



Joint Compliance Audit Committee Decision

Meeting Date: Thursday June 27, 2019
Meeting Time: 6:00 p.m.
Meeting Location: Canada Room, Markham Civic Centre
Report Name: City Clerk's Report of Apparent Over-Contributions in 2018 Municipal Election by Contributor: Kevin Horton

IN THE MATTER OF the City Clerk's Report dated May 30, 2019 in respect to an apparent contravention of the contribution limits to candidates by Kevin Horton ("contributor");

WHEREAS, pursuant to section 88.34(1) of the *Municipal Elections Act, 1996*, as amended, (the Act), the City Clerk shall review the contributions reported on the financial statements submitted by a candidate under Section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under Section 88.9;

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

WHEREAS, Section 88.9 of the Act states that a contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council;

WHEREAS, Section 88.34(2) of the Act requires the City Clerk to prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under Section 88.9;

WHEREAS, Section 88.34(8) of the Act states that within 30 days after receiving a report under subsection (4) or (7), the Compliance Audit Committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention;

WHEREAS, a meeting of the Joint Compliance Audit Committee ("Committee") was held on Thursday, June 27, 2019 at 6:00 p.m. at the Markham Civic Centre to review the City Clerk's Report to the Joint Compliance Audit Committee;

WHEREAS, in accordance with the Committee's procedures, the City Clerk, the contributor and any affected candidates were provided the opportunity to address the Committee.

[Continued on page 2]

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

THAT the City of Markham's Joint Compliance Audit Committee moves to not commence legal proceedings against Kevin Horton for an apparent contravention of the contribution limits set out in Section 88.9 of the *Municipal Elections Act, 1996*, as amended.

The Committee has made the decision for the reasons below:

The Committee is satisfied based on oral and written submissions received on behalf of the contributor that the events giving rise to the breach of Mr. Horton's contribution limit are such that we do not wish to recommend the commencement of legal proceedings.

Signed version on file in the Office of the City Clerk

Kelly Gravelle
Compliance Audit Committee Member

W. Paul Jones
Compliance Audit Committee Member

Jodi L. Feldman
Compliance Audit Committee Member