



Hamilton

Election Compliance Audit Committee

MINUTES 19-001

Friday, May 24, 2019

1:00 p.m.

Rooms 192 & 193

Hamilton City Hall

71 Main Street West

Present: L. Lister (Chair), B. Gilbert (Vice-Chair), J. Klein, and
J. van der Heiden

Absent

With Regrets: P. Lachapelle

Also Present: D. Earthy, Solicitor
J. Pilon, Acting City Clerk
C. Newman, Coordinator of Elections

1. Appointment of Chair

(Gilbert/Klein)

That L. Lister be appointed as Chair of the Election Compliance Audit Committee for the 2018-2022 Term of Council.

CARRIED

2. Appointment of Vice-Chair

(Lister/van der Heiden)

That B. Gilbert be appointed as Vice-Chair of the Election Compliance Audit Committee for the 2018-2022 Term of Council.

CARRIED

FOR INFORMATION:

(a) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(b) CONSIDERATION OF CLERK'S REPORTS RESPECTING CONTRIBUTORS WHO APPEAR TO HAVE CONTRAVENED THE CONTRIBUTION LIMITS UNDER SECTION 88.9 (1) & (4) OF THE MUNICIPAL ELECTIONS ACT (Item 4)

The Chair made the following opening statement:

This Election Compliance Audit Committee meeting has been convened pursuant to Section 88.34 (8) of the Municipal Elections Act, 1996, to consider the matter of the Clerk's Reports respecting Contributors who appear to have exceeded the maximum allowable contribution limits to any one candidate or two or more candidates in an election.

The Chair called upon J. Pilon, Acting City Clerk, to provide an overview of the meeting procedures, as follows:

As per the Procedures for the Election Compliance Audit Committee, where a meeting of the Committee is required to consider a Clerk's Report respecting Contributions, the Clerk shall give reasonable notice to the contributor, and to the candidate(s) or registered third party of the time, place and purpose of a meeting and of the fact that if any party fails to attend the meeting, the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting.

Notice was provided to all respective Contributors and all respective Candidates on May 7th by Registered Mail.

The procedure the Committee will follow for each of the Clerk's Reports being considered at today's meeting, will commence with a presentation by the Acting City Clerk. The Acting City Clerk will address the Committee; the members of the Committee may, through the Chair, ask questions of the Acting City Clerk; and the Contributor and Candidate shall be permitted to view any documents submitted by the Acting City Clerk.

The Contributor or the Contributor's agent will then be given an opportunity to address the Committee and may respond to the content of the Acting City Clerk's address to the Committee; the members of the Committee may, through the Chair, ask questions of the Contributor; and the Acting City Clerk and the Candidate shall be permitted to view any documents submitted by the Contributor.

The Candidate or the Candidate's agent may address the Committee. The Candidate may respond to the content of the Acting City Clerk's or Contributor's address to the Committee; the members of the Committee may, through the Chair, ask questions of the Candidate; and the Acting City Clerk and the Contributor shall be permitted to view any documents submitted by the Candidate.

Following the presentations, the members of the Committee shall each have an opportunity to speak to the matter and may retire to deliberate in private before rendering its decision.

The decisions of the Committee, will be in writing, and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision. If warranted the members can in addition to the written decision, may deliver an oral decision at the meeting. Once the Committee has made their decision, the Clerk will forward the notice of the Committee's decision to the Contributors at the mailing addresses provided to the Clerk.

(i) Contributors who Appear to have Contravened the Contribution Limits under Section 88.9 of the Municipal Elections Act – Venus Llandino (CL19002) (City Wide) (Item 4.1)

The Chair invited the Contributor and Candidate to identify themselves and any agents attending on their behalf.

The Acting City Clerk addressed the Committee respecting the Clerk's Report (CL19002) concerning the contributions made by Venus Llandino to Elenita Ranas' 2018 Election Campaign. Venus Llandino's contribution of goods and services in the amount of \$1,400 to Elenita Ranas' campaign, exceeds the maximum allowable contribution of \$1,200 to any one candidate in an election (Section 88.9 (1) of the Act).

The Contributor, Venus Llandino, advised the Committee that her contribution was only \$1,000 and that her husband contributed \$400 and provided receipts substantiating her claim.

The Candidate, Elenita Ranas, confirmed that the total contribution amount of \$1,400 in the sole name of Venus Llandino, should have been split between Venus Llandino (\$1,000) and Albert Llandino (\$400) and provided a documented explanation substantiating her claim.

(ii) Contributors who Appear to have Contravened the Contribution Limits under Section 88.9 of the Municipal Elections Act – Ralph Pagliuso (CL19003) (City Wide) (Item 4.2)

The Chair invited the Contributor and Candidate to identify themselves and any agents attending on their behalf.

The Acting City Clerk addressed the Committee respecting the Clerk's Report (CL19003) concerning the contributions made by Ralph Pagliuso to Fred Eisenberger's 2018 Election Campaign. Ralph Pagliuso's apparent contribution of funds in the amount of \$2,200 to Fred Eisenberger's campaign, exceeds the maximum allowable contribution of \$1,200 to any one candidate in an election (Section 88.9 (1) of the Act).

The Contributor, Ralph Pagliuso testified that he only donated one contribution of \$1,000, and provided receipts substantiating his claim.

Chris Cutler, the campaign manager for Fred Eisenberger, explained that a second donation of \$1,200 was reported as coming from Ralph Pagliuso due to a cut-and-paste error and that the \$1,200 donation was, in fact, from another contributor whom he was unable to identify.

(iii) Contributors who Appear to have Contravened the Contribution Limits under Section 88.9 of the Municipal Elections Act – Sergio Manchia (CL19004) (City Wide) (Item 4.3)

The Chair invited the Contributor and Candidate to identify themselves and any agents attending on their behalf.

The Acting City Clerk addressed the Committee respecting the Clerk's Report (CL19004) concerning the contributions made by Sergio Manchia to Eve Adam's; Chad Collins'; John-Paul Danko's; Fred Eisenberger's; Jason Farr's; Laura Farr's; Lloyd Ferguson's; Tom Jackson's; Sam Merulla's; Maria Pearson's and Terry Whitehead's 2018 Election Campaigns. Sergio Manchia's contribution of funds in the amount of \$5,300 to Eve Adam's; Chad Collins'; John-Paul Danko's; Fred Eisenberger's; Jason Farr's; Laura Farr's; Lloyd Ferguson's; Tom Jackson's; Sam Merulla's; Maria Pearson's and Terry Whitehead's campaigns, exceeds the maximum allowable contribution of \$5,000 to two or more candidates for office on the same council or local board (Section 88.9 (4) of the Act).

The Contributor, Sergio Manchia testified that he made an error in estimating the value of goods and services contributed in-kind to Fred Eisenberger's campaign and acknowledged that he did contravene the *Municipal Elections Act* by inadvertently overcontributing and apologized for his error.

(c) ADJOURNMENT (Item 5)

(Klein/Gilbert)

That the meeting of the Election Compliance Audit Committee be adjourned at 1:25 p.m.

CARRIED

Respectfully submitted,

Linda Lister, Chair
Election Compliance Audit
Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk