



## Compliance Audit Committee Minutes

May 31, 2023, 9:30 a.m.  
Committee Room 1  
Whitby Town Hall

Present: K. Chapman  
K. Gravelle, Chair  
P. Jones

Also Present: C. Harris, Town Clerk  
Natalie Pagana, Legislative Specialist (Recording Secretary)  
John Pappas, External Legal Counsel

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1. Call To Order: The Clerk
2. Appointment of Chair

Chris Harris, Town Clerk, called for nominations for the position of Chair of the Compliance Audit Committee.

Paul Jones nominated Kelly Gravelle for the Position of Chair of the Compliance Audit Committee.

Kelly Gravelle accepted the nomination.

There were no further nominations and the nominations were closed.

Moved by Paul Jones

That Kelly Gravelle be appointed Chair of the Compliance Audit Committee.

### **Carried**

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Opening Statement

Kelly Gravelle, Chair, read the opening statement to the Committee and those in attendance.

5. Preliminary Motions

Moved by Paul Jones

That the Committee consider Items 6.4 and 6.5 immediately following consideration of Item 6.3 based on Onkar Taggar indicating that he would appear as a delegate on behalf of the contributors named in the Clerk's Reports related to those items.

**Carried**

6. Items for Consideration

6.1 Clerk's Report to the Compliance Audit Committee – 9:30 a.m.

Re: Apparent Contravention of Contribution Limit – Nicola Cortellucci

Ms. Gravelle asked, and Mr. Harris confirmed that the report before them was prepared as a requirement under the Municipal Elections Act.

Ms. Gravelle stated that the apparent contravention of the contribution limit for Nicola Cortellucci was \$600 and read the written submission provided by Nicola Cortellucci in response to the Clerk's Report.

A question and answer period ensued between Members of the Committee and Mr. Harris regarding whether Nicola Cortellucci had previously over-contributed to a municipal election campaign held in the Town of Whitby.

Discussion ensued between Members of the Committee regarding:

- details of the letter submitted by Nicola Cortellucci, including statements that appeared sincere;
- Nicola Cortellucci not having exceeded the \$1,200 per candidate contribution limit; and,
- the unlikeliness of Nicola Cortellucci over-contributing to candidates in the future.

Moved by Kalli Chapman

That the Compliance Audit Committee has decided not to commence a legal proceeding against contributor Nicola Cortellucci for the apparent contravention of Subsection 88.9(4) of the *Municipal Elections Act, 1996*.

**Carried**

**Note: See attached Notice of Decision from the Compliance Audit Committee**

It was the consensus of the Committee to take a short recess. The Committee recessed at 9:40 a.m. and reconvened at 10:00 a.m.

6.2 Clerk's Report to the Compliance Audit Committee – 10:00 a.m.

Re: Apparent Contravention of Contribution Limit – Kenneth Rovinelli

Ms. Gravelle asked, and Mr. Harris confirmed that the report before them was prepared as a requirement under the Municipal Elections Act.

Mr. Harris confirmed that no response was received from Kenneth Rovinelli regarding the notice sent to his attention about the apparent over-contribution.

Mr. Harris informed Members of the Committee that in addition to mailing a written notice to Kenneth Rovinelli, the Office of the Town Clerk office also obtained his work related email address and sent notice to Kenneth Rovinelli via email.

It was the consensus of the Committee to take a short recess in the event that Kenneth Rovinelli intended to appear before the Committee but was late. The Committee recessed at 10:02 a.m. and reconvened at 10:10 a.m.

A question and answer period ensued between Members of the Committee and Mr. Harris regarding whether Kenneth Rovinelli had previously over-contributed to a municipal election campaign held in the Town of Whitby.

Members of the Committee discussed the minimal value of the over-contribution and the likelihood that the over-contribution was an administrative error.

Moved by Kalli Chapman

That the Compliance Audit Committee has decided not to commence a legal proceeding against contributor Kenneth Rovinelli for the apparent contravention of Subsection 88.9(4) of the *Municipal Elections Act, 1996*.

