



**GARDINER  
ROBERTS**

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June 17, 2019

City Clerk Office  
City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Dear City Clerk:

**Re: Agenda Item CC8.1  
Outstanding Requests for Investigation and Guidance about the Toronto Parking  
Authority, the Emery Village Business Improvement Area and the Code of Conduct**

This letter is being submitted for City Council's consideration in connection with the above noted agenda item which is scheduled to be before Toronto City Council on Tuesday, June 18, 2019.

We kindly ask that this letter be included in the record before City Council and be distributed to all members of Toronto City Council.

**Integrity Commissioner's Report: General Comments**

We have read the 68-page report of the Integrity Commissioner entitled "Report Responding to City Council's Request for an Investigation into the Conduct of the Board Members of the Toronto Parking Authority and the Emery Village Business Improvement Area (City Council Decision AU9.12)" (the "Report")

Although the Report makes no findings of wrongdoing whatsoever on the part of former Councillor Mammoliti, which is wholly consistent with the position he took throughout the Integrity Commissioner's investigation into his conduct, irrelevant and gratuitous negative comments contained in the Report concerning former Councillor Mammoliti, unfairly and unprofessionally smear his character and require comment, particularly where there are significant factual errors and gaps in the Report regarding the interactions between Mr. Mammoliti and his lawyers with the Integrity Commissioner during the course of her nearly two year investigation, the costs of which are entirely unknown, because they, like the costs of other investigations conducted by the Auditor General and City Manager into the aborted land deal, have not been disclosed to City Council (although perhaps City Council could compel disclosure of the costs incurred for all of the investigations for the benefit of taxpayers).

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### **Integrity Commissioner Process Reform**

While the Integrity Commissioner now seeks to have her powers expanded by seeking an amendment to the Code of Conduct that would result in forced and compelled speech in an Integrity Commissioner investigation, this, in fact, is a power which the Integrity Commissioner already statutorily has under the *City of Toronto Act, 2006* via her ability to issue a summons under the *Public Inquiries Act*; a power which she exercised twice against Mr. Mammoliti.

City Council ought to reject this request.

City Council may, however, consider adopting other reforms to ensure that Integrity Commissioners conduct their investigations in a balanced and unbiased manner and to ensure that a councillor, facing potential sanction and penalty, is entitled to receive adequate and reasonable disclosure of evidence obtained during an Integrity Commissioner's investigation, particularly where no affidavit evidence from a complainant is filed, so that a Councillor under investigation can properly respond to a Commissioner's enquiries.

The current process deprives a Councillor under investigation of rights of fundamental fairness and natural justice and is an affront to sound principles of administrative and quasi-criminal law.

Furthermore, as demonstrated in this investigation, a councillor under investigation has no avenue of complaint where he or she has a reasonable apprehension of bias on the part of the Integrity Commissioner and is being bullied or harassed by the Integrity Commissioner's office such that the conduct of the office is contrary to sound practices which apply to all judicial and quasi-judicial officers.

In the justice system, judges and justices of the peace, are subject to oversight through designated complaint councils, such as the Ontario Judicial Council, the Canadian Judicial Council and the Justice of the Peace Review Council.

There is, however, no specialized body to review complaints about Integrity Commissioners.

Although the Ombudsman for Ontario has jurisdiction to review the conduct of an Integrity Commissioner, it can only do so once an investigation is finished. Also, the Ombudsman for Ontario has responsibilities beyond reviewing complaints about municipally appointed Integrity Commissioners and is therefore not a specialized body.

The lack of oversight ought to compel City Council to form its own "Integrity Commissioner Council" to review the conduct of her office to ensure that investigations conducted by the Integrity Commissioner's office are fair, respectful and professional throughout.

### **Request for Reimbursement for Legal Fees**

The factual narrative described by the Integrity Commissioner in pages of 16 through 19 of the Report misrepresents and distorts the complete facts relating to her office's interactions with Mr. Mammoliti and his lawyers, and contain significant gaps which require clarification.

Contrary to the Integrity Commissioner's assertions that former Councillor Mammoliti refused to participate as a witness and that he frustrated her inquiry, a complete factual record of the interactions between the Integrity Commissioner's and former Councillor Mammoliti, including the Integrity Commissioner's own inordinate and unexplained delay in advancing her investigation, unfairly placed the former Councillor in the unenviable position of incurring legal costs significantly above the \$20,000 limit allowed to a Councillor to respond to an Integrity Commissioner investigation. Mr. Mammoliti was concerned about the Integrity Commissioner's bias throughout her investigation and had reasonably grown distrustful of the entire process. He thereby sought to determine whether there was any oversight of the Integrity Commissioner's office and engaged his lawyers to explore those avenues. However, as the Integrity Commissioner's investigation grew more lengthy and appeared to expand beyond its original mandate, Mr. Mammoliti could only afford to retain his lawyers to explore a complaint to the Ombudsman of Ontario. Mr. Mammoliti duly advised the Integrity Commissioner that he no longer had counsel to help him in her investigation as she sought to compel him, for a second time, to appear for an interview in the spring of 2019.

From the outset of the investigation, Mr. Mammoliti was concerned that the Integrity Commissioner held a personal *animus* toward him and that he would be treated unfairly by her office. As reflected in the Report, Mr. Mammoliti's concern appears to have been well-founded.

At p. 19, the Integrity Commissioner accuses Mr. Mammoliti of having frustrated the inquiry unreasonably and in ways that have caused her to have "greater skepticism" about his actions. To have "greater" skepticism indicates that from the outset the Integrity Commissioner approached Mr. Mammoliti's conduct with "skepticism" rather than an open-mind. This belief, which the words in the Report now confirm, demanded robust legal representation to ensure that Mr. Mammoliti fully understood the allegations that were being made against him so that he could properly respond to the Integrity Commissioner's investigation.

However, despite reasonable requests for disclosure of the allegations being made against Mr. Mammoliti, which were entirely unknown, the Integrity Commissioner refused to reasonably co-operate, thereby negatively impacting Mr. Mammoliti's rights to fundamental fairness and natural justice.

Rather than completing her investigation prior to the 2018 municipal election, the Integrity Commissioner's apparent failure to proceed with alacrity in her investigation required Mr. Mammoliti to enter that election with unresolved issues regarding the Toronto Parking Authority land dispute, including rumour and innuendo that he had done something wrong. This lingering cloud created by the dilatory process initiated by the Integrity Commissioner was used by political opponents to defeat him.

The land in question was located in the Ward where Mr. Mammoliti was running for re-election. The Integrity Commissioner accordingly wrongfully inserted herself in the democratic process and wrongfully weaponized Mr. Mammoliti's political opponents.

As concluded by the Integrity Commissioner, Mr. Mammoliti did not engage in any wrongdoing – yet as a direct result of the cloud placed over him by having unresolved allegations and investigations by the Integrity Commissioner through an election he is now out of job, has lost his entitlement to a full pension, and bears the personal responsibility of the legal fees in excess of \$20,000 that he incurred in order to defend himself over the nearly two-year investigation.

Given the unprecedented and wholly unjust time and length of the Integrity Commissioner's investigation, the costs incurred in finding no wrongdoing on the part of Mr. Mammoliti must greatly overwhelm the relatively small amount of legal fees Mr. Mammoliti incurred in order to respond to the suspected multi-million dollar investigation into a land deal that never happened.

Accordingly, Mr. Mammoliti kindly asks, in light of the finding of no wrongdoing on his part under various provisions of the relevant Codes of Conduct investigated by the Integrity Commissioner, that Toronto City Council authorize that **all** of his legal costs in excess of the \$20,000 stipend paid by the City so that Mr. Mammoliti could be adequately represented in responding to the Integrity Commissioner's investigation be paid by the City of Toronto. It is completely unjust that the Integrity Commissioner be entitled to arbitrarily punish a former councillor in this fashion.

The balance above \$20,000 is \$11,047.47.

The \$20,000 ceiling available to a member of City Council in responding to an Integrity Commissioner investigation is, with respect, not reflective of the legal representation that any Councillor is entitled to receive in connection with an investigation that lasts almost two years. As demonstrated in the recent investigation conducted by Ontario's Integrity Commissioner into Premier Doug Ford's involvement in the hiring of Ron Taverner as Commissioner of the Ontario Provincial Police, significant integrity investigations can be concluded in a matter of months rather than a matter of years when conducted with fairness and efficiency.

The legal fees incurred by Mr. Mammoliti are reasonable in the circumstances and ought to be fully reimbursed by the City of Toronto.

### **Clarifying the Factual Record In Connection With Interactions with Mr. Mammoliti**

In the interests of clarifying the factual record that is not fully explained in the Report, the following is brought to your attention.

City Council directed the Integrity Commissioner to conduct an investigation into an aborted land deal involving the TPA on July 4, 2017.

It was not until eight months later that Mr. Mammoliti was contacted by the Integrity Commissioner to participate in her investigation.

From February 2018 to May 2018, the Integrity Commissioner and lawyers for Mr. Mammoliti exchanged correspondence in connection with the Integrity Commissioner's requests that Mr. Mammoliti answer questions and jurisdictional issues. Although Mr. Mammoliti indicated that he was willing to answer the Integrity Commissioner's questions, jurisdictional issues arose given published media reports which alleged that police were investigating the aborted TPA land deal. Based on a review of the *City of Toronto Act, 2006* and the procedures governing Integrity Commissioner investigations, a police investigation would displace the Integrity Commissioner's jurisdiction.

The Integrity Commissioner herself was remarkably evasive when asked directly whether a parallel police investigation was underway. Lawyers representing Mr. Mammoliti were unable to obtain a clear, definitive answer from the Integrity Commissioner's office in connection with the existence of a police investigation.

In addition, Mr. Mammoliti was concerned about bias in the Integrity Commissioner's investigation and thereby had requested the disclosure of information that the Integrity Commissioner may have gathered during the prior eight months so that he could adequately respond to her inquiries.

The Integrity Commissioner refused to provide any disclosure, thus heightening Mr. Mammoliti's reasonable apprehension of bias and that a negative finding would be made against him regardless of whether or not he answered the Integrity Commissioner's questions.

Unlike a complaint made against a Councillor which is based on a sworn affidavit that is disclosed during the investigation process, the fact that the Integrity Commissioner was directed by City Council to conduct a sweeping investigation, provided Mr. Mammoliti with none of the factual details that he was being asked to respond to.

The investigation being conducted was serious and accordingly invoked a reasonable right to disclosure in order to adequately respond. As a matter of fundamental justice, rights of disclosure exist in serious matters where a party faces penalty for wrongdoing.

Despite not receiving any disclosure and contrary to the Report, Mr. Mammoliti provided written answers to written questions asked by the Integrity Commissioner.

By May 2018, it appeared to Mr. Mammoliti, and any other reasonable observer, that the Integrity Commissioner had halted her investigation.

Nothing happened at all for a period of 7 months until December 27, 2018, one day after Boxing Day, and during the Holiday season, when the Integrity Commissioner proceeded unilaterally and without prior notice to deliver a summons by email to Mr. Mammoliti's lawyers requesting to interview him.

This summons appeared to reinvigorate the investigation into Mr. Mammoliti even though he was no longer a member of City Council and any negative recommendation the Integrity Commissioner might make against him would be moot.

Since the summons had not been personally served on Mr. Mammoliti, as required by law under the *Public Inquiries Act*, the summons was, on its face both improper and non-compliant. The Integrity Commissioner disagreed and demanded that Mr. Mammoliti appear before her on the date set out in the summons. He did not do so, while his lawyers continued to dispute the validity of the summons.

For the next three months, nothing again happened.

Then, suddenly, without notice, the Integrity Commissioner engaged an outside law firm to attempt to serve a new summons on Mr. Mammoliti. The new summons raised further issues about jurisdiction and reasonable apprehension of bias, and again prompted Mr. Mammoliti to seek the intervention of the Ombudsman of Ontario's office.

Despite Mr. Mammoliti's second complaint to the Ombudsman of Ontario having not been fully considered in relation to jurisdiction, the Integrity Commissioner proceeded to have Mr. Mammoliti attend an interview under threat that if he did not appear she would find him in contempt (a finding she has no authority to make, but rather must seek an order of the court).

Mr. Mammoliti advised the Integrity Commissioner that his lawyers no longer represented him in connection with her investigation as a result of the dissipation of the fund available and that he wanted more time to retain a new lawyer. She refused Mr. Mammoliti's request.

