



**DRAFT Minutes of the  
Compliance Audit Committee Meeting  
Held in the River Plate Room, Ajax Town Hall  
At 7:00 p.m. on June 28, 2019**

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Present:	Chair	Shaun Patrick Young
	Members	Amanda Downs
		Margot Poepjes
	Staff	Alexander Harras

**1. Call to Order**

Alexander Harras, Manager of Legislative Services/Acting Clerk, introduced the members of the Town of Ajax Compliance Audit Committee.

Chair Young called the meeting to order at 7:00 p.m.

**2. Chair's Opening Statement**

Chair Young read the Chair's Opening Statement.

**3. Disclosure of Pecuniary Interest**

There were no disclosures of pecuniary interest.

**4. Minutes**

**4.1 Committee Meeting, June 6, 2019**

Moved by: A. Downs

That the minutes of the Compliance Audit Committee Meeting held on June 6, 2019 be approved.

CARRIED UNANIMOUSLY

## 5. Compliance Audit Request

### 5.1 Collier, Shaun

#### a) Delegations

The Committee requested delegations from the applicants and candidate in attendance.

Ceciley White, applicant, addressed the committee and read a prepared statement, which was provided in full to the Committee. Ms. White requested that the Committee order a compliance audit of Mr. Collier's campaign finances and reviewed the applicants' concerns with Mr. Collier's submitted campaign financial statements. With respect to the applicants' first argument, Ms. White reviewed the statements made by Mr. Collier in his written response to the Committee within the agenda, and submitted as evidence a video recording of the event. Ms. White stated that the space used does have a value, and that Mr. Collier appeared to therefore contravene the municipal election financing rules by accepting contributions or incurring expenses prior to nomination day and/or prior to registering as a candidate. With respect to the applicants' second argument, Ms. White questioned the costs attributed to the fundraiser, reviewed the definition of fundraising events in the *Municipal Elections Act*, and stated that if the event did not qualify as a fundraiser then the candidate's expenses would appear to be in excess of the candidate's general expense limit. Ms. White questioned whether the event should be defined as an expression of appreciation rather than a fundraiser. With respect to the third argument, Ms. White noted that the production of Mr. Collier's campaign finance records could verify if the contributions were made from personal accounts, and inquired whether corporate donations or donations in excess of the contribution limits were being filtered through employees and family members to avoid contribution limits. With respect to the fourth argument, Ms. White noted that it is the candidate's responsibility to ensure over-contributions do not happen. Lastly, Ms. White noted that copies of the application appeared online prior to agenda publication and questioned the integrity of the process, stating that an auditor is therefore required.

Committee members asked questions of Ms. White, including whether she considered it normal or abnormal for a candidate to announce their intention to run for office ahead of the nomination period, whether she was aware of any other candidates who announced their intention to run for office before the nomination period began, use of the lobby space for a town event, and how knowledge was obtained by the applicants regarding who might be employees of the particular businesses in question.

Ms. White stated that she believed the announcement was abnormal insofar as it was done at a private place of business with press in attendance, and noted that she was not aware of other candidates who announced their intention to run in advance of the nomination period. Ms. White reviewed the Town's rental of space for an event on the same private property, including the associated costs paid by the Town, as obtained through a Freedom of Information request. Ms. White noted that the applicants conducted research online to determine the employment status of contributors and the associated businesses. Committee members stated that they would review the video evidence submitted during their deliberations.

Cathy Hollis, applicant, addressed the Committee regarding the contents of their application appearing online prior to agenda publication, and questioned whether the integrity of the process was therefore jeopardized.

Mr. Collier raised a point order, stating that the information presented by Ms. Hollis was not applicable to the matters before the Committee and outside of the scope of the application. A. Harras noted that the integrity of the Compliance Audit Committee and its associated processes are not the subject of the Committee's meeting and are properly addressed through the appeal process as defined in the *Municipal Elections Act*. A. Harras stated that the Committee is only considering the application before it and the evidence presented in relation to the contents of the application.

Mr. Collier, candidate, addressed the Committee and noted that the content of the application was now public. Ms. Hollis raised a point of order that the integrity of the process was not being considered at the meeting, and Mr. Collier made no further comment with respect to this matter.

