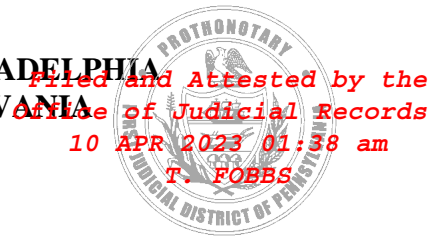


IN THE COURT OF COMMON PLEAS OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION



**Philadelphia Board of Ethics**

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**Philadelphia Board of Ethics**

**Philadelphia Board of Ethics**

One Parkway Building  
1515 Arch Street, 18th Floor  
Philadelphia, PA 19102-1595

Petitioner

vs.

**For a Better Philadelphia 501(c)(4)**

614 S. 4th Street  
PO Box 324  
Philadelphia, PA 19147

and

**For a Better Philadelphia PAC**

614 S. 4th Street  
Unit #334  
Philadelphia, PA 19147

Respondents

APRIL TERM, 2023  
No. \_\_\_\_\_

**EMERGENCY PETITION TO ENFORCE PHILADELPHIA’S CAMPAIGN FINANCE  
LAW AND ENJOIN CONTINUING VIOLATIONS THEREOF**

The Philadelphia Home Rule Charter charges the Philadelphia Board of Ethics with administering and enforcing the City’s Campaign Finance Law, among the City’s other Public Integrity Laws. The Home Rule Charter authorizes the Board to bring enforcement actions in the Court of Common Pleas. *See* Philadelphia Home Rule Charter Section 4-1100.

The Board brings the instant enforcement action against Respondents For a Better Philadelphia 501(c)(4) (the “501(c)(4)”) and For a Better Philadelphia PAC (the “PAC”), collectively “For a Better Philadelphia,” for their continuing violations of the City’s Campaign Finance Law as described in detail below. The Board seeks emergency injunctive relief because it has a clear right to relief but lacks an adequate remedy at law for Respondents’ continuing violations of the City’s contribution limits under the Campaign Finance Law.

Respondents have made expenditures to influence the outcome of the 2023 Philadelphia Mayoral election totaling in the millions of dollars. Because those expenditures were coordinated with Jeff Brown, a candidate for Mayor, they are subject to the City’s contribution limits. Even with the doubling of the contribution limits in the Mayoral election as of December 30, 2022,<sup>1</sup> all of Respondents’ coordinated expenditures in support of Brown’s campaign above \$25,200 are excess in-kind contributions to Jeff Brown’s designated candidate political committee, Jeff Brown for Mayor. Despite being put on notice by Board Staff that Respondents’ expenditures violated the contribution limits for 2022 and have already violated the contribution limits for 2023, Respondents continue to make coordinated expenditures. Therefore, emergency relief is necessary to prevent these continuing illegal expenditures.

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<sup>1</sup> *See* Philadelphia Board of Ethics, *Advisory Alert – Doubling of Campaign Finance Contribution Limits for Mayor’s Race*, Phila.Gov (Jan. 4, 2023), <https://www.phila.gov/2023-01-04-board-of-ethics-advisory-alert-doubling-of-campaign-finance-contribution-limits-for-mayors-race/>.

Philadelphia’s municipal elections, including its Mayoral elections, have been subject to campaign contribution limits since 2005. Contribution limits are designed to prevent corruption or the appearance of corruption – in other words, a financial *quid pro quo* in which dollars are traded for political favors. *See Citizens United v. FEC*, 558 U.S. 310, 359 (2010). These limits protect the integrity of City government by preventing a particular person or group from effectively buying an elected official through unlimited political contributions. As described in greater detail in the instant petition, Respondents have engaged in an extensive and deliberate effort to circumvent the City’s campaign contribution limits, resulting in excess contributions to a candidate for City office on a scale larger than any previously uncovered by the Board of Ethics.

### **PHILADELPHIA’S CAMPAIGN FINANCE LAW**

In Philadelphia, coordinated expenditures are subject to contribution limits under the City’s Campaign Finance Law. Pursuant to Philadelphia Board of Ethics Regulation No. 1,<sup>2</sup> which governs the administration and enforcement of Philadelphia’s Campaign Finance Law, an expenditure is:

The payment, distribution, loan, or advancement of money or things having a monetary value by a candidate, political committee, campaign or other person for the purpose of influencing the outcome of a covered election<sup>3</sup> . . ., including:

- i. For the provision of a service or other valuable thing for the purpose of influencing the outcome of the nomination or election of a candidate;
- ii. For the payment or provision of money or other valuable thing to compensate any person for services rendered to a campaign;

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<sup>2</sup> For reference, Board Regulation No. 1 has been filed as an attachment to the instant Petition, “Board of Ethics References – Regulation No. 1 and Board Opinion No. 2018-002.” It is also available at the following: <https://www.phila.gov/media/20221004102031/BOE-regulation-1.pdf>.

<sup>3</sup> The term “covered election” includes the Mayoral primary and general elections. Board Regulation No. 1.1(j).

- iii. For an independent expenditure;
- iv. For an electioneering communication; or
- v. To obtain, defend, or challenge a candidate's place on the ballot, including payments to workers to circulate nominating petitions.

Board Regulation No. 1.1(m)(iii).

