

**Diana Lin**

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**Subject:** Notice of Administrative Enforcement Proceeding - Tracey Gordon  
**Attachments:** Exhibits in Support of Tracey Gordon Notice.pdf; Notice of Admin Enforcement - Tracey Gordon - 12-11-2014.pdf

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**From:** Michael Cooke  
**Sent:** Thursday, December 11, 2014 3:14 PM  
**To:** Maya Nayak  
**Cc:** MICHAEL COARD; Shane Creamer; Jordan Segall  
**Subject:** Notice of Administrative Enforcement Proceeding - Tracey Gordon

Maya -

Attached, please find a Notice of Administrative Enforcement Proceeding for the matter Creamer v Gordon, 1412MU14, and related Exhibits.

Ms. Gordon is represented by Michael Coard, Esq. He is cc'd on this email.  
His address information is on the Certification of Service.

Thank you,

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

**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, 18<sup>th</sup> Floor  
Philadelphia, PA 19102

v.

**Tracey Gordon**  
6543 Windsor Street  
Philadelphia, PA 19142

Respondent

**Matter No. 1412MU14**

**Date of Notice:** December 11, 2014

**NOTICE OF ADMINISTRATIVE ENFORCEMENT PROCEEDING**

By serving this Notice on you, the Executive Director of the Board of Ethics initiates an administrative enforcement proceeding against you. The Executive Director is asking the Board to find that you have violated: a) the gratuity provisions of Philadelphia's Home Rule Charter (Charter § 10-105); b) the political activity restrictions of Philadelphia's Home Rule Charter (Charter § 10-107); and c) the cooperation provisions of Philadelphia's Ethics Code. (Code § 20-606).

**If you wish to submit a written Response to this Notice, you must do so within 20 days of the date of the Notice. You have the right to request a hearing before the Board. If you wish to request a hearing, you must include the request in your written Response to the Notice. If you fail to request a hearing in a written Response to this Notice, you will waive your right to a hearing.**

Board Regulation No. 2 and the Memorandum on Procedures for Administrative Enforcement Proceedings set forth the rules and procedures for administrative enforcement proceedings before the Board. A copy of each is enclosed.

As set forth in Regulation No. 2, administrative enforcement proceedings are confidential, unless you request a public hearing in your Response to this Notice. *See* Board Regulation 2, ¶2.15.

If you have any questions regarding the procedures for administrative enforcement proceedings before the Board, you should contact the Board's General Counsel, Maya Nayak, at 215-686-9450 or maya.nayak@phila.gov.

### **I. RELEVANT LAW**

Subsection 10-107(3) of the Philadelphia Home Rule Charter prohibits a City officer or employee from directly or indirectly demanding, soliciting, collecting or receiving, or being in any manner concerned in demanding, soliciting, collecting or receiving, any assessment, subscription or contribution intended for any political purpose.

Subsection 10-107(4) of the Philadelphia Home Rule Charter prohibits a City appointed officer or employee from taking any part in the management or affairs of any political party or in any political campaign. The Board has further specified that this prohibition means that an appointed officer or employee shall not engage in any political activity that is performed in concert or coordination with a political party, candidate, or partisan political group. *See* Board Regulation 8, ¶8.11.

Subsection 10-105 of the Philadelphia Home Rule Charter prohibits a City officer or employee from soliciting or accepting any gratuity for any act or omission in the course of his or her public work.

A violation of Section 10-107 or 10-105 of the Philadelphia Home Rule Charter imposed by an administrative adjudication of the Board of Ethics is subject to a civil penalty of \$300. *See* Charter § 10-109; Board Regulation 8, ¶ 8.26.

Section 20-606(2) of the Philadelphia Code requires all City officers and employees to cooperate fully with any request of the Board of Ethics made pursuant to the execution of its powers and duties and that any City officer or employee who fails to or refuses to cooperate with the Board shall be deemed to be in violation of the City Ethics Code. The Board has further specified that failure to cooperate with the Board includes telling another person not to meet with Board staff or answer questions relating to an investigation. *See* Board Regulation 2, ¶2.8.

