

CITY OF HAMILTON INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN

Citation: Complaint re: Cllr. Spadafora – DGB-HamiltonICI-2025-009

Date: June 25, 2025

REPORT ON COMPLAINT

Overview

[1] I received a Complaint on June 17, 2025 regarding Councillor Mike Spadafora, in which it was alleged that he voted on a motion to provide a grant to Interval House Hamilton when he had an alleged conflict of interest on account of his personal involvement and that of the Kilty B's hockey organization in matters related to Interval House.

[2] For the reasons set out below, I am dismissing the Complaint.

[3] Although I would not normally prepare a Report in respect of a dismissed Complaint, I am doing so in this case because I regard the issue raised as one of general interest and significance to Council and the residents of the City.¹

The Complaint

[4] The Complaint as set out in an email accompanying the Complaint form reads verbatim as follows:

I am writing to formally submit a complaint concerning an apparent breach of the City of Hamilton's Code of Conduct and the Municipal Conflict of Interest Act (MCIA) by Councillor Mike Spadafora.

On March 20, 2025, during a meeting of the Audit, Finance and Administration Committee, Councillor Spadafora moved a motion recommending that \$250,000 in public funds be granted to Interval House Hamilton to support its Women's Education and Rural Support (WEARS) program. This motion passed and directly resulted in a funding allocation from the Former Municipality Reserve for Flamborough.

¹ Section 19(3) of Bylaw 16-288 (the Integrity Commissioner Bylaw) authorizes me to prepare a public report in respect of a dismissed Complaint should I deem it advisable to do so.

Councillor Spadafora has a publicly documented and recent affiliation with Interval House Hamilton, having appeared in a promotional video created by MentorAction, a project run by Interval House in Feb 2024. In this video, Councillor Spadafora appears in his non-council role as President of the Hamilton Kilty B's, a hockey organization that was showcased as a community partner in Interval House's outreach efforts. His involvement served to publicly endorse and amplify the work of Interval House through branded campaigns.

This prior and public partnership with the organization that was directly, and purposely not mention saying he had no conflict, IHOH WAS financially benefited by his motion raises clear concerns of a conflict of interest.

According to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, and the City of Hamilton's Council Code of Conduct Bylaw (16-290), members of Council are required to:

- Disclose any pecuniary or non-pecuniary interest, direct or indirect;
- Recuse themselves from participating in debate, discussion, or voting on any matter where such a conflict exists;
- Maintain public confidence by avoiding any appearance of partiality or preferential influence.

No record of disclosure, recusal, or abstention by Councillor Spadafora was made in the public record or meeting minutes regarding this motion. His dual role as a promotional partner with Interval House and as the mover of a major funding motion in their favour constitutes a serious breach of these obligations.

I respectfully request that your office investigate this matter, including:

- Whether Councillor Spadafora failed to disclose a conflict of interest as required;
- Whether his actions constituted a breach of the MCIA and/or the City's Code of Conduct;
- Whether any corrective action, sanctions, or recommendations should be issued to uphold public trust and procedural fairness.

I am prepared to provide supporting materials, including screenshots, meeting documentation, and video references. Please do not hesitate to contact me for further clarification or evidence as needed.

**[PORTION REDACTED TO PROTECT THE
CONFIDENTIALITY/ANONYMITY OF THE COMPLAINANT]**

Response

[5] On June 17, 2025, I emailed Cllr. Spadafora the Complaint and posed 3 questions. Those questions and the answers he provided me on June 18, 2025 were as follows:

- i. Did Hamilton Kilty B's receive any remuneration/consideration for doing the promotional video (or any other promotion) for MentorAction/Interval House Hamilton?

Response: No they did not, it was strictly voluntary. However, the Kilty B's have received payments from Interval House for participation in two programs run by Interval House, "Coaching Boys Into Men" and "Be More Than A Bystander." These programs involve training the Kilty B's Junior B players to train or coach more junior hockey players on matters of consent and domestic violence. The funding is for the benefit of the players involved in the mentoring program. They do not receive cash payment as they are amateurs, however, the money is used for in-kind benefits like food and beverages and travel upgrades. He believes the organization received \$2,500.00 for this purpose over the 2024/25 hockey season. The Kilty B's have been participating in these programs for the past 2 or 3 hockey seasons and would have received similar funding in those prior years.

- ii. How did the Kilty B's involvement with MentorAction come about?

Response: The programs referred to in #1 used to be done with Junior A players from the Hamilton Bulldogs. When the Bulldogs moved to Brantford, it became hard for them to continue mentoring junior players in Hamilton so he was approached by the Executive Director of Interval House to have Kilty B's players take over the role.

- iii. Other than doing the video, do you have any other ties/connections with MentorAction/Interval House?

Response: He has no other involvement with MentorAction/Interval House other than participating in the promotional video and sanctioning and coordinating the organization's involvement in the "Coaching Boys Into Men" and "Be More Than A Bystander" programs.