## **Carried**

### **Note: See attached Notice of Decision from the Compliance Audit Committee**

#### **6.3 Clerk's Report to the Compliance Audit Committee – 10:30 a.m.**

Re: Apparent Contravention of Contribution Limit – Harpreet Taggar

Ms. Gravelle invited Onkar Taggar to appear before the Committee on behalf of Harpreet Taggar. Ms. Gravelle confirmed with Onkar Taggar that he was authorized to appear on behalf of Harpreet Taggar and that she was aware of his attendance.

Ms. Gravelle read the Opening Statement aloud to Onkar Taggar.

Onkar Taggar introduced himself and explained that Harpreet Taggar is his brother's daughter in-law. Onkar Taggar explained that Harpreet Taggar was approached by a number of candidates to support their campaigns and although candidates disclosed the \$1,200 contribution limit to their campaigns, Harpreet Taggar was unaware of the \$5,000 overall contribution limit. Onkar Taggar further explained that Harpreet Taggar made some contributions in 2022 and others in 2023.

A question and answer period ensued between Members of the Committee and Mr. Onkar Taggar regarding:

- Harpreet Taggar's unfamiliarity with the \$5,000 maximum overall contribution limit;
- Harpreet Taggar's knowledge of the \$1,200 maximum contribution limit per candidate;
- Harpreet Taggar's contributions in previous elections; and,
- Harpreet Taggar's remorsefulness for the unintentional over-contribution to multiple candidates.

Ms. Gravelle asked, and Mr. Harris confirmed that Elizabeth Roy, candidate for Mayor, filed a Notice of Extension of Campaign Period - Form 6 which permitted contributions to be received in 2023.

A question and answer period ensued between Members of the Committee and Mr. Harris regarding whether Harpreet Taggar had previously over-contributed to a municipal election campaign held in the Town of Whitby.

Members of the Committee discussed Harpreet Taggar's over-contribution and the likelihood that the over-contribution was as a result of not being informed of the limit for multiple contributions.

Moved by Paul Jones

That the Compliance Audit Committee has decided not to commence a legal proceeding against contributor Harpreet Taggar for the apparent contravention of Subsection 88.9(4) of the *Municipal Elections Act, 1996*.

**Carried**

**Note: See attached Notice of Decision from the Compliance Audit Committee**

6.4 Clerk's Report to the Compliance Audit Committee – 11:00 a.m.

Re: Apparent Contravention of Contribution Limit – Karamjit Taggar

Ms. Gravelle invited Onkar Taggar to appear before the Committee on behalf of Karamjit Taggar. Ms. Gravelle confirmed with Onkar Taggar that he was authorized to appear on behalf of Karamjit Taggar and that she was aware of his attendance.

Onkar Taggar explained that Karamjit Taggar is his wife. Onkar Taggar explained that Karamjit Taggar was approached by a number of candidates to support their campaigns and although candidates disclosed the \$1,200 contribution limit to their campaigns, Karamjit Taggar was unaware of the \$5,000 overall contribution limit. Onkar Taggar further explained that Karamjit Taggar made some contributions in 2022 and others in 2023.

A question and answer period ensued between Members of the Committee and Mr. Onkar Taggar regarding:

- confirmation that all five contributions listed on the Clerk's Report from Karamjit Taggar are from her despite two addresses being listed for the contributions, one being a personal residence and the other a business address;
- Karamjit Taggar's unfamiliarity with the \$5,000 maximum overall contribution limit;
- Karamjit Taggar knowledge of the \$1,200 maximum contribution limit per candidate;
- Karamjit Taggar's contributions in previous elections; and,

- Karmajit Taggar's remorsefulness for the unintentional over-contribution to multiple candidates.

A question and answer period ensued between Members of the Committee and Mr. Harris regarding whether Karamjit Taggar had previously over-contributed to a municipal election campaign held in the Town of Whitby.

Members of the Committee discussed Karamjit Taggar's over-contribution and the likelihood that the over-contribution was as a result of not being informed of the limit for multiple contributions.

Moved by Kelly Gravelle

That the Compliance Audit Committee has decided not to commence a legal proceeding against contributor Karamjit Taggar for the apparent contravention of Subsection 88.9(4) of the *Municipal Elections Act, 1996*.

