



**2018 MUNICIPAL ELECTION  
JOINT COMPLIANCE AUDIT COMMITTEE  
MINUTES**  
Thursday, June 27, 2019  
6:00 p.m.  
Canada Room, Markham Civic Centre

**Alternate formats for this document are available upon request.**

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**Attendance:**

Members:

Jodi L. Feldman  
Kelly Gravelle  
W. Paul Jones

Staff:

Kimberley Kitteringham, City Clerk  
Martha Pettit, Deputy City Clerk  
Scott Chapman, Election and Committee Coordinator  
Grace Lombardi, Legislative Coordinator

**1. CALL TO ORDER**

The York Region Joint Compliance Audit Committee convened at 6:02 p.m. in the Canada Room of the Markham Civic Centre.

**2. DISCLOSURE OF INTEREST**

None disclosed.

**3. INTRODUCTION OF COMMITTEE MEMBERS**

The presiding Members of the York Region Joint Compliance Audit Committee for the 2018-2022 Council term introduced themselves to members of the public in attendance.

**4. ELECTION OF THE CHAIR**

Moved by Jodi L. Feldman  
Seconded by W. Paul Jones

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That Kelly Gravelle be appointed as the Chair for the York Region Joint Compliance Audit Committee for the June 27, 2019 hearing regarding consideration of the City Clerk's Reports for apparent over-contributions to candidates for Markham Council in the 2018 Municipal Election.

**Carried**

**5. CONFIRMATION OF RULES OF PROCEDURE**

The City Clerk noted that the proceedings would be conducted in accordance with the York Region Joint Compliance Audit Committee Rules of Procedure established by the City Clerk pursuant to the *Municipal Elections Act, 1996* and advised this document can be found on the City's election website. The mandate of the Committee was outlined in accordance with Section 88.34(8) of the *Municipal Elections Act, 1996*.

Moved by W. Paul Jones  
Seconded by Jodi L. Feldman

That the Rules of Procedure for the York Region Joint Compliance Audit Committee be confirmed.

**Carried**

**6. CONSIDERATION OF ITEMS REQUIRING DISCUSSION****a. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – BRIAN BROWN**

The Deputy Clerk introduced the item and summarized the details contained in the City Clerk's Report on apparent over-contributions to candidates in the 2018 Municipal Election by Mr. Brian Brown. The Deputy Clerk noted that Mr. Brown appears to have made contributions to five separate candidates to candidates for Markham Council totaling \$5,876, which is \$876 in excess of the \$5,000 individual contribution limit as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing was sent to all three addresses identified with the contributor by registered mail in accordance with Section 88.33 (5) of the *Act*, and that the notice delivered to 80 Castlewood Road was returned to the Clerk's Department as unclaimed. The Deputy Clerk noted that written submissions were received by Mr. Brian Brown and provided to the members of Committee for consideration. The Deputy Clerk noted that certain attachments referenced in the correspondence were redacted from the public agenda as containing personal information and were provided to members of the Committee only.

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Ms. Anastasia Testani appeared before the Committee on behalf of Mr. Brown. Ms. Testani explained that the contribution of \$1,076 made to the campaign of Joe Li was for the purchase of tickets to the candidate's fund-raising gala, and was not intended as a political contribution but rather as a strict purchase of goods or services. Ms. Testani confirmed that all other contributions identified in the City Clerk's Report as being made by Mr. Brown are accurate and were intended as campaign contributions.

The Committee noted that, in accordance with Section 88.15(3) of the *Municipal Elections Act*, contributions include the amount charged for admission to a fund-raising function. Ms. Testani advised that Mr. Brown was aware of the \$5,000 contribution limit to candidates on the same council, but was not aware that the purchase of the tickets constituted a campaign contribution under the *Act*.

The Committee resolved into private deliberation at 6:13 p.m. and returned at 6:18 p.m.

Moved by Jodi L. Feldman

Seconded by W. Paul Jones

That the City of Markham's Joint Compliance Audit Committee move to commence legal proceedings against Brian Brown for an apparent contravention of the contribution limits set out in Section 88.9 of the *Municipal Elections Act, 1996*, as amended.

**Carried**

**b. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – LATIF FAZEL**

The Deputy Clerk introduced the item and summarized of the details contained in the City Clerk's Report on apparent over-contributions to candidates in the 2018 Municipal Election by Latif Fazel. The Deputy Clerk noted that Mr. Fazel appears to have made contributions to five separate candidates for Markham Council totaling \$5,200, which is \$200 in excess of the \$5,000 individual contribution limit as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing was sent to the contributor by registered mail in accordance with Section 88.33 (5) of the *Act*. The Deputy Clerk noted that Mr. Fazel submitted written communications to the Clerk's Department for consideration by the Committee indicating that the contribution made to the campaign of Nirmala Armstrong in the amount of \$1,200 was intended to be in the name of his wife, Yasmin Fazel. Mr. Fazel noted in his correspondence that the cheque was issued from a joint bank account, and that he signed the cheque on his wife's behalf.

