

**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, 18th Floor
Philadelphia, PA 19102

Matter No.: 1510ET17

Date Served: November 12, 2015

v.

Leron Ben a.k.a. Leron Shoshana
7838 Montgomery Avenue
Elkins Park, PA 19027

Respondent

NOTICE OF ADMINISTRATIVE ENFORCEMENT PROCEEDING

By serving this Notice on you, the Executive Director of the Philadelphia Board of Ethics initiates an administrative enforcement proceeding against you. The Executive Director is asking the Board to find that you have violated the gift restrictions of Philadelphia's Ethics Code (Code § 20-604(2)).

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 20-604(2) of the Philadelphia Code prohibits any person¹ from offering, making, or rendering any gifts of money² to any City officer or employee if that person is seeking official action from him or her *or* if the City officer or employee is able to substantially affect through official action a financial interest a person has at the time, or in close proximity of the time, the money is received.

Philadelphia Code Subsection 20-601(9) defines "financial interest" as an interest involving money or its equivalent or an interest involving any right, power or privilege that has economic value. Philadelphia Code Subsection 20-601(17) defines "official action" as an act or omission taken by an officer or employee in his or her official capacity that requires discretion and is not ministerial in nature.

¹ A person is a business, individual, corporation, non-profit, union, association, firm partnership, committee, political committee, club, or other organization or group of persons. *See* Philadelphia Code Section 20-601(20).

² Money is cash, checks, money orders, or the equivalent, including pre-paid debit or gift or credit cards. *See* Philadelphia Code Section 20-601(16).

Philadelphia Code Subsection 20-601(18) defines “officer or employee” as:

Any person who is elected or appointed to a position in any branch of the government of the City and/or County of Philadelphia or to any elected or appointed position which serves the City and/or County of Philadelphia, including, but not limited to, members of agencies, authorities, boards and commissions, however elected or appointed; persons serving full-time or intermittently; persons serving with or without compensation.

A violation of Subsection 20-604(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 Philadelphia Code Subsection 20-1302(1)(b)(i), acting knowingly is an aggravating factor.

II. PARTIES

1. J. Shane Creamer, Jr. is the Executive Director of the Board of Ethics.
2. Leron Ben is a resident of Elkins Park, PA. Respondent Leron Ben is also known as Leron Shoshana. Respondent Leron Ben owns real estate and conducts business in the City of Philadelphia.

III. FACTUAL ALLEGATIONS

3. On May 21, 2015, Respondent Leron Ben appeared at a hearing at the City of Philadelphia Office of Administrative Review (“OAR”) to appeal three tickets the City’s Department of Licenses & Inspections had issued for code violations at properties he owns. *See* Exhibit A (Affidavit of Stephen St. Vincent); Exhibit B (Copy of May 21, 2015 OAR code violation hearing sign-in log).
4. Respondent Ben’s properties in question are located at 5001 Oxford Avenue and 1807 Widener Place. *See* Exhibit A; Exhibit C (Code violation tickets).

5. The aggregate monetary fine Respondent Ben was potentially subject to for the violations was \$350. *See id.*
6. Stephen St. Vincent was the Office of Administrative Review Hearing Master who heard Respondent Ben's appeal of the tickets. *See Exhibit A.*
7. The Office of Administrative Review is a subdivision of the City of Philadelphia Department of Finance.
8. At the conclusion of the hearing, Mr. St. Vincent found that Respondent Ben had presented sufficient evidence to warrant dismissal of all of the tickets. *See id.*
9. After Mr. St. Vincent made his ruling, Respondent Ben thanked him, approached him, and offered to shake his hand. *See id.*
10. In the course of shaking Mr. St. Vincent's hand, Respondent Ben passed him a wad of cash bills, including at least one ten dollar bill on the outside. *See id.*
11. Mr. St. Vincent immediately dropped the money Respondent Ben was trying to hand him and told Respondent Ben that he could not accept it. *See id.*
12. Respondent Ben took the money back and said that he just wanted to thank Mr. St. Vincent. He added that the money was to buy Mr. St. Vincent lunch. *See id.*
13. Mr. St. Vincent again told Respondent Ben that he could not accept the money and told him to take the money and leave the hearing room. *See id.*
14. Respondent Ben took the money and left the room without further comment or incident. *See id.*
15. Immediately following his encounter with Respondent Ben, Mr. St. Vincent informed his supervisor, Paula Weiss, the Director of the Office of Administrative Review, that Respondent Ben had attempted to give him a wad of cash bills. *See id.*