Under Board Regulation 1.33 (emphasis added), an expenditure is coordinated with a campaign:<sup>4</sup>

. . .if it is made in cooperation, consultation or concert with the campaign, including the following:

- a. The expenditure is made at the request or suggestion of the campaign;
- b. A person suggests making an expenditure and the campaign assents to the suggestion;
- c. The person making the expenditure communicates with the campaign concerning the expenditure before making the expenditure;
- d. The campaign has solicited funds for or directed funds to the person making the expenditure, but only if the solicitation occurred within the 12 months before the election that the expenditure seeks to influence; or***
- e. The campaign directs, places, or arranges the expenditure; or
- f. The person making the expenditure uses information obtained from the campaign to design, prepare, or pay for the specific expenditure at issue, unless the person has obtained that information from a public source or from a communication the campaign made to the general public. This subparagraph does not apply to the republication of campaign communications or materials[; or]
- g. The person making the expenditures does so based on instructions received from the campaign . . . .

This rule is triggered if the coordination between the person making the expenditure and the campaign occurred at all prior to the expenditure being made. *See* Board Opinion No. 2018-002,

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<sup>4</sup> The term "campaign" includes "[a] candidate, the candidate's candidate political committee and its officers, and agents of any of them." Board Regulation No. 1.1(d), see also Philadelphia Code Section 20-1001(2).

at p. 3.<sup>5</sup> Therefore, whether the candidate had officially declared their candidacy for office at the time is irrelevant. *Id.*

Coordinated expenditures are in-kind contributions<sup>6</sup> to a campaign and are subject to the contribution limits. Board Regulation No. 1.1(h)(ii), (p)(iii), Subpart B. The annual contribution limits are ordinarily \$3,100 for individuals and \$12,600 for political committees and unincorporated business organizations. Board Regulation No. 1.2-1.3; *see also* Philadelphia Code Section 20-1002. On December 30, 2022, the annual contribution limits for the 2023 Philadelphia Mayoral election doubled to \$6,200 for individuals and \$25,200 for political committees and unincorporated business organizations. Board Regulation No. 1.5; Philadelphia Code Section 20-1002(6); *see also supra* n. 1. Violations of the contribution limits are subject to civil monetary penalties as well as injunctive relief to halt violations. Board Regulation No 1.45; Philadelphia Code Section 20-1005; *see also* Philadelphia Code Section 20-1002(2), 20-1301(1).

### **INTRODUCTION**

**Jeff Brown solicited funds for and directed funds to Respondents prior to Respondents' expenditures for the 2023 Mayoral election. Brown's fundraising activity occurred within the twelve months prior to the May 16, 2023 primary. Therefore, all of Respondents' expenditures are in-kind contributions to Jeff Brown for Mayor. Any of Respondents' expenditures above the contribution limits are illegal.**

To enforce the Campaign Finance Law and remedy Respondents' continuing violations of the contribution limits, in accordance with Philadelphia Local Rule 206.1 and as authorized by Philadelphia Home Rule Charter Section 4-1100, Philadelphia Code Sections 20-1002, 1005,

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<sup>5</sup> For reference, Board Opinion No. 2018-002 has been filed as an attachment to the instant Petition, "Board of Ethics References – Regulation No. 1 and Board Opinion No. 2018-002." It is also available at the following: <https://www.phila.gov/ethicsboard/Advisory%20Opinions/BD.Op.2018-002.pdf>.

<sup>6</sup> In-kind contributions are so-called because they are campaign contributions in some form other than money given directly to a campaign.

1301, and Board Regulation No. 1, Subparts B and L, Petitioner brings this action seeking emergency injunctive relief. In support thereof, Petitioner alleges as follows:

### I. PARTIES

1. Petitioner Philadelphia Board of Ethics (“Petitioner” or the “Board”) 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, the Board is charged with administering and enforcing the City’s Campaign Finance Law, which is found at Philadelphia Code, Chapter 20-1000, *et seq.* Pursuant to Home Rule Charter Section 4-1100, the Board may seek enforcement of the Campaign Finance Law in the Court of Common Pleas and pursuant to Philadelphia Code Section 20-1005, the Board may seek injunctive relief to enjoin violations of the Campaign Finance Law.

2. For a Better Philadelphia 501(c)(4) is a Pennsylvania non-profit corporation registered with the Internal Revenue Service as a tax-exempt, non-profit, social welfare organization.<sup>7</sup> An individual named David Maser serves as the Chairperson and Treasurer of the 501(c)(4).

3. For a Better Philadelphia PAC is a political committee that filed a registration statement with the Philadelphia City Commissioners on August 10, 2022. David Maser also serves as the Chairperson of the PAC. *See* Exhibit A.

4. According to the IRS website, the 501(c)(4) maintains a mailing address at 614 S. 4th Street, PO Box 324, Philadelphia, PA 19147. *See* Exhibit AA. Other known addresses for

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<sup>7</sup> Although 501(c)(4) social welfare organizations are permitted to engage in some political activity under IRS rules, “social welfare” activities, by definition, do not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. In addition, political activity may not be a 501(c)(4)’s “primary purpose.” The Board’s investigation discovered that supporting Jeff Brown’s Mayoral campaign appears to be the 501(c)(4)’s primary purpose, if primary purpose is measured by the percentage of its expenditures dedicated to that purpose.

the 501(c)(4) include 614 S. 4th Street, Box 334, Philadelphia, PA 19147 and 614 S. 4th Street #344, Philadelphia, PA 19147.

5. According to the PAC's registration statement, it maintains a mailing address at 614 S. 4th Street, Unit #334, Philadelphia, PA 19147. *See* Exhibit A.

