

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Nomination Petition of	:	
Qawi Abdul-Rahman as	:	
Democratic Candidate for Common	:	
Pleas Court Judge in the	:	
First Judicial District (Philadelphia)	:	
	:	No. 101 M.D. 2025
Objection of: John Brady	:	Heard: March 25, 2025

BEFORE: HONORABLE ANNE E. COVEY, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY  
JUDGE COVEY

FILED: April 1, 2025

Before this Court is John Brady's (Objector) Petition to Set Aside Nomination Petition (Petition) of Democratic Candidate for Common Pleas Court Judge in the First Judicial District (Philadelphia) Qawi Abdul-Rahman (Candidate).

On March 11, 2025, Candidate filed a Statement of Financial Interests (SOFI) with the Pennsylvania Department of State, Bureau of Elections (Department). Significantly, the first page of the SOFI included:

**Important:** Please read all instructions carefully prior to completion of form. To see detailed instructions, hover the cursor over the "(?)" icon in each section or, to view the entire set of instructions in a second browser window, click "here[.]" Any questions may be directed to the State Ethics Commission [(Commission)] at (717) 783-1610 or Toll Free at 1-800-932-0936.

<https://www.ethicsforms.pa.gov/forms/websfi> (last visited Mar. 31, 2025) (emphasis in original). In Candidate's SOFI, he stated: "The calendar year for which this form is being filed" is "2025." Objector's Ex. A, Petition Ex. A. In answer to the following question, Candidate declared:

[Question] 10 Direct or Indirect Sources of Income

**Do you have any reportable direct or indirect sources of income?**<sup>\*(?)</sup><sup>1</sup> No

**Income Disclaimer**<sup>\*</sup> By selecting “no” above, you are indicating that you had no reportable direct or indirect source(s) of income during the calendar year for which you are filing this [SOFI]. By checking the “I Accept” checkbox below, you are acknowledging your understanding that if you had reportable direct or indirect source(s) of income that are not included on this form, you are subject to all applicable penalties.

☒ I Accept

Objector’s Ex. A (emphasis in original), Petition Ex. A. The last section on the SOFI stated:

**Confirmation**<sup>\*</sup> The undersigned hereby affirms that the foregoing information is true and correct to the best of said person’s knowledge, information, and belief; said

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<sup>1</sup> When the cursor is hovered over the “(?)” icon in Section 10, it reads:

DIRECT OR INDIRECT SOURCES OF INCOME: List the name and address of each source of \$1,300[.00] or more of gross income regardless of whether such income is received solely by you or jointly by you and another individual such as a spouse. “Income” includes any money or thing of value received or to be received as a claim on future services or in recognition of services rendered in the past, whether in the form of a payment, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, reward, severance payment, proceeds from the sale of a financial interest in a corporation, professional corporation, partnership or other entity resulting from termination/withdrawal therefrom upon assumption of public office or employment or any other form of recompense or combination thereof. The term refers to gross income; it includes prize winnings and tax-exempt income but does not include gifts, governmentally mandated payments or benefits, retirement, pension or annuity payments funded totally by contributions of the public official or employee, or miscellaneous, incidental income of minor dependent children. **If you do not have ANY reportable source of income, then answer “No.”**

<https://www.ethicsforms.pa.gov/forms/websfi> (last visited Mar. 31, 2025) (bold emphasis added). This statement is also included in the “Instructions” for Section 10. *See id.*

affirmation being made subject to the penalties prescribed by [Section 4904 of the Crimes Code,] 18 Pa.C.S § 4904 (unsworn falsification to authorities) and [Section 1109(b) of] the Public Official and Employee [(Ethics Act)], 65 Pa.C.S § 1109(b).

[x] I Confirm

Objector's Ex. A (emphasis in original), Petition Ex. A.

Shortly after filing his 2025 SOFI, the Department telephoned Candidate and informed him that the year on his SOFI was incorrect. On the same day Candidate filed his SOFI, he filed an amended SOFI. Therein, Candidate specified: "The calendar year for which this form is being filed" is "2024." Objector's Ex. A, Petition Ex. A. Candidate further represented:

**Are you amending a prior filing?\*** Yes

. . . .

[Question] 10 Direct or Indirect Sources of Income

**Are you amending your form as to sources of income?\***  
No

*Id.* (emphasis in original). The last section on the amended SOFI stated:

**Confirmation** \* The undersigned hereby affirms that the foregoing information is true and correct to the best of said person's knowledge, information, and belief; said affirmation being made subject to the penalties prescribed by [Section 4904 of the Crimes Code,] 18 Pa.C.S § 4904 (unsworn falsification to authorities) and [Section 1109(b) of] the Public Official and Employee Ethics Act, 65 Pa.C.S § 1109(b).

