



**INTEGRITY
COMMISSIONER REPORT
ACTION REQUIRED
Confidential Attachment**

Obstruction of Integrity Commissioner

Date:	January 29, 2007
To:	City Council
From:	Integrity Commissioner
Wards:	All
Reason for Confidential Information:	This report deals with personal matters about an identifiable person
Reference Number:	

SUMMARY

In the course of an investigation by the Integrity Commissioner, a person being interviewed stated that he/she would provide information only if the Integrity Commissioner took certain steps on another matter. In the view of the Integrity Commissioner this amounted to obstruction of the Integrity Commissioner in the performance of his duties and justified a report to Council under section 4(4) of Part B ("Formal Complaint Procedure") of the *Council Code of Conduct Complaint Protocol* ("Complaint Protocol").

RECOMMENDATIONS

The Integrity Commissioner recommends that

1. Council receive this report; and
2. Council authorize the public release of the confidential information in Attachment 1 on receipt of the report and advice from the City Solicitor to the effect that its release would not infringe any law.

FINANCIAL IMPACT

This report has no financial implications.

DECISION HISTORY

At its meeting of April 25, 26 and 27, 2006, Council requested the Integrity Commissioner to investigate the leak of a report from the Auditor General that it had received *in camera*. This is an interim report on that investigation as authorized by section 4(4) of the Complaint Protocol.

ISSUE BACKGROUND

This report deals with obstruction of the Integrity Commissioner in the course of an investigation. It is important to the interests of the investigation process that the Integrity Commissioner bring such instances of obstruction to the attention of Council.

COMMENTS

At its meeting of April 25, 26, and 27, 2006, Council considered *in camera* a report of the Auditor General on a review of certain applications before the North York Panel of the Committee of Adjustment. During the course of that meeting, on April 26, 2006, while the matter was still under consideration by Council, an article appeared in the *North York Mirror* under the by-line of David Nickle. In that article, the reporter stated that the *North York Mirror* had obtained a copy of the Auditor General's confidential report and proceeded to provide sufficient details of the contents of that report to confirm the truth of that statement. Thereafter, Council resolved to request the Integrity Commissioner to investigate the release of the Report or information contained in it.

I have not been able to determine how the report came to be in the hands of the reporter. As was to be expected, the reporter refused to divulge his sources and, with one exception, no one else was willing or able to provide a name to me. However, the person who professed knowledge refused to name the source of the leak unless I reversed a procedural decision I had made on the processing of a complaint against a member of Council. I declined that offer and made a preliminary determination that this constituted obstruction of an investigation in terms of section 4(4) of the Complaint Protocol. I provided the person concerned with the opportunity to make submissions on my tentative position. This opportunity was taken up both in person and in writing. While I now believe that the person did not have direct knowledge of the source of the leak, nonetheless, I continue to regard this as an instance of obstruction that I should bring to the attention of Council.

CONTACT

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Integrity Commissioner
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SIGNATURE

(David Mullan, Integrity Commissioner)

ATTACHMENTS

1. Obstruction of Integrity Commissioner (Confidential).