



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Brampton

June 3, 2014

Mr. Peter Fay, City Clerk
City of Brampton
2 Wellington Street West
Brampton, Ontario L6Y 4R2

Re: Brampton OIC Complaint BIC-61-0514

COMPLAINT AND FACTS

Mr. Paul Vicente has filed a complaint against John Sprovieri, Regional Councillor for Wards 9 and 10, dated May 23, 2014 alleging Mr. Sprovieri used his email provided by the City of Brampton to discourage Mr. Vicente from running as a candidate for Councillor in the municipal election in Wards 1 and 5, where Ms. Elaine Moore is running again. Mr. Sprovieri suggested Mr. Vicente run in wards with open seats such as 2 and 6, 7 and 8 or 3 and 4.

Councillor Grant Gibson is also Councillor for Wards 1 and 5.

Mr. Vicente has also alleged that Councillor Sprovieri suggested that Mr. Vicente is likely to fail if he intends to make known his support for Susan Fennell as mayor.

Mr. Vicente alleges Councillor Sprovieri's conduct was a breach of the *Code of Conduct* ("Code") and the *Municipal Elections Act* ("MEA").

THE LAW

The Code, s. 3.4, provides:

The Mayor and Councillors' election campaign or campaign related activities are prohibited from using corporate resources, both real, property and staff, to avoid the perception that the City has provided an advantage over other candidates.

Section 70(4) of the MEA provides that the municipality shall not make a contribution (to a candidate's campaign).

Section 66(1) of the MEA provides that:

For the purpose of this Act, money, goods and services given to and accepted by or on behalf of a person for his or her election campaign are contributions.

DISCUSSION

The Facts

I accept that Regional Councillor Sprovieri made the comments alleged above.

The Code

I do not think Mr. Sprovieri's warning of Mr. Vicente's failure if he openly supports Mayor Fennell's re-election bid is a campaign-related activity. Mr. Sprovieri is merely giving his opinion of the success of the Mayor's bid for re-election and how it may affect Mr. Vicente's chances of success if he openly supports her. The warning also has nothing to do with Mr. Sprovieri's campaign in Wards 9 and 10 for re-election. The warning also does not give the perception that the City has provided Mr. Sprovieri with an advantage over other candidates for the election for Wards 9 and 10. It is not related to Mr. Sprovieri's campaign for re-election.

As to Mr. Sprovieri's suggestion that Mr. Vicente run in wards other than 1 and 5, it could be argued that he is pleading the case of Ms. Moore, of whom Councillor Sprovieri is supportive. Were Ms. Moore (or another councilor running in wards 1 or 5) to make the suggestion to Mr. Vicente that he not run in the wards, I think such a suggestion would have been contrary to the Code. However, neither Ms. Moore nor any other candidate for wards 1 and 5 were copied on the email and there is no evidence that they were aware of the email or otherwise supported it. The email was not made in connection with Councillor Sprovieri's election campaign in Wards 9 and 10. In these circumstances, I do not consider Councillor Sprovieri's conduct to be part of his election campaign or a campaign related activity.

MEA

Under the MEA, contributions can only be contributions if they are made for "his or her election campaign."

Mr. Sprovieri was not making the use of his email for his campaign in Wards 9 and 10. He was making it for Ms. Moore's campaign and against Ms. Fennell's campaign for Mayor. Consequently, I do not see a violation of the MEA.

DISPOSITION

For the foregoing reasons, I dismiss the complaint.

Yours very truly,

A handwritten signature in black ink, appearing to read "Don Cameron", with a long horizontal flourish extending to the right.

per The Honourable Donald R. Cameron, Q.C.
Integrity Commissioner for the City of Brampton