



NOTICE OF DECISION
of the
MISSISSAUGA ELECTION CAMPAIGN FINANCES COMMITTEE
under the *Municipal Elections Act, 1996*

IN THE MATTER OF an application for an election campaign finances compliance audit, dated January 19, 2012, filed by the Applicants with the Office of the City Clerk, under the *Municipal Elections Act, 1996*, as amended, to the Mississauga Election Campaign Finances Committee, with respect to the Candidate, Bonnie Crombie's (the Respondent) Election Campaign Finances.

AND IN THE MATTER of the meeting of the Election Campaign Finances Committee on February 7, 2012, to review and respond to the application for an election campaign finances compliance audit of the Respondent's election campaign finances.

IT IS THE DECISION of the Mississauga Election Campaign Finances Committee to:

Reject the application for a compliance audit.

Member, Wendy Chant
Vice Chair, Roderick Chung
Member, Richard Do
Member, Mahmood Nulla

Rafiq Rokerya, Chair, voted against denying the request for a compliance audit of the Respondent's election campaign finances.

Enclosure: Record of Proceeding



RECORD OF PROCEEDING

THE CORPORATION OF THE CITY OF MISSISSAUGA
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

THIS IS A RECORD OF PROCEEDING of a meeting of the Mississauga Election Campaign Finances Committee (the Committee) to review and respond to an application for an election campaign finances compliance audit, dated January 19, 2012, filed by Mark Cashin and Cecil Young, (the Applicants), with the Office of the City Clerk, under the *Municipal Elections Act, 1996*, as amended, to the Mississauga Election Campaign Finances Committee, with respect to the Candidate, Bonnie Crombie's (the Respondent) election campaign finances.

AND IN THE MATTER of the meeting of The Committee on February 7, 2012, to review and respond to the application for an election campaign finances compliance audit of the Respondent's election campaign finances, the Record of Proceeding is as follows:

CALL TO ORDER:

Rafiq Rokerya, Chair, called the meeting to order at 7:00 p.m.

DECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTEREST:

Nil

THOSE PRESENT:

Mark Cashin, Applicant
Cecil Young, Applicant
Jack Siegel, Legal Counsel for the Respondent
Bonnie Crombie, Respondent
Roderick Chung, Citizen Member (VICE CHAIR)
Wendy Chant, Citizen Member
Richard Do, Citizen Member
Mahmood Nulla, Citizen Member
Rafiq Rokerya, Citizen Member (CHAIR)
Crystal Greer, Director of Legislative Services and City Clerk
Pina Mancuso, Elections Project Manager
Mary Ellen Bench, City Solicitor
Catherine Monast, Team Leader, Media External Communications
Laura Wilson, Legislative Coordinator, Office of the City Clerk

MATTERS TO BE CONSIDERED:

1. Request for an Election Campaign Finances Compliance Audit of Bonnie Crombie's Election Campaign Finances

The Committee reviewed and addressed the request for an election campaign finances compliance audit, dated January 19, 2012, of the election campaign finances of Bonnie Crombie (the Respondent), Candidate, Ward 5, submitted by Mark Cashin and Cecil Young (the Applicants).

The Applicants made submissions outlining their reasons for filing the application requesting that the Committee grant an election campaign finances compliance audit of the Respondent's election campaign finances.

The Committee considered the submissions and asked questions of the Applicants.

Legal Counsel for the Respondent outlined submissions for the Respondent in response to the request for an election campaign finances compliance audit of the Respondent's election campaign finances.

The Committee considered the submissions and asked questions of the Respondent.

Procedural Motions:

7:05 p.m. – Legal Counsel for the Respondent raised concerns with respect procedure and objected to the filing of the Compliance Audit application and asked that the matter be dismissed. Discussion ensued with respect to the eligibility of the application. The Chair noted that the current application brought to the Committee for their review would be considered as a fresh application and noted that the Committee would proceed with the review of the application. Legal Counsel for the Respondent requested time to review the submissions of the Applicants, and requested that one of the Applicants speak to the matter. The Committee made the decision to adjourn for one half hour to allow for time to review submissions.