**Carried**

**Note: See attached Notice of Decision from the Compliance Audit Committee**

6.5 Clerk's Report to the Compliance Audit Committee – 11:30 a.m.

Re: Apparent Contravention of Contribution Limit – Onkar Taggar

Ms. Gravelle invited Onkar Taggar to appear before the Committee.

Onkar Taggar explained that he was approached by a number of candidates to support their campaigns and although candidates disclosed the \$1,200 limit to their campaigns, he was unaware of the \$5,000 overall contribution limit. Mr. Taggar explained that he made some contributions in 2022 and others in 2023.

A question and answer period ensued between Members of the Committee and Onkar Taggar regarding:

- confirmation that all five contributions listed on the Clerk's Report are from him despite two addresses being listed for the contributions, one being a personal residence and the other a business address;
- his unfamiliarity with the \$5,000 maximum overall contribution limit;
- his knowledge of the \$1,200 maximum contribution limit per candidate;

- his contributions in previous elections; and,
- his remorsefulness for the unintentional over-contribution to multiple candidates.

A question and answer period ensued between Members of the Committee and Mr. Harris regarding whether Onkar Taggar had previously over-contributed to a municipal election campaign held in the Town of Whitby.

Members of the Committee discussed Onkar Taggar's over-contribution and the likelihood that the over-contribution was as a result of not being informed of the limit for multiple contributions. Members of the Committee agreed that Onkar Taggar was remorseful and unlikely to make an over-contribution in the future.

Moved by Paul Jones

That the Compliance Audit Committee has decided not to commence a legal proceeding against contributor Onkar Taggar for the apparent contravention of Subsection 88.9(4) of the *Municipal Elections Act, 1996*.

**Carried**

**Note: See attached Notice of Decision from the Compliance Audit Committee**

## 7. Adjournment

Motion to Adjourn

Moved by Kalli Chapman

That the meeting adjourn.

**Carried**

The Meeting adjourned at 11:00 a.m.

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Christopher Harris, Town Clerk



# Town of Whitby

## NOTICE OF DECISION

### THE CORPORATION OF THE TOWN OF WHITBY COMPLIANCE AUDIT COMMITTEE

established pursuant to Section 88.37 of the *Municipal Elections Act, 1996*

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**IN THE MATTER OF** the Town of Whitby Clerk's Report dated May 31, 2023, "Apparent Contravention of Contribution Limit – Nicola Cortellucci" (the "Clerk's Report");

**AND IN THE MATTER OF** a Meeting of the Compliance Audit Committee (the "Committee"), held Wednesday, May 31, 2023.

#### PURPOSE

Pursuant to subsection 88.34(1) of the *Municipal Elections Act, 1996*, the clerk is required to review the contributions reported on the financial statements submitted by candidates pursuant to section 88.25 of the *Municipal Elections Act, 1996* to determine whether any contributor appears to have exceeded any of the contribution limits established by section 88.9 of the *Municipal Elections Act, 1996*, and prepare a report identifying each contributor who appears to have contravened any contribution limits.

The Clerk's Report identified Nicola Cortellucci (the "Contributor") as a contributor that appeared to have exceed the \$5,000 contribution limit to any two or more candidates under subsection 88.9(4) of the *Municipal Elections Act, 1996*.

The Committee held a meeting on Wednesday, May 31, 2023 at 9:30 a.m. to consider the Clerk's Report.

#### DECISION

On reviewing the Clerk's Report and the written submissions of the Contributor, and on hearing the presentation of the Town Clerk, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee not to commence a legal proceeding against the Contributor pursuant to subsection 88.34(8) of the *Municipal Elections Act, 1996*.

#### REASONS

The reasons for the decision are as follows:

1. The Clerk's Report identified that the Contributor made seven separate contributions to candidates on Town Council, totalling \$5,600.00. This exceeds the maximum contribution limit by \$600.00.



