

## SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, the Honorable Allan Domb, Allan Domb for City Council, 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 § 4-1100 of the Home Rule Charter, the Board is charged with administering and enforcing the City’s Campaign Finance Law, which is found at Chapter 20-1000 of the Philadelphia Code and Board Regulation No. 1 (Campaign Finance).
- B. The Honorable Allan Domb is an At-Large City Councilmember in Philadelphia. He was an at-large candidate for City Council in the 2019 Primary and General Elections. Councilmember Domb registered and authorized Allan Domb for City Council as the candidate political committee to receive contributions and make expenditures on behalf of his candidacy.
- C. Pursuant to Philadelphia Code § 20-1002(12) and Regulation No. 1, Paragraphs 1.2 and 1.6, a candidate for City elective office cannot accept contributions of more than \$3,000 per calendar year from an individual. On April 4, 2019, the individual contribution limit was doubled to \$6,000 for all City Council at-large candidates in the 2019 Primary and General Elections. This was because Councilmember Domb contributed more than \$250,000 of his personal resources to his City Council at-large campaign, pursuant to Philadelphia Code § 20-1002(6) and Regulation No. 1, Paragraph 1.5(a).
- D. Pursuant to Philadelphia Code § 20-1301(1) and Regulation No. 1, Paragraph 1.50, the acceptance of an excess contribution by a candidate for City elective office is subject to a civil monetary penalty of three times the excess portion, or \$2,000, whichever is less.
- E. In December of 2019, Board Enforcement Staff conducted a review of campaign finance filings that revealed that Allan Domb for City Council had potentially accepted excess contributions. As a result, Board Enforcement Staff opened an investigation in the course of which they spoke with individuals associated with the Domb campaign. At all times, Councilmember Domb and Allan Domb for City Council fully cooperated with the investigation.
- F. Enforcement Staff’s investigation found that Allan Domb for City Council accepted five excess contributions from the five individuals listed below and deposited them into the committee’s bank account. Because each of these individuals had made contributions in 2019 totaling \$6,000 to Allan Domb for City Council, the contributions exceeded the City’s contribution limits by a total of \$11,125.
  1. \$500 from Barbara Capozzi on October 22, 2019;
  2. \$1,125 from Michael Somers on October 31, 2019;
  3. \$500 from Max Paul on November 2, 2019;
  4. \$3,000 from Steven Lagos on November 3, 2019; and
  5. \$6,000 from David Kelleher on November 4, 2019.

A listing of all 2019 contributions from these five individuals to Allan Domb for City Council is attached to the Agreement as Exhibit A.

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

## AGREEMENT

The Parties agree that:

1. By accepting each of the five excess contributions described in Paragraph F, Councilmember Domb and Allan Domb for City Council violated Philadelphia Code § 20-1002(12). Councilmember Domb and Allan Domb for City Council are jointly and severally liable for the following civil monetary penalties:
  - a. \$1,500 for accepting an excess contribution from Barbara Capozzi on October 22, 2019;
  - b. \$2,000 for accepting an excess contribution from Michael Somers on October 31, 2019;
  - c. \$1,500 for accepting an excess contribution from Max Paul on November 2, 2019;
  - d. \$2,000 for accepting an excess contribution from Steven Lagos on November 3, 2019; and
  - e. \$2,000 for accepting an excess contribution from David Kelleher on November 4, 2019.


The \$9,000 in total civil monetary penalties shall be paid within 30 days of the effective date of the 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. Councilmember Domb or Allan Domb for City Council may pay the penalties at an earlier date than described in this Paragraph.

2. Allan Domb for City Council shall also disgorge \$11,125, the amount of the excess contributions described in Paragraph F, within 30 days of the effective date of the 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. Allan Domb for City Council may pay the disgorgement at an earlier date than described in this Paragraph.
3. Councilmember Domb and Allan Domb for City Council 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.
4. In consideration of the above and in exchange for the compliance of Councilmember Domb and Allan Domb for City Council with the terms of the Agreement, the Board waives any further penalties or fines against them for the violation described in this Agreement.
5. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
6. If the Board or the City is forced to seek judicial enforcement of this Agreement, and prevails, Councilmember Domb and Allan Domb for City Council 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.
7. The Agreement contains the entire agreement between the Parties.
8. The Executive Director will submit a signed copy of the Agreement to the Board for approval. The effective date of the Agreement shall be the date the Board approves the Agreement.

9. 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 any party and, except this paragraph, nothing in the Agreement shall be effective.

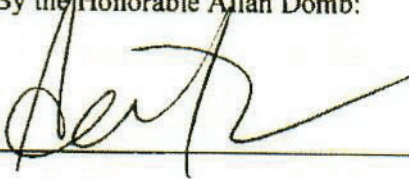
By the Executive Director of the Board of Ethics:

Dated: 2/13/20

  
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J. Shane Creamer, Jr.

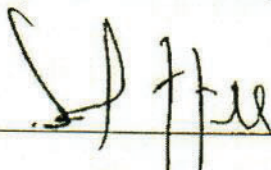
By the Honorable Allan Domb:

Dated: 2/13/20

  
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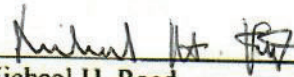
By Allan Domb for City Council:

Dated: 2/13/20

  
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Daniel Fee, Treasurer

Approved by the Board of Ethics on 2/20/2020

  
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Michael H. Reed  
Chair

# EXHIBIT A

<b>Contributor</b>	<b>Date</b>	<b>Amount</b>	<b>Notes</b>
Barbara Capozzi	2/15/2019	750	
Barbara Capozzi	4/4/2019	250	
Barbara Capozzi	4/8/2019	250	
Barbara Capozzi	5/9/2019	3000	
Barbara Capozzi	6/20/2019	500	
Barbara Capozzi	10/22/2019	1750	\$500 of contribution is excess
Michael Somers	1/18/2019	2000	
Michael Somers	2/5/2019	1000	
Michael Somers	2/28/2019	250	
Michael Somers	3/5/2019	250	
Michael Somers	3/25/2019	50	
Michael Somers	4/29/2019	200	
Michael Somers	7/24/2019	100	
Michael Somers	8/17/2019	25	
Michael Somers	9/25/2019	250	
Michael Somers	9/30/2019	1000	
Michael Somers	10/31/2019	2000	\$1,125 of contribution is excess
Max Paul	2/9/2019	1000	
Max Paul	4/15/2019	2000	
Max Paul	5/5/2019	250	
Max Paul	10/8/2019	250	
Max Paul	11/2/2019	3000	\$500 of contribution is excess
Steven Lagos	3/22/2019	3000	
Steven Lagos	9/17/2019	3000	
Steven Lagos	11/3/2019	3000	\$3,000 of contribution is excess
David Kelleher	5/6/2019	3000	
David Kelleher	9/26/2019	3000	
David Kelleher	11/4/2019	6000	\$6,000 of contribution is excess