CITY OF PHILADELPHIA
BOARD OF ETHICS

Contact: J. Shane Creamer, Jr., Executive Director, 215-686-9450
For Immediate Release: November 28, 2016

PHILADELPHIA – The Board of Ethics has issued a Final Determination and Order in *J. Shane Creamer, Jr. v. Leron Ben a/k/a Leron Shoshana a/ka/ Liran Ben* Shoshan finding that Mr. Ben violated the City Ethics Code by offering a gift of money to an Office of Administrative Review Hearing Master. Because the Board also found that Mr. Ben acted knowingly, it imposed a civil monetary penalty of $2,000, the maximum available for a violation of the Ethics Code. A copy of the Final Determination and Order is attached hereto.

This violation arose from a May 21, 2015 hearing at which Mr. Ben contested tickets the Department of Licenses & Inspections had issued for violations at two properties. Mr. Ben was the 50% owner of the company that owned one of the properties and was the paid property manager of the other property. After the Hearing Master dismissed the tickets, Mr. Ben shook his hand and offered him cash. The Hearing Master refused to accept the cash and told Mr. Ben to leave the hearing room. He immediately reported Mr. Ben's conduct to his supervisor who promptly referred the matter to the City of Philadelphia Office of the Inspector General. The Inspector General's Office then forwarded the matter to the Ethics Board.

After conducting an investigation, the Board's Executive Director initiated an administrative enforcement proceeding against Mr. Ben, as authorized by the Philadelphia Home Rule Charter and the Philadelphia Ethics Code. At Mr. Ben's request, the Board held a hearing on March 1, 2016. The administrative enforcement hearing process is confidential until there is a final determination issued by the Board, at which point, the final determination is made public. The filings and transcript of the administrative enforcement proceeding are available on the Board's website at:

http://www.phila.gov/ethicsboard/aboutus/Pages/Agreements.aspx

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 ethics, 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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CITY OF PHILADELPHIA

BOARD OF ETHICS
ONE PARKWAY BUILDING
1515 Arch Street
18TH Floor
Philadelphia, PA 19102-1504
(215) 686 – 9450
FAX 686 – 9453

Confidential

November 22, 2016

Via hand delivery, certified mail, first class mail, and email
Liran Ben Shoshan
22 Evergreen Way
Philadelphia, PA 19115
rent2158332547@gmail.com

Via hand delivery and email
J. Shane Creamer, Jr.
Executive Director
Philadelphia Board of Ethics
1515 Arch Street, 18th Floor
Philadelphia, PA 19102
shane.creamer@phila.gov

Re: Administrative Adjudication Matter #1510ET17

Dear Parties:

Please find enclosed the Final Determination and Order of the Board of Ethics in the above-referenced matter. These are public documents.

As of the service of this Final Determination and Order, this administrative adjudication matter is no longer confidential. Board Regulation 2 ¶ 2.15. As provided in Board Regulation 2, Paragraph 2.15(d), the parties may now disclose information about the proceeding. *Id.*

The Board's Final Determination and Order shall be the final agency action in this matter. Respondent may appeal this Final Determination and Order to the Philadelphia Court of Common Pleas within thirty days of the date of mailing.

Sincerely,

Maya Nayak
General Counsel

Enclosures: Board Final Determination and Order

BOARD OF ETHICS
OF THE CITY OF PHILADELPHIA

J. Shane Creamer, Jr. Executive Director Philadelphia Board of Ethics 1515 Arch Street, 18th Floor Philadelphia, PA 19102	:	
	:	**Matter No. 1510ET17**
v.	:	
	:	**Date of Issuance and Mailing:** November 22, 2016
Leron Ben a/k/a Leron Shoshana **a/k/a Liran Ben Shoshan** 22 Evergreen Way Philadelphia, PA 19115	:	
Respondent	:	

FINAL DETERMINATION

I. INTRODUCTION

The Executive Director of the Board of Ethics ("Board"), J. Shane Creamer, Jr., has alleged that Respondent Liran Ben Shoshan[1] ("Respondent") violated The Philadelphia Code ("Code") Section 20-604(2) when he offered a gift of money to Office of Administrative Review Hearing Master Stephen St. Vincent on May 21, 2015 shortly after Hearing Master St. Vincent had issued rulings in Respondent's favor. The Notice of Administrative Enforcement Proceeding ("Notice") served on Respondent on November 12, 2015 alleges that Respondent acted knowingly and had a financial interest that Hearing Master St. Vincent was able to substantially affect through official action in close proximity to the time Respondent offered the money to

[1] Respondent has identified himself by several different names: "Leron Ben," "Liran Benshoshan," "Leron Shoshana," "Liran Shoshan," and "Liran Ben Shoshan." *See, e.g.*, Resp't's Hearing Request and Email Chain, Dec. 1-2, 2015 ("Leron Ben" and "Liran Benshoshan"); Ex. 1 at Ex. 7, May 21, 2015 Mem. from S. St. Vincent to P. Weiss ("Leron Ben" and "Leron Shoshana"); Resp't's Proposed Findings of Fact and Conclusions of Law ¶¶ 19-21 ("Mr. Ben"); Ex. 3, Response to Notice ("Resp.") and Ex. 5, Resp't's P'hrg Mem., Ex. A, Undisputed Facts ("Liran Shoshan"); Ex. 1, Hrg. Tr. 7:14-15 ("Liran Ben Shoshan"). This Final Determination uses the name "Liran Ben Shoshan" because Respondent stated and spelled the name "Liran Ben Shoshan" when Hearing Officer Glazer asked Respondent to identify himself at the March 1, 2016 Hearing in this matter. *See* Ex. 1, Hrg. Tr. 7:14-15.