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The Committee inquired as to whether Mrs. Yasmin Fazel, spouse of Latif Fazel, had made additional contributions to Markham Council candidates in the 2018 Municipal Election, and whether the contribution referenced in Mr. Fazel's correspondence would result in a separate contravention of her individual contribution limits. Staff confirmed that no other contributions were identified by any candidates for Markham Council as having been received from Yasmin Fazel.

Moved by W. Paul Jones

Seconded by Jodi L. Feldman

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

**Carried**

**c. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – KEVIN HORTON**

The Deputy Clerk introduced the item and summarized the details contained in the City Clerk's Report on apparent over-contributions to candidates in the 2018 Municipal Election by Kevin Horton. The Deputy Clerk noted that Mr. Horton appears to have made five separate contributions to candidates for Markham Council totaling \$5,200, which is \$200 in excess of the \$5,000 individual contribution limit as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing was sent to all three addresses identified with the contributor by registered mail in accordance with Section 88.33 (5) of the *Act*, and that the notice delivered to 86 Glengordon Crescent was returned to the Clerk's Department as unclaimed.

Ms. Cailey Stollery was in attendance and addressed the Committee on behalf of Mr. Kevin Horton. Ms. Stollery advised that the \$400 contribution made to the campaign of Andrew Keyes was intended to be split with Mr. Horton's wife, Ms. Gillian Stollery. Ms. Stollery explained that Mr. Horton directed his assistant to issue two separate cheques of \$200, one from Mr. Horton and the other from Ms. Gillian Stollery, and that one cheque was inadvertently issued on behalf of both contributors from Mr. Horton's personal bank account.

Ms. Emily Landon, Mr. Horton's assistant, was in attendance and confirmed that the apparent contravention was the result of an administrative error made in good faith, and that there was no intention to exceed the individual contribution limit set out in the *Municipal Elections Act*.

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The Committee inquired as to whether Ms. Gillian Stollery had made additional contributions to Markham Council candidates in the 2018 Municipal Election, and whether the \$200 contribution referenced by the deputants would result in a separate contravention of her individual contribution limits. Staff confirmed that three contributions totaling \$3,600 were recorded as having been received by candidates for Markham Council from Gillian Stollery which, together with the additional \$200, is within the allowable individual contribution limit under the *Act*.

Moved by Jodi L. Feldman

Seconded by W. Paul Jones

That the City of Markham's Joint Compliance Audit Committee move 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.

**Carried**

**d. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – FELICIA HUNG**

The Deputy Clerk introduced the item and summarized the details contained in the City Clerk's Report on apparent over-contributions to candidates in the 2018 Municipal Election by Felicia Hung. The Deputy Clerk noted that Ms. Hung appears to have made contributions to five separate candidates for Markham Council totaling \$6,000, which is \$1,000 in excess of the individual contribution limits as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing was sent to all three addresses identified with the contributor by registered mail in accordance with Section 88.33 (5) of the *Act*, and that the notice sent to 10660 Yonge Street was returned to the Clerk's Department as unclaimed.

Mr. Michael Cook, legal representative for Ms. Hung, appeared before the Committee and submitted written correspondence on Ms. Hung's behalf. Mr. Cook confirmed that the contributions summarized in the City Clerk's Report were made by Ms. Hung to candidates on Markham Council and exceeded the \$5,000 contribution limit set out in Section 88.9 of the *Municipal Elections Act*. Mr. Cook advised the Committee that Ms. Hung was unaware of the \$5,000 limit when the contributions were made, and that she had no deliberate intention to contravene the *Act*. Mr. Cook expressed Ms. Hung's sincere regrets for the oversight.

The Committee inquired as to whether Ms. Hung has ever made campaign contributions to candidates in past elections. Mr. Cook confirmed that Ms. Hung

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has made campaign contributions in the past but never to such a scale as to trigger an investigation for potential violation of the law. The Committee also inquired as to whether the \$5,000 individual contribution limit to multiple candidates on the same board or council was a new provision for the 2018 Municipal Election. Staff noted that the \$5,000 contribution limit has been in effect in each of the previous three municipal elections in Ontario.

The Committee clarified its mandate under the *Municipal Elections Act* as not determining the merits of prosecution but determining whether an apparent contravention has occurred. The Committee noted that in all previous cases where prosecution was not recommended, the Committee was satisfied with the evidence provided by the contributor and corroborated by the Clerk's Department to suggest that the contravention was the result of an administrative error. The Committee indicated that ignorance of the law on the part of the contributor does not relieve the Committee from discharging its mandate where an admission of an over-contribution has been made. It was noted that the nature and process of any subsequent legal proceedings on this matter will be determined by an independent prosecutor in accordance with prosecutorial discretion.

Mr. Cook requested that any future correspondence to Ms. Hung on this matter be forwarded to his attention.

