

The Corporation of the Municipality of Chatham-Kent
2018 Election Compliance Audit Committee
Meeting Room 212, Chatham-Kent Civic Centre

May 22, 2019

5:09 P.M.

Committee Members in attendance: Mike Lowther, Mike Phipps, Paul Watson, Daniel Whittal

Committee Members absent: None

Staff in attendance: Judy Smith Municipal Clerk, Cathy Hoffman General Manager Corporate Services, John Norton General Manager Community Development and Chief Legal Officer

Committee Secretary: Meredith Cadotte

1. Call to Order

The Municipal Clerk called the meeting to order at 5:09 p.m.

2. Election of Chair

Mike Phipps nominated Daniel Whittal for the position of Election Compliance Audit Committee Chair. Mr. Whittal accepted the nomination.

Moved by Mike Phipps, seconded by Paul Watson:

“That Daniel Whittal be elected as Chair of the 2018 Election Compliance Audit Committee, for the term ending November 14, 2022.

Motion Carried

3. Disclosures of Pecuniary Interest (Direct or Indirect)

Mike Lowther declared a conflict of interest with regard to Item 8(e) – Application by Robert Powers for Compliance Audit of Karen Kirkwood-Whyte as he assisted on her campaign.

Paul Watson indicated that he had received information that suggested he may not be eligible to sit on the committee due to his position as Integrity Commissioner for the Municipality of Chatham-Kent. Mr. Watson requested that the committee move into private deliberations to receive legal advice on this matter.

Moved by Mike Phipps, seconded by Mike Lowther:

“That the committee adjourn to private deliberations to receive legal advice on the eligibility of Paul Watson to be a member of the 2018 Election Compliance Audit Committee pursuant to Section 88.33(5.1) of the Municipal Elections Act, 1996.”

Motion Carried

The committee adjourned to private deliberations at 5:12 p.m.

The Chair reconvened the public meeting at 5:25 p.m.

Mr. Watson noted that his role as the Integrity Commissioner for the Municipality of Chatham-Kent could be considered an Officer of the Municipality therefore he declared himself ineligible to be a member of the 2018 Election Compliance Audit Committee.

Mr. Watson left the meeting.

4. Approval of Rules of Procedure

The Municipal Clerk noted that due to the reduced number of committee members the Section 8.9 of the Rules of Procedure would be amended as follows:

8.9 Attendance of 2 members constitutes a quorum at meetings of the Committee.

Mike Phipps moved, Mike Lowther seconded:

“That the Rules of Procedure be approved as amended.”

Motion Carried

5. Approval of Minutes (if applicable)

There were no minutes from previous meetings to approve.

6. Chair’s Open Message

The Chair reviewed the purpose of the Compliance Audit Committee.

7. Consent Items

- (a) [Rules of Procedure](#)
- (b) [Financial Statement - Form 4 – Candidate – Penelope Duchesne](#)
- (c) [Financial Statement - Form 4 – Candidate – Amy Finn](#)
- (d) [Financial Statement - Form 4 – Candidate – Don Fuoco](#)
- (e) [Financial Statement - Form 4 – Candidate – Ryan Jackson](#)
- (f) Default Notice - Form 4 – Candidate – Don Leonard
- (g) [Financial Statement - Form 4 – Candidate – Karen Kirkwood-Whyte](#)
- (h) [Financial Statement - Form 4 – Candidate – Brock McGregor](#)
- (i) [Financial Statement - Form 4 – Candidate – Larry Vellinga](#)
- (j) [Financial Statement – Auditor’s Report Form 4 – Candidate – Alysson Storey](#)
- (k) [Financial Statement - Form 4 – Third Party – Campaign Life Coalition](#)

Moved by Mike Lowther, seconded by Mike Phipps

“That the Consent Items be received for information.”

Motion Carried

8. Items for Discussion

(a) [Application by Robert Powers for Compliance Audit of Penelope Duchesne](#)

The Committee received verbal presentation from Penelope Duchesne. Mr. Powers declined to make further submission.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Penelope Duchesne is attached.

(b) [Application by Robert Powers for Compliance Audit of Amy Finn](#)

The Committee received verbal presentation from Amy Finn. Mr. Powers provided an additional written submission but declined to make further verbal submission.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Amy Finn is attached.

(c) [Application by Robert Powers for Compliance Audit of Don Fuoco](#)

The Committee received verbal presentation from Don Fuoco. Mr. Powers declined to make further submission.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Don Fuoco is attached.

(d) [Application by Robert Powers for Compliance Audit of Ryan Jackson](#)

Mr. Powers declined to make further submission. Ryan Jackson was not present at the meeting.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Ryan Jackson is attached.

(e) [Application by Robert Powers for Compliance Audit of Karen Kirkwood-Whyte](#)

Mike Lowther declared a conflict of interest and removed himself from discussion and voting on this application.

The Committee received verbal presentation from Karen Kirkwood-Whyte. Mr. Powers declined to make further submission.

Moved by Mike Phipps, seconded by Daniel Whittal:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Karen Kirkwood-Whyte is attached.

(f) [Application by Robert Powers for Compliance Audit of Don Leonard](#)

The Committee received verbal presentation from Mr. Powers. Don Leonard was not present at the meeting.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Don Leonard is attached.

(g) [Application by Robert Powers for Compliance Audit of Brock McGregor](#)

Mr. Powers provided further written submission but declined to make further verbal submission. Brock McGregor was not present at the meeting

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Brock McGregor is attached.

