

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into by the Board of Ethics of the City of Philadelphia, the Greater Philadelphia Association of Realtors, Samar Jha, and J. Shane Creamer, Jr., the Executive Director of the Board of Ethics, 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 and Chapter 20-1200 of the Philadelphia Code, the Board is charged with administering and enforcing Philadelphia’s Lobbying Law.
- B. The Greater Philadelphia Association of Realtors (“GPAR”) is a non-profit organization registered with the Commonwealth of Pennsylvania. The purpose of GPAR is to advocate for and represent the interests of licensed real estate professionals and related service providers in the Philadelphia area.
- C. Philadelphia’s Lobbying Law is found at Chapter 20-1200 of the Philadelphia Code and Board Regulation No. 9, which provides a detailed interpretation of Chapter 20-1200.
- D. Under the City’s Lobbying Law, a principal is a person who engages in lobbying on its own behalf or who pays someone else (a lobbyist) to engage in lobbying. Lobbying is an effort to influence governmental administrative or legislative action through direct communication, indirect communication, or by providing gifts, transportation, hospitality, or lodging to City officers or employees. If a principal incurs expenditures of more than \$2,500 for lobbying expenses in a quarter, the principal must register with the Board. An individual who lobbies on behalf of a principal must register as a lobbyist if, in a quarter, he or she is paid more than \$2,500 to lobby for that principal, but a lobbyist who is an employee of the principal, is only required to register if he or she engaged in 20 or more hours of lobbying activity in the reporting period
- E. Under the City’s Lobbying Law, indirect communication is:
 - An effort to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative or administrative action, such as letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues, but not including regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

Board Regulation No. 9, Paragraph 9.1(p).

- F. A principal must file an expense report for each quarter in which the principal incurs lobbying expenditures of more than \$2,500. In an expense report, the principal must disclose its expenditures incurred that quarter for direct communications, indirect communications, and gifts, transportation, hospitality and lodging to City officers and employees as well as detailed information about the nature of those expenditures.
- G. Pursuant to Code Section 20-1207(1)(b) and Regulation No. 9, Paragraph 9.26, the failure to register as a principal or lobbyist or to file an expense report is subject to a civil penalty not exceeding \$250 for each late day up to a maximum of \$2,000 for any one registration or report.
- H. In the summer of 2018, Board Enforcement Staff became aware of potential violations of the City's Lobbying Law by GPAR and opened an investigation.
- I. From April through June of 2018, the second quarter of 2018, GPAR spent over \$61,000 to organize telephone calls and to distribute mailers, advertisements, and emails throughout the City of Philadelphia. These communications encouraged the public to urge City Council members to oppose proposed property and real estate transfer tax increases for properties located in the City of Philadelphia. As such, under Philadelphia's Lobbying Law, these activities were indirect communications.
- J. During the second quarter of 2018, GPAR paid its Director of Government & Public Affairs, Samar Jha, over \$2,500 to arrange the communications described in Paragraph I, as well as to engage in direct communications with City Council members and their staffers concerning proposed legislation regarding real estate transfer tax increases and several other items of proposed City legislation, including good cause eviction, real estate tax liens, and a construction tax. During the quarter, Mr. Jha spent 20 or more hours engaging in these lobbying activities.
- K. Because GPAR incurred expenditures of more than \$2,500 in the 2nd quarter of 2018 for the activities described in Paragraphs I and J, it should have registered as a principal with the Board within 10 days of spending more than \$2,500 and filed a 2018 2nd quarter expense report by July 31, 2018. GPAR did not register as a principal or file a 2nd quarter expense report within these deadlines.
- L. Because GPAR paid Mr. Jha more than \$2,500 for lobbying activity on which he spent 20 or more hours in the 2nd quarter of 2018, he should have registered as a lobbyist with the Board within 10 days of exceeding the relevant thresholds. Mr. Jha did not register as a lobbyist within this deadline.
- M. At all times, GPAR and Mr. Jha fully cooperated with the Board's investigation and have registered for 2018 as a principal and a lobbyist, respectively. As part of their registrations, GPAR and Mr. Jha paid registration fees of \$200 each. GPAR has also filed a 2018 second quarter expense report with the Board. Copies of the registrations and the expense report are attached hereto as Exhibit A.
- N. 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 timely register as a principal in 2018, GPAR violated Code Section 20-1202(1) and is subject to a civil monetary penalty of \$2,000. In light of GPAR's cooperation, however, the penalty is reduced to \$1,000.
2. By failing to timely file an expense report with the Board for the 2nd quarter of 2018, GPAR violated Code Section 20-1203(1) and is subject to a civil monetary penalty of \$2,000. In light of GPAR's cooperation, however, the penalty is reduced to \$1,500.
3. By failing to timely register as a lobbyist in 2018, Mr. Jha violated Code Section 20-1202(1) and is subject to a civil monetary penalty of \$2,000. In light of Mr. Jha's cooperation, however, the penalty is reduced to \$1,000.
4. GPAR shall pay the aggregate civil monetary penalties of \$3,500 within 14 days of the effective date of this Agreement. Payment shall be made by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board.
5. GPAR and Mr. Jha 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 this Agreement.
6. In consideration of the above and in exchange for the compliance of GPAR and Mr. Jha with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in this Agreement.
7. The Parties will not make any public statements that are inconsistent with the terms of this Agreement.
8. If the Board or the City is forced to seek judicial enforcement of this Agreement, and prevails, GPAR and Mr. Jha 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.
9. This Agreement contains the entire agreement between the Parties. The Agreement shall become effective upon approval by the Board. The effective date of the Agreement shall be the date the Board approves the Agreement.
10. The Executive Director will submit a signed copy of this Agreement to the Board for approval.
11. 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.

