

CITY OF PHILADELPHIA

BOARD OF ETHICS
ONE PARKWAY BUILDING
1515 Arch Street
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Philadelphia, PA 19102-1504
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April 15, 2016

Via email and hand delivery


Maya Nayak
General Counsel
Board of Ethics
1515 Arch St., 18th Floor
Philadelphia, PA 19102
Maya.Nayak@phila.gov

**Re: *Executive Director's Proposed Findings of Fact and Conclusions of Law for
Creamer v. Leron Ben, Matter No. 1510ET17***

Dear Maya:

Enclosed please find the Executive Director's Proposed Findings of Fact and Conclusions of Law for the above captioned matter. The Appendix of Exhibits to the Executive Director's Proposed Findings of Fact and Conclusions of Law is being delivered only via hand delivery.

Sincerely,


Michael J. Cooke, Esq.
Director of Enforcement

Enclosures

CC: Leron Ben

(via hand delivery and email, appendix via hand delivery only)

**BOARD OF ETHICS
OF THE CITY OF PHILADELPHIA**

J. Shane Creamer, Jr.
Executive Director
Board of Ethics
of the City of Philadelphia
1515 Arch Street, 18th Floor
Philadelphia, PA 19102

Matter No.: 1510ET17

Date Served: November 12, 2015

v.

Leron Ben a.k.a. Leron Shoshana
7838 Montgomery Avenue
Elkins Park, PA 19027

Respondent

**EXECUTIVE DIRECTOR'S PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Executive Director submits the following Proposed Findings of Fact and Conclusions of Law as provided for in Paragraph 10 of the Board's Procedures for Administrative Enforcement Proceedings.

I. PROPOSED FINDINGS OF FACT

A. Respondent Leron Ben

1. Respondent Leron Ben is a resident of Philadelphia, PA. Respondent Ben is also known as Liran Ben-Shoshan and Leron Shoshana. App. Ex. 1 at pg. 7, ln. 11-15; App. Ex. 5 at para. 1.
2. Respondent Ben owns or is the part owner of approximately forty properties in Philadelphia. In addition, he is the property manager for at least ninety properties in Philadelphia. App. Ex. 1 at pg. 104, ln. 17-pg. 105, ln. 2.
3. Respondent Ben has appeared at the City of Philadelphia's Office of Administrative Review ("OAR") to contest tickets on numerous occasions over the past several years. App. Ex. 1 at pg. 105, ln. 3-6; App. Ex. 3 at para. 4.
4. Respondent Ben and his business partner, Shai Argaman, established ELISRA LLC in 2008 and each of them owns 50% of the company. App. Ex. 1 at pg. 102, ln. 19-pg. 103, ln. 6; pg. 103, ln. 21-23. *See also* App. Ex. 5 at para. 4¹.
5. If the City imposes a monetary penalty on ELISRA LLC for a Code violation, the company pays the City directly for the fine. App. Ex. 1 at pg. 105, ln. 16-19; pg. 107, ln. 22-pg. 108, ln. 1; pg. 126, ln. 9-13; pg. 127, ln. 9-pg. 128, ln. 21.
6. If the ELISRA LLC property that is the cause of the penalty has a tenant, ELISRA LLC will bill the tenant for reimbursement of the penalty paid to the City. App. Ex. 1 at pg. 124, ln. 17-pg. 125, ln. 16; pg. 126, ln. 9-pg. 127, ln. 17; App. Ex. 1 at Ex. F (2nd page: Invoice- ELISRA LLC to Ebony Stanard (May 13, 2015)).

¹ Respondent erroneously numbered the fourth paragraph twice in his Pre-Hearing Memorandum. This citation refers to the actual fourth paragraph of Respondent's Pre-Hearing Memorandum.

7. If the ELISRA LLC property that is the cause of the penalty is vacant, ELISRA LLC pays the City for the Code violation and is not able to seek reimbursement from anyone. App. Ex. 1 at pg. 107, ln. 1-2; pg. 126, ln. 9-13; pg. 127, ln. 18-pg. 128, ln. 21.

