

Diana Lin

Subject: dates available for hearing/ intro ltr RE: Tracey Gordon/ matter #1412MU14
Attachments: Intro ltr to Respondent's Counsel Rania Major 5.21.15.docx.pdf

From: Maya Nayak
Sent: Thursday, May 21, 2015 11:53 AM
To: Michael Cooke; allcourts@comcast.net
Cc: Jordan Segall; Shane Creamer
Subject: dates available for hearing/ intro ltr RE: Tracey Gordon/ matter #1412MU14

Dear parties,
Since Chair Reed granted Ms. Major's request on Tuesday for a continuance of the hearing in this matter, we are in the process of identifying new dates for a hearing. As soon as possible and no later than May 27th, please notify me, preferably by email, of any dates and times from July 27, 2015 through August 28, 2015 that you would be unable to participate in a hearing.

Pre-hearing deadlines will be reset to match the new hearing dates.

Also, attached please find a pdf copy of a letter that is being mailed with enclosures to Ms. Major today.

Maya Nayak
General Counsel
City of Philadelphia Board of Ethics
maya.nayak@phila.gov
(215) 686-9450

From: Michael Cooke
Sent: Tuesday, May 19, 2015 12:44 PM
To: Maya Nayak; allcourts@comcast.net
Cc: Jordan Segall; Shane Creamer
Subject: RE: Tracey Gordon/ matter #1412MU14

Maya,

We anticipate that we will need 1½ to 2 days to put on the Executive Director's case.
If the Board is going to grant an extension, we request that the hearing be scheduled for after July 20, 2015 in order to accommodate other enforcement matters and my planned vacation of the first week of July.

To confirm, we will not be submitting a pre-hearing memorandum today as that deadline will be extended.

Regards,

Michael J. Cooke, Esq.
Director of Enforcement
Board of Ethics
of the City of Philadelphia

1515 Arch St., 18th Floor
Philadelphia, PA 19102
(215) 686-9459
(f) (215) 686-9453

From: Maya Nayak
Sent: Tuesday, May 19, 2015 12:26 PM
To: Michael Cooke; allcourts@comcast.net
Cc: Jordan Segall
Subject: RE: Tracey Gordon/ matter #1412MU14

As you know, Ms. Gordon's attorney, Ms. Major, requested a continuance of the hearing scheduled for June 2, 2015. Chair Reed has decided to grant a second continuance of the hearing and to also grant an extension for the date that pre-hearing memoranda are due in this matter.

Michael,

What is enforcement staff's estimate of time needed to present the Executive Director's case at Ms. Gordon's hearing? I spoke with Ms. Major and she estimated an afternoon for the hearing. I wanted to also have your estimate before setting a new hearing date.

For your information, Ms. Major said she would like the Board to consider her May 18, 2015 letter her entry of appearance in this matter, and she provided this contact information: email allcourts@comcast.net and cell phone number 215-837-3250.

Maya Nayak
General Counsel
City of Philadelphia Board of Ethics
maya.nayak@phila.gov
(215) 686-9450

From: Michael Cooke
Sent: Monday, May 18, 2015 6:33 PM
To: allcourts@comcast.net
Cc: Jordan Segall; Maya Nayak
Subject: RE: Tracey Gordon

Rania,

Jordan forwarded your correspondence to me. I am glad to hear that Tracey has obtained counsel to represent her in this administrative enforcement proceeding. In such a proceeding, the Board acts as the adjudicator and the Executive Director acts as the prosecutor. Jordan and I report to the Executive Director and are responsible for the actual prosecution of this matter. As the prosecutors, we do not have the authority to grant a continuance. Such a request must be made to the Board via the Board's General Counsel, Maya Nayak. If you submit a request to the Board for a continuance, we will not oppose it. Maya's email address is maya.nayak@phila.gov. I have also cc'd her on this email.

The rules and procedures for administrative enforcement proceedings before the Board are set forth in Board Regulation No. 2 and the Board's memo on additional procedures for administrative enforcement proceedings. I have attached a copy of each to this email.

Tomorrow is the deadline for the parties to file a pre hearing memorandum. Because Tracey has not provided us with the information necessary to file a joint memorandum, we will be submitting a unilateral memorandum.

We will not oppose a request by you to the Board for additional time for you to submit a pre hearing memorandum.

Please let me know if you have any questions. You can reach me at the number in my signature block.

Regards,

Michael J. Cooke, Esq.
Director of Enforcement
City of Philadelphia Board of Ethics
1515 Arch St., 18th floor
Philadelphia, PA 19102
(215) 686-9459

----- Original message -----

From: Jordan Segall
Date: 05/18/2015 5:53 PM (GMT-05:00)
To: Michael Cooke
Subject: FW: Tracey Gordon

From: Rania Major-Trunfio, Esquire [allcourts@comcast.net]
Sent: Monday, May 18, 2015 4:57 PM
To: Jordan Segall
Subject: Tracey Gordon

Dear Mr. Segall,

Enclosed please find correspondence dated May 18, 2015 regarding the above-referenced individual.

Thank you.

Emelinda Diaz, secretary to,
Rania M. Major, Esquire
Rania Major, P.C.
2915 North 5th Street
Philadelphia, PA 19133
Telephone: (215) 291-5009
Facsimile: (215) 279-7107

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Confidential

May 21, 2015

Via first-class, certified mail and email

Rania M. Major
2915 North 5th Street
Philadelphia, PA 19133
allcourts@comcast.net

Re: Administrative Adjudication Matter #1412MU14

Dear Ms. Major:

I write regarding the administrative enforcement proceeding that the Board's Executive Director Shane Creamer initiated against Tracey Gordon on December 11, 2014. I was forwarded your May 18, 2015 letter addressed to Board of Ethics Staff Attorney Jordan Segall indicating your intention to enter your appearance on behalf of Ms. Gordon in this matter and requesting a continuance of the hearing scheduled for June 2, 2015. In our phone conversation on May 19, you informed me that you would like the Board to treat your May 18 letter as your entry of appearance, and you provided me an outline of your general schedule in court but did not have your calendar to provide specific dates.

