

Compliance Audit Committee Minutes  
May 29, 2019 - 1:00 PM  
Committee Room One  
Whitby Town Hall

**Present:** Paul Jones, Chair  
David Wade  
Joe Wyger

**Also Present:** Bruce Engell, External Legal Counsel  
C. Harris, Town Clerk  
C. Bantock, Legislative Coordinator (Recording Secretary)

**Regrets:** None noted

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1. Call to Order - Town Clerk
2. Appointment of Chair

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

Joe Wyger nominated Paul Jones for the Position of Chair of the Compliance Audit Committee.

Paul Jones accepted the nomination.

There were no further nominations and the nominations were closed.

Recommendation:

Moved By Joe Wyger

That Paul Jones be appointed Chair of the Compliance Audit Committee.

**Carried**

3. Declarations of Interest

**3.1** There were no declarations of interest.

4. Opening Statement

- 4.1 Paul Jones, Chair, read the opening statement aloud to the Committee and those in attendance.

5. Motions

- 5.1 There were no motions.

6. Items for Consideration

- 6.1 Clerk's Report to the Compliance Audit Committee - 1:00 PM  
Re: Apparent Contravention of Contribution Limit - Jason Atkins

Paul Jones, Chair, asked and Chris Harris, Town Clerk, confirmed that the report before them was prepared as a requirement under the Municipal Elections Act.

Paul Jones, Chair, invited Jason Atkins to appear before the Committee.

Mr. Atkins stated that he has been involved in past elections and that Bob Baker was the first candidate to communicate with him during the 2018 municipal election. Mr. Atkins explained that Mr. Baker advised him of the contribution limits being \$5,000 per person to multiple candidates and \$1,200 per individual candidate. Mr. Atkins stated that he and his wife met with a number of different candidates and that donations chosen came from a joint account between him and his wife. Mr. Atkins further stated that most of these donations were by e-transfer and so his email address appeared as the sender. Mr. Atkins explained that he and his wife believed the total donations were joint if they were under \$10,000 together and that they ended up donating a total of \$9,000 overall to both Regional Chair and local candidates. Mr. Atkins stated that he and his wife were cautious in following what they thought were the rules and ended up making a mistake.

A question and answer period ensued between Members of the Committee and Jason Atkins regarding:

- the method of donations from Mr. Atkins being made to multiple candidates in the form of cheque, e-transfer, and credit card;
- Mr. Atkins not having previously appeared before a Compliance Audit Committee;
- Mr. Atkins belief that he and his wife were under a \$10,000 limit combined between them; and,
- not reading the receipts issued by candidates thoroughly and the timeframe during which receipts from candidates were received.

The Committee entered into private deliberation in accordance with Section 88.34 (9.1) of the Municipal Elections Act, 1996.

## **6.2 Private Deliberation**

This portion of the meeting was closed to the public. [Refer to the closed session minutes of the meeting – Town Clerk has control and custody.]

The Committee resumed sitting in open session.

Moved By Joe Wyger

Whereas the Committee has considered the report by the Clerk, as well as written and oral submissions from Mr. Atkins;

Whereas the Committee has taken into account all of the information provided including the following matters:

1. the over-contribution is too minor to warrant legal proceedings; and,
2. that the over-contribution was unintentional as the over-contributor intended to share contributions with his spouse.

Now therefore, in light of all of the circumstances and information provided to the Committee, it has decided against commencing a legal proceeding against Jason Atkins for an apparent contravention for exceeding the total contribution limit.

## **Carried**

It was the consensus of the Committee to take a short recess. The Committee recessed at 1:31 p.m. and reconvened at 2:00 p.m.

## **6.3 Clerk's Report to the Compliance Audit Committee - 2:00 PM Re: Apparent Contravention of Contribution Limit - Nick Dilorenzo**

Paul Jones, Chair, asked and Chris Harris, Town Clerk, confirmed that the report before them was prepared as a requirement under the Municipal Elections Act.

Paul Jones, Chair, invited Vince Nigro to appear before the Committee.