2. The Contributor was not in attendance at the Meeting, however the Contributor provided correspondence to the Committee to explain the apparent contravention. The Contributor admitted to and accepted responsibility for the overcontribution, which he stated was a result of signing numerous cheques and not keeping track of total contributions to candidates in the Town of Whitby.
3. The Committee is of the opinion that commencing a legal proceeding against the Contributor would not be in the public interest. Although the Contributor exceeded the maximum contribution limit, the Committee accepts the Contributor's acknowledgment of his error and expression of sincere apology.
4. On that basis, the Committee has decided not to commence a legal proceeding against the Contributor.



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**IN THE MATTER OF** the Town of Whitby Clerk's Report dated May 31, 2023, "Apparent Contravention of Contribution Limit – Kenneth Rovinelli" (the "Clerk's Report");

**AND IN THE MATTER OF** a Meeting of the Compliance Audit Committee (the "Committee"), held Wednesday, May 31, 2023.

#### PURPOSE

Pursuant to subsection 88.34(1) of the *Municipal Elections Act, 1996*, the clerk is required to review the contributions reported on the financial statements submitted by candidates pursuant to section 88.25 of the *Municipal Elections Act, 1996* to determine whether any contributor appears to have exceeded any of the contribution limits established by section 88.9 of the *Municipal Elections Act, 1996*, and prepare a report identifying each contributor who appears to have contravened any contribution limits.

The Clerk's Report identified Kenneth Rovinelli (the "Contributor") as a contributor that appeared to have exceed the \$5,000 contribution limit to any two or more candidates under subsection 88.9(4) of the *Municipal Elections Act, 1996*.

The Committee held a meeting on Wednesday, May 31, 2023 at 10:00 a.m. to consider the Clerk's Report.

#### DECISION

On reviewing the Clerk's Report and on hearing the presentation of the Town Clerk, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee not to commence a legal proceeding against the Contributor pursuant to subsection 88.34(8) of the *Municipal Elections Act, 1996*.

#### REASONS

The reasons for the decision are as follows:

1. The Clerk's Report identified that the Contributor made five separate contributions to candidates on Town Council, totalling \$5,050.00. This exceeds the maximum contribution limit by \$50.00.

2. The Committee was advised by the Clerk that the Contributor was provided notice of the Clerk's Report and the Meeting through multiple methods. The Contributor did not provide any written submissions or materials to the Committee in response to the Clerk's Report, nor was the Contributor in attendance at the Meeting. The Committee briefly stood down to afford the Contributor additional time to attend.
3. The Committee is satisfied that the Contributor has exceeded the maximum contribution limit to two or more candidates. Despite this, the Committee is of the opinion that commencing a legal proceeding against the Contributor would not be in the public interest. The Committee considers the amount of the overcontribution, being \$50, to be *de minimus*.
4. On that basis, the Committee has decided not to commence a legal proceeding against the Contributor.



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**AND IN THE MATTER OF** a Meeting of the Compliance Audit Committee (the "Committee"), held Wednesday, May 31, 2023.

#### PURPOSE

Pursuant to subsection 88.34(1) of the *Municipal Elections Act, 1996*, the clerk is required to review the contributions reported on the financial statements submitted by candidates pursuant to section 88.25 of the *Municipal Elections Act, 1996* to determine whether any contributor appears to have exceeded any of the contribution limits established by section 88.9 of the *Municipal Elections Act, 1996*, and prepare a report identifying each contributor who appears to have contravened any contribution limits.

The Clerk's Report identified Harpreet Taggar (the "Contributor") as a contributor that appeared to have exceed the \$5,000.00 contribution limit to any two or more candidates under subsection 88.9(4) of the *Municipal Elections Act, 1996*.

The Committee held a meeting on Wednesday, May 31, 2023 at 10:30 a.m. to consider the Clerk's Report.

#### DECISION

On reviewing the Clerk's Report and on hearing the presentation of the Town Clerk, and on hearing the oral presentation of Onkar Taggar, agent for the Contributor, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee not to commence a legal proceeding against the Contributor pursuant to subsection 88.34(8) of the *Municipal Elections Act, 1996*.

#### REASONS

The reasons for the decision are as follows:

1. The Clerk's Report identified that the Contributor made five separate contributions to candidates on Town Council, totalling \$6,000.00. This exceeds the maximum contribution limit by \$1,000.00.

