



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 September 19, 2011, 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 October 25, 2011, 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 request for compliance audit, as there is insufficient evidence provided to give us the reasonable ground to grant the application.”

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

Enclosure: Record of Proceeding



Record of Proceeding

THE CORPORATION OF THE CITY OF MISSISSAUGA

MISSISSAUGA ELECTION CAMPAIGN FINANCES COMMITTEE

TUESDAY, OCTOBER 25, 2011 – 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 September 19, 2011, filed by the Applicants, Mark Cashin, Cecil Young, Jimmy Ghimiry, Jamie Dookie, Mobeen Ali and Olive Steele (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 October 25, 2011, 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 7:04 p.m.

DECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTEREST:

Nil

THOSE PRESENT:

Mark Cashin, Applicant
Cecil Young, Applicant
Jimmy Ghimiry, Applicant
Olive Steele, 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
Carmela Radice, Legislative Coordinator, Office of the City Clerk
Laura Wilson, Legislative Coordinator, Office of the City Clerk

MATTERS TO BE CONSIDERED:1. Election Campaign Finances Committee Terms of Reference

An attached Election Campaign Finances Committee Terms of Reference for the Committee's consideration and review.

RECOMMENDATION

That the revised Election Campaign Finances Committee Terms of Reference be approved.

APPROVED – (R. Chung)

2. 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 September 19, 2011, of the election campaign finances of Bonnie Crombie, Candidate, Ward 5, submitted by Mark Cashin, Cecil Young, Jimmy Ghimiry, Jamie Dookie, Mobeen Ali and Olive Steele.

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.

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 both the Applicants and Respondent.

Procedural Motions:

7:35 p.m. - The Committee allowed the Respondent to submit 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 a document dated August 20, 2011, written by Megan O'Toole, National Post entitled "Polling exposes Elections Act hole: expert".

Tab 2 – Copy of a document dated July 18, 2011 identified as poll data, Ward 5.

Tab 3 – Copy of an Ontario Court of Justice Decision, *Harrison v. The Toronto District School Board and Michael Coteau*, unreported, (April 11, 2008).

Tab 4 – Copy of an Ontario Court of Justice Decision, *Lyras v. Heaps*, (2008), ONCJ 524.

Tab 5 – Copy of a document from the star.com dated October 17, 2011, written by Royson James, entitled "James: Lawyers argue, councilors are exposed, citizens pay".

Tab 6 – Copy of an Ontario Superior Court Decision, *Hall v. Jakobek*, (2003), 42 M.P.L.R. (3d) 55.

Tab 7 – Copy of an Ontario Superior Court Decision, *Chapman v. Hamilton (City)*, (2005), 10 M.P.L.R. (4th) 120.

Tab 8 – Copy of an Ontario Court of Justice Decision, *Mastroguiseppe v. Vaughan (City)*, (2008), 61 M.P.L.R. (4th) 138.

Tab 9 – Copy of an Ontario Superior Court Decision, *St. Germain v. Bussin*, (2008), 44 M.P.L.R. (4th) 89.

Tab 10 - Copy of an Ontario Court of Justice Decision, *Savage v. Niagara Falls (City)*, (2005), 16 M.P.L.R. (4th) 252.

8:34 p.m. - Roderick Chung, Vice-Chair, Citizen Member, moved a motion for the Committee to move In Camera to seek Legal Advice.

9: 05 p.m. – The Committee reconvened in public session and Roderick Chung, Vice – Chair, Citizen Member, moved a motion to reject the request for an election campaign finances compliance audit of the Respondent’s election campaign finances and The Committee passed the motion unanimously.

9: 06 p.m. - Rafiq Rokerya, Chair, verbally handed down the Committee’s decision and the reasons for The Committee’s decision as follows (*see also Notice of Decision*):

“Reject the request for compliance audit as there is insufficient evidence provided to give us the reasonable ground to grant the application.”

DATE OF NEXT MEETING

To be announced

OTHER BUSINESS

Nil

ADJOURNMENT:

9:07 p.m.
(R. Chung)