

Thomas Klemm

Subject: Re: Subpoena request - Creamer v. Ben, Matter No. 1510ET17
Attachments: Signed Subpoena ELISRA LLC.pdf

From: Michael Cooke
Sent: Wednesday, January 06, 2016 10:36 AM
To: Diana Lin; 'Leron Ben'
Cc: Maya Nayak; Jordan Segall; Shane Creamer
Subject: RE: Subpoena request - Creamer v. Ben, Matter No. 1510ET17

Thank you. On reviewing the subpoenas, I see a typo in paragraph 2 of the schedule for the subpoena for Elisra LLC. It says "held by Leron Ben ELISRA LLC" but should say "held by Leron Ben in ELISRA LLC."

We will correct the typo before serving the subpoena.

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: Diana Lin
Sent: Tuesday, January 05, 2016 3:59 PM
To: 'Leron Ben'; Michael Cooke
Cc: Maya Nayak; Jordan Segall; Shane Creamer
Subject: RE: Subpoena request - Creamer v. Ben, Matter No. 1510ET17

Dear Parties,

Please find attached pdf copies of the notarized subpoenas, the originals of which are being hand-delivered to Michael Cooke.

Sincerely,

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

From: Diana Lin
Sent: Tuesday, January 05, 2016 3:36 PM
To: Leron Ben; Michael Cooke
Cc: Maya Nayak; Jordan Segall; Shane Creamer
Subject: RE: Subpoena request - Creamer v. Ben, Matter No. 1510ET17

Dear Parties,

After considering the Executive Director's request and Respondent's objection, Hearing Officer Glazer has granted the Executive Director's request for the issuance of two subpoenas. Please find attached a pdf copy of the requested subpoenas, the originals of which are being hand-delivered to Michael Cooke.

All deadlines and the hearing date in this matter will be extended. Once Hearing Officer Glazer identifies a new hearing date, I will circulate a Second Revised Notice of Hearing.

Sincerely,

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: Monday, January 04, 2016 9:30 PM
To: Michael Cooke
Cc: Maya Nayak; Jordan Segall; Shane Creamer; Diana Lin
Subject: Re: Subpoena request - Creamer v. Ben, Matter No. 1510ET17

Maya.

I don't see any good reason to bring the people that Mr. Cooke trying to subpoena, Since all owners of properties are available on public record (city of Philadelphia cite), and as a city employee he can get any record needed

I don't see why do they have to attend, and what is the reason he wants them there since i was the only person with the hearing master.

I disagree with Mr. Cooke statement on his email, and Mr. Cooke keeps using inaccurate quotes.

I'm asking to deny his request, since it has no impact on the hearing matter.

Thank you

Liran

215-833-2547

On Monday, January 4, 2016, Michael Cooke <Michael.Cooke@phila.gov> wrote:

Maya,

In his December 9, 2015 Response to the Executive Director's Notice of Administrative Enforcement Proceeding, Leron Ben stated, "I am just representing the owners of these properties in these hearings and when a case is rejected, the payment comes from owners and not from me." This statement is not consistent with what Mr. Ben told Board enforcement staff when we met with him in July of 2015. In that meeting, Mr. Ben did not tell us that he did not have an ownership interest in any of the properties for which he appeared at the May 2015 OAR hearing. In order to be able to address this inconsistency at the hearing on this matter, Board enforcement staff believe it is

necessary to obtain documentation from the relevant corporate owners of the properties. Accordingly, enforcement staff respectfully request that the Board issue the two subpoenas attached hereto pursuant to Board Regulation No. 2, Paragraph 2.16(c) and Section 6(E) of the Board's memo on Procedures for Administrative Enforcement Proceedings. As provided by Section 6(E) of the Procedures memo, enforcement staff will be responsible for service of the subpoenas.