[x] I Confirm

*Id.* (emphasis in original).

On March 18, 2025, Objector filed the Petition. On March 19, 2025, this Court issued a Scheduling and Case Management Order, wherein, *inter alia*, this Court scheduled a hearing and directed the parties to file a list of witnesses to be called at said hearing. Objector filed with this Court a Memorandum of Law and witness list on March 22, 2025. Candidate did not file anything with this Court.

This Court conducted a hearing on March 25, 2025. Counsel appeared for Objector (Counsel) and Candidate appeared pro se. Counsel presented Candidate's testimony, during which Candidate acknowledged, among other things, that he is an attorney and that he received income from his law practice in 2024, as reported on his 2024 Internal Revenue Service (IRS) Forms W-2 and 1099s, including: \$39,500.00, \$66,000.00 from a referral fee, and over \$50,000.00 from private clients. Counsel also introduced two exhibits, which this Court accepted into evidence: (1) Objector's Exhibit A, Candidate's original and amended SOFIs; and (2) Objector's Exhibit B, Candidate's SOFI for calendar year 2022. Candidate offered argument.

Objector argues that Candidate's Nomination Petition should be set aside and Candidate's name withheld from the ballot because Candidate failed to disclose his income on his SOFI. Objector maintains that Candidate's omission, which is distinguishable from disclosing incorrect information, is meaningfully the same as failing to file a SOFI in the first place, which is a fatal defect. Alternatively, Objector contends that if such an omission is amendable, this Court should deny any amendment because the omission was made knowingly and intentionally and, therefore, in bad faith.

Initially, Section 1104(b) of the Ethics Act provides, in relevant part:

**Candidate.--**

(1) Any candidate for a [s]tate-level public office shall file a [SOFI] for the preceding calendar year with the [C]ommission on or before the last day for filing a petition to appear on the ballot for election. A copy of the [SOFI] shall also be appended to such petition.

. . . .

(3) No petition to appear on the ballot for election shall be accepted by the respective [s]tate or local election officials

unless the petition has appended thereto a [SOFI] as set forth in paragraphs (1) and (2). **Failure to file the [SOFI] in accordance with the provisions of this chapter shall, in addition to any other penalties provided, be a fatal defect to a petition to appear on the ballot.**

65 Pa.C.S. § 1104(b) (text emphasis added). Section 977 of the Pennsylvania Election Code (Election Code)<sup>2</sup> specifies, in pertinent part: “If the court shall find that said nomination petition . . . is defective under the provisions of [S]ection 976 [of the Election Code, 25 P.S. § 2936 (relating to nomination petitions),] . . . , it shall be set aside.” 25 P.S. § 2937.

This Court has explained:

[T]he fatality rule announced in Section 1104 of the Ethics Act was intended by the [l]egislature to bar only those candidates from the ballot who fail to file [SOFIs] or who file them in an untimely manner. Section 1104 [of the Ethics Act] does not bar any candidate from the ballot if he or she files in a timely manner, even if there are defects on the face of the form, so long as that candidate subsequently amends the form to correct the defect and comes into compliance with the [Ethics] Act in a timely manner. In other words, **all defects related to the content of disclosures on a timely filed [SOFI] are subject to timely amendment.**

*In re: Nomination Petition of Griffis*, 259 A.3d 542, 549 (Pa. Cmwlth. 2021) (emphasis added) (quoting *In re Nomination of Paulmier*, 937 A.2d 364, 371 (Pa. 2007)); see also *In re Nomination Petition of Williams-Witherspoon*, 946 A.2d 663 (Pa. 2008) (allowing an amendment to a timely filed SOFI that contained a material defect); *In re: Nomination Petition of Wissinger*, 18 A.3d 445 (Pa. Cmwlth. 2011) (amendment to SOFI permitted to add signature and office sought); *In re: Petition*

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<sup>2</sup> Act of June 3, 1937, P.L. 1333, as amended, 25 P.S. §§ 2600-3591.

of *Vandecoevering* (Pa. Cmwlth. Nos. 279, 300 C.D. 2023, filed Apr. 10, 2023)<sup>3</sup> (holding trial court erred by granting petition to set aside Republican nomination petitions of cross-filing candidate based on plain language of Sections 1104(b) and 1105(b) of the Ethics Act, 65 Pa.C.S. §§ 1104(b), 1105(b), neither of which requires that candidacy for public office be indicated on SOFI; however, even if the Ethics Act did require such indication, it would be an amendable defect), *appeal denied*, 297 A.3d 401 (Pa. Nos. 84, 85 WAL 2023, filed May 2, 2023); *In re: Nomination Petition of Brown* (Pa. Cmwlth. No. 152 M.D. 2022, filed Apr. 11, 2022) (permitting even egregious SOFI defects, in the form of failure to disclose adverse financial information, to be amended after the fact). Accordingly, because Candidate timely filed his SOFI, Objector’s argument that Candidate’s failure to report source(s) of income should be treated as a failure to file a SOFI and, thus, not amendable, lacks merit.