A violation of Section 20-606(2) of the Philadelphia Code is subject to a civil 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. Pursuant to Code § 20-1302(1)(b)(iii), obstruction of a Board investigation is an aggravating factor.

## **II. PARTIES**

1. J. Shane Creamer, Jr. is the Executive Director of the Board of Ethics.
2. Tracey Gordon was a Deputy City Commissioner for the City of Philadelphia from February 2011 to December 2014. The City Commissioners are responsible for administering all elections that occur in Philadelphia. Ms. Gordon worked in the office of City Commissioner Stephanie Singer. On May 28, 2014, the City Commissioners suspended Ms. Gordon from her position without pay. On December 3, 2014, the City Commissioners terminated Ms. Gordon from her position.

### **III. FACTUAL ALLEGATIONS**

#### **a. Gordon Solicits and Accepts a Gratuity from Leslie Miles in April of 2014**

3. Leslie Miles is a writer and reporter for the newspaper One Step Away.
4. On or about April 14, 2014, Ms. Miles came to Commissioner Singer's office seeking assistance for her candidacy for Resident Commissioner of the Philadelphia Housing Authority. She met with two employees in Commissioner Singer's office: Tracey Gordon and Jasmine Winfield, a temporary worker who performed clerical tasks in the office from mid-March to mid-June of 2014.
5. Ms. Miles asked Ms. Gordon and Ms. Winfield to help her type and format a letter she had written by hand. Commissioner Singer encouraged employees in her office to assist members of the public with such tasks as part of their job duties.
6. Ms. Gordon agreed to type and format Ms. Miles' hand-written letter and Ms. Miles left the office. Later that day, Ms. Gordon emailed Ms. Miles a copy of the typed letter.
7. On or about April 15, 2014, Ms. Miles returned to Commissioner Singer's office. She spoke with Ms. Gordon and Ms. Winfield in the hallway outside of Commissioner Singer's office.
8. Ms. Miles mistakenly thought that both Ms. Gordon and Ms. Winfield worked on the letter for her.
9. Ms. Gordon told Ms. Miles that if Ms. Miles was going to ask for help, she should pay for the help she received. Ms. Gordon specifically asked Ms. Miles to give Ms. Winfield money for the work done on her letter.

10. Ms. Miles asked Ms. Gordon if she also expected payment and Ms. Gordon replied “I’d appreciate it, and don’t forget us.”

11. On or about April 16, 2014, Ms. Miles returned to Commissioner Signer’s office with thank you cards for Ms. Gordon and Ms. Winfield.

12. Neither Ms. Gordon nor Ms. Winfield were present when Ms. Miles returned to Commissioner Singer’s office. As a result, Ms. Miles left the cards on Ms. Gordon’s and Ms. Winfield’s desks.

13. The card for Ms. Winfield contained \$20 in cash.

14. The card for Ms. Gordon contained \$10 in cash.

15. Ms. Winfield returned to the office before Ms. Gordon. She opened her card and found the \$20 in cash in it. She then opened Ms. Gordon’s card and saw the \$10 in cash in it. Ms. Winfield closed Ms. Gordon’s card and put it back on her desk.

16. When Ms. Gordon came back to the office, she opened her card. A copy of the card Ms. Miles gave Ms. Gordon is attached hereto as Exhibit A.

**b. Gordon Solicits a Gratuity from Leslie Miles in June of 2014**

17. On May 28, 2014, the City Commissioners suspended Ms. Gordon from her position without pay.

18. In order to raise money while she was suspended without pay from her City position, Ms. Gordon decided to hold a fundraiser on June 21, 2014 for herself. She created a flyer promoting the event and posted it on Facebook. She also sent the flyer to people by text message. Tickets to the fundraiser were sold for a minimum of \$20. A copy of the flyer is attached hereto as Exhibit B.

19. On or about June 12, 2014, Ms. Gordon sent Ms. Miles a text message asking her to attend the fundraiser.

20. After receiving the text message, Ms. Miles telephoned Ms. Gordon for an explanation of the message. Ms. Gordon told her that she was contacting all of the people who she had helped in her role as Deputy Commissioner so they could help her now.