Mr. Nigro advised that Nick Dilorenzo is 82 years old and very busy and that Mr. Nigro takes care of most things such as preparing cheques for signature by Mr. Dilorenzo. Mr. Nigro stated that he made a miscalculation in preparing the cheques for donation, it was an honest

error, and that Mr. Dilorenzo trusts him and therefore does not check everything he signs.

A question and answer period ensued between Members of the Committee and Vince Nigro regarding:

- Mr. Nigro making the error but being aware of the applicable contribution limits;
- Mr. Nigro not having previously appeared before a Compliance Audit Committee;
- Mr. Dilorenzo having donated to candidates in previous municipal elections; and,
- the experience of appearing before the Committee making Mr. Nigro more careful in the future.

The Committee entered into private deliberation in accordance with Section 88.34 (9.1) of the Municipal Elections Act, 1996.

#### **6.4 Private Deliberation**

This portion of the meeting was closed to the public. [Refer to the closed session minutes of the meeting – Town Clerk has control and custody.]

The Committee resumed sitting in open session.

Moved By David Wade

Whereas the Committee has considered the report by the Clerk, as well as written and oral submissions from Mr. Nigro on behalf of Mr. Dilorenzo;

Whereas the Committee has taken into account all of the information provided including the following matters:

1. the over-contribution is too minor to warrant legal proceedings; and,
2. that the over-contribution was unintentional and likely resulted from an administrative error.

Now therefore, in light of all of the circumstances and information provided to the Committee, it has decided against commencing a legal proceeding against Nick Dilorenzo for an apparent contravention for exceeding the total contribution limit.

**Carried**

It was the consensus of the Committee to take a short recess. The Committee recessed at 2:25 p.m. and reconvened at 3:00 p.m.

**6.5** Clerk's Report to the Compliance Audit Committee - 3:00 PM  
Re: Apparent Contravention of Contribution Limit - Larry Harding

Paul Jones, Chair, asked and Chris Harris, Town Clerk, confirmed that the report before them was prepared as a requirement under the Municipal Elections Act.

Paul Jones, Chair, invited Larry Harding to appear before the Committee.

Mr. Harding stated that he was approached by a number of candidates to support their campaigns. Mr. Harding advised that he had contributed small donations in the past. He further advised that he was making contributions during a very busy time of year for him and his business. Mr. Harding indicated that his wife, who passed two years prior, was previously responsible for their banking matters and that he has not yet fully organized his personal affairs. Mr. Harding stated that the over-contribution was simple oversight on his part and that he was not trying to make any undue influence in his actions.

A question and answer period ensued between Members of the Committee and Larry Harding regarding:

- Mr. Harding mentally keeping track of his contribution totals;
- A candidate having advised Mr. Harding of the contribution limits;
- Mr. Harding being disorganized but not aiming to do anything wrong in his actions;
- The cheques written by Mr. Harding being submitted over a period of three months;
- Two of the three addresses reported on candidate financial statements being Mr. Harding's residential and business addresses while the third address reported was likely a transcription error made by a candidate;
- Mr. Harding not having previously appeared before a Compliance Audit Committee; and,
- Mr. Harding being more organized when considering to contribute during the next municipal election.

The Committee entered into private deliberation in accordance with Section 88.34 (9.1) of the Municipal Elections Act, 1996.

**6.6** Private Deliberation

This portion of the meeting was closed to the public. [Refer to the closed session minutes of the meeting – Town Clerk has control and custody.]

The Committee resumed sitting in open session.

Moved By Joe Wyger

Whereas the Committee has considered the report by the Clerk, as well as oral submissions from Mr. Harding;

Whereas the Committee has taken into account all of the information provided including the following matters:

1. the over-contribution is not so significant as to impact the integrity of the election; and,
2. that the over-contribution was unintentional and likely resulted from an administrative error.

Now therefore, in light of all of the circumstances and information provided to the Committee, it has decided against commencing a legal proceeding against Larry Harding for an apparent contravention for exceeding the total contribution limit.

**Carried**

7. Adjournment

7.1 Motion to Adjourn.

Recommendation:

Moved By David Wade

That the meeting adjourn.

**Carried**

The meeting adjourned at 3:29 p.m.

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Christopher Harris, Town Clerk