Moved by Jodi L. Feldman

Seconded by W. Paul Jones

That the City of Markham's Joint Compliance Audit Committee move to commence legal proceedings against Felicia Hung for an apparent contravention of the contribution limits set out in Section 88.9 of the *Municipal Elections Act, 1996*, as amended.

**Carried**

**e. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – DENNIS KOHN**

The Deputy Clerk introduced the item and summarized the details contained in the City Clerk's Report on apparent over-contributions to candidates in the 2018 Municipal Election by Dennis Kohn. The Deputy Clerk noted that Mr. Kohn appears to have made contributions to nine separate candidates for Markham Council totaling \$5,200, which is \$200 in excess of the \$5,000 individual contribution limit as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing was sent to the contributor by registered mail in accordance with Section 88.33 (5) of the *Act*.

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The Deputy Clerk advised that no written submissions were received on this matter.

There were no persons in attendance to speak on this matter.

The Committee resolved into private deliberation at 6:52 p.m. and returned at 6:54 p.m.

Moved by W. Paul Jones

Seconded by Jodi L. Feldman

That the City of Markham's Joint Compliance Audit Committee move to commence legal proceedings against Dennis Kohn for an apparent contravention of the contribution limits set out in Section 88.9 of the *Municipal Elections Act, 1996*, as amended.

**Carried**

**f. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – DUNDAS KWOK**

The Deputy Clerk introduced the item and provided a summary of the details contained in the City Clerk's Report on apparent over-contributions to candidates on Markham Council in the 2018 Municipal Election by Dundas Kwok. The Deputy Clerk noted that Mr. Kwok appears to have made contributions to six separate candidates for Markham Council totaling \$6,300, which is \$1,300 in excess of the individual contribution limit as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing was sent to the contributor by registered mail in accordance with Section 88.33 (5) of the *Municipal Elections Act*, and that the notice was returned to the Clerk's Department as unclaimed. The Deputy Clerk advised that no written submissions were received on this matter.

There were no persons in attendance to speak on this matter.

Moved by Jodi L. Feldman

Seconded by W. Paul Jones

That the City of Markham's Joint Compliance Audit Committee move to commence legal proceedings against Dundas Kwok for an apparent contravention of the contribution limits set out in Section 88.9 of the *Municipal Elections Act, 1996*, as amended.

**Carried**

**g. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – FRANK SPAZIANI**

The Deputy Clerk introduced the item and summarized the details contained in the City Clerk's Report on apparent over-contributions to candidates in the 2018 Municipal Election by Frank Spaziani. The Deputy Clerk noted that Mr. Spaziani appears to have made contributions to five separate candidates on Markham Council totaling \$5,400, which is \$400 in excess of the \$5,000 individual contribution limit as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing were sent to the contributor by registered mail in accordance with Section 88.33 (5) of the *Act*, and that written submissions were received from Mr. Spaziani for consideration by the Committee. The Deputy Clerk noted that certain attachments referenced in the correspondence were redacted from the public agenda as personal information and were provided to members of the Committee only.

Mr. Spaziani was in attendance and addressed the Committee in regard to the City Clerk's Report for apparent over-contributions made in his name to candidates on Markham Council. Mr. Spaziani explained that the contribution identified in the City Clerk's Report made to the campaign of Alex Chiu in the amount of \$1,200 was made by his wife, Nancy Spaziani, and was incorrectly recorded and reported by the candidate in their campaign financial statement. Mr. Spaziani provided the Committee with a copy of the corresponding cheque made to the Alex Chiu campaign signed by Nancy Spaziani, as well as copies of the contribution receipt that was cancelled and re-issued by the candidate to reflect the correct contribution information.

Moved by Jodi L. Feldman

Seconded by W. Paul Jones

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

**Carried**

**h. CITY CLERK'S REPORT ON APPARENT OVER-CONTRIBUTIONS TO CANDIDATES – WEN YI WANG**

The Deputy Clerk introduced the item and summarized the details contained in the City Clerk's Report on apparent over-contributions to candidates in the 2018 Municipal Election by Wen Yi Wang. The Deputy Clerk noted that the contributor appears to have made contributions to six separate candidates for

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Markham Council totaling \$7,200, which is \$2,200 in excess of the individual contribution limit as per Section 88.9 (4) of the *Municipal Elections Act*. The Deputy Clerk advised that notice of this hearing was sent to the contributor by registered mail in accordance with Section 88.33 (5) of the *Act*, and that no written submissions were received on this matter.

There were no persons in attendance to speak on this matter.

Moved by Jodi L. Feldman

Seconded by W. Paul Jones

That the City of Markham's Joint Compliance Audit Committee move to commence legal proceedings against Wen Yi Wang for an apparent contravention of the contribution limits set out in Section 88.9 of the *Municipal Elections Act, 1996*, as amended.

**Carried**

**8. Adjournment**

Moved by W. Paul Jones

Seconded by Jodi L. Feldman

That the York Region Joint Compliance Audit Committee hearing adjourn at 7:03 PM.

**Carried**