

KK/
Windsor, Ontario July 20, 2015

A meeting of the **Compliance Audit Committee** is held this day commencing at 9:30 o'clock a.m. in Room 407, 400 City Hall Square East, there being present the following members:

Brian Cowell, Chair
Mario Quaglia
George Wilkki

Delegations in attendance:

Paul Synott, Applicant
Gabriel Maggio, Candidate

Also present are the following resource personnel:

Valerie Critchley, City Clerk
Shelby Askin-Hager, City Solicitor
Mark Nazarewich, Senior Legal Counsel
Helga Reidel, CAO
Chuck Scarpelli, Manager Records & Elections & Freedom of Information & Privacy Coordinator
Gazmon Tahiri, Master's Student, University of Windsor
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Committee Coordinator calls the meeting to order at 9:30 o'clock a.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. DISCLOSURE OF INTEREST

None disclosed.

3. ELECTION OF CHAIR

The Committee Coordinator calls for nominations from the floor for the position of Chair. G. Wilkki nominates B. Cowell and is seconded by M. Quaglia. The Committee Coordinator asks if there are further nominations from the floor for the position of Chair. Seeing none, the Committee Coordinator asks if B. Cowell accepts. B. Cowell accepts.

Moved by G. Wilkki, seconded by M. Quaglia,
That Brian Cowell **BE ELECTED** Chair of the Compliance Audit Committee.
Carried.

B. Cowell assumes the Chair.

4. **ADDITIONS TO THE AGENDA**

Moved by G. Wilkki, seconded by M. Quaglia,
That Rule 3.3 (c) of the *Procedure By-law 98-2011* be waived to add the following
addition to the Agenda:

Letter from Gabriel Maggio dated July 16, 2015 requesting deferral of this matter to a
future date and the response from the City Clerk dated July 16, 2015.

Carried.

5. **OPENING STATEMENT BY CHAIR AND INTRODUCTIONS**

The document entitled “Introductory Comments by the Chair” is provided as an overview
for the members and delegations and is **attached** as Appendix “A”.

6. **APPLICATION FOR A COMPLIANCE AUDIT**
APPLICATION BY PAUL SYNOTT FOR A COMPLIANCE AUDIT OF GABE
MAGGIO, CANDIDATE WARD 3

i. **Attachments:**

- Submitted Application
- Candidate’s Financial Statement

ii. **Introduction and Recording of Applicant and Candidate**

Both the applicant and candidate confirmed their names and mailing addresses:

APPLICANT:

Paul Synott
292 Bruce Avenue
Windsor, Ontario N9A 4W3

CANDIDATE:

Gabriel Maggio
1008 Victoria
Windsor, Ontario N9A 4N6

iii. Presentation by Applicant (or agent)

The applicant declines to make any statements.

iv. Presentation by Candidate (or agent)

The letter from Gabriel Maggio dated July 16, 2015 requesting deferral of this matter to a future date and the response from the City Clerk is distributed and **attached** as Appendix "B". Mr. Maggio agrees to withdraw his request for deferral.

Candidate Gabriel Maggio addresses the Committee and provides the following comments relating to the 3 allegations provided by the Applicant:

1. Campaign donation of \$500 from a Michigan resident

Mr. Maggio indicates the credit card contribution from the U.S resident was disclosed, however, he did not realize a contribution from a non-resident was not permitted until an article appeared in the Windsor Star. He notes he immediately contacted the contributor and stated he would seek direction from Compliance Audit Committee relating to this matter. An e-mail was sent to the City Clerk and the Manager of Elections for direction. He notes his auditor did not disclose this misstep as it relates to a donation by a non-resident.

2. Bluesfest Hospitality Tent

Mr. Maggio states there is no differentiation between placing a tent at the Bluesfest event or in a park or on private property. The tent was manned for only two hours and notes he provided his own tent for use at the event.

3. Campaign Office – 939 Goyeau

Mr. Maggio states the use of his office located at 939 Goyeau for his campaign is no different than "running his campaign" out of his home. He reports the campaign office was located in one of the storage rooms which are not available for rent.

In response to a question asked by Mr. Maggio regarding the Municipal Elections Act and if the Committee has "jurisdiction only to determine an apparent conflict and at that point in time to refer to an auditor for a further study", M. Nazarewicz provides the following comments:

- A case quite similar in nature involved a contribution derived from someone who is not allowed to make a contribution. The candidate basically refunded the money. The legislation involves a person who is not entitled to make a contribution, so the dissimilarity in this case is Mr. Maggio technically still has the funds from the non-resident (which were not refunded). In the other case, the Committee found that by refunding the money immediately it was not contrary to the legislation.

