

AGENDA



THE CORPORATION OF THE CITY OF MISSISSAUGA
ELECTION CAMPAIGN FINANCES COMMITTEE

TUESDAY, FEBRUARY 7, 2012 – 7:00 P.M.

**HEARING ROOM, CIVIC CENTRE,
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO**
www.mississauga.ca

MEMBERS

Wendy Chant, Citizen Member
Roderick Chung, Citizen Member (VICE-
CHAIR)
Richard Do, Citizen Member
Mahmood Nulla, Citizen Member
Rafiq Rokerya, Citizen Member (CHAIR)

Laura Wilson, Legislative Coordinator
The Corporation of the City of Mississauga
Office of the City Clerk, 2nd Floor, Civic Centre
300 City Centre Drive, Mississauga, ON, L5B 3C1
Phone: (905) 615-3200 ext. 5425 Fax: (905) 615-4181 Email: Laura.Wilson@mississauga.ca

CALL TO ORDER

DECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTEREST

PRESENTATIONS/ DEPUTATIONS

MATTERS TO BE CONSIDERED:

1. Request for an Election Campaign Finances Audit of the Candidate, B. Crombie

The Election Campaign Finances Committee is to review and address the request for a compliance audit, dated January 19, 2012, of the campaign finances of Ms. B. Crombie, Candidate, Ward 5, submitted by Mark Cashin and Cecil Young.

DATE OF NEXT MEETING – To Be Determined

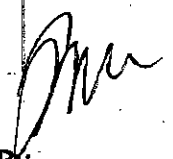
OTHER BUSINESS

ADJOURNMENT

Election Campaign Finances
Committee

FEB 07 2012

RECEIVED	
REGISTRY No.	
DATE	JAN 19 2012
FILE No.	
CLERK'S DEPARTMENT	



Crystal Greer, City Clerk
City of Mississauga
300 City Centre Drive
Mississauga, ON L5B 3C1

Dear Ms. Greer,

Re: Application for a Compliance Audit, September 19, 2011 Municipal By-Election, Bonnie Crombie, Candidate Ward 5

Introduction

The purpose of this submission is to request a compliance audit regarding the campaign finances of Bonnie Crombie, Candidate for Ward 5 in the City of Mississauga (the "Candidate") with respect to the Municipal By-Election held September 19, 2011. This application is being made by two concerned citizens – one in the capacity of a qualified voter in the Ward 5 By-Election, as stipulated in the Municipal Election Act (the "MEA") Section 81(1), within the required time frame stipulated in the Act, Section 81(3)(d).

Public confidence that Mississauga's municipal elections are free and fair, requires all candidates to fully comply with the campaign finance requirements set out in the MEA. Unfortunately, as will be detailed in this petition and a meeting with the Election Finance Committee, we have reason to believe Bonnie Crombie has violated sections of the MEA.

Following an extensive review of the filed Financial Statement of the Candidate, along with various other materials and documentary evidence, we believe, on reasonable grounds, that several provisions of the MEA have been contravened. As such, we make this application in furtherance of these findings, and for no improper purpose.

"Reasonable Grounds"

Subsection 81(1) and (2) of the MEA sets out the procedure for making an application for a compliance audit of a candidate's election finances and reads, in part:

- (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances, may apply for a compliance audit of the candidate's election campaign finances.

- (2) The application shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office, within 90 days after the later of the filing date, the candidate's last supplementary filing date, if any, or the end of the candidate's extension for filing granted under subsection 80(6), if any: it shall be in writing and shall set out the reasons for the elector's belief.

The phrase "reasonable grounds" has been judicially interpreted by the courts as follows:

"...[R]easonable grounds is not to be equated with proof beyond a reasonable doubt or a prima facie case. The appropriate standard of reasonable or credibility-based probability envisions a practical, non technical and common sense probability as to the facts and inferences asserted"

*R v Sanchez (1994), 93 SCC (3rd) 357

Audit Request of the Candidate

The attached application for a compliance audit is based upon the limited material publicly disclosed in the Candidate's Financial Statement filed December 16, 2011 as well as the following documentary evidence and materials: campaign literature, independent and objective third party information, product and service estimates, photographs, supplier information, invoices and newspaper clippings.

