

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, the Hon. Anthony Clark, John Raimondi, and the Committee to Elect Anthony Clark, 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. The Ethics Board has provided a detailed interpretation of the campaign finance law in its Regulation No. 1 (Campaign Finance).
- B. The Committee to Elect Anthony Clark is the authorized candidate political committee for the Hon. Anthony Clark, a Philadelphia City Commissioner.
- C. John Raimondi is the treasurer for the Committee to Elect Anthony Clark.
- D. On or around March 8, 2011, the Hon. Anthony Clark filed a nomination petition to be placed on the ballot as a candidate for a Democratic nomination for City Commissioner.
- E. Because Commissioner Clark was a candidate for a City of Philadelphia elective office, he and his authorized political committee, the Committee to Elect Anthony Clark, were subject to Philadelphia’s campaign finance law during the 2011 election.
- F. Pursuant to Philadelphia Code § 20-1002(1), in 2011, a person could not contribute more than \$2,600 to a City candidate’s candidate committee in a calendar year.
- G. Pursuant to Philadelphia Code § 20-1002(2), in 2011, a political committee could not contribute more than \$10,600 to a City candidate’s candidate committee in a calendar year.
- H. Pursuant to Code § 20-1002(12), no candidate for City elective office may accept any contribution which exceeds the contribution limits set forth in Chapter 20-1000.
- I. Pursuant to Code § 20-1301(1), the acceptance of an excess contribution is subject to a civil monetary penalty of three times the amount by which an accepted contribution exceeded the limit, or \$2,000, whichever is less. However, if the candidate who accepted an excess contribution returns the excess amount to the donor within fifteen (15) days after receiving the contribution and so notifies the Board of Ethics in writing, then no fine or civil penalty shall be imposed.

- J. Pursuant to Ethics Board Regulation No. 1, the date of acceptance of a contribution is the date that the contribution comes into the possession of the recipient candidate or committee, not the date the contribution is deposited.
- K. Pursuant to Philadelphia Code § 20-1006(4), the making of a material misstatement or omission in a report filed with the Board is a violation of the City's campaign finance law.
- L. Pursuant to Philadelphia Code § 20-1302, a material omission or misstatement in a campaign finance report is subject to a civil monetary penalty of \$1,000 which may be increased or reduced to depending on the presence of aggravating or mitigating factors.
- M. On May 13, 2011, the Committee to Elect Anthony Clark and Commissioner Clark accepted a contribution of \$12,000 from the Genesis IV PAC. This contribution exceeded the limits by \$1,400.
- N. On May 15, 2011, the Committee to Elect Anthony Clark made out and delivered a check to Genesis IV in the amount of \$1,400.
- O. On May 16, 2011, the Committee to Elect Anthony Clark deposited the \$12,000 check from Genesis IV.
- P. On May 16, 2011, the Committee to Elect Anthony Clark electronically filed a 24 hour campaign finance report with the Board disclosing a May 16, 2011 contribution of \$10,600 from Genesis IV. However, the committee should have disclosed a May 13, 2011 contribution of \$12,000 from Genesis IV in its 24 hour report.
- Q. In June of 2011, the Committee to Elect Anthony Clark electronically filed a post-election (cycle 3) report with the Board disclosing a May 16, 2011 contribution of \$10,600 from Genesis IV. However, the committee should have disclosed a May 13, 2011 contribution of \$12,000 from Genesis IV in its post-election report. In addition, the committee should have, but did not, disclose an expenditure of \$1,400 to Genesis IV in its post-election report.
- R. Neither the Committee to Elect Anthony Clark nor Commissioner Clark notified the Board that they had accepted a contribution of \$12,000 from Genesis IV or that they had refunded the excess of \$1,400 to Genesis IV.
- S. At all times, the Committee to Elect Anthony Clark and Commissioner Clark fully cooperated with the Board's investigation of the violations described in this Agreement.
- T. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

AGREEMENT

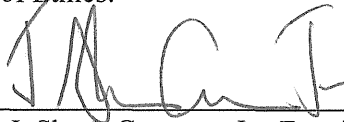
The Parties agree that:

1. The Committee to Elect Anthony Clark's and Commissioner Clark's acceptance of an excess contribution of \$1,400 from Genesis IV violated § 20-1002(12) of the Philadelphia Code. Because the Committee to Elect Anthony Clark and Commissioner Clark promptly refunded the excess contribution, they will not be subject to a monetary penalty for this violation.
2. The Committee to Elect Anthony Clark's and Raimondi's disclosure in a 24 hour campaign finance report of a May 13, 2011 contribution of \$12,000 from Genesis IV as a May 16, 2011 contribution of \$10,600 violated 20-1006(4) of the Philadelphia Code and shall be subject to a civil penalty of \$500.
3. The Committee to Elect Anthony Clark's and Raimondi's disclosure in its 2011 post-election (cycle3) campaign finance report of a May 13, 2011 contribution of \$12,000 from Genesis IV as a May 16, 2011 contribution of \$10,600 and its failure to disclose an expenditure of \$1,400 to Genesis IV violated 20-1006(4) of the Philadelphia Code and shall be subject to a civil penalty of \$500.
4. The Committee to Elect Anthony Clark and Raimondi shall jointly pay the aggregate civil penalty on the following schedule:
 - 4.1. \$250 within 14 days of the effective date of the Agreement;
 - 4.2. \$250 by April 30, 2012; and
 - 4.3. \$500 by July 31, 2012.
5. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
6. Within 14 days of the effective date of the settlement agreement, the Committee to Elect Anthony Clark and Raimondi will file an amended 24 hour report and an amended cycle 3 report correcting all of the omissions and misstatements described in the Agreement.
7. The Committee to Elect Anthony Clark, Commissioner Clark, and Raimondi 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.
8. In consideration of the above and in exchange for the Committee to Elect Anthony Clark's, Commissioner Clark's, and Raimondi'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.
9. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

10. If the Ethics Board is forced to seek judicial enforcement of the Agreement, and prevails, the Committee to Elect Anthony Clark, Commissioner Clark, and Raimondi 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.
11. The Agreement contains the entire agreement between the Parties.
12. The Parties will submit a signed copy of the Agreement to the Board for approval.
13. 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.
14. 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 or considering or resolving an administrative adjudication of the matters described in the Agreement.

By the Executive Director of the
Board of Ethics:

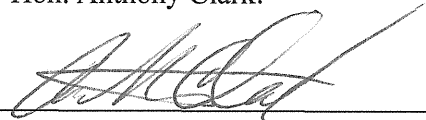
Dated: 2/9/12



J. Shane Creamer, Jr., Esquire

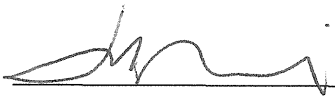
By Hon. Anthony Clark:

Dated: 2/6/2012



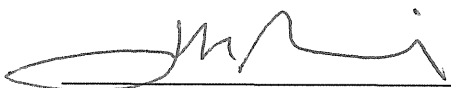
By John Raimondi:

Dated: 2/6/2012



By Committee to Elect Anthony Clark


Dated: 2/6/2012



John Raimondi, Treasurer

Approved by the Board of Ethics:

Effective Date: 2/22/12



Richard Glazer, Esquire
Chair