## **II. JURISDICTION AND VENUE**

6. This Court has jurisdiction under Philadelphia Code Section 4-1100 which expressly authorizes the Board to bring an enforcement action in the Court of Common Pleas.

7. Venue is proper in this Court because the 501(c)(4) and the PAC are resident in Philadelphia County and the transactions and occurrences underlying this action occurred in Philadelphia County.

## **III. STATEMENT OF FACTS**

8. David Maser is the Chairperson and Treasurer of the 501(c)(4).

9. David Maser is also the Chairperson of the PAC.

10. Olivia Scanlon is the Deputy Campaign Manager for Jeff Brown for Mayor. Scanlon was previously For a Better Philadelphia's fundraising consultant.<sup>8</sup>

11. Jeff Brown is a candidate in the 2023 Philadelphia Mayoral election. He formally announced his candidacy on November 16, 2022.

12. On September 13, 2022, the 501(c)(4) contributed \$2,475,000.00 to the PAC. *See* Exhibit F, at 3.

13. The PAC's 2022 expenditures totaled \$1,133,830.00. *Id.* at 1.

14. For the period of January 1 - March 27, 2023, the PAC's expenditures totaled \$1,698,044.54. *See* Exhibit AD, at 1.

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<sup>8</sup> *See* Exhibit AC, Invoices for July - September 2022 from Olivia Scanlon. The invoice is billed only to For a Better Philadelphia at PO Box 334, Philadelphia, PA 19147 without distinction between the 501(c)(4) or the PAC.

**A. COORDINATED FUNDRAISING DINNERS**

**i. August 2, 2022 \$100,000 Per Individual Fundraising Dinner**

15. The 501(c)(4) planned a dinner to be held on August 2, 2022 featuring a roundtable discussion with Brown as the keynote speaker on “the future of Philadelphia.”

16. As the keynote speaker for the fundraising dinner, as well as participating in its planning, inviting of guests, and solicitation of contributions as detailed below, Brown solicited funds for and directed funds to Respondents.

17. On July 7, 2022, Scanlon emailed draft invitations to Maser and Brown. *See* Exhibit B. At the time, Scanlon was For a Better Philadelphia’s fundraising consultant.

18. The email had two draft invitations attached, one for the August 2, 2022 event and another for a September 19, 2022 event. *Id.* Counsel for Respondents has represented to Petitioner that the September 19, 2022 event did not occur.

19. The draft invitation for the August 2, 2022 event invited guests to “please join Jeff Brown for an intimate dinner and roundtable discussion on the future of Philadelphia” with a cost of \$100,000 per individual, stating that “contributions support For a Better Philadelphia.” *See* Exhibit C.

20. A contribution form for the 501(c)(4) was attached to the dinner invitation, which stated that contributions “may be used for activities of ‘For a Better Philadelphia’ *and its affiliated PACs* at ‘For a Better Philadelphia’s’ discretion.” *Id.* (emphasis added).

21. On July 14, 2022, Scanlon emailed a chart to Maser updating him on the status of invitees to the August 2, 2022 dinner and the pledged contributions to date. *See* Exhibit D.

22. The chart included several references to an individual identified as “Jeff” and that individual’s interactions with potential donors in anticipation of the dinner. *Id.*



23. On July 20, 2022, Scanlon sent another chart, this time to both Maser and Brown with further updates. *See* Exhibit E.

24. This updated chart also referenced “Jeff” as well as an individual identified as “JB” and interactions that “Jeff” and “JB” had with potential donors ahead of the dinner. *Id.*

25. According to the July 20 chart, individuals who had confirmed their attendance at the event by that date had pledged at least \$1 million in total contributions. *Id.* at 2.

26. The chart also indicated that individuals who had confirmed were given the choice of whether to donate to the 501(c)(4) or the PAC. *Id.*

27. Of the individuals who had pledged contributions and had confirmed their attendance at the event, nine individuals chose to donate to the 501(c)(4). *Id.*

28. Three individuals chose to donate to the PAC. *Id.*

29. According to the July 20, 2022 chart, one of the individuals who chose to donate to the PAC, David Haas, pledged \$25,000.00. *Id.* A donation of \$25,000.10 from David Haas was subsequently disclosed in the PAC’s publicly available 2022 Annual Campaign Finance Report (Cycle 7). *See* Exhibit F, at 3. The notes for David Haas on the previous July 14 chart stated that Haas had “asked to see guest list which Jeff promised to send by 7/14.” *See* Exhibit D at 2.

30. The July 20 chart also indicated a commitment from another single individual donor (“Individual Donor #1”) for a matching contribution multiplier of \$336,250.00. *See* Exhibit E at 2.

31. Notes from the July 20 chart state that Individual Donor #1 would be unable to attend the dinner because Individual Donor #1 would be out of the country. *Id.*

32. On July 31, 2022, Scanlon emailed Brown a spreadsheet about the August 2 dinner which she intended to share with Individual Donor #1. *See* Exhibit G.

33. Scanlon wrote to Brown:

JB,

I played with the numbers a little bit here to get the full 400K [Individual Donor #1] match. I included the total giving amount in case [Individual Donor #1 is] feeling generous and wants to contribute 25% of the total giving in the room that night rather than just what's new :)

Let me know if you have any edits and we should probably call [Individual Donor #1] tomorrow to discuss.

*Id* at 1-2.

34. Maser replied to Scanlon's email later that day to suggest that the spreadsheet not be shared with Individual Donor #1, "as donors are anonymous." *Id.* at 1.

