

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, Friends of Justin DiBerardinis, and Sharon Kim, the Treasurer of Friends of Justin DiBerardinis, 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. Justin DiBerardinis was a candidate for City Council At-Large in the May 21, 2019 Democratic Primary Election. Mr. DiBerardinis registered and authorized Friends of Justin DiBerardinis as the candidate political committee to receive contributions and make expenditures on behalf of his candidacy. Sharon Kim is the Treasurer of Friends of Justin DiBerardinis.
- C. Pursuant to the City’s Campaign Finance Law, from May 7, 2019 through May 21, 2019, Friends of Justin DiBerardinis was required to electronically file a report with the Board disclosing contributions it received of \$500 or more within 24 hour of receipt of the contribution. During this time period, Friends of Justin DiBerardinis filed several 24 hour reports with the Board.
- D. Pursuant to the City’s Campaign Finance Law, at various points candidate political committees must also file with the Board campaign finance reports, which disclose all of their financial transactions for the reporting period. On June 20, 2019, Friends of Justin DiBerardinis filed a required 30 day Post-Primary Election report (Cycle 3) with the Board.
- E. Pursuant to Philadelphia Code § 20-1006(4) and Regulation No. 1, Paragraph 1.24, the making of a material misstatement or omission in a campaign finance report filed with the Board is a violation of the City’s Campaign Finance Law.
- F. In July of 2019, Board Enforcement Staff received information alleging potential violations of the City’s Campaign Finance Law by Friends of Justin DiBerardinis. Accordingly, the Executive Director opened an investigation during which Enforcement Staff spoke with individuals associated with the DiBerardinis campaign.
- G. On May 15, 2019, Friends of Justin DiBerardinis received a \$20,000 contribution from the International Brotherhood of Electrical Workers Local Union 98 COPE.
- H. On May 16, 2019, Friends of Justin DiBerardinis filed a 24 hour report with the Board, but failed to disclose in that report the contribution described in Paragraph G. Friends of Justin DiBerardinis subsequently filed a 2019 cycle 3 report on June 20, 2019 with the Board that disclosed the contribution described in Paragraph G.

- I. Friends of Justin DiBerardinis fully cooperated with the Board's investigation. It has filed an amended 24 hour report in order to correct the omission described in Paragraph G. A copy of the amended report is attached as Exhibit A.
- J. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

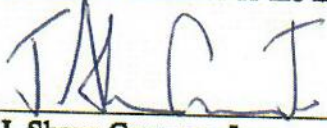
AGREEMENT

The Parties agree that:

1. By making a material omission from a 24 hour report that it filed with the Board, Friends of Justin DiBerardinis and Sharon Kim violated Philadelphia Code § 20-1006(4), for which they are jointly and severally liable for a civil monetary penalty of \$1,000.
2. Payment of the civil monetary penalty shall be made by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board on the following schedule:
 - 2.1. \$500 within 30 days of the effective date of the Agreement; and
 - 2.2. \$500 within 60 days of the effective date of the Agreement.
3. Friends of Justin DiBerardinis and Ms. Kim 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.
4. In consideration of the above and in exchange for the compliance of Friends of Justin DiBerardinis and Ms. Kim with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the conduct 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 City is forced to seek judicial enforcement of this Agreement, and prevails, Friends of Justin DiBerardinis and Ms. Kim 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, 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.
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 either party and, except for this paragraph, nothing in the Agreement shall be effective.

Dated: 9/11/19


By the Executive Director of the Board of Ethics:



J. Shane Creamer, Jr.
Executive Director

Dated: 9/10/19

By Friends of Justin DiBerardinis:

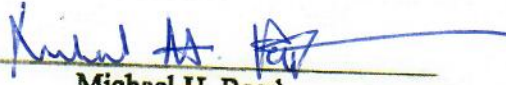


Sharon Kim, Treasurer

By Sharon Kim:



Approved by the Board of Ethics on 9/18/2019:



Michael H. Reed
Chair

EXHIBIT A

Late Contributions - 24h Hour Report

Name of Filing Committee or Candidate Friends of Justin DiBerardinis		Filer Identification Number 1776675		
Full Name of Contributor: Michael Tester	DATE RECEIVED			Amount \$1,000.00
	MO.	DAY	YEAR	
	5	15	2019	
Mailing Address: 1541 Ridge Ave Suite 1				
City: Philadelphia	State: PA	Zip Code (Plus 4): 19130		
Full Name of Contributor: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 98	DATE RECEIVED			Amount \$20,000.00
	MO.	DAY	YEAR	
	5	15	2019	
Mailing Address: 1701 Spring Garden St				
City: Philadelphia	State: PA	Zip Code (Plus 4): 191303996		

Name of Person Submitting Report Melissa Womelsdorf Day of Report 07/18/2019

Contact Phone Number 267-443-4136

Email Address mwomelsdorf@kleinbard.com