

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 Cameron Kline, 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 section of the Philadelphia Home Rule Charter that prohibits City officers and employees from being concerned in the collection, receipt, or solicitation of contributions intended for a political purpose.
- B. Cameron Kline is the Communications Director and Spokesperson at the Philadelphia District Attorney's Office. He has been an employee of the City of Philadelphia since February of 2015.
- C. Section 10-107(4) of the Philadelphia Home Rule Charter provides that a City employee may not engage in certain types of political activity. The political activity restrictions in the Home Rule Charter ensure that government operates effectively and fairly and that employees are free from improper influences and perform their duties without bias or favoritism for or against any political party, candidate, or partisan political group.
- D. Ethics Board Regulation No. 8, which became effective March 28, 2011, provides a detailed interpretation of Charter Subsection 10-107(4).
- E. Pursuant to Regulation No. 8, Paragraph 8.1(n), political activity is an activity directed toward the success or failure of a political party, candidate, or partisan political group.
- F. Pursuant to Regulation No. 8, Paragraph 8.1(l), a partisan political group is any committee, club, or other organization that is affiliated with a political party or candidate or whose primary purpose is to engage in political activity.
- G. Pursuant to Regulation No. 8, Paragraph 8.10, an appointed officer or employee shall not be an officer of a partisan political group.
- H. Pursuant to Regulation No. 8, Paragraph 8.11, an appointed officer or employee shall not take any part in the management or affairs of any political party, political campaign or partisan political group, which includes any political activity that is performed in concert or coordination with a political party, candidate, or partisan political group.
- I. Pursuant to Philadelphia Code Section 20-606(1)(h), if the Board finds a violation of Section 10-107(4) of the Home Rule Charter, it may impose a civil monetary penalty of \$300.

- J. On August 27, 2015, Board enforcement staff received a complaint about Mr. Kline that alleged that he had violated the Home Rule Charter's political activity restrictions as a result of his activities with the Liberty City LGBT Democratic Club. Because the complaint stated potential violations of the Charter, enforcement staff accepted the complaint and opened an investigation.
- K. In 2013, Mr. Kline became a board member of the Liberty City LGBT Democratic Club. In February of 2015, when Mr. Kline took his current position with the City, he disclosed to his superiors that he was a member of the organization's board.
- L. Liberty City LGBT Democratic Club was founded in 1994 by activists who wanted to build political power for the Lesbian, Gay, Bisexual and Transgender (LGBT) community through involvement within the Democratic Party. The primary objectives of the organization are to:
1. Register, educate and mobilize LGBT voters.
 2. Elect openly LGBT candidates for public and party office.
 3. Support LGBT-friendly candidates and work to oust anti-gay office holders.
 4. Promote legislative issues of importance to the LGBT community.
 5. Provide a forum for LGBT voters to meet candidates and officeholders.
- M. For the purposes of Board Regulation No. 8, Liberty City LGBT Democratic Club is a partisan political group. By serving as a board member of the organization, Mr. Kline was an officer of a partisan political group.
- N. Liberty City LGBT Democratic Club endorsed numerous candidates in the May 2015 Democratic primary election. Mr. Kline did not serve on the endorsement committee and did not participate in the vote by members of the organization on which candidates to endorse. However, Mr. Kline helped prepare a press release announcing the endorsements. Mr. Kline was listed as a contact on the press release, a copy of which is attached hereto as Exhibit A.
- O. On August 25, 2015, a representative from Jim Kenney's mayoral committee emailed the co-chair of the board of Liberty City LGBT Democratic Club and asked if the organization would be willing to issue a statement about online comments made by the largest contributor to the Republican nominee for Mayor. The Kenney campaign provided the text of the proposed statement, a list of reporters' email addresses, and screenshots of Facebook posts made by the contributor.
- P. On August 26, 2015, at the request of the co-chairs of the organization's board, Mr. Kline sent the email attached hereto as Exhibit B to the list of reporters provided by the Kenney campaign.
- Q. The screenshots the Kenney campaign provided were included as attachments to the email. Mr. Kline did not help draft the statement and did not participate in discussions with the Kenney campaign about it. He sent the email from his personal computer at his home using a gmail account.