16. Ms. Weiss told Mr. St. Vincent to write a memorandum recounting Respondent Ben's attempt to give him a wad of cash bills. Mr. St. Vincent wrote the memorandum and provided it to Ms. Weiss on May 21, 2015. *See* Exhibit D (May 21, 2015 Memorandum from Stephen St. Vincent to Paula Weiss).

17. Mr. St. Vincent was employed as a part-time Hearing Master for the Office of Administrative Review and held this position from March 2015 through June 2015. *See* Exhibit A.

18. The Office of Administrative Review hired Mr. St. Vincent through a professional services miscellaneous purchase order between the OAR and himself as a sole proprietor. He was paid \$35 per hour. *See* Exhibit E (Copy of Mr. St. Vincent's proposal and the miscellaneous purchase order).

19. As part of his job duties for the Office of Administrative Review, Mr. St. Vincent heard and ruled on appeals of tickets issued by City agencies for violations of the City Code. *See* Exhibit A.

20. As a Hearing Master, Mr. St. Vincent regularly took acts or made omissions that required discretion and were not ministerial in nature. *See id.*

21. While working for Office of Administrative Review, Mr. St. Vincent was a City officer or employee as defined by Philadelphia Code Subsection 20-601(18).

IV. ALLEGED VIOLATION OF PHILADELPHIA'S
GIFT LAW

COUNT 1 –VIOLATION OF PHILADELPHIA CODE SECTION 20-604(2)

RESPONDENT LERON BEN

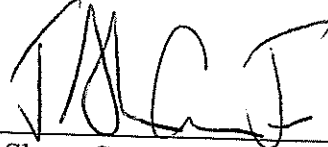
22. As alleged in paragraphs 1 – 21, Respondent Leron Ben violated Philadelphia Code §20-604(2) by offering a gift of money to Mr. St. Vincent shortly after he had sought official action from him. Respondent Ben had a financial interest that Mr. St. Vincent was able to substantially affect through official action in close proximity to the time Respondent Ben provided the money to Mr. St. Vincent.

23. Respondent Ben acted knowingly, that is voluntarily and intentionally, and not because of mistake or accident when he offered the money to Mr. St. Vincent. The fact that Respondent Ben acted knowingly constitutes an aggravating factor under Philadelphia Code Section 20-1302(1)(b)(i).

WHEREFORE the Executive Director seeks a maximum civil penalty of \$2,000 for this alleged violation of Code §20-604(2).

Date: November 12, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JSC', written over a horizontal line.

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

CERTIFICATION OF SERVICE

I, Jordan E. Segall, hereby certify that on this date I caused a true and correct copy of the foregoing Notice of Administrative Enforcement Proceeding and Exhibits in Support of Notice of Administrative Enforcement Proceeding to be served upon the following:

By hand delivery and certified U.S. mail:

Leron Ben
7838 Montgomery Avenue
Elkins Park, PA 19027

By hand delivery:

Maya Nayak
General Counsel
Board of Ethics
1515 Arch St., 18th Floor
Philadelphia, PA 19102

Date: November 12, 2015



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

- Exhibit A Affidavit of Stephen St. Vincent
- Exhibit B OAR Code Violation Hearing Sign-In Log: May 21, 2015
- Exhibit C Code Violation Tickets for 5001 Oxford Avenue and 1807 Widener Place
- Exhibit D Memorandum from Stephen St. Vincent to Paula Weiss: May 21, 2015
- Exhibit E Stephen St. Vincent Proposal to OAR and Miscellaneous Purchase Order with OAR

EXHIBIT A

AFFIDAVIT OF STEPHEN ST. VINCENT

I, Stephen St. Vincent, hereby swear and affirm that the following statement is true and correct.

