

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into between the Board of Ethics of the City of Philadelphia, J. Shane Creamer Jr., Executive Director of the City of Philadelphia Board of Ethics, Friends of Ori Feibush, and Ori Feibush, 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. The Friends of Ori Feibush is the authorized candidate political committee of Ori Feibush, who was a candidate for the Democratic nomination for Philadelphia City Council’s 2nd District seat in the 2015 May primary election.
- C. Jon Adler is the treasurer of Friends of Ori Feibush.
- D. Pursuant to Philadelphia Code § 20-1006(1)(a) and Regulation No. 1, Paragraph 1.19(b), candidates for City office and their political committees are required to electronically file campaign finance reports with the Board.
- E. Pursuant to the City’s Campaign Finance Law, from May 5 through May 19, 2015, within 24 hours of accepting a contribution of \$500 or more, Friends of Ori Feibush was required to electronically file a campaign finance report with the Board disclosing that contribution.
- F. During the 24 hour reporting period, the Friends of Ori Feibush filed several reports that omitted contributions that should have been included in them. The contributions that were omitted were:
 - 1. \$500 from Reuven Mosheyev on May 5, 2015;
 - 2. \$500 from Charles Bernier on May 6, 2015;
 - 3. Two in-kind contributions of \$5,000 from Ori Feibush on May 6, 2015;
 - 4. In-kind contribution of \$25,000 and \$5,000 from Ori Feibush on May 8, 2015; and
 - 5. An in-kind contribution of \$12,000 from Ori Feibush on May 11, 2015.Friends of Ori Feibush filed amended reports correcting these omissions.
- G. Pursuant to Philadelphia Code § 20-1006(4) and Regulation No. 1, Paragraph 1.24, the making of a material omission in a report filed with the Board is a violation of the City’s Campaign Finance Law.

- H. In addition, Friends of Ori Feibush failed to file four required 24 hour reports with the Board. The committee self-reported the reporting failure and subsequently filed all of the required reports.
- I. Pursuant to Philadelphia Code § 20-1003 and Regulation No. 1, Paragraph 1.25, candidates for City office shall have no more than one checking account for the City office being sought, into which all contributions and post-candidacy contributions for such office shall be made, and out of which all expenditures for that office shall be made, including post-candidacy expenditures.
- J. On May 8, 2015 and June 18, 2015, Mr. Feibush filed Cycle 2 and Cycle 3 campaign finance reports with the Board disclosing that Mr. Feibush made numerous, significant, campaign-related expenditures from his personal account. The expenditures are listed in Exhibit A attached hereto.
- K. Mr. Feibush did not accept or deposit any campaign contributions into his personal accounts. All contributions to the Feibush campaign were deposited into the Friends of Ori Feibush's checking account.
- L. Pursuant to Philadelphia Code § 20-1008 and Regulation No. 1, Paragraph 1.55, the penalty for a violation of Philadelphia Code §§ 20-1003 and 1006(4) is \$1,000, which can be increased to \$2,000 if aggravating factors are present and decreased to \$250 if mitigating factors are present.
- M. At all times, Friends of Ori Feibush, Ori Feibush, and Jon Adler fully cooperated with the Board's investigation and resolution of the matters described in this Agreement.
- N. The Parties desire to enter into this Agreement in order to resolve the issues described herein.

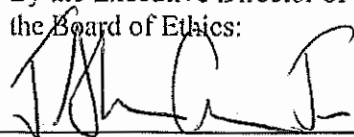
AGREEMENT

The Parties agree that:

1. By making material omissions from several of the 24 hour reports it filed with the Board, Friends of Ori Feibush violated Philadelphia Code § 20-1006(4), and is subject to a civil monetary penalty of \$1,000.
2. Friends of Ori Feibush's late filing of four 24 hour reports with the Board violated Philadelphia Code § 20-1006(1) and is subject to a civil monetary of \$2,000.
3. Ori Feibush's use of more than one account to make campaign expenditures violated Philadelphia Code Section 20-1003 and is subject to a civil penalty of \$1,000.
4. Ori Feibush shall pay the aggregate civil monetary penalty of \$4,000 within 14 days of the effective date of the Agreement. Payment shall be by check made payable to the City of Philadelphia and delivered to the offices of the Board.
5. Mr. Feibush and Friends of Ori Feibush 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 matters described in this Agreement.
6. In consideration of the above and in exchange for Mr. Feibush's and Friends of Ori Feibush's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against them for the violations described in this 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 this Agreement, and prevails, Mr. Feibush and Friends of Ori Feibush 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 Executive Director will submit a signed copy of the Agreement to the Board for approval.
11. 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.
12. 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.

Dated: 9/14/15

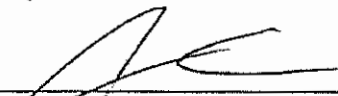
By the Executive Director of
the Board of Ethics:



J. Shane Creamer, Jr.

Dated: 9/11/15

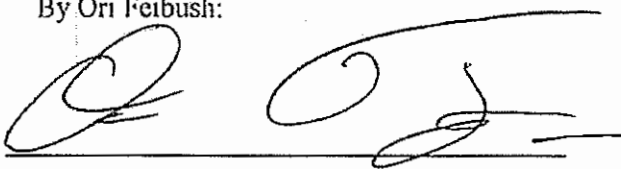
By Friends of Ori Feibush:



Jon Adler, Treasurer

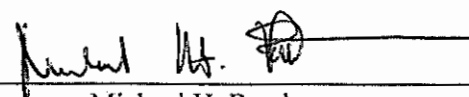
Dated: 9/11/15

By Ori Feibush:



Approved by the Board of Ethics:

Dated: 9/16/15



Michael H. Reed
Chair

EXHIBIT A

Ori Feibush Campaign Related Expenses from Personal Account

Date	Amount	Expenditure	
3/7/2015	\$500.00	40th Ward Democratic Club	event
4/23/2015	\$100,000.00	I Slept on My Face Productions	consulting
4/28/2015	\$28,000.00	Bergmann Zwerdling	mailers
5/1/2015	\$20,000.00	Bergmann Zwerdling	mailers
5/3/2015	\$200.00	Democratic City Committee	event
5/6/2015	\$5,000.00	LJR Custom Strategies	mdeia
5/6/2015	\$5,000.00	I Slept on My Face Productions	media
5/8/2015	\$25,000.00	Bergmann Zwerdling	media
5/8/2015	\$5,000.00	I Slept on My Face Productions	media
5/11/2015	\$12,000.00	Bergmann Zwerdling	media
5/13/2015	\$25,000.00	Bergmann Zwerdling	media
5/14/2015	\$26,679.00	Bergmann Zwerdling	media
5/14/2015	\$5,000.00	I Slept on My Face Productions	media