When Mr. Mammoliti appeared before the Integrity Commissioner, without a lawyer, he wanted to provide the Integrity Commissioner with a statement that lawyers representing him in connection with his Ombudsman complaint had reviewed as part of that retainer.

The Integrity Commissioner refused to permit Mr. Mammoliti to give his statement and then left him alone in the interview room, without explanation, for a period of 20 minutes. When the Integrity Commissioner returned, Mr. Mammoliti, who advised the Integrity Commissioner that he was physically unwell, read his statement, despite her interruptions, and left. Mr. Mammoliti had advised the Integrity Commissioner that he would not answer any of her questions without legal representation, a fundamental right afforded to all Canadians under the Charter of Rights and Freedoms where a person is being investigated by a government body and is subject to penalty.

Attached hereto is a copy of Mr. Mammoliti's written statement, relevant correspondence exchanged between the Integrity Commissioner and Mr. Mammoliti when he acted without counsel and relevant correspondence exchanged between the Integrity Commissioner and Mr. Mammoliti's lawyers during the course of their retainer on this matter.

### **Clarification of the Factual Record In Connection With the Flagpole and Land Deal**

In Mr. Mammoliti's view the Report does not completely reflect either the history of the flagpole issue, which he advocated for on behalf of his constituents for about 20 years, or the land acquisition.

**The chronology of event surrounding the land acquisition were reviewed in a separate report prepared by Gavin Mackenzie dated June 29, 2017 which was previously disclosed to City Council. We ask that this report once again be brought to the attention of City Council on this agenda item.**

In addition, we attached hereto a separate timeline detailing the history of the flagpole issue dating back to 2002.

Mr. Mackenzie's report and the chronology demonstrate that throughout Mr. Mammoliti was merely advancing an issue on behalf of his constituents and in doing always acted on the direction of City Council.

### **Request for an Apology**

A number of comments in the Report gratuitously malign Mr. Mammoliti. Based on the foregoing, those comments are arbitrary, petty, gratuitous, unfair and unjudicious. They have absolutely no place in a Report from a public official.

These negative comments made about Mr. Mammoliti confirm Mr. Mammoliti's reasonable apprehension that the Integrity Commissioner holds a personal *animus* against him.

None of the negative comments made in the Report about Mr. Mammoliti are relevant to the findings made in connection with the TPA land deal that never happened or whether Mr. Mammoliti had acted in violation of the Codes of Conduct that applied to him.

Accordingly, Mr. Mammoliti demands an unconditional apology from the Integrity Commissioner for the superfluous negative comments found in the Report and an apology from City Council for the conduct of its Integrity Commissioner.

As well, Mr. Mammoliti is of the view that given the incredible amount of money spent on investigating a land transaction that never happened, the taxpayers, including those in York West, and the Emery Village Business Improvement Association deserve an apology from City Council.

### **Future Steps**

Based on the comments found in the 68-page Report and that the fact the Integrity Commissioner's investigation is now complete, Mr. Mammoliti will be reviewing his options in connection with a further review of the Integrity Commissioner's investigation and his treatment therein.



Yours truly,

**GARDINER ROBERTS LLP**



Gavin Tighe  
Partner

Enclosures



Good Morning; I have decided to come down to this meeting because I have been summoned to do so and I do not want anyone to think that I am not willing to co-operate. However, I am here under protest and will read into the record the reasons why I cannot and will not answer any questions today from the Integrity Commissioner.

Please be advised that I will be recording this conversation to ensure that an accurate transcript can be made.

Before I got here today, there have been numerous letters and emails sent to the Integrity Commissioner by my previous lawyer, Gavin Tighe, and myself in response to many questions that have been brought up by Ms. Jepson.

I wish to state for the record that I am verbally submitting all of the communications; the letters and emails associated to this file and the associated files that pertain to the Toronto Parking Authority and the Emery Village BIA leg of the investigation as evidence today. The Integrity Commissioner has a copy of all of materials.

It's important to note that a separate investigation took place on the Parking Authority and the law firm hired to conduct that investigation had reported out its findings at the beginning of this year with no disclosure of how much taxpayer money was spent on the investigation and the reports associated with it.

Outside of two individuals that worked for the organization being let go there was no other mention of any wrong doing nor was there any allegation of wrong doing. Since then those two individuals have sued the City separately for wrongful dismissal and the City runs the risk of losing approximately 15 million dollars in damages if they are successful in court. I also estimate the cost of the legal firm to have spent approximately \$1.5 million in fees.

As the Integrity Commissioner is aware, I feel uncomfortable in answering any questions today and won't for the following reasons. All the reasoning was relayed to the Integrity Commissioner before I got here through either letters or emails. I will also note that I have offered her July 31<sup>st</sup> of this year as a date by which I was prepared to commit to come down and answer any questions. I have explained that I need more time for a number of reasons, some of which I am about to state but that she insisted the summons to appear before her was above all of my rights.

These are the reasons I will not answer any questions and why I feel my rights are being breached.

>The Summons was given to me 6 days ago and at this point I don't have a lawyer representing me. I did have a lawyer on this file prior to last election when the City was paying the fees. I no longer can afford the lawyer fees and I am now in a position where I must find a lawyer that I can afford. I have mentioned this to the Integrity Commissioner, but her view is that my right to be represented by a lawyer does not matter. Remarkably she has demanded I attend and threatened me to be here today suggesting that if I don't show up today she will hold me in contempt and ultimately have me imprisoned. I am not sure why she has threatened me with finding me in contempt, but it further reflects what I feel has been a strong personal bias and animus against me.

My understanding is that only a judge has the authority to make a finding of contempt and to order people to be incarcerated. I would guess that Ms. Jepson does not really care about how much this has

cost the taxpayer and is willing to go to court to get an order to comply and spend more money that is not hers. This again is consistent with a personal vendetta which I believe Ms. Jepson harbours against me.

>I have also suggested that I be given enough time to ask the City of Toronto clerk to bring a request to council asking them to consider covering the cost of a lawyer for me now that I am no longer a sitting Councillor. This investigation commenced while I was sitting as a Councillor. It does not seem fair to me cut me off funds now that I am not a sitting Councillor while I am still being required to defend myself in an investigation process that has dragged on for almost 2 years. This investigation would have ended a long time ago but for the blatant biased conduct of this office. Thus, I should be given the right to ask Council to consider funding my lawyer fees. Ms. Jepson though has refused me the time necessary to go through that process and here I am today in front of you without representation, with my access to justice denied by an Integrity officer who ought to be cognizant of the rights of those being investigate to be duly represented by a lawyer.

City Council set a budget for legal fees for these types of matters believing that they would be reasonably conducted by the Integrity Commissioner. No one could have reasonably envisaged the two year witch hunt and inquisition which Ms. Jepson has conducted against me.

>While a Councillor in 2018, I was concerned about what I was hearing around City Hall about this investigation. It was told that Ms. Jepson or her staff have had some kind of friendly relationship with John Lancaster of the CBC, Councillor John Fillion and of some reporters with the Toronto Star newspaper and that she or her staff may have leaked information out to the media just as City Hall was about to give direction on the matter and shortly after that.

I lodged a complaint to my colleagues in council by rising on a point of order and asking that Council ask the clerk to conduct an investigation on the leak. The motion was passed that day. It would have been my intent to ask for an investigation to look into the conduct of the Integrity Commissioner and her staff to see if they leaked information out. That investigation, however, never took place and I believe my rights have been breached on this file because of the leak and that the integrity of this investigation has been seriously compromised.

>I believe the Integrity Commissioner deliberately waited on reporting on this file to council so that I would have to defend myself in the community while going through an election. The leaks did not help matters and this issue contributed to my loss in October of 2018. This Integrity Commissioner should have reported out last year on her investigation rather than having it drag on for almost two years. As recently demonstrated, a very serious investigation into the conduct of Premier Doug Ford was completed by Ontario's Integrity Commissioner in three months including review of thousands of documents, interviews of dozens of witnesses and the delivery of a 100 page report.

Ms. Jepson knew that new legislation that has been implemented now has provisions that force an Integrity Commissioner to finalize reports before the end of any political term is over. Yet, this Integrity Commissioner delayed her investigation on purpose, in my opinion, so that I would run the risk of losing

the last election. In so doing the Integrity Commissioner inserted herself into the democratic process and has as a result become a political operative.

>I have made a complaint to the Ombudsman of Ontario, which this office is aware of, with respect to this file. I have complained that in my opinion the Integrity Commissioner has broken the law and policies surrounding the operation of her office during this investigation. I have suggested numerous times by email that we hold off on this process until that review has concluded, yet she has defiantly refused my request and has continued to press forward despite receiving no notice whatsoever from the Ombudsman of Ontario that my complaint to his office has been rejected. The conduct of the Integrity Commissioner shows precisely why my complaint with the Ombudsman of Ontario is being received by his office.

Ms. Jepson has told me she has no conflict. However, I believe that she does have a serious conflict and that there is a reasonable apprehension of bias in her continuing her investigation and that she use it for an improper purpose because of my complaint. The situation worries me, especially because I don't have a lawyer to help me today.

It's my view that because of the ongoing review of her involvement in this investigation that has been filed with the Ombudsman of Ontario and the jurisdictional dispute that I have raised in this matter as well, that until the Ombudsman of Ontario process is exhausted, the Integrity Commissioner ought to stay her investigation.

In 2018 I stood up in Council and asked questions about process when it came to complaints about the integrity Commissioner. The City Manager at the time instructed us to go to her (The City Manager) with complaints and that she would investigate. Shortly after, I lodged a formal complaint to the City Manager about Ms. Jepson's behaviour. The City Manager responded to my complaint by telling me that in fact she was mistaken on the Council floor and that the proper mechanism is to complain to the City Ombudsman or the courts.

Yet it seems that nobody knows who to complain to in watching the watch dog. Near the end of last session in Council I had held the Integrity Commissioners' budget in order that I ask some questions about it. I wanted to know more details on how she spent her allocated money. We were told by our lawyers in Council that we don't have the right to that information. So who is responsible for the watch dog?

I have now asked the Ombudsman of Ontario to intervene and investigate what I feel has been an improper exercise of the Integrity Commissioner's office with respect to this investigation.

Council had decided to share the Toronto Parking Authority file two years ago with the police to see if there was any wrong doing by anyone. It's been reported on a few occasions by media that there is an ongoing police investigation.

Ms. Jepson may have known about this investigation and as such has no jurisdiction in this matter. I have asked her a few times through my lawyer and most recently by email to let us know if in fact she is aware of any investigation. She simply refuses to answer that question directly and skirts around answering it properly. So, I must presume that there is an investigation and if there is I should not be asked any questions by the Integrity Commissioner. I feel that it is illegal for her to continue with her investigation, that it is contrary to the law and contrary to the policies and rules that govern her office.

In fact, she is to report out to Council if there is a police investigation into the matters she is investigating and to relinquish the file. I say this because I have heard that the Integrity Commissioner has brought this up in interviews with people that she has summoned to her office. My concerns are heightened by Ms. Jepson putting sections of the Evidence Act in the materials. I do not fully understand the legal impact of this but it certainly suggests that Ms. Jepson has an expectation that she will question me on areas that she is of the view may potentially incriminate me. Give this her refusal to allow me to have legal counsel is even more troubling.

As such, I cannot and will not answer any questions from the Integrity Commissioner until I know if there is an investigation going on. If the Integrity Commissioner has known about it then this case should be dropped completely.

I will now gather my things and leave and wish not to be spoken too with respect to this file until I have legal council with me.

Ms. Jepson, its my view that you are a bully and I hope that the Ombudsman finds this out soon and if not the Ombudsman then the Ontario Justice system.

From: Giorgio Mammoliti [<mailto:gmammol@gmail.com>]  
Sent: May 10, 2019 11:00 AM  
To: Valerie Jepson  
Subject: Re: TORONTO-#1174494-v2-Speaking\_points\_May\_7\_\_2019.DOCX

Ms. Jepson; further to my last email response to you this morning. Your accusations are ludicrous and scandalous. I attended your attempt to interrogation me without any legal council even though I had suggested to you to delay until I could find someone that would come with me to defend me. You said no to that.

