

## SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Stephanie Singer, Ellen Chapman, and Friends of Stephanie Singer, 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 Friends of Stephanie Singer is the authorized candidate political committee of Stephanie Singer, a candidate for Philadelphia City Commissioner in 2011.
- C. Ellen Chapman is the treasurer of Friends of Stephanie Singer.
- D. On March 8, 2011, Stephanie Singer filed a nomination petition to be placed on the ballot as a candidate for a Democratic nomination for City Commissioner.
- E. Because Singer was a candidate for City of Philadelphia elective office, both she and her authorized candidate committee were subject to Philadelphia’s campaign finance law during the 2011 primary election.
- F. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate’s treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

- G. 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.

H. Pursuant to Philadelphia Code § 20-1006(4):

The failure to file information as required by this Section, or the making of material misstatements or omissions in any filing required by this Section, shall be deemed to be a violation of Chapter 20-1300 (Penalties for Campaign Finance-Related and Ethics-Related Violations) and subject to enforcement and the imposition of penalties under that Chapter.

- I. Pursuant to the Pennsylvania Election Code (25 P.S. 3241, *et seq.*), a candidate or candidate committee may file a campaign finance statement (which discloses only the committee's cash balance and debts as of the end of the reporting period) in lieu of a full campaign finance report if aggregate receipts, expenditures, or liabilities incurred each did not exceed \$250 during the reporting period.
- J. On January 31, 2011, the Friends of Stephanie Singer electronically filed a 2010 cycle 7 campaign finance statement with the Ethics Board. The statement disclosed a cash balance of \$15,700.
- K. However, on January 31, 2011, the Friends of Stephanie Singer filed a campaign finance report with the City Commissioners that, in addition to disclosing a cash balance of \$15,700, disclosed numerous contributions received by the committee during the reporting period.
- L. Pursuant to the City's campaign finance law, on January 31, 2011, the Friends of Stephanie Singer should have electronically filed with the Ethics Board a full 2011 cycle 7 campaign finance report disclosing all contributions received during the reporting period.
- M. The Singer campaign did enter the required contribution data into the software program used to electronically file reports with the Ethics Board. However, due to an error by the campaign, it failed actually to submit that data to the Ethics Board.
- N. On September 20, 2011, the Singer campaign electronically filed a 2010 cycle 7 campaign finance report with the Ethics Board disclosing all reportable activity that occurred during the reporting period.
- O. In February of 2011, the Friends of Stephanie Singer retained the Pivot Group to provide various campaign services including the production and mass mailing of campaign literature.
- P. In early May of 2011, the Friends of Stephanie Singer made several payments to Pivot for services provided to the campaign. These payments were made out of the committee's checking account.

- Q. However, Singer used her personal credit card to make payments to Pivot of \$20,000 on May 9, 2011 and \$16,000 on May 11, 2011. On June 3, 2011, Singer paid \$38,000 from her personal bank account to her credit card to cover the cost of the charges to Pivot.
- R. The Friends of Stephanie Singer disclosed the following transactions in relation to Singer's personal payment to Pivot on the 2011 cycle 3 campaign finance report it electronically filed with the Ethics Board on June 28, 2011:
1. A May 13<sup>th</sup> contribution of \$36,000 from Singer;
  2. A May 31<sup>st</sup> expenditure of \$8,000 to her; and
  3. An unpaid debt of \$28,000 owed to Singer.
- S. Singer disclosed the following transactions in relation to her personal payment to Pivot on the 2011 cycle 3 campaign finance report she electronically filed with the Ethics Board on July 20, 2011:
1. A May 13<sup>th</sup> expenditure of \$36,000 to Pivot for "campaign mail expense"; and
  2. A May 31<sup>st</sup> contribution of \$8,000 from Friends of Stephanie Singer.
- T. Singer did not accept or deposit any campaign contributions into her personal accounts. All contributions to the Singer campaign were deposited into the Friends of Stephanie Singer's checking account.
- U. In August of 2011, after receiving a complaint, Board enforcement staff initiated an investigation into potential violations of the City's campaign finance law by Singer and the Friends of Stephanie Singer.
- V. Singer and the Friends of Stephanie Singer have cooperated fully with the Board's investigation.
- W. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

## **AGREEMENT**

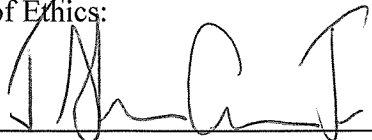
The Parties agree that:

1. Friends of Stephanie Singer's and Ellen Chapman's failure to electronically file a full 2010 cycle 7 campaign finance report with the Board disclosing all contributions received during the reporting period violated §20-1006(4) of the Philadelphia Code and shall be subject to a civil penalty of \$500.
2. The Friends of Stephanie Singer shall pay the civil penalty of \$500 by October 31, 2011.
3. Stephanie Singer's use of her personal credit card to make payments to Pivot violated §20-1003 of the Philadelphia Code and shall be subject to a civil penalty of \$500.
4. Stephanie Singer shall pay the civil penalty of \$500 by October 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. Friends of Stephanie Singer, Singer, and Chapman 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 Friends of Stephanie Singer's, Singer's, and Chapman'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, Friends of Stephanie Singer, Singer, and Chapman 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 in or consideration or resolution of the pending Administrative adjudication of the matters described in the Agreement.

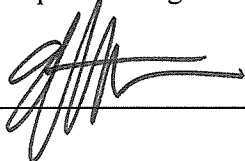
By the Executive Director of the Board of Ethics:

Dated: 9/21/11

  
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J. Shane Creamer, Jr., Esquire

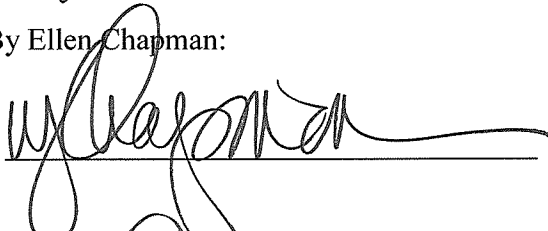
By Stephanie Singer:

Dated: 9/20/11

  
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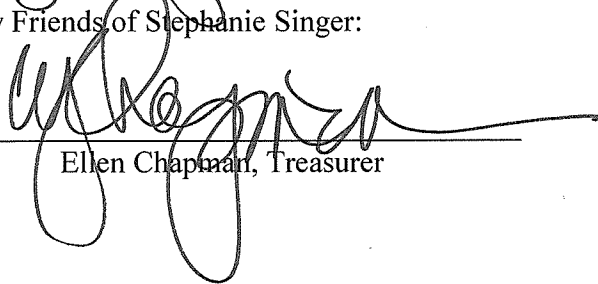
By Ellen Chapman:

Dated: 9/20/2011

  
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By Friends of Stephanie Singer:

Dated: 9/20/2011

  
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Ellen Chapman, Treasurer

Approved by the Board of Ethics:

Dated: 9/21/2011

  
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Richard Glazer, Esquire  
Chair