Hearing Master St. Vincent. Respondent denied the Executive Director's allegations and requested a hearing that was held on March 1, 2016.

As set forth below, the Board determines by a preponderance of the evidence that Respondent violated Code Section 20-604(2) by offering a gift of cash to Hearing Master St. Vincent on May 21, 2015 and that Respondent acted knowingly when he did so.

II. JURISDICTION

The Board is authorized to conduct adjudications of alleged violations of the City gift ordinance found at Code Section 20-604. *See* Philadelphia Home Rule Charter ("Charter") § 4-1100; Code § 20-606(1)(h); Board Reg. 2 ¶ 2.16. Board Regulation 2, which addresses adjudication procedures, states that after providing a respondent with an opportunity to respond to a Notice of Administrative Enforcement Proceeding and to contest any alleged violations at a hearing, the Board shall deliberate on the evidence and determine by a preponderance of the evidence whether a violation of applicable law has occurred and whether to assess penalties for any such violations. Board Reg. 2 ¶ 2.20(a).

The Board's findings and decisions in an adjudication shall be the final agency action, and there shall be no further appeal other than to court as provided by law. *See* Code § 20-606(1)(h); Board Reg. 2 ¶ 2.20(a). A respondent may appeal a final determination and accompanying order to the Philadelphia Court of Common Pleas within thirty days of the date of mailing. *See* 2 Pa. C.S. § 752; 42 Pa. C.S. §§ 5571(b), 5572.

III. PROCEDURAL HISTORY

A summary of the lengthy procedural history of this matter follows here. On November 12, 2015, the Executive Director served the Notice on Respondent. (*See* Ex. 2,[2] Notice.) Respondent timely submitted a Response to the Notice ("Response") by email on December 1,

[2] Unless otherwise noted, the exhibit numbers referenced in this Final Determination follow the exhibit numbers utilized in the Appendix of Exhibits to the Executive Director's Proposed Findings of Fact and Conclusions of Law ("Appendix") filed on April 15, 2016. The Appendix includes filings and accompanying exhibits provided through April 15, 2016 by both parties, except for Respondent's Proposed Findings of Fact and Conclusions of Law and accompanying exhibits that were also filed on April 15, 2016.

2015[3] and by mail. (*See* Ex. 3, Resp.; Dec. 2, 2015 Email Chain between Resp't and M. Nayak.) On December 2, 2015, Respondent also submitted a written request for a hearing. (Dec. 2, 2015 Email Chain between Resp't and M. Nayak.)

The Executive Director objected to the form of Respondent's Response, and Respondent responded to this objection. (Dec. 3, 2015 Email Chain between the Parties and M. Nayak.) On December 9, 2015, Hearing Officer[4] Richard Glazer denied the Executive Director's objection to the form of Respondent's Response and scheduled the hearing that Respondent had requested for Friday, January 22, 2016. (Dec. 9, 2015 Email from M. Nayak to the Parties and Dec. 9, 2015 Notice of Hrg.)

On December 11, 2015, Respondent requested a new hearing date. (Dec. 11, 2015 Email Chain between the Parties and M. Nayak.) That same day, Hearing Officer Glazer rescheduled the hearing to Tuesday, February 2, 2016. (Dec. 11, 2015 Email from D. Lin to the Parties and Dec. 11, 2015 Revised Notice of Hrg.)

On January 4, 2016, the Executive Director requested that the Board issue two subpoenas to obtain additional evidence, and Respondent objected to this request. (Jan. 4-5, 2016 Email Chain between the Parties and M. Nayak.) The Executive Director also asked that all deadlines be extended due to the anticipated receipt of additional evidence. (*Id.*) Hearing Officer Glazer granted the Executive Director's request for the issuance of two subpoenas and rescheduled the hearing for March 1, 2016. (*Id.*; Jan. 6, 2016 Email from D. Lin to the Parties and Jan. 6, 2016 Second Revised Notice of Hrg.)

On February 9, 2016, Respondent requested subpoenas for witnesses and objected to certain witness subpoenas sought by the Executive Director. (Feb. 9, 2016 Email from Resp't to M. Nayak and D. Lin.) Respondent was very briefly represented by counsel in this matter, as attorney Eli Gabay entered an appearance on behalf of Respondent on February 10, 2016 and withdrew as Respondent's counsel the next day. (Feb. 10, 2016 Email Chain between the Parties and D. Lin; Feb. 11, 2016 Email from E. Gabay to M. Nayak and D. Lin.)

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[3] Although the Response is dated November 18, 2015, Respondent did not file the Response until December 1, 2015. (Ex. 3, Resp.)

[4] Pursuant to Board Regulation 2, the Board may appoint a Hearing Officer to assist in the administration of adjudication enforcement matters, such as handling pre-hearing issues, issuing subpoenas, and presiding over a hearing. *See* Board Reg. 2 ¶ 2.16; Proc. for Admin. Enf. Proceedings that Supp. Bd. Reg. No. 2 (approved on Nov. 19, 2014). The Board has appointed Richard Glazer to act as its Hearing Officer. *See* Bd. Meeting Minutes, Part VI, Jan. 23, 2013.

