

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into by the Board of Ethics of the City of Philadelphia, the Asian American Licensed Beverage Association, and J. Shane Creamer, Jr., the Executive Director of the Board of Ethics, jointly referred to as “the Parties.”

RECITALS

- A. The Board of Ethics of the City of Philadelphia is an independent, five-member City board established in 2006 through voter approval of an amendment to the Philadelphia Home Rule Charter. Pursuant to Section 4-1100 of the Home Rule Charter and Chapter 20-1200 of the Philadelphia Code, the Board is charged with administering and enforcing Philadelphia’s Lobbying Law.
- B. The Asian American Licensed Beverage Association (“AALBA”) is a non-profit organization registered with the Commonwealth of Pennsylvania. The purpose of AALBA is to advocate for and represent the interests of Asian American owned beverage establishments throughout the City of Philadelphia.
- C. Philadelphia’s Lobbying Law is found at Chapter 20-1200 of the Philadelphia Code and Board Regulation No. 9, which provides a detailed interpretation of Chapter 20-1200.
- D. Under the City’s Lobbying Law, a principal is a person who engages in lobbying on its own behalf or who pays someone else (a lobbyist) to engage in lobbying. Lobbying is an effort to influence governmental administrative or legislative action through direct communication, indirect communication, or by providing gifts, transportation, hospitality, or lodging to City officers or employees. If a principal incurs expenditures of more than \$2,500 for lobbying expenses in a quarter, the principal must register with the Board.
- E. Under the City’s Lobbying Law, indirect communication is:
 - An effort to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative or administrative action, such as letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues, but not including regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.Board Regulation No. 9, Paragraph 9.1(p).
- F. A principal must file an expense report for each quarter in which the principal incurs lobbying expenditures of more than \$2,500. In an expense report, the principal must disclose its expenditures incurred that quarter for direct communications, indirect communications, and gifts, transportation, hospitality and lodging to City officers and employees as well as detailed information about the nature of those expenditures.

- G. Pursuant to Code Section 20-1207(1)(b) and Regulation No. 9, Paragraph 9.26, the failure to register as a principal or to file an expense report is subject to a civil penalty not exceeding \$250 for each late day up to a maximum of \$2,000 for any one registration or report.
- H. In early 2018, Board Enforcement Staff became aware of potential violations of the City's Lobbying Law by AALBA and opened an investigation in the course of which they obtained documents and records and interviewed witnesses.
- I. In December 2017, AALBA spent \$6,000 to organize and publicize a December 14, 2017 press conference across from City Hall. The press conference and related activities encouraged the public to urge City Council members to oppose proposed legislation to remove plexi-glass from certain beverage establishments throughout the City of Philadelphia. As such, under Philadelphia's Lobbying Law, these activities were indirect communications.
- J. In the 4th quarter of 2017, AALBA incurred expenditures of more than \$2,500 for the press conference and related activities and therefore should have registered as a principal and filed a 2017 4th quarter expense report. However, AALBA did not register as a principal or file a 4th quarter expense report.
- K. At all times, AALBA fully cooperated with the Board's investigation. AALBA has registered for 2017 as a lobbying principal and filed a 2017 fourth quarter expense report with the Board. Copies of the registration and the expense report are attached hereto as Exhibit A.
- L. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

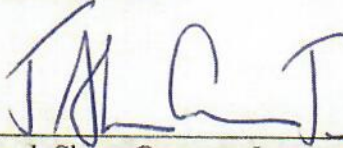
AGREEMENT

The Parties agree that:

1. By failing to timely register as a lobbying principal in 2017, AALBA violated Code Section 20-1202(1) and is subject to a civil monetary penalty of \$2,000. However, in light of AALBA's cooperation, the penalty is reduced to \$1,000. AALBA also must pay the City the 2017 lobbying registration fee of \$200.
2. By failing to timely file an expense report with the Board for the 4th quarter of 2017, AALBA violated Code Section 20-1203(1) and is subject to a civil monetary penalty of \$2,000. However, in light of AALBA's cooperation, the penalty is reduced to \$1,000.
3. AALBA shall pay the aggregate civil monetary penalties and registration fee of \$2,200 within 14 days of the effective date of this Agreement. Payment shall be made by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board.
4. AALBA 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 matters described in this Agreement.
5. In consideration of the above and in exchange for the compliance of AALBA with all of the terms of the Agreement, the Board waives any further penalties or fines against AALBA for the violations described in this Agreement.
6. The Parties will not make any public statements that are inconsistent with the terms of this Agreement.
7. If the Board or the City is forced to seek judicial enforcement of this Agreement, and prevails, AALBA shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by Board or City attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
8. This Agreement contains the entire agreement between the Parties. The Agreement shall become effective upon approval by the Board. The effective date of the Agreement shall be the date the Board approves the Agreement.
9. The Executive Director will submit a signed copy of this Agreement to the Board for approval.
10. 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 participating in, considering, or resolving an administrative adjudication of the matters described in the Agreement. If the Board rejects the proposed Agreement, nothing in the proposed Agreement shall be considered an admission by either party and, except for this paragraph, nothing in the Agreement shall be effective.