1. I was a part-time Hearing Master for the City of Philadelphia Office of Administrative Review. I held this position from March 2015 through June 2015.
2. As part of my job duties for the Office of Administrative Review, I reviewed appeals to tickets for various administrative violations issued by the City. Alleged violators appeared before me to review the ticket and argue as to why they should not have to pay a fine.
3. On May 21, 2015, I conducted a hearing for three code violations issued to property owner Mr. Leron Ben. The properties were located at 5001 Oxford Avenue and 1807 Widener Place.
4. By the end of the hearing, I found Mr. Ben presented sufficient evidence to dismiss all of the tickets, which had been issued to him. The problems had been addressed.
5. At the end of the hearing, Mr. Ben thanked me, approached me, and offered to shake my hand. In the course of shaking Mr. Ben's hand, he passed me an object. I looked at the object and realized it was multiple cash bills, including at least one ten dollar bill on the outside. I am not sure exactly how much cash Mr. Ben tried to hand me.
6. I immediately dropped the money Mr. Ben was trying to hand to me and told him that I could not take the money.
7. Mr. Ben took the money back and said that he just wanted to thank me and that it was just to buy me lunch.
8. I again told him that I could not take the money and told him to take the money and leave the hearing room.
9. Mr. Ben left the building and took the money with him without further comment or incident. I immediately reported the incident to my supervisor, the Executive Director of the Office of Administrative Review, Paula Weiss.

I make this statement subject to the penalties set forth in 18 Pa.C.S. 4903 relating to false swearing.

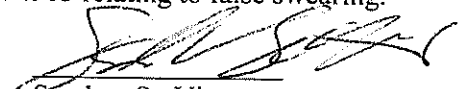
Date:

8/13/15

Signed and Sworn to Before Me:


Notary Public

On 8/13, 2015


Stephen St. Vincent

COMMONWEALTH OF PENNSYLVANIA

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

EXHIBIT B



CODE VIOLATION HEARINGS

PLEASE SIGN-IN BELOW



(TRASH, RECYCLING, SNOW REMOVAL,
RECYCLING, EXCESS FALSE ALARMS, ETC...)

DATE: 5/21/15

SESSION: Am

Print Name or Business Name

Representative Name
(If Applicable)

- | | |
|-----------------------------|----------------------|
| 1. <u>8400 Bustleton LP</u> | <u>Jessica Moore</u> |
| 2. <u>ISAIAH FLEMING JR</u> | |
| 3. <u>Lea Augustin</u> | |
| 4. <u>Rick Shehata</u> | |
| 5. <u>Libra BRYANT</u> | |
| 6. <u>Loren Ben</u> | |
| 7. <u>Tim Gannon</u> | |
| 8. <u>JOSE MASO</u> | |
| 9. <u>Vanessa Aponte</u> | |
| 10. <u>Jafar Fares</u> | |
| 11. _____ | |
| 12. _____ | |
| 13. _____ | |
| 14. _____ | |
| 15. _____ | |
| 16. _____ | |
| 17. _____ | |
| 18. _____ | |
| 19. _____ | |
| 20. _____ | |

EXHIBIT C

City of Philadelphia
Code Violation Notice



35722864	Date 31/25/2014 9:03:55 AM
Violator Name MD INVESTMENT GROUP INC	
Address of Violator 00001 OXFORD AVE	
Violator City, State, Zip PHILADELPHIA PA 19124-2652	
Violation Address 5001 OXFORD AVE	Violation District 15
License Number 629703	
Owner MD INVESTMENT GROUP INC	
Owner Address 9537 BUSTLETON AVE	
Owner City, State, Zip PHILADELPHIA, PA 19115	

YOU ARE HEREBY NOTIFIED THAT YOU
VIOLATED THE FOLLOWING SECTION OF
THE PHILADELPHIA CODE.

If payment is not received within 10 calendar
days, a \$25.00 additional payment is due

Violation Code and Description:
107224E1 - DUMPSTER LID NOT CLOSED
Fine Amount: \$150.00

Dumpster should not be filled beyond capacity
to ensure closure of lid.