8. At various points during the year, Respondent Ben and his partner divide up available money held by ELISRA LLC. App. Ex. 1 at pg. 117, ln. 24-pg. 118, ln. 4; pg. 118, ln. 17-20.

9. Any fines that ELISRA LLC pays reduce the amount of money that Respondent Ben and his partner are able to take out of the company as profits. App. Ex. 1 at pg. 117, ln. 24-pg. 118, ln. 4; pg. 118, ln. 17-20; pg. 124, ln. 11-16.

B. Background Information on the Office of Administrative Review

10. The Office of Administrative Review is part of the administrative branch of the government of the City of Philadelphia. The department is responsible for conducting administrative review hearings for code violations issued under the Philadelphia Code. App. Ex. 1 at pg. 80, ln. 12-20; pg. 81, ln. 6-21.

11. Code violations involve City Code requirements for litter, dumpsters, and maintenance of property. App. Ex. 1. at pg. 35, ln. 10-21; pg. 81, ln. 6-21.

12. A person who has received a code violation ticket may contact OAR to schedule a hearing to appeal the ticket. App. Ex. 1 at pg. 35, ln. 22-pg. 36, ln. 10; pg. 82, ln. 12-24.

13. OAR employees one full time and two part time hearing masters who are randomly assigned to hear Code violation appeals. App. Ex. 1 at pg. 84, ln. 19-pg. 85, ln. 3; pg. 94, ln. 2-8.

14. Hearing masters can exercise their discretion to sustain a Code violation ticket, reduce the monetary penalty imposed by the ticket, or dismiss the ticket. App. Ex. 1 at pg. 36, ln. 11-pg. 37, ln. 5; pg. 86, ln. 5-pg. 87, ln. 22.

15. Hearing masters arrive at their ruling by considering and weighing the evidence an appellant provides, the record of the violation provided by the City, and the applicable provisions of the City Code. App. Ex. 1 at pg. 36, ln. 11-pg. 37, ln. 5; pg. 86, ln. 5-pg. 87, ln. 22.

16. Code violation appeals are not recorded or transcribed and there are no cameras in the hearing rooms. App. Ex. 1 at pg. 45, ln. 4-20; pg. 84, ln. 5-12.

C. Stephen St. Vincent

17. Stephen St. Vincent served as a Hearing Master for OAR from March 2015 through June 2015. App. Ex. 1 at pg. 33, ln. 17-pg. 34, ln. 2; pg. 87, ln. 23-pg. 88, ln. 7; pg. 89, ln. 11-pg. 90, ln. 20; App. Ex. 1 at Ex. 9 (p. 1-2).

18. Mr. St. Vincent held his position for a limited time period because he was filling in for a Hearing Master who was out on medical leave. App. Ex. 1 at pg. 34, ln. 3-9; pg. 37, ln. 20-23; pg. 50, ln. 14-19; pg. 88, ln. 8-16.

19. OAR hired Mr. St. Vincent through a professional services miscellaneous purchase order. App. Ex. 1 at pg 88, ln. 17-pg. 89, ln. 10; pg. 89, ln. 24-pg. 90, ln. 8; App. Ex. 1 at Ex. 9 (p. 2).

20. Mr. St. Vincent's supervisor at OAR was Paula Weiss, the Executive Director of OAR. App. Ex. 1 at pg. 37, ln. 17-19; pg. 81, ln. 3-5.

21. As part of his job duties for OAR, Mr. St. Vincent heard and ruled on appeals of tickets issued by City agencies for violations of the City Code. App. Ex. 1 at pg. 34, ln. 10-21; pg. 36, ln. 11-pg. 37, ln. 5; pg. 86, ln. 5-pg. 87, ln. 22; pg. 90, ln. 22- pg. 91, ln. 7; App. Ex. 1 at Ex. 9 (p. 1).

22. As a Hearing Master, Mr. St. Vincent's role and discretion were the same as other OAR hearing masters. App. Ex. 1 at pg. 91, ln. 8-11.

