

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, James Rosica, Christine DiNunzio-Sylvestro, and the Pennsylvanians for Good Govt. 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 Pennsylvanians for Good Govt. Committee is a political committee registered with the Pennsylvania Secretary of State.
- C. Christine DiNunzio-Sylvestro was the treasurer of the Pennsylvanians for Good Govt. Committee, which was terminated effective August 3, 2011. James Rosica was the treasurer of the Pennsylvanians for Good Govt committee from August 2, 2010 to February 22, 2011.
- 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 a 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. As disclosed in the 2010 cycle 7 campaign finance report the Pennsylvanians for Good Govt committee filed with the Secretary of State, the committee made an expenditure of \$2,500 on December 16, 2010 to Giordano 11, the candidate committee of John Giordano, a candidate for City Council.
- G. As a result of the December 16, 2010 expenditure to Giordano 11, pursuant to the City's campaign finance law, the Pennsylvanians for Good Govt committee should have electronically filed a 2010 cycle 7 campaign finance report with the Ethics Board by January 31, 2011.
- H. As disclosed in the 2011 cycle 2 campaign finance reports filed by Donna for Council – which was the candidate committee for Donna Gentile O'Donnell, a candidate for City Council – the Pennsylvanians for Good Govt committee made an expenditure of \$10,000 to Donna for Council on January 20th.
- I. As a result of the January 20, 2011 expenditure to Donna for Council, pursuant to the City's campaign finance law, the Pennsylvanians for Good Govt committee should have electronically filed a 2011 cycle 2 campaign finance report with the Ethics Board by May 6, 2011.
- J. On May 26th, as a courtesy, Ethics Board staff sent a letter addressed to DiNunzio-Sylvestro at the committee's registered address informing her of the committee's failure to electronically file campaign finance reports with the Ethics Board.
- K. The letter informed DiNunzio-Sylvestro of the penalties for failure to file a required report with the Ethics Board, but further informed her that if the committee filed by June 7th, Ethics Board staff would not pursue enforcement of the failure to file.
- L. However, notwithstanding this notice and additional time to file reports without penalty, the Pennsylvanians for Good Govt committee did not file outstanding campaign finance reports with the Ethics Board by June 7<sup>th</sup>. DiNunzio-Sylvestro maintains that she did not receive the courtesy letter, and would have filed the required reports immediately thereafter if she had received it.
- M. On July 20<sup>th</sup>, the Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Rosica, DiNunzio-Sylvestro, and the Pennsylvanians for Good Govt. Committee alleging a violation of Code § 20-1006 for the failure to electronically file a 2010 cycle 7 and a 2011 cycle 2 campaign finance reports with the Board.
- N. On July 25 and 26, 2011, after receiving the Notice, the Pennsylvanians for Good Govt. Committee electronically filed its outstanding campaign finance reports with the Board. The committee filed a termination report with the Secretary of State that was effective as of August 3, 2011.

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

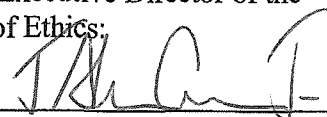
## **AGREEMENT**

The Parties agree that:

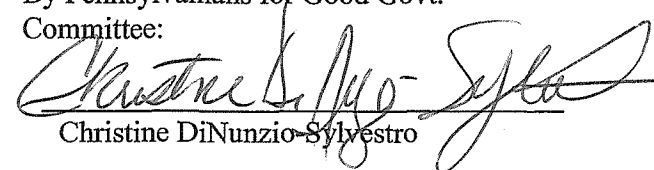
1. The Pennsylvanians for Good Govt. Committee's failure to electronically file a 2010 cycle 7 campaign finance report with the Board by January 31<sup>st</sup> violated § 20-1006(1)(a) of the Philadelphia Code.
2. The Pennsylvanians for Good Govt. Committee's failure to electronically file a 2011 cycle 2 campaign finance report with the Board by May 6<sup>th</sup> violated § 20-1006(1)(a) of the Philadelphia Code.
3. The failure to electronically file campaign finance reports with the Board on January 31<sup>st</sup> and May 6<sup>th</sup> shall be subject to a civil penalty of \$1,000.
4. James Rosica and Christine DiNunzio-Sylvestro shall make payment on the following schedule:
  - 4.1. \$250 from James Rosica by September 31, 2011;
  - 4.2. \$250 from Christine DiNunzio-Sylvestro by October 31, 2011;
  - 4.3. \$250 from James Rosica by November 30, 2011; and
  - 4.4. \$250 from Christine DiNunzio-Sylvestro by December 31, 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 Pennsylvanians for Good Govt. Committee, Rosica, and DiNunzio-Sylvestro 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 Pennsylvanians for Good Govt. Committee's, Rosica's, and DiNunzio-Sylvestro'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 Pennsylvanians for Good Govt. Committee, Rosica, and DiNunzio-Sylvestro 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 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.

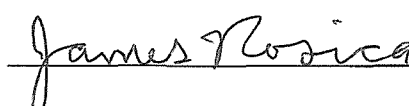
Dated: 8/17/11

By the Executive Director of the  
Board of Ethics:  
  
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J. Shane Creamer, Jr., Esquire

Dated: 8/16/11

By Pennsylvanians for Good Govt.  
Committee:  
  
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Christine DiNunzio-Sylvestro

Dated: 17 Aug. 2011


By James Rosica:  
  
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Dated: 8/16/11

By Christine DiNunzio-Sylvestro:  
  
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Approved by the Board of Ethics:

Dated: 9/2/11

  
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Richard Glazer, Esquire  
Chair