

City of Brampton Integrity Commissioner Files 2018-01 and 2018-03

INTERIM REPORT ON TWO COMPLAINTS

Interim Report

Subsection 5(4) of the Complaint Protocol provides that, “The Integrity Commissioner may make interim reports to Council where necessary ...”

This is such a report.

Section 223.5 of the *Municipal Act* requires that I maintain confidentiality. Subsection 223.6(2) provides that in a report on whether a Member has contravened the Code, I may disclose such matters as in my opinion are necessary for the purposes of the report.

It is not necessary to identify the parties in this interim report.

First Complaint (2018-01)

In order to preserve confidentiality I will not identify the Rules that are alleged to have been contravened.

The allegation under one of the Rules, in particular, involves significant documentation and the issues are complex.

Second Complaint (2018-03)

The Complainant alleges that the Respondent contravened Rules No. 4, No. 12, No. 14 and No. 15 of the Code.

The Complainant in File 2018-03 is the Respondent in File 2018-01. The Respondent in File 2018-03 is the Complainant in File 2018-01.

Process Followed

In operating under the Code, I follow a process that ensures fairness to both the individual bringing a Complaint (Complainant) and the Council Member responding to the Complaint (Respondent). The process is governed by the Council Code of Conduct Complaint Procedure.

This fair and balanced process includes the following elements:

- The Respondent receives notice of the Complaint and is given an opportunity to respond.

- The Complainant receives the Respondent's response and is given an opportunity to reply.
- More generally, the process is transparent in that the Respondent and Complainant get to see each other's communications with me.¹
- The Respondent is made aware of the Complainant's name. I do, however, redact personal information such as phone numbers and email addresses.
- As a further safeguard to ensure fairness, I will not help to draft a Complaint and will not help to draft a response or reply.
- Where appropriate I will, however, invite a Complainant to clarify a Complaint. When a Complaint has been clarified the Respondent is provided with the original document and all communications between the Complainant and me related to clarification.
- When a Complaint has been clarified I deem the date of final clarification to be the official date the Complaint was made.

Status

The Complaint in File 2018-01 was submitted February 26.

The Respondent in that file requested and was given an extension to the end of March. The Response was submitted March 19.

The issues under one of the Rules are detailed. It is estimated that the investigation will require an additional month.

The complaint in File 2018-03 was filed May 9. If the investigation were completed within 90 days then the process would not end until August. However, the investigation of this complaint will be somewhat involved, given the nature of the evidentiary issues. The process continues.

The two complaints involve different issues but there are connections between the issues and, as noted, the parties are the same (though reversed).

Conclusion

The investigations in File 2018-01 and 2018-03 will be completed as quickly as possible.

¹ Occasionally, in my discretion, I may decline to share a communication when the communication is irrelevant to the investigation or I will not consider the communication and (in either case) the other party is not prejudiced by the lack of sharing.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
City of Brampton

July 10, 2018