Treating the May 18 letter both as your entry of appearance and as a continuance request submitted to the Board, Chair Reed decided to grant your request for a continuance. Pre-hearing deadlines will also be reset to match the new hearing date. We are in the process of identifying new dates for a hearing. By next Wednesday May 27, 2015, please notify me of any dates from July 27, 2015 through August 21, 2015 that you would be unable to participate in a hearing.

This is the third extension of time that the Board and its Hearing Officer have granted to Ms. Gordon in this matter. On January 6, 2015, Board Hearing Officer Richard Glazer granted Ms. Gordon's request for a 30-day extension to file a written Response in this matter. On March 12, 2015, Chair Reed granted Ms. Gordon a continuance of the hearing which had been scheduled for March 30, 2015. That extension delayed the hearing by 64 days to June 2, 2015. Finally, Chair Reed is granting your request this week for a second continuance of the hearing. It is extremely unlikely that the Board will grant any additional requests.

In administrative enforcement proceedings such as this, Board members act as the adjudicator with the assistance of General Counsel staff and a Hearing Officer. Neither party may engage in a substantive *ex parte* communication with any member of the Board, General Counsel staff, or the Hearing Officer concerning the administrative enforcement proceeding. The Board, General Counsel staff, and Hearing Officer are not informed of communications or possible settlement discussions you and Ms. Gordon may have with enforcement staff. Such discussions with enforcement staff would not relieve the obligation to follow filing deadlines and other procedural requirements set by the Board in this administrative enforcement proceeding.

Board of Ethics Regulation No. 2 and a Board memorandum approved on November 19, 2014 set forth the procedures that govern the Board's administrative adjudication proceedings; I have enclosed both documents with the first-class mailing of this letter. The November 19 memorandum contains important procedures for all phases of administrative enforcement proceedings, including the procedure for submission of filings and the required content of pre-hearing memoranda.

For your convenience, I am enclosing with the first class, certified mailing of this letter a number of previous filings and communications in this matter. I am enclosing copies of the December 11, 2014 Notice of Administrative Enforcement Proceeding with Exhibits and Proof of Service and Ms. Gordon's February 2, 2015 Response to the Notice. Please disregard the reference to a public hearing that appears in the bold text on the first page of the Notice. As described in Board of Ethics Regulation No. 2, Board administrative enforcement proceedings are confidential with closed hearings unless a respondent provides written consent to a public proceeding, which Ms. Gordon has not.

I am also enclosing copies of the following filings and communications in this matter:

- (1) December 12, 2014 introductory letter from General Counsel staff to counsel for Ms. Gordon, Michael Coard, indicating a deadline of December 31, 2014 for Ms. Gordon's Response;
- (2) December 19, 2014 letter from General Counsel staff to Mr. Coard indicating a corrected deadline of January 2, 2015 for Ms. Gordon's Response;
- (3) Letter from Ms. Gordon (dated December 24, 2014, received by Enforcement Staff December 29, 2014, and forwarded to General Counsel staff December 30, 2014) requesting a hearing and an extension of time to submit Response;
- (4) December 30, 2014 email from Mr. Coard requesting a 30-day extension of time to submit Response and December 31, 2014 email from Director of Enforcement Michael Cooke indicating no objection to the request;
- (5) January 6, 2015 letter from General Counsel staff notifying parties that Board's Hearing Officer granted Ms. Gordon's extension request and setting a deadline of February 2, 2015 for Response;

May 21, 2015

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- (6) February 2, 2015 email from Mr. Coard to General Counsel Maya Nayak, submitted with Ms. Gordon's Response, withdrawing as counsel in this matter;
- (7) February 5, 2015 email from Mr. Coard to General Counsel Maya Nayak, at Ms. Gordon's request, forwarding a supplement/revision to Response;
- (8) February 6, 2015 letter from General Counsel staff to Ms. Gordon acknowledging receipt of Response and communicating information previously communicated to Mr. Coard;
- (9) February 6, 2015 email from Director of Enforcement Michael Cooke to Hearing Officer Richard Glazer and General Counsel Maya Nayak requesting the Board to approve administrative subpoenas seeking phone records of Ms. Gordon and Leslie Miles.
- (10) Administrative Subpoenas signed February 19, 2015 by Hearing Officer Richard Glazer and February 20, 2015 email from General Counsel Maya Nayak to the parties notifying them that the signed subpoenas are being returned to Director of Enforcement Michael Cooke by hand delivery.
- (11) February 24, 2015 Notice of Hearing scheduling hearing for March 30, 2015 and February 25, 2015 letter from General Counsel staff to Ms. Gordon accompanying the mailing of the hearing notice;
- (12) March 11, 2015 emails from Ms. Gordon requesting a continuance and from Director of Enforcement Michael Cooke opposing a continuance;
- (13) March 12, 2015 letter from General Counsel to Ms. Gordon, with copy to Enforcement Staff, notifying parties that Board's Hearing Officer granted Ms. Gordon's continuance request and enclosing Revised Notice of Hearing rescheduling the hearing for June 2, 2015.

Please include the number that has been assigned to this administrative enforcement matter, #1412MU14, on all filings and communications related to this matter. Contact me with any questions you may have about the Board's administrative enforcement procedures.

Sincerely,



Maya Nayak
General Counsel

cc (via email): Shane Creamer, Executive Director
 Michael Cooke, Director of Enforcement

Enclosures (*with first class, certified mailing*)