21. Ms. Gordon then demanded to know how many tickets Ms. Miles was going to purchase for her fundraiser, at which point Ms. Miles ended the call.

22. Ms. Miles did not buy a ticket for Ms. Gordon's fundraiser.

**c. Gordon Recruits Susan McCall to Run as a Candidate for Committeeperson**

23. In the spring of 2014, Susan McCall served as a volunteer in Commissioner Singer's Office. She answered telephone calls from the public and answered inquiries regarding voting information.

24. In mid-April 2014, Ms. Gordon approached Ms. McCall and discussed with her elections for committeeperson and ward leader in the 32<sup>nd</sup> ward.

25. A committeeperson is the elected party representative of a ward division. The committeepersons in a ward elect the ward leader. Committee persons and ward leaders are officers of the Democratic and Republican parties in Philadelphia. Gary Williams is the ward leader in the 32<sup>nd</sup> ward.

26. During their conversation, Ms. Gordon asked Ms. McCall to run for committeeperson in the 32<sup>nd</sup> ward with the understanding that, if elected, she would support a candidate who planned to run against Mr. Williams for ward leader.

27. After speaking with a committeeperson in the 32<sup>nd</sup> Ward, Ms. McCall told Ms. Gordon that she was not interested in running.

**d. Gordon prevents Susan McCall from Submitting a Complaint to the Board of Ethics**

28. After informing Ms. Gordon of her decision not to run for committeeperson, Ms. McCall drafted a letter to the Board of Ethics describing Ms. Gordon's recruitment of her to run for committeeperson. Ms. McCall showed the letter to Norys Gonzalez, a Principal Assistant to Commissioner Singer.

29. On or about May 27, 2014, shortly after drafting the letter, Ms. McCall approached Seth Bluestein, a Deputy City Commissioner, outside Commissioner Singer's office holding the letter. She told him she had written to the Board and asked for his help. Mr. Bluestein said he would speak further with her as soon as possible.

30. In the interim, Ms. Gordon approached Ms. McCall and said that she needed to speak privately with her. Before Mr. Bluestein returned, Ms. Gordon and Ms. McCall went out to the City Hall courtyard to speak.

31. In the courtyard, Ms. Gordon asked Ms. McCall not to submit the letter she had written to the Board.

32. Ms. Gordon told Ms. McCall that if she submitted the letter to the Ethics Board she would never be hired again. Ms. Gordon also told Ms. McCall that she was next in line for a job with Commissioner Singer's office.

33. Ms. Gordon then asked Ms. McCall to tear up her letter to the Board, which she did.



**e. Gordon Participates in a Workshop for Committeepersons**

34. From March through May of 2014, Ms. Gordon participated in the planning and promotion of a workshop for recently elected committeepersons. The workshop was held on May 28, 2014.

35. The workshop instructed the new committeepersons on party rules, party governance, ward reorganization, and the election of ward leaders.

36. Ms. Gordon was scheduled to participate as a speaker at the workshop.

37. She decided not to participate after she was suspended from her job by the City Commissioners.

38. Ms. Gordon promoted the event via email and social media.

**f. Gordon Promotes a Democratic City Committee Fundraiser**

39. In 2012, Commissioner Singer launched the website [patransparency.org](http://patransparency.org) to release election-related information to the public. The website includes a link to a Google calendar. *See* Screen shot of [patransparency.org](http://patransparency.org) front page, attached hereto as Exhibit C.

40. Commissioner Singer directed Ms. Gordon, as part of her job duties, to update the calendar on [Patransparency.org](http://Patransparency.org) with any event that might be of interest to voters.

41. In May of 2013, Ms. Gordon created a calendar entry for the Democratic City Committee's annual fundraising dinner which was scheduled for May 13, 2013. *See* Screen shots of [patransparency.org](http://patransparency.org) calendar, attached hereto as Exhibit D.

#### **IV. ALLEGED VIOLATIONS**

##### **COUNT 1 – VIOLATION OF PHILADELPHIA HOME RULE CHARTER SUBSECTION 10-105**

42. By asking Leslie Miles to provide her a payment on or about April 14, 2014 for work she had done in her official capacity, Tracey Gordon solicited a gratuity from Miles and thereby violated Philadelphia Home Rule Charter § 10-105.

