

Thursday, June 27, 2019

Council Chambers – 4th Floor – City Hall

Members Present: Arvind Singh
Caroline Lynch
Greg Prokopchuk

Members Absent: Karen Bieri (regrets)
Navreet Vaidwan (regrets)

External Legal Counsel: Kim Mullin, Partner, Wood Bull LLP Barristers & Solicitors

Staff Present: City Clerk's Office, Office of the Chief Administrative Officer:
Peter Fay, City Clerk
Shawnica Hans, Sr. Coordinator, Election/Special Projects
Roger Wilson, Clerk, Lottery Licensing
Tammi Jackson, Legislative Coordinator

Minutes
Brampton Election Compliance Audit Committee

The meeting was called to order at 7:06 p.m., recessed to deliberate in private at 7:21 p.m., reconvened at 7:57 p.m., recessed again to deliberate in private at 8:05 p.m., reconvened at 8:24 p.m. recessed again to deliberate in private at 8:29 p.m., reconvened at 8:43 p.m. recessed again to deliberate in private at 8:58 p.m., reconvened at 9:50 p.m. and adjourned at 9:53 p.m.

Peter Fay, City Clerk, called the meeting order, stated the purpose of the meeting, and described the notice provided to the parties involved. Items 5.3 and 5.4 on the agenda were deferred to this meeting from the June 20, 2019 meeting.

1. Approval of Agenda

The following motion was considered, voted on, and carried unanimously.

ECA008-2019 That the agenda for the Brampton Election Compliance Audit Committee Meeting of June 27, 2019 be approved, as published and circulated.

Carried

1.1. Election of Chair and Vice-Chair

Peter Fay, City Clerk, facilitated the election process. As only three (3) members were present, the Committee agreed to appoint an Acting Chair for this meeting.

The following motion was considered, voted on, and carried unanimously.

ECA009-2019 That Arvind Singh be appointed Acting Chair for the Brampton Election Compliance Audit Committee Meeting of June 27, 2019.

Carried

2. Declarations of Interest under the Municipal Conflict of Interest Act – nil

3. Consent – nil

4. Delegations/Presentations - nil

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5. Reports

5.1. 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Peter Cipriano

In response to the Chair’s inquiry, City staff provided an overview of the report.

In response to the Chair’s inquiry, Anthony Simone, Parente Borean LLP, legal representative for Peter Cipriano, advised the Committee that the report provided by City staff was accurate in all accounts. He indicated that Mr. Cipriano took full responsibility for his actions and advised the contributions were an oversight and mistake. Mr. Cipriano’s book keeping staff have been advised of the oversight and advised the mistake will not happen again.

In response to a question from Committee, Mr. Simone advised that Goldpark staff was responsible for managing Mr. Cipriano’s financial book keeping.

There were no other speakers on this matter.

The Committee unanimously agreed to deliberate in private regarding the above noted matter. Committee recessed at 7:21 p.m. and reconvened at 7:57 p.m.

Arvind Singh, Chair, read the following extract of the decision of Committee relating to Item 5.1:

That the Compliance Audit Committee has decided **to** commence a legal proceeding against contributor Peter Cipriano for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contribution made to the campaigns of nine (9) candidates on the same Council, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

- There is a breach of Municipal Elections Act 88.9 by Mr. Cipriano (the contributor)
- Double the amount (magnitude) of contribution
- Contributions are a personal responsibility not staff administrative or otherwise
- In the interest of the electoral process and transparency it is important that the contributor understand his responsibility and the limits be enforced.

See page 8 for the full decision of Committee

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5.2. **2018 Municipal Election – Clerk’s Review of Campaign Contributions – Nicola Cortellucci**

In response to the Chair’s inquiry, City staff provided an overview of the report.

In response to the Chair’s inquiry, Nicola Cortellucci was present and addressed the Committee. Nicola Cortellucci advised the Committee that he was aware there was a contribution limit of \$1200.00 per candidate but was not aware of the maximum amount of \$5000.00 an individual can contribute. He apologized for his mistake and took full responsibility for the mistake.