23. Mr. St. Vincent is a member of the Pennsylvania bar and is currently a Staff Attorney at the University of Pennsylvania Law School Toll Public Interest Center. He also teaches a course on civic engagement at Drexel University. App. Ex. 1 at pg. 30, ln. 17-23; pg. 32, ln. 9-12; pg. 33, ln. 8-11.

D. May 21, 2015 Office of Administrative Review Hearing

24. On May 21, 2015, Respondent Ben appeared at a hearing at OAR to contest three Code violation tickets issued by L&I. App. Ex. 1 at pg. 37, ln. 24-pg. 38, ln. 9; pg. 103, ln. 8-10; pg. 112, ln. 17-19; App. Ex. 4 at pg. 1, para. 3². *See also* App. Ex. 5 at para. 1.

25. One of the tickets was for a property located at 1807 Widener Place. Two of the tickets were for a property located at 5001 Oxford Avenue. App. Ex. 1 at pg. 103, ln. 14-17; pg. 103, ln. 24-pg. 104, ln. 2; App. Ex. 1 at Ex. 3 & 4; App. Ex. 4 at pg. 1, para. 4; App. Ex. 5 at para. 4 & para. 5³.

26. At the time of the May 21, 2015 hearing, ELISRA LLC owned 1807 Widener Place. App. Ex. 1 at pg. 103, ln. 18-20.

27. At the time of the May 21, 2015 hearing, 1807 Widener Place was vacant. App. Ex. 1 at pg. 127, ln. 18-23.

28. At the time of the May 21, 2015 hearing, 5001 Oxford Avenue LLC owned 5001 Oxford Avenue. App. Ex. 1 at pg. 104, ln. 3-9.

29. At the time of the May 21, 2015 hearing, Respondent Ben was paid to be the property manager for 5001 Oxford Avenue LLC. App. Ex. 1 at pg. 104, ln. 10-16.

30. The potential monetary penalty for the tickets issued to the 5001 Oxford Avenue property was at least \$350. App. Ex. 1 at pg. 41, ln. 9-15; App. Ex. 1 at Ex. 3.

² This citation refers to the second paragraph numbered 3, which is actually the fourth paragraph.

³ This citation refers to the fifth paragraph, which is erroneously numbered as a second paragraph 3.

31. The potential monetary penalty for the ticket issued to the 1807 Widener Place property was at least \$75. App. Ex. 1 at pg. 41, ln. 9-17; App. Ex. 1 at Ex. 4.
32. Stephen St. Vincent was the OAR Hearing Master who presided over Respondent Ben's hearing on May 21, 2015. App. Ex. 1 at pg. 37, ln. 24-pg. 38, ln. 3; pg. 103, ln. 11-13.
33. In the course of the May 21, 2015 hearing, Mr. St. Vincent found that Respondent Ben had presented sufficient evidence to warrant dismissal of all three of the tickets. App. Ex. 1 at pg. 42, ln. 4-13; App. Ex. 4 at pg. 2, para. 8.
34. Respondent Ben was pleased with the result because he believed that the tickets were unfair. He was also happy because he believed Mr. St. Vincent could have sustained one of the tickets. App. Ex. 1 at pg. 105, ln. 12-15 & 20-24; pg. 112, ln. 17-pg. 113, ln. 9.
35. If Mr. St. Vincent had sustained the ticket issued for the property at 1807 Widener Place, ELISRA LLC would have had to pay a monetary penalty of at least \$75. App. Ex. 1 at pg. 41, ln. 24-pg. 42, ln. 3; pg. 105, ln. 16-19; pg. 127, ln. 9-17; App. Ex. 1 at Ex. 4.
36. If ELISRA LLC had paid a penalty of \$75, ELISRA LLC would have had less money for Respondent and his business partner to divide between themselves. App. Ex. 1 at pg. 124, ln. 11-16.
37. Because the property at 1807 Widener Place was vacant as of May 21, 2015, a tenant would not have been available to pay a monetary penalty. App. Ex. 1 at pg. 107, ln. 1-2; pg. 126, ln. 9-13; pg. 127, ln. 18-pg. 128, ln. 21.
38. If Mr. St. Vincent had sustained the ticket issued for the property at 5001 Oxford Avenue, Respondent Ben's employer, Oxford Avenue LLC, would have had to pay a monetary penalty of at least \$350. App. Ex. 1 at pg. 42, ln. 14-pg. 43, ln. 8; App. Ex. 1 at Ex. 3.