WHEREFORE, pursuant to Philadelphia Home Rule Charter § 10-109 and Philadelphia Code § 20-606(1)(h), the Executive Director requests that the Board impose upon Tracey Gordon a civil penalty of \$300.

##### **COUNT 2 –VIOLATION OF PHILADELPHIA HOME RULE CHARTER SUBSECTION 10-105**

43. By accepting \$10 in cash from Leslie Miles on or about April 14, 2014 as payment for work she had done in her official capacity, Tracey Gordon accepted a gratuity from Miles and thereby violated Philadelphia Home Rule Charter § 10-105.

WHEREFORE, pursuant to Philadelphia Home Rule Charter § 10-109 and Philadelphia Code § 20-606(1)(h), the Executive Director requests that the Board impose upon Tracey Gordon a civil penalty of \$300.

**COUNT 3 –VIOLATION OF PHILADELPHIA HOME RULE CHARTER  
SUBSECTION 10-105**

44. By asking Leslie Miles to provide her a payment on or about June 12, 2014 for work she had done in her official capacity, Tracey Gordon solicited a gratuity from Miles and thereby violated Philadelphia Home Rule Charter § 10-105.

WHEREFORE, pursuant to Philadelphia Home Rule Charter § 10-109 and Philadelphia Code § 20-606(1)(h), the Executive Director requests that the Board impose upon Tracey Gordon a civil penalty of \$300.

**COUNT 4 –VIOLATION OF PHILADELPHIA HOME RULE CHARTER  
SUBSECTION 10-107(4)**

45. By recruiting Susan McCall to run for committee person so that she could support a specific candidate for ward leader, Ms. Gordon violated Philadelphia Home Rule Charter § 10-107(4).

WHEREFORE, pursuant to Philadelphia Home Rule Charter § 10-109 and Philadelphia Code § 20-606(1)(h), the Executive Director requests that the Board impose upon Tracey Gordon a civil penalty of \$300.

**COUNT 5 –VIOLATION OF PHILADELPHIA CODE SECTION 20-606(2)**

46. Tracey Gordon failed to cooperate with the Board and obstructed the Board's investigation into her potential violations of the Ethics Code and Home Rule Charter by:

- a. Telling Susan McCall not to provide information to the Ethics Board about her potential violations of the Home Rule Charter;
- b. Telling McCall to destroy the letter she had written to the Board about her potential violations of the Home Rule Charter; and
- c. Suggesting that McCall would receive a position with Commissioner Singer's Office if she agreed not to provide information to the Board of Ethics.

WHEREFORE, pursuant to Philadelphia Code §§ 20-612(1), 20-1302 and 20-1302(1)(b)(iii), the Executive Director requests that the Board impose upon Tracey Gordon a civil penalty of \$2,000.

**COUNT 6 –VIOLATION OF PHILADELPHIA HOME RULE CHARTER  
SUBSECTION 10-107(4)**

47. By participating in the planning and promotion of a workshop for committeepersons held on May 28, 2014, Ms. Gordon violated Philadelphia Home Rule Charter § 10-107(4).

WHEREFORE, pursuant to Philadelphia Home Rule Charter § 10-109 and Philadelphia Code § 20-606(1)(h), the Executive Director requests that the Board impose upon Tracey Gordon a civil penalty of \$300.

**COUNT 7 –VIOLATION OF PHILADELPHIA HOME RULE CHARTER  
SUBSECTION 10-107(3)**

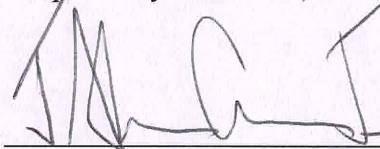
48. By creating and posting a public calendar entry for the Democratic City Committee's May 2013 annual fundraiser, Ms. Gordon violated Philadelphia Home Rule Charter § 10-107(3).

WHEREFORE, pursuant to Philadelphia Home Rule Charter § 10-109 and Philadelphia Code § 20-606(1)(h), the Executive Director requests that the Board impose upon Tracey Gordon a civil penalty of \$300.