By the Executive Director of
the Board of Ethics:

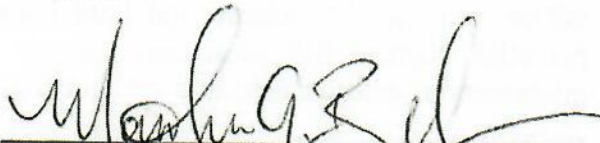
Dated: 11/19/18



J. Shane Creamer, Jr.

By the Greater Philadelphia Association of
Realtors:

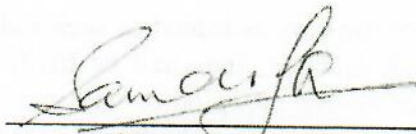
Dated: 11/14/2018



Matthew Bratten, CEO


By Samar Jha:

Dated: 11/16/2018



Samar Jha

Approved by the Board of Ethics on 11/28/18.



Michael H. Reed, Chair

EXHIBIT A

GPAR EXPENSE REPORT

LOBBYING DISCLOSURE QUARTERLY EXPENSE REPORT**FILER'S INFORMATION:**

Filer's Name: Greater Philadelphia Association of REALTORS
Registration No.: P00547
Filing Period: **Quarter:** Apr - Jun **Year:** 2018

PERMANENT BUSINESS ADDRESS:

Address: 1341 N. Delaware Avenue
Suite 200
City: Philadelphia **State:** PA **Zip:** 19125

CONTACT INFORMATION OF FILER:

Phone: 215-423-9381 Ext.
Email Address: samar@gpar.org

IDENTIFICATION OF LOBBYIST(S)/LOBBYING FIRM(S) LOBBYING ON PRINCIPAL'S BEHALF:

Registration Name	Related to RegistrationNum	Affirmation Status
Jha, Samar	L00546	Awaiting Affirmation

TOTAL LOBBYING EXPENSES DURING THE REPORTING PERIOD:

**TOTAL EXPENDITURES FOR GIFTS, HOSPITALITY, TRANSPORTATION, AND LODGING
TO CITY OFFICIALS, EMPLOYEES OR THEIR IMMEDIATE FAMILIES :**

**TOTAL EXPENDITURES FOR DIRECT
COMMUNICATION:**

**TOTAL EXPENDITURES FOR INDIRECT
COMMUNICATION:**

**TOTAL EXPENDITURES OF ALL LOBBYING FOR THE
PERIOD:**

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SUBJECT(S) OF LOBBYING:

Real Estate

DIRECT COMMUNICATIONS:

Lobbying Category	Subject Matter	Position Taken	Department or Agency	Name of City Official
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Bass, Cindy
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Brown, Blondell Reynolds
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Clarke, Darrell L.
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Domb, Allan
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Green, Derek
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Greenlee, William K.
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Gym, Helen
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Henon, Bobby
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Blackwell, Jannie
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Johnson, Kenyatta
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Jones Jr., Curtis
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	O'Neill, Brian J.
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Oh, David
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Parker, Cherelle
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Quinones-Sanchez, Maria D.
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Squilla, Mark

Lobbying Category	Subject Matter	Position Taken	Department or Agency	Name of City Official
Real Estate	Bills No. 180165, 180167, 170854, 180351, 180347	Oppose	City Council	Taubenberger, Al
Real Estate	Bill No. 180349	Support	City Council	Bass, Cindy
Real Estate	Bill No. 180349	Support	City Council	Brown, Blondell Reynolds
Real Estate	Bill No. 180349	Support	City Council	Brown, Blondell Reynolds
Real Estate	Bill No. 180349	Support	City Council	Blackwell, Jannie
Real Estate	Bill No. 180349	Support	City Council	Domb, Allan
Real Estate	Bill No. 180349	Support	City Council	Green, Derek
Real Estate	Bill No. 180349	Support	City Council	Greenlee, William K.
Real Estate	Bill No. 180349	Support	City Council	Gym, Helen
Real Estate	Bill No. 180349	Support	City Council	Henon, Bobby
Real Estate	Bill No. 180349	Support	City Council	Johnson, Kenyatta
Real Estate	Bill No. 180349	Support	City Council	Jones Jr., Curtis
Real Estate	Bill No. 180349	Support	City Council	O'Neill, Brian J.
Real Estate	Bill No. 180349	Support	City Council	Oh, David
Real Estate	Bill No. 180349	Support	City Council	Parker, Cherelle
Real Estate	Bill No. 180349	Support	City Council	Quinones-Sanchez, Maria D.
Real Estate	Bill No. 180349	Support	City Council	Squilla, Mark
Real Estate	Bill No. 180349	Support	City Council	Taubenberger, Al