39. After Mr. St. Vincent informed Respondent Ben of his ruling, and while still in the OAR Hearing Room, Respondent Ben thanked him, approached him, and shook his hand. App. Ex. 1 at pg. 43, ln. 12-21.

40. In the course of shaking Mr. St. Vincent's hand, while still in the OAR Hearing Room, Respondent Ben passed him multiple cash bills, with a ten dollar bill on the outside. App. Ex. 1 at pg. 43, ln. 21-pg. 44, ln. 4; pg. 44, ln. 14-24; pg. 63, ln. 1-6.

41. Mr. St. Vincent immediately dropped the money Respondent Ben was trying to hand him and told Respondent Ben that he could not accept it. App. Ex. 1 at pg. 43, ln. 24-pg. 44, ln. 5.

42. Respondent Ben insisted and asked Mr. St. Vincent to please take the money. He said that he just wanted to thank Mr. St. Vincent and added that the money was to buy Mr. St. Vincent lunch. App. Ex. 1 at pg. 44, ln. 5-9.

43. Mr. St. Vincent again told Respondent Ben that he could not accept the money and told him to take the money back and leave the hearing room. Respondent Ben took the money back and left the hearing room. App. Ex. 1 at pg. 44, ln. 10-13.

44. Within thirty minutes of when Respondent Ben left the hearing room, Mr. St. Vincent informed his supervisor, Paula Weiss, that Respondent Ben had attempted to give him money. App. Ex. 1 at pg. 45, ln. 21-24; pg. 65, ln. 3-7; pg. 95, ln. 4-8.

45. Ms. Weiss told Mr. St. Vincent to write a memorandum recounting Respondent Ben's attempt to give him money. Mr. St. Vincent wrote the memorandum and provided it to Ms. Weiss that same day on May 21, 2015. App. Ex. 1 at pg. 45, ln. 21-pg. 49, ln. 3; pg. 92, ln. 7-pg. 93, ln. 7.

46. After Ms. Weiss received Mr. St. Vincent's memorandum, she followed OAR protocols and reported the incident to her supervisor, Deputy Mayor Rob Dubow. The issue was subsequently reported to the City of Philadelphia Office of the Inspector General. App. Ex. 1 at pg. 92, ln. 7-13; pg. 93, ln. 11-14; pg. 95, ln. 9-20.

E. Credibility of Witnesses

i. Credibility of Stephen St. Vincent

47. Stephen St. Vincent's testimony at the Board's March 1, 2016 administrative enforcement hearing was credible and reliable.

48. According to Mr. St. Vincent's former supervisor at OAR, Paula Weiss, his job performance while he served as a hearing master at OAR was excellent and she did not have any concerns or complaints about him. App. Ex. 1 at pg. 93, ln. 15-22.

49. Ms. Weiss testified that while Mr. St. Vincent served as a hearing master at OAR, she had never found him to be untruthful. App. Ex. 1 at pg. 93, ln. 23-pg. 94, ln. 1.

50. Mr. St. Vincent had not met Respondent Ben prior to the hearing on May 21, 2015 and has had no personal or professional dealings with Respondent Ben, ELISRA LLC, or 5001 Oxford Avenue LLC. App. Ex. 1 at pg. 49, ln. 4-16; pg. 50, ln. 7-13.

51. No facts elicited during the course of the March 1, 2016 hearing indicate that Mr. St. Vincent was not credible or that he had any reason or motive to fabricate his testimony.

