

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into by the Board of Ethics of the City of Philadelphia, Media Mobilizing Project, Arielle Klagsbrun, 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. Media Mobilizing Project is a non-profit organization registered with the Commonwealth of Pennsylvania.
 - 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. The City’s Lobbying Law regulates lobbying of both City and School District officials, including members of the School Reform Commission.
 - 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.
 - 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 early 2018, Board Enforcement Staff became aware of potential violations of the City's Lobbying Law by Media Mobilizing Project and opened an investigation in the course of which they obtained documents and records and interviewed witnesses.
- I. In 2017, Media Mobilizing Project organized, participated in, and funded the Our City/Our Schools coalition. The purpose of the coalition was to campaign to abolish the Philadelphia School Reform Commission and replace it with a School Board elected by the citizens of Philadelphia.
- J. Arielle Klagsbrun is an organizer who led the Our City/Our Schools campaign to abolish the School Reform Commission and establish an elected School Board. Media Mobilizing Project paid Ms. Klagsbrun for her work on the Our City/Our Schools campaign.
- K. From October to December 2017, Ms. Klagsbrun organized rallies and protests at the School Reform Commission and City Council; authored and submitted petitions and opinion editorials; engaged with the press; organized coalition partners; and issued communications via social media, text, and email to coalition members and the public. All of these activities encouraged the public to urge the School Reform Commission to abolish itself and to urge the Mayor and City Council to enact legislation to replace it with a School Board elected by the citizens of Philadelphia. As such, under Philadelphia's Lobbying Law, these activities were indirect communications.
- L. From October through December of 2017, Ms. Klagsbrun had direct communications with staffers and elected officials in the Mayor's Office and City Council in which she urged them to enact legislation supporting the abolition of the School Reform Commission and to create an elected School Board for the City of Philadelphia.
- M. In the 4th quarter of 2017, Media Mobilizing Project incurred expenditures of more than \$2,500 for the activities described in Paragraphs K and L and therefore should have registered as a principal and filed a 2017 4th quarter expense report. However, Media Mobilizing Project did not register as a principal or file a 4th quarter expense report.
- N. Because Ms. Klagsbrun was paid more than \$2,500 in the fourth quarter of 2017 for the activities described in Paragraphs K and L, she should have registered as a lobbyist with the Board. However, Ms. Klagsbrun did not register as a lobbyist with the Board.
- O. At all times, Media Mobilizing Project and Ms. Klagsbrun fully cooperated with the Board's investigation. Media Mobilizing Project and Ms. Klagsbrun have registered for 2017 as a lobbying principal and a lobbyist, respectively. Media Mobilizing Project has also filed a 2017 fourth quarter expense report with the Board. Copies of the registrations and the expense report are attached hereto as Exhibit A.
- P. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

AGREEMENT

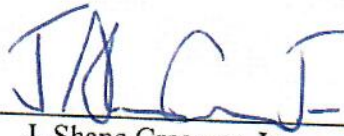
The Parties agree that:

1. By failing to timely register as a lobbying principal in 2017, Media Mobilizing Project violated Code Section 20-1202(1) and is subject to a civil monetary penalty of \$2,000. However, in light of Media Mobilizing Project's cooperation, the penalty is reduced to \$1,000. Media Mobilizing Project also owes the City the 2017 lobbying registration fee of \$200.
2. By failing to timely file an expense report with the Board for the 4th quarter of 2017, Media Mobilizing Project violated Code Section 20-1203(1) and is subject to a civil monetary penalty of \$2,000. However, in light of Media Mobilizing Project's cooperation, the penalty is reduced to \$1,000.
3. By failing to timely register as a lobbyist in 2017, Arielle Klagsbrun violated Code Section 20-1202(1) and is subject to a civil monetary penalty of \$2,000. However, in light of Ms. Klagsbrun's cooperation, the penalty is reduced to \$1,000. Ms. Klagsbrun also owes the City the 2017 lobbying registration fee of \$200.
4. Media Mobilizing Project shall pay the aggregate civil monetary penalties and registration fees of \$3,400 on behalf of itself and Ms. Klagsbrun 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. Media Mobilizing Project and Ms. Klagsbrun 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 Media Mobilizing Project and Ms. Klagsbrun 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, Media Mobilizing Project and Ms. Klagsbrun 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. The Agreement shall become effective upon approval by the Board.

12. 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:

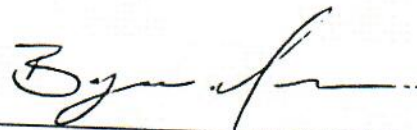
Dated: 3/16/18



J. Shane Creamer, Jr.

By Media Mobilizing Project:

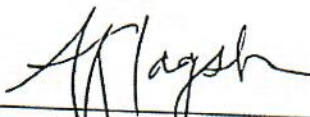
Dated: 3/14/18



Bryan Mercer, Executive Director


By Arielle Klagsbrun:

Dated: 3/14/18



Arielle Klagsbrun

Approved by the Board of Ethics on 4/18/18



Michael H. Reed, Chair

EXHIBIT A

Registration No: P00252 **Registration Status:** Expired
Registration Name: Media Mobilizing Project **Lobbying Commenced:** 01/01/2017
Acronym: MMP **Date Filed:** 01/09/2015
Phone#: 215-821-9632 Ext.0 **Additional Phone#:** 267-970-4007 Ext.0
Fax#: 215-821-9632 **Last Renewed:** 1/1/2017 12:00:00 AM
Email: hannah@mediamobilizingproject.org **Additional Email:** bryan@mediamobilizingproject.org
Registration Period: 2017-2017 **Last Amended Date:** 03/15/2018
Nature of Business: Public Interest
Address: 4534 Baltimore Ave
(215) 821-9632
City: Philadelphia **State:** PA **Zip:** 19143

Lobbyist(s):

Name	RegistrationNum	Affiliated Start Date	Affiliated End Date
Klagsbrun Arielle	L00485	9/1/2017 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
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Association/Organization members:

Is this Principal an Association or Organization? Yes

No Number of Dues - Paying Members: 0

For The Calender Year : 2017

FILER AFFIRMATION:

Registration No: L00485 **Registration Status:** Expired
Registration Name: Klagsbrun, Arielle **Lobbying Commenced:**
Acronym: **Date Filed:** 03/13/2018
Phone#: 617-869-8345 Ext.0 **Additional Phone#:** 617-869-8345 Ext.0
Fax#: 617-869-8345 **Last Renewed:**
Email: arielle@215pa.com **Additional Email:** info@215pa.com
Registration Period: 2017-2017 **Last Amended Date:** 03/15/2018

Address: 4534 Baltimore Avenue
none

City: Philadelphia **State:** PA **Zip:** 19143

Principal(s):

Name	RegistrationNum	Affiliated Start Date	Affiliated End Date
Media Mobilizing Project	P00252	3/13/2018 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
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Candidate Political Committee(s):

Name	Acronym
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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: Arielle **MI:** K
Last Name: Klagsbrun
Title: organizer

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

Filer's Name: Media Mobilizing Project
Registration No.: P00252
Filing Period: Quarter: Oct - Dec Year: 2017

PERMANENT BUSINESS ADDRESS:

Address: 4534 Baltimore Ave
(215) 821-9632
City: Philadelphia State: PA Zip: 19143

CONTACT INFORMATION OF FILER:

Phone: 215-821-9632 Ext.0
Email Address: hannah@mediamobilizingproject.org

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

Registration Name	Related to RegistrationNum	Affirmation Status
Klagsbrun, Arielle	L00485	Submitted

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:

SUBJECT(S) OF LOBBYING:**DIRECT COMMUNICATIONS:**

Lobbying Category	Subject Matter	Position Taken	Department or Agency	Name of City Official
Education	Resolution to Abolish the SRC	Support	City Council	Blackwell, Jannie

Lobbying Category	Subject Matter	Position Taken	Department or Agency	Name of City Official
Education	Resolution to Abolish the SRC	Support	City Council	Squilla, Mark
Education	Amendments to bill to abolish the SRC, support People's School Board	Amend	Mayor's Office	Engler, Jim and Hackney, Otis
Education	Amendments to bill to abolish the SRC, support People's School Board	Amend	City Council	Clarke, Darrell L.

INDIRECT COMMUNICATIONS:

Lobbying Category	Subject Matter	Position Taken	Method of Communication	Recipient Group
Education	Abolish the SRC	Propose	email blasts, rallies, press outreach, signs, text message outreach, coalition meetings, petition, opinion editorial piece	public
Education	People's School Board	Propose	email blasts, rallies, press outreach, signs, text message outreach, coalition meetings, petition, opinion editorial piece	public
Education	Local Control Bill	Amend	coalition meetings, press outreach, rallies	public

GIFT RECIPIENTS:

None.

REPAYMENTS:

None.

SOURCE OF CONTRIBUTIONS:

None.

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: Bryan **MI:** S
Last Name: Mercer
Title: executive director
Date: 03/16/2018

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

Name: Arielle K Klagsbrun **Registration No:** L00485
Date: 3/16/2018

 YES

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.

 NO

By affixing my signature to this expense report, I affirm that I engaged in no lobbying activity for this principal during this expense report period. 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.

 NO

By affixing my signature to this expense report, I affirm that I have actual knowledge of the contents of this expense report to the extent described in my statement which follows. I affirm that the information reported on this expense report of which I have knowledge 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.