Date:

12/11/14

Respectfully submitted,



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, 18<sup>th</sup> Floor  
Philadelphia, PA 19102  
Phone: (215) 686-9450  
Fax: (215) 686-9453

**CERTIFICATION OF SERVICE**

I, Michael Cooke, hereby certify that on this date I caused a true and correct copy of the foregoing Notice of Administrative Enforcement Proceeding, with Exhibits, to be served upon the following:

By hand delivery:

Tracey Gordon  
6543 Windsor Street  
Philadelphia, PA 19142

By email:

Michael Coard  
One Liberty Place  
1650 Market St., Suite 3652  
Philadelphia, PA 19103  
michaelcoard@msn.com  
*Counsel for Tracey Gordon*

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

Date:

12/11/14

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

<u>J. Shane Creamer, Jr.</u>	:	
Executive Director	:	
Board of Ethics	:	
of the City of Philadelphia	:	
1515 Arch Street, 18 <sup>th</sup> Floor	:	
Philadelphia, PA 19102	:	
	:	<b>Matter No. 1412MU14</b>
v.	:	
	:	<b>Date of Notice:</b> December 11, 2014
<b>Tracey Gordon</b>	:	
6543 Windsor Street	:	
Philadelphia, PA 19142	:	
	:	
<u>Respondent</u>	:	

**EXHIBITS IN SUPPORT OF  
NOTICE OF ADMINISTRATIVE ENFORCEMENT PROCEEDING**

Exhibit A	Thank You Card provided by Leslie Miles to Tracey Gordon
Exhibit B	June 21, 2014 Tracey Gordon Fundraiser Flyer
Exhibit C	Screen shot of patransparency.org front page
Exhibit D	Screen shots of patransparency.org calendar

# **EXHIBIT A**



*"A time for thanks,  
a time to say  
God bless you now  
and every day."*

*Tender Thoughts*

18441113

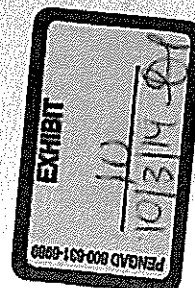


0 167008 71474 2

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\$1.95 TETY99874-04F

TENDER THOUGHTS GREETINGS  
1820 WATKINSON BLVD. MISSISSAUGA, ONTARIO L4W 0G3  
©AGC, LLC MADE IN U.S.A.



April 28, 2014

"Dearest Tracey"

Thank you  
and bless you  
for being so special.

Gratefully Yours,  
Felia Miles

2014 PHA Commissioner  
Winner

"Thanks for Believing in  
Me"

# **EXHIBIT B**

**Chicken AND Fish FRY**  
FUNDRAISER FOR TRACEY GORDON  
COMMUNITY ACTIVIST and STRATEGIST

**Join us for good food, and enjoy great music and networking!**

**Saturday, June 21, 2014 | 1:00 - 4:00 PM**  
African Cultural Center  
5000 Springfield Avenue, Philadelphia, PA 19143

TRACEY GORDON has worked for the City of Philadelphia as a community volunteer, black captain and has served as a Deputy Commissioner for Youth's Education and Outreach. Please help us support Tracey, our sister, our neighbor and friend as she continues her services for members of Philadelphia in the best way she knows how: FROM THE HEART. Tracey needs our help now.

**\$20 Minimum Ticket Cost**, which includes a dinner platter and beverage.  
**Contribution Levels - \$50 Supporter | \$75 Friend | \$100 Patron**  
Please make all checks payable to **Tracey Gordon**

For contributions/ticket purchase and additional information contact Salma Suswell at [salma@evolve-solutionsonline.com](mailto:salma@evolve-solutionsonline.com) or **215-430-2441**

**\*\*If unable to attend, kindly send your contribution to 6543 Windsor Street, Philadelphia, PA 19142\*\***

Tracey Gordon  
June 19 '14

Share

18 people like this.