[6] I sent a further email to Cllr. Spadafora on June 19th requesting some additional information and in our subsequent telephone call and follow up emails on June 20th, he advised me as follows:

- On further checking, he determined that the Kilty B's received \$5,000.00 from Interval House in 2024 and nothing in any prior or subsequent years. The money came from a "federal wage grant" Interval House obtained;

- He also noted that he has moved motions to give other grants to Interval House in the past, such as to assist in funding renovations to its Shelter. He noted that Interval House is located in his Ward (14) and the programs which his motion intended to fund would be of direct benefit to residents of his Ward, as well as residents of the City as a whole;
- He stated that the Kilty B's hockey club is owned by a not-for-profit corporation, of which he is the President and a Director.

Investigation

May 20, 2025 Audit, Finance and Administration Committee Meeting

[7] I reviewed the Minutes of this meeting and confirmed that Cllr. Spadafora moved a motion to have the City provide a grant in the amount of \$250,000 to Interval House Hamilton to facilitate the expansion of the WEARS program and hiring of rural crisis support workers for a twelve-month period, to be funded from the Former Municipality Reserve for Flamborough - Account # 108032, subject to certain terms and conditions, including that City staff monitor the use of the grant funds to ensure they were being used for the intended purposes. The motion passed by a vote of 7:1, Cllr. Spadafora being one of those voting in favour of the motion.

Disclosure Statement

[8] I confirmed by reviewing the City's Conflict of Interest Disclosure Registry that Cllr. Spadafora has not filed a Disclosure Statement regarding any conflict related to Interval House Hamilton.

MentorAction

[9] According to the Interval House website, MentorAction is an operating arm of Interval House that organizes community mentoring programs, including "Coaching Boys Into Men" and "Be More Than A Bystander."

Coaching Boys Into Men

[10] According to the Interval House website, [Coaching Boys into Men](#) is a program that leverages the power of sports by providing athletic coaches with the resources they need to promote respectful behavior among their players and help prevent relationship abuse, harassment, and sexual assault.²

² It appears in this case that the program has been modified in that older junior hockey players are trained to in turn teach younger junior hockey players the tenets of the program.

Be More Than A Bystander

[11] According to the Interval House website, this is a campaign aimed at preventing gender-based violence. It empowers individuals, particularly men and youth, to recognize and safely intervene in situations where violence or harassment might occur. The campaign, which includes educational programs and partnerships with local sports teams, encourages active participation in creating a safer community.

Interview with Sue Taylor

[12] I spoke with Sue Taylor, Executive Director, Interval House, Hamilton, on June 24, 2025. She advised me as follows:

- Neither Cllr. Spadafora nor the Kilty B's organization received any payment from Interval House/MentorAction in exchange for participating in the promotional video, "Stand Up and Speak Up Against Gender-based Violence";
- She approached the Kilty B's about becoming involved with the mentoring programs "Coaching Boys Into Men" and "Be More Than A Bystander" in our about the Fall of 2023 after the Hamilton Bulldog major junior A team, which had been involved in these programs, relocated to Brantford;
- MentorAction generally trains senior athletes to be mentors on its own premises without charge to participating organizations;
- The Kilty B's players participated in the training for the two mentoring programs for 2 hockey seasons, 2023/24 and 2024/25;
- The Kilty B's received one payment of \$5,000.00 in connection with its participation in the mentoring programs, which she described as an "honorarium," on or about March 31, 2024. She did not know what the funds were used for by the Kilty B's. Her understanding was that the funds were typically used by participating teams to pay honoraria to players who participated and/or to buy team equipment. No additional funds were paid to the Kilty B's nor is any further payment being contemplated;
- The \$5,000.00 paid to the Kilty B's came out of federal wage grant funding totaling \$264,966.00. The grant was paid out to Interval House over two years and was not renewed for 2025.

Applicable Law

Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 (“MCIA”)

[13] Section 5 of the MCIA provides as follows:

5(1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

[14] Pecuniary interest is not defined in the Act but refers to some financial or monetary benefit, or something that has pecuniary value.³

[15] The Act further deems a Member to have a pecuniary interest if he/she is a shareholder in, or a director or senior officer of, a privately-held corporation.⁴

[16] Section 4 of the MCIA sets out the following exception to having to comply with the declaration and recusal provisions in s. 5 of the Act:

- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

Code of Conduct

[17] The relevant provisions of the Code of Conduct are as follows:

³ *Gammie v. Turner*, 2013 ONSC 4563 (CanLII) at [para 27](#).

⁴ Section 2(a)(i), MCIA. A “not-for-profit corporation has been found to fall within the meaning of the definition of corporation in this subsection: see *Rivett v. Braid et al*, 2018 ONSC 352 (CanLII) at [paras 52 to 61](#).

SECTION 8: CONDUCT IN OFFICE, INCLUDING AT COUNCIL AND COMMITTEES

(2) In this Section:

(a) A “disqualifying interest” is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the Municipal Conflict of Interest Act, or, because the Member’s relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.

