
Election Campaign Finances Committee

Date

July 16, 2019

Time

1:00 p.m.

Location

Council Chamber, 2nd Floor, Civic Centre, 300 City Centre Drive, Mississauga, ON L5B3C1

Members Present

Ron Colucci (Chair)

Safia Farouk

Roderick Chung

Rafiq Rokerya

Members Absent

Farzana Reburiano (Vice-Chair)

Staff Present

Diana Rusnov, City Clerk/Director of Legislative Services

Sacha Smith, Deputy Clerk/Manager Legislative Services

Laura Wilson, Elections Officer, Legislative Services, Elections

Gus Mangos, Elections Officer, Legislative Services Elections

Robert Genoway, Legal Counsel, City Manager's Office

Krystal Christopher, Legislative Coordinator, Legislative Services

Find it online

<http://www.mississauga.ca/portal/cityhall/campaignfinancecommittee>

1. **CALL TO ORDER**

Ron Colucci, Chair, called the meeting to order at 1:00 p.m.

2. **APPROVAL OF THE AGENDA**

Ron Colucci, Chair, noted an addition to the agenda to include an email from Dino Ferri on behalf of Diane Ferri regarding Appendix 1 of the Clerk's Report.

Approved (R. Chung)

3. **DECLARATIONS OF CONFLICT OF INTEREST** - Nil

4. **MINUTES OF PREVIOUS MEETING**

4.1. Election Campaign Finances Committee Business Meeting – March 7, 2019

Approved (R. Chung)

5. **DEPUTATIONS** – Nil.

6. **COMMUNICATIONS**

Communications were received from the following:

6.1. Brad Butt (Candidate, Ward 1) regarding contributions by Tim Warner

Received (S. Farouk)

6.2. Brad Butt (Candidate, Ward 1) regarding contributions by Diana Ferri-Gisone and Diane Ferri

Received (S. Farouk)

- 6.3. Diana Ferri-Gisone regarding contributions made to Brad Butt (Candidate, Ward 1) and Diana Ferri-Gisone's driver's licence
- 6.4. Dino Ferri on behalf of Diane Ferri regarding contributions made to Brad Butt (Candidate, Ward 1)

Received (S. Farouk)

7. **MATTERS CONSIDERED**

- 7.1. Clerk's Report dated July 9, 2019 from the Director of Legislative Services and City Clerk: **Legislated Contribution Report Overview** regarding contributions from the following contributors: Diane Ferri/Diane Ferri-Gisone, City of Toronto (Appendix 1) and Tim Warner, City of Toronto (Appendix 2)

Ron Colucci, Chair, gave an overview of the purpose of the meeting and spoke briefly to the contribution contravention reports submitted by the City Clerk and the powers of the committee.

Appendix 1: Diane Ferri/Diane Ferri-Gisone, City of Toronto

Laura Wilson, Elections Officer, provided an overview of the report and spoke to Diane Ferri/Diane Ferri-Gisone possibly exceeding the contribution limit of \$5000 as outlined under section 88.9(4) of the *Municipal Elections Act*. Ms. Wilson noted that the two similar names with the same address were taken from Brad Butt's (Candidate, Ward 1) financial statement which outlined contributions totaling \$5,250.

Members of the committee engaged in a discussion regarding the letters and supporting documents received from Brad Butt, Diana Ferri-Gisone and Dino Ferri that spoke to Diane Ferri and Diana Ferri-Gisone being two different individuals residing at two different addresses. The committee noted that the two cheques received by Brad Butt from Diane Ferri and Diana Ferri-Gisone were from two different banks, the signatures on the two cheques were different and that Diana Ferri-Gisone's name was misspelled on the financial statement.

Based on the information provided, the committee moved not to proceed with legal action against Diane Ferri and Diana Ferri-Gisone as there was no contravention under Section

88.9(4) of *Municipal Elections Act*. The committee determined that Diane Ferri and Diana Ferri-Gisone were in fact two different individuals residing at different addresses.

DECISION

IN THE MATTER OF the Clerk's Report dated July 9, 2019 from Diana Rusnov, Director, Legislative Services and City Clerk, with respect to an apparent contravention of the contribution limits to candidates by Diane Ferri/Diana Ferri-Gisone;

WHEREAS, pursuant to section 88.34(1) of the Municipal Elections Act, 1996, as amended, (the "Act"), the Clerk shall review the contributions reported on the financial statements submitted by a candidate under Section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under Section 88.9;

AND WHEREAS, Section 88.9 of the Act states that a contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council;

AND WHEREAS, Section 88.34(2) of the Act requires the Clerk to prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under Section 88.9;

AND WHEREAS Section 88.34 (7) of the Act directs the Clerk to provide the report identifying each contributor to a candidate who appears to have contravened any of the contribution limits to the Election Campaign Finances Committee (the "Committee");

AND WHEREAS, Section 88.34(8) of the Act states that within 30 days after receiving a report, the Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention;

AND WHEREAS, a meeting of the Committee was held on Tuesday, July 16, 2019 at 1:00 p.m. at the City of Mississauga Municipal Offices to review the Corporate Report to the Committee;

AND WHEREAS, in accordance with the Committee's procedures, the City Clerk, the contributor and any affected candidates were provided the opportunity to address the Committee.

