

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, and Rodney Hill, 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 sections of the Philadelphia Home Rule Charter that impose restrictions on the political activity of City employees.
- B. Rodney Hill is a City employee who works as a Social Worker – Service Manager 2 in the office of the Department of Human Services. Mr. Hill has worked for the City for sixteen years.
- C. 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 and that employees are free from improper influences and perform their duties without bias or favoritism for or against any political party, candidate, or partisan political group.
- D. Board Regulation No. 8, which became effective March 28, 2011, provides a detailed interpretation of the prohibitions on political activity of Charter Section 10-107(4).
- E. At Paragraph 8.1(n), Regulation No. 8 defines political activity as an activity directed toward the success or failure of a political party, candidate, or partisan political group.¹
- F. At Paragraph 8.11, Regulation No. 8 provides that a City employee shall not engage in any political activity that is performed in concert or coordination with a political party, candidate, or partisan political group, including:
 - i. Circulating or initiating nomination petitions or papers for public elective office;
 - ii. Being a candidate for public elective office or political party office;
 - iii. Serving as a delegate to a political party convention;
 - iv. Participating in get-out-the-vote activities organized or sponsored by a political party, candidate, or partisan political group; or

¹ The Board amended Regulation No. 8 on November 7, 2019. These amendments did not alter Paragraph 8.1(n), which is now found at Paragraph 8.1(m).

- v. Any political activity performed by an appointed officer or employee using resources or materials paid for or provided by a political party, candidate, or partisan political group.²
- G. Pursuant to Philadelphia Code Section 20-606(1)(h), if the Board finds a violation of Section 10-107(4) of the Home Rule Charter, it may impose a civil monetary penalty of \$300.
- H. In July of 2019, Board Enforcement Staff received information that Mr. Hill was involved in prohibited political activity while employed by the City. Enforcement Staff initiated an investigation in which they interviewed witnesses and obtained documents. Enforcement Staff also took statements under oath from individuals, including Mr. Hill.
- I. During the summer of 2019, Mr. Hill assisted a former Department of Human Services co-worker, Charlie Hills, who was attempting to run as an independent candidate for City Council At-Large in the 2019 General Election. The Hills campaign provided Mr. Hill with a single campaign palm card to circulate with one nominating petition signature page. The purpose of obtaining the signatures was so that Ms. Hills would appear as an independent candidate for City Council At-Large on the 2019 General Election ballot.
- J. On two occasions, Mr. Hill asked colleagues at the Department of Human Services to sign the petition for Ms. Hills. He asked for and received signatures inside and outside of a City office building. While he obtained several signatures on the petition, Mr. Hill was unable to complete the form and subsequently returned the partially completed signature page to the Hills campaign.
- K. Ms. Hills did not meet the requirements to appear on the ballot in the 2019 General Election. Mr. Hill was not paid for his efforts to help Ms. Hills and he did not provide any other assistance or services to Ms. Hills or her campaign.
- L. At all times, Mr. Hill fully cooperated with the Board's investigation.
- M. The Parties desire to enter into this Agreement in order to resolve the matters described herein.

² The Board amended Regulation No. 8 on November 7, 2019. These amendments did not alter the substance of the provisions in Paragraph 8.11, which are now found at Paragraph 8.7.

AGREEMENT

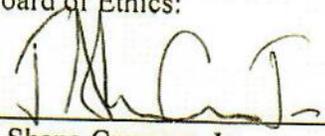
The Parties agree that:

1. By twice circulating nominating petitions in coordination with a candidate for public elective office, Mr. Hill violated § 10-107(4) of the Philadelphia Home Rule Charter. The civil penalty for Mr. Hill's violation is \$300. However, the penalty is reduced to \$150 to reflect Mr. Hill's cooperation with the Board's investigation.
2. Mr. Hill shall pay the civil penalty of \$150 by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board of Ethics within 14 days of the effective date of the Agreement.
3. Mr. Hill will contact Board Staff within 30 days of the effective date of the Agreement to schedule a date to attend ethics training.
4. Mr. Hill 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.
5. In consideration of the above and in exchange for Mr. Hill'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.
6. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
7. If the Ethics Board is forced to seek judicial enforcement of the Agreement, and prevails, Mr. Hill shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by City and Board attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
8. The Agreement contains the entire agreement between the Parties.
9. The Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval.
10. 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.

11. 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:

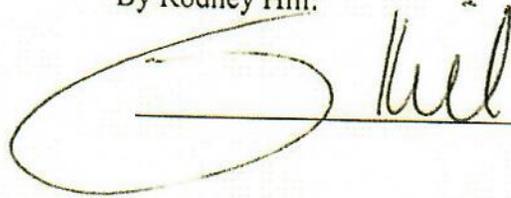
Dated: 11/6/19



J. Shane Creamer, Jr.
Executive Director

By Rodney Hill:

Dated: 11/5/19



Approved by the Board of Ethics:

Dated: 11/20/2019



Michael H. Reed, Esquire
Chair