35. Maser continued, "That being said, if [Individual Donor #1] needs to know to make [Individual Donor #1's] 25% match I'd prefer to read [Individual Donor #1] a list over the phone and not email [Individual Donor #1] this kind of detail." *Id.*

36. Brown replied, by directing Scanlon, "Olivia, See if that works with [Individual Donor #1.]" *Id.*

**ii. September 13, 2022 "Roundtable Dinner and Discussion with Jeff Brown"**

37. Although Individual Donor #1 did not attend the August 2, 2022 dinner, at least one additional fundraising dinner occurred thereafter at a restaurant called Steak 48, which Individual Donor #1 did attend.

38. By participating in the planning of the dinner, inviting of guests, soliciting contributions, attending, and speaking at the dinner as detailed below, Brown solicited funds for and directed funds to Respondents.

39. On August 3, 2022, Scanlon emailed Maser and Brown asking them to review a guest list of those who attended the August 2, 2022 dinner before sending it to Individual Donor #1. *See* Exhibit H.

40. On September 12, 2022, Scanlon emailed Individual Donor #1, copying Brown, and thanking Individual Donor #1 for confirming their attendance at a “Roundtable Dinner & Discussion with Jeff Brown” to be held on September 13, 2022 at 6:00 pm at Steak 48. *See* Exhibit I.

41. Thereafter, on September 13, 2022 at 10:34 pm, Scanlon emailed Individual Donor #1, thanking Individual Donor #1 for their attendance at the dinner and their “generous support of For a Better Philadelphia” and asking at what address Scanlon should pick up a check. *Id.*

42. The September 13, 2022 email included a contribution form for “For a Better Philadelphia” which stated: “Contributions may be used for activities of ‘For a Better Philadelphia’ *and its affiliated PACs* at ‘For a Better Philadelphia’s’ discretion.” *See* Exhibit J (emphasis added).

43. On September 13, 2022, Steak 48 – Philadelphia emailed Scanlon confirming that a card belonging to Maser was charged for “Event: Fund Raising Dinner on Tue, Sep 13, 2022.” *See* Exhibit K.

**B. BROWN REGULARLY FUNDRAISED FOR FOR A BETTER PHILADELPHIA THROUGHOUT 2022**

44. On May 18, 2022, Scanlon emailed another individual (“Individual Donor #2”) to thank Individual Donor #2 for letting her join Individual Donor #2 and Brown for dinner on May 16, 2022. Scanlon wrote that Brown had asked her to send the individual a contribution form “to

make another \$50,000 contribution to For a Better Philadelphia.” Both Brown and Maser are copied on the email. *See* Exhibit L.

45. In or around July 2022, a former candidate (“Former Candidate”) for federal elective office earlier in the year joined the fundraising efforts of Brown, Maser, and Scanlon.

46. On July 7, 2022, Scanlon sent Maser a call list of potential donors to be contacted by Former Candidate. *See* Exhibit M.

47. Later on July 7, 2022 Scanlon emailed Brown, Maser, and Former Candidate, writing: “[Former Candidate], Thanks for getting back in the saddle and doing calls with me today.” *See* Exhibit N.

48. In the same email, Scanlon directed Brown and Maser’s attention to a table in the email containing notes recapping the calls. *Id.*

49. One of the notes next to a potential donor reads: “Connected – Not interested in the Philadelphia Mayor’s race.” *Id.*

50. A note about other potential donors reads: “Connected . . . they have not committed much thought to the Mayor’s race yet this cycle.” *Id.*

51. On July 12, 2022, Scanlon emailed Former Candidate to check “how the day went” with another potential donor and “if there’s an opportunity to arrange a meeting between [the potential donor], you and Jeff before September.” *Id.*

52. Former Candidate responded by asking Scanlon for the best number to call her at, to which she replied by providing the number, copying both Brown and Maser. *Id.*

53. On July 19, 2022, Scanlon emailed another potential donor, writing:

Thank you very much for meeting with us this morning. Attached please find the form to contribute to For a Better Philadelphia. Please let us know if you have any questions.

Many thanks again - Jeff is looking forward to continuing our conversation with you in the coming weeks and months.

Both Brown and Maser are copied on the email. *See* Exhibit O.

C. **THE 501(C)(4) AND THE PAC ARE PART OF THE SAME ENTERPRISE**

54. As previously stated, Scanlon was the fundraising consultant for an enterprise referred to generally as “For a Better Philadelphia.”

55. Also, as previously stated, Maser is the Chairperson and Treasurer of the 501(c)(4) and the Chairperson of the PAC.

56. On October 24, 2022, Scanlon emailed a potential donor, stating “Jeff let me know you connected earlier this month and were willing to contribute your \$100,000 pledge into **our publicly reported entity**, the For a Better Philadelphia PAC. I’m attaching the contribution form here and connecting you with David Maser, the chair of For a Better Philadelphia.” *See* Exhibit P, at 2 (emphasis added).

57. Maser continued to follow up with the potential donor through at least January 26, 2023. *Id.*

58. Also on October 24, 2022, Scanlon sent an email introducing Maser to a “close friend and supporter” of Brown (“Friend”). Scanlon wrote that “[Friend] has some strategy insights to discuss with you and Dan. [Friend], David is an attorney and the chair of For a Better Philadelphia, the C4 that you generously supported over the summer.” *See* Exhibit Q, at 2.