(h) [Application by Robert Powers for Compliance Audit of Larry Vellinga](#)

Mr. Powers declined to make further submission. Larry Vellinga was not present at the meeting.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Larry Vellinga is attached.

(i) [Application by Robert Powers for Compliance Audit of Alysson Storey](#)

Mr. Powers provided further written and verbal submissions. Alysson Storey provided a written and verbal submission.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate

(where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Alysson Storey is attached.

(j) [Application by Robert Powers for Compliance Audit of Campaign Life Coalition](#)

Mr. Powers declined to make further submission. There were no representatives from the Campaign Life Coalition present at the meeting however they did provide a written submission.

Moved by Mike Lowther, seconded by Mike Phipps:

“Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant and the candidate (where applicable), the Committee hereby rejects the application for the following reason:

- **The application was not presented with compelling and credible information which raised a reasonable probability that a breach of the campaign finance provisions of the Municipal Elections Act, 1996 has occurred.**

Motion Carried

The Notice of Decision pertaining to the Application of Robert Powers for Compliance Audit of Campaign Life Coalition is attached.

9. Private Deliberations

The Committee recessed to private deliberations at 6:01 p.m.

The Chair reconvened the public meeting at 8:40 p.m.

10. Deferred Matters/Additional Business

There were no deferred matters or additional business discussed.

11. Adjournment

Mike Lowther moved, Mike Phipps seconded:

“That the meeting of the 2018 Election Compliance Audit Committee be adjourned.”

Motion Carried

The meeting adjourned at 8:52 p.m.

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Penelope Duchesne** for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Amy Finn** for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Don Fuoco** for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Ryan Jackson** for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Karen Kirkwood-Whyte** for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Phipps, Seconded by: Daniel Whittal

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Don Leonard** for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Brock McGregor** for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate Larry Vellinga for Councillor Ward 6 submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election campaign of Candidate **Alysson Storey** for Mayor submitted by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

The application list various sections of the Municipal Elections Act that the Applicant believes have been contravened. The sections listed in the applications are 88.9(4); 88.15; 88.15(3) 3; 88.22; 88.22(1)(e); 88.22(1)(f); 88.22(1)(g).

All of the above sections deal with campaign contributions, and are therefore dependent on a definition of “contribution”. 88.15(1) states that, “For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign... are contributions.”

The applicant alleges that the events held by Ben Labadie constituted a “service” that should have been reported by the candidates who participated. The Municipal Elections Act does not define the term “service”. We are not prepared to attempt to define the term “service”. However, even if Mr. Labadie’s events were considered a service, we believe that his events were not organized for the benefit of any individual candidate. We believe that the events were organized by Mr. Labadie for his own self-promotion and as a public service. The events are similar to town hall events and round tables that were conducted all over the municipality. We believe that this type of event is an important element of a democratic process. They assist in making the many candidates’ positions available to the public. There is no evidence that Mr. Labadie accepted from the candidates, nor offered to the candidates, any payment related to the events. Further, there is no evidence indicating that Mr. Labadie only invited certain candidates. In fact, the applicant, in his written submissions,

included a text message conversation between himself (a mayoral candidate) and Mr. Labadie, in which it appears that Mr. Labadie is inviting him to be a part of the event. We see no credible reason to invest taxpayer funds in an audit of these public events organized by Mr. Labadie.

This application also makes reference to Section 88(20)(2) of the Act, which says that an expense shall not be incurred by a candidate outside of the election period. In this case, the applicant alleges that Ms. Storey's website was registered before for the beginning of the election period. Ms. Storey concedes that the website was in fact registered before that date, but that she incurred no expense in relation to the website before that date. The Applicant also requests an audit based on the fact that Ms. Storey's website continued to exist after the election, and that the rental of her campaign space extended past the election date of October 22 to the end of October.

We are not prepared to recommend an audit based such trifling matters as the registration of a website only days before the beginning of the election period, nor on the continued existence of a website after the election, nor on a rental period covering the whole month of October when the election was on October 22. We note that the website is no longer operational. We also note that, at \$41,448, Ms. Storey was not even close to reaching her campaign limit of \$73,000. We decline to recommend an audit into such small figures as have been called into question by this application.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member

**Notice of Decision
Election Compliance Audit Committee
Municipality of Chatham-Kent**

In the matter of an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

That the Election Compliance Audit Committee consider whether the application for a compliance audit of the finances for the 2018 General Municipal Election of **Third Party – Campaign Life Coalition submitted** by Robert Powers be granted or rejected.

The application for compliance audit is: **REJECTED**

Moved by: Mike Lowther, Seconded by: Mike Phipps

Be it resolved that upon hearing the representations and reading the written submissions and documents submitted by the applicant, the candidate, and their representatives (as the case may be), the Committee hereby REJECTS the application for the following reason(s):

This application is based on s. 88.26, which deals with actual contributions, receipts, records, etc. related to a registered third parties. The application contains no allegations related to Campaign Life Coalition’s actual contributions, receipts or records, and thus provides no evidence on which we can find a credible reason to recommend an audit.

Motion Carried

Issued by The Corporation of the Municipality of Chatham-Kent Election Compliance Audit Committee at Chatham-Kent, Ontario, on May 22, 2019.

Compliance Audit Committee:

Original Signed by:

Daniel Whittal – Chair

Original Signed by:

Mike Lowther – Member

Original Signed by:

Mike Phipps – Member