If you read all your emails thoroughly like you have chosen to do with mine you would know that Mr. Tighe does not represent me on this file and does represent me on the complaint I have against you with the Ombudsman.

You have even communicated directly with me knowing that he does not represent me. Not sure what you're trying to prove but it just proves to me how much of a bully you are.

I cannot to pay the fees associated to two files that pertain to you with your never ending witch-hunt. I asked Mr. Thiele review the language I wrote because much of it had to do with the Ombudsman case and I wanted to make sure I was accurate and it would not affect my Ombudsman case.

Now after a two years of harassment from you in threatening me with contempt and imprisonment you are now accusing me of making fails statements. All this on the tax payers dime. I will now demand your apology because it's clear you are not dealing with me in an objective manner. You have lost your focus on this case and now it's become a personal vendetta toward me. Giorgio

I have sent this by email through my iphone and apologize if it's scattered in text.

> On May 10, 2019, at 9:52 AM, Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)> wrote:

>

> I don't have a lawyer on this file. It must have been an an error on my end with file if in fact it's true. I don't believe anything you say. Don't confuse matters Ms. Jepson. I don't have a lawyer. I can't afford one at his fees, and will need to find one that I can afford, I told you that. If he was my lawyer he would have been there yesterday. Another email from you that is just abusive as far as I'm concerned and another reason I should not be talking to you without representation. Stop harassing me!!!

>

> Sent from my iPhone

>

>> On May 10, 2019, at 9:00 AM, Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)> wrote:

>>

>> Mr. Mammoliti,

>>

>> The file properties of the document you sent me show that it was last modified by "Thiele, Stephen" on May 8, 2019 at 1:07 am. As I'm sure you know, Mr. Thiele is a lawyer at Gardiner Roberts, the firm of Gavin Tighe.

>>

>> However, the document Mr. Thiele wrote and that you have presented to me as your statement says that "I don't have a lawyer representing me" and "I don't have a lawyer to help me today." It refers to Mr. Tighe as your "previous lawyer."

>>

>> It seems that you do have a lawyer to help you and that the claims in your document about needing a lawyer are false. Can you explain?

>>

>> Sincerely,

>>

>> Valerie Jepson

>> Integrity Commissioner

>> Office of the Integrity Commissioner

>> 416-397-7770

>>

>> -----Original Message-----

>> From: Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)>

>> Sent: May 9, 2019 11:15 AM

>> To: Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)>

>> Subject: TORONTO-#1174494-v2-Speaking\_points\_May\_7\_\_2019.DOCX

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>> Ms Jepson. Further to my last email to you that I wrote to you while waiting in your boardroom. Attached you will find my written submission that I read out on the record this morning and that you also captured on your recording device as did I. While I added verbally to a small degree I'm sure you will find it helpful for your records today.

>> I also want to confirm that you did come into the room at 1025am at which point I read the statement aloud to you. I also want to reiterate that the other very valid reason for me to not be interviewed today was this bad cold I am carrying and how today it has turned into a fever and I cannot be in working condition. This email is sent on my iphone and I apologize if message is scattered.  
Giorgio Mammoliti

**From:** Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)>  
**Date:** May 9, 2019 at 10:18:58 AM EDT  
**To:** Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)>  
**Subject:** Re: Summons to appear

Ms Jepson. This will confirm that I arrived at 950 am on May 9 th 2018 into your boardroom. We spent a few minutes discussing why I am not allowed to take notes through a recorder as you are doing. You would not even let me read my statement to begin after you turned on your device. You stated that there have been no parameters to running the meeting and left the room having me sit in here for about 15 minutes. I will wait a few more minutes and then leave. I would imagine that if parameters should have been set then you should have told me that in the Summons or talk to my lawyer if you allowed me one. I will not be kept hostage in a room today by you. I am sick and need to go to the doctor. As mentioned, I have a bad cold and a fever today.  
It is now going on 20 minutes in the board room. By myself. This cannot be right! I don't have a lawyer and am now afraid of what that will mean. I will be leaving at 1020 am.  
Sent from my iPhone

On May 8, 2019, at 1:07 PM, Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)> wrote:

Mr. Mammoliti,

Attending the interview and refusing to answer questions is the same as not attending at all. Both are contempt and I have already told you the potential consequences of that.

Sincerely,

**Valerie Jepson**  
Integrity Commissioner  
Office of the Integrity Commissioner  
416-397-7770

**From:** Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)>  
**Sent:** May 7, 2019 5:01 PM  
**To:** Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)>  
**Cc:** Integrity <[integrity@toronto.ca](mailto:integrity@toronto.ca)>  
**Subject:** Re: Summons to appear

I don't believe a word you say Ms. Jepson. Your reputation speaks for itself. You have already been slapped by the courts once on how you conduct your investigations. And you have not answered all of our questions either. I would suggest you read all of the correspondence we have sent to you leading up to this day and I would expect an answer to all we have asked. I understand that you asked some who you have interviewed if they were aware of the police investigation. Looking forward to their affidavits and the transcripts later for those interviews. This just keeps getting more interesting as it goes along Ms Jepson. As far as the leak, You're the only one with the info that came out in the media and council should have investigated you! The clerk made a mistake by not investigating in my opinion and time will tell I guess. I have an ongoing Ombudsman investigation going on and it was verified by them today today. I will not be saying anything to you on Thursday. I will come and only tell you that. I still feel this could wait a couple of more months so I get a chance to find a lawyer That I can afford or ask council

to cover the cost for me to continue. It will be a waste of time and taxpayers money by me coming down just to tell you that. Giorgio. This message has come from my iPhone and I apologize if it's scattered. Sent from my iPhone

On May 7, 2019, at 4:01 PM, Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)> wrote:

Mr. Mammoliti,

I think you're referring to s. 164 of the *City of Toronto Act, 2006*. It reads:

164 If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act, other than the Municipal Conflict of Interest Act, or of the Criminal Code (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to city council.

So the duty to suspend my inquiry only arises if I refer the matter to an outside authority. I said to your lawyer Mr. Tighe, in my letter of in April 6, 2018, that I hadn't referred this case to law enforcement, and that is still true.

Now, whether or not the police are investigating for some other reason doesn't make a difference to my jurisdiction. However, I can tell you that I am not aware of an ongoing police investigation into this matter.

You've made allegations about my office leaking information to the media. I can assure you that I haven't leaked any information. If you have information to support a leak by a staff member of mine, I would like to know about it so that I can address it.

I believe that I have responded to all of your questions and concerns. I look forward to seeing you on May 9.

Sincerely,

**Valerie Jepson**

Integrity Commissioner  
Office of the Integrity Commissioner  
416-397-7770

**From:** Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)>

**Sent:** May 7, 2019 9:34 AM

**To:** Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)>

**Cc:** Integrity <[integrity@toronto.ca](mailto:integrity@toronto.ca)>

**Subject:** Re: Summons to appear

Ms. Jepson, You will also recall that I asked the City Manager through council what the process would be for me to lodge a complaint on you and how you are investigating this and also wrote to her to make request formal after that council meeting and she told me that a complaint would have to go to the



ombudsman or the courts. At this point I have chosen the ombudsman. Again, A part of this complaint is about how I feel you or someone in your office has leaked information out to media.

Giorgio

Sent from my iPhone

On May 7, 2019, at 9:10 AM, Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)> wrote:

Mr. Mammoliti,

You have had a lawyer for more than a year, since I first asked to interview you. Indeed, Mr. Tighe said yesterday that he continues to represent you in the Ombudsman complaint.

You have been validly served and are required to attend on May 9. If you fail to attend, you can be held in contempt of court.

Sincerely,

**Valerie Jepson**

Integrity Commissioner

Office of the Integrity Commissioner

416-397-7770

**From:** Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)>

**Sent:** May 6, 2019 3:49 PM

**To:** Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)>

**Cc:** Integrity <[integrity@toronto.ca](mailto:integrity@toronto.ca)>

**Subject:** RE: Summons to appear

Ms. Jepson.

I am sorry but I cannot agree with any of your remarks made in this last response except I will offer up an apology to as you were not the outside legal council to the previous integrity commissioner as I stated. However, I believe you were the inhouse legal council to her. Either way you are fully versed on how I was extremely ill at the time and that's why I could not talk to her, as per my lawyers advise. In order to answer any questions I would have had to speak to her about my diagnosis, the IC refused to keep my illness confidential and because of that I chose not to answer any questions. The report went to council anyway and we know the history after that. I believe the motive behind the last report is still there and you are dragging this out so to embarrass me further with another report.

Since you have taken your office, you have continued to take on any complaints thrown to you about me no matter how frivolous. Public have no clue how much you have spent on any of those cases.

What you fail to mention in this last response to me is that you have in fact not been waiting for me but we on the other hand have been waiting for you. We have been waiting for you to answer many questions that have still not been answered by you. I still believe that before I come to speak to you that all those questions should be answered including the question of any ongoing police investigations. You have failed yet again to let me know if you are aware of one or not. If your not

aware of one then just say so and put it to rest. If you are aware of one then I have serious reservations about your investigation and would look forward to explain this to a judge if you take this any further.

Ms. Jepson, At this point I don't trust you and don't feel the need to come in until the Ombudsman has finished her review that involves you. If you are adamant about getting me arrested because I don't agree with you then the least you can do is copy me on any application to the courts so I can come and defend myself. I am not refusing to come speak to you. I am simply needing time for a number of reasons outlined to you already in previous letters and emails. I don't know my rights and I need legal advice and you simply have not given me enough time to find a lawyer.

I believe that two more months or more of wait time is sufficient given the situation I find myself in that included finding a lawyer and having that lawyer briefed on this matter, and waiting for the Ombudsman to report out on your jurisdictional matter. Any court would agree to that I believe.

I will offer up July the 31<sup>st</sup> 2019 as the date in which I will come down with any new lawyer to your office . Please advise,

Thank You  
Giorgio Mammoliti

Sent from Mail for Windows 10  
**From:** Valerie Jepson **Sent:** May 6, 2019 2:26 PM  
**To:** 'Giorgio Mammoliti'  
**Cc:** Integrity  
**Subject:** RE: Summons to appear" fele

Mr. Mammoliti,

Since Mr. Tighe is no longer representing you, I haven't copied him here and won't copy him on further correspondence.

Mr. Tighe does make some arguments that I want to address, for your benefit. The prior summons was not a nullity. It was not personally served, which isn't the same thing. At the time, Mr. Tighe represented you and it was reasonable to provide the summons to him so that he could accept service on your behalf.

Similarly, the present summons is valid. It doesn't have to say what matter it is in relation to. In any event, you clearly know what matter the interview would be about.

Also, the summons doesn't ask you to bring any documents – hence the "N/A" – but that doesn't make it a nullity.

You are mistaken when you say that there's no need for you to be interviewed. You have been validly served for May 9 and you have to attend. If you don't attend, you can be held in contempt of court. The sanctions for contempt include imprisonment.

You say that you want the City to pay for a lawyer for you. Mr. Tighe said that the funds for your representation have been exhausted – that's why he says he is no longer representing you. It sounds like there is no reasonable prospect of more funding being provided now. In the circumstances, I'm afraid we can't wait any longer. As I said, I first asked to interview you on February 6, 2018.

I'm not willing to wait for the outcome of the Ombudsman process. It's not a conflict of any kind. That would mean that any person seeking to delay an interview could make an Ombudsman complaint.

There is one other small matter that I'd like to respond to. You say that I was the outside counsel for the prior Integrity Commissioner in 2013. I think you may be mixing me up with someone else. I have never been the outside legal counsel for this Office. To refresh your memory, you and I met at least once at your office after my term began in 2014 and you attended an interview in a separate inquiry that was concluded (and dismissed) in 2015.

I am not trying to embarrass you. I believe that I've treated you fairly throughout. I look forward to seeing you on May 9.

Sincerely,

**Valerie Jepson**

Integrity Commissioner  
Office of the Integrity Commissioner  
416-397-7770

**From:** Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)>

**Sent:** May 6, 2019 11:35 AM

**To:** Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)>

**Cc:** Integrity <[integrity@toronto.ca](mailto:integrity@toronto.ca)>; 'Fredrick Schumann' <[FredrickS@stockwoods.ca](mailto:FredrickS@stockwoods.ca)>; 'Tighe, Gavin' <[gitighe@grllp.com](mailto:gitighe@grllp.com)>

**Subject:** RE: Summons to appear

Ms Jepson; Thank you for your reply, I am not sure what you are talking about with respect to Mr. Tighe. If you felt that you should have sent the document there then why did you not do that? I know nothing about you trying to serve me at his office.