7:20 p.m. – The Committee adjourned for a one half hour recess to give Legal Counsel for the Respondent the opportunity to review the Submissions Binder submitted by the Applicants to the Committee.

7:50 p.m. – The Committee reconvened the meeting. The Committee requested that the Applicants appoint one spokesperson to speak to the matter.

7:52 p.m. – Legal Counsel for the Respondent noted an objection to procedure and an objection to the compliance audit request. The Chair noted that the objections had been recorded.

7:53 p.m. – The Applicant presented submissions with respect to the request for a compliance audit of the Respondent's election campaign finances.

7:54 p.m. – Legal Counsel for the Respondent notes an objection to the Applicant presenting information regarding the Respondent's extension of time to file her financial statements. The Chair allowed the Applicant to carry on with their submissions.

7:55 p.m. – Legal Counsel for the Respondent notes an objection to the Applicant interpreting comments made by the Respondent in his submissions. The Chair requests that the Applicant be clear and only bring forward the allegations.

8:00 p.m. – Legal Counsel for the Respondent noted an objection to the Applicant presenting a quote from a book as part of the Applicant's submissions. The Chair allowed the Applicant to continue and noted the objection.

8:03 p.m. – Legal Counsel for the Respondent noted an objection to 93.e. The Applicant requested that objections be made following the Applicant's submissions. Legal Counsel for the Respondent noted that all objections must be made for the record.

8:05 p.m. – Legal Counsel for the Respondent noted an objection with respect to the fact that the Submissions Binder provided to him by the Applicant did not include all of the material referred to by the Applicant, notably Tab 14. The Chair noted that all materials should have been provided to all parties and allowed the Applicant to continue with his submissions.

8:19 p.m. – Roderick Chung, Vice – Chair raised a point of order and noted that references to the last Election Campaign Finances meeting to review the first application for a compliance audit in October 2011 were not relevant and requested that arguments be kept to what is relevant to the current application.

9:15 p.m. - The Committee adjourned for a five (5) minute recess.

9:25 p.m. – The meeting reconvened and Legal Counsel for the Respondent noted that he may not be able to group all matters together adequately due to time constraints.

9:30 p.m. - Legal Counsel for the Respondent proceeded to make submissions in response to the Applicant's request for a compliance audit of the Respondent's election campaign finances and the Applicant's submissions.

9:43 p.m. – Legal Counsel for the Respondent noted his objection to references made to Mr. Thomas's withdrawal.

10:18 p.m. – Mahmood Nulla, Citizen Member, excused himself. Proceedings were suspended until Mr. Nulla's return.

10:20 p.m. – Mahmood Nulla, Citizen Member returned to the meeting and Legal Counsel for the Respondent continued with his submissions on behalf of the Respondent.

10:41 p.m. – The Committee adjourned for a five (5) minute recess to allow the Applicant and Legal Counsel for the Respondent to prepare final submissions.

10:46 p.m. - The Committee reconvened the meeting and the Applicant proceeded to present final conclusions and submissions.

10:53 p.m. – Legal Counsel for the Respondent presented final conclusions and submissions.

10:58 p.m. - Mahmood Nulla, Citizen Member, moved a motion for the Committee to move In Camera to seek legal advice. Roderick Chung, Vice – Chair seconded the motion.

11:25 p.m. – The Committee moved from In Camera into public session. Richard Do, Citizen Member, moved a motion to defer the matter. The motion was not seconded and failed. The Chair moved a motion to grant the Applicant's request for an election campaign finances compliance audit of the Respondent's election campaign finances. The motion was not seconded and failed. Roderick Chung, Vice – Chair, moved a motion to reject the request for a compliance audit of the Respondent's election campaign finances. Mahmood Nulla, Citizen Member, seconded the motion. The motion was voted upon and carried. The Chair voted against the motion. Mr. Chung noted that the Committee's decision to reject the application was made on the grounds that sufficient and credible evidence had not been presented. It was noted that the Committee would take no further action with respect to this matter.

