



MINUTES OF THE COMPLIANCE AUDIT COMMITTEE

MEETING 5

September 18, 2007

The Compliance Audit Committee met on September 18, 2007, in Room 302, Metro Hall, 55 John Street, Toronto, commencing at 9:35 a.m.

Attendance:

Members were present for all of the time period indicated.

Members: Douglas S. Colbourne
Ronald Bruce Love
Virginia MacLean, Q.C.

Staff: Greg Essensa, Director, Elections & Registry Services
Bonita Pietrangelo, Manager, Election Services
Wendy Walberg, Solicitor, Legal Services

Also Present: Keith Sweeney

No declarations of interest pursuant to the *Municipal Conflict of Interest Act* were made.

Confirmation of minutes

On a motion by Ron Love, the Compliance Audit Committee confirmed the minutes of the meeting held on July 16, 2007.

1. Consideration of Auditor's Report on the Compliance Audit of the Election Campaign Finances of Donald Blair

On a motion by Virginia MacLean, Q.C., the Committee deferred the matter to the end of the meeting to provide additional time for the applicant or candidate to appear before the Committee.

2. Selection of Auditor for Conducting a Compliance Audit of the Election Campaign Finances of Keith Sweeney

The Committee considered the responses from thirteen forensic auditors who were contacted by the City Clerk's Office as directed by the Committee at its July 16 meeting.

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On a motion by Virginia MacLean, Q.C., the Committee selected Nina Watson, C.A. as the forensic auditor for conducting the compliance audit of Keith Sweeney's election finances.

3. Other Business

At its July 16, 2007 meeting, the Compliance Audit Committee considered an application from John Lyras for a compliance audit of the election campaign finances of Adrian Heaps.

On motion by Ron Love, the Committee rejected John Lyras' application for a compliance audit of Adrian Heaps' election campaign finances. Virginia MacLean, Q.C. was recorded as voting in the negative.

Mr. Lyras appealed the Compliance Audit Committee's decision to the Ontario Court of Justice.

On August 27, 2007, the judicial pre-trial was set for October 15, 2007.

On a motion by Virginia MacLean, Q.C. the committee adopted the following motions:

1. The Compliance Audit Committee requests an amendment to the pleadings to add the name "Compliance Audit Committee of the City of Toronto" as a party to the proceedings.
2. The Compliance Audit Committee requests that the City Solicitor (or her representative) participates in the Court proceedings on behalf of the Committee without having to be added as an intervenor.
3. The Compliance Audit Committee wishes to participate in the Court proceedings only so far as to ensure:
 - a. That the Record before the Court is complete and accurately reflects the material which was before the Committee;
 - b. That the Court is aware that the Compliance Audit Committee was appointed by City Council and had the authority under the *Municipal Elections Act, 1996* to make the decision to reject the compliance audit application;
 - c. That the Court is aware that the Compliance Audit Committee followed its Rules and Procedures and that the decision was within their jurisdiction to make;
 - d. To make submissions on the proper standard of review; and
 - e. To oppose any award of costs against the Committee or the City of Toronto.
4. The Compliance Audit Committee requests that the City Solicitor (or her representative) communicate with the Compliance Audit Committee through Mr. Greg Essensa (Director, Elections and Registry Services) or his delegate.

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5. The Compliance Audit Committee requests that Mr. Greg Essensa (or his delegate) provide instructions to the City Solicitor (or her representative) on behalf of the Committee.

4. Consideration of Auditor's Report on the Compliance Audit of the Election Campaign Finances of Donald Blair

The Committee had before it a report prepared by Krishan Suntharalingam, CA with respect to the audit of Donald Blair's election campaign finances.

On a motion by Virginia MacLean, the committee unanimously agreed to the following:

1. That legal proceedings commence against Donald Blair based on the auditor's findings;
2. That Douglas Colbourne be the Committee's representative to commence proceedings by laying an information.

5. Next Meeting

The next meeting will be set by the Secretary, in consultation with staff and committee members, once the auditor's report in the Keith Sweeney matter is received.

Adjournment

The Committee adjourned its meeting at 9:50 a.m.

Douglas S. Colbourne, Chair

Ronald Love, Member

Virginia MacLean, Q.C., Member