- R. On August 28, 2015, Mr. Kline contacted Board enforcement staff to discuss how to best address his political activity violations. At all times, Mr. Kline fully cooperated with the Board's investigation and promptly took all steps necessary to resolve the violations described in the Agreement.
- S. On August 28, 2015, after becoming aware that being an officer of Liberty City LGBT Democratic Club violated Charter Subsection 10-107(4), Mr. Kline resigned from the organization's board.
- T. The Parties desire to enter into this Agreement in order to resolve the matters described herein.

AGREEMENT

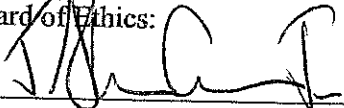
The Parties agree that:

1. By serving as an officer of a partisan political group, Mr. Kline violated Section 10-107(4) of the Philadelphia Home Rule Charter. The civil monetary penalty for this violation is \$300. However, because Mr. Kline disclosed his membership on the board of Liberty City LGBT Democratic Club to his superiors when he was hired by the City and promptly resigned from the board after becoming aware that being a board member violated of Charter Subsection 10-107(4), the Board waives the monetary penalty for this violation.
2. By creating a press release announcing Liberty City LGBT Democratic Club's endorsements for the May 2015 Democratic primary and serving as a press contact for that release, Mr. Kline violated Section 10-107(4) of the Home Rule Charter. The civil monetary penalty for this violation is \$300.
3. By emailing to reporters a statement by Liberty City LGBT Democratic Club about the Republican nominee for Mayor, Mr. Kline violated Section 10-107(4) of the Home Rule Charter. The civil monetary penalty for this violation is \$300.
4. Mr. Kline shall pay the aggregate civil penalty of \$600 within two weeks of the effective date 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.
5. Within six months of the effective date of the Agreement, Mr. Kline shall attend ethics training at the offices of the Board.
6. So long as he is a City employee, Mr. Kline shall not: a) collect, receive, or solicit contributions for Liberty City LGBT Democratic Club, b) participate in get-out-the-vote efforts organized or sponsored by the organization, or c) engage in any political activity in coordination with the organization.
7. Mr. Kline 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.

8. In consideration of the above and in exchange for Mr. Kline 's compliance with all of the terms of the Agreement, the Board waives any further penalties or fines against him arising from the events described in the Agreement.
9. The Parties will not make any public statements that are inconsistent with the terms of the Agreement.
10. If the Board or the City is forced to seek judicial enforcement of the payment of the civil monetary penalty imposed by the Agreement, and prevails, Mr. Kline shall be liable for attorneys' fees and costs reasonably expended in such enforcement. Fees shall be calculated based upon standard and customary billing rates in Philadelphia for attorneys with similar experience.
11. The Agreement contains the entire agreement between the Parties.
12. The Executive Director, or his designee, will submit a signed copy of the Agreement to the Board for approval.
13. 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.
14. 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: 9/2/15

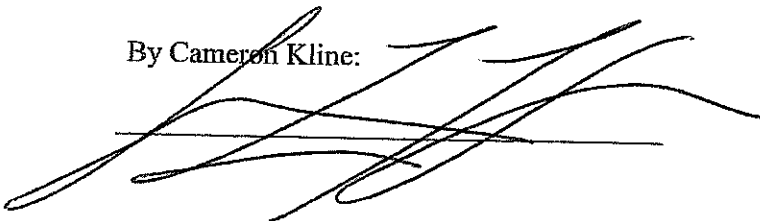
By the Executive Director of the
Board of Ethics:



J. Shane Creamer, Jr.
Executive Director

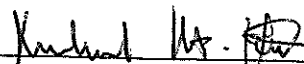
Dated: 9/2/15

By Cameron Kline:



Approved by the Board of Ethics:

Dated: 9/16/15



Michael H. Reed, Esquire
Chair

EXHIBIT A



LIBERTY CITY

LGBT DEMOCRATIC CLUB

CONTACT: Cameron Kline
215-435-1262
cameronkline25@gmail.com

FOR IMMEDIATE RELEASE

Mason Lane
717-382-8542
masonlane15@gmail.com

LIBERTY CITY LGBT DEMOCRATIC CLUB ENDORSES JIM KENNY FOR MAYOR AND A FULL SLATE OF CANDIDATES FOR MAY 19TH PRIMARY ELECTION

PHILADELPHIA (April 16, 2015) – Liberty City Democratic Club (LCDC), Pennsylvania's premiere lesbian, gay, bisexual and transgender (LGBT) political organization, today endorsed Philadelphia mayoral hopeful Jim Kenny at its annual primary endorsement meeting.

"Philadelphia is the most LGBT-friendly city in the nation and that is due in large part to the hard work and leadership of Jim Kenny. Liberty City members overwhelmingly voted to endorse Jim Kenny and look forward to hitting the streets, neighborhood by neighborhood, to elect Kenny Mayor of Philadelphia," said Liberty City Co-chair Sara Jacobson.

Liberty City also endorsed the following candidates for Philadelphia City Council (District):

- Kenyatta Johnson, Second District; and
- Maria Quinones-Sanchez, Seventh District.

Add 1

Liberty City also endorsed the following candidates for Philadelphia City Council (At Large):

- Blondell Reynolds Brown;
- Sherrie Cohen;
- Helen Gym;
- Bill Greenlee; and
- Paul Stenke.

The LCDC also endorsed Lisa Deeley and Carol Jenkins for Philadelphia City Commissioner.

"We had a spirited and robust discussion on which candidates to endorse for such important elected positions – many of which will have a direct impact on the hundreds of thousands of LGBT Pennsylvanians across the Commonwealth. We will now begin to implement an aggressive GOTV operation on behalf of all our endorsed candidates," said Liberty City Co-chair Tony Campisi.

For the judicial races, LCDC endorsed:

- Kevin Dougherty and Anne Lazarus for PA Supreme Court;
- Alice Beck Dubow for PA Superior Court;
- R. Todd Eagan for PA Commonwealth Court;
- James Berardinelli, Abbe Fletman, Diane Grey, Anthony Kyriakakis, Chris Mallios, Brian Ortelere, Rainy Papademetriou, Kenneth Powell, Mia Roberts-Perez, Stephanie Sawyer, Kia Scott and Stella Tsai for the Court of Common Pleas of Philadelphia County;
- Daniel Clifford for Court of Common Pleas of Montgomery County; and
- Joffee Pittman and Dan Sulman Philadelphia Municipal Court.

Liberty City LGBT Democratic Club was founded in 1994 to build political power for the Lesbian, Gay, Bisexual, and Transgender (LGBT) community through involvement within the Democratic Party. Liberty City remains dedicated to registering, educating and mobilizing LGBT voters; electing open LGBT candidates for public and party office; supporting LGBT-friendly candidates and working to oust anti-gay office holders; promoting legislative issues of importance to the LGBT community; and providing a forum for LGBT voters to meet candidates and officeholders. For more information on Liberty City Democratic Club visit www.libertycity.org

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EXHIBIT B

----- Forwarded message -----

From: **Cameron Kline** <libertycitydemclub@gmail.com>

Date: Wed, Aug 26, 2015 at 6:57 AM

Subject: Statement from Liberty City LGBT Democratic Club on Fundraising by Republican Candidate for Mayor

To: libertycitydemclub@gmail.com

Statement from Liberty City LGBT Democratic Club on Fundraising by Republican Candidate for Mayor

Melissa Murray Bailey's decision to accept a campaign donation, in the maximum amount allowable by law, from a donor who repeatedly posted homophobic statements online calls into question her core values. If she is sincere in her support of gay marriage, she should return the donation to the man who claimed that the Supreme Court decision paved the way for legalized polygamy and incest.