Given that there is an outstanding complaint to the Ombudsman on your conduct and how you have treated this file and me over the years and given that at this point I have not been able to give instruction to any lawyer including Mr. Tighe, I just don't see the need for me to come down on the 9<sup>th</sup> just to tell you I feel uncomfortable answering any questions you have because I think we should wait for the Ombudsman to report out. I also think its a bit of a conflict at this point for you to even carry on with this until the report come out from the Ombudsmen given the complaint is about your conduct. How can you be asking me any questions when I have complained to the Ombudsman about you?

I believe you are just wanting to find another excuse to try to embarrass me publicly with some drawn up report with no merit like you did then when you were the legal council to the former integrity commission with my case in 2013. I believe the way you have handled this file and others should be

investigated because I believe you have broken the law in a number of ways. I have highlighted them throughout your investigation on this file through Mr Tighe's representation and I believe I should not be invited to answer any questions until all of this is resolved. I also believe that you or your office may have leaked out information in the past on this file and if that is the case it brings out much more on how you have handled it. Council asked for an investigation on this matter and the intentional leaks that occurred and there was never one taken out by the clerk, so I would want the Ombudsman to take a look at this breach as well to see if it came from you or someone from your office.

I also believe it's within my legal rights to have my legal council paid for by City hall and am planning to issue that request as soon as I have instructions out to a lawyer. This is another reason that I think I should not come down on the 9<sup>th</sup>. I need time to get a response from City hall. As you know it is very expensive to hire a lawyer while on a government pension and given that you are adamant about interviewing and investigating me now that I am no longer a Politician then the least City Hall can do is pay for my lawyer as they have done in the past. In order for this to happen I will have to go through a process I'm sure and it will take some time.

It's my opinion that you have done nothing but spend tax payer money for the last 2 years on this file with only one purpose and that's a witch hunt to get me somehow. You should have reported out a long time ago to Council on this and you did not. I have asked you through my lawyer for 2 years now if you are aware of any police investigation on this matter and you have ignored the request, but at the same time asking those you are interviewing if they are aware of the police investigation so they feel intimidated in order to answer your questions. You know it as well as I do that if this file is with police you have no jurisdiction with it, but yet you keep on the file. I am asking this Ombudsman to take a look into this as well for your information.

Again, I believe there is no need for me to come down yet until all these matters are resolved. Don't mean to be refusing to come down but given the circumstances I am not comfortable without a lawyer and a paid one at that to speak to someone who I think has broken the law with this file and others. Perhaps we should put off this interview for a couple of more months given all of this? I have no issue at that point coming in to answer any questions if I am wrong about what I think.

Look forward to your reply to all of my points in this letter before the 9<sup>th</sup> of May Ms Jepson.

Giorgio Mammoliti

Sent from Mail for Windows 10

**From:** Valerie Jepson

**Sent:** May 6, 2019 10:20 AM

**To:** 'Giorgio Mammoliti'

**Cc:** Integrity; 'Fredrick Schumann'; 'Tighe, Gavin'

**Subject:** RE: Summons to appear

Mr. Mammoliti,

Thank you for your email. I have copied Mr. Tighe who I understood is your legal counsel on this matter.

You have been aware that I wish to interview you since February 2018. You have been represented by Mr. Tighe since at least March 2018 and he has fully represented you ever since then. I provided Mr. Tighe with a summons for your attendance on January 11, 2019; you did not attend.

On April 1, 2019, Mr. Tighe was notified by my legal counsel that a second summons would be issued for your interview. My lawyer told Mr. Tighe that if he did not accept service and provide input on the interview date, I would issue and serve the summons without further consultation with him. Because Mr. Tighe refused to accept service, or provide any information about your availability, you have now been personally served. There has been every opportunity for you and your counsel to arrange a mutually-agreeable date for an interview, and you have failed to do so. You are now required to attend on May 9, 2019 at 10 am. Failure to attend may result in contempt proceedings.

I look forward to receiving confirmation that you will attend.

**Valerie Jepson**

Integrity Commissioner  
Office of the Integrity Commissioner  
416-397-7770

**From:** Giorgio Mammoliti <[gmammol@gmail.com](mailto:gmammol@gmail.com)>

**Sent:** May 3, 2019 9:32 AM

**To:** Valerie Jepson <[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)>

**Subject:** Summons to appear

Good Morning Ms. Jepson;

I will confirm receipt of the summons to appear on May 9<sup>th</sup> 2019 in your office for 10 am. While the summons or letter don't speak to the reason you want to talk to me, I will only assume its the almost 2 year old case you have been on that is investigating issues that pertain to the Parking Authority and Arrow road real estate. If this is the case I believe that you may need to have mentioned it in the letter and or summons.

Given the short notice and the fact that I will be out of town for a scheduled appointment, I will not be able to make it for that date. Furthermore, legal representation for me is important and I don't believe 6 days is enough time for me to find and have a lawyer to represent me on that day and give such instruction to him or her. You are a lawyer Ms. Jepson and I am not uncomfortable not being represented while being questioned by a lawyer.

I also will note that I have recently lodged a complaint and in that complaint I have questioned your conduct on this matter to the Ontario Ombudsman and have yet to hear back from her. A Part of that complaint speaks to jurisdictional matters and whether you have the right to pursue this investigation while I am not a sitting member of council. Even if I could make the meeting on the 9<sup>th</sup> of this month I would only tell you that I would prefer to wait until the Ombudsman report come out with a ruling before I feel comfortable enough to be questioned on any matter and that would be my response to you

in your office on record when asked any question. That response as well as and the fact that I personally think you have broken the law in many respects in conducting this investigation and that you should be investigated yourself on how you have conducted this case and others. (Note my previous correspondence to you through my lawyer at the time)

I believe you are aware of the complaint to the Ombudsman that I have lodged and again you continue to show disregard and disrespect to procedure and a total disrespect to me as well by continuing a process that is being questioned legally and within my rights.

Its in both our interest to wait until this complaint process has taken its course with the Ombudsman before I come down to answer questions.

Look forward to your reply, well before the 9<sup>th</sup> of May please and not the day of if you can?

Giorgio Mammoliti

Sent from Mail for Windows 10



Office of the Integrity Commissioner

375 University Avenue, Suite 202  
Toronto, Ontario M5G 2J5

Valerie Jepson  
Integrity Commissioner

Tel: 416-397-7770  
Fax: 416-696-3615  
[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)  
[toronto.ca/integrity](http://toronto.ca/integrity)

February 6, 2018

Sent by Email (No Original to Follow): [councillor\\_mammoliti@toronto.ca](mailto:councillor_mammoliti@toronto.ca)

**PRIVATE AND CONFIDENTIAL**

Councillor Giorgio Mammoliti  
Toronto City Hall  
100 Queen Street West, Suite B27  
Toronto, Ontario M5H 2N2

Dear Councillor Mammoliti:

**Re: Integrity Commissioner Investigation Regarding Toronto Parking  
Authority's Intended Purchase of 1111 Arrow Road**

On July 4, 2017, Toronto's City Council considered the Auditor General's Report entitled "Observations of a Land Acquisition at Finch Avenue West and Arrow Road by the Toronto Parking Authority – Part 2". City Council directed that the Integrity Commissioner conduct an investigation into whether current or past members of the Boards of the Toronto Parking Authority and the Emery Village Business Improvement Area contravened the *Code of Conduct for Members of Local Boards (Restricted Definition)* in dealing with the above-noted subject matter. You can read the full Council direction at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.AU9.12>

I am aware that you have been a member of the Emery Village Business Improvement Area Board since its inception in 2003 to present, and that you were a member of the Toronto Parking Authority from 2010-2016. Accordingly, you are within the scope of my Office's jurisdiction, and we believe you may have information relevant to our inquiry. I am exercising summons powers under s. 33(3) of the *Public Inquiries Act, 2009*, pursuant to the authority of s. 160(2) of the *City of Toronto Act, 2006*.

One of the several aspects of my investigation is into whether your conduct related to this set of events complied with the *Code of Conduct for Members of Local Boards (Restricted Definition)* or, as applicable, the *Code of Conduct for Members of Council*. At this time, I am considering the following issues as it relates to your conduct:

1. Did you disclose or release by any means to any member of the public, any confidential information acquired by virtue of your office as a member of the

board of the Toronto Parking Authority (the "TPA"), in contravention of Article V (Confidential Information)?

2. Did you improperly use the influence of your office, whether as a member of the board for the TPA, the Emery Village BIA Board of Management (the "EVBIA"), or as a city councillor, for any purpose other than for the exercise of your official duties, in contravention of Article VIII (Improper Use of Influence) of the (applicable) Code of Conduct?
3. Did you refer a third party to a person, partnership, or corporation to the board of either the TPA or the EVBIA in exchange for payment or other personal benefit, in contravention of Article IX (Business Relations)?
4. Did you observe the terms of all policies and procedures established by the TPA, and any Council policies and procedures that apply to the TPA or its members, in contravention of Article XV for local Board members (Failure to Adhere to Council Policies and Procedures)?

You will be summonsed to appear before the Integrity Commissioner to give evidence under oath or affirmation. Mr. Ben Drory, an Integrity Officer at my office, will be reaching out to your office shortly to set up an interview.

Following the investigation, I will not issue a report finding that any board member violated the *Code of Conduct* unless that board member has had reasonable notice of the basis for the proposed finding and any recommended sanction, and an opportunity to respond to them.

If you have any questions, please do not hesitate to contact Mr. Drory directly at (416) 338-3969 or at [Ben.Drory@toronto.ca](mailto:Ben.Drory@toronto.ca).

Yours truly,



Valerie Jepson  
Integrity Commissioner





Gavin. J. Tighe\*  
Direct Line: 416.865.6664  
Direct Fax: 416.865.6636  
gjtighe@grllp.com

\*Certified by the Law Society of Upper Canada as a  
Specialist in Civil Litigation

**PRIVILEGED & CONFIDENTIAL**

**VIA EMAIL**

March 5, 2018

Mr. Ben Drory  
Integrity Officer  
Toronto Office of the Integrity Commissioner  
375 University Avenue, Suite 202  
Toronto, ON M5G 2J5

Dear Mr. Drory,

**Re: Integrity Commissioner Investigation Regarding Toronto Parking  
Authority's Intended Purchase of 1111 Arrow Road**

---

Further to our email exchange, we confirm that we have been engaged as counsel to Mr. Mammoliti in regard to Ms. Jepson's letter to him dated February 6, 2018. We confirm that given Ms. Jepson's investigation that she is certifying that contrary to media reports, there is no investigation underway by any police service in the Province. Obviously, if there were any such investigation by any police service, then your office would be precluded from undertaking any such investigation pursuant to s. 164 of the City of Toronto Act, 2006. We accept Ms. Jepson's letter as her personal and official certification of this fact. If this is not the case kindly advise immediately.

In addition we note that Ms. Jepson references the direction of Toronto City Council as her authority for this investigation. Mr. Mammoliti is unaware of any other complaint to the Integrity Commissioner and no one from Ms. Jepson's office has provided Mr. Mammoliti with a copy of any such complaint as they would be required to do pursuant to the Code of Conduct Complaint Protocol for Members of Council, Part B, s. 5. We confirm that there is no such complaint. If this is not the case kindly advise immediately.

The direction from Council is set out in the link attached to Ms. Jepson's letter. Ms. Jepson is, of course, restricted in the scope of any interview by the parameters of this reference which reads:

City Council requested the Integrity Commissioner to review the circumstances of this matter and any other relevant information, and, if necessary, make recommendations about possible Code of Conduct or policy amendments pertaining to the Toronto Parking Authority Board or any local Board (restricted definition) regarding whistle blower or dissenting viewpoint protections for Board members. That is the scope of the Integrity Commissioner's inquiry.

**GARDINER ROBERTS LLP**

Bay Adelaide Centre – East Tower  
22 Adelaide Street West, Suite 3600  
Toronto, Ontario M5H 4E3

Tel: 416.865.6600 Fax: 416.865.6636 www.grllp.com





Obviously, any inquiry or question of Mr. Mammoliti would be limited to areas relevant to this reference by Council. In this regard we have some difficulty rationalizing the scope of the inquiry as circumscribed by Council's reference and the four enumerated questions in Ms. Jepson's correspondence which on their face seek a virtually unlimited scope of inquiry. Obviously, no witness would ever be required to submit to an examination in an inquiry with no discernible scope of relevance and any process that sought to examine any witness in such fashion would be fundamentally unfair and unjust.

