



June 18, 2019

Decision of the Compliance Audit Committee

Established under section 88.37 of the *Municipal Elections Act, 1996*, as amended

In relation to a **Clerk's Report** submitted by the Town Clerk regarding a contributor, **James Van Dusen**, who appears to have exceeded the contribution limits specified in the *Municipal Elections Act*. The Committee met to deliberate the matter on June 6, 2019.

Background & Summary of Issues

Section 88.34 of the *Municipal Elections Act, 1996*, as amended (hereafter referred to as the *MEA*), requires that the Town Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits for a municipal or school board election.

Section 88.9(1) of the *MEA* states that "a contributor shall not make contributions exceeding a total of **\$1,200** to any one candidate in an election." Section 88.9(4) of the *MEA* 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 or local board." These limits were noted to all candidates at the time of submitting their nominations for the election and is reflected in various guides and documentation provided by the Town and the Ministry of Municipal Affairs to all candidates. Additionally, it is the duty of candidates to inform contributors that a contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election, and a total of \$5,000 to two or more candidates for offices on the same council or local board (see s.88.22(1)(r) of the *MEA*).

Material Facts

1. The Town Clerk identified that a contributor, James Van Dusen, made contributions to a single candidate for Ajax Council that exceeded a sum total of \$1,200.
2. As documented in the financial statements of candidate Shaun Collier, James Van Dusen made two contributions that totalled \$1,300:
 - August 21, 2018 - \$1,200
 - October 1, 2018 - \$100

3. Committee members considered the delegations regarding this matter:
 - James Van Dusen stated that the second contribution of \$100 was for a ticket purchased for his wife and should have been recorded under her name. The ticket was for a fund raising event. Mr. Van Dusen did not buy a ticket for himself because he was a guest speaker at the event.
 - Mr. Van Dusen stated that the candidate's campaign team notified him that the ticket had been booked under his name in error and assured him that it would be corrected.
 - Mr. Van Dusen stated that he was aware of the maximum contribution limit of \$1,200 because it was noted to him by the candidate's campaign team.
 - Mr. Van Dusen accepted responsibility for his mistake. He explained that he had never made a political contribution prior to 2018 and believed he was acting in accordance with the *MEA*. He promised he would never make this mistake again.
4. Committee members considered the written submissions provided to the Committee regarding this matter.
 - Shaun Collier submission dated May 26, 2019. The submission included a copy of an email from James Van Dusen to Shaun Collier dated May 23, 2019 that says:

I am sorry for the mix-up. The ticket purchased was really for my wife – she's the one that used it and the receipt should have gone into her name. If there is any way to reverse it and put it into her name, please accept this email to do so.

Reasons for Decision

The Committee has carefully considered the *MEA* Section 88.9(1) and Section 94, the Clerk's Report and taken into account all of the information provided including the following matters:

1. The over-contribution was unintentional. The second donation was for a ticket for the contributor's wife to attend a fund raising event. The contributor believed it would be booked under his wife's name; and
2. the over-contribution is too minor to warrant legal proceedings.

Decision of the Committee

In light of all circumstances and information provided to the Committee, it has decided **against** commencing a legal proceeding against James Van Dusen for an apparent contravention for exceeding the individual contribution limit specified in the *Municipal Elections Act*.

Prepared by:

Shaun Young, Chair, Compliance Audit Committee

Amanda Downs, Member, Compliance Audit Committee

Margot Poepjes, Member, Compliance Audit Committee



June 18, 2019

Decision of the Compliance Audit Committee

Established under section 88.37 of the *Municipal Elections Act, 1996*, as amended

In relation to a **Clerk's Report** submitted by the Town Clerk regarding a contributor, **Susan Hum Poon**, who appears to have exceeded the contribution limits specified in the *Municipal Elections Act*. The Committee met to deliberate the matter on June 6, 2019.

Background & Summary of Issues

Section 88.34 of the *Municipal Elections Act, 1996*, as amended (hereafter referred to as the *MEA*), requires that the Town Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits for a municipal or school board election.

Section 88.9(1) of the *MEA* states that "a contributor shall not make contributions exceeding a total of **\$1,200** to any one candidate in an election." Section 88.9(4) of the *MEA* 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 or local board." These limits were noted to all candidates at the time of submitting their nominations for the election and is reflected in various guides and documentation provided by the Town and the Ministry of Municipal Affairs to all candidates. Additionally, it is the duty of candidates to inform contributors that a contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election, and a total of \$5,000 to two or more candidates for offices on the same council or local board (see s.88.22(1)(r) of the *MEA*).

Material Facts

1. The Town Clerk identified that a contributor, Susan Hum Poon, made contributions to a single candidate for Ajax Council that exceeded a sum total of \$1,200.
2. As documented in the financial statements of candidate Shaun Collier, Susan Hum Poon made two contributions that totalled \$1,400:
 - July 16, 2018 - \$1,200 (in the name of Susan Hum Poon)
 - October 11, 2018 - \$200 (in the name of Susan Hun Poon)

3. The Town Clerk made inquiries to determine whether Susan Hum Poon and Susan Hun Poon were two different people residing at the same address. He concluded that the difference in spelling was typographical error
4. Committee members considered the written submissions provided to the Committee regarding this matter.
 - Shaun Collier submission dated May 26, 2019. The submission included a copy of an email from Michael Poon to Shaun Collier dated May 22, 2019 that says:

I was able to locate the backup for the two cheques. The first cheque I wrote for \$1,200. The second cheque of \$200 was signed by my wife Susan. The intent was that each of us were donating the amounts equally.