On Friday, February 12, 2016, the parties each timely submitted unilateral pre-hearing memoranda, which included subpoena requests by both parties. (Ex. 4, Exec. Dir.'s P'hrg Mem.; Ex. 5, Resp't's P'hrg Mem.) The submission of pre-hearing memoranda resulted in a flurry of requests and objections by the parties. On February 12, 2016, Respondent: (1) sought to amend his pre-hearing memorandum to include an additional document; (2) requested subpoenas for additional witnesses, including for Board Director of Enforcement Michael Cooke, Board Staff Attorney Jordan Segall, and for a witness to appear telephonically at the hearing; and (3) requested additional information relating to witness Stephen St. Vincent, including Mr. St. Vincent's *curriculum vitae*. (Feb. 12, 2016 Email from Resp't to D. Lin and Executive Director, 11:05 am; Feb. 12, 2016 Email from Resp't to D. Lin and Executive Director, 4:24 pm; Feb. 12, 2016 Email from Resp't to D. Lin, M. Nayak, and Executive Director, 4:34 pm.) The Executive Director objected to each of Respondent's requests but provided Respondent with Hearing Master St. Vincent's *curriculum vitae*. (Feb. 12, 2016 Email Chain between the Parties and D. Lin, 4:24 pm; Feb. 12, 2016 Email Chain between the Parties and D. Lin, 4:37 pm.)

After considering the parties' various pre-hearing requests, objections, and responses, Hearing Officer Glazer made several rulings on February 19, 2016. Hearing Officer Glazer issued all subpoenas requested by Respondent and the Executive Director, except for subpoenas requested by the Respondent for Director of Enforcement Cooke and Staff Attorney Segall. Hearing Officer Glazer denied Respondent's request to subpoena a witness to appear at the hearing telephonically because Respondent failed to explain why the witness could not appear in person, and Hearing Officer Glazer instead issued a subpoena for that witness to appear in person at the hearing. (Feb. 19, 2016 Ltr. from D. Lin to the Parties.) Hearing Officer Glazer also granted Respondent's requests to amend his pre-hearing memorandum to include an additional document Respondent provided in a February 12, 2016 email and to subpoena additional information regarding Stephen St. Vincent. (*Id.*)

Following Hearing Officer Glazer's February 19, 2016 rulings, Respondent objected to the Executive Director's subpoenas of various City officials, and the Executive Director requested leave to supplement his pre-hearing memorandum by adding an exhibit. (Feb. 19, 2016 Email Chain between the Parties and D. Lin.) The Executive Director also informed Respondent that the Executive Director would not subpoena certain witnesses, including City officials, if

Respondent would agree to stipulate certain facts. (*Id.*; Feb. 22, 2016 Email Chain between the Parties and D. Lin.)

On February 23, 2016, Hearing Officer Glazer granted the Executive Director's request to supplement his pre-hearing memorandum and overruled Respondent's objection to City officials being subpoenaed as witnesses. (Feb. 23, 2016 Ltr. from D. Lin to the Parties.)

On February 28, 2016, Respondent requested leave to add additional exhibits to his pre-hearing memorandum. (Feb. 28-29, 2016 Email Chain between the Parties and M. Nayak and D. Lin.) On February 29, 2016, Hearing Officer Glazer granted Respondent's request. (Feb. 29, 2016 Email from D. Lin to the Parties.)

On March 1, 2016, Hearing Officer Glazer presided over the hearing in this matter, which was transcribed. The Board's Director of Enforcement served as the Executive Director's designee and presented the Executive Director's case that a violation of Code Section 20-604(2) had occurred. Respondent represented himself, contesting the alleged violation, testifying on his own behalf, and cross-examining witnesses.

On April 8, 2016, the parties were provided a transcript of the hearing and a copy of all exhibits that had been introduced into evidence at the hearing. (Apr. 8, 2016 Ltr. from D. Lin to the Parties.) On April 15, 2016, both parties submitted proposed findings of fact and conclusions of law. (Exec. Dir.'s Proposed Findings of Fact and Conclusions of Law with Appendix; Resp't's Proposed Findings of Fact and Conclusions of Law.)

Hearing Officer Glazer made recommendations to the Board regarding its final determination in this administrative adjudication. (Aug. 4, 2015 Hrg. Officer Rpt., attached as Exhibit AA.) Hearing Officer Glazer recommended that the Board find that Respondent violated Philadelphia Code Section 20-604(2) when he offered a gift of cash to Office of Administrative Review Hearing Master St. Vincent on May 21, 2015 because Respondent had a financial interest in close proximity to the time he offered the gift of cash to Hearing Master St. Vincent that Hearing Master St. Vincent was able to substantially affect through official action. (*Id.*) Hearing Officer Glazer further recommended that the Board find that Respondent acted knowingly when he offered a gift of cash to Hearing Master St. Vincent on May 21, 2015. (*Id.*)

IV. FINDINGS OF FACT

The Board makes the following findings of fact:

A. Background

i. Respondent Owns and Manages Multiple Properties in Philadelphia

1. Respondent Liran Ben Shoshan is a resident of Philadelphia, Pennsylvania. (Ex. 3, Resp. ¶ 1.)

2. Respondent and his business partner, Shai Argaman, established ELISRA, LLC in 2008, and Respondent owns fifty percent of the company.[5] (Ex. 1, Hrg. Tr. 102:19 – 103:6, 103:21-23; *see also* Ex. 5, Resp't's P'hrg Mem., Ex. A, Undisputed Facts ¶ 4; Ex. 4 at Ex. 12, Operating Agmt. of ELISRA, LLC, Attachment A.)

3. Respondent and his business partner periodically divide the available profits held by ELISRA, LLC. (Ex. 1, Hrg. Tr. 117:24 – 118:4, 17-20.)

