

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

<hr/> <b>J. Shane Creamer, Jr.</b> <b>Executive Director</b> <b>Board of Ethics</b> <b>of the City of Philadelphia</b> 1515 Arch Street, 18 <sup>th</sup> Floor Philadelphia, PA 19102	:	
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v.	:	<b>Matter No.:</b> 2106ET19
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<b>Celena Morrison</b>	:	
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**EXECUTIVE DIRECTOR’S PROPOSED FINDINGS OF FACTS AND CONCLUSIONS  
OF LAW**

The Executive Director of the Board of Ethics, J. Shane Creamer, Jr., submits the following Proposed Findings of Facts and Conclusions of Law in the above-referenced matter, following the Administrative Hearing, which was held before Hearing Officer Louis S. Rulli, Esq. on December 15, 2021.

**I. PROPOSED FINDINGS OF FACT**

1. J. Shane Creamer, Jr. is the Executive Director of the Board of Ethics. *See* Pre-Hearing Stipulations of the Parties at page 1, paragraph 1.
2. Respondent Celena Morrison is the Executive Director for the Philadelphia Office of LGBT Affairs. *Id.*, paragraph 2.
3. Ms. Morrison began her City position as Executive Director for the Philadelphia Office of LGBT Affairs on March 2, 2020. *Id.*, paragraph 3.

4. As Executive Director, and pursuant to Section 4-2001 of the Home Rule Charter, Ms. Morrison ensures that the Office of LGBT Affairs performs the following functions: (a) develop proposed City policy regarding civil rights issues affecting LGBT people; (b) coordinate the implementation of policies and programs to meet the City's diversity and equality goals as expressed in this Charter, ordinances and Executive Orders; (c) coordinate among City Departments, agencies and offices to improve LGBT access to City services, and to promote equality and safety for LGBT people; (d) support the growth and development of the City's LGBT communities; and (e) serve as liaison between the City's and region's LGBT communities and the City. *Id.*, paragraph 4. *See also* Hearing Transcript at page 132, lines 3-24; page 133, lines 1-7.
5. That broad Charter mandate requires Ms. Morrison to exercise official discretion as Executive Director of the Philadelphia Office of LGBT. *See* Hearing Transcript at page 133, line 8-page 135, line 2.
6. Ms. Morrison exercises her official discretion when she plans how to promote equality and safety for LGBT people within City guidelines, and when she serves as a liaison between LGBT communities and the City. *See* Hearing Transcript at page 135, lines 9-18.
7. Ms. Morrison testified that people and groups within the LGBT community come to her all the time seeking official action from her and her office for support, guidance, and resources. *See* Hearing Transcript at page 135, lines 19-24; page 136, lines 1-5.
8. Kendall Stephens is a Philadelphia transgender community advocate. *See* Pre-Hearing Stipulations of the Parties at page 2, paragraph 5. *See also* Hearing Transcript at page 138, lines 11-16.

9. Ms. Stephens has been a student at Temple University since August 2020. *See* Hearing Transcript at page 19, lines 13-19. Prior to that, she was a student for two years at the Community College of Philadelphia. *See* Hearing Transcript at page 19, lines 20 – page 20, line 2.
10. At Temple University, Ms. Stephens is active on the Student Government. She is the Chair of Student Health and Wellness; she is on a Diversity Subcommittee; she is on the LGBTQ Task Force; and she is on the Student Health and Wellness Advisory Council. Ms. Stephens also serves as Temple University’s Diversity, Equity and Inclusion Spokesperson, and, at the time of the Hearing, was featured in a promotional advertising campaign for Temple University throughout the City. *See* Hearing Transcript at page 20, lines 3-23.
11. Ms. Stephens is on the Board of Williams Way LGBT Community Center, the Board of Bethany Children’s Home and she is involved with the Black and Latinx Community Control Organization. She has been a member of the District Attorney Office’s LGBT Advisory Board for approximately a year-and-a-half and is also on the Philadelphia Police Department’s Liaison Committee. *See* Hearing Transcript at page 21, lines 7-24.
12. Ms. Stephens has also been involved in an organization called Hearts on a Wire, which connects critical resources to members of the transgender, nonconforming, nonbinary (TGNCNB) community who are incarcerated. *See* Hearing Transcript at page 24, lines 8-18.
13. For many years, Ms. Morrison and Ms. Stephens were long-time personal friends and both active in the LGBT community. *See* Pre-Hearing Stipulations of the Parties at page 2, paragraph 6.

14. In August 2020, Ms. Morrison lived in Ms. Stephens' house, due to [REDACTED] that Ms. Morrison had at that time. *See* Hearing Transcript at page 22, lines 18-24, and page 196, lines 8-24 and page 197, lines 1-22.
15. In her efforts to involve the Office of LGBT Affairs with the community organization Heart on a Wire, Ms. Stephens spoke with Ms. Morrison, sent emails regarding the organization, and attempted to coordinate and facilitate a meeting with Ms. Morrison and other stakeholders throughout August. *See* Pre-Hearing Stipulations of the Parties at page 2, paragraph 7.
16. At the December 15, 2021 Hearing, Ms. Stephens explained that she first began talking to Ms. Morrison about Hearts on a Wire in April or May of 2020, and that those discussions continued afterwards. *See* Hearing Transcript at page 25, lines 2-8.
17. Ms. Stephens explained the reason why she spoke to Ms. Morrison about Hearts on a Wire in 2020 was because: "I was hoping that her office [the Philadelphia Office of LGBT Affairs] could be used as a bit of a resource hub to bring attention to the plight of incarcerated LGBTQ folks and hopefully provide even more resources. So I was hoping that she would be a bit of a resource hub." *See* Hearing Transcript at page 25, lines 9-15.
18. Ms. Stephens further explained that she hoped that Ms. Morrison "would be able to use her social media platforms to raise awareness and also, try to mine her office to find resources that could be allocated to help people either post bail or have money on the books, be able to have a bit of quality of life while incarcerated." *See* Hearing Transcript at page 26, lines 4-9.
19. To accomplish her goal of gaining Ms. Morrison's official support and to use the Philadelphia Office of LGBT Affairs as a "resource hub" for Hearts on a Wire, Ms. Stephens planned to schedule a meeting in August 2020 with Ms. Morrison and several other individuals who she thought would be most impactful towards her efforts to allocate resources from Ms. Morrison