52. At the Board's March 1, 2016 administrative enforcement hearing, Mr. St. Vincent specifically identified Respondent Ben as the person who had offered him cash at the May 21, 2015 OAR appeal hearing. App. Ex. 1 at pg. 63, ln. 1-4.

ii. Credibility of Respondent Leron Ben

53. In his testimony at the Board's March 1, 2016 administrative enforcement hearing on this matter, Respondent Ben denied that he offered cash to Mr. St. Vincent. App. Ex. 1 at pg. 113, ln. 18-23; pg. 116, ln. 9-11.

54. Respondent Ben's testimony was self-serving and not credible.

55. Respondent Ben suggested in his Response to the Notice that he did not own ELISRA LLC or have a financial connection to 5001 Oxford Avenue LLC. App. Ex. 3 at para. 5.

56. However, at the March 1, 2016 hearing, Respondent Ben admitted that he is the 50% owner of ELISRA LLC and that he was also the paid property manager for the 5001 Oxford Avenue property. App. Ex. 1 at pg. 102, ln. 19-21; pg. 103, ln. 21-23; pg. 104, ln. 10-16.

57. Respondent Ben also stated in his Response to the Notice that a Code violation civil monetary penalty would not affect him personally. App. Ex. 3 at para. 5.

58. However, at the hearing, Respondent Ben admitted that if the City imposes a monetary penalty on ELISRA LLC, ELISRA LLC pays the fine and subsequently has less money for Respondent Ben and his business partner to divide between themselves. App. Ex. 1 at pg. 105, ln. 16-19; pg. 124, ln. 11-16.

59. Mr. St. Vincent's testimony that Respondent Ben offered him cash on May 21, 2015 at an OAR hearing is more credible than Respondent Ben's self-serving denial that he did so, especially given that, in his Response to the Notice, Respondent tried to mislead the Board about his ownership interest in ELISRA LLC and his financial interest in the tickets he was challenging at the OAR hearing.

II. PROPOSED CONCLUSIONS OF LAW

A. The Philadelphia Ethics Code's gift restriction

1. Philadelphia Code Subsection 20-604(2) prohibits a person⁴ from offering, making, or rendering any gifts⁵ of money⁶ to any City officer or employee if that person is (1) seeking official action from him or her or (2) if the City officer or employee is able to substantially affect through official action a financial interest a person has at the time, or in close proximity to the time, the money is offered.

2. Philadelphia Code Subsection 20-601(9) defines “financial interest” as an interest involving money or its equivalent, or an interest involving any right, power or privilege that has economic value.

3. Philadelphia Code Subsection 20-601(17) defines “official action” as an act or omission taken by an officer or employee in his or her official capacity that requires discretion and is not ministerial in nature.

4. Philadelphia Code Subsection 20-601(18) defines an “officer or employee” as:

Any person who is elected or appointed to a position in any branch of the government of the City and/or County of Philadelphia or to any elected or appointed position which serves the City and/or County of Philadelphia, including, but not limited to, members of agencies, authorities, boards and commissions, however elected or appointed; persons serving full-time or intermittently; persons serving with or without compensation.

⁴ A person is a business, individual, corporation, non-profit, union, association, firm partnership, committee, political committee, club, or other organization or group of persons. *See* Philadelphia Code Section 20-601(20).

⁵ Philadelphia Code Subsection 20-601(10) defines a gift as anything of value given to, or for the benefit of, a City official, unless consideration of equal or greater value is received. These include payment, subscription, advance, forbearance, rendering or deposit of money, or services. *See* Philadelphia Code Subsection 20-601(10).

⁶ Money is cash, checks, money orders, or the equivalent, including pre-paid debit or gift or credit cards. *See* Philadelphia Code Section 20-601(16).

B. Respondent Ben offered cash to Stephen St. Vincent

5. As set forth above in the above Proposed Findings of Fact, the credible evidence adduced at the hearing demonstrates, by a preponderance of the evidence that, on May 21, 2015, at a hearing held at OAR to appeal Code violation tickets, Respondent Ben offered cash to the Hearing Master, Stephen St. Vincent.

