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Application RECEIVED  
**Compliance Audit**  
CITY CLERK'S OFFICE  
ELECTIONS & REGISTRY  
SERVICES - 1 NORTH

**Instructions:**

- The applicant must be entitled to vote in a Toronto municipal election
- The application for a compliance audit must be:
  - Filed with the City Clerk by the legislated deadline outlined in s.84(3) of the *Municipal Elections Act, 1996*
  - Submitted in person or by mail to Election Services, City Hall, 100 Queen Street West, 1st floor, North, Toronto M5H 2N2

2015 JUN 25 AM 10:49

**Applicant Details**

Last name <i>Fernando</i>		First name <i>Anthony</i>	
Address (qualifying address in the City of Toronto)		Unit	City
[Redacted]		[Redacted]	[Redacted]
[Redacted]		[Redacted]	[Redacted]
[Redacted]		[Redacted]	[Redacted]
[Redacted]		[Redacted]	[Redacted]

Last name <i>Gusmano</i>	First name <i>Gus</i>	Office <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Councillor - Wd <i>9</i>
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Set out the reasons for your belief that the candidate has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances (attach additional pages if necessary)

*Please see attached letter.*

I believe on reasonable grounds that the candidate noted above has contravened a provision of the *Municipal Elections Act, 1996*, relating to election campaign finances.

Signature of applicant <i>Anthony Fernando</i>	Date (yyyy-mm-dd) <i>2015-06-25</i>
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**Filing**

Received by <i>Mary Villa</i>	Date received <i>June 25/15</i>
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The personal information on this form is collected under the authority of the Municipal Elections Act, S.O. 1996, Chp. 32 Sched. ss. 88. This information is used for the purpose of applying for a compliance audit of a candidate's election campaign finances. Your information will be filed with the City Clerk and will be available for public inspection by any person at the City Clerk's Office at a time when the office is open. Questions about this collection can be directed to Elections Coordinator, 89 Northline Rd., Toronto, ON M4B 3G1 or by phone at 416-338-1111.



RECEIVED  
CITY CLERK'S OFFICE  
ELECTIONS & REGISTRY  
SERVICES - 1 NORTH

Anthony N. Fernando  
2772 Keele Street – Unit 309  
Toronto ON M3M 0A3

Thursday, June 25<sup>th</sup>, 2015

2015 JUN 25 AM 10 49

Attention: Ms. Jennifer Forkes, City Clerk's Office

Mr. John Hollins,  
Chair Compliance Audit Committee  
10th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr. Hollins:

**RE: Compliance Audit Committee – Mr. Cusimano's use of billboards**

Mr. Gus Cusimano was a candidate for City Councillor - Ward 9 in the recent 2014 election. There were at least six billboards purchased in the final six weeks of the campaign period by ostensibly Mr. Cusimano and his supporters exclusively within the boundaries of Ward 9, on Wilson Avenue and Keele Street. My complaint is based on the argument that these billboards were designed to influence the outcome of the election and thus should at least in part be counted as an election related expenditure. However, the failure to properly document these expenditures in Cusimano's Primary Financial Statement may constitute a breach of the Municipal Elections Act.

At least four of these billboards promoted Mr. Cusimano's insurance business with his picture and the slogan, "working for you....a name you can trust." And at least two other billboards encouraged residents to "make their vote count", by voting for Gus Cusimano. I have attached pictures of these two types of billboards and a relevant Toronto Star article which focused on this issue.