There were no other speakers on this matter.

The Committee unanimously agreed to deliberate in private regarding the above noted items. Committee recessed at 8:05 p.m. and reconvened at 8:24 p.m., Committee recessed again at 8:29 p.m. and reconvened at 8:43 p.m.

In response to questions from Committee, Mr. Cortellucci advised he could not recall when he received the request letter from the candidate.

The Committee unanimously agreed to deliberate in private regarding the above noted items. Committee recessed at 8:29 p.m. and reconvened at 8:43 p.m.

Arvind Singh, Chair, read the following extract of the decision of Committee relating to Item 5.2:

That the Compliance Audit Committee has decided **not to** commence a legal proceeding against contributor Nicola Cortellucci for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contributions made to the campaigns of six (6) candidates on the same council, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

Contravention / breach of 88.9 that was acknowledged by the contributor

However, the Committee has used its discretion not to prosecute based on:

- a) Taking personal responsibility for breach
- b) The magnitude of the breach.

See page 10 for the full decision of Committee

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Item 8 - Public Question Period was brought forward and dealt with at this time to allow Peter Cipriano to address the Committee.

Peter Cipriano addressed the Committee apologizing for his mistake and indicated the overage in contributions was not intentional. He indicated his intension was not to breach the legislation. Peter Cipriano requested the Committee to reconsider their decision.

In response to Peter Cipriano's question, a response was provided that a decision on the matter had been made.

5.3. 2018 Municipal Election – Clerk's Review of Campaign Contributions – Jaswinder Sandhu

Item 5.4 was brought forward and dealt with at this time. These two items were deferred from the Committee meeting of June 20 2019, to this meeting.

In response to the Chair's inquiry, City staff provided an overview of the reports for Items 5.3 and 5.4, including information regarding staff actions to contact the respective Contributors through the candidates.

In response to the Chair's inquiry, no one was present to address the Committee regarding Items 5.3 and 5.4.

The Committee unanimously agreed to deliberate in private regarding the above noted items. Committee recessed at 8:58 p.m. and reconvened at 9:50 p.m.

Arvind Singh, Chair, read the following extract of the decision of Committee relating to Item 5.3:

That the Compliance Audit Committee has decided **not to** commence a legal proceeding against contributor Jaswinder S Sandhu for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contribution made to the campaign of Martin Singh, candidate for the office of City Councillor, Wards 7 and 8, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

Based on the response provided by the candidate we find that there was no breach.

See page 12 for the full decision of Committee

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Arvind Singh, Chair, read the following extract of the decision of Committee relating to Item 5.4:

That the majority of the Compliance Audit Committee has decided **not to** commence a legal proceeding against contributor Joginder Singh for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contribution made to the campaign of Harpreet Singh Hansra, candidate for the office of City Councillor, Wards 3 and 4, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

It appears that there may have been a breach, however the majority of the Committee has exercised its decision not to commence legal proceedings.

This is based on the information provided by the candidate.

Member Greg Prokopchuk dissents from this decision.

See page 14 for the full decision of Committee

5.4. **2018 Municipal Election – Clerk’s Review of Campaign Contributions – Joginder Singh**

Dealt with under Item 5.1

At this time in the meeting, for procedural purposes, the following motion was considered, voted on, and carried unanimously.

ECA010-2019 That the decisions of the Brampton Election Compliance Audit Committee at its meeting held on June 27, 2019, relating to the following items on the agenda, be confirmed:

- 5.1. **2018 Municipal Election – Clerk’s Review of Campaign Contributions – Peter Cipriano**
- 5.2. **2018 Municipal Election – Clerk’s Review of Campaign Contributions – Nicola Cortellucci**
- 5.3. **2018 Municipal Election – Clerk’s Review of Campaign Contributions – Jaswinder Sandhu**
- 5.4. **2018 Municipal Election – Clerk’s Review of Campaign Contributions – Joginder Singh**

Carried

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6. **Other/New Business** – nil

7. **Question Period** – nil

8. **Public Question Period**

Dealt with under Item 5.2 – Recommendation ECA011-2019

9. **Closed Session** – nil

10. **Adjournment**

The following motion was considered.

