

## SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into by the Board of Ethics of the City of Philadelphia, J. Shane Creamer, Jr., the Executive Director of the Board, Judy Moore, and the Committee to Elect Judy Moore, 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, the Board is charged with administering and enforcing the City’s Campaign Finance Law.
- B. Judy Moore was a candidate for City Council in the 10<sup>th</sup> Councilmanic District in the November 5, 2019 General Election. Ms. Moore registered and authorized Committee to Elect Judy Moore as the candidate political committee to receive contributions and make expenditures on behalf of her candidacy. Throughout 2019, Tina Melendez was the Treasurer of the Committee to Elect Judy Moore. In January of 2020, Adam Erickson became the Treasurer of the Committee to Elect Judy Moore.
- C. In August of 2019, Board Enforcement Staff received information alleging potential violations of the City’s Campaign Finance Law by Ms. Moore and the Committee to Elect Judy Moore. Accordingly, the Executive Director opened an investigation during which Enforcement Staff obtained records, took statements under oath, and spoke with individuals associated with the Moore campaign.
- D. This settlement agreement resolves four violations of the City’s Campaign Finance Law. Two of the violations are by the Committee to Elect Judy Moore for making material omissions in required campaign finance reports filed with the Board. The agreement also resolves a violation of the City’s Campaign Finance Law by Ms. Moore for violating the single checking account rule. Lastly, the settlement agreement resolves a violation of the City’s Campaign Finance Law by Ms. Moore for making material omissions in required campaign finance reports filed with the Board.

### Committee to Elect Judy Moore- Material Omissions in Required Campaign Finance Reports

- E. The City’s Campaign Finance Law requires candidate political committees to file campaign finance reports with the Board that disclose details of their financial transactions for the relevant reporting period. Pursuant to Philadelphia Code §20-1006(4) and Regulation No. 1, Paragraph 1.24, the making of a material misstatement or omission in a required report filed with the Board is a violation of the City’s Campaign Finance Law.
- F. In late 2018, Committee to Elect Judy Moore entered into a contract with Rittenhouse Political Partners to provide campaign and fundraising consulting services. From January to April of 2019, Rittenhouse Political Partners billed the Committee to Elect Judy Moore a total of \$11,578.78 for consulting services and reimbursements for travel, printing, and campaign software.

- G. Committee to Elect Judy Moore did not pay any of the \$11,578.78 it owed to Rittenhouse Political Partners until September of 2019. Therefore, the Committee to Elect Judy Moore owed a debt to Rittenhouse Political Partners.
- H. Between January and September of 2019, Committee to Elect Judy Moore electronically filed four separate campaign finance reports with the Board. None of these campaign finance reports disclosed any of the debt the Committee to Elect Judy Moore owed to Rittenhouse Political Partners. The four reports were the sixth Tuesday pre-primary (cycle 1) report, the second Friday pre-primary (cycle 2) report, the thirty day post-primary (cycle 3) report, and the sixth Tuesday pre-general (cycle 4) report.
- I. In addition to the debt described above, the 2019 cycle 2 and 3 campaign finance reports filed by the Committee to Elect Judy Moore with the Board each omitted a contribution received by the Moore campaign. Moreover, the 2019 cycle 4 campaign report filed with the Board omitted \$3,200 in contributions received and \$3,593.33 in expenditures made by the Moore campaign. Lastly, the Moore campaign's 2019 thirty day pre-general (cycle 5) campaign report filed with the Board omitted \$1,500 in contributions received and \$20,452.18 in expenditures made by the Moore campaign. All of the omissions described in this paragraph are listed in Exhibit A attached to the Agreement.
- J. Pursuant to Philadelphia Code §20-1302, the penalty for a violation of Philadelphia Code §20-1006(4) is \$1,000, but the penalty may be increased to \$2,000 or decreased to \$250, depending on aggravating or mitigating factors.

