

February 11, 2021

Via Email – Peter.Fay@brampton.ca

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

Dear Mr. Fay:

Re: Office of the Integrity Commissioner – 2019-2020 Report

Background:

Pursuant to section 223.3 of the *Municipal Act, 2001* it is my role as the Integrity Commissioner to oversee the application of the Brampton City Council Code of Conduct (the “Code”), city by-laws, rules, procedures, and policies which govern the ethical conduct of members of City Council (“Council”). In addition to receiving, assessing, and investigating complaints respecting alleged breaches of the Code or other ethical standards by Council members, I am also responsible for educating members of Council and assisting them in understanding the standards of ethical behavior to which they must adhere.

The purpose of this Report is to provide Council with a summary of the formal complaints and inquiries received by my office. It does not include data with respect to any ad hoc or informal advice that has been provided to members of Council or the public.

Summary of 2019 Complaints:

I began my term as Integrity Commissioner in July 2019. I received three **(3)** complaints from members of the public during the remainder of 2019, all of which have been resolved. A formal investigation was completed for each complaint received and a Report was delivered to Council for each complaint, respectively:

1. A complaint made by a member of the public alleging sexual misconduct by Councillor Gurpreet Dhillon while he was in Istanbul, Turkey on City Business. After a thorough investigation which involved extensive interviews, written submissions and evidence, I determined that the Councillor was in breach of the City's Respectful Workplace Policy, as well as Rules 14, 15, 18, and 19 of the Code. I recommended the following:
 - A suspension (without pay) for 90 days;
 - A formal reprimand;
 - That the Councillor issue a formal apology to the Complainant and the public generally; and
 - Other remedial action to be implemented at Council's discretion, including removal from membership and Chair of a committee, removal of travel privileges outside of the province for any City Business, limitations on communication with the public, and prevention of the Councillor from accessing any municipal offices except for prescribed purposes.

A judicial review of this matter is currently underway in Divisional Court.

[LINK TO REPORT](#)

2. A complaint made by a member of the public against Councillors Jeff Bowman, Gurpreet Dhillon, Pat Fortini, Martin Medeiros, Mike Palleschi, Rowena Santos, Harkirat Singh, Doug Whillans, Charmaine Williams, Paul Vicente and Mayor Patrick Brown, alleging that these individuals breached Purchasing By-law 19-2018, Rule 4 of the Code and the gift registry directive, and the Lobbyist By-law when they unanimously voted to provide \$150,000 to *Brampton Focus Community Media Inc* ("*Brampton Focus*"). The complaint also contained an allegation that a member of Council had breached *the Municipal Conflict of Interest Act* because he was a founding Director of *Brampton Focus*.

After a careful review of the documentary evidence and the relevant By-laws, Rules of the Code and legislation, I found that:

- The parties had engaged in lobbying without registration contrary to Lobbyist Registry By-law (149-2015);

- That it was outside my jurisdiction to opine on whether the City breached the Purchasing By-law or to provide an interpretation of the Purchasing By-law;
- That the impugned Councillor did not offend the *Municipal Conflict of Interest Act*, and
- That the Mayor and Councillors breached Rule 18 of the Code in failing to ensure that *Brampton Focus* was a registered lobbyist.

At the close of my Report I recommended that Council consider the need and importance of standardized official funding contracts.

[LINK TO REPORT](#)

3. A complaint made by a member of the public alleging that a “Please Slow Down” sign campaign initiated by Councillor Charmaine Williams violated the City Sign By-law (399-2002) and the Code of Conduct because the signs contained a URL linking to a website which allegedly advertised Councillor Williams’ political agenda and thus did not fall under the public safety exemption to the Sign By-law. I reviewed the documentary evidence provided and conducted interviews with the relevant parties, after which I made the following findings:

- That it was outside of my jurisdiction to opine on the enforceability, legality or applicability of the Sign By-law; and
- That Councillor Williams had breached Rules 3, 10, 13 and 18 of the Code.

At the close of my Report, I recommended the following remedial measures:

- That Councillor Williams take appropriate steps to ensure that any future initiatives are outside prior to disseminating any information with respect to the legality of those initiatives to Brampton residents;
- That Councillor Williams take steps to ensure that all matters in relation to any investigation by the Integrity Commissioner are dealt with confidentially;
- That City Council issue a reprimand to Councillor Williams; and
- That City Council consider developing appropriate protocol so that Councillors may seek legal advice regarding any initiatives they may wish to institute.

[LINK TO REPORT](#)

Summary of 2019 Advisory Opinions:

I received two **(2)** formal requests for an advisory opinion in 2019, one from Councillor Rowena Santos and the other from a citizen appointee to Brampton's Environment Advisory Committee. Both inquiries concerned a potential conflict of interest arising from the parties' respective roles in the Brampton University initiative. I determined that no conflict of interest existed in either case, as no pecuniary interests existed in relation to the initiative or the parties.

Summary of 2020 Complaints:

My office received a total of nine **(9)** complaints in 2020. Eight **(8)** of those complaints were from members of the public and one **(1)** was submitted by a member of Council. Following a preliminary investigation into each matter I determined that five **(5)** of those complaints were within my jurisdiction.

Several complaints received by my office were filed by members of the public as a result of a lack of understanding with respect to my jurisdiction. For example, one such complaint was made with regards to the conduct of administrative staff employed by members of Council. Such complaints were dismissed by way of an explanatory letter to the complainant, and the complainants were advised to pursue these matters through other avenues such as the Public Complaints Resolution Process and were provided with the information required to navigate that procedure.

Of the complaints that were found to be within the ambit of my office, an investigation has been concluded for two (2) matters:

1. A complaint from a City employee against a Councillor for which I found that there were insufficient grounds to continue a formal investigation or issue a report on the matter. As I am under no obligation to provide the details of a discontinued investigation to Council, the letter of discontinuance was only provided to the City Clerk.

2. A complaint from a member of the public alleging that Mayor Patrick Brown violated the Code, the City of Brampton's Mandatory Face Coverings By-law (135-2020) and the provincial re-opening guidelines passed under the *Emergency Management and Civil Protection Act*. A Report on this matter will be delivered to Council forthwith upon its completion.

A preliminary investigation remains underway for each of the three **(3)** remaining matters. As I cannot disclose the details of these matters until the completion for a formal investigation, Council will be provided with updates as they progress. A final Report will be provided to Council for each of these matters should I choose to exercise my discretion to complete a full investigation.

Conclusion

As was discussed at the outset of this Report, my office receives a number of informal complaints and requests for information. This report is not meant to summarize any ad hoc advice, commentary, or information provided to members of Council or the public.

It has been my pleasure to serve as the Integrity Commissioner for the City of Brampton and I look forward to continuing to provide the highest quality of service in the coming year. Please feel free to contact my office if you have any questions or concerns.

Yours truly,

LEVITT SHEIKH CHAUDHRI SWANN



Muneeza Sheikh
Integrity and Ethics Commissioner for the City of Brampton