

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., Executive Director of the Board of Ethics, Gregory Davis, the Treasurer of The Green Fund, and The Green Fund, 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 administering and enforcing Philadelphia’s Campaign Finance Law. The Ethics Board has provided a detailed interpretation of the campaign finance law in Board Regulation No. 1 (Campaign Finance).
- B. Derek Green is a candidate for a City Council At-Large seat in the upcoming November 2015 general election. Mr. Green announced his candidacy for City Council in February 2015.
- C. Mr. Green has designated the political committee The Green Fund as the one committee which will accept contributions and make expenditures for his campaign for City Council.
- D. Gregory Davis is the treasurer of The Green Fund.
- E. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1, Paragraph 1.19(b), candidates for City office and their political committees are required to electronically file campaign finance reports with the Board. Pursuant to Philadelphia Code § 20-1006(4) and Regulation No. 1, Paragraph 1.24, the making of a material misstatement or omission in a report filed with the Board is a violation of the City’s Campaign Finance Law.
- F. Pursuant to Philadelphia Code §20-1302, the maximum penalty for a violation of Philadelphia Code § 20-1006(4) and Regulation No. 1, Paragraph 1.24 is \$2,000.
- G. In May of 2015, Board enforcement staff discovered that The Green Fund made numerous material omissions of contributions and expenditures from the 2015 cycle 2 campaign finance report it filed with the Board on May 8, 2015. A list of all the omissions from The Green Fund’s 2015 cycle 2 campaign finance report is attached to this Agreement as Exhibit A.
- H. When Board enforcement staff brought these omissions to the attention of The Green Fund, the committee promptly acknowledged its mistake and agreed to resolve the matter by settlement. At all times, The Green Fund and Mr. Davis have fully cooperated with the Board’s investigation.
- I. On June 18, 2015, The Green Fund filed an amended 2015 Cycle 2 campaign finance report to correct misstatements and omissions made in the committee’s original filing.

- J. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

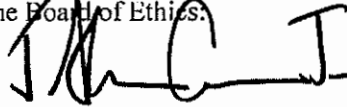
AGREEMENT

The Parties agree that:

1. By making material omissions in the 2015 cycle 2 campaign finance report it filed with the Board, The Green Fund violated Philadelphia Code § 20-1006(4) and Regulation No. 1, Paragraph 1.24, and is subject to a civil monetary penalty of \$2,000 for which The Green Fund and Mr. Davis are jointly and severally liable.
2. Payment shall be by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board within 14 days of the effective date of the Agreement.
3. Mr. Davis and The Green Fund 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.
4. In consideration of the above and in exchange for Mr. Davis' and The Green Fund'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 this Agreement.
5. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
6. If the Board or the City is forced to seek judicial enforcement of the payment of the civil monetary penalty and prevails, Mr. Davis and The Green Fund shall be liable for attorneys' fees and costs reasonably expended in such enforcement. Fees 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 Chair signs 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.

Dated: 7/14/15

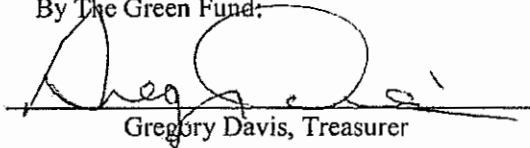
By the Executive Director of
the Board of Ethics:



J. Shane Creamer, Jr.

Dated: 7/14/15

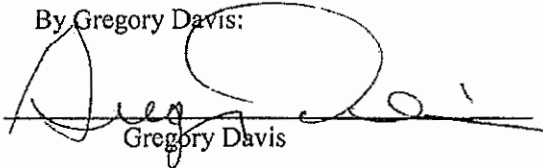
By The Green Fund:



Gregory Davis, Treasurer

Dated: 7/14/15

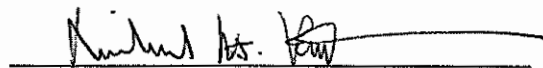
By Gregory Davis:



Gregory Davis

Approved by the Board of Ethics:

Dated: 8/26/2015



Michael H. Reed
Chair

EXHIBIT A

Contributions Omitted from Green Fund 2015 Cycle 2

Name	Date	Amount
Alan Wohlstetter	3/9/2015	\$500.00
Andrew T. Neuwirth	2/18/2015	\$200.00
Anwar Young	3/15/2015	\$100.00
Buchanan, Ingersoll, & Rooney PAC	3/17/2015	\$1,000.00
C. Edward Hillis	4/20/2015	\$250.00
Ceisler Media & Issue Advocacy	3/17/2015	\$150.00
Ceisler Media & Issue Advocacy	4/8/2015	\$125.00
Chalanda Jones	4/26/2015	\$150.00
Chimicles & Tikellis LLP	3/23/2015	\$1,000.00
Cornell Green	3/2/2015	\$100.00
Cozen O'Conner	3/27/2015	\$500.00
Craig Williams	3/10/2015	\$100.00
Daniel Gordon	3/12/2015	\$1,000.00
Darrell Keith Butler Giles	4/29/2015	\$200.00
Daryl Boich	4/7/2015	\$1,000.00
Daryl J. Boich	12/4/2014	\$500.00
David Senoff	4/14/2015	\$250.00
Debra Peoples-Lee	4/27/2015	\$200.00
Devon M. Allen	3/10/2015	\$150.00
DPAC	4/30/2015	\$250.00
Duane Morris LLP Gov. Com.	3/23/2015	\$1,000.00
Duwayne V. Terry	2/17/2015	\$1,000.00
Eddie Green	4/6/2015	\$100.00
Emma Chappell	4/29/2015	\$200.00
Ethyl Wilson	4/26/2015	\$75.00
Everett C. Jones	3/2/2015	\$300.00
Fire PAC	3/26/2015	\$500.00
Friends of Stephen Kinsey	4/16/2015	\$250.00
Garth Solutions Inc.	4/27/2015	\$500.00
GBCA PAC	4/29/2015	\$500.00
Greenlee Partners State PAC	3/16/2015	\$250.00
Gregory Iyamah	4/26/2015	\$250.00
Hankin Group	4/27/2015	\$500.00
Harold Hawkins	4/26/2015	\$250.00
Isaac Ewell	4/26/2015	\$100.00
J Egan & Associates LLC	3/18/2015	\$500.00
Jacqueline Martin	4/26/2015	\$250.00
James Dobrowolski	4/28/2015	\$500.00
Jennifer Powell-Folks	3/14/2015	\$100.00
Jerry J. Martin	3/10/2015	\$100.00
Jerry Martin	4/26/2015	\$200.00
Joan Bachman	3/18/2015	\$500.00
Joanna Bell	4/29/2015	\$500.00
Joe Hill	4/26/2015	\$250.00
John J. Curry	4/27/2015	\$500.00
Junious R. Stanton	3/10/2015	\$100.00

Contributions Omitted from Green Fund 2015 Cycle 2

Kathryn Bazemore	3/22/2015	\$100.00
Ken Weinstein	4/14/2015	\$200.00
Ketherine E. Levin, Esq.	3/19/2015	\$100.00
Kevin Greenberg	4/2/2015	\$250.00
Kimberly White	4/26/2015	\$100.00
Klehr Harrison	3/17/2015	\$250.00
Marla Clark	3/12/2015	\$100.00
Mattie Wesley	3/14/2015	\$100.00
Nina Ahmad	3/20/2015	\$100.00
Pennsylvania Liberty Fund	12/29/2014	\$500.00
Ralph Pinkus	5/3/2015	\$150.00
Ralph S. Pinkus	2/16/2015	\$150.00
Rdoney Whitmire	3/10/2015	\$100.00
Reginald Banks	4/29/2015	\$1,000.00
Robert Previdi	4/29/2015	\$100.00
Sarah Amos	4/23/2015	\$500.00
Stephen Kinsey	3/10/2015	\$150.00
Tarleton Williams	3/14/2015	\$200.00
Teresa Gillen	4/7/2015	\$100.00
Thomas Harris	3/12/2015	\$250.00
Vincent M. Ross	2/18/2015	\$100.00
Walter Montague Jr.	3/4/2015	\$100.00
William Epstein	3/29/2015	\$250.00
William H. Rivers, Jr.	3/7/2015	\$500.00
William Weinstein	5/4/2015	\$250.00
Zarwin Baum Good Government PAC	4/1/2015	\$250.00

Expenditures Omitted from Green Fund 2015 Cycle 2

Name	Date	Amount
12 PAC	4/28/2015	\$100.00
1315-21 Sansom Street LLC	3/18/2015	\$900.00
47th District Ward	4/17/2015	\$50.00
53rd Ward	3/11/2015	\$70.00
5th Square PAC	5/2/2015	\$90.00
5th Ward Democratic Executive Committee	2/18/2015	\$75.00
Aalyah Duncan	4/30/2015	\$500.00
BP	4/26/2015	\$42.32
California Pizza	4/24/2015	\$40.43
Center in the Park	2/9/2015	\$400.00
Cheltenham Printing	2/25/2015	\$180.20
CND PAC	3/7/2015	\$25.00
Ducky Birts Foundation	4/18/2015	\$150.00
Facebook	4/30/2015	\$71.04
Fattah for Congress	1/29/2015	\$250.00
Fedex Office	4/21/2015	\$8.13
Fedex Office	4/28/2015	\$19.54
Fedex Office	4/28/2015	\$24.88
Friends of Cindy Bass	5/1/2015	\$50.00
Friends of Josh Shapiro	4/8/2015	\$250.00
Friends of Marion B. Tasco	5/2/2015	\$130.00
Friends of the 57th Ward	3/13/2015	\$100.00
Friends of the 63rd Ward	5/2/2015	\$100.00
Germantown United CDC	3/30/2015	\$75.00
H Street Strategies	4/14/2015	\$6,585.00
H Street Strategies	1/19/2015	\$2,176.35
Hyatt Hotel	3/27/2015	\$56.88
LEAD	4/21/2015	\$5,000.00
Marriott Hotel	4/29/2015	\$39.02
McMenamin's Restaurant	4/28/2015	\$97.25
Nutshell Politics	4/25/2015	\$100.00
PA Democratic Party	2/23/2015	\$4,050.28
Phila. Parking Authority	4/23/2015	\$4.75
Rothe Florists	4/28/2015	\$19.44
Santander Bank	4/13/2015	\$76.20
Staples	4/20/2015	\$14.26
Verizon Wireless	4/19/2015	\$49.60
Wawa	5/1/2015	\$40.40
West Mt. Airy Neighbors	4/23/2015	\$220.00