

## 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 Maria, and Peter Winebrake, the Treasurer of Friends of Maria, 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. The Honorable Maria D. Quiñones-Sánchez is the City Council member representing the 7<sup>th</sup> Councilmanic District in Philadelphia. She was a candidate for City Council in the 7<sup>th</sup> Councilmanic District in the May 21, 2019 Democratic Primary Election. Ms. Quiñones-Sánchez registered and authorized Friends of Maria as the candidate political committee to receive contributions and make expenditures on behalf of her candidacy. Peter Winebrake is the Treasurer of Friends of Maria.
- C. Pursuant to the City’s Campaign Finance Law, from May 7, 2019 through May 21, 2019, Friends of Maria was required to electronically file a report with the Board disclosing contributions of \$500 or more it received within 24 hours of receipt of the contribution.
- D. On June 20, 2019, Friends of Maria filed a required 30 day Post-Primary Election report (Cycle 3) with the Board, pursuant to the City’s Campaign Finance Law.
- 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. Pursuant to Philadelphia Code § 20-1302, the penalty for a violation of Philadelphia Code § 20-1006(4) is \$1,000, but can be increased to \$2,000 depending on aggravating factors or decreased to \$250 depending on mitigating factors. Aggravating factors include a repeat violation of the same provision.
- F. In July of 2019, Board Enforcement Staff conducted a review of campaign finance filings that revealed potential violations of the City’s Campaign Finance Law by Friends of Maria. Accordingly, the Executive Director opened an investigation during which Enforcement Staff reviewed bank records and spoke with individuals associated with the Quiñones-Sánchez campaign.
- G. During the 24 hour reporting period, Friends of Maria filed seven 24 hour reports with the Board that disclosed contributions over \$500 that it received during the reporting period, which totaled \$58,750. However, Friends of Maria failed to disclose an additional thirteen contributions over \$500 that it received during the reporting period, which totaled \$10,500. Friends of Maria subsequently filed a 2019 cycle 3 report on June 20, 2019 with the Board that disclosed all of these contributions. The omitted contributions are listed in the attached Exhibit A.

- H. Friends of Maria cooperated with the Board's investigation. Friends of Maria previously entered into a settlement agreement with the Board on October 17, 2016 to resolve material misstatements and omissions in a campaign finance report filed with the Board.
- I. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

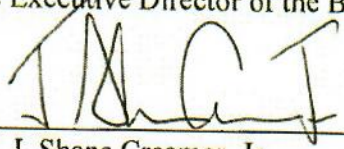
## **AGREEMENT**

The Parties agree that:

1. By failing to disclose thirteen contributions in 24 hour reports filed with the Board, as described in Paragraph G, Friends of Maria and Peter Winebrake violated Philadelphia Code § 20-1006(4), for which they are jointly and severally liable for a civil monetary penalty of \$2,000.
2. Payment of the aggregate civil monetary penalty of \$2,000 shall be made 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.
3. Within 30 days of the effective date of the Agreement, Friends of Maria will amend its 24 hour reports to disclose the contributions described in this Agreement.
4. Friends of Maria and Mr. Winebrake 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.
5. In consideration of the above and in exchange for the compliance of Friends of Maria and Mr. Winebrake 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.
6. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
7. If the Board or the City is forced to seek judicial enforcement of Paragraphs 1-3 of the Agreement, and prevails, Friends of Maria and Mr. Winebrake 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.
8. The Agreement contains the entire agreement between the Parties.
9. 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.
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, 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.

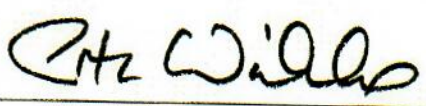
Dated: 11/19/19

By the Executive Director of the Board of Ethics:

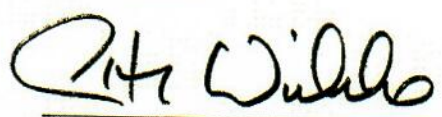
  
\_\_\_\_\_  
J. Shane Creamer, Jr.  
Executive Director

Dated: 11/15/19


By Friends of Maria:

  
\_\_\_\_\_  
Peter Winebrake, Treasurer

By Peter Winebrake:

  
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Approved by the Board of Ethics on 11/20/2019 :

  
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Michael H. Reed  
Chair

# **EXHIBIT A**

**Friends of Maria- 2019 Primary Election: 24 Hour Reporting Omissions**

<b>Contributor</b>	<b>Date</b>	<b>Amount</b>
Chapter 830 Drive	5/7/19	\$1,000
Charles Edward Hillis	5/7/19	\$1,000
Steve Gilbert	5/7/19	\$500
1776 PAC	5/10/19	\$1,000
Brett Meringoff	5/13/19	\$500
PA Opportunity Park Partners Qof LLC	5/14/19	\$500
RePoint Philadelphia	5/14/19	\$500
Economic Empowerment PAC	5/17/19	\$500
Kairol Rosenthal	5/20/19	\$1,500
Kensington Avenue LLC	5/20/19	\$1,500
Richard Phillips	5/20/19	\$1,000
Jeffrey Marshall	5/20/19	\$500
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