The Applicants presented the Committee with a Submissions Binder which included the following documents:

TAB 1

Seventeen (17) page document entitled "Request for a Compliance Audit of Bonnie Crombie: Committee Presentation: February 7, 2012" outlining the background of the application, and the six (6) issues raised by the Applicants with respect to the Respondent's Election Campaign Finances, and concluding remarks.

TAB 2

Document 1 - Copy of a Declaration, dated November 3, 2011, signed by the Respondent and Justice B.W. Duncan with respect to the Respondent's request for an extension of time to file her financial statement; and the Justice's handwritten decision to grant an extension of time to file.

Document 2 – A letter dated November 15, 2011 to Carolyn Parish, from Brad Butt, Member of Parliament, Mississauga – Streetsville, with respect to an inquiry made regarding the Federal Government Constituency Office Mr. Butt took over from the Respondent.

Document 3 – A fourteen (14) page itinerary for the Canadian Association of Former Parliamentarians Study Tour of Australia and New Zealand, November 13 – 23 2011.

TAB 3

Document 1 – The Respondent's Financial Statement – Auditor's Report, Form 4 for the Campaign period from April 8, 2011 to November 3, 2011.

Document 2 – A document entitled “Independent Auditor’s Report”, dated November 14, 2011, with respect to the Respondent’s election campaign finances

Document 3 - an untitled document with six columns titled “Total Cost” “Candidate”, “2010 Auditor Cost”, “2011 Auditor Cost”, “Candidate” “Total Cost”.

TAB 4

6 pages of photocopied handwritten notes entitled “FOI Request 2011 – 0602”.

TAB 5

A copy of a document labeled “SolusOne”.

TAB 6

Copy of a Mississauga.com article, dated August 10, 2011, written by Joseph Chin, entitled “Ex- Candidates vote Crombie” from the following website, <http://www.mississauga.com/print/1055025>.

TAB 7

Document 1 – A document outlining information regarding polling and the price of polling.

Document 2 – A letter to Carolyn from Steve Feinstein, Program Manager, First Contact, with respect to an “...inquiry regarding acquiring the most current phone numbers in Mississauga Ward 5 as well as conducting an automated poll seeking two hundred and thirty (230) completed results”.

Document 3 - An invoice, dated July 27, 2011 from First Contact (Ontario 1999) Inc., to the attention of Carolyn Parish, Invoice number 940, detailing the total cost for the “acquisition of phone number spreadsheet: 20, 702 phone numbers”.

Document 4 – A document dated January 5, 2012, detailing pricing for “Survey Package Minutes” from the following website, <http://www.politicalsurveys.ca/Pricing.aspx>.

Document 5 – A document dated January 5, 2012, outlining rates from SolusOne, from the following website, <http://www.robosurveys.ca/Pricing.aspx>.

Document 6 – A document dated January 5, 2012, entitled “How it Works” from the following website, <http://www.politicalsurveys.ca/HowItWorks.aspx>.

Document 7 – A Document dated January 5, 2012, entitled “Advantages”, from the following website,
<http://www.politicalsurveys.ca/Advantages.aspx>

TAB 8

This tab included:

- Seventeen (17) unlabeled colour copies of photographs depicting various individuals, signs and a newspaper article.
- An excerpt from an untitled Chatelaine Article, dated December 2008.

TAB 9

Ten (10) page document issued by Elections Canada, entitled “Financial Reports: Candidates Electoral Campaign Return”, printed from the following website,
http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

TAB 10

Five (5) page document issued by Elections Canada, entitled “Financial Reports: Registered Associations Financial Returns” from the following website, http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

TAB 11

Two (2) page document issued by Elections Canada, entitled “Financial Reports: Registered Associations Financial Returns” from the following website, http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

TAB 12

Five (5) page document issued by Elections Canada, entitled “Financial Reports: Candidate’s Electoral Campaign Return” from the following website, http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

TAB 13

Document 1 – Ten (10) page document issued by Elections Canada, entitled “Statement of Campaign Period Income and Expenses From September 10, 2007 to January 10, 2008”, with respect to Bob Delaney’s Election Campaign Finances.