By the Executive Director of
the Board of Ethics:

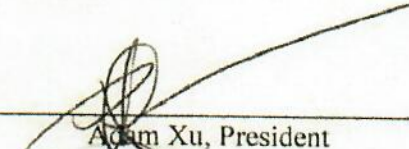
Dated: 6/11/18



J. Shane Creamer, Jr.

By the Asian American Licensed Beverage
Association:

Dated: 4/24/18



Adam Xu, President

Approved by the Board of Ethics on 6/27/18



Michael H. Reed, Chair

EXHIBIT A

Registration No: P00519 **Registration Status:** Expired
Registration Name: Asian American Licensed Beverage Association **Lobbying Commenced:** 01/01/2017
Acronym: AALBA **Date Filed:** 01/01/2017
Phone#: 215-923-3611 Ext. **Additional Phone#:**
Fax#: **Last Renewed:**
Email: xuadam@aol.com **Additional Email:**
Registration Period: 2017-2017 **Last Amended Date:** 05/31/2018
Nature of Business: Beverages
Address: 207 N. 11th Street
 1st Floor
City: Philadelphia **State:** PA **Zip:** 19107

Lobbyist(s):

Name	RegistrationNum	Affiliated Start Date	Affiliated End Date
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Lobbying Firm(s):

Name	RegistrationNum	Affiliated Start Date	Affiliated End Date
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Political Action Committee(s):

Name	Acronym
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Association/Organization members:
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Is this Principal an Association or Organization? Yes

No Number of Dues - Paying Members: 228

For The Calender Year : 2017

FILER AFFIRMATION:

LOBBYING DISCLOSURE QUARTERLY EXPENSE REPORT

FILER'S INFORMATION:

Filer's Name: Asian American Licensed Beverage Association
Registration No.: P00519
Filing Period: Quarter: Oct - Dec Year: 2017

PERMANENT BUSINESS ADDRESS:

Address: 207 N. 11th Street
1st Floor
City: Philadelphia State: PA Zip: 19107

CONTACT INFORMATION OF FILER:

Phone: 215-923-3611 Ext.
Email Address: xuadam@aol.com

IDENTIFICATION OF LOBBYIST(S)/LOBBYING FIRM(S) LOBBYING ON PRINCIPAL'S BEHALF:

Registration Name	Related to RegistrationNum	Affirmation Status
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TOTAL LOBBYING EXPENSES DURING THE REPORTING PERIOD:

TOTAL EXPENDITURES FOR GIFTS, HOSPITALITY, TRANSPORTATION, AND LODGING
TO CITY OFFICIALS, EMPLOYEES OR THEIR IMMEDIATE FAMILIES :

0.00

TOTAL EXPENDITURES FOR DIRECT
COMMUNICATION:

0.00

TOTAL EXPENDITURES FOR INDIRECT
COMMUNICATION:

6,000.00

+

TOTAL EXPENDITURES OF ALL LOBBYING FOR THE
PERIOD:

6,000.00

SUBJECT(S) OF LOBBYING:

Accessibility

DIRECT COMMUNICATIONS:

None.

INDIRECT COMMUNICATIONS:

Lobbying Category	Subject Matter	Position Taken	Method of Communication	Recipient Group
Communications	bulletproof glass bill 12/14/17	Oppose	news media	press conference

GIFT RECIPIENTS:

None.

REPAYMENTS:

None.

SOURCE OF CONTRIBUTIONS:

None.

FILER AFFIRMATION:

By affixing my signature to this expense report, I affirm that I have actual knowledge of the contents of this expense report and that the information reported herein is valid, accurate, and complete to the best of my knowledge. To the best of my knowledge at all times relevant to this quarterly expense reporting period, I have complied with the requirements of City Code §20-1205(5). I acknowledge that this affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). I consent to receive service of notices, other official mailings, or process at the address or email listed in this expense report.

First Name: adam **MI:**
Last Name: xu
Title: chairman
Date: 06/08/2018

LOBBYING FIRM/LOBBYIST NOT ASSOCIATED WITH A LOBBYING FIRM AFFIRMATION:

None.