Finally, we are very concerned that there appears to be a demonstrated animus exhibited towards our client by the office of the Integrity Commissioner. We note that the office is required to be apolitical and non-partisan. We trust that you have reviewed the report of independent counsel and former Treasurer of the Law Society, Gavin McKenzie. That independent report casts no aspersions on Mr. Mammoliti. By contrast the report of Independent Counsel raises significant issues in regards to the conduct of Councillor Fillion. It is remarkable, therefore, that your office is seeking to examine Councillor Mammoliti but ignoring Councillor Fillion. This, unfortunately, appears to be consistent with a pattern in the exercise of the powers of the Integrity Commissioner along decidedly partisan and political lines. In addition, we note that Commissioner Jepson has repeatedly pursued our client in an apparently biased fashion over trivialities. This pattern of conduct is very troubling and fortifies our concern over the untenably broad questions contained in Ms. Jepson's correspondence. We wish to reserve all of our client's rights in regard to the required impartiality of the Integrity Commissioner in undertaking any exercise of any official function.

We look forward to your response and clarification of the foregoing.

Yours very truly,

**GARDINER ROBERTS LLP**

A handwritten signature in black ink, appearing to read 'Gavin J. Tighe'.

Gavin J. Tighe  
Partner  
GJT/im



GARDINER  
ROBERTS

Gavin. J. Tighe\*  
Direct Line: 416.865.6664  
Direct Fax: 416.865.6636  
gjtighe@grllp.com

\*Certified by the Law Society of Upper Canada as a  
Specialist in Civil Litigation

## VIA EMAIL

March 29, 2018

Mr. Ben Drory  
Integrity Officer  
Toronto Office of the Integrity Commissioner  
375 University Avenue, Suite 202  
Toronto, ON M5G 2J5

Dear Mr. Drory,

**Re: Integrity Commissioner Investigation Regarding Toronto Parking  
Authority's Intended Purchase of 1111 Arrow Road**

---

Thank you for your voicemail of March 28, 2018. As you are undoubtedly well aware, your office has no jurisdiction to conduct investigations into matters where a concurrent police investigation is pending.

The lack of your office's jurisdiction is set out clearly in "The Code of Conduct Complaint Protocol for Members of Council" (the "Complaint Protocol") that has been adopted by City Council. Under Part B of the Code, it is expressly noted that the Integrity Commissioner's authority to conduct an investigation is derived from s. 160 of the *City of Toronto Act*, which states that in part that "a member of council" may request the Integrity Commissioner to conduct an inquiry about whether a member of council or a local board has contravened the Code of Conduct for Members of Council (or Local Boards as the case may be).

In this case, members of council, through a resolution passed by Council, sought to have your office conduct an investigation. In essence, this resolution is a "complaint".

Under s. 2(3) of Part B of the Complaint Protocol, which is entitled "Jurisdiction", you will note that where a complaint involves an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant *shall* be advised that if the complainant wishes to pursue any such allegation, the complainant *must* pursue it with the appropriate police force. The mandatory language of this subsection clearly indicates that the Integrity Commissioner has no jurisdiction in where a criminal police investigation into a complaint has been undertaken. This is the case in connection with matters involving the Toronto Parking Authority land deal at issue. Accordingly, it is incumbent on your office pursuant to your own protocol to report to City Council immediately that a police investigation into their "complaint" is currently being undertaken by the OPP and that City Council should be directed to the

### GARDINER ROBERTS LLP

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OPP to have the matter investigated rather than through the Integrity Commissioner. Indeed, under s. 2(4) of the Complaint Protocol, the Integrity Commissioner is given authority to report to City Council that a specific complaint is not within the jurisdiction of your office. It is quite remarkable that this has not yet occurred.


There are also strong public policy justifications for your office to halt any investigation during a police investigation into the same matter, which include, among other things, the rights of any potential witness to be protected from self-incrimination and to be treated as innocent, and the obligations of government to not engage in duplicative and parallel investigations at the expense of the taxpaying public. We note that at the time of City Council's resolution to direct your office to investigate their complaint no police investigation had been commenced. This significant change in circumstances should be immediately brought to the attention of the complaining Council if that has, in fact, not already occurred.

I have repeatedly asked you to advise if such a police investigation was underway. You have responded by carefully avoiding to answer that rather straightforward question. Respectfully that lack of candour is unhelpful given the fact that your office has historically demonstrated bias and institutional animus towards my client. I attach a report from today's Toronto Star. As you will note the Toronto Star is reporting that the OPP has confirmed to them that there is a "police investigation into the deal".

In the circumstances your office no longer has jurisdiction to undertake any investigation into this matter until the police investigation is concluded. We have no intention of having our client voluntarily submit to an on the record interrogation in such circumstances particularly given that your inquiries have an appearance of bias for the reasons set out in my prior correspondence. For all of the foregoing reasons, until the police investigation is completed and closed we consider your office's involvement in respect to this matter to be stayed.

Yours very truly,

**GARDINER ROBERTS LLP**

  
Gavin J. Tighe  
Partner

GJT/lm  
Encl.



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## Investigations into cancelled Toronto Parking Authority land deal continue without public update

Parking authority board met in secret Tuesday to discuss an ongoing review by external investigators while two top executive remain suspended with pay.

✕ That interim board suspended TPA president and CEO Lorne Persiko as well as vice-president of real estate, development and marketing Marie Casista. Both have been suspended with pay for more than eight

months. That interim board suspended TPA president and CEO Lorne Persiko as well as vice-president of real estate, development and marketing Marie Casista. Both have been suspended with pay for more than eight months. (JENNIFER PAGLIARO/TORONTO STAR)

By JENNIFER PAGLIARO City Hall Bureau  
Tues., March 27, 2018

External investigators provided a closed-doors update on their probe of a cancelled Toronto Parking Authority land deal that has sparked investigations by both the city's auditor general and provincial police.

A senior team from Torys LLP of partners Linda Plumpton, Sheila Block and senior counsel Frank Iacobucci, a former Supreme Court judge, were on hand to speak to the parking authority's interim board Tuesday.

The board for the public agency, now overseen by the city's most senior staff, met privately for more than an hour at city hall after a special meeting was called to discuss the report and direct staff on next steps. Staff cited solicitor-client privilege on advice related to identifiable city employees in holding the closed meeting.

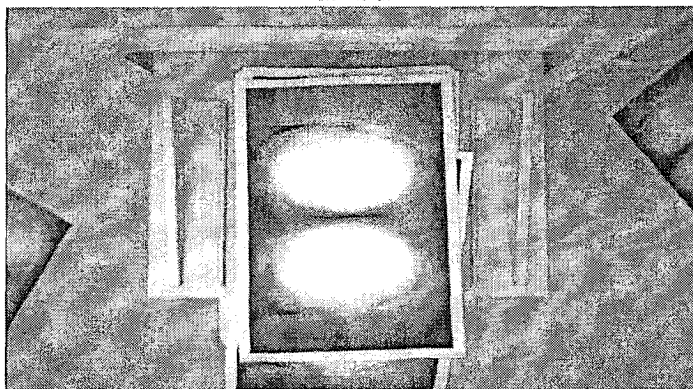
The board voted to report to city council on the actions they have taken so far. Those actions were kept secret Tuesday.

A police investigation into the deal is ongoing, a spokesperson for the OPP confirmed Tuesday.

In June, a report from the auditor general found the parking authority's board — then staffed by civilian appointees and city councillors — was poised to overpay for a plot of North York land by \$2.63 million.

The five-acre (two hectare) piece of unused land at Finch Ave. West and Arrow Rd. near Hwy. 400 is located in Councillor Giorgio Mammoliti's Ward 7 (York West). The auditor found Mammoliti, who was previously on the parking authority board, was involved with deliberations about the proposed \$12.2-million sale.

The land is owned by Katpa Holdings Inc., a company directed by real estate broker Frank De Luca, according to public records.



Following the report, council put city manager Peter Wallace and other top bureaucrats in control of the board during an internal investigation, which Torys was hired to do.

That interim board suspended TPA president and CEO Lorne Persiko as well as vice-president of real estate, development and marketing Marie Casista. Both have been suspended with pay for more than eight months.

The salaries of the public employees continue to be kept secret, despite repeated questions from the Star and an official request under freedom of information legislation. The city provided base salary ranges of \$246,500 to \$333,500 for Persiko and \$168,969 and \$202,772 for Casista.

Reached at home, Casista said she had "no comment" on her current employment status.

Auditor general Beverly Romeo-Beehler spent 10 months investigating the land deal after Councillor John Filiou, who was a member of the parking authority board, brought concerns about the deal being pushed through.

The deal, Romeo-Beehler concluded, resulted from a "hairball" of relationships and potential conflicts involving Mammoliti, the Emery Village BIA in his ward, a lobbyist hired by the BIA, a sign consultant and TPA executives.

*Jennifer Pagliaro can be reached at 416-869-4556 or [jjpagliaro@thestar.ca](mailto:jjpagliaro@thestar.ca)*

### **More from the Toronto Star & Partners**

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## Thiele, Stephen

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**From:** Tighe, Gavin  
**Sent:** March 9, 2018 2:59 PM  
**To:** Ben Drory  
**Cc:** Thiele, Stephen; Madunic, Lillian; Integrity  
**Subject:** RE: Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road

Thank you for your email Mr. Drory.

Unfortunately you have decided to respond to our inquiry in respect of your office's knowledge of any police investigation with no response at all. Given the policy governing your office's function that fact is of some significant importance in terms of your jurisdiction. Obviously in the context alluded to in my earlier correspondence that raises potential issues and complicates the matter significantly. I will need an opportunity to consider this further and obtain instructions. In that regard I am out of the country for two weeks commencing today. I will respond to you on my return.

In the event that an interview takes place I trust there will be no objection to having same transcribed by an Official Examiner's office to ensure that there is no confusion or misunderstanding about what is actually said by all present.

**Gavin Tighe** C.S. (Civil Litigation) • Partner  
Gardiner Roberts LLP  
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---

**From:** Ben Drory [<mailto:Ben.Drory@toronto.ca>]  
**Sent:** March 7, 2018 4:39 PM  
**To:** Tighe, Gavin  
**Cc:** Thiele, Stephen; Madunic, Lillian; Integrity  
**Subject:** RE: Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road

Mr. Tighe,

There is nothing further I can advise with respect to any possible police investigation. The Commissioner is acting in response to the Council direction and in accordance with her duties and responsibilities under the *City of Toronto Act, 2006*.

Can you please advise of Councillor Mammoliti's availability for an interview?

Best regards,

**Ben Drory**, J.D., M.B.A., Q.Med., Q.Arb.  
Integrity Officer  
Toronto Office of the Integrity Commissioner  
375 University Avenue, Suite 202  
Toronto, Ont. M5G 2J5

e: [Ben.Drory@toronto.ca](mailto:Ben.Drory@toronto.ca)

t: (416) 338-3969

**From:** Tighe, Gavin [<mailto:gigtighe@grllp.com>]

**Sent:** March 7, 2018 8:02 AM

**To:** Ben Drory <[Ben.Drory@toronto.ca](mailto:Ben.Drory@toronto.ca)>

**Cc:** Thiele, Stephen <[sthiele@grllp.com](mailto:sthiele@grllp.com)>; Madunic, Lillian <[LMADUNIC@grllp.com](mailto:LMADUNIC@grllp.com)>; Integrity <[integrity@toronto.ca](mailto:integrity@toronto.ca)>

**Subject:** RE: Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road

Sorry Ben I'm afraid I don't understand your response. Can you please advise if your office is aware of a police investigation or not regardless of who may have instigated same.