C. Mr. St. Vincent was a City officer when Respondent Ben offered him cash

6. As set forth above in the above Proposed Findings of Fact, the credible evidence adduced at the hearing demonstrates, by a preponderance of the evidence that, when Respondent Ben offered money to Mr. St. Vincent on May 21, 2015, Mr. St. Vincent was a City officer.

7. In March of 2015, Mr. St. Vincent was appointed via miscellaneous purchase order to the position of Hearing Master in OAR, which is part of the administrative branch of the government of the City of Philadelphia.

8. As with all other OAR hearing masters, Mr. St. Vincent exercised the powers of the City when he considered and ruled on appeals of Code violation tickets. He fulfilled the duties of a City officer and acted with discretion to decide whether or not to uphold Code violation tickets that had been issued to people who are accused of violating the City Code.

9. The Ethics Code does not differentiate between City officers appointed by miscellaneous purchase order and those appointed by other means. Rather, it reaches City officers “however elected or appointed.” Code Subsection 20-601(18).

10. Although Mr. St. Vincent only served as a Hearing Officer for approximately four months, he was a City officer while he was in that position because the Ethics Code explicitly reaches “persons serving full-time or intermittently.” Code Subsection 20-601(18).

D. Respondent Ben was seeking official action from Mr. St. Vincent on May 21, 2015

11. The Ethics Code defines “official action” as “An act or omission taken by an officer or employee in his or her official capacity that requires discretion and is not ministerial in nature. Code Section 20-601(18).

12. As set forth above in the above Proposed Findings of Fact, the credible evidence adduced at the hearing demonstrates, by a preponderance of the evidence that, when Respondent Ben appeared at the May 21, 2015 OAR hearing, he was seeking official action from Mr. St. Vincent, the Hearing Master for that hearing. As a Hearing Master, Mr. St. Vincent was required to weigh the evidence presented by Respondent Ben and exercise discretion to make a finding as to whether the tickets at issue should be sustained, reduced in penalty, or dismissed.

13. Although Mr. St. Vincent had already informed Respondent Ben of his ruling at the time Respondent Ben offered him cash, they were still in the hearing room and Mr. St. Vincent was still acting in his official capacity. As such, Mr. Ben’s conduct was a part of the transaction with Mr. St. Vincent. Thus for the purposes of Code Section 20-604(2), at the time Respondent Ben offered the cash to Mr. St. Vincent, he was seeking official from him.

E. Respondent Ben had a financial interest Mr. St. Vincent was able to substantially affect through official action in close proximity to the time Respondent offered him cash

14. As set forth above in the above Proposed Findings of Fact, the credible evidence adduced at the hearing demonstrates, by a preponderance of the evidence, that Respondent Ben had a financial interest Mr. St. Vincent was able to substantially affect through official action in close proximity to the time Respondent Ben offered him cash.

15. Respondent had a financial interest because if, at the May 21, 2015 OAR hearing, Mr. St. Vincent had sustained the penalty for the property at 1807 Widener Place, ELISRA LLC would have had to pay a monetary penalty of at least \$75. If ELISRA LLC had paid a penalty of \$75, ELISRA LLC would have had less money for Respondent and his business partner to divide between themselves. Because the property at 1807 Widener Place was vacant as of May 21, 2015, Respondent Ben would not have been able to seek reimbursement from a tenant if ELISRA LLC had been required to pay the penalty.

16. In addition, if Mr. St. Vincent had sustained the ticket issued for the property at 5001 Oxford Avenue, Respondent Ben's employer, Oxford Avenue LLC, would have had to pay a monetary penalty of at least \$350.

17. Respondent's offer of cash was in close proximity to his financial interest being substantially affected by Mr. St. Vincent's official action. The offer was immediately after Mr. St. Vincent had made his ruling.

F. Motive

18. While it is not a required element of a violation of Philadelphia Code Section 20-604(2), Respondent Ben had a motive to offer Mr. St. Vincent a gift of money. Respondent Ben frequently appears for appeals hearings at OAR. He owns at least 40 properties in Philadelphia and manages at least 90 more. Respondent Ben could easily believe that giving an OAR Hearing Master a gift of cash would make the Hearing Master well disposed to him in future appeals for which Respondent Ben could appear before that Hearing Master.

