

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Thomas Ashton, and the PA UAW Good Government Committee, 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. The PA UAW Good Government Committee is a political committee registered with the Pennsylvania Secretary of State.
- C. Thomas Ashton the treasurer of the PA UAW Good Government Committee.
- D. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee’s treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

- E. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.

- F. Under the Pennsylvania Election Code, April 5, 2011 was the deadline for political committees to file 2011 sixth Tuesday pre-primary (cycle 1) campaign finance reports with the Secretary of State.
- G. On or about April 5, the PA UAW Good Government Committee filed a cycle 1 campaign finance report with the Secretary of State that disclosed the following expenditures to City candidates:
- i. March 3rd, \$5,000 to Bobby 11;
 - ii. March 7th, \$500 to Denny O'Brien for Philadelphia; and
 - iii. March 9th, \$500 to Friends of Brian O'Neill
- H. As a result of the expenditures to City candidates described in paragraph F, pursuant to the City's campaign finance law, the PA UAW Good Government Committee should have electronically filed a cycle 1 report with the Board. However, the committee did not electronically file a cycle 1 report with the Board by April 5, 2011.
- I. Under the Pennsylvania Election Code, May 6, 2011 was the deadline for political committees to file 2011 second Friday pre-primary (cycle 2) campaign finance reports with the Secretary of State.
- J. On or about May 6, the PA UAW Good Government Committee filed a cycle 2 campaign finance report with the Secretary of State that disclosed the following expenditures to City candidates:
- i. March 31st, \$250 to Cohen for Council;
 - ii. March 31st, \$250 to Denny O'Brien for Philadelphia;
 - iii. April 6th, \$1,000 to Squilla for Council; and
 - iv. April 7th, \$5,000 to Bobby 11.
- K. As a result of the expenditures to City candidates described in paragraph I, pursuant to the City's campaign finance law, the PA UAW Good Government Committee should have electronically filed a cycle 2 report with the Board. However, the committee did not electronically file a cycle 2 report with the Board by May 6, 2011.
- L. On May 26, 2011, as a courtesy, Board staff sent the PA UAW Good Government Committee a letter informing them of the committee's failure to electronically file a cycle 2 campaign finance report with the Board.
- M. The letter informed the committee of the penalties for failure to file a required report with the Ethics Board, but told them that if the committee filed the report by June 7th, Ethics Board staff would not pursue enforcement of the failure to file. However, the committee did not file a 2011 cycle 2 report with the Board by June 7th.

- N. On July 21st, the Board's Executive Director served an Amended Notice of Administrative Enforcement Proceeding on Ashton and the PA UAW Good Government Committee alleging a violation of Code § 20-1006 for the failure to electronically file 2011 cycle 1 and cycle 2 campaign finance reports with the Board.
- O. On July 27, 2011, after receiving the Notice, the PA UAW Good Government Committee electronically filed its 2011 cycle 1 and cycle 2 campaign finance report with the Board.
- P. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

AGREEMENT

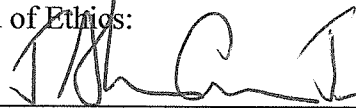
The Parties agree that:

1. The PA UAW Good Government Committee's failure to electronically file a 2011 cycle 1 campaign finance report with the Board by April 5th violated § 20-1006(1)(a) of the Philadelphia Code.
2. The PA UAW Good Government Committee will pay a civil penalty of \$500 for the failure to electronically file a 2011 cycle 1 with the Board by April 5, 2011.
3. The PA UAW Good Government Committee's failure to electronically file a 2011 cycle 2 campaign finance report with the Board by May 6th violated § 20-1006(1)(a) of the Philadelphia Code.
4. The PA UAW Good Government Committee will pay a civil penalty of \$500 for the failure to electronically file a 2011 cycle 2 with the Board by May 6, 2011.
5. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
6. The PA UAW Good Government Committee and Thomas Ashton 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 violations described in the Agreement.
7. In consideration of the above and in exchange for the PA UAW Good Government Committee's and Ashton'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.
8. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

9. If the Ethics Board is forced to seek judicial enforcement of the Agreement, the PA UAW Good Government Committee and Ashton 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.
10. The Agreement contains the entire agreement between the Parties.
11. The Parties will submit a signed copy of the Agreement to the Board for approval.
12. The Agreement shall become effective upon approval by the Board.
13. If the Board rejects the proposed Agreement, presentation to and consideration of the Agreement by the Board, it shall not preclude the Board or its staff from further participation, consideration, or resolution of the pending Administrative adjudication of these matter described in the Agreement.

Dated: 8/22/11

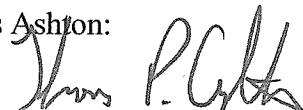
By the Executive Director of the
Board of Ethics:



J. Shane Creamer, Jr., Esquire

Dated: 8/18/2011

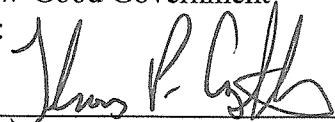
By Thomas Ashton:



Thomas Ashton, Treasurer

Dated: 8/18/2011

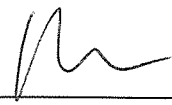
By PA UAW Good Government
Committee:



Thomas Ashton, Treasurer

Approved by the Board of Ethics:

Dated: 9/21/2011



Richard Glazer, Esquire
Chair