59. Replying to Scanlon’s message, Maser confirmed a meeting at Friend’s house for 9:00 am on Friday, October 28, 2022 and copied an individual named Dan Siegel. *Id.*

60. Dan Siegel is the President of Highpoint Campaigns and has been identified in media reports as a spokesperson and consultant for the PAC.

61. Highpoint Campaigns has been paid by both the 501(c)(4) and the PAC. *See* Exhibit R.

62. The 501(c)(4) and the PAC share other common vendors, including an entity called Donohoe Partners, Inc. Both the 501(c)(4) and the PAC have made multiple six-figure expenditures to Donohoe Partners, Inc., sometimes even on the same day as was the case on February 17, 2023. *See* Exhibit S.

**i. The 501(c)(4) provided nearly all of the PAC's funds in 2022.**

63. The 501(c)(4)'s September 14, 2022 contribution of \$2,475,000.00 to the PAC represents 81% of the total contributions received by the PAC in 2022.

64. On September 23, 2022, the 501(c)(4) sent \$500,000.00 by wire transfer to another IRS tax-exempt organization called MAP USA. *See* Exhibit T.

65. On November 1, 2022, MAP USA contributed \$350,000.00 to the PAC. *See* Exhibit F, at 3.

66. On November 23, 2022, an organization called Patriot Majority USA contributed \$150,000.00 to the PAC. *Id.* at 4.

67. Patriot Majority USA is a 501(c)(4) organization that reports to the IRS that it has the same principal officer as MAP USA. *See* Exhibit U.

68. The 501(c)(4)'s \$2,475,000 contribution to the PAC combined with the additional \$500,000.00 the 501(c)(4) indirectly relayed to the PAC (via MAP USA and its affiliate Patriot Majority USA) total \$2,975,000.00, which is more than 98% of the total monetary contributions received by the PAC in 2022.

**D. JEFF BROWN'S AGENTS CONTINUED COLLABORATING WITH FOR A BETTER PHILADELPHIA AFTER BROWN DECLARED HIS CANDIDACY**

**i. Sports Team Meeting**

69. On September 8, 2022, a Philadelphia professional sports team (the “Sports Team”) contributed \$250,000.00 to the 501(c)(4), after an entity controlled by one of the Sports Team’s collaborators had already contributed a total of \$150,000.00 to the 501(c)(4). *See* Exhibit V.

70. On November 16, 2022, Brown formally launched his Mayoral campaign as “Jeff Brown for Mayor.” Scanlon joined the campaign as Deputy Campaign Manager.

71. On November 30, 2022, Maser (on behalf of the Sports Team’s parent company) emailed James “Jimmy” Cauley, campaign manager for Jeff Brown for Mayor to “schedule a briefing with Jeff Brown and his campaign team.” *See* Exhibit W, at 2.

72. On January 3, 2023, Scanlon sent an email on the campaign’s behalf to the scheduled briefing attendees to confirm the meeting was set for January 4, 2023. *Id.* at 1.

**ii. Maser refers fundraisers to Jeff Brown for Mayor**

73. On December 6, 2022, Scanlon emailed a potential fundraiser:

Hi [potential fundraiser’s name],

I hope this finds you well. I received your contact info from David Maser, who shared that you’re interested in hosting a fundraising event for Jeff in the new year.

Do you have a few minutes to connect by phone this afternoon or tomorrow? I’m available by cell at your convenience or am happy to schedule a time to connect.

Best,

Olivia Scanlon  
Jeff Brown for Mayor  
[XXX-XXX-XXXX] (cell)

*See* Exhibit X.

iii. **Scanlon sends Maser fundraising information she retained after joining the Brown campaign**

74. On December 14, 2022, Scanlon emailed Maser an Excel file containing a summary of all fundraising for For a Better Philadelphia to date. *See* Exhibit Y.

iv. **Maser shares policy suggestions with Brown campaign manager**

75. On February 1, 2023, Maser emailed James Cauley with a policy suggestion: “we need something similar for L&I in philadelphia [sic]: <https://www.penncapital-star.com/working-the-economy/shapiro-launches-review-to-mitigate-red-tape-in-pa-professional-licensure-process/>.” *See* Exhibit Z.

E. **BROWN’S SUPER STORES, INC. CONTRIBUTES \$1,000,000.00 TO THE 501(C)(4) IN 2023**

76. Brown was until recently the Chairman and CEO of Brown’s Super Stores, Inc. According to the Pennsylvania Department of State Business Entity Search, Jeff Brown is the President and Treasurer of Brown’s Super Stores, Inc.

77. On January 24, 2023, the 501(c)(4) received a \$500,000.00 wire transfer from Brown’s Super Stores, Inc. *See* Exhibit AB.

78. On February 24, 2023, the 501(c)(4) received another \$500,000.00 wire transfer from Brown’s Super Stores, Inc. *Id.*

79. On March 28, 2023, the 501(c)(4) received an additional \$250,000.00 wire transfer from Brown’s Super Stores, Inc. *Id.*<sup>9</sup>

F. **FOR A BETTER PHILADELPHIA CONTINUES TO MAKE COORDINATED EXPENDITURES IN 2023**

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<sup>9</sup> Under Pennsylvania state law, corporations are prohibited from “making a contribution or expenditure in connection with the election of any candidate for any political purpose whatever . . . .” 25 P.S. § 3253.



80. According to the PAC's 2023 6th Tuesday Pre-Primary Campaign Finance Report (Cycle 1), it had made a total of \$1,698,044.54 in expenditures to influence the outcome of the 2023 election from January 1, 2023 to March 27, 2023. *See* Exhibit AD, at 1.