4. Because of his ownership interest in ELISRA, LLC, Respondent is the part owner of approximately forty properties in Philadelphia, including 1807 Widener Place. (*Id.* at 103:18-23, 104:17-21; *see also* Ex. 5, Resp't's P'hrg Mem., Ex. A, Undisputed Facts ¶ 4.[6])

5. Separate from his partial ownership of ELISRA, LLC, Respondent is also the property manager for approximately ninety additional properties in Philadelphia, including 5001 Oxford Avenue. (Ex. 1, Hrg. Tr. 104:10-13, 22 – 105:2; *see also* Ex. 5, Resp't's P'hrg Mem., Ex. A, Undisputed Facts ¶ 4.[7])

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[5] Although admitting at the March 1, 2016 Hearing that he owns fifty percent of ELISRA, LLC, Respondent had initially disavowed any ownership interest in ELISRA, LLC, stating in his Response to the Notice, "As I told you before, I am just representing the owners of these properties in these hearings and when a case is rejected, the payment comes from the owners and not from me. So, I do not have a reason to pay the [Hearing] Master for something that doesn't affect me personally." (Ex. 3, Resp. ¶ 5; Ex. 1, Hrg. Tr. 102:19 – 103:6, 103:21-23; *see also* Ex. 5, Resp't's P'hrg Mem., Ex. A, Undisputed Facts ¶ 4 (referencing the first of two paragraphs that are numbered "4").)

[6] This citation refers to the first of two paragraphs that are numbered "4" in the Undisputed Facts Section of Respondent's Pre-Hearing Memorandum.

[7] *See supra* Note 6. This citation refers to the second paragraph that is numbered "4."

ii. Office of Administrative Review Hearings

6. The Office of Administrative Review is housed under the Chief Administrative Officer in the Mayor's Office of the City of Philadelphia and is responsible for conducting administrative review hearings for Code violations issued by the City Department of Licenses and Inspections, including violations of requirements related to litter, dumpsters, and maintenance of property. (Ex. 1, Hrg. Tr. 35:10-21; 80:12-20; 81:6-21.)

7. A person who receives a Code violation ticket, also referred to as a Code Violation Notice or CVN, may contact the Office of Administrative Review to schedule a hearing to appeal the ticket. (*Id.* at 35:22 – 36:10; 82:12-24.)

8. At an Office of Administrative Review hearing, a hearing master considers any evidence an appellant provides, the record of the violation provided by the City, and the applicable provisions of the Code alleged to have been violated. (*Id.* at 36:11 – 37:5; 86:5 – 87:22.)

9. A hearing master has discretion to sustain a Code violation ticket, reduce the monetary penalty imposed by a ticket, or dismiss a ticket altogether. (*Id.*)

10. The Office of Administrative Review employs one full-time and two part-time hearing masters who are randomly assigned to conduct hearings on Code violation appeals. (*Id.* at 84:19 – 85:3; 94:2-8.)

11. Hearings on Code violation appeals are not recorded or transcribed, and hearing rooms do not contain cameras. (*Id.* at 45:4-20; 84:5-12.)

iii. Office of Administrative Review Hearing Master Stephen St. Vincent

12. Stephen St. Vincent served as an Office of Administrative Review hearing master from March 11, 2015 through June 30, 2015. (*Id.* at 33:17 – 34:2; 87:23 – 88:7; 89:11 – 90:20; Ex. 1 at Ex. 9, Proposal for Consulting Services; Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 1.)

13. Mr. St. Vincent performed temporary work as a hearing master for the Office of Administrative Review because one of the regular hearing masters was on medical leave. (Ex. 1, Hrg. Tr. 34:3-9; 37:20-23; 50:14-19; 88:8-16.)

14. The Office of Administrative Review hired Mr. St. Vincent through a professional services miscellaneous purchase order. (*Id.* at 88:17 – 89:10; 89:24 – 90:8; Ex. 1 at Ex. 9, Proposal for Consulting Services.)

15. The professional services miscellaneous purchase order stipulated that Mr. St. Vincent would provide services as a hearing master to the Office of Administrative Review from March 11, 2015 through June 30, 2015. (Ex. 1 at Ex. 9, Proposal for Consulting Services.) Mr. St. Vincent would be paid at an hourly rate upon receipt and approval of invoices by the Executive Director of the Office of Administrative Review. (*Id.*)

16. The professional services miscellaneous purchase order outlined that Mr. St. Vincent would undertake the following duties as a hearing master:

> a. Presiding over Tax Review Board Master hearings and rendering written decisions to the Tax Review Board with regard to findings on each matter heard; holding Photo Enforced Red Light Violation and Code Violation hearings;
>
> b. Performing such other tasks as may be, from time to time, required by the Officer [sic] of Administrative Review.

(*Id.*)

17. Hearing Master St. Vincent reviewed appeals of tickets for various administrative violations issued by the City, and alleged violators appeared before him to contest the tickets and fines that had been issued to them. (*See* Ex. 1, Hrg. Tr. 34:10-21; 86:5-18; Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 2.)

18. Paula Weiss, the Executive Director of the Office of Administrative Review, supervised Mr. St. Vincent's work as a hearing master. (Ex. 1, Hrg. Tr. 37:17-19; 81:3-5; 81:22-82:8.) Ms. Weiss is a full-time City employee. (*Id.* at 80:9-11.)

19. Like other hearing masters, Mr. St. Vincent performed a function of City government and exercised powers of the City in presiding over hearings and ruling on appeals of Code violation tickets. Hearing Master St. Vincent's role and discretion were the same as those of other hearing masters of the Office of Administrative Review. (*Id.* at 34:10-21; 36:11 – 37:5; 86:5 – 87:22; 90:22 – 91:11; Ex. 1 at Ex. 9, Proposal for Consulting Services.)

B. May 21, 2015 Office of Administrative Review Hearing

20. Prior to May 21, 2015, Respondent had appeared on many occasions at hearings before the Office of Administrative Review to contest tickets. (Ex. 1, Hrg. Tr. 105:3-6; Ex. 3, Resp. ¶ 4.)