Assuming that the Board agrees to issue the requested subpoenas, enforcement staff respectfully request that the Board extend all pre-hearing deadlines and the hearing date in the above captioned matter so that documents and information received in response to the subpoenas can be incorporated into the pre-hearing exchanges. Currently the first pre-hearing exchange is scheduled for Thursday January 8, 2016. We respectfully request that the date of the first pre-hearing exchange be extended to February 5, 2016. We further respectfully request that the Board proportionately extend all subsequent deadlines.

Please do not hesitate to contact us if you have any questions.

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](tel:(215)686-9459)

(f) [\(215\) 686-9453](tel:(215)686-9453)

COMMONWEALTH OF PENNSYLVANIA :
City and County of Philadelphia S.S.

ADMINISTRATIVE SUBPOENA

To: RECORDS CUSTODIAN, ELISRA LLC
C/O: SHAI ARGAMAN
8001 Castor Avenue, #520
Philadelphia, PA 19152

Pursuant to §§ 8-409 and 4-1100 of the Philadelphia Home Rule Charter, §§ 20-606 and 20-1008 of The Philadelphia Code, and the Local Agency Law, 2 Pa. C. S. §§ 551-555, you are hereby commanded:

☐ To testify under oath regarding

Place of testimony:	
Date:	Time:

☒ To produce the documents identified on the attached schedule.

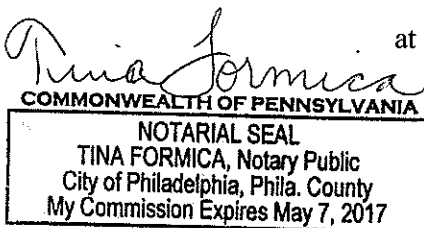
Place of production: <u>Board of Ethics, 1515 Arch Street,</u> <u>18th Floor, Philadelphia, PA 19102</u>	
Date: <u>January 22, 2016</u>	Time: <u>05:00 PM</u>

Witness the BOARD OF ETHICS of the City of Philadelphia,

at Philadelphia this 05 day of January, 2016.

ATTEST:

Richard Glazer
Richard Glazer
Hearing Officer



Inquiries concerning this Administrative Subpoena should be addressed to:

Jordan E. Segall, Esq.
Board of Ethics
1515 Arch Street, 18th Floor, Philadelphia, PA 19102
215 686-9457

SCHEDULE OF REQUESTED DOCUMENTS

Records Custodian, ELISRA LLC

For production by January 22, 2016

Documents and Things Requested

1. Any and all documents (including emails with any corresponding attachments) related to the incorporation and organization of ELISRA LLC, including, but not limited to, certificates of organization and incorporation, records of corporate organizers and corporate officers, and corporate bylaws.
2. Any and all documents in your possession, custody, or control related to any services provided by for or interest held by Leron Ben ELISRA LLC during the time period August 20, 2008 through May 21, 2015. (Leron Ben is also known as Leron Shoshana, Liran Shoshan, Liran Ben-Shoshan, Liran Shoshan-Ben, and Lairan Bnshason).

Definitions

As used in this subpoena, the following terms mean:

1. "You" and "your," mean the subpoenaed individual and/or the subpoenaed individual's political committee and includes any agents, representatives and anyone acting on the subpoenaed individual's or the political committee's behalf.
2. The term "document" or "documents" means any writing, electronic file or recording, computer data, or thing including, but not limited to, memoranda, correspondence, reports, notes, invoices, bills, letters, emails (including associated attachments), communications, drawings, diagrams, mock-ups, order forms, print samples, bank records and statements, canceled checks, books, magazines, writings, microfilm, graphs, photographs, charts, tape recordings, videotapes, information stored electronically on digital media, and every other data compilation from which information can be obtained.
3. As used herein, the term "communications" means all means and methods by which information can be exchanged, including but not limited to written correspondence, pictures, photographs, electronic correspondence (e.g., electronic mail or "e-mail" (including associated attachments), text messages, or facsimile transmissions), oral exchanges of information, including without limitation telephone conversations and voice messaging systems, and notes reflecting such communications.
4. As used herein, the term "relating" means referring to, reflecting, containing, pertaining, indicating, showing, concerning, constituting, evidencing, describing, discussing or mentioning.
5. "Any" shall include "all" and "all" shall include "any."
6. "And" and "or" shall mean both the conjunctive and the disjunctive, and wherever the disjunctive is used, responses shall be given separately for each element.

