 | Street Money Distribution |

(misstatement because actually contribution to Friends of Blondell Reynolds Brown)

Settlement Agreement – John D. McDaniel

II. PROGRESSIVE AGENDA CYCLE 4 REPORT MISSTATEMENT

a. Material Misstatement of Expenditure

| Payee | Date | Amount | Check # | Description |
|---------------|-----------|---------|---------|-------------------------------|
| John McDaniel | 6/23/2011 | \$5,000 | 1723 | Post election worker payments |

(misstatement because actually contribution to Friends of Blondell Reynolds Brown)

III. PROGRESSIVE AGENDA CYCLE 5 REPORT OMISSIONS

a. Undisclosed Expenditures

| Date | Payee | Amount | Check# |
|----------|-------------------------|------------|--------|
| 9/30/11 | Enterprise Car Holdings | \$4,600.00 | 1727 |
| 10/12/11 | Teenagers in Charge | \$500.00 | 1747 |
| 10/13/11 | John McDaniel | \$2,600.00 | 1750 |
| 10/14/11 | John McDaniel | \$700.00 | 1752 |

| Date | Source | Amount | Purchase |
|----------|------------|----------|-------------|
| 10/7/11 | ATM | \$500.00 | ATM |
| 10/7/11 | ATM | \$500.00 | ATM |
| 10/17/11 | Check Card | \$161.95 | Apple Store |
| 10/17/11 | Check Card | \$106.92 | AT&T |
| 10/17/11 | POS | \$507.54 | Best Buy |
| 10/19/11 | ATM | \$262.50 | ATM |
| 10/20/11 | ATM | \$123.00 | ATM |

Settlement Agreement – John D. McDaniel

III. PROGRESSIVE AGENDA CYCLE 6 REPORT OMISSIONS

a. Undisclosed Expenditures

| Date | Payee | Amount | Check# |
|-------------|---------------|---------------|---------------|
| 11/3/11 | John McDaniel | \$1,800.00 | 1763 |
| 11/4/11 | John McDaniel | \$5,000.00 | 1771 |
| 11/8/11 | John McDaniel | \$4,000.00 | 1775 |

| Date | Source | Amount | Purchase |
|-------------|---------------|---------------|-----------------------|
| 10/26/11 | Withdrawal | \$4,000.00 | Bank Withdrawal |
| 10/26/11 | ATM | \$204.00 | ATM |
| 10/31/11 | ATM | \$250.00 | ATM |
| 10/31/11 | ATM | \$203.99 | ATM |
| 11/1/11 | ATM | \$500.00 | ATM |
| 11/7/11 | Check Card | \$339.14 | Hyatt at the Bellevue |
| 11/8/11 | Withdrawal | \$500.00 | Bank Withdrawal |
| 11/9/11 | Check Card | \$686.88 | Apple Online Store |
| 11/9/11 | Check Card | \$102.53 | Wine & Spirits |
| 11/14/11 | Check Card | \$332.93 | The Latham Hotel |
| 11/14/11 | ATM | \$503.00 | ATM |
| 11/18/11 | ATM | \$300.00 | ATM |
| 11/21/11 | ATM | \$600.00 | ATM |