21. On May 21, 2015, Respondent appeared at an Office of Administrative Review hearing to appeal three tickets that the City Department of Licenses and Inspections had issued for Code violations at properties that Respondent either co-owned or managed. (Ex. 1, Hrg. Tr. 103:8-10, 14-17; 103:24 – 104:2. *See also* Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 3; Ex. 5, Resp't's P'hrg Mem., Ex. A, Undisputed Facts ¶ 1; Ex. 4, Exec. Dir.'s P'hrg Mem., Stmt. of Undisputed Facts ¶ 3.[8])

22. One of the tickets was for a property located at 1807 Widener Place, and two of the tickets were for a property located at 5001 Oxford Avenue. (Ex. 1, Hrg. Tr. 103:14-17; 103:24 – 104:2; Ex. 1 at Ex. 3-4, Office of Admin. Review Hrg. Notices; Ex. 4, Exec. Dir.'s P'hrg Mem., Stmt. of Undisputed Facts ¶ 4; Ex. 5, Resp't's P'hrg Mem., Ex. A, Undisputed Facts ¶¶ 3 & 4.[9])

23. The monetary penalty for the Code violation ticket issued to the 1807 Widener Place property was $75. (Ex. 1, Hrg. Tr. 41:9-17; Ex. 1 at Ex. 4, Office of Admin. Review Hrg. Notice.)

24. The aggregate monetary penalty for the two tickets issued to the 5001 Oxford Avenue property was $350. (Ex. 1, Hrg. Tr. 41:9-15; Ex. 1 at Ex. 3, Office of Admin. Review Hrg. Notice.)

i. Respondent Has a Financial Interest in Hearing Master St. Vincent's Ruling at the May 21, 2015 Hearing

25. If the City imposes a monetary penalty for a Code violation on a property owned by ELISRA, LLC, the company pays the City for the fine. (Ex. 1, Hrg. Tr. 105:16-19; 106:22-107:13; 126:9-13; 127:9 – 128:21.)

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[8] This citation refers to the second of two paragraphs that are numbered "3" in the Statement of Undisputed Facts Section of the Executive Director's Pre-Hearing Memorandum.

[9] *See supra* Note 6. This citation refers to the second paragraph that is numbered "3" and the first paragraph that is numbered "4."

26. If there is a tenant in a property owned by ELISRA, LLC that incurs a ticket for a Code violation, ELISRA, LLC seeks reimbursement from the tenant for any penalty paid to the City. (*Id.* at 124:17 – 125:13; 126:9 – 127:17. *See also* Ex. 1 at Ex. F, May 13, 2015 Invoice from ELISRA, LLC to Ebony Stanard.)

27. If there is no tenant in a property owned by ELISRA, LLC that incurs a ticket for a Code violation, then ELISRA, LLC is solely responsible for the cost of the penalty and has no recourse for reimbursement. (Ex. 1, Hrg. Tr. 107:1-2; 126:9-13; 127:18 – 128:21.)

28. At the time of the May 21, 2015 hearing, ELISRA, LLC owned 1807 Widener Place, and the property did not have a tenant. (*Id.* at 103:18-20; 127:18-23.)

29. If Hearing Master St. Vincent had sustained the ticket issued for the property at 1807 Widener Place, ELISRA, LLC would have had to pay a monetary penalty for which there would be no possible reimbursement from a tenant, which would have reduced ELISRA, LLC's business profits that Respondent and his business partner divide between themselves.[10] (*Id.* at 41:23 – 42:3; 105:16-19; 117:24 – 118:4, 17-20; 124:11-16; 127:9-17; Ex. 1 at Ex. 4, Office of Admin. Review Hrg. Notice.)

30. At the time of the May 21, 2015 hearing, Respondent was the property manager for 5001 Oxford Avenue, LLC, which owned 5001 Oxford Avenue. (Ex. 1, Hrg. Tr. 104:3-16.).

31. If Hearing Master St. Vincent had sustained the tickets issued for 5001 Oxford Avenue, Respondent's employer, 5001 Oxford Avenue, LLC, would have had to pay a monetary penalty. (*Id.* at 42:14 – 43:8; Ex. 1 at Ex. 3, Office of Admin. Review Hrg. Notice.)

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[10] Respondent's testimony at the March 1, 2016 Hearing contradicted his Response to the Notice on the issue of his financial interest in the payment of fines for Code violation tickets:

> Director of Enforcement Cooke: Mr. Ben, if ELISRA, LLC pays a fine to the City of $75, then when the time comes for you and your partner to split up the money from ELISRA, LLC, there is $75 less for you to split up; correct?
>
> Respondent: 100 percent.

(Ex. 1, Hrg. Tr. 124:11-16.) By contrast, Respondent stated in his Response, "I am just representing the owners of these properties in these hearings and when a case is rejected, the payment comes from the owners and not from me. So, I do not have a reason to pay the [Hearing] Master for something that doesn't affect me personally." (Ex. 3, Resp. ¶ 5.)

ii. Hearing Master St. Vincent Rules in Respondent's Favor

32. Stephen St. Vincent was the Office of Administrative Review hearing master who presided over Respondent's hearing on May 21, 2015. (Ex. 1, Hrg. Tr. 37:24 – 38:3; 103:11-13; Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 3.)

33. Hearing Master St. Vincent had not met Respondent prior to the hearing on May 21, 2015 and has had no other personal or professional dealings with Respondent, ELISRA, LLC, or 5001 Oxford Avenue, LLC. (Ex. 1, Hrg. Tr. 49:4-16; 50:7-13; Ex. 3, Resp. ¶ 4.)

34. After reviewing the evidence and hearing from Respondent, Hearing Master St. Vincent determined that Respondent had presented sufficient evidence to warrant dismissal of all three of the Code violation tickets that were the subject of the hearing. (Ex. 1, Hrg. Tr. 42:4-13; Ex. 4, Exec. Dir.'s P'hrg Mem., Stmt. of Undisputed Facts ¶ 8; Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 4.)