**Gavin Tighe** C.S. (Civil Litigation) • Partner

Gardiner Roberts LLP

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---

**From:** Ben Drory [<mailto:Ben.Drory@toronto.ca>]

**Sent:** March 6, 2018 12:23 PM

**To:** Tighe, Gavin

**Cc:** Thiele, Stephen; Madunic, Lillian; Integrity

**Subject:** RE: Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road

Good afternoon, Mr. Tighe,

I confirm receipt of your letter dated yesterday. Our office can advise as follows:

1. Our office is aware of the media reports you are likely referring to, but any outside inquiry (if any) is not a result of any referral made by the Integrity Commissioner.
2. We confirm that the Council direction of July 4, 2017 is the authority for our office's inquiry; however, the scope of our inquiry is larger than the portion of the direction you quoted. You quoted direction #16, which directs our office to make recommendations regarding possible whistleblower protections for Board members. However, Council's direction #17 is the basis for the core of our inquiry—which directed our office to investigate the circumstances of the matter, with respect to whether Board members of the Toronto Parking Authority and Emery Village Business Improvement Area violated the Code of Conduct. For ease, the direction is at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.AU9.12>
3. I confirm that our office has reviewed Gavin McKenzie's report—it was among the materials Council directed us to review, as with the Auditor General's report.
4. You have alleged that our office "is seeking to examine Councillor Mammoliti but ignoring Councillor Filion". Respectfully, you are making an assumption that Councillor Mammoliti is the only possible subject of the inquiry flowing from Council's direction. That is not the case. I note simply that Council's direction provides the Integrity Commissioner with jurisdiction to investigate the conduct of all members of both relevant Boards.

Please advise of your client's availability for an interview.

Best regards,

**Ben Drory**, J.D., M.B.A., Q.Med., Q.Arb.

Integrity Officer

Toronto Office of the Integrity Commissioner



375 University Avenue, Suite 202  
Toronto, Ont. M5G 2J5

e: [Ben.Drory@toronto.ca](mailto:Ben.Drory@toronto.ca)

t: (416) 338-3969

---

**From:** Madunic, Lillian [<mailto:LMADUNIC@grllp.com>]

**Sent:** March 5, 2018 10:40 AM

**To:** Ben Drory <[Ben.Drory@toronto.ca](mailto:Ben.Drory@toronto.ca)>

**Cc:** Tighe, Gavin <[gitighe@grllp.com](mailto:gitighe@grllp.com)>; Thiele, Stephen <[sthiele@grllp.com](mailto:sthiele@grllp.com)>

**Subject:** Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road

Dear Mr. Drory,

Attached please find a letter from Gavin Tighe in respect of the above noted matter.

Many thanks,

Lillian



**Lillian Madunic** • Assistant

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April 6, 2018

Sent via Email (No Original to Follow): [gitighe@grllp.com](mailto:gitighe@grllp.com)

Gavin Tighe  
Gardner Roberts LLP  
22 Adelaide Street West, Suite 3600  
Toronto, ON M5H 4E3

Dear Mr. Tighe,

**Re: Interview of Councillor Giorgio Mammoliti**

I have your letter of March 29, 2018 to Ben Drory in my office.

I have considered your submissions with respect to my jurisdiction and the application of the Code of Conduct Complaint Protocol for Members of Council (the "Complaint Protocol"). I am also aware of the media reports regarding a police investigation about a Toronto Parking Authority land deal to which you refer.

Respectfully, I disagree with your analysis because the referral made by City Council did not allege criminal conduct and, accordingly, there was no obligation under the Complaint Protocol for me to so advise City Council. In addition, sections 3-22 and 3-23 of Chapter 3 of the Toronto Municipal Code provide City Council with a broad authority to request my office to conduct inquiries and carry out related duties.

In any event, the primary and prevailing source of my jurisdiction to conduct inquiries is set out in Part V of the *City of Toronto Act, 2006*. I am aware of my obligations under section 164 of that Act to refer a matter to appropriate authorities in certain circumstances. As Mr. Drory has previously advised, I have not referred this matter to any other authority.

To summarize, I have considered your submission that the present inquiry is without jurisdiction and I respectfully disagree with your analysis and conclusion. The inquiry proceeds and my present intention is to report to City Council about this matter in due course.

I would like to interview Councillor Mammoliti with respect to the issues outlined in my February 6, 2018 letter to him, and I had intended on issuing a summons to him for that purpose. As you know, proceeding by a summons provides all witnesses with protections under the *Canada Evidence Act*. I now take note of Councillor Mammoliti's concerns – expressed by you – with respect to attending for a summonsed interview

and accordingly have decided not to issue a summons to compel his attendance at this time.

Should Councillor Mammoliti wish to participate in an interview, by summons or not, I remain pleased to arrange one. If Councillor Mammoliti wishes to provide a written response to the issues set out in my February 6, 2018 letter, he should do so before April 27, 2018.

As I previously advised, I will not issue a report finding that any board member violated the Code of Conduct unless that board member has had reasonable notice of the basis of the proposed finding and any recommended action and an opportunity to respond to them.

I trust that this resolves the issues between us at this time.

Yours truly,

A handwritten signature in black ink, appearing to read 'Valerie Jepson', with a long, sweeping horizontal stroke extending to the right.

Valerie Jepson  
Integrity Commissioner

VJ/



GARDINER  
ROBERTS

Gavin. J. Tighe\*  
Direct Line: 416.865.6664  
Direct Fax: 416.865.6636  
gjtighe@grllp.com

\*Certified by the Law Society of Ontario  
as a Specialist in Civil Litigation

**PRIVILEGED & CONFIDENTIAL**

**VIA EMAIL**

April 27, 2018

Ms. Valerie Jepson  
Integrity Officer  
Toronto Office of the Integrity Commissioner  
375 University Avenue, Suite 202  
Toronto, ON M5G 2J5

Dear Ms. Jepson,

**Re: Integrity Commissioner Investigation Regarding Toronto Parking  
Authority's Intended Purchase of 1111 Arrow Road**

---

Further to your letter dated April 6, 2018, our client wishes to respond in writing to the issues set out in your letter of February 6, 2018.

We kindly request, however, an extension of two weeks to respond to those issues, particularly given the tragic events that occupied the entire City this week and shocked all of City Council, including our client.

We trust that in all of the circumstances this is agreeable and you will provide our client with a reasonable opportunity to respond to your inquiries.

Yours very truly,

**GARDINER ROBERTS LLP**

A handwritten signature in black ink, appearing to read 'Gavin J. Tighe'.

Gavin J. Tighe  
Partner

GJT/lm

**GARDINER ROBERTS LLP**

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as a Specialist in Civil Litigation

May 11, 2018

**Private & Confidential**  
**Delivered**

Office of the Integrity Commissioner  
375 University Avenue, Suite 202  
Toronto, Ontario  
M5G 2J5

Attention: Ms. Valerie Jepson

Dear Ms. Jepson,

**Re: Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road**

---

Further to the exchange of correspondence on April 27, 2018 between our offices, below is our clients response to the four sweeping questions set out in your letter dated February 6, 2018 in connection with your investigation regarding the Toronto Parking Authority's *intended* purchase of 1111 Arrow Road (the "**Property**"). One thing would appear clear from the myriad of overlapping investigations (including the one being undertaken by your office) and reviews by numerous top tier, high priced Bay Street law firms, this may be the most expensive piece of real estate that any municipality has not purchased.

As your office has been made aware on numerous occasions, it is our understanding that the intended purchase of the Property is, according to media reports, subject to police investigation by the Ontario Provincial Police. As set out in our letter to your office dated March 29, 2018, the pending police investigation removes the jurisdiction of your office from further investigating the "complaint" directed to you by City Council. We reiterate that under s. 2(3)(a) of Part B of the Complaint Protocol, which is entitled "Jurisdiction", where a complaint involves an allegation of a criminal nature consistent with the *Criminal Code of Canada*, your office is mandated to advise the complainant that if the complainant wishes to pursue any such allegation it must be pursued with the appropriate police force. If you have so advised City Council as you are required to do, it is difficult to understand your continued proceeding against our client.

Fairness in the complaint process demands that the Complaint Protocol applies equally to a complaint made to your office by a member of the public as it does to a complaint directed to your attention by City Council. While the statutory recognition of your office is created under the *City of Toronto Act, 2006*, the jurisdiction of your office is governed by the Complaint Protocol as well, as duly established

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by City Council. Your office should not be engaged in applying a double-standard to complaints made by the public and complaints made through City Council. The application of a double-standard to Councillor Mammoliti further appears to show a demonstrated *animus* towards him by your Office.

As set out in the report of independent counsel and former Treasurer of the Law Society, Gavin McKenzie (the “McKenzie Report”), which is attached hereto for your review and consideration, no aspersions were cast on Councillor Mammoliti in connection with the Property. The McKenzie Report, in contrast, raised significant issues in regards to the conduct of Councillor Filion. Our understanding is that despite this, your office has focussed its efforts entirely on attempting to uncover some wrong doing by our client and has carefully ignored Councillor Filion’s conduct. As set out in our earlier correspondence, despite the apolitical mandate of your office, you appear to perceive your role, funded by taxpayers, to be for the achievement of a particular political purpose and in support of an undeclared political agenda. We have already indicated that our client has substantial concerns in respect of the clear bias exhibited by your office in this and numerous other matters. The response below should in no way be construed as any waiver of that objection and indeed we believe our client will be pursuing an investigation of your role on a go forward basis.

Despite the foregoing, on a without prejudice basis to our client to challenge by way of judicial review any findings that might be made by your office in connection with this investigation on, among other grounds, lack of jurisdiction and bias, our client’s responses to your questions are as follows.

By way of background, your office ought to be cognizant of the fact that Councillor Mammoliti has represented Ward 7 for over 28 years Municipally and Provincially, and has consistently run on a platform, which has been supported by electors and local resident and business organizations, to build a legacy project in his Ward. This legacy project has been, among other things, a proposal to build the largest flag pole in Canada for the purposes of attracting tourists and businesses to an area of Toronto that is economically disadvantaged and starving for such an attraction. The electorate has repeatedly provided Councillor Mammoliti with a democratic mandate to pursue such a project by repeatedly returning him to office by a wide majority. While other elected and unelected officials at City Hall may find the results of the democratic process not to their personal liking, our client is grateful for the confidence his constituents continue to repose in him as their democratically elected representative. For your information I attach the Emery Business Improvement Area summary of major projects which sets out the history of this initiative which dates back to 2002. Our client’s support for this project is no secret. In specific response to your numbered broad questions:

1. At no time did Councillor Mammoliti disclose or release to any member of the public, any confidential information acquired by virtue of his office as a member of the board of the Toronto Parking Authority (the “TPA”), in contravention of Article V (Confidential Information). If your office is in possession of any information which suggests that “confidential information” in connection with the Property was disclosed or released to any member of the public, procedural fairness demands that your office immediately disclose your knowledge and the alleged “confidential information” that was allegedly disclosed by Councillor Mammoliti for his review. As exhibited in the recent meeting of City

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Council, we note that a confidential investigation report prepared in connection with the Property was leaked *in full* to the media by a member of City Council or their staff. We trust your office is investigating to determine the culprit. It would, of course, be a cause for significant concern if your office failed to inquire into this blatant breach but insisted on making unfounded allegations as against Councillor Mammoliti. That would, of course, demonstrate an arbitrary and capricious exercise of your function.

2. At no time did Councillor Mammoliti use the influence of his office, whether as a member of the board for the TPA, the Emery Village BIA Board of Management (the “**EVBIA**”) or as a City Councillor, for any purpose other than for the exercise of his official duties, which include representing his constituents on matters of interest to them, in contravention of Article VIII (Improper Use of Influence) of the (applicable) Code of Conduct. Again, as a matter of procedural fairness, if your office is in possession of any relevant information which suggests or alleges in any way that Councillor Mammoliti improperly used his office in contravention of Article VIII, then we demand immediate disclosure of such allegations and information for our client’s review.

3. At no time did Councillor Mammoliti refer a third person, partnership, corporation to the board of either the TPA or the EVBIA *in exchange for payment or other personal benefit*, in contravention of Article IX (Business Relations). The potential allegation raised in this question is extremely serious and demands as a matter of procedural fairness, full and complete disclosure of any allegations or information in the possession of your office which suggests that Councillor Mammoliti received a payment or personal benefit from anyone in connection with the Property.

4. To the best of Councillor Mammoliti’s knowledge, Councillor Mammoliti observed the terms of all policies and procedures established by the TPA, and any Council policies and procedures that apply to the TPA or its members, in connection with Article XV for local Board members (Failure to Adhere to Council Policies and Procedures). Again, if in the view of your office, Councillor Mammoliti acted in contravention of Article XV based on allegations and/or information gathered pursuant to your investigation, then as a matter of procedural fairness, we demand the immediate disclosure of such information for Councillor Mammoliti’s review.

