

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 Lois Kang, 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 sections of the Philadelphia Home Rule Charter that impose restrictions on the political activity of City employees.
- B. Lois Kang is the Director of Policy and International Affairs for City Councilman David Oh. She has held that position since 2014. She has been an appointed employee of the City of Philadelphia in the Office of Councilman David Oh since 2012 when she started as a Legislative Aide. As Director of Policy and International Affairs for the Office of Councilman David Oh, Ms. Kang’s duties include creating and drafting policy and legislation.
- C. Subsection 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.”
- D. Subsection 10-107(4) of the Philadelphia Home Rule Charter provides that a City employee may not engage in certain types of political activity.
- E. Pursuant to Philadelphia Code Section 20-606(1)(h), if the Board finds a violation of Subsections 10-107(3) or 10-107(4) of the Home Rule Charter, it may impose a civil monetary penalty of \$300.
- F. Ethics Board Regulation No. 8, which became effective March 28, 2011, provides a detailed interpretation of Charter Subsections 10-107(3) and 10-107(4) as applied to appointed City officers and employees.

G. Regulation No. 8, includes the following relevant provisions:

1. Political activity is an activity directed toward the success or failure of a political party, candidate, or partisan political group. (Paragraph 8.1(n))
2. An appointed officer or employee shall not engage in political activity while on duty, in City Hall or any other City-owned leased building, property, or office space, or while using City-owned or leased resources, including printers, computers, or other supplies or equipment. Appointed officers or employees may, while on duty, attend a political event held in a City-owned or leased building, property, or office space if the event is open to the public. (Paragraph 8.3)
3. An appointed officer or employee is on duty during normal working hours, which for those with fixed work schedules includes the time between the start and end of the workday excluding a lunch break. (Paragraph 8.1(k))
4. A City Council employee shall not directly or indirectly be in any manner concerned in the collection, receipt, or solicitation of contributions intended for a political purpose. (Paragraphs 8.5 and 8.24)

H. In 2015, while serving as Councilman Oh's Director of Policy and International Affairs, Ms. Kang was involved in the organization and promotion of, and participated in, three separate fundraisers for Councilman Oh's re-election campaign. The fundraisers occurred on April 22, 2015, September 8, 2015, and October 10, 2015. For all three fundraisers, Ms. Kang helped establish and organize the host committees. For the April 22, 2015 fundraiser, she received and compiled RSVPs and contributions from attendees for the hosts of the fundraiser. For the April 22, 2015 and September 8, 2015 fundraisers, Ms. Kang participated in organizational meetings, reviewed and copied fliers, envelopes, and solicitation letters, and organized the venue, tables, name tags, drinks, banners, posters, centerpieces, catering, performers, DJ, master of ceremonies, and talking points. In addition, Ms. Kang helped promote the September 8, 2015 and October 10, 2015 fundraisers. In numerous instances, Ms. Kang worked on the fundraisers while on duty and in City Hall using her City computer.

I. In 2015, in addition to the three fundraisers described above, Ms. Kang worked with fundraising consultants for the Oh campaign, drafted thank you letters to campaign contributors, and supported online fundraising by keeping Councilman Oh apprised of online contributions from the Asian American community.

J. In 2015, on numerous occasions, Ms. Kang performed work in support of the Oh campaign while on duty, and, in several cases, while at her desk in City Hall and using her City computer. Specifically, Ms. Kang drafted responses to endorsement questionnaires submitted by political organizations in connection with the Oh campaign and reviewed and submitted questionnaire responses by Oh campaign staff. Ms. Kang also communicated regarding the distribution of Oh campaign lawn signs and posters and the recruitment of workers and volunteers to help with the Oh campaign's petition and Election Day operations.

K. At all times, Ms. Kang fully cooperated with the Board's investigation.

L. The Parties desire to enter into this Agreement in order to resolve the matters described herein.

AGREEMENT

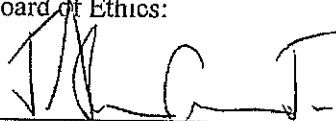
The Parties agree that:

1. By promoting, organizing, and participating in an April 22, 2015 fundraiser for the David Oh campaign, and by doing so at times on City time and using City resources, Ms. Kang violated Home Rule Charter Subsections 10-107(3) and (4), for which she is subject to a civil monetary penalty of \$300.
 2. By promoting, organizing, and participating in a September 8, 2015 fundraiser for the David Oh campaign, and by doing so at times on City time and using City resources, Ms. Kang violated Home Rule Charter Subsections 10-107(3) and (4) for which she is subject to a civil monetary penalty of \$300.
 3. By promoting, organizing, and participating in an October 10, 2015 fundraiser for the David Oh campaign, and by doing so at times on City time and using City resources, Ms. Kang violated Home Rule Charter Subsections 10-107(3) and (4), for which she is subject to a civil monetary penalty of \$300.
 4. By working with fundraising consultants, drafting contributor thank you letters, and supporting online fundraising, Ms. Kang violated Home Rule Charter Subsection 10-107(3), for which she is subject to a civil monetary penalty of \$300.
 5. By using City time and City resources to assist the David Oh campaign with endorsements, get out the vote operations, and distribution of campaign lawn signs and posters, Ms. Kang violated Home Rule Charter Subsection 10-107(4), for which she is subject to a civil monetary penalty of \$300.
 6. Ms. Kang shall pay the aggregate civil penalty of \$1,500 for the violations described above on the following schedule.
 - 6.1 \$500 within 14 days of the execution of the Agreement;
 - 6.2 \$500 within 90 days of the execution of the Agreement; and
 - 6.3 \$500 within 150 days of the execution 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.
7. Within six months of the effective date of the Agreement, Ms. Kang shall attend ethics training at the offices of the Board.
 8. Ms. Kang 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.
 9. In consideration of the above and in exchange for Ms. Kang's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against her for the violations described in the Agreement.

10. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
11. If the Board or the City is forced to seek judicial enforcement of Paragraphs 1-7 of the Agreement, and prevails, Ms. Kang shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by City attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
12. The Agreement contains the entire agreement between the Parties.
13. The Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval.
14. 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.
15. 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 this paragraph, nothing in the Agreement shall be effective.

By the Executive Director of the
Board of Ethics:

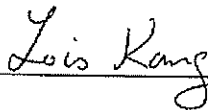
Dated: 9/15/16



J. Shane Creamer, Jr.
Executive Director


By Lois Kang:

Dated: _____



Approved by the Board of Ethics:

Dated: 10/24/16



Michael H. Reed, Esquire
Chair