#### Judy Moore- Single Checking Account Rule Violations

- K. Pursuant to Philadelphia Code §20-1003, a candidate for City office may have no more than one checking account for the City office being sought, into which all contributions for such office shall be made, and out of which all expenditures for that office shall be made.
- L. On May 1, 2019, Philadelphia Code §20-1003 was amended to allow a candidate or an employee or agent of a candidate's campaign to use personal funds to make purchases for the benefit of the campaign so long as it is: (1) reasonably necessary that such purchases are not made from the candidate committee's checking account; (2) the campaign reimburses the candidate or employee or agent within 45 days of the purchase; (3) the reimbursement is disclosed and accurately described in the required campaign finance report; and (4) the candidate's campaign maintains documentation of the reimbursement and underlying purchase. Prior to May 1, 2019, Board Regulation No. 1, Paragraph 1.30, allowed a candidate or an agent of a candidate's campaign to make minor purchases, such as for postage stamps or parking fees, on behalf of the campaign, so long as he or she was reimbursed by the candidate political committee within a reasonable amount of time.

- M. During the investigation, Enforcement Staff discovered that Ms. Moore made two expenditures for her campaign using her personal funds. The first expenditure was for \$350 on May 15, 2019 to Yard Sign Wholesale for campaign yard signs. The second expenditure was for a campaign event at the Olde Bar on October 7, 2019. Ms. Moore paid \$663.98 for the event through her employee benefit account by virtue of her status as an employee of the Garces Group.
- N. The expenditures described in Paragraph M were reasonably necessary for Ms. Moore to make because of the inability to pay by check or the event rate being a function of Ms. Moore's employment status. The campaign also kept documentation of the underlying purchases. However, Ms. Moore was not reimbursed by the Committee to Elect Judy Moore for either of these purchases. In addition, Ms. Moore's purchases were not disclosed in any campaign finance reports filed with the Board. Therefore, Ms. Moore's personal expenditures violated the single checking account rule.
- O. Pursuant to Philadelphia Code §20-1302, the penalty for a violation of Philadelphia Code §20-1003 is \$1,000, but the penalty may be increased to \$2,000 or decreased to \$250, depending on aggravating or mitigating factors.

Judy Moore- Material Omissions in Required Campaign Finance Reports

- P. The City's Campaign Finance Law requires candidates to file campaign finance reports with the Board that disclose details of their financial transactions for the relevant reporting period. Pursuant to Philadelphia Code § 20-1006(4) and Regulation No. 1, Paragraph 1.24, the making of a material misstatement or omission in a required report filed with the Board is a violation of the City's Campaign Finance Law.
- Q. Between May and October of 2019, Ms. Moore electronically filed two separate candidate campaign finance reports with the Board that failed to disclose her personal campaign expenditures described in Paragraph M. The two reports were the thirty day post-primary (cycle 3) report and the second Friday pre-general (cycle 5) report.
- R. Pursuant to Philadelphia Code §20-1302, the penalty for a violation of Philadelphia Code §20-1006(4) is \$1,000, but the penalty may be increased to \$2,000 or decreased to \$250, depending on aggravating or mitigating factors.
- S. Committee to Elect Judy Moore and Ms. Moore cooperated with the Board's investigation.
- T. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

**AGREEMENT**

The Parties agree that:

1. By making the material omissions in campaign finance reports filed with the Board related to the 2019 Primary Election that are described in Paragraphs H and I, Committee to Elect Judy Moore violated Philadelphia Code §20-1006(4). Committee to Elect Judy Moore is liable for a civil monetary penalty of \$1,500 for these violations.