Arlean J. Worthy Hi. So this is a fundraiser for community projects?  
June 21 at 1:27am

Tracey Gordon Arlean J. Worthy read the flyer? Its for Community Service and Supporting Tracey Gordon  
June 21 at 9:40am

Sponsored by

Create Ad

Your First Box is Free!  
[julep.com](http://julep.com)



Monthly delivery of colors from Julep that are SO YOU. Use code FREEBOX.

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# **EXHIBIT C**

## PA Transparency Project



[Home](#) [About](#) [Blog](#) [Search](#) [How To](#)

### Welcome to the Pennsylvania Transparency Project!

The purpose of the Pennsylvania Transparency Project (formerly the Pennsylvania Election Transparency Project) is to collect, analyze and disseminate publicly available election-related data and knowledge in Pennsylvania.

[Precinct Election Board Candidates by Precinct](#)  
[Department of State Instructions on Voter ID](#)  
[Candidates for Open Seats in 2013 General Election](#)

[Poll Worker Training Schedule for 2013 General Election](#)

[Judicial Retention Races on Nov 5 Ballot](#)

[Possible Ballot Question for Council to Have Its Own Budget Office](#)

[Divisions lacking party nominations for poll worker](#)

[Possible Ballot Question Regarding Minimum Wage for Nov 5](#)

[Possible Ballot Question for City to Borrow Money Slated for Nov 5 Election](#)

[Poll Worker Training Materials On Line](#)

[Emergency Absentee Ballots](#)

### Data and Information

- [Google Calendar](#) of public events for voters (e.g., candidate forums)
- [PA Voter Protection Laws](#) in a [Nutshell](#) (pdf from the [Advancement Project](#))
- [The Sunshine Act](#) of Pennsylvania
- [Warsaw Declaration](#) Toward a Community of Democracies
- [Philadelphia Election Results](#) (bulk download or easy look-up)
- [Philadelphia Campaign Finance Reports](#)
- [Pennsylvania Campaign Finance Reports](#)
- [Federal Campaign Finance Data](#)
- [Philadelphia City Commissioner meeting transcripts](#)
- [Pennsylvania Election Calendar 2013](#)
- [How-To guides](#)
- [Phila Division maps](#)

### Contact Us!

Name \*

# **EXHIBIT D**



Phila Voter Information Forums

May 2013							Print	Week	Month	Agenda
Sun	Mon	Tue	Wed	Thu	Fri	Sat				
28	29	30	May 1	2	3	4				
	10am State Rep Pam Delissio Town Hall Meeting 6:30pm 6th District Councilman Bob Henon Cour	10am City Budget hearing for Public Testimony 1pm City Budget Hearing Public Testimony 7pm State Representative DeLissio Town Hall M		6pm 37th Ward Candidates Night at St Mark's		10am Your Right to Know Legal Workshop 10am Democrats 6th Ward Candidates Meeting				
5	6	7	8	9	10	11				
					City Controller Forum					
12	13	14	15	16	17	18				
11:30am TV Debate- Phila City Controller (ABC)	5:30pm Democratic City Committee Party	7pm Jannie Blackwell 46th Ward Meeting	11am Firefighter Hero Plaque 6:30pm African American United Fund Voter Edu	3pm BE THE BOSS -- ShopRite at Cheltenham /		11th Ward Civic Education Initiative hosts Pub 11am Asian American Heritage				
19	20	21	22	23	24	25				
9am Democrats of Oak Lane, Meet and Greet C	6pm Get Out & Vote Rally, Manayunk Diner	7am Polls open in Pennsylvania 2pm Voter Appreciation BBQ - Patterson Eleme								
26	27	28	29	30	31	Jun 1				





Change time zone to (GMT-05:00) Eastern Time? [Yes](#) [No](#) [Never ask again](#) [Settings](#)

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### Democratic City Committee Party

Mon, May 13, 5:30pm – 7:00pm

**Where** Sheet Metal Hall 1301 S. Columbus Blvd  
[map](#)

**Calendar** Phila Voter Information Forums

**Created by** traceygordoncitycommssion@gmail.com

**Description** Tickets required, \$150/person. Contact 215-241-7804

**Reminders** No reminders set  
[Add a reminder](#)

[Want to add attachments? Learn how to enable the label](#)