

Thomas Klemm

Subject: RE: Creamer v. Ben, Matter No. 1510ET17

From: Michael Cooke
Sent: Thursday, February 18, 2016 11:45 AM
To: Diana Lin; Leron Ben
Cc: Maya Nayak; Shane Creamer; Jordan Segall
Subject: RE: Creamer v. Ben, Matter No. 1510ET17

Diana,

Mr. Ben is correct that Jordan called Lisa Brown after Mr. Ben submitted his Response in which he denied that he was an owner of any of the properties that were the subject of his May 2015 hearing before the Office of Administrative Review. The listed owner of one of those properties was Elisra LLC. Lisa Brown is listed as an organizer on the Certificate of Organization Elisra LLC filed with the Department of State. A subpoena is not required for us to telephone someone and ask her to voluntarily provide information. As it happens, we subsequently obtained documentation of Mr. Ben's ownership of Elisra LLC from other sources and therefore did not have any further contact with Ms. Brown.

More to the point, however, Mr. Ben's email demonstrates that he does not intend to call Ms. Brown because she could offer testimony relevant to the adjudication of his alleged violations. Rather, he intends to call her to elicit testimony about Jordan's telephone call to her. Because that telephone call has no bearing on the adjudication of Mr. Ben's alleged violations of the Ethics Code, testimony about it would be irrelevant and therefore should not be permitted. *See* Board Regulation No. 2, Paragraph 2.19; PA Rule Evidence 401; *see also Chandler v. Volunteers of America, North Alamba, Inc.*, 598 Fed. Appx. 655 (11th Cir. 2015).

Lastly, we deny Mr. Ben's baseless assertions that we have done anything improper or illegal in the course of the investigation and adjudication of the violations alleged against him.

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
(f) (215) 686-9453

From: Diana Lin
Sent: Thursday, February 18, 2016 10:29 AM
To: Leron Ben
Cc: Maya Nayak; Shane Creamer; Michael Cooke; Jordan Segall
Subject: Creamer v. Ben, Matter No. 1510ET17

Mr. Shoshan,

I will pass this information on to Hearing Officer Glazer. Again, please be sure to copy the Board's Executive Director on your emails to me.

Sincerely,
Diana

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: Thursday, February 18, 2016 9:51 AM
To: Diana Lin
Subject: Re: Creamer v. Ben, Matter No. 1510ET17

Mr. Cooke and Mr. Segall called my accountant Lisa brown to get information about My company Elisra LLC without a subpoena.

I wondering who else they called that have nothing to do with this case.

They investigate this case and treat me as im a criminal.

They ruined my good name among people without finding me guilty.

My Accountant sent me a termination letter (and this matter is part of it), as I stated before I deny the accusations and expecting to have a fair hearing, but with These lawyers and their actions my good name is being questioned, and it's only because of the people (that related to me) that they contacting and I don't understand why, and what is the relevancy to that matter.

The damage was done and there will be consequences.

On Thursday, February 18, 2016, Diana Lin <Diana.Lin@phila.gov> wrote:

Mr. Shoshan,

We write with clarifying questions regarding your request to have Lisa Brown of Brown Accounting testify by telephone at the hearing. The Board of Ethics' Hearing Officer Richard Glazer would like to know the following:

1. What is the reason you would like Lisa Brown to testify via telephone?
2. Is there any reason Lisa Brown would be unable to come to the hearing to testify in person?

Please let me know your responses as soon as possible so that I can get them to Hearing Officer Glazer.

Sincerely,

Diana

Diana J. Lin, Esq.

Associate General Counsel

City of Philadelphia Board of Ethics

One Parkway Building, 18th Floor

1515 Arch Street

Philadelphia, PA 19102

diana.lin@phila.gov

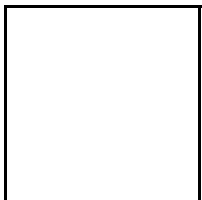
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www.twitter.com/PhillyEthicsBd

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Leron Ben

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