81. The PAC's 2023 expenditures include the following expenditures to Donohoe Partners, Inc.: \$350,000.00 on January 13, 2023; \$250,000.00 on February 17, 2023; and \$100,000.00 on March 17, 2023, each for "Paid Field Canvassing Literature and Yard Signs [sic]." *Id.* at 5.

82. The PAC also made nine expenditures in 2023, for a combined \$672,871.74, with the description "Media Buy" to Fortune Media Inc, an advertising consultant that places television advertisements supporting Brown's candidacy on behalf of For a Better Philadelphia. *Id.* at 6-8.

83. The PAC's 2023 expenditures further include the following expenditures to High Point Campaigns Ltd.: \$10,649.75 on January 31, 2023 for "Direct Mail Billing and Postage"; \$30,132.71 on March 9, 2023 for "Management Consulting Direct Mail Reimbursement for Dropbox Trint and Gsuite [sic]"; and \$35,382.50 on March 27, 2023 for "Direct mail and postage." *Id.* at 8-9.

84. Upon information and belief, field canvassing, distribution of literature, distribution of yard signs, and direct mail to influence the outcome of the election are ongoing as of the date of filing of this Petition.

**IV. ALLEGED VIOLATIONS OF PHILADELPHIA'S  
CAMPAIGN FINANCE LAW**

**COUNT I – MULTIPLE AND CONTINUING VIOLATIONS<sup>10</sup> OF  
PHILADELPHIA CODE § 20-1002;**

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<sup>10</sup> As a threshold matter, because Respondents continue to make expenditures, and required campaign finance filings are not updated in real-time, the precise number of and full scope Respondents' violations have yet to be ascertained.

**BOARD REGULATION NO. 1, SUBPART B  
CONTRIBUTION LIMITS**

**RESPONDENTS FOR A BETTER PHILADELPHIA 501(c)(4) and FOR A BETTER  
PHILADELPHIA PAC, COLLECTIVELY, FOR A BETTER PHILADELPHIA**

85. Petitioner incorporates paragraphs 1 through 84 above as though the same were set forth fully herein.

86. As evidenced above, Brown solicited money for and directed funds to Respondents within the twelve months prior to the May 16, 2023, including such activity exactly one year prior to the election.

87. Brown's fundraising activity continued throughout 2022 into, at least, Autumn 2022.

88. The 501(c)(4)'s \$2,475,000.00 contribution to the PAC occurred on September 14, 2022 and the PAC did not make its first expenditure until November 30, 2022. *See* Exhibit F, at 3, 7.

89. Therefore, all of Respondents' expenditures to influence the outcome of the 2023 Mayoral election occurred after Brown had already engaged in fundraising activity on Respondents' behalf.

90. Because Brown's fundraising activity occurred prior to any of Respondents' expenditures being made, all of Respondents' past and future expenditures are or will be considered coordinated with Brown's campaign.

91. Accordingly, all the expenditures made or yet to be made by Respondents are in-kind contributions to Brown's campaign and are subject to the contribution limits.

92. Each of Respondents' expenditures that exceeds the contribution limits is illegal.

A. **BOTH THE 501(C)(4) AND THE PAC ARE LIABLE FOR EACH VIOLATION**

93. The Board's Regulations require that Respondents' coordinated expenditures in support of Brown be attributed to both the 501(c)(4) and the PAC.

94. Under Board Regulation 1.4(a)(ii), a contribution is made through another person, such as a political committee like the PAC, when:

A person has provided the majority of the donations received by a political committee or other person, whether directly or indirectly, in the twelve months prior to the recipient's contribution to support a candidate, unless the recipient can demonstrate, based on either a last in/ first out or first in/first out accounting method that money from the donor was not used to make the contribution to the campaign.

95. Under Board Regulation 1.4(b), "the entire amount of a contribution made through another person counts towards the contribution limits for both the original donor and the person through whom the contribution is made."

96. Since the 501(c)(4) provided more than half of the donations received by the PAC, the entire amount of the contributions the 501(c)(4) made through the PAC count toward the contribution limits for both the 501(c)(4) and the PAC. Thus, both are liable for violations of the limits.

97. Both Respondents are also liable for each violation of the contribution limits because they are part of the same enterprise.

98. It is important to note at the outset that nothing in the law prohibits a 501(c)(4) from having an affiliated PAC nor does the law prohibit such a PAC from spending to influence an election. Here, the fiction that the 501(c)(4) and the PAC are separate entities deserves scrutiny only because of coordinated activity which triggers the campaign contribution limits and the resulting and continuing violations of those limits. That is, because Maser's coordination

with Brown to circumvent the contribution limits represents the very kind of unlawful activity an equitable remedy is meant to prevent.

99. Under “enterprise” liability, “just as a corporation’s owner or owners may be held liable for judgments against the corporation when equity requires, so may affiliated or ‘sister’ corporations—corporations with common ownership, engaged in a unitary commercial endeavor—be held liable for each other’s debts or judgments.” *Mortimer v. McCool*, 255 A.3d 261, 266 (Pa. 2021).

100. The Pennsylvania Supreme Court adopted a two-pronged test for whether enterprise liability should apply:

First, there must be such unity of interest and ownership that the separate personalities of the corporation and the individual no longer exist, and second, adherence to the corporate fiction under the circumstances would sanction fraud or promote injustice. . . .