COMMONWEALTH OF PENNSYLVANIA

:

S.S.

City and County of Philadelphia

ADMINISTRATIVE SUBPOENA

To: RECORDS CUSTODIAN, 5001 OXFORD AVENUE, LLC
C/O: RABBI ELLIOT KOPEL
7601 Langdon Street
Philadelphia, PA 19111

Pursuant to §§ 8-409 and 4-1100 of the Philadelphia Home Rule Charter, §§ 20-606 and 20-1008 of The Philadelphia Code, and the Local Agency Law, 2 Pa. C. S. §§ 551-555, you are hereby commanded:

☐

To testify under oath regarding

Place of testimony:

Date:

Time:

☒

To produce the documents identified on the attached schedule.

Place of production: Board of Ethics, 1515 Arch Street,
18th Floor, Philadelphia, PA 19102

Date: January 22, 2016

Time: 05:00 PM

Witness the BOARD OF ETHICS of the City of Philadelphia,

at Philadelphia this 05 day of January, 2016.

Tina Formica
COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
TINA FORMICA, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 7, 2017

ATTEST:

Richard Glazer
Richard Glazer
Hearing Officer

Inquiries concerning this Administrative Subpoena should be addressed to:

Jordan E. Segall, Esq.
Board of Ethics
1515 Arch Street, 18th Floor, Philadelphia, PA 19102
215 686-9457

SCHEDULE OF REQUESTED DOCUMENTS
Records Custodian, 5001 Oxford Avenue, LLC
For production by January 22, 2016

Documents and Things Requested

1. Any and all documents (including emails with any corresponding attachments) related to the incorporation and organization of 5001 Oxford Avenue, LLC including, but not limited to, certificates of organization and incorporation, records of corporate organizers and corporate officers, and corporate bylaws.
2. Any and all documents in your possession, custody, or control related to any services provided by for or interest held by Leron Ben in 5001 Oxford Avenue, LLC during the time period September 7, 2012 through May 21, 2015. (Leron Ben is also known as Leron Shoshana, Liran Shoshan, Liran Ben-Shoshan, Liran Shoshan-Ben, and Lairan Bnshason).

Definitions

As used in this subpoena, the following terms mean:

1. "You" and "your," mean the subpoenaed individual and/or the subpoenaed individual's political committee and includes any agents, representatives and anyone acting on the subpoenaed individual's or the political committee's behalf.
2. The term "document" or "documents" means any writing, electronic file or recording, computer data, or thing including, but not limited to, memoranda, correspondence, reports, notes, invoices, bills, letters, emails (including associated attachments), communications, drawings, diagrams, mock-ups, order forms, print samples, bank records and statements, canceled checks, books, magazines, writings, microfilm, graphs, photographs, charts, tape recordings, videotapes, information stored electronically on digital media, and every other data compilation from which information can be obtained.
3. As used herein, the term "communications" means all means and methods by which information can be exchanged, including but not limited to written correspondence, pictures, photographs, electronic correspondence (e.g., electronic mail or "e-mail" (including associated attachments), text messages, or facsimile transmissions), oral exchanges of information, including without limitation telephone conversations and voice messaging systems, and notes reflecting such communications.
4. As used herein, the term "relating" means referring to, reflecting, containing, pertaining, indicating, showing, concerning, constituting, evidencing, describing, discussing or mentioning.
5. "Any" shall include "all" and "all" shall include "any."
6. "And" and "or" shall mean both the conjunctive and the disjunctive, and wherever the disjunctive is used, responses shall be given separately for each element.