and her Office for Hearts on a Wire. *See* Hearing Transcript at page 26, line 13-page 29, line 16. *See also* ED-3, email dated August 10, 2020 7:49 pm from: Kendall Stephens to: Adrian Lowe, cc: Celina Morrison re: [heartsonawire] Submissions; *and* ED-4, email dated August 19, 2020 12:08 am from: Celina Morrison to: Naiymah Sanchez, Kelly Burkhardt, Kendall Stephens, cc: Sayeeda Rashid, Erik Larson, Adrian Lowe, Naiymah Sanchez re: Hearts on a Wire: Making Connections.

20. While the meeting was being planned, Ms. Stephens explained her expectations to Ms. Morrison. Specifically, Ms. Stephens told Ms. Morrison that her position [as Executive Director for the Philadelphia Office of LGBT Affairs] would “carry tremendous weight in us trying to gain some traction and raising awareness.” Ms. Stephens said that Ms. Morrison “agreed.” *See* Hearing Transcript at page 29, lines 17-22.
21. Ms. Morrison testified that she understood that the purpose of the meeting that Ms. Stephens was seeking with Ms. Morrison regarding Hearts on a Wire in August of 2020 would be to seek what resources she and her Office could provide to the Organization. *See* Hearing Transcript at page 140, lines 15-18. *See also* Hearing Transcript at page 143, lines 10-21.
22. On August 19, 2020, Ms. Morrison sent an email to Ms. Stephens and others, indicating that she had some availability to meet on Friday, August 28, 2020 after 1:00 pm regarding Hearts on a Wire. *See* Hearing Transcript at page 140, lines 19-24; page 141, lines 1-9. *See also* ED-4 email dated August 19, 2020 12:08 am from: Celina Morrison to: Naiymah Sanchez, Kelly Burkhardt, Kendall Stephens, cc: Sayeeda Rashid, Erik Larson, Adrian Lowe, Naiymah Sanchez re: Hearts on a Wire: Making Connections.

23. By seeking a meeting with Ms. Morrison for the purpose of discussing what support and resources Ms. Morrison and her Office could potentially provide to Hearts on a Wire, Ms. Stephens was seeking official action from Ms. Morrison in August 2020.
24. Ms. Morrison understood in August 2020 that Ms. Stephens was seeking official action from her on behalf of Hearts on a Wire in the form of resources that she and her Office could potentially provide while exercising her official discretion to that organization, either directly, or serving as a liaison with other City departments and agencies.
25. On August 24, 2020, Ms. Stephens was physically attacked in her Point Breeze home. The assailants allegedly used transphobic and derogatory slurs when attacking her. This attack received widespread local media coverage as a potential hate crime. *See* Pre-Hearing Stipulations of the Parties at page 2, paragraph 8. *See also* ED-6 Philadelphia Inquirer Article dated August 26, 2020: “Transgender woman says she was beaten in her Point Breeze home and called slurs.”
26. Ms. Stephens had been attempting to schedule the meeting with Ms. Morrison regarding Hearts on a Wire on August 10, 2020, and Ms. Morrison replied on August 19, 2020 indicating her availability to meet on August 28, 2020, but the injuries she sustained in the August 24, 2020 attack, including broken bones and a battered and bruised face, prevented her from following-up on scheduling the meeting, which did not occur. *See* Hearing Transcript at page 30, lines 2-10; and page 85, lines 18-20. When asked whether Ms. Stephens was the “driving force” behind the Hearts on a Wire meeting, Ms. Morrison answered “absolutely.” *See* Hearing Transcript at page 143, lines 3-13.
27. Ms. Morrison was on the phone with Ms. Stephens for a personal call immediately preceding this attack. *See* Pre-Hearing Stipulations of the Parties at page 2, paragraph 9.

28. Ms. Stephens called Ms. Morrison immediately after the August 24, 2020 attack. *See* Hearing Transcript at page 143, lines 14-19.

29. At the Philadelphia police station, Ms. Stephens expressed that she felt that the police officers were trivializing the incident due to her transgender status. *See* Pre-Hearing Stipulations of the Parties at page 2, paragraph 10.

30. After leaving the police station, Ms. Morrison sent this text message to Ms. Kendall:

“I just want you to know that I love you as a sister and I have your back as my sister and as a member of this community. I have your back in my professional position as well and we will not take this lying down.”

*See* Pre-Hearing Stipulations of the Parties at pages 2-3, paragraph 11. *See also* ED-7.

31. Ms. Morrison explained that she stated this “[b]ecause I wanted to connect Kendall to every resource that was available to her” and agreed that this was part of her job as Executive Director. *See* Pre-Hearing Stipulations of the Parties at page 3, paragraph 12.

32. Ms. Morrison also texted Ms. Stephens that: “I sent [Ms. Stephens’ husband] the email address of the police lgbtq [*sic*] liaison so that he can notify him and I’m going to call on your behalf tomorrow.” *See* Pre-Hearing Stipulations of the Parties at page 3, paragraph 13.

33. Ms. Morrison acknowledged that this outreach and assistance, detailed in Paragraphs 14-17 of the Amended Notice of Administrative Enforcement Proceeding, was a part of the Executive Director’s and Office of LGBT Affairs’ official duties. Ms. Morrison and her Office can become involved in any case concerning violence against the trans community. Ms. Morrison also acknowledged that she took these steps because she was Ms. Stephen’s friend. *See* Pre-Hearing Stipulations of the Parties at page 3, paragraph 14.

