

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 O’Rourke, and Beulah Osueke, the Treasurer of Friends of O’Rourke, 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. Nicolas O’Rourke was a candidate for City Council At-Large in the November 5, 2019 General Election. Mr. O’Rourke registered and authorized Friends of O’Rourke as the candidate political committee to receive contributions and make expenditures on behalf of his candidacy. Beulah Osueke is the Treasurer of Friends of O’Rourke.
- C. Pursuant to the City’s Campaign Finance Law, from October 22, 2019 through November 24, 2019, Friends of O’Rourke was required to electronically file a report with the Board disclosing contributions it received of \$500 or more within 24 hours of receipt of the contribution. During this time period, Friends of O’Rourke 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.
- E. Pursuant to Philadelphia Code § 20-1006(4) and Board Regulation No. 1, Paragraph 1.24, making 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 December of 2019, Board Enforcement Staff conducted a review of campaign finance filings that revealed a potential violation of the City’s Campaign Finance Law by Friends of O’Rourke. Accordingly, the Executive Director opened an investigation during which Enforcement Staff reviewed bank records and spoke with individuals associated with the O’Rourke campaign.
- G. On October 28, 2019, Friends of O’Rourke received an \$11,900 contribution from the Unite Here Tip Campaign Committee.
- H. On October 29, 2019, Friends of O’Rourke filed a 24-hour report with the Board, but failed to disclose in that report the contribution described in Paragraph G. Friends of O’Rourke subsequently filed a 2019 30-day Post-General Election (cycle 6) report on December 5, 2019 with the Board that disclosed the contribution described in Paragraph G.
- I. Friends of O’Rourke 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 failing to disclose a contribution of \$11,900 from Unite Here Tip Campaign Committee in the 24-hour report filed with the Board on October 29, 2019, Friends of O'Rourke and Beulah Osueke violated Philadelphia Code § 20-1006(4), for which they are jointly and severally liable for a civil monetary penalty of \$1,000. 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 within 30 days of the effective date of the Agreement
2. Friends of O'Rourke and Ms. Osueke 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.
3. In consideration of the above and in exchange for the compliance of Friends of O'Rourke and Ms. Osueke with the terms of the Agreement, the Board waives any further penalties or fines against them for the conduct described in the Agreement.
4. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
5. If the City is forced to seek judicial enforcement of this Agreement, and prevails, Friends of O'Rourke and Ms. Osueke 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.
6. The Agreement contains the entire agreement between the Parties.
7. 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.
8. 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: 2/7/20


By the Executive Director of the Board of Ethics:



J. Shane Creamer, Jr.
Executive Director

By Friends of O'Rourke:

Dated: 02-06-20




Beulah Osueke, Treasurer

By Beulah Osueke:





Approved by the Board of Ethics on 2/20/2020 :



Michael H. Reed
Chair

EXHIBIT A

Late Contributions - 24h Hour Report

Name of Filing Committee or Candidate Friends of O'Rourke			Filer Identification Number 17761017			
Full Name of Contributor: William Brownlee			DATE RECEIVED			Amount \$500.00
			MO.	DAY	YEAR	
			10	28	2019	
Mailing Address: 5913 chestnut street						
City: Philadelphia		State: PA		Zip Code (Plus 4): 19139		
Full Name of Contributor: Melissa Dodd			DATE RECEIVED			Amount \$500.00
			MO.	DAY	YEAR	
			10	30	2019	
Mailing Address: 617 S American Street						
City: Philadelphia		State: PA		Zip Code (Plus 4): 19147		
Full Name of Contributor: Unite Here Tip Campaign Committee			DATE RECEIVED			Amount \$11,900.00
			MO.	DAY	YEAR	
			10	28	2019	
Mailing Address: 275 7th Avenue 16th FL						
City: New York		State: NY		Zip Code (Plus 4): 10011		

Name of Person Submitting Report Amanda DeMaria Day of Report 01/08/2020

Contact Phone Number 3022225588

Email Address amandaedemaria@gmail.com