2. The Committee notes that this matter deals with substantially the same facts as two other matters before the Committee regarding other individuals who also appear to have contravened the maximum contribution limit.
3. Mr. Onkar Taggar appeared as agent on behalf of the Contributor. Mr. Taggar advised that the Contributor is his brother's daughter in-law.
4. Mr. Taggar confirmed for the Committee that the Contributor did in fact make the five contributions identified in the Clerk's Report.
5. Mr. Taggar advised that the Contributor was not aware of the \$5,000.00 contribution limit to two or more candidates. Mr. Taggar advised that when the Contributor was approached by candidates to contribute to their campaign, the Contributor was advised about the \$1,200.00 limit to one single candidate, but was never advised of the \$5,000.00 limit to two or more candidates on the same council.
6. The Committee notes that pursuant clause 88.22(1)(r) of the *Municipal Elections Act, 1996*, candidates have a duty to ensure that contributors are informed of the maximum contribution limits applicable to both one single candidate, and to two or more candidates on the same council.
7. On Mr. Taggar's advisement, the Committee is satisfied that the Contributor was not aware of the maximum contribution limit to two or more candidates at the time of the contributions, but is now aware of the limit. Mr. Taggar also advised that it is the Contributor's intention not to overcontribute in future elections.
8. The Clerk also advised the Committee that the Contributor does not have a past history of apparent contraventions in the Town.
9. The Committee is satisfied that the Contributor has exceeded the maximum contribution limit to two or more candidates. However, the Committee is satisfied on the record before it that the Contributor was not aware of the \$5,000.00 maximum contribution limit to two or more candidates on the same council, nor was the Contributor informed by candidates of this limit. The Committee also notes that the Contributor does not have a history of contraventions, but is now aware of the maximum contribution limit.
10. On that basis, the Committee has decided not to commence a legal proceeding against the Contributor.



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**AND IN THE MATTER OF** a Meeting of the Compliance Audit Committee (the "Committee"), held Wednesday, May 31, 2023.

#### PURPOSE

Pursuant to subsection 88.34(1) of the *Municipal Elections Act, 1996*, the clerk is required to review the contributions reported on the financial statements submitted by candidates pursuant to section 88.25 of the *Municipal Elections Act, 1996* to determine whether any contributor appears to have exceeded any of the contribution limits established by section 88.9 of the *Municipal Elections Act, 1996*, and prepare a report identifying each contributor who appears to have contravened any contribution limits.

The Clerk's Report identified Karamjit Taggar (the "Contributor") as a contributor that appeared to have exceed the \$5,000.00 contribution limit to any two or more candidates under subsection 88.9(4) of the *Municipal Elections Act, 1996*.

The Committee held a meeting on Wednesday, May 31, 2023 at 10:30 a.m. to consider the Clerk's Report.

#### DECISION

On reviewing the Clerk's Report and on hearing the presentation of the Town Clerk, and on hearing the oral presentation of Onkar Taggar, agent for the Contributor, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee not to commence a legal proceeding against the Contributor pursuant to subsection 88.34(8) of the *Municipal Elections Act, 1996*.

#### REASONS

The reasons for the decision are as follows:

1. The Clerk's Report identified that the Contributor made five separate contributions to candidates on Town Council, totalling \$6,000.00. This exceeds the maximum contribution limit by \$1,000.00.

