

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, and Derek Green, 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 section of the Philadelphia Home Rule Charter that prohibits City’ officers and employees from being concerned in the collection, receipt, or solicitation of contributions intended for a political purpose.
- B. Derek Green is a former City employee of City Council. Mr. Green resigned from his City Council position in February of 2015. Mr. Green is currently a candidate for a City Council At-Large seat.
- C. The Green Fund is a political committee based in Philadelphia.
- D. Gregory Davis is the treasurer of The Green Fund. He registered the committee with the Department of State to support the election of progressive federal, state, and local candidates.
- E. On February 13, 2015 Derek Green authorized The Green Fund to receive contributions on behalf of his candidacy for City Council. At the time, The Green Fund had a cash balance of approximately \$5,000. Prior to February 13, 2015, Mr. Green did not ask Mr. Davis to raise money on his behalf, nor did Mr. Davis suggest to Mr. Green that he do so.
- F. Section 10-107(3) of Philadelphia’s Home Rule Charter provides, in part, that no City officer “shall, from any person, and no officer or member of a committee of any political party or club shall, from any civil service employee, directly or indirectly demand, solicit, collect or receive, or be in any manner concerned in demanding, soliciting, collecting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, intended for any political purpose whatever.”
- G. Ethics Board Regulation No. 8, which became effective March 28, 2011, provides a detailed interpretation of the prohibition found in Charter Subsection 10-107(3) on the collection, receipt, or solicitation of contributions intended for a political purpose by appointed City officers and employees.
- H. Pursuant to Regulation No. 8, Paragraph 8.5, a City employee shall not directly or indirectly be in any manner concerned in the collection, receipt, or solicitation of contributions intended for a political purpose.

- I. Pursuant to Philadelphia Code Section 20-606(1)(h), if the Board finds a violation of Section 10-107(3) of the Home Rule Charter through an administrative adjudication, it may impose a civil monetary penalty of \$300.
- J. On or around July 18, 2013, while still an employee of City Council, Mr. Green spoke at a fundraiser for The Green Fund on July 18, 2013 at XIX Restaurant. Mr. Green's participation was publicized by The Green Fund in advance of the fundraiser. A copy of a flier announcing the fundraiser is attached to this Agreement as Exhibit "A."
- K. On or around January 20, 2014, while still an employee of City Council, Mr. Green agreed to speak at a fundraiser for The Green Fund on February 20, 2014 at XIX Restaurant. Mr. Green's participation was publicized by The Green Fund in advance of the fundraiser, but, because of a family death, Mr. Green did not attend the event. A copy of a flier announcing the fundraiser is attached to this Agreement as Exhibit "B."
- L. On or around June 23, 2014, while still an employee of City Council, Mr. Green agreed to speak at a fundraiser for The Green Fund on July 16, 2014 at The Capital Grille. Mr. Green's participation was publicized by The Green Fund in advance of the fundraiser. Mr. Green attended the event but ended up not making a speech. A copy of a flier announcing the fundraiser is attached to this Agreement as Exhibit "C."
- M. On or around November 2, 2014, while still an employee of City Council, Mr. Green agreed to speak at a fundraiser for The Green Fund on November 12, 2014 at XIX Restaurant. Mr. Green's participation was publicized by The Green Fund in advance of the fundraiser. Mr. Green attended the event but ended up not making a speech. A copy of a flier announcing the fundraiser is attached to this Agreement as Exhibit "D."
- N. In April 2015, Board enforcement staff received a complaint about Mr. Green and The Green Fund that alleged that Mr. Green had violated § 10-107(3) of the Home Rule Charter. Because the complaint stated potential violations of the City's Home Rule Charter, enforcement staff accepted the complaint and opened an investigation. In the course of the investigation, enforcement staff interviewed witnesses and obtained documents. At all times, Mr. Green has fully cooperated with the investigation.
- O. The Parties desire to enter into this Agreement in order to resolve the matters described herein.

AGREEMENT

The Parties agree that:

1. By agreeing to speak and speaking at The Green Fund's July 18, 2013 fundraiser, Mr. Green was directly or indirectly concerned in the collection, receipt, and solicitation of contributions intended for a political purpose and therefore violated Section 10-107(3) of the Philadelphia Home Rule Charter. The civil penalty for this violation is \$300.
2. By agreeing to speak at The Green Fund's February 20, 2014 fundraiser, Mr. Green was directly or indirectly concerned in the collection, receipt, and solicitation of contributions intended for a political purpose and therefore violated Section 10-107(3) of the Philadelphia Home Rule Charter. The civil penalty for this violation is \$300.
3. By agreeing to speak at The Green Fund's July 16, 2014 fundraiser, Mr. Green was directly or indirectly concerned in the collection, receipt, and solicitation of contributions intended for a political purpose and therefore violated Section 10-107(3) of the Philadelphia Home Rule Charter. The civil penalty for this violation is \$300.
4. By agreeing to speak at The Green Fund's November 12, 2014 fundraiser, Mr. Green was directly or indirectly concerned in the collection, receipt, and solicitation of contributions intended for a political purpose and therefore violated Section 10-107(3) of the Philadelphia Home Rule Charter. The civil penalty for this violation is \$300.
5. Mr. Green shall pay the aggregate civil penalty of \$1,200 on the following schedule:
 - 5.1. \$500 within 14 days of the effective date of the Agreement; and
 - 5.2. \$700 within 45 days of the effective date of the Agreement.

Payment shall be by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board of Ethics.

6. Mr. Green 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 the Agreement.
7. In consideration of the above and in exchange for Mr. Green's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against him arising from the events described in the Agreement.
8. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

9. If the Board or the City is forced to seek judicial enforcement of the payment of the civil monetary penalty imposed by the Agreement, and prevails, Mr. Green shall be liable for attorneys' fees and costs reasonably expended in such enforcement. Fees shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
10. The Agreement contains the entire agreement between the Parties.
11. The Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval.
12. The Agreement shall become effective upon approval by the Board. The effective date of the Agreement shall be the date the Board Chair signs the Agreement.
13. 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.
14. If the Board rejects the proposed Agreement, nothing in the proposed Agreement shall be considered an admission by either party and, except for paragraphs 13 and 14, nothing in the Agreement shall be effective.

Dated: 7/14/15

By the Executive Director of the
Board of Ethics:



J. Shane Creamer, Jr.
Executive Director


Dated: 7/14/15

By Derek Green:



Approved by the Board of Ethics:

Dated: 8/20/2015



Michael H. Reed, Esquire
Chair

EXHIBIT A

The Green Fund

Empowering Our Communities

PO Box 4984 ♦ Philadelphia, PA 19119 ♦ pagreenfund@yahoo.com

*Please join us for an evening
of cocktails and conversation*

With honored guest:

Derek S. Green, Esquire

July 18th, 2013

5:30 p.m. – 7:30 p.m.

XIX Restaurant

Hyatt at the Bellevue, 19th Floor
200 S. Broad Street
Philadelphia, PA 19102

Friends \$250 • Supporters \$500 • Sponsors \$1000

Please RSVP to pagreenfund@yahoo.com

Gregory Davis, Treasurer

EXHIBIT B

The Green Fund

Empowering Our Communities

PO Box 4984 ♦ Philadelphia, PA 19119 ♦ pagreenfund@yahoo.com

*Please join us for an evening
of cocktails and conversation*

With honored guest:

Derek S. Green, Esquire

February 20th, 2014

5:30 p.m. – 7:30 p.m.

XIX Restaurant

Hyatt at the Bellevue, 19th Floor
200 S. Broad Street
Philadelphia, PA 19102

Friends \$250 • Supporters \$500 • Sponsors \$1000

Please RSVP to pagreenfund@yahoo.com

Gregory Davis, Treasurer

EXHIBIT C

The Green Fund

Empowering Our Communities

PO Box 4984 ♦ Philadelphia, PA 19119 ♦ pagreenfund@yahoo.com

*Please join us for an evening
of cocktails and conversation*

With honored guest:

Derek S. Green, Esquire

July 16th, 2014

5:30 p.m. – 7:30 p.m.

The Capital Grille

1338 Chestnut Street
Philadelphia, PA 19107

Friends \$250 • Supporters \$500 • Sponsors \$1000

Please RSVP to pagreenfund@yahoo.com

Gregory Davis, Treasurer

EXHIBIT D

THE GREEN FUND

Invites you to an evening with

PHILADELPHIA COUNCILWOMAN

Marian Tasco

FOR

Cocktails & Conversation

XIX

NINETEEN

200 S. BROAD ST | 19TH FLOOR | PHILADELPHIA

WITH SPECIAL GUEST

Derek Green

WEDNESDAY, NOVEMBER 12

5:30 TO 7:30

SUGGESTED SPONSOR LEVELS: \$250 • \$500 • \$1,000

RSVP TO KELLY BAUER AT 610-841-3733 OR [KBAUER@7POINTSCONSULTING.COM](mailto:kbauer@7pointsc consulting.com)

PLEASE MAKE CHECKS PAYABLE TO...

THE GREEN FUND P.O. BOX 4984, PHILADELPHIA PA 19119

PAID FOR BY THE GREEN FUND. PRINTED IN-HOUSE, LABOR DONATED.