



**NIAGARA
RESTORATION
COUNCIL**

P. O. Box 21011, Northtown Postal Outlet | Welland, ON L3C 7E6
905-932-1046 | info@niagararestoration.org | www.niagararestoration.org

MAY 14, 2018

Mayor Eisenberger & Members of Council
Hamilton City Hall
2nd floor - 71 Main Street West
Hamilton, Ontario L8P 4Y5

Re: Niagara Peninsula Conservation Authority Vice-Chair, Mr. James Kaspersetz

We are writing to report a series of concerning emails the Niagara Restoration Council (NRC) has received from Hamilton representative and Niagara Peninsula Conservation Authority (NPCA) Vice Chair James Kaspersetz.

We received thirteen emails from Mr. Kaspersetz between February 14 and May 12 in which he demanded information about our organization. The correspondence began when the NPCA locked the NRC out of our office space for seven weeks. He called Allison Graszat, our Project Manager, requesting our board minutes.

On February 14, Mr. Kaspersetz emailed the NRC requesting our financial statements, our meeting minutes and our Canada Revenue Agency Business Number. When asked why Mr. Kaspersetz was in need of this information, he replied that it was a personal request, but if we did not give him this information, he would “appreciate a formal letter from your organization stating your reasons for not allowing public access to this information.”

Our Chairperson, Dr. John Bacher replied to Mr. Kaspersetz explaining that as a private non-profit corporation we are not legally required to disclose this information.

On February 23, Mr. Kaspersetz wrote again to say that he had contacted one of our funders, suggesting that they may be able to answer his questions or that the funder would be able to instruct the NRC “on how to deal with my request regarding financial transparency of public funds. I am now asking for a full accounting of monies spent on restoration work performed by your organization paid for by the Ontario Taxpayers”.

Mr. Kaspersetz’s tone in this email was threatening; He implied that by refusing his request, we were conceding that there was some misuse of funds. Also, by advising us that he would be contacting our funder, he was inferring that our future funding may be at risk if we did not obey his wishes.

As this point, the NRC Project Co-ordinator found it to be of importance to send an email to the Ontario Trillium Foundation, letting them know of this potential request for information and informing them this was done without the consent of the NRC. The entire NPCA Board of Directors was copied on this email to Ontario Trillium Foundation.

At the NRC’s board meeting on February 27, the board unanimously agreed on a policy that states anyone requesting information about the NRC will be referred to our website, so Dr. Bacher replied telling Mr.



NIAGARA RESTORATION COUNCIL

Kaspersetz exactly that. Mr. Kaspersetz, presumably unsatisfied with this answer, continued his emails in what was becoming a harassing manner.

Mr. Kaspersetz wrote on March 28: "Other than the funding you received from the Trillium Foundation and precious funding from the NPCA, I wondered if you received any other provincial funding?" He stated that he no longer was only asking this information as a private citizen, rather he now was "requesting this information as Vice Chair of the NPCA".

Later on March 28, he requested contact information for the NRC's lawyer, adding that he would be giving us the information for the NPCA's lawyer.

The next day he emailed, asking for the names of our current Board Members. As the names are clearly listed on our website, it appears that Mr. Kaspersetz either ignored our advice to refer to our website or he sent this email to cause the NRC further stress.

On April 19, Mr. Kaspersetz emailed Dr. Bacher a list of information he requested and was "still waiting" to receive, including "verification that the intended money used for various restoration projects on private lands were indeed done for restoration purposes" and a "copy of your conflict of interest guidelines." Once again Mr. Kaspersetz refused to accept our information policy and inferred that our failure to disclose our information implied deceitfulness.

Dr. Bacher responded May 10, reminding Mr. Kaspersetz of our board's policy on information and asked that he cease with his email inquiries. Mr. Kaspersetz persisted, replying the same day, saying that the NRC is "required to disclose to the public and he [sic] held accountable" and said that "to deny my request for a full accounting is very concerning".

"As Vice Chairman of the NPCA, I [sic] have a duty to the taxpayers of our Watershed to ask for a full accountability of monies paid by the NPCA. Additionally, I have the right as a taxpayer to request and review all documentation with respect to funds received from the Ontario Trillium Fund."

He goes on to say, "I am going to take advantage of the fact that we have the Auditor General at the NPCA and I will now request in writing that the AG review the relationship between the NPCA and the NIAGARA [his emphasis] Restoration Council and request that they determine if public funds used were properly vested."

He ends the email saying, "Your cooperation is greatly appreciated in helping restore accountability and transparency of your organization".

Mr. Kaspersetz clearly states that the "accountability and transparency" of the NRC is at stake, and if we do not give in to his requests, we will lose our credibility. Furthermore, by using the phrase "helping to restore", he implies that trust in our accountability and transparency was, in some manner, already lost. He does not give any basis for his claims or cite any legislation that states as a private non-profit we are legally bound to disclose any of this information and yet he threatens us with the possibility of an audit.

In an email sent May 12, Mr. Kaspersetz writes, "I am concerned regarding your lack of accountability and transparency in the use of public monies", adding "Your denial since last year to openly share financial, Board Member Minutes and financial information in various projects has created a deep concern." He said he is now "requesting a detailed copy of the expense reconciliation and or reporting ledgers breaking down how the funds were distributed" for the Twelve Mile Creek Island Habitat Enhancement project. He ending the email saying:



**NIAGARA
RESTORATION
COUNCIL**

"Please regard this as an Official Notification in accordance with the Freedom of Information Act." He copied a funder on this email as well.

In all of Mr. Kaspersetz's correspondence, there was neither an explanation of why this information was requested nor what he hoped to gain by receiving this information. His constant emails and requests caused unneeded and undeserved stress to the staff and board members of the NRC. His goal seemed to not be protecting public funds, but rather harass an organization that does not meet with the NPCA's approval.

As mentioned previously, the NPCA Board of Directors was made aware of this correspondence firstly on February 28, 2018. They have since been copied on other email correspondence between the NRC and Mr. Kaspersetz and they have failed to take action and cease these requests.

We hope you will take all of this into consideration,

Allison Graszat

Executive Director/Project Manager

Niagara Restoration Council

& on behalf of Niagara Restoration Council Board of Directors