ECA011-2019 That the Brampton Election Compliance Audit Committee do now adjourn to meet again at the call of the Chair.

Carried

Arvind Singh, Acting Chair

Caroline Lynch, Committee Member

Greg Prokopchuk, Committee Member

Meeting Date and Time: Thursday, June 27, 2019, 7:00 pm

Meeting Location: Council Chambers, Brampton City Hall

Item No. 5.1 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Peter Cipriano

IN THE MATTER OF the City of Brampton Clerk’s Report dated May 27, 2019 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Peter Cipriano;

WHEREAS, pursuant to Section 88.34(1) of the *Municipal Elections Act, 1996*, as amended, (MEA), 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;

WHEREAS, Section 88.9(4) of the MEA 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 or local board;

WHEREAS, Section 88.34(2) 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;

WHEREAS, the Clerk’s Report identified Peter Cipriano as a contributor that appeared to have exceeded the total contribution limit to the election campaigns of nine (9) candidates on the same council in the 2018 Brampton Municipal Election;

WHEREAS, pursuant to Section 88.34(8) of the MEA states that within 30 days after receiving a report under Subsection (4), the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention;

WHEREAS, a meeting of the Compliance Audit Committee was held on Thursday, June 27, 2019 at 7 pm at Brampton City Hall to review the Clerk’s report;

THEREFORE, the decision of the Compliance Audit Committee is as follows:

THAT the Compliance Audit Committee has decided to commence a legal proceeding against contributor Peter Cipriano for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contributions made to the campaigns of nine (9) candidates on the same council, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

- There is a breach of Municipal Elections Act 88.9 by Mr. Cipriano (the contributor)
- Double the amount (magnitude) of contribution
- Contributions are a personal responsibility not staff administrative or otherwise
- In the interest of the electoral process and transparency it is important that the contributor understand his responsibility and the limits be enforced.

Original signed

Caroline Lynch
Compliance Audit Committee Member

Original signed

Greg Prokopchuk
Compliance Audit Committee Member

Original signed

Arvind Singh
Compliance Audit Committee Member

Meeting Date and Time: Thursday, June 27, 2019, 7:00 pm

Meeting Location: Council Chambers, Brampton City Hall

Item No. 5.2 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Nicola Cortellucci

IN THE MATTER OF the City of Brampton Clerk’s Report dated May 27, 2019 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Nicola Cortellucci;

WHEREAS, pursuant to Section 88.34(1) of the *Municipal Elections Act, 1996*, as amended, (MEA), 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;

WHEREAS, Section 88.9(4) of the MEA 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 or local board;

WHEREAS, Section 88.34(2) 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;

WHEREAS, the Clerk’s Report identified Nicola Cortellucci as a contributor that appeared to have exceeded the total contribution limit to the election campaigns of six (6) candidates on the same council in the 2018 Brampton Municipal Election;

WHEREAS, pursuant to Section 88.34(8) of the MEA states that within 30 days after receiving a report under Subsection (4), the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention;

WHEREAS, a meeting of the Compliance Audit Committee was held on Thursday, June 27, 2019 at 7 pm at Brampton City Hall to review the Clerk’s report;

THEREFORE, the decision of the Compliance Audit Committee is as follows:

THAT the Compliance Audit Committee has decided **not to** commence a legal proceeding against contributor Nicola Cortellucci for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contributions made to the campaigns of six (6) candidates on the same council, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

Contravention / breach of 88.9 that was acknowledged by the contributor

However, the Committee has used its discretion not to prosecute based on:

- a) Taking personal responsibility for breach
- b) The magnitude of the breach.