34. After the August 24, 2020 attack, Ms. Morrison visited Ms. Stephens at her home. Ms. Stephens told Ms. Morrison that she wanted Ms. Morrison’s help with getting the charges

against the assailants enhanced from simple assault because it was a hate crime, due to the transgender slurs made during the attack. She also sought Ms. Morrison's help with starting an internal affairs investigation with the Philadelphia Police Department into the responding police officers' response and handling of her complaint. *See* Hearing Transcript at page 37, lines 1-16; page 38, lines 3-24; page 39 1-2; and page 40, lines 3-14.

35. Ms. Stephens testified that she was seeking help from Ms. Morrison to enhance the charges against the assailants to a hate crime due to the transgender slurs made during the attack and to start an internal affairs investigation with the Philadelphia Police Department into the responding police officers' response and handling of her complaint because "she was the executive director of the LGBT affairs office." *See* Hearing Transcript at page 40, lines 23-24 to page 41, lines 1-5.

36. Days after the attack, in early September 2020, Ms. Morrison served as a liaison between Ms. Stephens and the Philadelphia Police Department concerning Ms. Stephens' negative experience with the police officers investigating her attack. Ms. Morrison corresponded with police officials, forwarded and discussed police complaint reporting procedures to Ms. Stephens, and relayed Ms. Stephens' contact information – at her request – to the police official. Ms. Morrison served as a liaison after being contacted by "one or both of the ... police commissioners." The matter of Ms. Stephens attack had been escalated by someone other than Ms. Morrison. Ms. Morrison relayed the information as requested. *See* Pre-Hearing Stipulations of the Parties at page 3, paragraph 15.

37. In early September, Ms. Morrison also corresponded and spoke with the District Attorney's office regarding this attack, including forwarding information about the alleged assailant to their office. The District Attorney's Office contacted Ms. Morrison seeking information and



Ms. Morrison relayed the information as requested. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraph 16.

38. As Ms. Stephens explained in her testimony: “[u]sing the power of her office, the connections that she had with the police to help get me justice. And we had conversations over text message where I was asking for help, and I was getting and receiving help. So I was getting the help that I was asking for: Help to get the charges enhanced, help to, you know, start an internal affairs investigation on the responding officers. I didn’t know names. I didn’t know emails. And I was – that was given to me by Ms. Morrison on how to move forward.” *See* Hearing Transcript at page 40, lines 3-14.

39. By seeking Ms. Morrison’s assistance as Executive Director of the Office of LGBT Affairs as liaison with the District Attorney’s Office and the Philadelphia Police Department to: (1) have the charges against her assailants enhanced from simple assault to a hate crime due to the transgender slurs made during the attack; and (2) start an internal affairs investigation with the Philadelphia Police Department into the responding police officers’ response and handling of her complaint, Ms. Stephens was seeking official action from Ms. Morrison, beginning on the night of August 24, 2020 and continuing into September 2020.

40. Ms. Morrison exercised her discretion and acted in her official capacity to assist Ms. Stephens both immediately following the August 24, 2020 attack against a member of the trans community and also in early September 2020, when she served as a liaison between Ms. Stephens and the Philadelphia Police Department concerning Ms. Stephens’ negative experience with the police officers investigating her attack.

41. In the weeks following the August 24<sup>th</sup> attack, Ms. Stephens raised over \$35,000 through GoFundMe donations to, in part, pay for her medical expenses. Ms. Morrison had no role in

the GoFundMe campaign. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraph 17. *See also* ED-11.

42. Ms. Morrison was following the progress of Ms. Stephens GoFundMe site “practically on a daily basis,” according to Ms. Stephens, who testified that Ms. Morrison would text her and call her to tell her what the balance was. *See* Hearing Transcript at page 42, lines 21-24; page 43, lines 1-8.

43. After Ms. Stephens raised more than \$35,000 through the GoFundMe site, Ms. Morrison asked Ms. Stephens if she could borrow \$4,000 to rent her own home. Ms. Stephens testified: “she said, you know, you made all this money from the GoFundMe. You know, could you help me with \$4,000?” Ms. Morrison explained to Ms. Morrison that the amount would be enough for first and last months’ rent and a security deposit. *See* Hearing Transcript at page 44, lines 2-8.

44. Ms. Stephens testified that the source of the \$4,000 no-interest loan was the GoFundMe site. *See* Hearing Transcript at page 43, lines 15-23; *see also* page 76, lines 8-13. Ms. Stephens testified that she and Ms. Morrison never discussed the loan until after the GoFundMe site was created after the August 24, 2020 attack. *See* Hearing Transcript at page 110, lines 2-11. Prior to that, Ms. Stephens testified that she never had \$4,000 that she could loan to anyone. *See* Hearing Transcript at page 104, lines 23-24 to page 105, lines 1-5.

45. Although Ms. Morrison denied that she “asked” Ms. Stephens to borrow \$4,000, she admitted that she calculated that amount based on what she could afford (\$3,500) and rounded-up to \$4,000. *See* Hearing Transcript at page 156, lines 1-16. Although Ms. Morrison claimed that it was somehow a joint decision, only Ms. Morrison knew what she could afford and only she knew how much money she needed to borrow.

46. Ms. Morrison tells a fantastic story about Ms. Stephens telling her about - and then showing her - over \$200,000 in cash she had “hidden” in a closet. *See* Hearing Transcript at page 167, lines 18-24 to page 171, line 1.
47. Ms. Morrison claimed that the discussions about the loan began before the August 24, 2020 attack and before the GoFundMe site was created. She also testified that she assumed that the source of the loan would be the cash in the closet. *See* Hearing Transcript at page 204, lines 2-11. However, upon questioning from Hearing Officer Louis Rulli, Ms. Morrison admitted that she was never told what the source of the loan money was. *See* Hearing Transcript at page 263, lines 3-24.
48. Ms. Stephens denied that she ever had a large amount of cash in her closet in 2020 or that she ever told Ms. Morrison that she had \$200,000 in cash or showed her a large amount of cash in 2020 – even as part of a joke or prank. Ms. Stephens rented in 2020, was and still is a student with student loans. *See* Hearing Transcript at page 58, lines 18-24 to page 59, lines 1-23. She also testified that she receives public assistance. *See* Hearing Transcript at page 106, lines 15-17.
49. Not even Ms. Morrison could explain why someone with over \$200,000 in cash would need to start a GoFundMe site to raise money to cover medical expenses. *See* Hearing Transcript at page 171, lines 2-5.
50. As Executive Director of the Office of LGBT Affairs, Ms. Morrison has personal and professional motives to persuade the Board of Ethics, the LGBT community and the public that she did not borrow rent money from a GoFundMe site created by the victim of a transgender hate crime. Those same motives would cause her to undermine that hate crime

- victim – the source of her rent money – any way that she can, including fabricating a story about large sums of “hidden” cash, which imply unfounded illicit activities by Ms. Stephens.
51. Ms. Stephens’ denial that she ever had or showed a large amount of cash – or specifically more than \$200,000 in cash hidden in her closet – is more credible than Ms. Morrison’s fantastic account of being shown a large amount of cash by Ms. Stephens.
52. Ms. Morrison lied under oath about the “cash in the closet” story.
53. Ms. Stephens’ testimony that Ms. Morrison asked for the \$4,000 to rent her own house *after* Ms. Stephens raised more than \$35,000 through the GoFundMe site is more credible than Ms. Morrison’s testimony that it was a joint decision that Ms. Stephens would loan her the money *before* Ms. Stephens created the GoFundMe site.
54. Ms. Stephens’ testimony that Ms. Morrison asked to borrow \$4,000 is more credible than Ms. Morrison’s testimony that it was somehow a joint decision.
55. Ms. Morrison solicited a \$4,000 no-interest loan from Ms. Stephens in September 2020. *See* Hearing Transcript at page 44, lines 2-8. *See also* ED-12.
56. On September 23, 2020, Ms. Stephens and Ms. Morrison executed a loan agreement that reflected a no-interest loan from Ms. Stephens to Ms. Morrison for \$4,000 and that the amount would be repaid monthly over a twelve-month period beginning on October 23, 2020. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraph 18. *See also* Hearing Transcript at page 49, lines 20-24 to page 50, lines 1-13, and page 157, lines 4-15.
57. Ms. Stephens provided a cashier’s check for \$4,000 to Ms. Morrison that same day. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraph 19. *See also* ED-13 and Hearing Transcript at page 49, lines 3-14.

58. Under the loan agreement, Ms. Morrison agreed to pay Ms. Stephens \$150 on October 23, 2020 and then \$350 on the 23<sup>rd</sup> day of each subsequent month until the loan was repaid on October 23, 2021. *See* ED-12. *See also* Hearing Transcript at page 50, lines 1-9, and page 157, lines 4-24.
59. Ms. Morrison never made any of the payments required under the loan agreement. *See* Hearing Transcript at page 50, lines 1-22.
60. Ms. Stephens attempted to contact Ms. Morrison on October 23, 2020, when the first payment on the loan was due, but her call went to voicemail, so she left a message asking about how she planned on making payment. She also sent Ms. Morrison a text message, but never had a response from Ms. Morrison. She also testified that Ms. Morrison had already blocked her on Facebook. *See* Hearing Transcript at page 53, lines 1-18.
61. Ms. Morrison had several excuses for not making any payments to Ms. Stephens on the loan. First, she claimed that Ms. Stephens had “blocked” her and was not communicating with her. *See* Hearing Transcript at page 158, lines 14-19. She then testified that she would not mail a check to Ms. Stephens “[b]ecause at that time, Kendall and I had differences.” *See* Hearing Transcript at page 159, lines 11-15. When pressed further on why she did not simply mail any checks to Ms. Stephens pursuant to the agreement, Ms. Morrison became evasive. She claimed to have forgotten Ms. Stephens address, even though she lived there in August of 2020 on the one hand, but denied it was impossible to mail her a check on the other. She appeared justified in her own mind not to make the payments because she claimed that Ms. Stephens stopped speaking to her but denied that she “chose” not to pay. She claimed that the relationship issue made it “impossible” for her to repay her. *See* Hearing Transcript at page 158, line 12 to page 162, line 15.

62. Ms. Stephens' testimony that Ms. Morrison stopped responding to her efforts to contact her about the loan repayments beginning on October 23, 2020 – when the first payment was due - is more credible than Ms. Morrison's testimony that Ms. Stephens "blocked" and refused to communicate with her. Ms. Stephen was owed \$4,000 by Ms. Morrison and had every interest in allowing at least some communication, regardless of the circumstances of their personal relationship, to ensure that she was repaid the loan.
63. Ms. Stephens' testimony regarding her attempts to contact Ms. Morrison about the loan payments is reasonable and credible.
64. Ms. Morrison's testimony that it was "impossible" for her to repay the loan pursuant to its terms due to their relationship issue is unreasonable and not credible.
65. On February 25, 2021, Board Enforcement staff received an anonymous complaint alleging that Ms. Morrison had accepted \$4,000 from a constituent. After a preliminary inquiry, the Board initiated an investigation on February 26, 2021, pursuant to Phila. Code Sec. 20-606(1)(g) and Board Regulation 2.4. On March 2, 2021, Board Enforcement Staff contacted Ms. Morrison and notified of her of the investigation. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraph 20.
66. After several conversations with Board enforcement staff, Ms. Morrison delivered a cashier's check, dated April 22, 2021, in the amount of \$4,000, payable to Kendall Stephens, to the office of the Board of Ethics. *See* Hearing Transcript at page 163, lines 5-20. *See also* ED-14. Board enforcement staff subsequently delivered the check to Ms. Stephens.
67. There is no credible evidence or testimony that Ms. Morrison made any effort, or had any intention, to repay any part of the \$4,000 no-interest loan sourced from a transgender hate

crime victim's GoFundMe site until after she was confronted by Ethics Board Enforcement Staff.

68. On May 18, 2021, Ms. Morrison electronically submitted the Philadelphia Statement of Financial Interests. Ms. Morrison submitted the similar Statement of Financial Interests with the Department of State on the same day. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraph 21.
69. On June 3, 2021, Board Enforcement Staff contacted Ms. Morrison to notify her of the City Statements' deficiencies and to request that she make necessary amendments. Board Enforcement Staff requested that amendments be filed no later than 5:00 pm on June 7, 2021. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraph 22.
70. Ms. Morrison filed an amended Philadelphia Statement of Financial Interests on June 4, 2021. *See* Pre-Hearing Stipulations of the Parties at page 5, paragraph 23.
71. On June 9, 2021, the Executive Director served a Notice of Administrative Enforcement Proceeding on Ms. Morrison.
72. On July 15, 2021, the Executive Director served an Amended Notice of Administrative Enforcement Proceeding on Ms. Morrison.
73. An Answer to the Amended Notice of Administrative Enforcement Proceeding was filed on Ms. Morrison's behalf on September 30, 2021.
74. An Administrative Hearing was held before Hearing Officer Louis Rulli on December 15, 2021.
75. Prior to the Hearing, by letter dated November 19, 2021, Ms. Morrison's attorneys listed Avery Shaw as a potential witness in this matter that they intended to call as a witness for the Respondent.

76. The Executive Director submitted a Motion in Limine to Preclude the Testimony of Avery Shaw on December 3, 2021. The Motion argued that the facts regarding the \$4,000 no-interest loan were undisputed; that Mr. Shaw was not mentioned in the Amended Notice of Administrative Enforcement Proceeding or in Respondent's Answer to the Amended Notice of Administrative Enforcement Proceeding and that Mr. Shaw should be precluded from testifying at the Hearing of this matter because he could only offer testimony on undisputed facts and/or irrelevant issues.
77. At the Hearing, Ms. Morrison admitted that she suggested that her attorneys should call Mr. Shaw as a witness at the Hearing. See Hearing Transcript at page 171, lines 6-8.
78. Respondent's attorneys could only say that Mr. Shaw's testimony would be "corroborative," but did not indicate on what issues. See Hearing Transcript at page 173, lines 17-21. A similar non-substantive one-word explanation of "corroboration" was offered by Ms. Morrison's attorneys at the Pre-Hearing Status Conference, where the Motion in Limine was not ruled upon. There is some indication that Mr. Shaw could have offered some corroborative testimony regarding the loan agreement, but no facts about that agreement are in dispute. *See* Pre-Hearing Stipulations of the Parties at page 4, paragraphs 18 and 19. Therefore, Mr. Shaw could not offer any probative testimony.
79. At the Hearing, during a break from Ms. Stephens' testimony, the Executive Director informed her that Ms. Morrison had listed Mr. Shaw as a witness, but her attorneys were unable to locate him.
80. Ms. Stephens informed the Executive Director during that same break that she had a Protective Order against Mr. Shaw for physically assaulting her in October 2020. She also informed the Executive Director that Mr. Shaw [REDACTED] [REDACTED] [REDACTED]



- [REDACTED]
- [REDACTED].
81. When the Hearing resumed after the break, Ms. Stephens testified that she had a Protective Order against Mr. Shaw because he attacked her in October 2020 after [REDACTED]. Mr. Shaw was convicted for that assault. Ms. Stephens testified that the Protective Order is still in place. *See* Hearing Transcript at page 71, lines 5-9 and page 72, lines 4-9.
82. In response to Ms. Stephens' testimony about her Protective Order against Mr. Shaw and the basis for that Protective Order, Ms. Morrison's attorney formally withdrew Mr. Shaw as a witness. *See* Hearing Transcript at page 72, lines 12-13.
83. Ms. Morrison admitted that she suggested that her lawyers list Mr. Shaw as a witness for the Hearing in this matter. *See* Hearing Transcript at page 171, lines 6-8.
84. The Executive Director was not permitted to cross-examine Ms. Morrison on this apparent attempt to intimidate the only witness testifying against her at the Hearing. *See* Hearing Transcript at page 174, lines 9-24 – page 175, lines 1-6.
85. By asking her lawyers to list a witness who had no relevant testimony to offer, but who Ms. Stephens has a Restraining Order against, Ms. Morrison was attempting to intimidate or discourage Ms. Stephens from testifying at the Hearing.
86. Ms. Morrison's attempt at witness intimidation failed because Ms. Stephens did not learn about Ms. Morrison's attempt until the end of her testimony. Ms. Morrison's attempt at witness intimidation also failed because her attorneys were unable to locate Mr. Shaw, likely because [REDACTED].

87. Had Ms. Morrison’s attorneys been able to produce Mr. Shaw for the Hearing, he would have been in jeopardy of violating the Protective Order against him and his presence may have disrupted or even sabotaged the Hearing itself.<sup>1</sup>

88. Ms. Morrison’s failed attempt to intimidate or discourage the only witness against her and to potentially disrupt or sabotage the Hearing itself by asking her attorneys to list a witness who Ms. Stephens has a Protective Order against makes her testimony not credible where it conflicts with that of Ms. Stephens because she was attempting to manipulate the Hearing process through subterfuge.

## **II. PROPOSED CONCLUSIONS OF LAW**

1. Philadelphia Code § 20-604(1) provides that a City officer or employee shall not accept, receive, or solicit monetary “gifts” from any person who is seeking “official action” from that officer or employee, or from any person who has a financial interest, at the time or in close proximity to the time the gift is received, which the officer or employee is able to substantially affect through official action.
2. A “gift” includes any payment, advance, rendering, or deposit of money. Philadelphia Code § 20-601(10).
3. An “official action” is any act or omission taken by an officer or employee in her official capacity that requires discretion and is not ministerial in nature. Philadelphia Code § 20-601(17).