35. Respondent was pleased that Hearing Master St. Vincent dismissed all three tickets, especially because in Respondent's experience when multiple tickets are appealed at least one ticket is usually sustained. (Ex. 1, Hrg. Tr. 105:12-15, 20-24; 112:17 – 113:9.)

iii. Respondent Offers Hearing Master St. Vincent a Gift of Money

36. Shortly after Hearing Master St. Vincent's ruling that dismissed all three tickets and while Hearing Master St. Vincent and Respondent were still in the Office of Administrative Review hearing room, Respondent thanked Hearing Master St. Vincent, approached him, and shook his hand.[11] (*Id.* at 43:12-21.)

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[11] Respondent's testimony at the March 1, 2016 Hearing regarding whether Respondent would have shaken Hearing Master St. Vincent's hand contradicted Respondent's Response to the Notice. In his Response, Respondent explained that the handshake with Hearing Master St. Vincent never occurred because "I usually do not shake hands with someone (for a personal reason) unless I am being approached. I do not recall such an incident." (Ex. 3, Resp. ¶ 7.) When asked by Hearing Officer Glazer at the Hearing to disclose the personal reason for not shaking hands, Respondent replied, "The reason that I made the statement is in the initial investigation, they did not have [sic] if they were talking about [a] male or female. I do not shake hands with females due to my religion." (Ex. 1, Hrg. Tr. 130:23-131:4.) The Notice, however, identifies "Stephen St. Vincent" and then refers to "Mr. St. Vincent" throughout the remainder of the document. (Ex. 2, Notice ¶¶ 6, 8-13, 15-23.) At the Hearing, Respondent conceded that this personal reason would not apply to Hearing Master St. Vincent. (Ex. 1, Hrg. Tr. 131:7-12.)

37. As they shook hands, Respondent passed Hearing Master St. Vincent multiple cash bills, with a ten-dollar bill on the outside. (*Id.* at 43:21 – 44:4[12], 14-24; 63:1-6; Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 5.)

38. Hearing Master St. Vincent immediately dropped the money that Respondent tried to pass to him and informed Respondent that he could not accept the money.[13] (Ex. 1, Hrg. Tr. 43:24 – 44:9; Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 6.)

39. Hearing Master St. Vincent repeated that he could not accept the money from Respondent and told Respondent to take back the money and leave the hearing room. (Ex. 1, Hrg. Tr. 44:4-10.) Respondent ultimately collected the money and left the hearing room. (*Id.* at 44:10-13; *see also* Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 8-9.)

iv. Hearing Master St. Vincent Contemporaneously Reports the Incident

40. Shortly after Respondent left the hearing room, Hearing Master St. Vincent informed his supervisor Paula Weiss that Respondent had attempted to give him money. (Ex. 1, Hrg. Tr. 45:21-24; 65:3-7; 95:4-8; Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶ 9.)

41. Ms. Weiss recalled that Hearing Master St. Vincent came to her about a hearing that he had just conducted and explained, "The concern was that at the close of the hearing when escorting the person who had been there representing – you know, for the code violation and shaking his hand goodbye, that that person had offered him money . . . [That person was] Mr. Liran Ben." (Ex. 1, Hrg. Tr. 91:17-92:3.)

42. Ms. Weiss instructed Hearing Master St. Vincent to write a memorandum recounting Respondent's attempt to give Hearing Master St. Vincent money. (*Id.* at 45:21 – 49:3; 92:7 – 93:7.) Accordingly, Hearing Master St. Vincent wrote a memorandum recounting the

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[12] Hearing Master St. Vincent explained, "[W]hen I shook Mr. Ben's hand, I looked down after he took his hand away and there was money in the palm of my hand . . . I could see that there was a ten - - at least two bills, I'm not sure exactly how many. On the outside was a ten dollar bill and I'm not sure what was on the inside." (Ex. 1, Hrg. Tr. 43:21 – 44:4.)

[13] Hearing Master St. Vincent testified, "I told Mr. Ben that, you know, I'm sorry, I can't take that. And he insisted, he said, please take it. I want to thank you. I said, no, really I cannot take that. It's not allowed. It's not how we do things. He said, please take it, I just want to buy you lunch." (Ex. 1, Hrg. Tr. 44:4-9; *see also* Ex. 4 at Ex. 8, Aug. 13, 2015 St. Vincent Aff. ¶¶ 7-8.)

events involving Respondent that had transpired on May 21, 2015 and provided it to Ms. Weiss that same day. (*Id.* at 45:21 – 49:3; 92:7 – 93:7; Ex. 1 at Ex. 7, May 21, 2015 Mem. from S. St. Vincent to P. Weiss.[14])

43. On the day of the incident, Hearing Master St. Vincent created a signed memorandum to Ms. Weiss dated May 21, 2015 that provided the following detailed description:

> This morning, I was sitting as a hearing master for code violation cases. One hearing was for property owner Leron Ben (he signed in as "Leron Ben" and gave his name to me as "Leron Shoshana"). The properties in question were 5001 Oxford Ave (CVN # 35722864 and 35722875) and 1807 Widener Pl (CVN # 41695183). Mr. Ben presented sufficient evidence for me to dismiss all 3 tickets (for CVN # 35722875 I found that the problem had been addressed).
>
> At the conclusion of the hearing, Mr. Ben offered to shake my hand. When I did so, I felt that he was trying to hand me something. I looked at it and realized that it was money. I am not sure exactly how much; it was multiple bills, with a $10 bill on the outside. I immediately dropped the money onto his case folder and told him that I could not take the money. He stated that he wanted to thank me and that it was just to buy me lunch. I again stated that I could not take the money. I told him to take it with him and to leave the hearing room, which he did. I immediately reported this incident to my supervisor, Paula Weiss. To my knowledge, Mr. Ben left the building without further incident.