NOW THEREFORE BE IT RESOLVED, the decision of the Election Campaign Finances Committee is as follows:

THAT the Committee has decided **to not** commence a legal proceeding against contributor Diane Ferri/Diane Ferri-Gisone for the apparent contravention of Section 88.9 of the Act.

Brief written reasons provided by the Committee:

The Election Campaign Finance Committee determined that there was no contravention to the Municipal Elections Act, pursuant to Section 88.9.

That based on the evidence provided, including the correspondence from candidate Brad Butt and the contributors Diane Ferri and Diana Ferri-Gisone, the Election Campaign Finance Committee will not commence with legal action against the contributors for the following reasons:

- Confident that these are two separate individuals
- The cheques submitted in support are from two different banks, different dates, different signatures with different joint account holders and different home addresses.

Dated at the City of Mississauga, July 16, 2019

Ron Colucci, Chair, Citizen Member
Safia Farouk, Citizen Member
Roderick Chung, Citizen Member
Rafiq Rokerya, Citizen Member

Approved - (S. Farouk)

Appendix 2: Tim Warner, City of Toronto

Laura Wilson, Elections Officer, provided an overview of the report and spoke to Tim Warner exceeding the contribution limit of \$1200 to one candidate as outlined under section 88.9(1) of the *Municipal Elections Act*. Ms. Wilson noted that according to Brad Butt's (Candidate, Ward 1) financial statement, Tim Warner made two separate contributions which totaled \$1700.

Members of the committee engaged in a discussion regarding the letter and supporting documentation received from Brad Butt which outlined that one of the contributions in the amount of \$700 was from Ignat Knaff and not Tim Warner. The letter from Mr. Butt noted that there was a clerical error on his financial statement. Members asked

questions in regards to the financial statement submitted by Mr. Butt which were answered by staff. The committee noted that the cheque given to Mr. Butt by Ignat Kaneff correlated to the documents that Mr. Butt submitted.

Based on the information provided, the committee moved not to proceed with legal action against Tim Warner as there was no contravention under Section 88.9(1) of *Municipal Elections Act*. The committee determined that due to a possible clerical error by Mr. Butt, that Tim Warner's contribution was \$1000.

DECISION

IN THE MATTER OF the Clerk's Report dated July 9, 2019 from Diana Rusnov, Director, Legislative Services and City Clerk, with respect to an apparent contravention of the contribution limits to candidates by Tim Warner;

WHEREAS, pursuant to section 88.34(1) of the Municipal Elections Act, 1996, as amended, (the "Act"), the Clerk shall review the contributions reported on the financial statements submitted by a candidate under Section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under Section 88.9;

AND WHEREAS, Section 88.9 of the Act states that a contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election;

AND WHEREAS, Section 88.34(2) of the Act requires the Clerk to prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under Section 88.9;

AND WHEREAS Section 88.34 (7) of the Act directs the Clerk to provide the report identifying each contributor to a candidate who appears to have contravened any of the contribution limits to the Election Campaign Finances Committee (the "Committee");

AND WHEREAS, Section 88.34(8) of the Act states that within 30 days after receiving a report, the Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention;

AND WHEREAS, a meeting of the Committee was held on Tuesday, July 16, 2019 at 1:00 p.m. at the City of Mississauga Municipal Offices to review the Corporate Report to the Committee;

AND WHEREAS, in accordance with the Committee's procedures, the City Clerk, the contributor and any affected candidates were provided the opportunity to address the Committee.

THEREFORE BE IT RESOLVED, the decision of the Committee is as follows:

That the Committee has decided **to not** commence a legal proceeding against contributor Tim Warner for the apparent contravention of Section 88.9 of the Act.

Brief written reasons provided by the Committee:

The Election Campaign Finance Committee determined that there was no contravention to the Municipal Elections Act, pursuant to Section 88.9.

That based on the evidence provided by candidate Brad Butt, including a letter and copies of the corresponding cheques, the Election Campaign Finance Committee will not commence with legal action against the contributor for the following reasons:

- Candidate submission that this was a clerical error with supporting documentation;
- The two contribution cheques were submitted by different individuals, from different banks, different signatures and different addresses.

Dated at the City of Mississauga, July 16, 2019

Ron Colucci, Chair, Citizen Member

Safia Farouk, Citizen Member

Roderick Chung, Citizen Member

Rafiq Rokerya, Citizen Member

Approved - (R. Rokerya)

8. **ADJOURNMENT** – 10:32 a.m. (R. Rokerya)