- An emailed submission from Michael Poon sent to the Town Clerk on June 5, 2019 that says:

Both donation cheques were written from our joint account (Michael Poon and Susan Hum). The first cheque in the amount of \$1,200 was written and signed my (sic) myself. The second cheque was written and signed by my spouse Susan Hum. So I believe and (sic) administrative error was mad (sic) in how these donations were booked.

Reasons for Decision

The Committee has carefully considered the *MEA* Section 88.9(1) and Section 94,, the Clerk's Report and taken into account all of the information provided including the following matters:

1. The over-contribution was unintentional, as the contributions were intended to be shared between spouses.
2. The two contribution cheques were drawn on a joint bank account.
3. The over-contribution is too minor to warrant legal proceedings.

Decision of the Committee

In light of all circumstances and information provided to the Committee, it has decided **against** commencing a legal proceeding against Susan Hum Poon for an apparent contravention for exceeding the individual contribution limit specified in the *Municipal Elections Act*.

Prepared by:

Shaun Young, Chair, Compliance Audit Committee
Amanda Downs, Member, Compliance Audit Committee
Margot Poepjes, Member, Compliance Audit Committee



June 24, 2019

Decision of the Compliance Audit Committee

Established under section 88.37 of the *Municipal Elections Act, 1996*, as amended

In relation to a **Clerk's Report** submitted by the Town Clerk regarding a contributor, **M.D. Tarekh Rana**, who appears to have exceeded the contribution limits specified in the *Municipal Elections Act*. The Committee met to deliberate the matter on June 6, 2019.

Background & Summary of Issues

Section 88.34 of the *Municipal Elections Act, 1996*, as amended (hereafter referred to as the *MEA*), requires that the Town Clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits for a municipal or school board election.

Section 88.9(1) of the *MEA* states that "a contributor shall not make contributions exceeding a total of **\$1,200** to any one candidate in an election." Section 88.9(4) of the *MEA* 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 or local board." These limits were noted to all candidates at the time of submitting their nominations for the election and is reflected in various guides and documentation provided by the Town and the Ministry of Municipal Affairs to all candidates. Additionally, it is the duty of candidates to inform contributors that a contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election, and a total of \$5,000 to two or more candidates for offices on the same council or local board (see s.88.22(1)(r) of the *MEA*).

Material Facts

1. After reviewing the Candidates Financial Statements, the Town Clerk identified that a contributor, M.D. Tarekh Rana, made contributions to multiple candidates for Ajax Council that together exceeded a sum total of \$5,000.
2. The Town Clerk noted that the contributor's name was spelled differently within the Financial Statements, but the reported address was consistent. He made inquiries of the City of Pickering and after reviewing documentation found no evidence to suggest that two or more individuals with similar names reside at this address.

3. The contributions and the candidates to which they were contributed are:

Candidate	Seeking the office of	Date contributed	Amount
Collier, Shaun	Mayor, Town of Ajax	July 16, 2018	\$1,200.00
Crawford, Marilyn	Regional Councillor, Ward 1	August 29, 2018	\$600.00
Henry, Nancy	Regional Councillor, Ward 2	July 18, 2018	\$600.00
Khan, Ashmeed	Local Councillor, Ward 2	January 1, 2018	\$1,200.00
McAleer, Kurtis	Regional Councillor, Ward 3	July 18, 2018	\$600.00
Tyler Morin, Rob	Local Councillor, Ward 1	May 3, 2018	\$1,200.00
Total:			\$5,400.00

4. Committee members considered the delegations regarding this matter:

- M.D. Tarekh Rana explained that he was a newcomer to Canada and that he had not made any political contributions before 2018.
- Mr. Rana stated that candidates had told him about the maximum contribution limit per candidate of \$1,200, but they had not told him of the total limit of \$5,000 to multiple candidates.
- Mr. Rana stated that he had taken care to stay within the limit of \$1,200 per candidate. He apologized for his mistake and stated that if he had known about the total limit of \$5,000, he would not have over-contributed.
- Nancy Henry, candidate for the office of Regional Councillor, Ward 2 in the Town of Ajax stated that she had not told Mr. Rana about the \$5,000 limit. She noted her belief that the contravention was made in error.
- Kurtis McAleer, candidate for the office of Regional Councillor, Ward 3 in the Town of Ajax stated that although he was aware of the \$5,000 limit, he did not communicate this to Mr. Rana. He knew that Mr. Rana had made contributions to several candidates, but believed they were all for amounts similar to the contribution of \$600 he received and, therefore, Mr. Rana's total contributions fell within the limit of \$5,000. He noted his belief that the contravention was made in error.

Reasons for Decision

The Committee has carefully considered the *MEA* Section 88.9(1) and Section 94, the Clerk's Report and taken into account all of the information provided including the following matters:

1. The over-contribution was a mistake.
2. The contributor was not made aware of the \$5,000 total contribution limit by the candidates.
3. The over-contribution is too minor to warrant legal proceedings.

Decision of the Committee

In light of all circumstances and information provided to the Committee, it has decided **against** commencing a legal proceeding against M.D. Tarekh Rana for an apparent contravention for exceeding the individual contribution limit specified in the *Municipal Elections Act*.

Prepared by:

Shaun Young, Chair, Compliance Audit Committee
Amanda Downs, Member, Compliance Audit Committee
Margot Poepjes, Member, Compliance Audit Committee