

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, Philadelphia Council of AFL CIO- Political Action Fund (“PHL AFL-CIO PAC”), and Jim Gardler, the Treasurer of PHL AFL-CIO PAC, 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 City’s campaign finance law.
- B. PHL AFL-CIO PAC is a political committee based in Philadelphia, PA. PHL AFL-CIO PAC has previously filed campaign finance reports with the Board.
- C. Jim Gardler is the treasurer of PHL AFL-CIO PAC.
- D. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.21(a):

Any time a political committee or person is required to file a campaign finance report with the City Commissioners or the Secretary of State, as required by the Pennsylvania Election Code, the committee or person shall file electronically a copy of that report with the Board if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any expenditures made or debt incurred to influence the outcome of a covered election, including expenditures to a candidate for City elective office.
- E. Pursuant to Philadelphia Code §§ 20-1006(4) and 20-1301(2) and Regulation No. 1 Paragraph 1.54, late filing of a campaign finance report violates the City’s campaign finance law and is subject to a civil monetary penalty of \$250 for each day the report is late with maximum total penalties of \$2,000 for the first 30 days the report remains unfiled plus \$1,000 for each additional 30 day period, or part thereof, the report remains unfiled.
- F. May 8, 2015 was the deadline for political committees to file a second Friday pre-primary (cycle 2) campaign finance report.
- G. Because PHL AFL-CIO PAC made contributions to candidates for City office during the 2015 cycle 2 reporting period, the committee should have electronically filed those reports with the Board by May 8, 2015. However, the committee failed to file a 2015 cycle 2 report by May 8, 2015.
- H. On May 15, 2015, Board enforcement staff notified the committee of its failure to file a 2015 cycle 2 report with the Board. The committee filed its 2015 cycle 2 report with the Board on May 27, 2015.
- I. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

AGREEMENT

The Parties agree that:

1. PHL AFL-CIO PAC's late filing of its 2015 cycle 2 campaign finance report with the Board violated the City's Campaign Finance Law and is subject to a civil monetary penalty of \$2,000. However, the penalty is reduced to \$1,500 in recognition of the committee's cooperation and prompt resolution of this matter.
2. PHL AFL-CIO PAC and Jim Gardler are jointly and severally liable for the penalty which shall be paid within 14 days of the effective date of the Agreement. Payment shall be by check made out to the City of Philadelphia and delivered to the offices of the Board.
3. PHL AFL-CIO PAC and Jim Gardler 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.
4. In consideration of the above and in exchange for PHL AFL-CIO PAC and Jim Gardler's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in the Agreement.
5. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
6. If the Ethics Board is forced to seek judicial enforcement of the Agreement, and prevails, PHL AFL-CIO PAC and Jim Gardler shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
7. The Agreement contains the entire agreement between the Parties.
8. The Executive Director will submit a signed copy of the Agreement to the Board for approval.
9. 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. 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.
11. If the Board rejects the proposed Agreement, nothing in the proposed Agreement shall be considered an admission by either party and, except for paragraphs 10 and 11, nothing in the Agreement shall be effective.

By the Executive Director of the Board of Ethics:

Dated: 6-3-2015

Michael Cooke
Michael J. Cooke, Director of Enforcement
Executive Director's Designee

By Philadelphia Council of AFL-CIO Political
Action Fund:

Dated: 6/1/2015

James J. Gardler
Jim Gardler, Treasurer

By Jim Gardler:

Dated: 6/1/2015

James J. Gardler

Approved by the Board of Ethics:

Dated: 6/10/15

Michael H. Reed
Michael H. Reed
Chair