The second element . . . —that there be some fraud, wrong or injustice—seems to be nothing more than a restatement of the basic starting point that piercing is an equitable remedy used to prevent injustice. . . .

*Id.* at 286–87.

101. Both prongs are plainly satisfied when applied to For a Better Philadelphia’s constituent entities the 501(c)(4) and the PAC.

102. Regarding unity of interest and ownership, the Chair of both entities is Maser, who exercises complete control. For example, he conducts business on behalf of each using his personal Gmail account. Further, both entities share identical addresses, if not simply different mailboxes in the same building. The unified interest of both entities is to support Brown’s candidacy, with the 501(c)(4) serving as the fundraising arm to supplement the PAC as the political expenditure arm. The fundraising activity of For a Better Philadelphia ran through the

same individual, Scanlon, who also conducted that activity using her personal Gmail account. Finally, Brown himself did not distinguish upon which entity's behalf his own fundraising activities occurred.

103. Furthermore, adherence to the fiction that the 501(c)(4) and the PAC are separate entities would sanction fraud or promote injustice as For a Better Philadelphia's activity facially circumvents the contribution limits in violation of the Campaign Finance Law.

104. In essence, adhering to this fiction enables the 501(c)(4) to raise money in coordination with a campaign for the purpose of making expenditures to influence the outcome of the election, but completely unfettered by contribution limits.

**B. INJUNCTIVE RELIEF IS NOT ONLY AUTHORIZED BUT WARRANTED IN THIS MATTER BECAUSE RESPONDENTS CONTINUE TO BREAK THE LAW**

105. The City's Campaign Finance Law provides for injunctive relief to "enjoin any violations of, or to compel compliance with" its provisions. Philadelphia Code Section 20-1005.

106. Pennsylvania courts "have the power to prevent or restrain the commission or continuance of acts contrary to law and prejudicial to the interests of the community or the rights of individuals." *Bruhin v. Commonwealth of Pa., et al.*, 320 A.2d 907, 910 (Pa. Commw. Ct. 1974).

107. The Pennsylvania Supreme Court has opined that:

[T]o establish a claim for a permanent injunction, the party must establish his or her clear right to relief. However, unlike a claim for a preliminary injunction, the party need not establish either irreparable harm or immediate relief and a court may issue a final injunction if such relief is necessary to prevent a legal wrong for which there is no adequate redress at law.

*Buffalo Twp. v. Jones*, 813 A.2d 659, 663 (Pa. 2002) (internal quotations and citations omitted).

108. Petitioner has established its claim for a permanent injunction because it has established a clear right to relief.

109. For a Better Philadelphia's coordinated activity with Brown in the form of Brown's solicitation of funds for and direction of funds to For a Better Philadelphia is indisputable based upon the facts and supporting documents.

110. For at least a year prior to the election, Brown was intimately and significantly involved with For a Better Philadelphia's raising of funds from an extensive donor network in the Greater Philadelphia region and beyond.

111. In addition, a permanent injunction is appropriate because there is no adequate redress at law to remedy For a Better Philadelphia's continued expenditures to influence the election and continued violation of the Campaign Finance Law, except an Order from this Court telling Respondents to cease and desist the expenditures.

112. Neither should Respondents be able to benefit from expenditures already made but where goods and services in the form of e.g., advertising, mailers, posters, flyers, letters, canvassing, etc. have yet to be distributed or completed.

113. Moreover, as evidenced by Brown's Super Stores, Inc.'s 2023 wire transfers, an injunction is necessary because For a Better Philadelphia's bank accounts may be replenished with millions of dollars at any time. Because the transfer of money to For a Better Philadelphia, and more specifically to the 501(c)(4), is not in and of itself illegal, this Court should instead halt For a Better Philadelphia's expenditures that would violate the City's contribution limits.

114. An injunction is the only remedy for Respondents' continuing disregard of the law.

115. Alternatively, temporary injunctive relief tailored to prevent imminent and ongoing harm from Respondents' past, current, and future expenditures to influence the outcome of the 2023 primary and general elections for Mayor of Philadelphia, would also be an appropriate remedy.

116. In Pennsylvania:

[T]o establish a right to preliminary injunctive relief, a petitioner must establish the following prerequisites:

(1) the injunctive relief is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages; (2) greater injury will occur from refusing to grant the injunction than from granting it; (3) the injunction will restore the parties to the status quo as it existed before the alleged wrongful conduct; (4) the activity that is sought to be restrained is actionable, the petitioner's right to relief is clear, and the wrong is manifest, or, in short, that the petitioner is likely to succeed on the merits; (5) the injunction is reasonably suited to abate the offending activity; and (6) the public interest will not be harmed by granting the injunction.”

*J.B. v. Pennsylvania State Police*, 288 A.3d 946, 950 (Pa. Commw. Ct. 2023).

117. All factors above are easily satisfied in the instant matter.

118. Respondents' continuing violations of the contribution limits are an immediate and irreparable harm to the citizens of Philadelphia since the fruits of Respondents' expenditures and violations of the law cannot be reversed. Such harm is compounded by the passage of time and proximity to the primary election.

119. Absent immediate injunctive relief, Respondents can continue to illegally influence the Mayoral election and undermine the Campaign Finance Law, posing an increasing threat to the integrity of the City's municipal elections.

120. Injunctive relief will restore the status quo; that is, it will properly make all campaigns and donors subject to the same limit on contributions, including in-kind contributions resulting from coordinated expenditures.

