

Pilon, Janet

Subject: LGBTQ Advisory Committee Chair and Integrity Commissioner Report (item 4.8)

From: Craig Burley

Sent: September 29, 2020 10:16 AM

To: clerk@hamilton.ca

Subject: LGBTQ Advisory Committee Chair and Integrity Commissioner Report (item 4.8)

Dear Clerk,

Please add this correspondence to the agenda.

Dear Members of Council,

I write to you, my councillor and as the mayor, in respect of the Report of the Integrity Commissioner, item 4.8 on tomorrow's agenda.

I will leave my criticism of the jurisdictional aspects of the IC's report for another forum. Let's not get lost in inside baseball.

I will, however, mention that in my previous dealings with this IC, Principles Integrity, I was personally assured that your former City colleague Ms. Atwood-Petkovski, one of that firm's principals, would be excluded from the IC's dealings because of the obvious conflicts of interest she presented.

I understand that this was not the case with this report, that Ms. Atwood-Petkovski was a participant in the investigation of this complaint, and I want to share with you my **frank outrage** that she was allowed to hear, consider, and rule upon a matter in which the complainants include (factually) a large number of her former colleagues and (formally) the entity, the City of Hamilton, that I understand pays her pension.

Ms. Atwood-Petkovski had advised the City (the formal complainant) on integrity matters and has advised many of you personally (who are factually the complainants) on integrity matters. For her to adjudicate your complaint is not in keeping with the standards of professional ethics that are, in my view, required for an ethics commissioner.

It is absolutely incumbent on any decisionmaker or adjudicator to keep themselves free from conflicts, and Jeffrey Abrams and I have previously had to carefully negotiate his firm's investigation of matters I have complained of, precisely because of his partner's financial and personal conflicts.

There is a clear conflict of interest, and a wholesale appearance of bias, underlying this report. It is incumbent upon you as members of Council to question the Integrity Commissioner on this matter and to reject the report in its entirety if Ms. Atwood-Petkovski, financially and professionally entangled with the complainant, was permitted to take any role at all in its investigation or preparation.

As for the report itself, I consider the recommendation to be unsupported by facts, and would hasten to point out that accusing a man of criticism and disparagement without a single quotation of such supposedly critical or disparaging remarks does not meet ordinary standards of natural justice. (As for Fred Bennink's "personal information", the public knows who Mr. Bennink is and knows what he does and knows the City appointed him to the HPSB.)

Finally, as a member of this city's LGBTQ community, I have always felt supported, represented and indeed cherished by Cameron Kroetsch in a way that I have never felt by the City of Hamilton. The vast majority of my queer friends agree

with me wholeheartedly on this. Do not think that you will quell our criticism by removing Mr. Kroetsch; instead you will simply continue the same sad tale of anti-queer bullying and hostility that has characterized Hamilton's official and especially unofficial position on our community for my 26 years in Hamilton. And that community is already very angry, and view this matter from a point of view of deep and abiding grievance, as the Pride in Hamilton report will tell you.

You need to listen to your Advisory Committee's advice. You've been badly misguided in not doing so. Remove the Chair and I feel certain our queer and trans communities will return that hostility many times over.

In short, there is still plenty of time to keep clear heads, and if necessary resubmit this matter to an *appropriate* adjudicator not standing in a direct financial conflict of interest. It is never appropriate for Ms. Atwood-Petkovski to consider complaints made by the City corporately or by this Council as a body.

Sincerely and with regards,

Craig Burley

Craig Burley
Barrister & Solicitor