G. Penalty

19. As set forth in the above Proposed Findings of Fact and Conclusions of Law, the credible evidence adduced at the hearing demonstrates, by a preponderance of the evidence, that Respondent Ben violated Code Section 20-604(2) when, on May of 2015, he offered a gift of cash to OAR Hearing Master Steven St. Vincent.

20. A violation of Subsection 20-604(2) of the Philadelphia Code is subject to a civil monetary penalty of \$1,000, which may be increased to \$2,000 if an aggravating factor is present or decreased to as low as \$250 if mitigating factors are present. *See* Code §§ 20-612(1); 20-1302.

21. Pursuant to Philadelphia Code Section 20-1302(1)(b)(i), it is an aggravating factor if the violator acted knowingly. An act is done knowingly if done voluntarily and intentionally, and not because of mistake or accident.

22. As set forth in the above Proposed Findings of Fact, the credible evidence adduced at the hearing demonstrates, by a preponderance of the evidence, that Respondent Ben acted knowingly when he offered cash to Mr. St. Vincent and not because of mistake or accident.

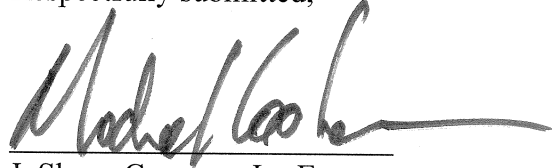
III. Conclusion

Based on the preceding, the Executive Director respectfully requests that the Board:

1. Adopt the Proposed Findings of Fact set forth in Section I;
2. Adopt the Proposed Conclusions of Law set forth in Section II; and
3. Find that, as alleged in Count 1 of the November 12, 2015 Notice of Administrative Enforcement Proceeding, Respondent Ben violated Code Section 20-604(2) when, in May of 2015, he knowingly offered a gift of cash to a City officer *and* therefore that Respondent Ben should be subject to a civil monetary penalty of \$2,000.

Date: April 15, 2016

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Cooke", written over a horizontal line.

J. Shane Creamer, Jr., Esq.
Executive Director

Michael J. Cooke, Esq.
Director of Enforcement

Jordan E. Segall, Esq.
Staff Attorney

City of Philadelphia Board of Ethics
1515 Arch Street, 18th Floor
Philadelphia, PA 19102
Phone: (215) 686-9450
Fax: (215) 686-9453

CERTIFICATION OF SERVICE

I, Jordan E. Segall, hereby certify that on this date I caused a true and correct copy of the foregoing Proposed Findings of Fact and Conclusions of Law with Appendix of Exhibits to be served upon the following:

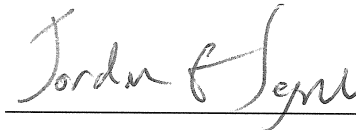
By hand delivery and email:

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Maya.Nayak@phila.gov

Date: April 15, 2016



**BOARD OF ETHICS
OF THE CITY OF PHILADELPHIA**

J. Shane Creamer, Jr.
Executive Director
Board of Ethics
of the City of Philadelphia
1515 Arch Street, 18th Floor
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Matter No.: 1510ET17

Date Served: November 12, 2015

v.

Leron Ben a.k.a. Leron Shoshana
7838 Montgomery Avenue
Elkins Park, PA 19027

Respondent Ben

**APPENDIX OF EXHIBITS TO EXECUTIVE DIRECTOR'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- Exhibit 1. Transcript of March 1, 2016 hearing – *Creamer v. Ben*, Matter No. 1510ET17 with Exhibits introduced at March 1, 2016 hearing.
- Exhibit 2. November 12, 2015 Notice of Administrative Enforcement Hearing and Exhibits in Support thereof.
- Exhibit 3. Respondent's Response to Notice of Administrative Enforcement Hearing.
- Exhibit 4. Executive Director's Pre-Hearing Memorandum.
- Exhibit 5. Respondent's Pre-Hearing Memorandum.