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<sup>1</sup> While the Executive Director believes that Ms. Morrison is fully aware of Mr. Shaw’s October 2020 assault on Ms. Stephens, his subsequent conviction and Ms. Stephens’ Protective Order against him, there is no indication whatsoever that Ms. Morrison’s attorneys were aware of any of these facts until they were revealed during the Hearing.

4. To “solicit” means “[t]o directly or indirectly request, ask, appeal for, or demand any gift, cash or otherwise, that falls within the confines and definitions of this Chapter.” Phila. Code § 20-601(24).
5. A violation of Philadelphia Code § 20-604(1) is subject to a civil penalty of \$1,000, which may be increased to \$2,000 if an aggravating factor is present. *See* Philadelphia Code §§ 20-612(1); 20- 1302.
6. An aggravating factor includes a finding that the violation was committed “knowingly,” meaning that it was “done voluntarily and intentionally, and not because of mistake or accident or other innocent reason.” Philadelphia Code § 20-1302(1)(b)(i).
7. When Ms. Stephens was attempting to schedule a meeting with Ms. Morrison, as Executive Director for the Philadelphia Office of LGBT Affairs, in August 2020 for the purpose of determining what resources Ms. Morrison’s Office could provide to the Hearts on a Wire organization, as described in paragraphs 15-26 above, Ms. Stephens was seeking “official action” from Ms. Morrison, as that phrase is defined by Philadelphia Code § 20-601(17).
8. By seeking Ms. Morrison’s assistance in her official capacity as Executive Director of the Office of LGBT Affairs in her role as liaison with the District Attorney’s Office and the Philadelphia Police Department on matters involving members of the LGBT community to:  
(1) have the charges against her assailants enhanced from simple assault to a hate crime due to the transgender slurs made during the attack; and (2) start an internal affairs investigation with the Philadelphia Police Department into the responding police officers’ response and handling of her complaint, Ms. Stephens was seeking “official action” from Ms. Morrison, beginning on the night of August 24, 2020 and continuing into September 2020, as that phrase is defined by Philadelphia Code § 20-601(17).

9. Ms. Morrison solicited, accepted and received a no-interest loan in the amount of \$4,000 from Ms. Stephens in September 2020, “at the time or in close proximity to the time” that Ms. Stephens was seeking “official action” from Ms. Morrison as described in paragraphs 7 and 8 above.
10. The \$4,000 no-interest loan Ms. Morrison solicited, accepted and received in September 2020 from Ms. Stephens, constitutes a monetary “gift” under Philadelphia Code § 20-601(10).
11. Because Ms. Morrison solicited, accepted and received a monetary gift in the form of the \$4,000 no-interest loan from someone who was seeking official action from her at the time or in close proximity to the time that she solicited, accepted and received that monetary gift, Ms. Morrison violated Philadelphia Code § 20-604(1).
12. Ms. Morrison solicited, accepted and received the no-interest \$4,000 loan from someone who was seeking official action from her “voluntarily” and “intentionally.” There is no evidence or testimony to suggest that she negotiated the no-interest loan by “mistake” or “accident” or for some other “innocent” reason. Therefore, her violation of Philadelphia Code § 20-604(1) was committed “knowingly,” which means an aggravating factor is present and the penalty for her violation may be increased from \$1,000 to \$2,000 pursuant to Philadelphia Code § 20-1302(1)(b)(i).

### **III. ARGUMENT**

#### **A. Celena Morrison Solicited, Accepted and Received a Monetary Gift from Someone Seeking Official Action in Violation of Philadelphia Code Section 20-604(1)**

The facts in this matter are, for the most part, undisputed. It is undisputed that Kendall Stephens, an advocate in the LGBT community and a friend of Ms. Morrison, sought official action

from Ms. Morrison in August and September 2020 in several ways in Ms. Morrison's official capacity as Executive Director of the Office of LGBT Affairs.<sup>2</sup>

First, Ms. Stephens sought official action from Ms. Morrison when Ms. Stephens was attempting to schedule a meeting with Ms. Morrison, in her official capacity as Executive Director for the Philadelphia Office of LGBT Affairs, in August 2020 for the purpose of determining what resources Ms. Morrison's Office could provide to the Hearts on a Wire organization, as described in Proposed Findings of Facts at paragraphs 15-26. None of that is in dispute.

Second, after her assault on August 24, 2020, which essentially disrupted her efforts to schedule a meeting with Ms. Morrison and others regarding Hearts on a Wire, Ms. Stephens sought and obtained Ms. Morrison's official action as Executive Director of the Office of LGBT Affairs in her role as liaison with the District Attorney's Office and the Philadelphia Police Department on matters involving members of the LGBT community to: (1) have the charges against her assailants enhanced from simple assault to a hate crime due to the transgender slurs made during the attack<sup>3</sup>; and (2) start an internal affairs investigation with the Philadelphia Police Department into the responding police officers' response and handling of her complaint, Ms. Stephens was seeking "official action" from Ms. Morrison, beginning on the night of August 24, 2020 and continuing into September 2020. None of that is in dispute either.<sup>4</sup>

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<sup>2</sup> Ms. Morrison may argue that she only acted as Ms. Stephens' friend or that Ms. Stephens sought her help because they were friends, however, there is no "friend exception" to Philadelphia Code § 20-604(1).

<sup>3</sup> Ms. Stephens testified that those charges are still pending. *See* Hearing Transcript at page 93, lines 7-9.

<sup>4</sup> Ms. Morrison may argue that other City officials in the District Attorney's Office and the Philadelphia Police Department also took official action and that their actions were more direct and should somehow supersede the official actions Ms. Stephens sought and obtained from Ms. Morrison as described in Proposed Findings of Fact 30-39. Such an argument would be specious.

