

## 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 (the “Executive Director”), and Allan Domb (“Councilmember Domb”), jointly referred to as “the Parties.”

### **RECITALS**

- A. The Philadelphia Board of Ethics is an independent, five-member City of Philadelphia (the “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 and Chapter 20-600 of the Philadelphia Code, the Board is charged with administering and enforcing the conflict of interest provisions of the City Ethics Code.
- B. Allan Domb was a Councilmember At-Large on the Philadelphia City Council, serving from early January 2016 until his resignation on August 15, 2022.
- C. Section 20-607(1) of the Philadelphia Code provides, in part, that: “Unless there is public disclosure and disqualification as provided for in Section 20-608 hereof, no member of Council, or other City officer or employee shall be financially interested in any legislation including ordinances and resolutions, award, contract, lease, case, claim, decision, decree or judgment made by him in his official capacity, or by any board or body of which he is a member . . . .”
- D. Section 20-608(1) of the Philadelphia Code provides, in part, that: “Any member of City Council having a financial interest, under subsections 20-607(1), (2), in any legislation including ordinances and resolutions, shall make public the nature and extent of such interest as set forth in subsection (1)(a) hereof. . . . Thereafter, such person shall disqualify himself or herself from any further official action regarding such legislation including ordinances and resolutions . . . .”
- E. Section 20-608(1)(a) of the Philadelphia Code provides that: “In the case of a member of Council, it shall be done at the scheduled public hearing of such legislation including ordinances and resolutions; if such interest occurs after the public hearing and prior to five (5) days before such legislation is to be acted upon, it shall be made by registered or certified mail to the Chief Clerk of the Council and all members of the Council and be announced by the presiding officer of the Council at the time the legislation is called up for consideration; if such interest occurs less than five (5) days prior to the action by the Council on such legislation, the member shall announce his interest publicly on the floor of the Council in public session. This provision shall apply notwithstanding the fact that the member of Council did not participate or was absent upon or during the vote or consideration of such legislation.”
- F. Pursuant to Philadelphia Code Section 20-612, each violation of Philadelphia Code Section 20-600 *et seq.* is subject to a civil penalty of \$1,000.00 as described in Philadelphia Code Section 20-1302.

- G. City Council passed two bills, one in 2019 and one in 2021, identified as Bill No. 190443 and Bill No. 210742, respectively. Both bills amended the Zoning and Planning Code with respect to an area of the City bounded by 20th Street, Arch Street, and Cuthbert Street. The legal property address of this area is 2000-24 Arch Street.
- H. The Committee on Rules, a standing committee of City Council, held the public hearing for Bill No. 190443 at its meeting held on June 12, 2019. Councilmember Domb was not a member of the Committee on Rules and did not attend the meeting. City Council voted on final passage of Bill No. 190443 on June 20, 2019. When the Chief Clerk of City Council called for Councilmembers' votes, Councilmember Domb responded, "Aye on all bills, with the exception of Bill No. 190443, which I will abstain from voting on." He did not state the reason for his abstention on the record.
- I. The Committee on Rules held the public hearing for Bill No. 210742 at its meeting held on October 26, 2021. Councilmember Domb was not a member of the Committee on Rules, but did attend the meeting, which was held remotely via Microsoft Teams. He did not speak on the bill during the public hearing. City Council voted on final passage of Bill No. 210742 on November 4, 2021. When the Chief Clerk called for Councilmembers' votes, Councilmember Domb responded, "Abstain." He did not state the reason for his abstention on the record.
- J. At the time of both bills' passage, Councilmember Domb had a financial interest in 2000-24 Arch Street. Specifically, Councilmember Domb had, and continues to have, a direct ownership interest in 2000-24 Arch Street via a limited partnership named 2000 Arch Associates LP. He is a limited partner in 2000 Arch Associates LP. An entity named 2000 Arch Associates GP LLC is the general partner of 2000 Arch Associates LP. Councilmember Domb acquired the interest prior to the public hearing of Bill No. 190443.
- K. Councilmember Domb's interest in 2000 Arch Associates LP was disclosed in each of Councilmember Domb's Statements of Financial Interests filed with the Board and available for public inspection since he has been a member of City Council.
- L. Councilmember Domb did not make public the nature and extent of his financial interest in the above-identified legislation at the scheduled public hearings for each bill as required by Section 20-608(1)(a).
- M. Councilmember Domb did not make public the nature and extent of his financial interest in the above-identified legislation at any point prior to final passage of the bills.
- N. Councilmember Domb fully cooperated with the Board's investigation and resolution of the matters described in this Agreement.
- O. The Parties desire to enter into this Agreement to resolve the issues described herein.

## **AGREEMENT**

The Parties agree that:

1. Paragraphs A through O above are made part of the Agreement as if set forth fully herein.
2. By not disclosing the nature and extent of his financial interest in the legislation identified as Bill No. 190443 at its scheduled public hearing, Councilmember Domb violated Philadelphia Code Section 20-608(1), for which he is subject to a civil monetary penalty of \$1,000.00.
3. By not disclosing the nature and extent of his financial interest in the legislation identified as Bill No. 210742 at its scheduled public hearing, Councilmember Domb violated Philadelphia Code Section 20-608(1), for which he is subject to a civil monetary penalty of \$1,000.00.
4. The total civil monetary penalty for the violations described in Paragraphs 2 through 3 is \$2000.00. Councilmember Domb 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.
5. Councilmember Domb 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 the Agreement.
6. In consideration of the above and in exchange for Councilmember Domb'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.
7. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
8. If the Board or the City is forced to seek judicial enforcement of the Agreement, and prevails, Councilmember Domb 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.
9. The Agreement contains the entire agreement between the Parties.
10. The Agreement is severable. If any court of competent jurisdiction determines that any paragraph or part thereof in the Agreement is unenforceable, the remaining terms and conditions of the Agreement shall remain in full force and effect as if the unenforceable paragraphs or parts thereof were not set forth herein.
11. The Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval.

12. 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.
13. 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.
14. If the Board approves the proposed Agreement, the Board shall make this Agreement available to the public as required by Board Regulation 2.27 by posting this Agreement to the Board's website.

In witness whereof, the Parties hereto have executed the Agreement on the dates set forth below:

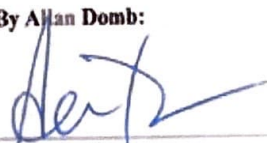
**By the Executive Director of  
the Board of Ethics:**

Dated: 12/21/22

  
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J. Shane Creamer, Jr., Executive Director

**By Allan Domb:**

Dated: 12/20/22

  
\_\_\_\_\_  
Allan Domb

**Approved by the Board of Ethics:**

Dated: 12/22/2022

  
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Michael H. Reed, Chair