121. Petitioner has established a likelihood of success on the merits as the coordinated activity between For a Better Philadelphia and Brown that lies at the heart of this matter has been well-documented and is clearly subject to longstanding regulation.

122. Enjoining Respondents' activity is reasonably suited to abate its continuing illegal activity, because retrospective relief, for example in the succeeding months after the Mayoral election, would only be moot, as Respondents' expenditures and the benefits from those expenditures will have already been reaped.

123. Finally, it is clear that the public interest will not be harmed by granting the injunction. To the contrary, the public interest will be greatly served by subjecting Respondents to the same contribution limits as any other entity that makes coordinated expenditures to influence the outcome of the election – contribution limits which serve the public interest by preventing political corruption or the appearance of political corruption.

**C. IN ADDITION TO INJUNCTIVE RELIEF, CIVIL MONETARY PENALTIES SHOULD BE IMPOSED**

124. Pursuant to Philadelphia Code Section 20-1301(1) and Board Regulation No. 1.45, a contributor who makes an excess contribution shall be subject to a civil monetary penalty of three times the amount by which the contribution exceeded the limit, or \$2,000, whichever is less.

125. While the exact number of Respondents' contributions in excess of the limits, and thus the exact number violations, has not yet been ascertained at this time (*see supra* n. 10), the



Board estimates that, at a minimum, the following violations have occurred and are subject to individual penalties.

126. According to the PAC's 2022 Annual Campaign Finance Report (Cycle 7), the PAC exceeded the undoubled 2022 limit on December 5, 2022, when it made a \$501,737.50 coordinated expenditure to Fortune Media Inc. *See* Exhibit F, at 6.

127. The PAC thereafter reported making six additional expenditures in 2022, each of which constitutes a separate violation of the contribution limits. *Id.*

128. Therefore, for Respondents' 2022 violations, the maximum penalty allowable by law is \$14,000 subject to further expenditures yet to be discovered.

129. In 2023, based on campaign finance filings to date, Respondents have exceeded the contribution limits at least seventy-four times.

130. According to the PAC's 2023 6th Tuesday Pre-Primary Campaign Finance Report (Cycle 1), the PAC exceeded the doubled limit on January 9, 2023 when it made a \$33,350.00 expenditure to Riverside Solutions LLC. *See* Exhibit AD, at 12.

131. The PAC thereafter reported making seventy-three additional expenditures each of which constitutes a separate violation of the contribution limits. *Id.*

132. Therefore Respondents' 2023 violations result in, at a minimum, a civil monetary penalty of \$148,000 subject to further expenditures yet to be discovered.

## **V. RELIEF REQUESTED**

Respondents' extensive and deliberate scheme to circumvent the City's campaign contribution limits denies the electorate key information about the funding of City campaigns and poses a threat to the integrity of Philadelphia's municipal elections. To protect the

democratic process and trust in City government and elections, this Court must act to immediately stop Respondents' continuing coordinated expenditures.

**WHEREFORE**, Petitioner prays for judgment against Respondents as follows:

- (i) a judgment that Respondents violated Philadelphia Code Section 20-1002(2);
- (ii) an order from the Court directing Respondents to immediately:
  - (a) cease and desist from making any further expenditures to influence the outcome of the 2023 primary and general elections for Mayor of Philadelphia; and
  - (b) cancel any and all outstanding or unfulfilled orders for goods, services, or other deliverables from third parties, whether placed through intermediaries or otherwise, including, but not limited to all television and other media ad buys with both advertising agents and television stations; and
  - (c) refrain from distributing, disseminating, airing, emailing, or in any other way delivering to the electorate the goods, services, or other deliverables resulting from Respondents' expenditures made to date to influence the outcome of the 2023 primary and general elections for Mayor of Philadelphia; and
  - (d) refrain from transferring any money to any other individuals, entities, or persons whether directly or indirectly, which have made or will make expenditures to influence the outcome of the 2023 primary and general elections for Mayor of Philadelphia;

(iii) a civil monetary penalty of \$2,000.00 for each violation, the final number of which to be determined by the Court;

(iv) any other relief the Court deems just and proper.

**ALTERNATIVELY**, Petitioner prays for temporary injunctive relief imposing the same restrictions described above in paragraph V(ii) to prevent imminent and ongoing harm from Respondents' past, current, and future expenditures to influence the outcome of the 2023 primary and general elections for Mayor of Philadelphia.

Respectfully submitted,

BY: */s J. Shane Creamer, Jr.*  
J. Shane Creamer, Jr., Esquire  
*Executive Director, Philadelphia Board of Ethics*

Richard Barzaga, Esquire  
*Senior Staff Attorney*

Michael Gutierrez, Esquire  
*Senior Staff Attorney*

*Attorneys for Petitioner*  
Philadelphia Board of Ethics

Date: April 10, 2023

**VERIFICATION**

I, J. Shane Creamer, Jr., Executive Director of the Philadelphia Board of Ethics hereby state that I am the Attorney for Petitioner Philadelphia Board of Ethics in this action; that I am authorized to make this Verification; that I have personal knowledge of the statements made in the foregoing Petition; and that the statements made in the Petition are true and correct to the best of my knowledge, information, and belief.

I understand that my statements are made subject to the penalties of 18 Pa. Cons. Stat. § 4904 relating to unsworn falsification to authorities.

BY: /s J. Shane Creamer, Jr.  
J. Shane Creamer, Jr., Esquire  
Executive Director, Philadelphia Board of Ethics

Date: April 10, 2023