Alternatively, Objector contends that this Court should deny Candidate the opportunity to amend his SOFI because he knowingly and intentionally reported that he had no reportable direct or indirect sources of income in bad faith. In *In re: Nomination Petition of Shimkus*, 946 A.2d 139 (Pa. Cmwlth. 2008), this Court explained:

[A]fter our Supreme Court’s decision in *Paulmier*, courts must allow amendments to timely filed [SOFIs] for all defects related to the content of disclosures as long as the candidate “provide[s] the information on the SOFI] to the best of [his] knowledge, information[,] and belief,” and it was *not executed in bad faith*. *Id.* at . . . 371 n.3 (majority opinion). Thus, after *Paulmier*, **to grant a petition to set**

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<sup>3</sup> Per Section 414(a) of the Internal Operating Procedures of the Commonwealth Court of Pennsylvania, 210 Pa. Code § 69.414(a), unreported Commonwealth Court opinions issued after January 15, 2008, may be cited for their persuasive value. The unreported opinions referenced herein are cited for their persuasive value.

**aside a nomination petition based on a defective [SOFI], th[is] Court needs to evaluate the candidate's intent.**

*Shimkus*, 946 A.2d at 153-54 (bold emphasis added); *see also In re: Nomination Petition of Lee* (Pa. Cmwlth. No. 413 C.D. 2015, filed Apr. 17, 2015), slip op. at 11 (“Because the trial court found that [the c]andidate failed to file his original SOFI in good faith, the trial court did not err in denying [the c]andidate permission to amend it.”).

[I]n reviewing the SOFI under the Ethics Act and the [a]ffidavit under the Election Code, the standard is the same in that th[is] Court must evaluate a candidate's intent. Although *Paulmier*, in applying the Ethics Act, did not specifically speak to the consequences where a candidate's bad faith is found, case law applying the Election Code has. **[This Court], therefore, must determine whether [the c]andidate intentionally [declared that he “had no reportable direct or indirect source(s) of income during the calendar year”] in bad faith in order to deceive the electorate.** In doing so, this Court recognizes the goals of the Election Code to protect a candidate's right to run for public office and the public's right to be given elective choices. *Paulmier*, . . . 937 A.2d at 371 n.3. [This Court] also recognize[s] the goals of the Ethics Act and [our] Supreme Court's pronouncement that bad faith will not be tolerated. *Id.* at . . . 371 n.3.

*Shimkus*, 946 A.2d at 155-56.

Section 1101.1(a) of the Ethics Act declares:

The [l]egislature hereby declares that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. In order to strengthen the faith and confidence of the people of this Commonwealth in their government, the [l]egislature further declares that the people have a right to be assured that the financial interests of holders of or nominees or candidates for public office do not conflict with the public trust. Because public confidence in government can best

be sustained by assuring the people of the impartiality and honesty of public officials, this chapter shall be liberally construed to promote complete financial disclosure as specified in this chapter. Furthermore, it is recognized that clear guidelines are needed in order to guide public officials and employees in their actions. Thus, the General Assembly by this chapter intends to define as clearly as possible those areas which represent conflict with the public trust.

65 Pa.C.S. § 1101.1(a).

Here, Candidate freely testified to the income he derived from his law office when questioned about it at the hearing. However, when asked on his SOFI whether he had “any reportable direct or indirect sources of income?,” he responded: “No.” Objector’s Ex. A (emphasis omitted), Petition Ex. A. Candidate claimed he was of the belief that the question sought whether he had any sources of income *other than* his law office. He further maintained that he had that belief because he was a candidate in 2023 and the SOFI for calendar year 2022 required the candidate to report any sources of income *including employment*. See Objector’s Ex. B.

On the SOFI for calendar year 2022, Candidate answered:

[Question] 10 Direct or Indirect Sources of Income of \$1,300[.00] OR MORE, including (but not limited to) all employment

Name: LAW OFFICE OF QAWI ABDUL-RAHMAN  
Address: 100 SOUTH BRD [SIC] STREET, SUITE 2121  
PHILA[.], PA 19110

Objector’s Ex. B.