Officer: B Chans

ADMISSION AND WAIVER

I do hereby admit to said offense as charged

WAIVE: my right to a hearing and agree to
pay the charge prescribed for my offense

Signature _____

Address _____

HEARING REQUEST INSTRUCTIONS

If you wish to contest the code violation, please
check the hearing request box below and mail
to

☐ Mail hearing request and payments to
The Department of Finance
P.O. Box 56318
Philadelphia, PA 19130-6318

NOTE: Hearings are held at
The Office of Administrative Review

For Telephone Inquiries Call
(215) 567-2605



35722864

City of Philadelphia
Code Violation Notice



35722875	Date 3/12/2014 3:05:21 AM
Vehicle Name MD INVESTMENT GROUP INC	
Address of Offense 6201 OXFORD AVE	
Violation City, State, Zip PHILADELPHIA PA 19124-2652	
Violation Address 5001 OXFORD AVE	Violation District 15
License Number E39783	
Owner MD INVESTMENT GROUP INC	
Owner Address 9537 BUSTLETON AVE	
Owner City, State, Zip PHILADELPHIA, PA 19115	

YOU ARE HEREBY NOTIFIED THAT YOU
VIOLATED THE FOLLOWING SECTION OF
THE PHILADELPHIA CODE

If payment is not received within 10 calendar
days, a \$25.00 additional payment is due

Violation Code and Description:
107224E3 - DUMPSTER OVERFLOWING
Fine Amount: \$150.00

Overflowing

Officer: B Chavis

ADMISSION AND WAIVER

I do hereby admit to said offense as charged
WAIVE my right to a hearing and agree to
pay the charge prescribed for my offense

Signature: _____

Address: _____

HEARING REQUEST INSTRUCTIONS

If you wish to contest the code violation, please
check the hearing request box below and mail
to

☐ Mail hearing request and payments to
The Department of Finance
P O Box 56318
Philadelphia, PA 19130-6318

NOTE: Hearings are held at
The Office of Administrative Review

For Telephone Inquiries Call
(215) 567-2606



35722875

City of Philadelphia
Code Violation Notice



41695183	Date 2/2/2015 11:52:46 AM
Violator Name ELISRA LLC	
Address at Violator 6001 CASTOR AVE #520	
Violator City, State, Zip PHILADELPHIA, PA 19152	
Violation Address 1807 WIDENER PL	Violation District 35
License Number	
Owner ELISRA LLC	
Owner Address 6001 CASTOR AVE #520	
Owner City, State, Zip PHILADELPHIA, PA 19152	

YOU ARE HEREBY NOTIFIED THAT YOU
VIOLATED THE FOLLOWING SECTION OF
THE PHILADELPHIA CODE:

If payment is not received within 10 calendar
days, a \$25.00 additional payment is due.

Violation Code and Description:
107141 - Premises not litter free
Fine Amount: \$50.00

Maintain premises free of litter and debris

Officer R Johnson

A violation of City Code has occurred at this
location. Identity information was not
recovered from the refuse material.

ADMISSION AND WAIVER

I do hereby admit to said offense as charged.

WAIVE my right to a hearing and agree to
pay the charge prescribed for my offense.

Signature: _____

Address: _____

HEARING REQUEST INSTRUCTIONS

If you wish to contest the code violation, please
check the hearing request box below and mail
to:

☐ Mail hearing request and payments to:
The Department of Finance
P.O. Box 56318
Philadelphia, PA 19130-5318

NOTE: Hearings are held at
The Office of Administrative Review

For Telephone Inquiries Call:
(215) 567-2605



41695183

EXHIBIT D

MEMO

To: Paula Weiss, Esq.

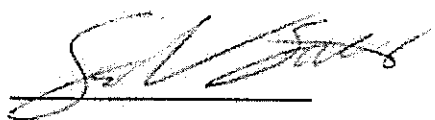
From: Stephen St.Vincent, Esq.

