

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, Lamont Thomas, and the Friends to Elect Lamont Thomas, 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 which is found at Chapter 20-1000 of the Philadelphia Code.
- B. Lamont Thomas was a candidate for Philadelphia City Council in the 2011 primary election. Friends to Elect Lamont Thomas is Thomas’ authorized candidate political committee. Thomas is the treasurer of Friends to Elect Lamont Thomas.
- C. As a declared candidate for City elective office during the 2011 primary election, Thomas was subject to the City’s campaign finance law.
- D. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.42:

Whenever a candidate for City elective office (or such a candidate’s treasurer or agent) files a campaign finance report with the City Commissioners or the Secretary of State pursuant to the Pennsylvania Election Code, he or she shall file electronically a copy of that report with the Board, through the Department of Records.

- E. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1 Paragraph 1.43:

Whenever a political committee (or a political committee’s treasurer or agent), files a campaign finance report with the City Commissioners or the Secretary of State, the political committee shall file electronically a copy of that report with the Board, through the Department of Records, if the report filed with the City Commissioners or Secretary of State discloses, or should disclose, any contributions or expenditures made to influence the outcome of a covered election, including contributions from or expenditures to a candidate for City elective office.

- F. Under the Pennsylvania Election Code, May 6, 2011 was the deadline for municipal candidates and political committees to file 2011 pre-primary (cycle 2) campaign finance reports with the City Commissioners.
- G. Because Thomas was a candidate for City elective office, his candidate political committee, Friends to Elect Lamont Thomas, should have electronically filed a cycle 2 campaign finance report with the Ethics Board by May 6, 2011.
- H. On April 28, 2011, as a courtesy, Ethics Board staff sent Thomas an email reminding him of his obligation to electronically file a cycle 2 campaign finance report with the Ethics Board.
- I. However, the Friends to Elect Lamont Thomas did not electronically file a 2011 cycle 2 campaign finance report with the Ethics Board by May 6th.
- J. On May 10, 2011, as a courtesy, Ethics Board staff sent Thomas a letter, by hand delivery and email, informing him of his candidate committee's failure to electronically file a cycle 2 campaign finance report with the Ethics Board.
- K. The letter informed Thomas of the penalties for failure to file a required report with the Ethics Board, but told him that if the committee filed the report by May 13th, Ethics Board staff would not pursue enforcement of the failure to file.
- L. On May 17th, the Ethics Board's Executive Director served a Notice of Administrative Enforcement Proceeding on Thomas and the Friends to Elect Lamont Thomas alleging a violation of Code § 20-1006 for the failure to electronically file a 2011 cycle 2 campaign finance report with the Ethics Board.
- M. The Friends to Elect Lamont Thomas did not electronically file its 2011 cycle 2 campaign finance report with the Ethics Board until May 20, 2011, 14 days after the report was due and three days after the primary election.
- N. Pursuant to Code § 20-1301(2), the penalty for failure to file a campaign finance report in electronic format as required is civil penalty of \$250. Each day the report remains unfiled is a separate offense for which an additional civil penalty of \$250 may be imposed, provided that the penalty that may be imposed for failure to file a particular report shall not exceed \$2,000 for the first thirty days the report remains unfiled, plus \$1,000 for each additional thirty day period (or part thereof) the report remains unfiled.
- O. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

AGREEMENT

The Parties agree that:

1. Lamont Thomas' and the Friends to Elect Lamont Thomas' failure to electronically file a 2011 cycle 2 campaign finance report with the Ethics Board by May 6th violated § 20-1006 of the Philadelphia Code.
2. Lamont Thomas and the Friends to Elect Lamont Thomas will pay a civil penalty of \$500 for the failure to electronically file a 2011 cycle 2 with the Ethics Board by May 6, 2011.
3. The civil penalty shall be paid in the following increments:
 - 3.1. \$250 by August 31, 2011.
 - 3.2. \$250 by December 31, 2011
4. Lamont Thomas and the Friends to Elect Lamont Thomas 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 violations described in the Agreement.
5. In consideration of the above and in exchange for Thomas' and the Friends to Elect Lamont Thomas' compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against Thomas and the Friends to Elect Lamont Thomas for the violations described in the Agreement.
6. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
7. If the Ethics Board is forced to seek judicial enforcement of the Agreement, Thomas and the Friends to Elect Lamont Thomas shall be jointly and severally liable for attorneys' fees and costs reasonably expended in enforcing compliance with this Agreement. Fees for time spent by Ethics Board staff attorneys shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
8. The Agreement contains the entire agreement between the Parties.
9. The Parties will submit a signed copy of the Agreement to the Board for approval.
10. The Agreement shall become effective upon approval by the Board.

By the Executive Director of the
Board of Ethics:

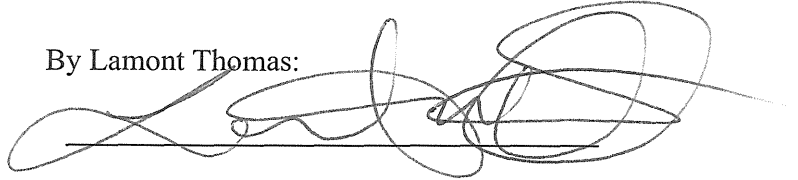
Dated: 6/17/11



J. Shane Creamer, Jr., Esquire

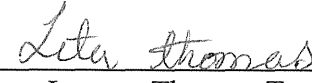
By Lamont Thomas:

Dated: 6-6-11



By Friends to Elect Lamont Thomas:


Dated: 6-6-11



Lamont Thomas, Treasurer

Approved by the Board of Ethics:

Dated: 7-19-11



Richard Glazer, Esquire
Chair