The sweeping nature of your questions smack of an attempt to conduct an investigation without full and complete disclosure of information in possession of your office. Sound principles of procedural fairness which have been developed by the courts, particularly in the area of administrative law, investigating tribunals and criminal law, demand that someone who has been accused of wrongdoing, as your questions suggest Councillor Mammoliti is being accused, are entitled to the disclosure of information being used to support the accusations. Failure to provide such disclosure does not permit an accused person to know or understand the case they need to meet and is valid grounds to challenge any findings based on information that was not fully and completely disclosed by the administrative or investigating body. Failure to provide full disclosure denies any individual the ability to fully respond to the allegations being made whatever those might be.

**Gardiner Roberts LLP**

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Yours truly,

**GARDINER ROBERTS LLP**

A handwritten signature in black ink, appearing to read 'Gavin J. Tighe', written over the printed name.

Gavin J. Tighe  
Partner

Attachment  
c. Client





Office of the Integrity Commissioner

375 University Avenue, Suite 202  
Toronto, Ontario M5G 2J5

Valerie Jepson  
Integrity Commissioner

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May 15, 2018

Sent via Email (No Original to Follow): [gjtighe@grllp.com](mailto:gjtighe@grllp.com)

Gavin Tighe  
Gardner Roberts LLP  
22 Adelaide Street West, Suite 3600  
Toronto, ON M5H 4E3

Dear Mr. Tighe:

**Re: Investigation Arising as a Result of the July 4, 2017 City Council Request in relation to Item AU9.12**

I confirm receipt of your letter dated May 11, 2018. I write at this time to request that Councillor Mammoliti respond to written questions in relation to the above-noted investigation.

As has been previously detailed in our prior correspondence, I sought to personally interview Councillor Mammoliti in this investigation but I have respected his wish not to be interviewed. Taking into account Councillor Mammoliti's continued discomfort with participating in an interview, I pose written questions below and invite his response in writing. If Councillor Mammoliti wishes to respond, I require his response before 5pm on Tuesday, May 22.

The following questions are framed to be put to Councillor Mammoliti directly:

1. Tell me what your role was respecting the Emery Village Business Improvement Area's (EVBIA) decision to accept Sutherland and Associates' recommendation that National Flagpole Inc. be selected to manufacture and install North America's Tallest Flagpole, based on Sutherland and Associates' evaluation of two submissions received to the EVBIA's October 2008 RFEI. (*See attached minutes from the EVBIA Board and Streetscape Committee meetings*)
2. Tell me why you made declarations of interest on January 31, 2008 and July 31, 2008 relating to the EVBIA's original decision to retain Paul Sutherland to assist it with the Gateway/Flagpole project. (*See attached minutes from the EVBIA Board and Streetscape Committee meetings*)
3. Paul Sutherland's evidence in this inquiry is that you were his main contact at the EVBIA with respect to the Gateway/Flagpole project. If you have any information to contradict this evidence, please provide it.
4. Tell me: how long you have known Domenic Gurreri; how you would describe the nature of your relationship; and, the circumstances of the last five times you have

- seen or talked to Mr. Gurreri. (Mr. Gurreri is one of the two directors and shareholders of National Flagpole Inc.)
5. Tell me: how long you have known Salvador Alvarez Hoth; how you would describe the nature of your relationship; and, the circumstances of the last five times you have seen or talked to Mr. Hoth. (Mr. Hoth is one of the two directors and shareholders of National Flagpole Inc.)
  6. If you have information to contradict the following evidence, please provide it.
    - a. Paul Sutherland has testified that you are friends with Salvador Hoth, and have known him since a trip to Mexico arising from your duties on the Toronto Zoo Board.
    - b. Melissa Palladino testified that you are long-time friends with Mr. Hoth.
    - c. Mr. Gurreri testified that your councillor office coordinated a business delegation to Mexico City in 2008, and that on that trip he met Mr. Hoth.
    - d. Mr. Hoth testified that he met Mr. Gurreri while Mr. Gurreri was on a trip with other Canadian business people in Mexico, and that you were a representative of the City of Toronto on that trip.
    - e. We understand that you attended Mr. Hoth's wedding as a personal guest.
  7. Tell me about the role, if any, that you had in relation to Paul Sutherland hiring Ms. Palladino at his firm starting in approximately August 2010?
  8. Tell me about the circumstances leading to your decision to hire Yedi Scargall in your office starting in approximately January 2017?

I would appreciate your acknowledgement of receipt of this correspondence, and your early advice about whether Councillor Mammoliti intends to respond.

Yours truly,



Valerie Jepson  
Integrity Commissioner

Attachments (5 records contained in one PDF file):

1. January 31, 2008 Board of Management/Streetscape Committee Meeting minutes (4 pages).
2. July 31, 2008 Board of Management/Streetscape Committee Meeting minutes and attachment (4 pages).
3. October 22, 2008 EVBIA Board of Management & Streetscape Committee Meeting minutes and attachment (7 pages).
4. December 9, 2008 Streetscape Committee Meeting minutes and attachment (7 pages).
5. January 21, 2009 EVBIA Board meeting minutes and attachment (4 pages)

VJ/



Gavin J. Tighe  
Direct Line: 416 865 6664  
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gtighe@grllp.com

\*Certified by the Law Society of Ontario  
as a Specialist in Civil Litigation

May 18, 2018

**Private & Confidential**

**Via E-Mail**

Office of the Integrity Commissioner  
375 University Avenue, Suite 202  
Toronto, Ontario  
M5G 2J5

Attention: Ms. Valerie Jepson

Dear Ms. Jepson,

**Re: Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road**

---

I respond to your most recent inquiry. Your allegation that you respected Councillor Mammoliti's "wish" not to be interviewed by you is not accurate. As you may recall we requested that a transcript by a certified court reporter be available of any interview. You refused. In my respectful view, this underlines the need for an accurate record to ensure there is no confusion about what anyone involved actually says.

In your prior inquiries you indicated that you were conducting your investigation into our client (apparently to the exclusion of all others) pursuant to the language contained in Item AU9.12 of the City Council meeting dated July 4, 2017.

The item was entitled: "Auditor General's Observations of a Land Acquisition at Finch Avenue West and Arrow Road by the Toronto Party Authority – Part 2".

City Council passed, among other things, the following:

16. City Council request the Integrity Commissioner to review the circumstances *of this matter* and any other relevant information, and, if necessary, make recommendations about possible Code of Conduct or policy amendments pertaining to the Toronto Parking Authority Board or any local Board (restricted definition) regarding whistle blower or dissenting viewpoint protections for Board members.

17. City Council forward copies of the reports from the Auditor General and external counsel for the Toronto Parking Authority to the Integrity Commissioner with a request that the Integrity Commissioner conduct an investigation into whether current or past members of the Boards of the Toronto Parking

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Authority and the Emery Village Business Improvement Area contravened the Code of Conduct in dealing *with this matter*. (emphasis added)

Your latest letter makes various inquiries about but none appear to relate to: "Auditor General's Observations of a Land Acquisition at Finch Avenue West and Arrow Road by the Toronto Party Authority – Part 2". In addition in demanding a response on the Tuesday following the long weekend you reference "evidence". You also indicate that various persons have allegedly "testified". You have not provided any disclosure of this alleged "evidence" nor any transcription of any "testimony". Testimony would by definition be under oath and generally in a proceeding of some description. You have not provided any disclosure of any proceeding. If there are transcripts please produce them immediately.

As you know we have very serious concerns as to your true motivations and agenda in respect of our client. This latest correspondence only heightens and fuels those concerns.

Please immediately confirm the following:

- 1) This latest correspondence is in relation to yet another investigation you have undertaken against our client and is a new matter separate from your mandate referenced in your prior correspondence?
- 2) You are in possession of undisclosed "evidence" which you have not provided to us or our client but which you are demanding that our client provide a response to?
- 3) You have obtained "testimony" from purported witnesses in an examination or proceeding of some description of which you have provided no notice?
- 4) You have not disclosed any transcription of this "testimony" nor divulged in any way the nature of the proceeding in which same was obtained?

Obviously in writing your demand you were fully aware of the fact that it would be impossible and completely unfair to expect any person to be able to make full answer (even if they were inclined to do so) to your interrogatories without at a minimum disclosure of the "evidence" to which you were seeking a response. Your letter with a demand for response immediately following the long weekend would appear, accordingly, to have been purposefully intended to elicit no response from our client. This further fortifies our serious concern that you are potentially conducting the affairs of your office in bad faith and for an undisclosed political purpose. Given that you purport to be undertaking a quasi-judicial function there is a requirement that you do so judiciously and appear to do so judiciously. That does not appear to be the case.


Despite the foregoing and while reserving all of our client's rights please immediately provide answers to the above questions and full and fair disclosure of the "evidence" which you would like our client to respond to so that we may properly and fairly consider your latest inquiries. For clarity and so that there is no confusion, we are in no way refusing to answer fair and reasonable questions provided that we understand the true nature of your mandate including any new complaint. In fact, in the event that is



satisfactorily clarified, we would welcome the opportunity to fully answer on all of the issues in this investigation of our client including the actual motivations of those behind it. Obviously in order to do that we require disclosure from you. At this stage your failure to provide such disclosure is the cause of any delay. We look forward to your remedying your failure in this regard promptly.

Yours truly,

**GARDINER ROBERTS LLP**



Gavin J. Tighe  
Partner

c. Client



Office of the Integrity Commissioner

375 University Avenue, Suite 202  
Toronto, Ontario M5G 2J5

Valerie Jepson  
Integrity Commissioner

Tel: 416-397-7770  
Fax: 416-696-3615  
[Valerie.Jepson@toronto.ca](mailto:Valerie.Jepson@toronto.ca)  
[toronto.ca/integrity](http://toronto.ca/integrity)

May 30, 2018

Sent via Email (No Original to Follow): [gigtighe@grllp.com](mailto:gigtighe@grllp.com)

Gavin Tighe  
Gardner Roberts LLP  
22 Adelaide Street West, Suite 3600  
Toronto, ON M5H 4E3

Dear Mr. Tighe:

**Re: Investigation Arising as a Result of the July 4, 2017 City Council Request in relation to Item AU9.12 – Response to May 18, 2018 Letter**

I write to answer your letter of May 18, 2018.

In my view, the questions in my letter of May 15, 2018 are part of the matter that City Council requested me on July 4, 2017 to review. The document before Council was the Auditor General's report ("Auditor General's Observations of a Land Acquisition at Finch Avenue West and Arrow Road by the Toronto Parking Authority – Part 2"). That document discusses the project to build the largest flagpole in North America (the "monumental flagpole"). One of the main purposes of the land acquisition was as a location for the monumental flagpole, and accordingly the circumstances relating to the flagpole are part of the "matter" referred to me by Council in paragraphs 16 and 17 of Item AU9.12.

In my view, the questions I posed on May 15, 2018, and the issues my staff identified in a letter to your client dated February 6, 2018, give you and Councillor Mammoliti enough information about the matter to be able to understand and answer the questions.

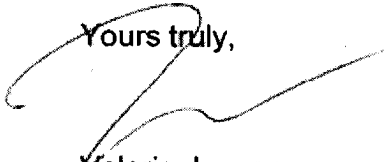
Respectfully, I am not required, nor do I intend, to provide Councillor Mammoliti with complete disclosure of the information I have gathered in my investigation to date, such as witness transcripts. I remind you that I have a duty to keep such material confidential (*City of Toronto Act, 2006, s. 161*).

In consideration of the above, should Councillor Mammoliti wish to respond to the questions I have posed, please do so before June 6, 2018. The questions are straightforward and, respectfully, should not consume significant time. Otherwise I will proceed with my investigation on the basis of no response.

As before, if your client would prefer to be examined, under summons or otherwise, I would be happy to meet with him for that purpose during the week of June 4, 2018. As my staff stated to you on March 19, 2018, we would create a digital audio recording of the examination that we would maintain on file so that we would have an objective record of what was said.

As I previously advised, I will not issue a report finding that any board member violated the Code of Conduct unless that board member has had reasonable notice of the basis of the proposed finding and any recommended action, and an opportunity to respond to them.

