

## SETTLEMENT AGREEMENT

This Settlement Agreement (“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, District 1199C PAC, and Salima Pace, the treasurer of District 1199C PAC, jointly referred to as “the Parties.”

### **RECITALS**

- A. The Board of Ethics of the City of Philadelphia is an independent, five-member City board established in 2006 through voter approval of an amendment to the Philadelphia Home Rule Charter. Pursuant to Section 4-1100 of the Home Rule Charter, the Board is charged with administering and enforcing the City’s Campaign Finance Law.
- B. District 1199C PAC is a political committee based in Philadelphia. District 1199C PAC has previously filed campaign finance reports with the Board.
- C. Salima Pace is the treasurer of District 1199C PAC. She became the treasurer of District 1199C PAC in June of 2019.
- D. Pursuant to Philadelphia Code § 20-1006(1)(b) and Board Regulation No. 1 Paragraph 1.20, any political committee that makes expenditures to influence the outcome of a City election within the eight months prior to a covered election, including contributions made to a candidate for City elective office, shall electronically file a campaign report with the Board on the sixth Tuesday before the covered election setting forth all transactions that occurred more than fifty (50) days prior to the election, but less than eight months prior to the election, that have not previously been disclosed in a report filed with the Board.
- E. Pursuant to Philadelphia Code §§ 20-1006(4) and 20-1301(2) and Regulation No. 1 Paragraph 1.53, late filing of a campaign finance report violates the City’s Campaign Finance Law and is subject to a civil monetary penalty of \$250 for each day the report is late with maximum total penalties of \$2,000 for the first 30 days the report remains unfiled, plus \$1,000 for each additional 30 day period, or part thereof, the report remains unfiled.
- F. September 24, 2019 was the deadline for political committees to file sixth Tuesday pre-general election (Cycle 4) campaign finance reports.
- G. District 1199C PAC made a contribution to a candidate for City office during the 2019 Cycle 4 reporting period. Therefore, the committee should have electronically filed that report with the Board by September 24, 2019, but failed to do so.
- H. On September 27, 2019, Board Enforcement Staff notified the committee of its failure to file a 2019 Cycle 4 report with the Board. The committee filed its 2019 Cycle 4 report thirty one (31) days late with the Board on October 25, 2019. District 1199C PAC has paid three previous penalties to the Board to resolve the late filing of campaign finance reports with the Board, specifically a July 16, 2015 settlement agreement (\$1,500), an April 4, 2017 payment pursuant to the Board’s procedure to resolve late campaign finance filing penalties (\$2,000); and a February 21, 2018 settlement agreement (\$2,000).

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

## **AGREEMENT**

The Parties agree that:

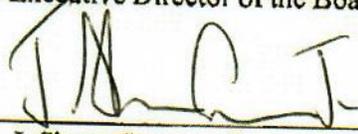
1. District 1199C PAC's thirty one (31) day late filing of its 2019 cycle 4 campaign finance report with the Board violated the City's Campaign Finance Law and is subject to a civil monetary penalty of \$3,000, for which District 1199C PAC and Salima Pace are jointly and severally liable. The penalty shall be paid on the following schedule:
  - 1.1. \$500 within 30 days of the effective date of the Agreement;
  - 1.2. \$1,000 within 60 days of the effective date of the Agreement;
  - 1.3. \$1,000 within 90 days of the effective date of the Agreement; and
  - 1.4. \$500 within 120 days of the effective date 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.
2. District 1199C PAC and Salima Pace 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 matters described in the Agreement.
3. In consideration of the above and in exchange for the compliance of District 1199C PAC and Salima Pace 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.
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, District 1199C PAC and Salima Pace shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by Board and 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 will submit a signed copy of the Agreement to the Board for approval. 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.

8. 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, except this paragraph, nothing in the Agreement shall be effective.

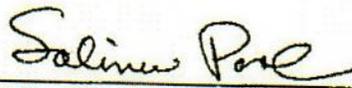
By the Executive Director of the Board of Ethics:

Dated: 11/12/19

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

By District 1199C PAC:

Dated: 11/12/19

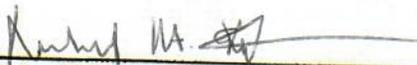
  
\_\_\_\_\_  
Salima Pace, Treasurer

By Salima Pace:

Dated: 11/12/19

  
\_\_\_\_\_

Approved by the Board of Ethics on 11/20/2019

  
\_\_\_\_\_  
Michael H. Reed  
Chair