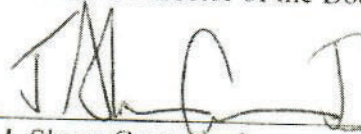
2. By making the material omissions in campaign finance reports filed with the Board related to the 2019 General Election that are described in Paragraph I, the Committee to Elect Judy Moore violated Philadelphia Code §20-1006(4). Committee to Elect Judy Moore is liable for a civil monetary penalty of \$2,000 for these violations.
3. Ms. Moore's use of her personal funds to make the two campaign expenditures described in Paragraph M violated Philadelphia Code §20-1003, for which she is subject to a civil monetary penalty of \$750.
4. By failing to disclose her two personal expenditures for her campaign described in Paragraph M, Ms. Moore made material omissions from candidate campaign finance reports she filed with the Board, thereby violating Philadelphia Code §20-1006(4). Ms. Moore is subject to a civil monetary penalty of \$1,000, which is reduced to \$750 in recognition of her cooperation.
5. The aggregate civil monetary penalty for which Committee to Elect Judy Moore is liable is \$3,500, which shall be paid by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board within 30 days of the effective date of the Agreement.
6. The aggregate civil monetary penalty for which Ms. Moore is liable is \$1,500, which shall be paid by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board within 30 days of the effective date of the Agreement.
7. Within 30 days of the effective date of the Agreement, Committee to Elect Judy Moore will amend its campaign finance reports filed with the Board to disclose the transactions described in this Agreement.
8. Within 30 days of the effective date of the Agreement, Ms. Moore will amend her candidate campaign finance reports filed with the Board to disclose the transactions described in this Agreement.
9. Ms. Moore and the Committee to Elect Judy Moore 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 matters described in the Agreement.
10. In consideration of the above and in exchange for the compliance of Ms. Moore and the Committee to Elect Judy Moore with the terms of this Agreement, the Board waives any further penalties or fines against them for the conduct described in the Agreement.
11. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
12. If the City is forced to seek judicial enforcement of this Agreement, and prevails, Ms. Moore and the Committee to Elect Judy Moore 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.
13. The Agreement contains the entire agreement between the Parties.

14. The Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval. The Agreement shall become effective upon approval by the Board.
15. 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.

Dated:

1/24/20

By the Executive Director of the Board of Ethics:

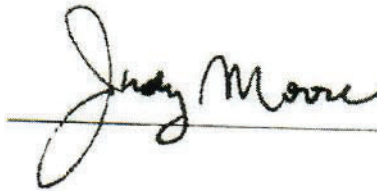


J. Shane Creamer, Jr.  
Executive Director

By Judy Moore:

Dated:

01/24/2020



By Committee to Elect Judy Moore:

Dated:


1/24/2020



Adam Erickson, Treasurer

Approved by the Board of Ethics on

2/20/2020 :



Michael H. Reed  
Chair

# EXHIBIT A

**Committee to Elect Judy Moore- 2019 Campaign Finance Material Omissions**

<b>Contributions Omitted from Reports</b>	<b>Date</b>	<b>Amount</b>	<b>Notes</b>
Friends of Tina Davis	4/19/19	\$500	
Plumbers Local 690	6/6/19	\$2,500	
Shady View LLC	8/2/19	\$750	
Friends of Tina Davis	8/25/19	\$250	
Harold Yaffe	8/26/19	\$200	
1776 PAC	9/13/19	\$500	
Gary Barbera	9/13/19	\$1,000	
Leslie Ann Miller	9/16/19	\$500	
District 1199C PAC	10/10/19	\$1,000	
PA Future PAC	10/16/19	\$500	
<b>Expenditures Omitted from Reports</b>			
Actblue	7/3/2019	\$127.50	
Vantiv	7/19/2019	\$3,000.00	
Actblue	9/5/2019	\$177.68	
Vantiv	9/10/2019	\$288.15	
Sixsmith Sporting Goods	9/18/2019	\$1,000.00	T-Shirts
Strassheim Graphic	9/20/2019	\$2,769.12	
Signrocket	9/23/2019	\$957.50	
Signrocket	9/26/2019	\$459.75	
Signrocket	9/27/2019	\$583.00	
Mailchimp	10/2/2019	\$59.30	
NGP Van	10/2/2019	\$450.00	
Gsuite	10/2/2019	\$141.69	
4Imprint	10/2/2019	\$391.83	
Google Services	10/3/2019	\$65.88	
Actblue	10/3/2019	\$89.43	
Allison Garrett	10/3/2019	\$3,055.00	
Target	10/4/2019	\$125.26	
Princeton Strategies	10/4/2019	\$3,000.00	
Signrocket	10/7/2019	\$957.50	
Strassheim Graphic	10/7/2019	\$757.08	
Strassheim Graphic	10/7/2019	\$314.28	
Strassheim Graphic	10/7/2019	\$314.28	
Strassheim Graphic	10/7/2019	\$1,864.28	

<b>Expenditures Omitted from Reports</b>	<b>Date</b>	<b>Amount</b>	<b>Notes</b>
Philly Pretzel	10/7/2019	\$97.00	
Decisive Communications	10/16/2019	\$3,000.00	