1. *Pattison Outdoor Advertising* has confirmed that the average monthly cost for the horizontal billboards specifically used by Mr. Cusimano and his supporters during the campaign period was about \$3,000.00 per billboard, in addition to a \$150.00 cost per billboard for the printing. Based on this information and the fact that at least six billboards were up for just over a month (mid-September to October 2014), the total cost of all the horizontal billboards would likely have been over \$20,000.00, including the associated taxes.
2. Given the absence of any information in Mr. Cusimano's Primary Financial Statement, it remains unclear how these billboards were financed and the individuals associated with their development and placement. The failure to properly account for these campaign expenses and the associated contributions may have resulted in a breach of the Municipal Elections Act.
3. To demonstrate a breach of the Municipal Elections Act, one must look at the balance of probabilities and the intended use of these billboards. These six billboards were exclusively deployed within the boundaries of Ward 9 for only the final six weeks of the campaign. Prior to the election period, no such billboards appeared in Ward 9 and have not reappeared since the end of the 2014 campaign period. I am also not aware of Mr. Cusimano using similar billboards to promote himself or his business at any other time. Therefore, I believe that a reasonable individual examining the facts would agree that the deployment of these billboards was strategic in nature and designed at least in part to promote Mr. Cusimano's candidacy and influence voting behavior.

4. Relevant Sections of the Municipal Elections Act ("the Act"):

- Subsection 67.(1) of the Act, states that "costs incurred for goods and services by or on behalf of a person wholly or partly for use in his or her election campaign are expenses."
- Item 2 of Subsection 67.(2) states that expenses include "the value of contributions of goods and services." Accordingly, any contribution of goods or services is also a campaign expense of the same amount.
- Subsection 71.(1) of the Act does not permit a contributor to make contributions exceeding a total of \$750 to anyone candidate in an election.
- Subsection 66.(1) of the Act notes that "money, goods and services given to and accepted by or on behalf of a person for his or her election campaign are contributions." If an individual or group purchased part or all of these billboards in support of Mr. Cusimano, it may be reasonable that these transactions be disclosed as campaign contributions.

Conclusion:

Given the clear promotional benefit of these billboards and there limited and strategic deployment, a reasonable assessment of the balance of probabilities would suggest that they were at least in part used to advance Gus Cusimano's candidacy in Ward 9. Therefore these billboards should be seen, even in part, to have had a material benefit towards his campaign and should be counted towards the official expense limit. Moreover, the proper disclosure of the associated contributors would serve the public interest and promote compliance with the Municipal Elections Act.

The failure to properly account for these billboards as a campaign expense and the absence of any information regarding the associated contributions, may have resulted in a breach of the Municipal Elections Act. I submit this information and complaint in good faith and urge your Committee to consider ordering a forensic audit of Mr. Cusimano's campaign to promote integrity and compliance with the Municipal Elections Act. Thank you for your consideration.

Sincerely,



Anthony Fernando  
2014 Council Candidate – Ward 9

encl:

1. Email from Pattison Outdoor Advertising
2. Oct 20<sup>th</sup>, 2014 Toronto Star Article - *Campaign signs or not? Cusimano's 'business' billboards raise eyebrows*
3. *Appendix A – Deerborne Insurance Billboard, A name you can trust*
4. *Appendix B – Make your Vote Count Billboard*

**Appendix A – Picture of Promotional Billboard**

***Deerborne Insurance – Working for you....A Name you can Trust...***



Appendix B – Picture of Promotional Billboard  
*Make your vote count...*



Subject **Emailing: panel\_list - ANTHONY FERNANDO**  
From Julie Schlosser <JSchlosser@pattisonoutdoor.com>  
To ANTHONY@INTOCONSULT.CA <ANTHONY@INTOCONSULT.CA>  
Date 2014-11-11 22:52



• panel\_list - ANTHONY FERNANDO.pdf (3.8 MB)

Hi Anthony,

I have attached a map of the panels that are in the area you specified.

The four week rate on the Horizontal billboards is \$3,000.00 per four weeks. Plus the cost of printing (\$150 per poster).

We do offer free in-house creative work also. All we would need from you are the high resolution images, logos, and pertinent design information.

In regards to providing contact info for the client that booked location to06136a,b,c I am unable to provide that information as it is confidential. We also have reps booking into every market from all over the country, so in some cases, this information is difficult to track down.

All designs must be approved by Pattison prior to printing and posting to ensure the nature of the campaign is aligned with our rules for Out of Home Advertising.

Should you have any questions at all, or require additional information, please let me know.

Thank you, and have a great evening!