Mr. Collier responded to the contents of the application and the delegations presented at the meeting. With respect to the first argument, Mr. Collier noted that he is personal friends with the owner of the business in question, and that campaign announcements must occur on private property, as the Town's policies prohibit campaigning on public property. He noted that the space used for the announcement is not available for rent, and no fee was assigned to it. Mr. Collier noted that friends and the press were invited to the announcement. With respect to the second argument, Mr. Collier stated that the event was a fundraiser, and that he had brought tickets, advertising materials, and the event rental agreement as evidence. He reviewed the contents of the rental agreement and breakdown of costs. Mr. Collier noted that the *Municipal Elections Act* does not stipulate how money is spent on campaign activities, nor does it state that a fundraising event must be successful, and that the ticket sales are not representative of all the funds raised at the event, as attendees also contributed by personal cheques at the event. Mr. Collier also noted that the applicants introduced a new argument in their delegation by suggesting the event was not a fundraiser, as the original application focused on the costs associated with the event. With respect to the third argument, Mr. Collier noted that he had brought all of the cheques received, and his campaign confirmed that every contribution came from personal accounts. Mr. Collier noted that some contributors to his campaign did not want their personal addresses publicized, and therefore listed their business address on their contributions. He noted that the *Municipal Elections Act* does not require that addresses be confirmed, only residency in Ontario, and does not speak to employment relationships. With respect to the fourth argument, Mr. Collier noted that the Committee had previously addressed this argument at its meeting on June 6<sup>th</sup>, 2019, and he had brought the relevant cheques to the Committee as evidence.

Committee Members asked questions of Mr. Collier, including whether he considered it normal for candidates to announce their intention to run for office ahead of the nomination period, if he was aware of any other candidates who had announced their intention to run ahead of the nomination period and if they had used corporate space for such purposes, how long Mr. Collier used the corporate space for the announcement, who was responsible for managing campaign finances, how residency in Ontario was confirmed by the campaign, why corporate addresses were used in certain cases, whether Mr. Collier knew all of his contributors personally, whether he considered use of the private space as a service, whether there were any members of the general public at the announcement, additional goods and services used at the announcement, who trained campaign staff on election finance rules and whether they were trained on the personal contribution limits, why he brought the cheques to this evening's meeting, and whether he received any campaign donations at the door.

Mr. Collier stated that he considered it normal that candidates announce their intention to run for office ahead of the nomination period and that he was aware of two others that did so, though others did not use corporate space for such purposes. He stated that his announcement to run for office was approximately 30-45 minutes. Mr. Collier noted that with the exception of the fundraiser, he did not involve himself in the financials of the campaign, which were handled by his accountant and campaign manager. Campaign staff confirmed that contributors were qualified to donate, and corporate addresses were used where they were supplied on personal cheques received for contributions, and Mr. Collier stated that he did not know all of his contributors personally. Mr. Collier noted that he did not believe that the use of the private space constituted a service in this case, there were no members of the general public present, and that he personally brought other resources for the announcement. Mr. Collier noted that his campaign manager was responsible for most of the training for his campaign team. He stated that he brought the cheques to the meeting in response to the application, and that he did not receive any contributions at the door. Committee members thanked Mr. Collier for his delegation.

**b) Written Submissions**

Committee Members received the written submissions included in the agenda and did not have any further questions regarding their contents.

**c) Discussion/Debate**

The Committee discussed the contents of the application, as well as the delegations and written submissions received.

The Committee convened in private to deliberate at 7:50 p.m.

The Committee resumed its deliberation in public at 10:28 p.m.

Mr. Collier requested that the video submitted as evidence by the applicants be played in its entirety. The Committee agreed and played the video evidence.

The Committee requested that Mr. Collier provide the cheques and relevant invoices as evidence for their consideration. Mr. Collier provided the Committee with the records requested, and Committee Members reviewed the records.

The Committee convened in private to deliberate at 10:42 p.m.

The Committee resumed its deliberation in public at 11:04 p.m.

Motion

Moved by: M. Poepjes

WHEREAS the Committee has considered the application requesting a compliance audit, as well as any delegations and written submissions presented to the Committee with respect to this matter, and has taken into account all of the information provided;

NOW THEREFORE BE IT RESOLVED THAT in light of the circumstances and information provided, the Committee has decided to reject the application for a compliance audit of the campaign finances of Mr. Shaun Collier;

AND THAT written reasons shall be prepared by the Committee and provided to the applicant, candidate, Town Clerk and the public following this meeting.

CARRIED UNANIMOUSLY

Chair Young briefly reviewed the reasoning of the Committee with respect to each argument in the application, and noted that written reasons will follow. With respect to the first argument, the Committee believes the event did not constitute campaigning by Mr. Collier. Regarding the second argument, on review of the evidence the Committee did not find reasonable grounds to order a compliance audit. Regarding the third argument, based on the information and evidence submitted by both parties, the Committee did not find reasonable grounds to order a compliance audit. Lastly, with respect to the fourth argument, the Committee noted that these matters were addressed at the June 6<sup>th</sup>, 2019 meeting and there were no reasonable grounds to order a compliance audit.

**6. Adjournment**

Motion

Moved by: M. Poepjes

That the meeting of the Compliance Audit Committee of June 28, 2019 be adjourned.

CARRIED UNANIMOUSLY

The meeting of the Compliance Audit Committee adjourned at 11:07 p.m.