

Thomas Klemm

Subject: Re: Subpoena request

From: Leron Ben [<mailto:rent2158332547@gmail.com>]

Sent: Thursday, February 18, 2016 9:24 AM

To: Diana Lin; Maya Nayak; Shane Creamer

Subject: Re: Subpoena request

In response to Mr Cooke.

I would ask the Hearing master to accept my Subpoena and order the Board of Ethics to assign a new lawyer to handle this case

1 from day one I'm complaining about this two lawyers (on their over reacting)

2 They violated my civil rights and I don't think I want to cooperate with them (since they not being honest)

3 once this case is over I will file a complaint with the city and civil rights against Mr Cooke and Mr Segall.

4 I'm planning to sue them as well in civil court for violating my civil rights

Please honor the subpoena and let me question both lawyers

Thank you

On Wednesday, February 17, 2016, Michael Cooke <Michael.Cooke@phila.gov> wrote:

Diana,

As we have previously stated, we object to Mr. Ben's attempt to call me and Jordan as witnesses at his upcoming hearing. Only relevant evidence of reasonably probative value is admissible at a Board administrative enforcement hearing. *See*, Board Regulation No. 2, Paragraph 2.19. Proffered evidence is only relevant if it has a tendency to make a fact of consequence to the adjudication of a matter more probable or less probable than it would be without the evidence. *See* PA Rule Evidence 401.

Mr. Ben's accusations that we violated his civil rights are meritless and absurd and are not relevant to the adjudication of this hearing. The subject of the hearing is whether or not Mr. Ben violated the Ethics Code's gift restriction by giving a City hearing officer a handful of cash. Neither Jordan or I has any first-hand knowledge of the incident that gave rise to the alleged violation. Whatever conduct he alleges we engaged in has no bearing on whether or not Mr. Ben violated the Ethics Code. As such, whatever testimony he elicited from us would be irrelevant to the matter to be adjudicated. *See Chandler v. Volunteers of America, North Alamba, Inc.*, 598 Fed. Appx. 655 (11th Cir. 2015). Moreover, because Mr. Ben can readily elicit from other witnesses facts relevant to the subject of the hearing, he has no need to call either me or Jordan. *See Rude v. Algiers*, 105 N.W. 2d 825 (Wis. 1960). Therefore, because whatever testimony Mr. Ben would elicit from me or Jordan would be irrelevant to the adjudication of this hearing, the Board should deny Mr. Ben's request to call us as witnesses.

Respectfully submitted,

Michael J. Cooke, Esq.
Director of Enforcement
Board of Ethics
of the City of Philadelphia
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Philadelphia, PA 19102
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(f) (215) 686-9453

From: Diana Lin
Sent: Wednesday, February 17, 2016 10:28 AM
To: Leron Ben; Shane Creamer
Cc: Maya Nayak; Michael Cooke; Jordan Segall
Subject: FW: Subpoena request

Please find below Mr. Shoshan's email to General Counsel staff. Mr. Shoshan, please be sure to copy the Board's Executive Director on your emails to General Counsel staff.

Diana J. Lin, Esq.
Associate General Counsel
City of Philadelphia Board of Ethics
diana.lin@phila.gov
215.686.9450 (t)

From: Leron Ben [<mailto:rent2158332547@gmail.com>]

Sent: Wednesday, February 17, 2016 9:46 AM

To: Diana Lin

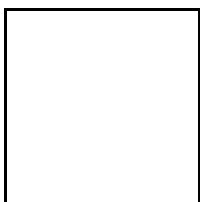
Subject: Subpoena request

Lin!

Please notify the hearing master the the reason I'm subpoena Mr. Segall and Mr Cooke is because they violated my civil rights during this case.

Thank you

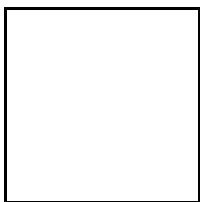
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Leron Ben

215-833-2547

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Leron Ben

215-833-2547