CITY OF PHILADELPHIA
BOARD OF ETHICS

Contact: J. Shane Creamer, Jr., Executive Director, 215-686-9450
For Immediate Release: November 7, 2016

PHILADELPHIA – The Board of Ethics approved a settlement agreement with Philadelphia resident **Tam Tran** resolving a violation of the Philadelphia Ethics Code's restrictions on offering gifts to City officers and employees. A copy of the approved agreement is attached.

As detailed in the attached Settlement Agreement (Paragraphs D-G & 1), Mr. Tran offered Phillies club box tickets worth $520 to a Licenses & Inspections employee. At the time, Mr. Tran was trying to get a stop work order on renovations to his house lifted. The Licenses & Inspections employee did not respond to Mr. Tran's offer or accept the tickets. Mr. Tran did not have any subsequent contact with the Licenses & Inspections employee or provide the employee with Phillies tickets. Mr. Tran cooperated with the Board's investigation and has agreed to pay a $1,000 civil monetary penalty.

The Philadelphia Board of Ethics is charged with interpreting, administering, enforcing and providing advice and training on Philadelphia's Public Integrity Laws. The Board was established as an independent, five-member City board in June 2006 through voter approval of an amendment to the Philadelphia Home Rule Charter. The Board has jurisdiction over City laws pertaining to conflicts of interest, representation and post-employment restrictions, gifts and gratuities, financial disclosure, interests in certain City contracts, prohibited political activities, campaign finance and lobbying. The Board has authority to issue regulations and advisory opinions, provide informal guidance and trainings, engage in administrative and judicial enforcement actions and impose civil penalties.

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SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into by the Board of Ethics of the City of Philadelphia, J. Shane Creamer Jr., the Executive Director of the Board, and Tam Tran, 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 Philadelphia Code Section 20-604,which restricts the circumstances in which a member of the public may offer or give gifts to City employees.

B. Tam Tran is a resident of the City of Philadelphia.

C. Philadelphia Code Section 20-604(2) provides, in relevant part, that a person may not offer gifts worth more than $99 in the aggregate per calendar year to a City officer or employee from whom the person is seeking official action.

D. In June of 2016, Mr. Tran began renovations on a house he owns in South Philadelphia. On June 8, 2016, an employee of the City's Department of Licenses and Inspections ("L&I") issued a stop work order because of problems with permitting and insurance coverage. Later that day, Mr. Tran contacted the L&I employee by telephone to discuss what he needed to do to get the stop work order lifted.

E. On June 9, 2016, Mr. Tran sent the L&I employee an email. In the email he described the steps he would take in order to get the stop work order lifted so that he could restart work at the property. Mr. Tran concluded his email by stating "Not sure if you like Phiilies [sic] Baseball for friends and family time, let me know which game you like and I can get 4 tickets to Phillies game to relax and enjoy family time" A copy of Mr. Tran's email is attached hereto as Exhibit A.

F. The four Phillies tickets that Mr. Tran offered to the L&I employee were for club box seats worth $130 each. The total value of the tickets Mr. Tran offered the L&I employee was $520.

G. The L&I employee did not respond to Mr. Tran's offer or accept the tickets. Mr. Tran did not have any subsequent contact with the L&I employee or provide the L&I employee with Phillies tickets. A few days later, the L&I employee lifted the stop work order because Mr. Tran's contractor had begun to take corrective action to resolve the problems at the work site.

H. At all times, Mr. Tran fully cooperated with the Board's investigation of the violation described in this Agreement.

I. The Parties desire to enter into this Agreement in order to resolve the matters described herein.

AGREEMENT

The Parties agree that:

1. By offering a gift worth $520 to a L&I employee while seeking official action from the employee, Mr. Tran violated Philadelphia Code Section 20-604(2). The civil monetary penalty for this violation is $1,000, which he shall pay within 14 days of the execution of the Agreement. Payment shall be by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board of Ethics.

2. Mr. Tran 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.

3. In consideration of the above and in exchange for Mr. Tran'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.

4. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

5. If the Ethics Board is forced to seek judicial enforcement of the Agreement, and prevails, Mr. Tran shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by City attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.

6. The Agreement contains the entire agreement between the Parties.

7. The Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval.

8. The Agreement shall become effective upon approval by the Board. The effective date of the Agreement shall be the date the Board Chair signs the Agreement.

9. 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, considering, or resolving an administrative adjudication of the matters described in the Agreement. If the Board rejects the proposed Agreement, nothing in the proposed Agreement shall be considered an admission by either party and nothing in the Agreement shall be effective, except this paragraph.

By the Executive Director of the
Board of Ethics:

Dated: 9/9/2016

Michael J. Cooke, Esq.
Executive Director's Designee

By Tam Tran:

Dated: 9/8/16

Approved by the Board of Ethics:

Dated: 11/3/2016

Michael H. Reed, Esquire
Chair

EXHIBIT A

From: Tam Tran [redacted]
Sent: Thursday, June 09, 2016 8:32 PM
To: [redacted]

HI [redacted] how are you? Just want to say, Thank you, for taking your time to speak with me. Tam Tran property owner at [redacted].
I apologize for my contractor [redacted]. I realize that he did not provide you with the 3 major permits, Electric / Pluming / Building ,that you needed. I talked to the Architect and I will have him sketch a drawing of the stairway , would you like me email that to you after the Architect is finished, or I can drop it off at your office? Whichever you prefer. From now on I will be onsite and make sure that all of the work will go correctly. as I am looking forward to moving in during September 2016. May my guy, continue the project after provide those 3 permits? During the meantime all the trash inside and out will also be taken out and the area will be kept clean. Thanks [redacted] for your understanding. Not sure if you like Phiilies Baseball
for friends and family time, let me know which game you like and I can get 4 tickets to Phillies game to relax and enjoy family time. .. Thanks Again looking forward to hear from you .

Tam Tran
[redacted]