Document 2 – Eight (8) page document entitled “Constituency Association Annual Financial Statements”.

Document 3 – Eight (8) page document entitled “Constituency Association Campaign Period Financial Statement”.

Document 4 – Ten (10) page document, issued by Elections Ontario, Election Finances Division, entitled “AR-1 Constituency Association Annual Financial Statements”.

TAB 14

Various campaign literature from Bonnie Crombie for the September 19, 2011 City of Mississauga By- election.

TAB 15

Fifty two (52) page document issued by Elections Canada, entitled “Financial Reports: Candidate’s Electoral Campaign Returns” from the following website,
http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

The following documents were in the back pocket of the Submissions Binder:

Document 1 - Twelve (12) page document issued by Elections Canada, entitled “Financial Reports: Registered Associations Financial Returns” from the following website,
http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

Document 2 - Ten (10) page document issued by Elections Canada, entitled “Financial Reports: Registered Associations Financial Returns” from the following website,
http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

Document 3 - Twelve (12) page document issued by Elections Canada, entitled Financial Reports: Registered Associations Financial Returns” from the following website,
http://www.elections.ca/scripts/webpep/fin2/detail_report.aspx.

Legal Counsel for the Respondent presented the Committee with a Submissions Book which included the following documents:

TAB A

A document submitted by Jack Siegel, Legal Counsel for the Respondent, outlining the Respondent’s submissions.

TAB 1

Copy of an Ontario Court of Justice Decision, *Harrison v. The Toronto District School Board and Michael Coteau*, unreported, April 11, 2008 (Ontario Court of Justice).

TAB 2

Copy of an Ontario Court of Justice Decision, *Lyras v. Heaps*, 2008 ONCJ 524 (Ontario Court of Justice).

TAB 3

Document 1 – Two (2) page document issued by Elections Canada entitled “Election Handbook for Third Parties, Their Financial Agents and Auditors from the following website,
<http://www.elections.ca/content.aspx?section=pol&document=page13index&dir=thi/ec20227&lang=e>

Document 2 – One (1) page document issued by Elections Canada entitled “Press Releases: Commissioner of Canada Elections Completes Investigation of Alleged Irregularities in Sherbrooke By-Election” from the following website,
<http://www.elections.ca/content.aspx?section=med&document=feb0499&dir=pre&lang=e>

TAB 4

Two (2) page document from TheStar.com, dated October 17, 2011, by Royson James, entitled James: Lawyers argue, councilors are exposed, citizens pay”.

TAB 5

Copy of an Ontario Court of Justice Decision, *Hall v. Jakobek (2003)*, 42 M.P.L.R. (3d) 55 (Ontario Superior Court).

TAB 6

Copy of an Ontario Court of Justice Decision, *Capman v. Hamilton (City) (2005)*, 10 M.P.L.R. (4th) 120 (Ontario Superior Court).

TAB 7

Copy of an Ontario Court of Justice Decision, *Mastroguiseppe v. Vaughan (City) (2008)*, 61 M.P.L.R. (4th) 138 (Ontario Court of Justice).

TAB 8

Copy of an Ontario Superior Court of Justice Decision, *St. Germain v. Bussin (2008)*, 44 M.P.L.R. (4th) 89 (Ontario Superior Court).

TAB 9

Copy of an Ontario Court of Justice Decision, *Savage v. Niagara Falls (City) (2005)* 16 M.P.L.R. (4th) 252 (Ontario Court of Justice).

TAB 10

Eight (8) page document submitted by Jack Siegel, Legal Counsel for the Respondent, outlining the Respondent's submissions from October 25, 2011.

DATE OF NEXT MEETING

To be announced

OTHER BUSINESS

Nil

ADJOURNMENT

11:29 p.m.