(Ex. 1 at Ex. 7, May 21, 2015 Mem. from S. St. Vincent to P. Weiss.)

44. Following Office of Administrative Review protocols, Ms. Weiss subsequently reported the incident to her supervisor. (Ex. 1, Hrg. Tr. 92:7-13; 93:11-14; 95:9-20.)

V. CONCLUSIONS OF LAW

The Board determines by a preponderance of the evidence that Respondent violated Code Section 20-604(2) by offering a gift of cash to Office of Administrative Review Hearing Master Stephen St. Vincent on May 21, 2015. The Board further determines that Respondent acted knowingly when he offered a gift of cash to Hearing Master St. Vincent on May 21, 2015 shortly after Hearing Master St. Vincent made three rulings in Respondent's favor.

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[14] Mr. St. Vincent testified that he had incorrectly typed the date on the memorandum to Paula Weiss and had made the handwritten change in date from May 2, 2015 to May 21, 2015 after noticing the typographical error. (Ex. 1, Hrg. Tr. 46:17-20; 47:6-48:4.)

A. City Code Gift Restriction

The City Code gift restriction prohibits certain persons from offering a gift of cash to a City officer or employee. Specifically, Code Section 20-604(2) provides:

> No person shall offer, make or render gifts worth more than $99.00 in the aggregate per calendar year or any gifts of money[15] to any City officer or employee if the person is seeking official action[16] from that officer or employee or has a financial interest[17] at the time, or in close proximity to the time the gift is received, which the officer or employee is able to substantially affect through official action.

Code § 20-604(2). Under this gift restriction, a person is prohibited from offering a gift of money of any amount to a City officer or employee if the person has a financial interest in close proximity to the time the gift is offered that the City officer or employee is able to substantially affect through official action. *See id.*

B. Hearing Master St. Vincent Was a City Officer or Employee on May 21, 2015

The City Ethics Code defines a City "officer or employee" as:

> Any person who is elected or appointed to a position in any branch of the government of the City and/or County of Philadelphia or to any elected or appointed position which serves the City and/or County of Philadelphia, including, but not limited to, members of agencies, authorities, boards and commissions however elected or appointed; persons serving full-time or intermittently; persons serving with or without compensation.

Code § 20-601(18). Hearing Master St. Vincent satisfied this definition on May 21, 2015 because he was serving as an appointed hearing master for the City Office of Administrative Review for a term of appointment from March 11, 2015 to June 30, 2015. Hearing Master St. Vincent reported to Paula Weiss, the Executive Director of the Office of Administrative Review, who is a full-time City employee. As with all other hearing masters in the Office of

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[15] The term "money" includes cash, checks, money order, or the equivalent, including pre-paid debit or gift or credit cards. Code § 20-601(16).

[16] The term "official action" is defined as an act or omission taken by an officer or employee in his or her official capacity that requires discretion and is not ministerial in nature. Code § 20-601(17).

[17] The term "financial interest" is defined as an interest involving money or its equivalent or an interest involving any right, power or privilege that has economic value. Code § 20-601(9).

Administrative Review, Ms. Weiss supervised Hearing Master St. Vincent's work. As a hearing master, Mr. St. Vincent exercised powers of the City and performed a government function of the Office of Administrative Review. Hearing Master St. Vincent's role and discretion were the same as those of other hearing masters. Based on these facts, Hearing Master St. Vincent satisfied the Ethics Code definition of a City "officer or employee" on May 21, 2015.

C. Respondent Had a Financial Interest Hearing Master St. Vincent Was Able to Substantially Affect

Respondent had a financial interest in Office of Administrative Review Hearing Master St. Vincent's dismissal of the Code violation tickets that were the subject of the May 21, 2015 hearing. Hearing Master St. Vincent's dismissal of the tickets caused more money to accrue to Respondent in the form of business profits.

The property at 1807 Widener Place was vacant at the time the Code violation ticket was issued, and ELISRA, LLC would have been unable to seek reimbursement from a tenant for any fine imposed on the property. Any fine imposed by the City upon ELISRA, LLC would reduce the company's business profits that Respondent and his business partner divide between themselves. Additionally, Respondent's employer, 5001 Oxford Avenue, LLC, would have been responsible for the fine for two tickets assessed for the property at 5001 Oxford Avenue, which Respondent managed.

D. Respondent's Denials and Evidence

The evidence Respondent submitted does not successfully counter the Executive Director's case. Respondent submitted into evidence Google searches of pictures of "wad of cash" and argues that Hearing Master St. Vincent never received a "wad" of cash but rather, as Respondent explains, the Executive Director is "basically taking something small and making it big." (*See* Ex. 1 at Ex. C, "Wad of Cash"; Ex. 1, Hrg. Tr. 56:20-24.) Respondent's other proffered evidence at the March 1, 2016 Hearing is similarly unavailing and largely consists of Google search results of employee misconduct, Code violation notices, and requests for reimbursements of Code violation fines for unrelated properties. (*See, e.g.*, Ex. 1 at Exs**.** C, D, and F) (articles on attempted bribery in Memphis, Tennessee and South Africa, Google search results for "CITY worker charged with," and Stephen St. Vincent's Facebook profile picture.)

By contrast, the signed, contemporaneous May 21, 2015 memorandum that Hearing Master St. Vincent submitted to Ms. Weiss, Hearing Master St. Vincent's subsequent August 13, 2015 affidavit, Hearing Master St. Vincent's testimony at the March 1, 2016 Hearing, and Ms. Weiss' testimony at the March 1, 2016 Hearing corroborate one another and demonstrate by a preponderance of the evidence that Respondent knowingly offered a gift of money to Hearing Master St. Vincent on May 21, 2015.

