

## SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia and the Bricklayers and Allied Craftworkers Local 1 PAC, 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 Bricklayers and Allied Craftworkers Local 1 PAC is a political committee registered with the Pennsylvania Department of State.
- C. Joseph Battaglia is the treasurer of the Bricklayers Local 1 PAC.
- D. 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.
- E. Pursuant to Code § 20-1302, making an excess contribution to a City candidate is subject to a civil monetary penalty of \$1,000, which may be increased or reduced depending on the presence of aggravating or mitigating factors.
- F. In 2011, Bobby Henon was a candidate for Philadelphia City Council’s 6<sup>th</sup> District seat. Because he was a candidate for a City of Philadelphia elective office, contributions to Henon and his authorized political committee, Bobby 11, were subject to the contribution limits imposed by Philadelphia Code § 20-1002(2).
- G. On August 9, 2011, Bobby 11 and Henon accepted a contribution of \$1,000 from the Bricklayers Local 1 PAC. Because the committee had already contributed \$10,600 to Bobby 11 in 2011, this contribution exceeded the limits by \$1,000.
- H. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

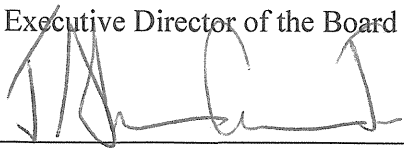
## **AGREEMENT**

The Parties agree that:

1. The Bricklayers Local 1 PAC's August 9, 2011 excess contribution of \$1,000 to Bobby 11 violated § 20-1002(2) of the Philadelphia Code and is subject to a civil penalty of \$1,000.
2. The Bricklayers Local 1 PAC shall pay the civil penalty of \$1,000 within 14 days of the effective date of the Agreement. Payment shall be made by check made out to the City of Philadelphia and delivered to the offices of the Board.
3. The Bricklayers Local 1 PAC 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 violations described in the Agreement.
4. In consideration of the above and in exchange for the Bricklayers Local 1 PAC'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.
5. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
6. If the Board is forced to seek judicial enforcement of the Agreement, and prevails, the Bricklayers Local 1 PAC shall be 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.
7. The Agreement contains the entire agreement between the Parties.
8. The Parties will submit a signed copy of the Agreement to the Board for approval.
9. 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.
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 or considering or resolving an administrative adjudication of the matters described in the Agreement.

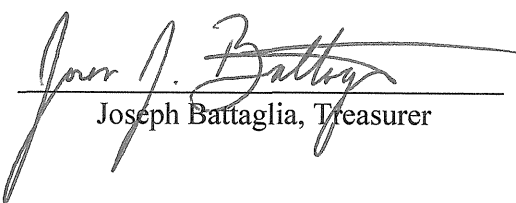
By the Executive Director of the Board of Ethics:

Dated: 3/14/12

  
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J. Shane Creamer, Jr., Esquire

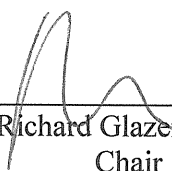
By Bricklayers and Allied Craftworkers Local 1 PAC:

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Joseph Battaglia, Treasurer

Approved by the Board of Ethics:

Effective Date: 4/2/12

  
\_\_\_\_\_  
Richard Glazer, Esquire  
Chair