2. The Committee notes that this matter deals with substantially the same facts as two other matters before the Committee regarding other individuals who also appear to have contravened the maximum contribution limit.
3. Mr. Onkar Taggar appeared as agent on behalf of the Contributor. Mr. Taggar advised that the Contributor is his wife.
4. Mr. Taggar confirmed for the Committee that the Contributor did in fact make the five contributions identified in the Clerk's Report in her own name. In response to a question from the Committee, Mr. Taggar also clarified that the two different addresses associated with the Contributor were a home address and a business address.
5. Mr. Taggar advised that the Contributor was not aware of the \$5,000.00 contribution limit to two or more candidates. Mr. Taggar advised that when the Contributor was approached by candidates to contribute to their campaign, the Contributor was advised about the \$1,200.00 limit to one single candidate, but was never advised of the \$5,000.00 limit to two or more candidates on the same council.
6. The Committee notes that pursuant clause 88.22(1)(r) of the *Municipal Elections Act, 1996*, candidates have a duty to ensure that contributors are informed of the maximum contribution limits applicable to both one single candidate, and to two or more candidates on the same council.
7. On Mr. Taggar's advisement, the Committee is satisfied that the Contributor was not aware of the maximum contribution limit to two or more candidates at the time of the contributions, but is now aware of the limit. Mr. Taggar also advised that it is the Contributor's intention not to overcontribute in future elections.
8. The Clerk also advised the Committee that the Contributor does not have a past history of apparent contraventions in the Town.
9. The Committee is satisfied that the Contributor has exceeded the maximum contribution limit to two or more candidates. However, the Committee is satisfied on the record before it that the Contributor was not aware of the \$5,000.00 maximum contribution limit to two or more candidates on the same council, nor was the Contributor informed by candidates of this limit. The Committee also notes that the Contributor does not have a history of contraventions, but is now aware of the maximum contribution limit and has indicated that she will respect the provisions of the *Municipal Elections Act, 1996* in the future.
10. On that basis, the Committee has decided not to commence a legal proceeding against the Contributor.



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#### PURPOSE

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The Clerk's Report identified Onkar Taggar (the "Contributor") as a contributor that appeared to have exceed the \$5,000.00 contribution limit to any two or more candidates under subsection 88.9(4) of the *Municipal Elections Act, 1996*.

The Committee held a meeting on Wednesday, May 31, 2023 at 10:30 a.m. to consider the Clerk's Report.

#### DECISION

On reviewing the Clerk's Report and on hearing the presentation of the Town Clerk, and on hearing the oral presentation of the Contributor, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee not to commence a legal proceeding against the Contributor pursuant to subsection 88.34(8) of the *Municipal Elections Act, 1996*.

#### REASONS

The reasons for the decision are as follows:

1. The Clerk's Report identified that the Contributor made five separate contributions to candidates on Town Council, totalling \$6,000.00. This exceeds the maximum contribution limit by \$1,000.00.



2. The Committee notes that this matter deals with substantially the same facts as two other matters before the Committee regarding other individuals who also appear to have contravened the maximum contribution limit.
3. The Contributor attended the Meeting to make oral submissions to the Committee.
4. The Contributor confirmed for the Committee that he did in fact make the five contributions identified in the Clerk's Report in his own name. In response to a question from the Committee, the Contributor also clarified that the two different addresses associated with the Contributor were a home address and a business address.
5. The Contributor advised that he was not aware of the \$5,000.00 contribution limit to two or more candidates. The Contributor advised that when he was approached by candidates to contribute to their campaign, he was advised about the \$1,200.00 limit to one single candidate, but was never advised of the \$5,000.00 limit to two or more candidates on the same council.
6. The Committee notes that pursuant clause 88.22(1)(r) of the *Municipal Elections Act, 1996*, candidates have a duty to ensure that contributors are informed of the maximum contribution limits applicable to both one single candidate, and to two or more candidates on the same council.
7. The Contributor offered his sincere apology for the overcontribution, and assured the Committee that he would never do it again.
8. On the Contributor's advisement, the Committee is satisfied that the Contributor was not aware of the maximum contribution limit to two or more candidates at the time of the contributions, but is now aware of the limit. The Contributor also advised that he is now aware of the limit and vowed not overcontribute in future elections.
9. The Clerk also advised the Committee that the Contributor does not have a past history of apparent contraventions in the Town.
10. The Committee is satisfied that the Contributor has exceeded the maximum contribution limit to two or more candidates. However, the Committee is satisfied on the record before it that the Contributor was not aware of the \$5,000.00 maximum contribution limit to two or more candidates on the same council, nor was the Contributor informed by candidates of this limit. The Committee also notes that the Contributor does not have a history of contraventions, but is now aware of the maximum contribution limit and has indicated that he will respect the provisions of the *Municipal Elections Act, 1996* in the future.
11. On that basis, the Committee has decided not to commence a legal proceeding against the Contributor.