Original signed

Caroline Lynch
Compliance Audit Committee Member

Original signed

Greg Prokopchuk
Compliance Audit Committee Member

Original signed

Arvind Singh
Compliance Audit Committee Member

Meeting Date and Time: Thursday, June 27, 2019, 7:00 pm

Meeting Location: Council Chambers, Brampton City Hall

**Item No. 5.3 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions –
Jaswinder Sandhu**

IN THE MATTER OF the City of Brampton Clerk’s Report dated May 27, 2019 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Jaswinder Sandhu;

WHEREAS, pursuant to Section 88.34(1) of the *Municipal Elections Act, 1996*, as amended (MEA), 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;

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

WHEREAS, Section 88.34(2) 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;

WHEREAS, the Clerk’s Report identified Jaswinder S Sandhu as a contributor that appeared to have exceeded the total contribution limit to the election campaign of Martin Singh, candidate for the office of City Councillor, Wards 7 and 8, in the 2018 Brampton Municipal Election;

WHEREAS, pursuant to Section 88.34(8) of the MEA states that within 30 days after receiving a report under Subsection (4), the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention;

WHEREAS, a meeting of the Compliance Audit Committee was held on Thursday, June 27, 2019 at 7 pm at Brampton City Hall to review the Clerk’s report;

THEREFORE, the decision of the Compliance Audit Committee is as follows:

THAT the Compliance Audit Committee has decided **not to** commence a legal proceeding against contributor Jaswinder S Sandhu for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contribution made to the campaign of Martin Singh, candidate for the office of City Councillor, Wards 7 and 8, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

Based on the response provided by the candidate we find that there was no breach.

Original signed

Caroline Lynch
Compliance Audit Committee Member

Original signed

Greg Prokopchuk
Compliance Audit Committee Member

Original signed

Arvind Singh
Compliance Audit Committee Member

Meeting Date and Time: Thursday, June 27, 2019, 7:00 pm

Meeting Location: Council Chambers, Brampton City Hall

Item No. 5.4 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Joginder Singh

IN THE MATTER OF the City of Brampton Clerk’s Report dated May 27, 2019 – 2018 Municipal Election – Clerk’s Review of Campaign Contributions – Joginder Singh;

WHEREAS, pursuant to Section 88.34(1) of the *Municipal Elections Act, 1996*, as amended (MEA), 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;

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

WHEREAS, Section 88.34(2) 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;

WHEREAS, the Clerk’s Report identified Joginder Singh as a contributor that appeared to have exceeded the total contribution limit to the election campaign of Harpreet Singh Hansra, candidate for the office of City Councillor, Wards 3 and 4, in the 2018 Brampton Municipal Election;

WHEREAS, pursuant to Section 88.34(8) of the MEA states that within 30 days after receiving a report under Subsection (4), the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention;

WHEREAS, a meeting of the Compliance Audit Committee was held on Thursday, June 27, 2019 at 7 pm at Brampton City Hall to review the Clerk’s report;

THEREFORE, the decision of the Compliance Audit Committee is as follows:

THAT majority of the Compliance Audit Committee has decided **not to** commence a legal proceeding against contributor Joginder Singh for the apparent contravention of Section 88.9 of the *Municipal Elections Act, 1996*, as amended, in the total contribution made to the campaign of Harpreet Singh Hansra, candidate for the office of City Councillor, Wards 3 and 4, in the 2018 Brampton Municipal Election.

Brief written reason provided by the Compliance Audit Committee:

It appears that there may have been a breach, however the majority of the Committee has exercised its decision not to commence legal proceedings.

This is based on the information provided by the candidate.

Member Greg Prokopchuk dissents from this decision.

Original signed

Caroline Lynch
Compliance Audit Committee Member

Greg Prokopchuk
Compliance Audit Committee Member

Original signed

Arvind Singh
Compliance Audit Committee Member