

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., the Executive Director of the Board, and Donald Tippet, 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 sections of the Philadelphia Home Rule Charter that impose restrictions on the political fundraising by City employees.
- B. Donald Tippet is the Office Manager and Director of Constituent Services for City Councilman David Oh. He has held that position since 2012 and has been an appointed employee of the City of Philadelphia since 1999. As Office Manager and Director of Constituent Services for Councilman Oh, Mr. Tippet’s duties include handling all administrative functions of the office, including scheduling, payroll, and supplies as well as assisting the public with questions or concerns.
- 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. Pursuant to Philadelphia Code Section 20-606(1)(h), if the Board finds a violation of Section 10-107(3) of the Home Rule Charter, it may impose a civil monetary penalty of \$300.
- E. Board Regulation No. 8, which became effective March 28, 2011, provides a detailed interpretation of Charter Section 10-107(3) as applied to appointed City officers and employees.
- F. Regulation No. 8, states 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. (Paragraph 8.5).¹
- G. On October 24, 2016, Mr. Tippet entered into a settlement agreement with the Board to resolve violations of Charter Section 10-107(3), including “providing administrative support for Oh campaign fundraisers, such as purchasing and delivering supplies.”
- H. In September of 2019, Board Enforcement Staff received information that Mr. Tippet was again involved in prohibited political fundraising while employed by the City. Enforcement Staff initiated an investigation in which they interviewed witnesses and subpoenaed documents.

¹ The Board amended Regulation No. 8 on November 7, 2019. These amendments did not alter the substance of the provision of Paragraph 8.5, which is now found at Paragraph 8.6.

- I. The investigation found that on July 12, 2019, Mr. Tippet provided administrative support for a political fundraiser for Councilman David Oh's campaign by making three separate purchases of wine, beer, and ice. He then delivered the wine, beer and ice to the fundraiser that was scheduled on that same day. The purpose of the July 12, 2019 fundraiser was to solicit, collect and receive political contributions for the Citizens for David Oh candidate committee.
- J. Mr. Tippet fully cooperated with the Board's investigation.
- K. The Parties desire to enter into this Agreement in order to resolve the matters described herein.

AGREEMENT

The Parties agree that:

1. Mr. Tippet committed four violations of Home Rule Charter Section 10-107(3) by:
 - 1.01 Purchasing beer on July 12, 2019 for a July 12, 2019 fundraiser for the Citizens for David Oh candidate committee;
 - 1.02 Purchasing wine on July 12, 2019 for a July 12, 2019 fundraiser for the Citizens for David Oh candidate committee;
 - 1.03 Purchasing ice on July 12, 2019 for a July 12, 2019 fundraiser for the Citizens for David Oh candidate committee; and
 - 1.04 Delivering beer, wine, and ice on July 12, 2019 to a July 12, 2019 fundraiser for the Citizens for David Oh candidate committee.

For each violation, Mr. Tippet is subject to a civil monetary penalty of \$300.

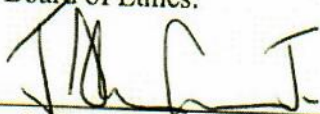
2. Mr. Tippet shall pay the aggregate civil penalty of \$1,200 for the violations described above within 30 days of the execution of the Agreement. Payment shall be by check or money order made payable to the City of Philadelphia and delivered to the offices of the Board of Ethics.
3. Mr. Tippet will contact Board Staff within 30 days of the effective date of the Agreement to schedule a date to attend ethics training.
4. Mr. Tippet 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.
5. In consideration of the above and in exchange for Mr. Tippet'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.
6. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.

7. If the Board or the City is forced to seek judicial enforcement of the Agreement, and prevails, Mr. Tippet shall be liable for attorneys' fees and costs reasonably expended in enforcing compliance with the Agreement. Fees for time spent by City and Board 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 Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval.
10. 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.
11. 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 this paragraph, nothing in the Agreement shall be effective.

By the Executive Director of the
Board of Ethics:

Dated:

12/2/19

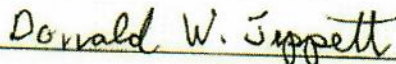


J. Shane Creamer, Jr.
Executive Director

By Donald Tippet:

Dated:

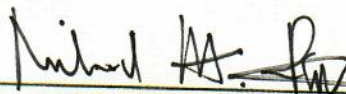
11/26/19



Approved by the Board of Ethics:

Dated:

12/11/19



Michael H. Reed, Esquire
Chair