Moved by G. Wilkki, seconded by M. Quaglia,

That the application of Paul Synnott for a compliance audit of the campaign finances of Gabriel Maggio, Ward 3 candidate in the October 27, 2014 municipal election **BE GRANTED**, and

That Purchasing and Risk Management **BE DIRECTED** to engage the services of an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the election campaign finances of Gabriel Maggio, related to the 2014 municipal election for the purpose of preparing a report for the Committee, in accordance with section 81 of the *Municipal Elections Act*, and

That Purchasing and Risk Management **BE DIRECTED** to obtain formal quotations, in accordance with the City's *Purchasing By-law*, for the selection of the auditor giving consideration to the auditor's experience in municipal election finances and/or compliance audits, ability to complete the audit in a timely fashion, and provide the City with a Letter of Independence to confirm that there is no conflict with the undertaking, and

That the successful proponent (Auditor) **BE DIRECTED** to sign the Clerk's Form EL 58, Declaration for a Compliance Audit Committee "Appointed Auditor" (attached) and take the declaration on the form, and

That the auditor, upon completion of the assignment, **REPORT** back to the Election Compliance Audit Committee at a meeting to be held for this purpose, and

That all costs associated with engaging the services of the auditor **BE CHARGED** to the Municipal Election Account #111510.
Carried.

6. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 9:50 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR

**COMPLIANCE AUDIT COMMITTEE
MEETING**

MONDAY, JULY 20, 2015

**ROOM 407, 400 CITY HALL SQUARE EAST
9:30 A.M.**

A G E N D A

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF INTEREST**
- 3. ELECTION OF CHAIR**
- 4. OPENING STATEMENT BY CHAIR AND INTRODUCTIONS**
- 5. APPLICATION FOR COMPLIANCE AUDIT
APPLICATION BY PAUL SYNOTT FOR A COMPLIANCE AUDIT OF GABE MAGGIO,
CANDIDATE WARD 3**
 - i. Attachments:**
 - Submitted Application
 - Candidate's Financial Statement
 - ii. Introduction and Recording of Applicant and Candidate**
Candidate and Applicant (or agents) to provide names and mailing addresses to the Clerk.
 - iii. Presentation by Applicant (or agent)**
 - iv. Presentation by Candidate (or agent)**
 - v. Committee Consideration of Application and Decision**
Committee to determine to grant or reject Application – Resolution to be presented.
 - vi. Appointment of Auditor**
If Application is granted – Appointment of Auditor
- 6. ADJOURNMENT**

Introductory Comments by The Chair

- This is the first meeting of the Elections Compliance Audit Committee as established by City Council under section 81 of the *Municipal Elections Act*.
- An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened the provisions of the *Municipal Elections Act* relating to election campaign finances for the 2014 municipal election may apply for a compliance audit of a candidate's election campaign.
- On June 25, 2015 an application was submitted by Paul Synnott to the City Clerk for a compliance audit of Gabriel Maggio's campaign finances related to the 2014 municipal election. Gabe Maggio was a candidate for the Office of Councillor, Ward 3 during the 2014 election.
- The purpose of this meeting is
 - for Committee members to consider the submitted application,
 - to give the applicant and the candidate an opportunity to address the committee,
 - for Committee members to decide on whether to appoint an auditor to review the candidate's campaign finances.
- The Committee has the authority:
 - to grant or reject a compliance audit application,
 - to appoint an auditor to conduct the audit where the application is granted and receive the results,
 - to commence legal proceedings against the candidate for any apparent contravention within 30 days of receiving the auditor's report.

**The City of Windsor
Council Services Department
350 City Hall Square, West,
Windsor, Ontario,
Canada
N9A 6S1**

July 16, 2015

Dear: Valerie Critchley, City Clerk

Please be advised that I am requesting a postponement for the meeting dated July 20, 2015 at 9:30 a.m. at City Hall Square.

Understanding your time constraints I am requesting a maximum of 10 days postponement.

The reason for the request is that we currently have an immediate family member in the hospital. My obligations with family and work will be constrained for the next 7 to 10 days.

This short delay will not impede the process and deadlines within the legislated Municipal Elections Act.

I thank you in advance for your deference.

Sincerely,



Gabriel Maggio, Jr.



THE CITY OF WINDSOR
COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY
CITY CLERK

IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

(by e-mail)

July 16, 2015

Mr. Gabriel Maggio
1008 Victoria Avenue
Windsor, Ontario N9A 4N6

Dear Mr. Maggio:

Thank-you for your correspondence sent by email today in which you requested a "postponement" of the hearing of the Compliance Audit Committee scheduled for 9:30 am on July 20, 2015.

Please be advised that the jurisdiction to consider your request lies with the Committee and as a result, your request will be placed before the Committee once the hearing is called to order. The Committee may grant your request, in which case I note that, pursuant to the *Municipal Elections Act*, the hearing must be heard within 30 days of the Committee's initial receipt of the application which was June 26, 2015. Therefore, the hearing would have to be re-scheduled and heard on or before July 27, 2015.

In the alternative, the Committee may choose to proceed in your absence and as such you may wish to have an agent appear on your behalf and/or make written submissions for the Committee's consideration.

Should you wish to make written submissions, please send them to my attention on or before 9:00 am on July 20, 2015 so that sufficient copies may be made for the Committee.

Yours truly,

Valerie Critchley
City Clerk

VC/bm