It is also undisputed that Ms. Morrison accepted and received a no-interest \$4,000 loan from Ms. Stephens on September 23, 2020 and that the two of them discussed the loan before that date.

Ms. Morrison denies that she solicited the loan, but her testimony on that point compared to Ms. Stephens' testimony is not credible and it is still a violation of Philadelphia Code § 20-604(1) to accept and receive a monetary gift from a prohibited source, like Ms. Stephens, so arguing the point is futile. In any event, the credible testimony at the Hearing made it clear that Ms. Morrison solicited the no-interest loan from Ms. Stephens after Ms. Stephens raised over \$35,000 through the GoFundMe site.

To "solicit" is defined broadly under the Ethics Code as meaning "[t]o directly or indirectly request, ask, appeal for, or demand any gift, cash or otherwise, that falls within the confines and definitions of this Chapter." Phila. Code § 20-601(24). Ms. Stephens testified that Ms. Morrison asked to borrow \$4,000 after Ms. Stephens raised money through the GoFundMe site. *See* Proposed Finding of Fact at paragraphs 42 and 43. Ms. Stephens' testimony is more credible and frankly more reasonable than Ms. Morrison's testimony on this point, which was that they somehow made the decision together.

Although Ms. Morrison denied that she "asked" Ms. Stephens to borrow \$4,000, she admitted that she calculated that amount based on what she could afford (\$3,500) and rounded-up to \$4,000. *See* Hearing Transcript at page 156, lines 1-16. While Ms. Morrison claimed that it was somehow a joint decision, only Ms. Morrison knew what she could afford and only she knew how much money she needed to borrow.

Even if Ms. Morrison's version is accepted, her conduct meets the broad definition of "solicit" under the Ethics Code because by calculating what she could afford and telling Ms. Stephens that

amount – the amount that she would require to afford to pay first and last months’ rent plus a security deposit – Ms. Morrison made an *indirect* (if not a direct) request for a monetary gift.

Finally, there is no dispute that the \$4,000 no-interest loan was solicited, accepted and received at the time or in close proximity to the time that Ms. Stephens was seeking official action from Ms. Morrison.

The loan agreement was executed, and the cashier’s check was delivered to Ms. Morrison on September 23, 2020, but discussions about the loan began before that day. Ms. Stephens was seeking official action from Ms. Morrison regarding Hearts on a Wire through mid-August 2020, only a month before the loan was completed. In addition, Ms. Stephens was seeking official action from Ms. Morrison in her role as liaison with the District Attorneys Office and the Philadelphia Police Department in late August and September 2020. Accordingly, there can be no dispute that Ms. Stephens was seeking official action from Ms. Morrison at the time or in close proximity to the time that Ms. Morrison solicited, accepted and received the cash gift.

**B. Celena Morrison Acted “Knowingly” When She Solicited, Accepted and Received the Monetary Gift in Violation of Philadelphia Code Section 20-604(1)**

Celina Morrison acted voluntarily and knowingly when she chose to ask Kendall Stephens for a loan, after Ms. Stephens raised over \$35,000 through a GoFundMe site. She acted voluntarily and knowingly when she calculated how much money she would need to rent her own place. She acted voluntarily and knowingly when she negotiated and signed the loan agreement and she acted voluntarily and knowingly when she deposited the \$4,000 cashier’s check into her bank account and subsequently used it to rent her own apartment.

Ms. Morrison has not suggested or argued that she made a mistake or accident or had some other innocent explanation for soliciting, accepting and receiving a monetary gift from someone

seeking official action from her at the time or in close proximity to the time of the gift. There is no dispute that she acted “knowingly” as that word is defined in Philadelphia Code § 20-1302(1)(b)(i). Therefore, because Ms. Morrison acted “knowingly,” an aggravating factor is present under Philadelphia Code § 20-1302 and the standard penalty of \$1,000 may be increased to \$2,000. *See* Philadelphia Code §§ 20-612(1); 20- 1302.

As the Executive Director of the Office of LGBT Affairs, Ms. Morrison solicited a \$4,000 cash loan from funds raised by the victim of a transgender hate crime who was seeking official action from her at that time. She did so “knowingly” and not because of mistake or other innocent reason. The aggravating factor of violating the Ethics Code’s Gift Rule “knowingly” should be applied in this matter and the Board should impose a \$2,000 penalty on Ms. Morrison.

**C. Celina Morrison is not Credible and Attempted to Intimidate and Discourage the Only Witness Who Testified Against Her at the Hearing**

Ms. Morrison’s and Ms. Stephens’ testimony were broadly consistent on most major points and tell a story of friends who had a falling-out shortly after Ms. Stephens loaned Ms. Morrison the \$4,000. The reason or reasons for the falling out are unfortunate but are irrelevant to this matter.<sup>5</sup> What is relevant in this matter is which of them is more credible where their testimony conflicts.

Unusual for a two witness, single count matter such as this case, there is a single topic that separates their testimony more than any other. That single issue, which is irrelevant to the substantive legal issues before the Board in terms of the gift rule violation and whether the

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<sup>5</sup> Ms. Morrison’s attorney questioned Ms. Stephens and Ms. Morrison at length about a press conference in early October 2020 that Ms. Stephens was not invited to, presumably to establish an argument that the falling-out was caused by Ms. Stephens not being invited to the press conference. *See* Hearing Transcript at page 93, lines 1-8, through page 99, lines 1-8 and page 238, lines 4-24, through page 247, lines 1-9. The press conference is a distraction from the issues in this matter.



aggravating factor of acting knowingly was present has tremendous bearing on the credibility of the two witnesses.

That issue is whether Ms. Stephens had over \$200,000 in cash hidden in her closet in 2020. Ms. Morrison testified under oath that she did and that she saw at least some of it. Ms. Stephens denied it under oath and denied ever showing Ms. Morrison any amount of cash.