INDIRECT COMMUNICATIONS:

Lobbying Category	Subject Matter	Position Taken	Method of Communication	Recipient Group
Real Estate	Bills No. 180165 and 180167	Oppose	Mailing	Residents of Philadelphia
Real Estate	Bills No. 180165 and 180167	Oppose	Print/electronic media advertising	Residents of Philadelphia
Real Estate	Bills No. 180165 and 180167	Oppose	Email campaign	Residents of Philadelphia
Real Estate	Bills No. 180165 and 180167	Oppose	Telephone bank	Residents of Philadelphia

GIFT RECIPIENTS:

None.

REPAYMENTS:

None.

SOURCE OF CONTRIBUTIONS:

Name	Source Address
Pennsylvania Association of REALTORS®	500 N Twelfth St,Lemoyne,PA,17043
National Association of REALTORS®	500 New Jersey Ave, NW ,Washington,DC,20001-2020

FILER AFFIRMATION:

By affixing my signature to this expense report, I affirm that I have actual knowledge of the contents of this expense report and that the information reported herein is valid, accurate, and complete to the best of my knowledge. To the best of my knowledge at all times relevant to this quarterly expense reporting period, I have complied with the requirements of City Code §20-1205(5). I acknowledge that this affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). I consent to receive service of notices, other official mailings, or process at the address or email listed in this expense report.

First Name: Samar **MI:**
Last Name: Jha
Title: Director of Government & Public Affairs
Date: 10/29/2018

LOBBYING FIRM/LOBBYIST NOT ASSOCIATED WITH A LOBBYING FIRM AFFIRMATION:

None.

GPAR REGISTRATION

Registration No: P00547 **Registration Status:** Submitted
Registration Name: Greater Philadelphia Association of REALTORS **Lobbying Commenced:** 04/01/2018
Acronym: GPAR **Date Filed:** 10/09/2018
Phone#: 215-423-9381 Ext. **Additional Phone#:**
Fax#: 215-423-0406 **Last Renewed:**
Email: samar@gpar.org **Additional Email:** info@gpar.org
Registration Period: 2018-2018 **Last Amended Date:** 10/09/2018
Nature of Business: Real Estate
Address: 1341 N. Delaware Avenue
 Suite 200
City: Philadelphia **State:** PA **Zip:** 19125

Lobbyist(s):

Name	RegistrationNum	Affiliated Start Date	Affiliated End Date
Jha Samar	L00546	4/1/2018 12:00:00 AM	

Lobbying Firm(s):

Name	RegistrationNum	Affiliated Start Date	Affiliated End Date
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Political Action Committee(s):

Name	Acronym
PHILPAC	

Association/Organization members:

Is this Principal an Association or Organization? Yes
No Number of Dues - Paying Members: 2428
For The Calender Year : 2018

FILER AFFIRMATION:

I am a named officer or other individual who has authority to sign documents on behalf of the above-named principal. By affixing my signature to this registration statement, I affirm that I have actual knowledge of the contents of this registration statement and that the information reported herein is valid, accurate, and complete to the best of my knowledge. I acknowledge that this affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). I consent to receive service of notices, other official mailings, or process at the address or email listed in this registration statement.

First Name: Samar **MI:**
Last Name: Jha
Title: Director of Government & Public Affairs

JHA REGISTRATION

Registration No:	L00546	Registration Status:	Submitted
Registration Name:	Jha, Samar	Lobbying Commenced:	04/01/2018
Acronym:		Date Filed:	10/09/2018
Phone#:	215-423-9381 Ext.	Additional Phone#:	
Fax#:	215-423-0406	Last Renewed:	
Email:	samar@gpar.org	Additional Email:	
Registration Period:	2018-2018	Last Amended Date:	10/09/2018

Address: 1341 N. Delaware Avenue
Suite 200

City: Philadelphia **State:** PA **Zip:** 19125

Principal(s):			
Name	RegistrationNum	Affiliated Start Date	Affiliated End Date
GPAR		10/11/2016 12:00:00 AM	

Lobbying Firm(s):			
Name	RegistrationNum	Affiliated Start Date	Affiliated End Date

Political Action Committee(s):	
Name	Acronym
PHILPAC	

Candidate Political Committee(s):	
Name	Acronym

FILER AFFIRMATION:

By affixing my signature to this registration statement, I affirm that I have actual knowledge of the contents of this registration statement and that the information reported herein is valid, accurate, and complete to the best of my knowledge. I acknowledge that this affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). I consent to receive service of notices, other official mailings, or process at the address or email listed in this registration statement.

First Name: Samar **MI:**
Last Name: Jha
Title: Director of Government & Public Affairs