Julie Schlosser  
Account Executive

PATTISON Outdoor Advertising

2700 Matheson Blvd. East  
Suite 500, West Tower  
Mississauga, ON L4W 4V9  
Direct: 905-282-6997

[jschlosser@pattisonoutdoor.com](mailto:jschlosser@pattisonoutdoor.com)

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News / City Hall / Toronto 2014 election

## Campaign signs or not? Cusimano's 'business' billboards raise eyebrows

Ward 9 candidate Gus Cusimano says his five new billboards are not campaign signs but business advertisements.

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A billboard promoting Ward 9 candidate Gus Cusimano. Cusimano's campaign says this is a business advertisement, not a campaign sign.

By: **Daniel Dale** City Hall Published on Mon Oct 20 2014

The smiling face of council candidate Gus Cusimano can be seen from much of Wilson Ave. in Ward 9. Cusimano's photo appears on at least five new billboards in his hotly contested Downsview ward.



Billboards are expensive, and candidates in the low-population ward have a tight spending limit of \$28,346. Cusimano, though, doesn't plan to count the cost of any of these billboards against his limit: he says they are not campaign signs at all.

The billboards have much in common with campaign advertisements: the words "Working for You! Gus Cusimano, A Name you can Trust!" appear in big letters.

On the bottom left, though, there are two words in smaller type: Deerborne Insurance.

Deerborne is Cusimano's firm. He says the billboards are standard business advertisements promoting him as an insurance broker.

"They're not election signs at all. Nowhere on there does it say 'vote for me,' or 'Ward 9,' or 'councillor,' or anything. I have to run a business. They're business billboards," he said in an interview on Tuesday.

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"I've been advertising for years and years and years, and I'm not going to have anybody there try to tell me how to run my business. Including you."

Cusimano, (open Rob Ford's policard) strongly backed by Mayor Rob Ford (open Rob Ford's policard), has owned the insurance company for years. The billboards did not appear until late September. Cusimano's rivals rejected his innocent explanation.

"These billboards are an obvious attempt to get around campaign spending limits. I believe this is a dishonest tactic that undermines free and fair elections," said incumbent Maria Augimeri (open Maria Augimeri's policard), the TTC chair, who beat Cusimano by only 89 votes in 2010.

"What's clear here as a resident of Downsview is, this is the first time Mr. Cusimano is using billboards," said challenger Anthony Fernando. "And at the very least, it's peculiar that he's using them in such a way right around the election period."

Both Augimeri and Fernando noted that Cusimano violated election law in 2010 by voting for himself even though he does not live in the ward. He pleaded guilty in 2013. Augimeri said he "doesn't seem to be interested in following the rules."

The billboards offer more evidence of the ease with which candidates can manoeuvre around spending limits by outsourcing spending to unregulated entities nominally separate from their campaigns. Outside companies and organizations can spend as much as they want.

There are at least three other pro-Cusimano billboards in the ward. Those billboards say, in large type, "Make your vote count: Gus Cusimano, Councillor." They endorse "Ford or Tory" for mayor.

In small type at the bottom, the signs say "Downsview Residents Group" — suggesting these signs, too, are not from the Cusimano campaign itself.

No information whatsoever about a Downsview Residents Group is available online.

"It doesn't exist," Augimeri said flatly.

Said Cusimano: "I have no idea who those people are. Zero. I don't know who they are at all."

Any formal complaints about alleged campaign spending violations are considered by the city's compliance audit committee, a three-person committee of experts.

"I think that audit committee will evaluate the merits of the signs," Fernando said.

Cusimano is not the only candidate who has strategically deployed a business billboard. A sign erected months ago by Sandra Bussin, the former council speaker now running again in Ward 32 (Beaches-East York), promoted her services as a realtor — and asked, in big type, "Time for a fresh start?"

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David Rider

@dmrider

3m

I am going to be in an editorial board meeting with @JustinTrudeau in a half-hour. Hope to hear some urban agenda specifics.

Expand



David Rider

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From @SaraMojtehedz: T.O.'s fair wage office investigating recycler after story about treatment of temp worker [thestar.com/news/gta/2015/](http://thestar.com/news/gta/2015/)



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