(b) A “non-disqualifying interest” is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decisionmaking processes related to the matter only so long as:

(i) the Member fully discloses the interest so as to provide transparency about the relationship;

(ii) and the Member states why the interest does not prevent the Member from making an impartial decision on the matter.

(3) Members shall not participate in the decision-making processes associated with their role or position when they have a disqualifying interest in a matter. Participation includes attempting to influence an outcome, whether the decision to be made is to be made by Council or a member of staff with delegated authority or operational responsibility.

(4) Members may participate in the decision-making process related to a matter in which they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the City Clerk acting in consultation with the Integrity Commissioner.

(i) Transparency Disclosures are public documents and shall be available for public viewing on the City of Hamilton’s website.

(ii) On receipt of a proper request, the Integrity Commissioner shall determine whether an interest is a disqualifying interest or a nondisqualifying interest.

Analysis

[18] In order for Cllr. Spadafora to have a disqualifying interest under the *Municipal Conflict of Interest Act*, either he personally or the Kilty B's (in respect of which he is President and a Director of its holding company) must have stood to benefit financially, or potentially benefit financially, from the granting of money to Interval House by the City pursuant to the motion he brought forward.

[19] Neither Cllr. Spadafora nor the Kilty B's organization received any payment from Interval House/MentorAction in exchange for participating in the promotional video, "Stand Up and Speak Up Against Gender-based Violence". Despite it not having been cited in the Complaint, Cllr. Spadafora volunteered that the team received payment from Interval House in recognition of its participation in the Interval House/MentorAction programs "Coaching Boys Into Men" and "Be More Than A Bystander." That money was used to provide in-kind benefits to the players who were involved in the mentoring programs.

[20] I find that Cllr. Spadafora did not have "a pecuniary interest, direct or indirect, *in the matter*," being the motion Cllr. Spadafora moved to provide grant money to Interval House for the following reasons:

- The motion was to fund specific initiatives, namely, the expansion of the WEARS program and hiring of rural crisis support workers for a twelve-month period, with conditions built in to ensure the grant was monitored by the City to ensure it was being used for the intended purposes. There is no prospect that any such funding would be used for the mentoring programs in which the Kilty B's were involved that resulted in the past payment to that organization such that there was no pecuniary interest in bringing a motion seeking such funding;
- I accept that the payment from Interval House to the Kilty B's was intended for, and was in fact used for, the benefit of the Kilty B's players who were involved in the two Interval House mentoring programs. I find that there was no pecuniary gain to the Kilty B's organization itself for participation in these programs;
- In light of the significant, voluntary contributions the team made to the two laudable Interval House programs it participated in and the relatively nominal amount of the payment for two seasons of participation in the Interval House mentoring programs, even if I had found that there was some financial benefit to the Kilty B's organization bestowed by Interval House, I would have found that it falls within the exception to the need to declare a disqualifying interest set out in s. 4(k) of the MCIA, in that it is "so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member."

[21] The definition of “disqualifying interest” in s. 8 of the Code of Conduct covers the same pecuniary interests as the MCIA but also contains an additional provision rendering it a disqualifying interest where “the Member’s relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.” In this case, I find that there is no “close relationship” between Cllr. Spadafora and the Kilty B’s on the one hand and Interval House on the other hand such as to bring this clause into play. The relationship is merely one of an individual and organization in the community supporting the charitable work of another organization in the community, where there is no friendly, business or familial relationship between them.

[22] A “non-disqualifying interest” under s. 8 of the Code of Conduct is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decisionmaking processes related to the matter only if:

- i. the Member fully discloses the interest so as to provide transparency about the relationship; and
- ii. the Member states why the interest does not prevent the Member from making an impartial decision on the matter.

[23] I fail to see how any reasonable person fully informed about the relationship between Cllr. Spadafora/the Kilty B’s and Interval House would believe that Cllr. Spadafora’s impartiality in the decision-making process in respect of providing grant money to Interval House for the initiatives that were the subject of his motion would be impaired as a result of their relationship. Simply put, this is a matter of an individual and organization having supported a charity because they believe in its cause and efforts, not because they stand to gain in any way from the provision of the grant, given that the grant money is unrelated to anything the Kilty B’s would be involved in. I find that a reasonable, fully-informed person would regard Cllr. Spadafora’s motion to be in support of an organization whose premises are located in his Ward and in respect of a program that benefits his Ward’s residents. Supporting a charity located in one’s Ward and supporting programs that will benefit his Ward’s residents is not the type of relationship that could be considered unusual or suspect to a reasonable person. I therefore find that Cllr. Spadafora was not required to declare a “non-disqualifying” interest or complete a Disclosure Statement in respect of the motion to fund certain programs of Interval House.

[24] This concludes my investigation.

Yours very truly,

A handwritten signature in blue ink, appearing to read "D. Boghosian", with a long horizontal flourish extending to the right.

David G. Boghosian
Integrity Commissioner
City of Hamilton