

Report Regarding the Conduct of Former Councillor Doug Ford

Date: December 6, 2016
To: City Council
From: Valerie Jepson, Integrity Commissioner
Wards: All
Reference:

SUMMARY

Between May and July 2014, three members of the public filed complaints alleging that then Councillor Doug Ford contravened various provisions of the Code of Conduct for Members of Council (the "Code of Conduct" or the "Code"). All of the complaints raised concerns about the now former Councillor's activities with City officials in relation to two companies: Apollo Health and Beauty Care, Inc. ("Apollo"), and Moore Canada, Inc., d.b.a. R.R. Donnelley and Sons ("Donnelley"). Both companies are clients of the Councillor's family's printing company, Deco Labels and Tags Ltd., Deco Adhesive Products (1985) Ltd., and/or Doug Ford Holdings Inc. ("Deco").

The issues in the complaints related to the same set of circumstances and were therefore investigated jointly and are reported in a single report.

The complaints alleged that Councillor Ford contravened Article VIII (Use of Improper Influence) of the Code of Conduct. One of the three complaints alleged that Councillor Ford contravened Article V (Confidential Information), Article XI (Business Relations) and Article XIII (Conduct Respecting Lobbyists). All articles of the Code of Conduct were considered in the investigation.

After an investigation, the Integrity Commissioner concluded that former Councillor Doug Ford contravened Article VIII (Use of Improper Influence) when he arranged meetings and made inquiries with City staff on behalf of Apollo and Donnelley, clients of Deco. The Commissioner also concluded that Councillor Doug Ford contravened Article IV (Gifts and Benefits) of the Code of Conduct for accepting a gift from Apollo.

Councillor Doug Ford is no longer a member of City Council. Therefore, the Commissioner makes no recommendation as to penalty or remedial action.

RECOMMENDATIONS

The Integrity Commissioner recommends that:

1. Council adopt a finding that former Councillor Doug Ford contravened Articles IV (Gifts and Benefits) and VIII (Improper Use of Influence) of the Code of Conduct.

FINANCIAL IMPACT

This report has no financial impact.

DECISION HISTORY

City Council has not previously considered this matter.

COMMENTS

The Complaints

Donnelley

The complaints alleged that the Councillor attempted to secure preferential treatment at the City for Donnelley, a large printing company and Deco client, when he arranged for Donnelley officials to meet with City staff to discuss whether Donnelley could provide the City with printing services. The complaints alleged that this was an improper use of influence because the Councillor was helping Donnelley gain access to City officials while Donnelley had a business relationship with Deco, and that the Councillor failed to disclose the business relationship to City staff.

Apollo

The complaints alleged that the Councillor inappropriately and repeatedly intervened to facilitate contacts and meetings with City staff on behalf of Apollo, a Deco client. Two complainants suggest that the reason for the interventions was that the business flowing from Apollo to Deco increased over the relevant time period, although the complainants provided no information to support this allegation.

Findings

The attached report outlines the findings and rationale for the recommendation that Council adopt a finding that former Councillor Doug Ford contravened Articles IV (Gifts and Benefits) and VIII (Improper Use of Influence) of the Code of Conduct.

The Commissioner found that Councillor Doug Ford contravened: Article IV when he accepted tickets to a tennis tournament from Apollo; and, Article VIII when he arranged meetings at the City for Donnelley and Apollo.

In response to the complaint, former Councillor Doug Ford asserted that his actions on behalf of Donnelly and Apollo were unrelated to the business relationship between the companies and Deco and, in any event, beneficial to the City. In the case of Apollo,

Councillor Doug Ford asserted that his actions were no different than actions he would have taken with respect to any business. The Commissioner concluded that the actions on behalf of Donnelly and Apollo were related to the Deco relationship and that the justifications offered by Councillor Doug Ford were not sufficient to satisfy his obligation to use the influence of his office exclusively for City business and to arrange his affairs in a manner that promotes public confidence and that will bear close public scrutiny.

The Commissioner encourages members of Council to review the circumstances in this case and consider their own outside activities to confirm that necessary steps have been taken to arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny. This could involve seeking advice and guidance from the Integrity Commissioner about making disclosures of interest, refraining from involvement and establishing ethical screens, among other things.

Related Complaints

Related complaints were made by two of the complainants about the conduct of former Mayor Rob Ford. Former Mayor Rob Ford cooperated with the investigation. Following former Mayor Ford's death, the investigation into those complaints ceased and the files were closed. I include this information for the purpose of notifying City Council that there will be no further report on any matters related to former Mayor Rob Ford.

Time Taken to Conclude this File

This case took more than two years to conclude. This length of time is well outside of the average time it ordinarily takes this Office to complete cases on the basis of current resources. The reason this case took so long to conclude is the result of a number of factors including: a backlog of cases in place at the time of the transition from a part-time to a full-time commissioner, the complexity of the case and the workload of the Office. Faced with limited resources and a steady case load, the Commissioner also placed a priority on resolving cases that dealt with current conduct and members.

With the completion of this investigation, the Office has completed work on all complaints filed prior to January 2016. This means that all cases filed in 2014 and 2015 have been closed. Based on current case load and resources, the Commissioner does not foresee similar delays in relation to any open cases.

CONTACT

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SIGNATURE

Valerie Jepson, Integrity Commissioner

ATTACHMENTS

Attachment 1: Integrity Commissioner Report Regarding the Conduct of Former Councillor Doug Ford (31 pages)