One of them lied under oath about the “cash in the closet.”

Does Ms. Stephens, a student at Temple University who rents and has student loans and is on public assistance really have over \$200,000 hidden in her closet? Did she lie about it under oath to hide some nefarious part of her life? Or did Ms. Morrison fabricate the “cash in the closet” story because she didn’t want to be exposed to the Board, the LGBT community and the public for preying on a transgender hate crime victim by “taking” cash that victim raised to pay for her medical expenses? Did Ms. Morrison also fabricate the “cash in the closet” story because she had no intention of repaying the loan from the GoFundMe site until she was “caught” by the Ethics Board’s Enforcement Team? Finally, is it possible that Ms. Morrison also fabricated the “cash in the closet” story as an act of retaliation against Ms. Stephens for cooperating with Ethics Board Enforcement Staff, by implying that the money came from an illicit source and, by putting that false story in the public domain, potentially exposing Ms. Stephens to criminal attacks by people who might want to try to steal “more than \$200,000 in cash hidden in her closet?”

Clearly, the more plausible account is that Ms. Morrison asked to borrow the \$4,000 *after* Ms. Stephens raised over \$35,000 in early September 2020, the loan agreement was executed on September 23, 2020, and the loan was funded by money from the GoFundMe site, as Ms. Stephens testified. The timeline fits and, according to Ms. Stephens testimony, Ms. Morrison was tracking the progress of Ms. Stephens’ GoFundMe site on practically a daily basis. *See* Hearing Transcript

at page 42, lines 21-24; page 43, lines 1-8. But Ms. Morrison has every motive to want to make everyone believe that her loan money did not come from the GoFundMe site. That is why Ms. Morrison fabricated the story about the “cash in the closet.” She needs people to believe that Ms. Stephens has a sinister secret. Ms. Morrison does not want it to be known that she took money from a transgender hate crime victim’s GoFundMe site and was not going to give it back until she was caught by the Ethics Board. Ms. Morrison incredible account of “cash in the closet” is not credible.

Ms. Morrison’s “cash in the closet” story unraveled further upon questioning from Hearing Officer Rulli, when Ms. Morrison admitted that she was never told what the source of the loan money was. *See* Hearing Transcript at page 263, lines 3-24.

Because Ms. Morrison lied under oath about the “cash in the closet,” her testimony should not be found credible wherever it conflicts with Ms. Stevens’ testimony. When weighing Ms. Morrison’s credibility, the Board should also consider Ms. Morrison’s failed attempt to intimidate or discourage the only witness against her at the Hearing.

Proposed Findings of Facts 72-85 detail Ms. Morrison’s attempt to have Avery Shaw listed as a witness for the Hearing of this matter. The Executive Director filed a Motion in Limine objecting to Mr. Shaw as a witness and a Pre-Hearing Conference because he could see no probative value to Mr. Shaw’s testimony. Ms. Morrison’s attorneys could only offer that Mr. Shaw could corroborate unidentified information. Ms. Morrison admitted that she asked her attorneys to list Mr. Shaw as a witness.

When the Executive Director informed Ms. Stephens that Mr. Shaw had been listed as a witness, but Ms. Morrison’s attorneys were unable to locate him, Ms. Stephens informed the Executive Director that she had a Protective Order against Mr. Shaw for physically assaulting her

in October 2020. She also informed the Executive Director that Mr. Shaw [REDACTED]

[REDACTED]

[REDACTED].

Ms. Stephens then testified that she had a Protective Order against Mr. Shaw because he attacked her in October 2020 [REDACTED]. Mr. Shaw was convicted for that assault. Ms. Stephens testified that the Protective Order is still in place. *See* Hearing Transcript at page 71, lines 5-9 and page 72, lines 4-9.

In response to Ms. Stephens' testimony about her Protective Order against Mr. Shaw and the basis for that Protective Order, Ms. Morrison's attorney formally withdrew Mr. Shaw as a witness. *See* Hearing Transcript at page 72, lines 12-13.

While there is absolutely no indication that Ms. Morrison's attorneys had prior knowledge about the Protective Order Ms. Stephens has against Mr. Shaw, upon information and belief, Ms. Morrison did know about it and the circumstances that caused a Court to issue it, which is why she asked her attorneys to list him as a witness and to have him appear at the Hearing.

Ms. Morrison knew that if Ms. Stephens learned in advance that Mr. Shaw might be at the Hearing, she might have been discouraged from appearing or participating in the Hearing. Ms. Morrison also probably thought that if Mr. Shaw and Ms. Stephens both appeared at the Hearing that the Hearing itself might be disrupted.

Ms. Morrison's attempt to have Mr. Shaw appear at the Hearing was the equivalent of attempting to throw a human hand grenade into the Hearing process. If her attempt had been successful, she would have jeopardized Ms. Stephens, Mr. Shaw and potentially put others attending the Hearing at risk. Ms. Morrison knew exactly what she was doing when she asked her attorneys to list Mr. Shaw as a witness for the Hearing.

The Board should take Ms. Morrison's failed, attempt to intimidate or discourage Ms. Stephens from participating in the Hearing and to possibly disrupt the Hearing process itself into consideration when considering her credibility.

WHEREFORE, the Executive Director respectfully requests that the Philadelphia Board of Ethics issue a Ruling and Order that Respondent Celina Morrison violated Philadelphia Code § 20-604(1), and find that she did so "knowingly" within the meaning of Philadelphia Code § 20-1302(1)(b)(i). The Executive Director further respectfully requests that the Board impose a civil monetary penalty of \$2,000 against Ms. Morrison, payable within 30 days of the date of the Board's Order.

Date: January 14, 2022

Respectfully submitted,

/s/ J. Shane Creamer Jr.

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above-captioned Executive Director's Proposed Findings of Fact and Conclusions of Law was served upon the following as indicated:

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Date: January 14, 2022

/s/ J. Shane Creamer, Jr.  
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