Yours truly,

A handwritten signature in black ink, appearing to read 'Valerie Jepson', written over the typed name below.

Valerie Jepson  
Integrity Commissioner



Gavin J. Tighe  
Direct Line: 416 865 6664  
Direct Fax: 416 865 6636  
gtighe@grllp.com

\*Certified by the Law Society of Ontario  
as a Specialist in Civil Litigation

June 1, 2018

**Private & Confidential**

**Via E-Mail**

Office of the Integrity Commissioner  
375 University Avenue, Suite 202  
Toronto, Ontario  
M5G 2J5

Attention: Ms. Valerie Jepson

Dear Ms. Jepson,

**Re: Integrity Commissioner Investigation Regarding Toronto Parking Authority's Intended Purchase of 1111 Arrow Road**

---

Thank you for your letter of May 30, 2018.

I have been engaged in a number of matters out of the office this week and have only now had an opportunity to review your correspondence. I am very troubled by your refusal to provide any disclosure. As you know it is a fundamental aspect of procedural fairness that any party know the case they have to meet. Respectfully, in my view it is totally unfair and unjust to demand a response to evidence which you have in your possession including transcripts of oral testimony but which you will not disclose so that it can be responded to properly.

This matter (if indeed it is the same matter) now appears to have an extraordinarily broad range of inquiry going back some 20 years. It is unreasonable to demand us to provide a response in 3 business days. I respectfully disagree with your view of the simplicity and brevity of your inquiry. I will not have an opportunity to review this matter with my client until Monday at the earliest. My client and I will require a reasonable period to respond to your inquiries. To be perfectly clear, my client has every intention of responding to your inquiries. Your suggestion that you will proceed on the "basis of no response" clearly ignores our stated intention. I trust that you will see the wisdom of according our client the opportunity to respond to your latest correspondence to at least provide some possible appearance of fairness to counter what seems at this point to be a clear bias and pre-determination on the part of your office amongst many other issues.

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Yours truly,

**GARDINER ROBERTS LLP**



Gavin J. Tighe  
Partner

c. Client



# Ombudsman Toronto

*Listening. Investigating. Improving City Services.*

Susan E. Opler  
Ombudsman

Tel: 416-392-7061

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susan.opler@toronto.ca  
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April 24, 2019

**Sent via email to: [gjtighe@grllp.com](mailto:gjtighe@grllp.com)**

Gavin J. Tighe  
Gardiner Roberts LLP  
Bay Adelaide Centre – East Tower  
22 Adelaide Street West, Suite 3600  
Toronto, ON M5H 4E3

Dear Mr. Tighe:

**Re: Integrity Commissioner's Investigation into Former Councillor Mammoliti**

I write in response to your April 16, 2019, letter describing your client's complaint about the Integrity Commissioner for the City of Toronto.

My office does not oversee the other City of Toronto Accountability Officers, including the Integrity Commissioner, or the work of their staff.

You may wish to bring your client's concerns to the attention of the Ontario Ombudsman, who has jurisdiction to review such complaints pursuant to section 14(4.4)(b) of the *Ombudsman Act*. His office may be contacted at 416-586-3300 or via email at [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca).

Sincerely,

A handwritten signature in black ink that reads "Susan E. Opler".

Susan E. Opler  
Ombudsman



Gavin. J. Tighe\*  
Direct Line: 416.865.6664  
Direct Fax: 416.865.6636  
gjtighe@grllp.com

\*Certified by the Law Society of Ontario  
as a Specialist in Civil Litigation

April 30, 2019

Sent via E-mail to [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca)

Office of the Ombudsman of Ontario  
Bell Trinity Square  
483 Bay Street, 10<sup>th</sup> Floor, South Tower  
Toronto, ON M5G 2C9

Attention: Mr. Paul Dubé

Dear Mr. Dubé,

**Re: Integrity Commissioner's Investigation into Former Councillor Mammoliti**

We are counsel to former City Councillor Giorgio Mammoliti.

Please accept this letter as a formal complaint made on behalf of Mr. Mammoliti against Ms. Valerie Jepson, the Integrity Commissioner of the City of Toronto (the "Integrity Commissioner").

Pursuant to s. 14(4.4)(b) of the *Ombudsman Act*, I request that you review the Integrity Commissioner's unilateral decision to continue an inquiry into former Councillor Mammoliti in connection with an aborted decision of the Toronto Parking Authority's to purchase 1111 Arrow Road despite Mr. Mammoliti having been defeated in the 2018 municipal election. In our view, the Integrity Commissioner's unilateral decision to continue with her investigation is contrary to s. 160(7) of the *City of Toronto Act, 2006* ("COTA"). In addition and as set out in our correspondence to Ms. Jepson, her conduct of the matter has displayed a level of personal *animus* toward our client which, in our respectful view, gives rise to a reasonable apprehension of bias.

We submit that your office has jurisdiction to conduct the requested investigation because on April 24, 2019 Ms. Susan Opler, the Ombudsman Toronto declined to investigate the exact same complaint made to her office against Ms. Jepson. According to Ms. Opler, the jurisdiction to investigate our client's complaint lies in your office under s. 14(4.4)(b) of the *Ombudsman Act*.

The particulars of our client's complaint is set out.

**Factual background**

On July 4, 2017 (nearly two years ago), Toronto City Council directed the Integrity Commissioner to conduct an investigation with respect to the Toronto Parking Authority's intended purchase of the property municipally known as 1111 Arrow Road, North York, Ontario.

Eight months later, on or about February 6, 2018, the Integrity Commissioner finally commenced her investigation into Mr. Mammoliti's conduct as a member of the Toronto Parking Authority and the Emery Village

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Business Improvement Area Board (the “Investigation”). The decision to focus the investigation on Mr. Mammoliti appears to have been unilaterally reached by Ms. Jepson.

Over the next four months, correspondence was exchanged with the Integrity Commissioner over her jurisdiction to proceed given that media reported that police were conducting an investigation into the matter and her decision to deny Mr. Mammoliti to obtain disclosure of information she was collecting from others during the course of her investigation. The behaviour of the Integrity Commissioner deviated, in our view, from the expected conduct of a quasi-judicial officer and appeared to be motivated by a personal animus toward Mr. Mammoliti. I attach copies of that correspondence for your reference.

By May 2018, it appears that the Integrity Commissioner had halted her investigation. My last correspondence with the Integrity Commissioner was in June 2018.

Nothing happened until December 27, 2018, when the Integrity Commissioner proceeded to unilaterally and without prior notice deliver a non-compliant summons by email to myself, which appeared to be an attempt to re-invigorate the Investigation into Mr. Mammoliti’s conduct even though he was no longer a member of Toronto City Council. Mr. Mammoliti had been defeated in the October 22, 2018 municipal election. Undoubtedly, the Integrity Commissioner’s refusal to close or complete her investigation played a part, however inappropriately, in the outcome of this democratic process.

On multiple occasions, I reminded the Integrity Commissioner of her duty and Mr. Mammoliti’s corresponding right with respect to personal service of the summons under the *Public Inquiries Act*. The Integrity Commissioner initially insisted that the summons was validly issued and later advised that Mr. Mammoliti had failed to appear as she had requested. On behalf of Mr. Mammoliti I continued to dispute the validity of the improperly served summons. After this flurry of activity the matter once again went silent.

Nothing happened for over three months, until suddenly, without prior notice or communication, the Integrity Commissioner apparently delegated her authority and engaged a private external law firm, (at the taxpayers’ presumably not insignificant expense), to attempt to serve yet a new summons on Mr. Mammoliti.

In our respectful view, the behaviour of the Integrity Commissioner has been wasteful and costly and contrary to the obligations of the quasi-judicial office she occupies.

**Request for an investigation into the Integrity Commissioner**

Mr. Mammoliti is no longer a member of Toronto City Council, and accordingly any continued investigation by the Integrity Commissioner is a moot exercise since her office only has jurisdiction to recommend the following remedies under COTA against a “Member”:

- 1) require the member to issue an apology; and/or
- 2) suspend the member’s pay for 90 days.



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Mr. Mammoliti is not a “Member” of Council. The Integrity Commissioner no longer has any jurisdiction to reprimand him. Given this fact, the continued pursuit of Mr. Mammoliti at the escalating expense to Toronto taxpayers can only be seen for what it is – a personal vendetta being pursued at the public’s expense.

Moreover, subsection 160(7) of COTA requires the Integrity Commissioner to terminate any inquiries that were not completed before nomination day for a regular election.

In this case, the Integrity Commissioner was obligated to terminate her incomplete investigation into Mr. Mammoliti’s conduct on July 27, 2018, which was the nomination day for the 2018 municipal election.

She has failed to do so and has, albeit in fits and starts, insisted on proceeding with the Investigation. Arguably, this was not merely a technical breach but an unlawful interference in the democratic process as having the stigma of an Integrity Commissioner investigation hanging over an incumbent Councillor and candidate for re-election would necessarily negatively and improperly potentially influence electors. This is precisely the reason for the law being in place as it is not the Integrity Commissioner’s role to seek to insert herself and seek to improperly influence the democratic process. In our respectful submission, the Integrity Commissioner occupying a quasi-judicial public office cannot unlawfully use that office in such a manner and such conduct is a misfeasance in public office.

Based on the foregoing, I request that you exercise your powers under s. 14(4.4)(b) of the *Ombudsman Act* and investigate the Integrity Commissioner’s decision to continue her inquiry into Mr. Mammoliti’s conduct.

Please do not hesitate to contact me should you wish to discuss this matter.

Yours truly,

Gardiner Roberts LLP

Gavin Tighe  
Partner  
GT/rj

c. Integrity Commissioner

**Chronology of the Flagpole Public Square Project and Toronto Parking Authority Land Deal –  
2002-2016**

<b>Year</b>	<b>Description</b>
<b>2002</b>	Flagpole Public Square is first proposed by the City of Toronto as a single component for the purpose of the revitalization of the Emery Village area. The proposal was part of a plan to amend Section 37 of the Emery Village Secondary Plan Final Report.
<b>2003</b>	Emery Village Business Improvement Area (“ <b>EVBIA</b> ”) is formed. David Miller is elected Mayor for the City of Toronto.
<b>2004</b>	EVBIA adopts the flagpole project and the Emery Village Master Plan.
<b>2007</b>	EVBIA issued an expression of interest to manage the flagpole public square project.
<b>2008</b>	EVBIA receives recommendation that flagpole project site should be established at Emery Works Yard and thereby issues an expression of interest for the construction of a 125 metres flagpole and production of a flag.
<b>2009/2010</b>	<p>City Staff issues a report which finds that Emery Works Yard cannot support a flagpole. City Council votes to use those lands for storage.</p> <p>City Council then directs EVBIA to pursue a lease with the owner of 1111 Arrow Rd. A staff report is prepared in August 2010 which recommends that the lands be purchased. City Council approves this report and recommends that EVBIA seek a partnership with the Toronto Parking Authority.</p> <p>Rob Ford is elected Mayor in the 2010 municipal election.</p>
<b>2011</b>	Mayor Ford is against purchasing the site. However, the City’s lawyer confirms that the flagpole project can only be built on city-owned land. A purchase is required.
<b>2012</b>	Application is submitted to Committee of Adjustment by owner of 1111 Arrow Rd. to develop site for a hotel, flagpole, public park and conservatory.
<b>2013</b>	City staff defers indefinitely the landowner’s application and eventually EVBIA is advised not to continue to pursue the flagpole project.
<b>2014</b>	<p>Metrolinx Finch West LRT becomes focus of discussions and EVBIA and Toronto Parking Authority reopen relationship.</p> <p>Potential funds are identified for the flagpole project.</p>
<b>2015</b>	Mayor John Tory is briefed about the flagpole project and tours Ward 7.
<b>2016</b>	In the spring of 2016, City Council advised Toronto Parking Authority that 1111 Arrow Rd. is approved for the flagpole project. In accordance with this direction from City Council, the Toronto Parking Authority begins the process to buy the site at fair market

	<p>value.</p> <p>An agreement is signed on August 19, 2016, with a due diligence date set out therein for October 18, 2016.</p> <p>Prior to the completion of the Toronto Parking Authority's due diligence, the City of Toronto Auditor General is brought in to investigate and the agreement is cancelled, with all the work on the flagpole project being put on hold.</p>
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