Date: 5/2/15 ²¹

Re: Attempted bribery during OAR hearings

This morning, I was sitting as a hearing master for code violation cases. One hearing was for property owner Leron Ben (he signed in as "Leron Ben" and gave his name to me as "Leron Shoshana"). The properties in question were 5001 Oxford Ave (CVN # 35722864 and 35722875) and 1807 Widener Pl (CVN # 41695183). Mr. Ben presented sufficient evidence for me to dismiss all 3 tickets (for CVN # 35722875 I found that the problem had been addressed).

At the conclusion of the hearing, Mr. Ben offered to shake my hand. When I did so, I felt that he was trying to hand me something. I looked at it and realized that it was money. I am not sure exactly how much; it was multiple bills, with a \$10 bill on the outside. I immediately dropped the money onto his case folder and told him that I could not take the money. He stated that he wanted to thank me and that it was just to buy me lunch. I again stated that I could not take the money. I told him to take it with him and to leave the hearing room, which he did. I immediately reported this incident to my supervisor, Paula Weiss. To my knowledge, Mr. Ben left the building without further incident.




Stephen St.Vincent, Esq.

EXHIBIT E

Proposal for Consulting Services to be Provided to the
Office of Administrative Review

- I. Services as a Master to be provided to the Office of Administrative Review for the term March 11, 2015 through June 30, 2015.
 - a. Presiding over Tax Review Board Master hearings and rendering written decisions to the Tax Review Board with regard to findings on each matter heard: holding Photo Enforced Red Light Violation and Code Violation hearings;
 - b. Performing such other tasks as may be, from time to time, required by the Officer of Administrative Review.
- II. Compensation for the above services shall be payable at the rate of \$35.00 per hour of work performed.
 - a. Such compensation shall be payable upon receipt and approval of invoices submitted to the Executive Director of the Office of Administrative Review or her designee. All bills or vouchers shall be in the form and content as required by the Executive Director


Stephen St. Vincent

3-12-15
Date

100 N. 22ND ST. #138
Philadelphia, PA 19103

MISCELLANEOUS ORDER

DOCUMENT # **MPXX15000323**

BATCH # _____

BATCH DATE _____

CODED BY _____

Department **FINANCE**

DATE PREPARED

3/20/2015

Requisitioner **Beth Wetzell**Req. Telephone No. **(215)686-6203**

FUNDING SOURCE (IF ANOTHER DOCUMENT)

Departmental Authorized Signer

ORDER TERMINATION DATE

6/30/2015

CIVIL SERVICE ITEM NO. **1016**

Vendor Name and Address

St. Vincent, Stephen Victor

100 North 22nd Street

Apt. 138

Philadelphia, PA 19103

ITEM NO. DESCRIPTION

1016 - Review and Survey Services

THIS ORDER IS SUBJECT TO THE ATTACHED "MISCELLANEOUS ORDER
TERMS AND CONDITIONS" INCORPORATED HEREIN AND MADE A PART
HEREOF.

Vendor No

Suf

Federal ID Number

197687064

01

197687064

CONTRACTOR'S SIGNATURE

DESCRIPTION

Hearing Master.

SUFFIX	01					
FUND	010					
DEPARTMENT	35					
DIVISION	06					
RC/OUTPUT	01/					
INDEX CODE	350076					
CLASS CODE	0250					
USER CODE						
GRANT						
GRANT DETAIL						
PROJECT	FND010					
PROJECT DETAIL						
AMOUNT	\$5,000.00					

SEND ALL INVOICES IN TRIPLICATE TO THE CONTRACTING DEPARTMENT, CITY OF PHILADELPHIA

- * THIS ORDER NUMBER MUST BE SHOWN ON ALL INVOICES, CORRESPONDENCE, ETC.
- * A SEPARATE INVOICE MUST BE SUBMITTED FOR EACH MISCELLANEOUS ORDER
- * THIS ORDER IS SUBJECT TO CANCELLATION IF PERFORMANCE IS NOT IN ACCORDANCE WITH AGREEMENT.
- * NO CHANGE MAY BE MADE IN ANY OF THE PROVISIONS OF THIS ORDER.