Candidate cited *In re Nomination Petition of Benninghoff*, 852 A.2d 1182 (Pa. 2004), to support his position that he substantially complied with the Ethics Act’s requirements when he submitted his SOFI because all of the information required can be facially obtained from the information provided on his SOFI as a whole, and, thus, he did not intend to deceive the electorate. Thus,

Candidate requested that he be given the opportunity to amend his SOFI. However, *Benninghoff* is clearly distinguishable.

The *Benninghoff* Court explained:

[The candidate] note[d] that he specified in his [SOFI] that he is currently serving as a state representative. It is public knowledge that members of the General Assembly receive salaries. Moreover, those salaries are a matter of public record as they are available from the Pennsylvania Bulletin and they are also set forth in the Public Official[] Compensation [Law],<sup>[4]</sup> 65 P.S. § 366.4(d). [The candidate] correctly note[d] that a person reviewing his [SOFI] would not need any additional information than that which [was] already disclosed, in order to know that he draws a salary from the Commonwealth in his capacity as a State Representative.

*Benninghoff*, 852 A.2d at 1187.

Contrarily, here, on both his original SOFI and his amended SOFI, Candidate listed his “Current Occupation or Profession” as “Attorney.” Objector’s Ex. A (emphasis omitted), Petition Ex. A. It is far from public knowledge whether Candidate receives a salary or any other compensation from his work as an attorney. Although Candidate testified that he listed his law office as his “Business, Governmental, Home, or Postal Address” on the SOFI, such address does not indicate that it is a business address or that it is his law office address, nor does it specify whether Candidate is in private practice, whether he is a solo practitioner, or whether he works for a group law practice. There is absolutely no information from which a person reviewing his SOFI could decipher that Candidate had any source of income. Clearly, one reviewing Candidate’s SOFI would need more information than that which Candidate disclosed to determine whether he draws any income as an attorney.

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<sup>4</sup> Act of September 30, 1983, P.L. 160, *as amended*, 65 P.S. §§ 366.1-366.5c.

Notwithstanding, looking at the evidence as a whole, this Court finds that Candidate's representation that he had no reportable direct or indirect source(s) of income during the 2024 calendar year was a mistake. Given that Candidate disclosed his source of income on his SOFI for calendar year 2022, and Candidate freely testified as to his 2024 income at the hearing, this Court cannot conclude that Candidate was intentionally trying to deceive the electorate when he incorrectly completed his SOFI for calendar year 2024. Candidate stated during his argument that he failed to pay close attention to detail and admitted that such is required to be a judge by ensuring that all the "i"s are dotted and "t"s are crossed. While it was irresponsible of Candidate who is running to be a Common Pleas Court Judge in the First Judicial District not to carefully read all the instructions before completing his SOFI - particularly when it was marked "**Important**" at the top of the form - there is no record evidence that Candidate's recklessness was a purposeful misrepresentation made in bad faith with the intent to deceive the electorate. *See Shimkus*. Therefore, Candidate may amend his filings.

Based on the facts of this case, the evidence presented at the hearing, and this Court's extensive review of the statutes and applicable case law, Objector's Petition is denied.

  
ANNE E. COVEY, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Nomination Petition of	:	
Qawi Abdul-Rahman as	:	
Democratic Candidate for Common	:	
Pleas Court Judge in the	:	
First Judicial District (Philadelphia)	:	
	:	No. 101 M.D. 2025
Objection of: John Brady	:	

ORDER

AND NOW, this 1<sup>st</sup> day of April, 2025, John Brady's Petition to Set Aside Nomination Petition of Democratic Candidate for Common Pleas Court Judge in the First Judicial District Qawi Abdul-Rahman is DENIED.

Qawi Abdul-Rahman is directed to file with the Pennsylvania Department of State, Bureau of Elections, and the Pennsylvania State Ethics Commission an Amended Statement of Financial Interests (SOFI) in accordance with the foregoing opinion within seven (7) days of the date of this Order.

Upon Candidate's timely filing of his amended SOFI, the Secretary of the Commonwealth is directed to certify the name of Qawi Abdul-Rahman to appear on the ballot in the Municipal Primary Election to be held on May 20, 2025, as a Candidate for Common Pleas Court Judge in the First Judicial District (Philadelphia).

The Prothonotary shall notify the parties hereto and their counsel of this Order and shall certify a copy hereof to the Secretary of the Commonwealth forthwith.

Each party shall bear his own costs.

  
ANNE E. COVEY, Judge