

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia and the Progressive Agenda PAC, 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 City’s campaign finance law which is found at Chapter 20-1000 of the Philadelphia Code.
- B. Progressive Agenda PAC is a political committee registered with the Pennsylvania Secretary of State. Tracy Shillman is the treasurer of the committee. Kyle Andrews is the Chairman of the committee.
- C. The Honorable Blondell Reynolds Brown was a candidate for the Democratic nomination for a Democratic nomination for a Philadelphia City Council at-large seat in Philadelphia’s May 2011 primary election.
- D. Because Councilwoman Reynolds Brown was a candidate for City of Philadelphia elective office, both she and her authorized candidate committee, the Friends of Blondell Reynolds Brown, were subject to Philadelphia’s campaign finance law.
- E. Pursuant to Philadelphia Code § 20-1002(2), a political committee may not contribute more than \$10,600 to a City candidate’s candidate committee in a calendar year.
- F. Pursuant to Philadelphia Code § 20-1302, making an excess contribution is subject to a civil penalty of \$1,000.
- G. Progressive Agenda PAC made the following contributions to the Friends of Blondell Reynolds Brown in 2011:
 - i. April 15th, \$10,000;
 - ii. April 22nd, \$15,000; and
 - iii. May 13th, \$500.

- H. Progressive Agenda PAC's contributions to the Friends of Blondell Reynolds Brown on April 22nd and May 13th exceeded the contribution limits set by the City's campaign finance law.
- I. Progressive Agenda PAC did not disclose either the April 15th or the May 13th contribution in campaign finance reports it filed with Board.
- J. On August 2, 2011, the Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Progressive Agenda PAC alleging that the committee had violated Code § 20-1002(2).
- K. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

AGREEMENT

The Parties agree that:

1. Progressive Agenda PAC's contributions to Friends of Blondell Reynolds Brown on April 22, 2011 and May 13, 2011 exceeded the contribution limits and therefore violated § 20-1002(2) of the Philadelphia Code, for which Progressive Agenda PAC will pay a civil penalty of \$1,500.
2. Progressive Agenda PAC's failure to disclose its April 15, 2011 and its May 13, 2011 contribution to Friends of Blondell Reynolds Brown violated § 20-1006(4) of the Philadelphia Code, for which Progressive Agenda PAC will pay a civil penalty of \$1,000.
3. Payment shall be made on the following schedule:
 - 3.1. \$500 by October 31, 2011;
 - 3.2. \$1,500 by February 29, 2012; and
 - 3.3. \$500 by May 31, 2012.
4. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
5. Progressive Agenda PAC 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 violations described in the Agreement.
6. In consideration of the above and in exchange for Progressive Agenda PAC's compliance 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.
7. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

8. If the Ethics Board is forced to seek judicial enforcement of the Agreement, Progressive Agenda PAC shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
9. The Agreement contains the entire agreement between the Parties.
10. The Parties will submit a signed copy of the Agreement to the Board for approval.
11. The Agreement shall become effective upon approval by the Board.
12. 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 further participation, consideration, or resolution of the pending Administrative adjudication of the matters described in the Agreement.

Dated: 9/13/11

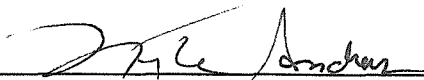
By the Executive Director of the
Board of Ethics:



J. Shane Creamer, Jr., Esquire

Dated: 9-2-11


By Progressive Agenda PAC:



Kyle Andrews, Chairman

Approved by the Board of Ethics:

Dated: 9/21/2011



Richard Glazer, Esquire
Chair