

## **SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia (the “Board”), J. Shane Creamer Jr., Executive Director of the City of Philadelphia Board of Ethics, and Mr. William Stewart Graham, Esq., jointly referred to as “the Parties.”

### **RECITALS**

- A. The Board of Ethics of the City of Philadelphia (“the Board”) is an independent, five-member City board established in 2006 by voter approval of an amendment to the Philadelphia Home Rule Charter. Pursuant to section 4-1100 of the Home Rule Charter, the Board is charged with, among other things, administering and enforcing the Philadelphia Home Rule Charter as it pertains to ethical matters, including standards of governmental conduct and prohibited political activities by City appointed officers and employees.
- B. William Stewart Graham started as a City employee in 1998 and served as the Chief of Staff for City Councilmember David Oh from 2012 to early 2020. Mr. Graham retired from City employment in early 2020. Prior to his years in City service, Mr. Graham served as an Attorney-Advisor to the Comptroller General of the United States working on statutory interpretation issues.
- C. Section 10-107(3) of Philadelphia’s Home Rule Charter provides, in part, that no City officer “shall, from any person...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. Board Regulation No. 8 provides detailed guidance on the application of Charter Section 10-107(3) to appointed City officers and employees. Paragraph 8.6 (formerly paragraph 8.5) states, in part, that 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.
- E. For the time period in which the violations described herein occurred, a violation of Charter Section 10-107(3) was subject to a civil penalty of \$300.<sup>1</sup>
- F. On October 19, 2016, the Board approved a Settlement Agreement with Mr. Graham to resolve three violations of Home Rule Charter Section 10-107. Mr. Graham’s violations arose from his role in promoting, organizing, and participating in three fundraisers for Councilmember Oh. Mr. Graham was subject to total civil monetary penalties of \$900 for those violations.

---

<sup>1</sup> In June 2020, Philadelphia voters approved an amendment to the Home Rule Charter that, among other changes, increased the civil monetary penalty for violations of Section 10-107 to \$2,000. All of Mr. Graham’s violations described herein occurred prior to the June 2020 amendment.

- G. In September of 2019, Board enforcement staff received information alleging potential violations of the Home Rule Charter by Mr. Graham. Accordingly, the Executive Director opened an investigation.
- H. The investigation found that, from 2017 to 2019, Mr. Graham was involved in the organization, coordination, and promotion of eight separate fundraisers for Councilmember Oh's campaign while serving as Councilmember Oh's Chief of Staff. Mr. Graham also provided administrative support, as described below, without which the fundraisers would not have taken place.
- I. For a fundraiser held on June 1, 2017, Mr. Graham arranged for the use of the venue by Councilmember Oh's campaign, and provided administrative support, including purchasing supplies for invitations and solicitation cards.
- J. For a fundraiser held on April 24, 2018, Mr. Graham arranged for the use of the venue by Councilmember Oh's campaign and provided administrative support, including purchasing supplies for invitations and solicitation cards.
- K. For a fundraiser held on September 25, 2018, Mr. Graham arranged for the use of the venue by Councilmember Oh's campaign and provided administrative support, including purchasing supplies for invitations and solicitation cards.
- L. For a fundraiser held on October 13, 2018, Mr. Graham provided administrative support, including purchasing supplies for invitations and solicitation cards.
- M. For a fundraiser held on February 12, 2019, Mr. Graham provided administrative support, including purchasing supplies for invitations and solicitation cards.
- N. For a fundraiser held on April 10, 2019, Mr. Graham arranged for the use of the venue by Councilmember Oh's campaign, emailed an invitation for the fundraiser, and provided administrative support, including purchasing supplies for invitations and solicitation cards.
- O. For a fundraiser held on July 12, 2019, Mr. Graham provided administrative support, including purchasing supplies for invitations and solicitation cards.
- P. For a fundraiser held on September 24, 2019, Mr. Graham arranged for the use of the venue by Councilmember Oh's campaign, sent an invitation for the fundraiser, gathered fundraiser invitee information and a contributor list for follow-up calls, and provided administrative support, including purchasing supplies for invitations and solicitation cards.
- Q. At all times, Mr. Graham fully cooperated with the Board's investigation and resolution of the matters described in this Agreement.
- R. The Parties desire to enter into this Agreement to resolve the issues described herein.

## **AGREEMENT**

The Parties agree that:

1. By arranging for the use of the venue for a June 1, 2017 fundraiser for Councilmember Oh's campaign and by providing administrative support for that fundraiser, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
2. By arranging for the use of the venue for an April 24, 2018 fundraiser for Councilmember Oh's campaign and by providing administrative support for that fundraiser, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
3. By arranging for the use of the venue for a September 25, 2018 fundraiser for Councilmember Oh's campaign and by providing administrative support for that fundraiser, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
4. For providing administrative support for a fundraiser held on October 13, 2018 for Councilmember Oh's campaign, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
5. For providing administrative support for a fundraiser held on February 12, 2019 for Councilmember Oh's campaign, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
6. By arranging for the use of the venue for an April 10, 2019 fundraiser for Councilmember Oh's campaign and by providing administrative support for that fundraiser, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
7. For providing administrative support to Councilmember Oh's campaign fundraiser held on July 12, 2019, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
8. By arranging for the use of the venue for a September 24, 2019 fundraiser for Councilmember Oh's campaign, sending an invitation for the fundraiser, gathering fundraiser invitee information and a contributor list for follow-up calls, and providing administrative support, Mr. Graham violated Home Rule Charter Section 10-107(3), for which he is subject to a civil monetary penalty of \$300.
9. The total civil monetary penalty for the violations described in Paragraphs 1 through 8 is \$2,400. Mr. Graham shall pay this monetary penalty within thirty (30) days of the effective date of the Agreement by check made payable to the City of Philadelphia and delivered to the Board's office.

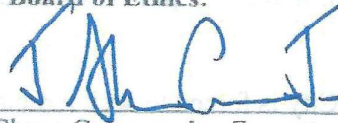
10. Mr. Graham releases and holds harmless the Board and its staff from any potential claims, liabilities, and causes of action arising from the Board's investigation, enforcement, and settlement of the matters described in this Agreement.
11. In consideration of the above and in exchange for Mr. Graham's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against him for the violations described in the Agreement.
12. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
13. If the Board or the City is forced to seek judicial enforcement of this Agreement, and prevails, Mr. Graham 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.
14. The Agreement contains the entire agreement between the Parties.
15. The Executive Director will submit a signed copy of the Agreement to the Board for approval.
16. 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.

17. 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:

1/15/21



J. Shane Creamer, Jr., Executive Director

By William Stewart Graham:

Dated:

January 15, 2021




William Stewart Graham

Approved by the Board of Ethics:

Dated:

1/20/2021



Michael H. Reed, Chair