Unfortunately, as outlined in this application, there are reasonable grounds to believe the Candidate has violated several sections of the MEA and in doing so, affected the outcome of the by-election:

- Sections 76(1) and 68(1) because a poll was conducted before registering;
- Sections 70(4) and 69(1) because the campaign utilized assets from a registered political party;
- Section 69(1)(5) because the campaign failed to report fair market value for all products and services;
- Section 67(2) because the candidate failed to report all required expenses on the Audited Financial Statement
- Section 76(4) because it is therefore reasonable to believe the Candidate's campaign exceeded the expense limit set for the by-election in Ward 5 held September 19, 2011

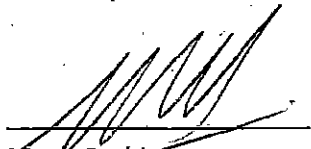
The documentary evidence will be presented at the compliance audit hearing before the Mississauga Election Finances Committee should this request be granted by the Clerk. It is our belief that a compliance audit – conducted by a duly appointed Auditor with powers set out under section 33 of the Public Inquiries Act, 2009 – is warranted under the circumstances outlined briefly

in the attached. It must take place in order to support the integrity, accountability and transparency of the democratic process, and to ensure that the voters of Ward 5 were not disenfranchised.

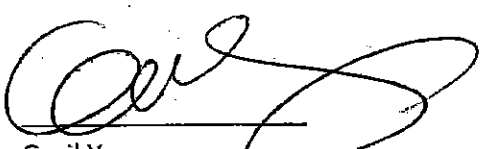
A compliance audit is required to fully assess all violations.

Please feel free to contact us should there be any questions.

Sincerely,



Mark Cashin



Cecil Young

Encls.

**An Application Requesting a Compliance Audit
Regarding the Campaign Expenses of
Bonnie Crombie,
Ward 5, City of Mississauga**

**with respect to the Municipal By-Election
held September 19, 2011**

January 19, 2012

PART 1:
SUMMARY OF ALLEGED CONTRAVENTIONS of MEA
*including but not limited to the following...

ISSUE 1: Incurring Campaign Expenses (Polling) Prior to Registration as a Candidate August 4, 2011,
Contrary to the MEA

1. Section 76(1) Incurring an election expense before registering
2. Section 68(1) Incurring a campaign expense before registering as a candidate
3. Section 69(1)(a)(c) paying an expense by means other than a cheque from campaign account
4. Sections 66(1), 66(1)(iii), 66(3) Failing to report the true market value of the poll as an expense
5. Section 90(3)(e) Using the poll results to influence opponents(s)
6. Section 69(1)(g) Failing to keep records and receipts of polling expenses
7. Section 66(3)(a) Failing to report market value of poll
8. Section 76(4) Failing to include the poll in the candidate's spending limit

ISSUES 2 and 3: Failure to Report and Disclose - or Misrepresentation of - Source, Number and Value of Campaign Signs under Section 69(1) and....

Ineligible Contributions from Federal/Provincial Registered Political Parties or Riding Associations

1. Section 69(1)(g) Failing to record and report all inventory of signs, stakes, wire frames
2. Section 70(4) (1)(2) Accepting signs and stakes from federal/provincial political parties
3. Section 69(1)(e)(ii) Failing to assign current market value/replacement value to every contribution
4. Section 69(1)(g) Failing to keep records of every expense and receipt obtained
5. Section 76(4) Failing to include full, current market value in Candidate's spending limit

ISSUE 4: Misrepresentation of Phone and Internet Expenses for Municipal Campaign

1. Sections 69(1)(a)(c)(g)(k) Failing to initiate, for the specific purposes of the municipal by-election, new internet/campaign website paid from the campaign account
2. Section 70(4) Allowing campaign expenses to be paid by federal riding association
3. Section 69(1)(c) Allowing campaign expenses to be paid by non-campaign sources
4. Section 76(4) Failing to include appropriate amounts in spending limit

ISSUE 5: Failure to Disclose - or Underreporting of - Salaries, Benefits, Honouraria, Professional Fees

1. Section 66(1) all subsections: Failing to properly evaluate and record all contributions
2. Section 69(1) all subsections: Failing to keep appropriate campaign records for market value services and products
3. Section 69(1)(f)(iii) Failing to keep records of the fair market value of goods and services provided by SolusOne, Daisy Communications/Rob Trewartha, Campaign Research/Nick Kovalis, Prime Contact and Canada Post
4. Section 66(1)(f)(iii) Failing to report goods and services purchased at less than market value
5. Section 66(3)(a) Failing to report amounts charged to general public in market area for similar products
6. Section 69(d) Failing to report true value of goods and services
7. Section 71(1) Exceeding a total contribution of \$750 per person per candidate per election

ISSUE 6: Failure to Report Expenses Related to a compliance Hearing held October 25, 2011

1. Section 67(2) Failing to file all expenses on Financial Statement by Candidate
2. Section 67(2)(8.1) Failing to report legal expenses associated with Election Campaign Finances Committee appearance with solicitor October 25, 2011