

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into between the Board of Ethics of the City of Philadelphia, and the Hon. Vivian Miller. The Ethics Board and Ms. Miller are referred to jointly as "the Parties."

RECITALS

- A. The Philadelphia Board of Ethics is an independent board that was established by Charter amendment, approved by voters, 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 Board has the authority to render advice, investigate complaints and issue fines.
- B. Vivian Miller was the Clerk of Quarter Sessions for the City of Philadelphia and was a candidate for that office in 2007 until she was elected in the General Election that year.
- C. During the 2007 primary and general elections, the Committee to Re-Elect Vivian Miller was Ms. Miller's designated candidate committee.
- D. During the 2007 primary and general elections, Ms. Miller was the ward leader of the 51st Democratic Ward. The 51st Democratic Ward Committee is the political action committee through which the 51st Ward receives contributions and makes expenditures.
- E. Because the 51st Democratic Ward Committee's 2007 campaign finance reports for cycle 6 disclosed contributions and expenditures related to candidates for city office, the committee was required to, and did, electronically file copies of that campaign finance report with the Ethics Board, via the Philadelphia Department of Records, pursuant to §20-1006 of the city's campaign finance law.
- F. Although the 51st Democratic Ward Committee filed a 2007 cycle 3 campaign finance report with the City Commissioners' office, it did not file a copy of that report with the Ethics Board.
- G. Section 20-1003 of the City's campaign finance law provides that a candidate for City elective office may have no more than one political committee and one checking account for the City office being sought, into which all contributions for such office shall be made, and out of which all expenditures for that office shall be made. If a candidate maintains other accounts, funds collected in those accounts may not be used to influence the outcome of a covered election.
- H. In March 2009, pursuant to its mandate, the Ethics Board commenced an investigation into contributions received and expenditures made by the 51st Democratic Ward Committee in 2007.

- I. During the course of its investigation, the Ethics Board obtained documents by Administrative Subpoena and voucher request and reviewed campaign finance reports filed by multiple committees. Ms. Miller cooperated with the Ethics Board's investigation.
- J. During the 2007 primary election, the 51st Democratic Ward Committee, with Ms. Miller's consent and at her direction, made expenditures for Election Day Expenses.
- K. During the 2007 general election, the 51st Democratic Ward Committee, with Ms. Miller's consent and at her direction, made expenditures for Election Day Expenses.
- L. Ms. Miller received the money for the Election Day Expenses in her capacity as Ward Leader from the Philadelphia Democratic City Committee, on behalf of the 51st Democratic Ward Committee; however Ms. Miller never deposited the Election Day Expenses into the 51st Democratic Ward Committee's bank account, despite the fact that the Election Day Expenses were reported as expenditures on the 51st Democratic Ward Committee's Campaign Finance Reports.
- M. Ms. Miller cashed the Election Day Expense checks at PNC Bank, the same bank at which the Philadelphia Democratic City Committee has its account and consequently the same bank at which the checks were drawn, and distributed the money directly to the workers. These workers performed get out the vote efforts for the democratic ticket on Election Day. Ms. Miller was on the democratic ticket.
- N. Ms. Miller believed that her use of the 51st Democratic Ward Committee complied with Section 20-1003 of the Philadelphia Code. Ms. Miller did not intend to violate Philadelphia's campaign finance law.
- O. The Parties desire to enter into this Agreement in order to resolve the issues described herein.


AGREEMENT

The Parties agree as follows:


1. Ms. Miller's use of the 51st Democratic Ward Committee during the 2007 primary and general elections did not comply with Section 20-1003 of the Philadelphia Code.
2. If Ms. Miller is again a candidate for City office, she will use only her designated candidate committee to make expenditures to support her candidacy or the candidacy of other candidates for City office.
3. In consideration of the above and in exchange for Ms. Miller's compliance with all of the terms of the Agreement, the Board waives any penalties or fines against Ms. Miller and any related parties for the conduct described in this Agreement.
4. The Parties will not make any public statements that are inconsistent with the terms of this Agreement.
5. This Agreement contains the entire agreement between the Parties.
6. This Agreement shall become effective on execution by the Parties.

By the Board of Ethics of the City of Philadelphia:

Dated: 5/10/10

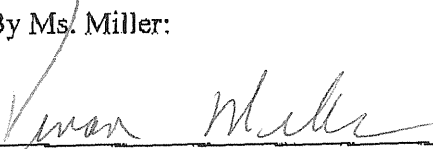

 Richard Glazer, Esquire
 Chair

Dated: 5/18/10


 J. Shane Creamer, Jr., Esquire
 Executive Director

By Ms. Miller:

Dated: 4-19-10


 Vivian Miller