

Philadelphia Board of Ethics

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Ethics Board Files Petition for Contempt of Court Against Ernesto DeNofa and Judge Thomas Nocella

PHILADELPHIA – Today, the Philadelphia Board of Ethics filed a Petition for Contempt and to Enter Judgment Against Ernesto DeNofa and Judge Thomas Nocella, alleging that they had engaged in a deliberate and fraudulent scheme to drain the assets of a political action committee that was under Court Order to pay the Ethics Board a \$39,000 Judgment for violating the City’s campaign finance law. The Ethics Board is seeking to hold DeNofa and Nocella personally responsible for the Judgment against the PAC.

According to the petition, the Honorable Gary DiVito issued an Order on June 1, 2007 directing the PAC known as the Appreciation Fund to pay a statutory penalty of \$39,000 to the Ethics Board for failing to file a required campaign finance report even after it was given additional time to do so by the Board. On September 21, 2007, Judge DiVito issued a second Order holding the PAC in contempt of Court for failing to pay the fine levied under the Court’s June 1st Order.

The petition alleges that between December 2007 and March 2008, with full knowledge of the Court’s Orders and the Ethics Board’s efforts to execute on those Orders, DeNofa and Nocella deliberately and systematically depleted the PAC’s bank account through a pattern of illegitimate payments. While they did so, according to the Board’s filing, they also repeatedly delayed and obstructed the Ethics Board’s efforts to execute on the Court’s Orders so that their fraudulent scheme would not be detected until they had drained the PAC’s bank account.

The petition asserts that while stalling the Ethics Board’s efforts to execute on the Court’s Orders, DeNofa and Nocella used most of the Appreciation Fund’s money to pay a catering company bill that was owed by a different PAC, “Bob Brady for Mayor”. Specifically, according to the petition, DeNofa signed and Nocella personally delivered a \$13,550 check to the caterer, and when that check failed to clear, Nocella arranged to take care of the problem with a cashier’s check issued by the bank. The petition alleges that Nocella next arranged for the delivery of a \$390

check, signed by DeNofa, to a different vendor owed money by “Congressman Robert A. Brady.” Finally, the petition asserts, knowing that a couple thousand dollars remained in the PAC’s account and that nothing had been paid towards the Court Order, Nocella helped himself to \$2,500 from the PAC’s bank account at DeNofa’s suggestion on the pretext of “legal services” – even though he was representing the PAC for free and was not owed any money by it.

The petition also alleges that immediately after DeNofa issued the \$2,500 check from the PAC’s bank account to Nocella, but before Nocella actually deposited the check, Nocella told the Ethics Board’s attorney that the PAC was “dormant” and that it had “no assets.” The petition asserts that these statements were flat misrepresentations by Nocella.

The payments contrived by DeNofa and Nocella were fraudulent, according to the petition, because the PAC did not owe any money to the recipients, and were made when the PAC owed money to the Ethics Board under the Court Orders. The Board’s filing asserts that less than \$400 remained in the PAC’s bank account after the fraudulent payments that were devised and carried out by DeNofa and Nocella.

“The Board will pursue all steps necessary to ensure enforcement of the campaign finance laws and to seek appropriate relief against those who demonstrate they have nothing but disdain for those laws, the Court and the Ethics Board,” said Richard Glazer, Esquire, Chair of the Ethics Board. “This petition asks the Court to hold individuals accountable when their outrageous and fraudulent conduct frustrates the intent of the Court and injures the Board.”

The Appreciation Fund PAC, as described in the petition, was formed by the recently deceased Carol Ann Campbell in 2003 and raised \$27,000 that year - ironically through donations made by then City judicial candidates. According to the petition, Ernesto DeNofa is the PAC’s Treasurer and Thomas Nocella, Esquire represented the PAC until he was appointed a Municipal Court judge three months ago.

The Philadelphia Board of Ethics is a five-member independent board established by Charter amendment, approved by Philadelphia voters in May 2006, 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 Ethics Board has authority to render advice, investigate complaints and issue fines.

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