E. Penalty

At the time Respondent placed cash in Hearing Master St. Vincent's hand, Hearing Master St. Vincent had just taken official action in his capacity as a hearing master and had dismissed three tickets in Respondent's favor. Respondent therefore had a financial interest in close proximity to the time he offered a gift of cash to Hearing Master St. Vincent that Hearing Master St. Vincent was able to substantially affect through official action. By offering this gift of cash to Hearing Master St. Vincent on May 21, 2015, Respondent violated Philadelphia Code Section 20-604(2).

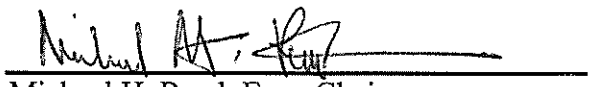
Pursuant to Code Sections 20-612 and 20-1300, the Board may impose a civil monetary penalty of $1,000 for a violation of Code Section 20-604(2), subject to a higher or lower penalty depending upon the Board finding certain delineated aggravating or mitigating factors. *See* Code § 20-1302. The Executive Director has alleged that the aggravating factor of intent was present when Respondent offered money to Hearing Master St. Vincent. (Ex. 2, Notice ¶ 23.) An aggravating factor of intent is present if a respondent is found to have acted knowingly. Code § 20-1302(1)(b)(i). A respondent acts knowingly if the act is "done voluntarily and intentionally, and not because of mistake or accident or other innocent reason." Code § 20-1302(1)(b)(i). The $1,000 fine shall be increased by an additional $1,000 for each aggravating factor that is present, provided that the total fine for one violation shall not exceed $2,000. Code § 20-1302(2)(c).

Here, Respondent knowingly offered Hearing Master St. Vincent a gift of money. Respondent shook hands with Hearing Master St. Vincent at the close of the Office of Administrative Review hearing and passed Hearing Master St. Vincent multiple cash bills with a ten-dollar bill on the outside. Even after Hearing Master St. Vincent stated that he could not accept the money, Respondent insisted that Hearing Master St. Vincent take the money as a thank you, explaining that he merely wanted to buy Hearing Master St. Vincent lunch. For these

reasons, the Board determines that Respondent acted knowingly when he offered a gift of cash to Hearing Master St. Vincent on May 21, 2015.

The Board therefore imposes a civil monetary penalty of $2,000 upon Respondent to be paid within 35 days of the date of issuance and mailing of this Final Determination and accompanying Order.

BY THE PHILADELPHIA BOARD OF ETHICS



Michael H. Reed, Esq., Chair
Judge Phyllis W. Beck, (Ret.), Vice-Chair
Sanjuanita González, Esq., Member
Brian J. McCormick, Jr., Esq., Member
JoAnne A. Epps, Esq., Member

BOARD OF ETHICS
OF THE CITY OF PHILADELPHIA

J. Shane Creamer, Jr. Executive Director Philadelphia Board of Ethics 1515 Arch Street, 18th Floor Philadelphia, PA 19102	:	
	:	**Matter No. 1510ET17**
v.	:	
	:	
	:	**Date of Issuance and Mailing:** November 22, 2016
Leron Ben a/k/a Leron Shoshana **a/k/a Liran Ben Shoshan** 22 Evergreen Way Philadelphia, PA 19115	:	
Respondent	:	

ORDER

For the reasons stated in the accompanying Final Determination, the Philadelphia Board of Ethics hereby imposes a civil monetary penalty of two thousand dollars ($2,000) upon Respondent Liran Ben Shoshan to be paid within 35 days of the date of issuance and mailing of the accompanying Final Determination and this Order.

The Board's Final Determination and this Order shall be the final agency action.

BY THE PHILADELPHIA BOARD OF ETHICS

Michael H. Reed, Esq., Chair
Judge Phyllis W. Beck, (Ret.), Vice-Chair
Sanjuanita González, Esq., Member
Brian J. McCormick, Jr., Esq., Member
JoAnne A. Epps, Esq., Member

EXHIBIT AA

BOARD OF ETHICS
OF THE CITY OF PHILADELPHIA

J. Shane Creamer, Jr. Executive Director Philadelphia Board of Ethics 1515 Arch Street, 18th Floor Philadelphia, PA 19102	:	
	:	**Matter No. 1510ET17**
v.	:	
	:	
Leron Ben a/k/a Leron Shoshana **a/k/a Liran Ben Shoshan** 22 Evergreen Way Philadelphia, PA 19115	:	
Respondent	:	

Hearing Officer Report

I presided over a hearing in this matter on March 1, 2016. My recommendations for the Board's determination of this matter are based upon my consideration of the testimony and the credibility of the parties as demonstrated at the hearing and upon my review of the entire record of filings and exhibits.

Recommendations: I recommend that the Board of Ethics find as follows:

(a) Respondent Liran Ben Shoshan violated Philadelphia Code Section 20-604(2) when he offered a gift of cash to Office of Administrative Review Hearing Master Stephen St. Vincent on May 21, 2015. Respondent Shoshan had a financial interest in close proximity to the time the gift of cash was offered that Hearing Master St. Vincent was able to substantially affect through official action; and

(b) Respondent Shoshan acted knowingly when he offered a gift of cash to Hearing Master St. Vincent on May 21, 2015.

Additional Comments: On May 17, 2016, I met with Board General Counsel Nayak and Associate General Counsel Lin and verbally conveyed the above recommendations.

DATE: 8/4/2016

Richard Glazer
Hearing Officer