

## **Report Regarding the Conduct of Former Councillor Jim Karygiannis**

**Date:** July 7, 2021

**To:** City Council

**From:** Jonathan Batty, Integrity Commissioner

**Wards:** All

### **SUMMARY**

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In February 2020, the Office of the Integrity Commissioner received three complaints about the conduct of then Councillor Jim Karygiannis arising from articles in the Toronto Star dated February 8 and 11, 2020. The articles reported that he had: (1) shielded his political supporters from bylaw enforcement measures or wrongfully reported political opponents to City officials as political payback; and, (2) improperly entered constituents' homes for purposes of determining whether they were illegal rooming houses.

As the allegations in the complaints were based on the same information, they were investigated jointly and are reported in a single report.

The complaints alleged Mr. Karygiannis contravened Article VIII (Improper Use of Influence) and Article XIV (Discreditable Conduct) of the Code of Conduct for Members of Council. In the course of the investigation, the evidence showed Mr. Karygiannis had not followed the requirements of the Human Resources Management and Ethical Framework for Members' Staff (the "Ethical Framework").

After an investigation, the Integrity Commissioner found that there was insufficient evidence to conclude that Mr. Karygiannis had wrongfully used his office to shield his political supporters or report political opponents to the City (contrary to Article VIII), or had entered homes under false pretenses (contrary to Article XIV).

However, it was found that he entered two residential properties without permission and, in two other cases, inappropriately took pictures of people in their homes, which is discreditable conduct for purposes of Article XIV (Discreditable Conduct). The Integrity Commissioner also found that the failure follow the Ethical Framework was contrary to Article XV (Failure to Adhere to Council Policies and Procedures).

Mr. Karygiannis is no longer a member of City Council. Therefore, the Integrity Commissioner makes no recommendation as to penalty or remedial action.

## **RECOMMENDATIONS**

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The Integrity Commissioner recommends that:

1. Council adopt a finding that former Councillor Jim Karygiannis contravened Article XIV (Discreditable Conduct) and Article XV (Failure to Adhere to Council Policies and Procedures).

## **FINANCIAL IMPACT**

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This report has no financial impact.

## **DECISION HISTORY**

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City Council has not previously considered this matter.

## **COMMENTS**

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### **THE COMPLAINTS AND FINDINGS**

#### **Article VIII (Improper Use of Influence)**

The allegation that Mr. Karygiannis shielded his political supporters but reported his political opponents was based on a couple of general comments in a surreptitious audio recording made by a former employee/campaign worker who toured Ward 22, Scarborough-Agincourt with Mr. Karygiannis on November 12, 2018.

The person who made the recording, despite having campaigned and worked for Mr. Karygiannis, had no personal knowledge, and could point to no specific instance, of any constituent who was subjected to such treatment. It was alleged that a personal database maintained by Mr. Karygiannis would contain such information. While Mr. Karygiannis was evasive in answering questions about that database, the evidence of senior Municipal Licensing and Standards (“MLS”) staff dealing with Mr. Karygiannis’ requests for inspection was that they knew of no cases where he had tried to derail enforcement activity in his ward or, without reason, report a compliance issue to City staff. They uniformly described that Mr. Karygiannis had serious concerns about the operation of illegal rooming houses in his ward and this was a matter of public record. For these reasons, there was insufficient evidence to conclude he had breached Article VIII (Improper Use of Influence).

#### **Article XIV (Discreditable Conduct)**

The allegation that Mr. Karygiannis was entering homes under false pretenses stemmed from a quote in the Toronto Star on February 11, 2020 from a former City official that Mr. Karygiannis had been “barging into people’s houses and taking pictures inside” when he suspected the home was an illegal rooming house.

When interviewed, officials described having been told by Mr. Karygiannis, or having heard from other staff, that he was obtaining entry to properties by saying he was “there to look at their electrical panel to look at if it was safe” or that, if they did not let him enter, he would come back with MLS and the Police. City staff advised they cautioned him to stop this activity. These exchanges reportedly occurred four years before the investigation. Mr. Karygiannis does not remember these conversations. These statements were not contemporaneously documented or formally reported to anyone. Some are double hearsay. Given the passage of time it was not possible to obtain relevant staff names, precise dates, and particulars of the properties to which the allegations relate.

It is clear that Mr. Karygiannis personally visited a number of properties he suspected were operating as illegal rooming houses. He sent photographs of their exteriors and interiors to City staff. Some of these photographs included people inside these homes.

Although he said he always had permission to enter a property, the investigation found contemporaneous emails from Mr. Karygiannis and newspaper accounts describing how he entered two properties without permission. The investigation also found two instances where he photographed individuals in their homes and sent those photographs to City officials, in support of the allegations the properties were being operated as illegal rooming houses. This was wholly unnecessary and was bullying.

While there was insufficient evidence to find Mr. Karygiannis entered homes on false pretenses, the investigation found he had entered properties without permission and taken photographs of their residents when it was unnecessary and inappropriate to do so. For these reasons, there was sufficient evidence to conclude he had breached Article XIV (Discreditable Conduct).

### **Article XV (Failure to Adhere to Council Policies and Procedures)**

The Integrity Commissioner also found a violation of Article XV (Failure to Adhere to Council Policies and Procedures). The recorded conversation from November 12, 2018 was a training session about how to identify and report bylaw infractions. Mr. Karygiannis consistently used profane, unprofessional and disrespectful language. The language was not appropriate because it did not promote a culture of respect in the workplace and was contrary to the Ethical Framework, which requires staff to act with decorum and to treat the public, the Toronto Public Service and each other with respect at all times. As the employer of the staff in his Office, Mr. Karygiannis was obligated to manage and train his staff according to the Ethical Framework.

### **PENALTY AND REMEDIAL ACTION**

The Integrity Commissioner recommends that City Council impose no penalty or remedial action in this case.

It is clearly not possible to suspend a former member of Council’s pay and a reprimand would serve no purpose.

Although Mr. Karygiannis was removed from office in 2020, the investigation was completed because the three complaints were made while Mr. Karygiannis was in office and related to his activities as a member of Council.

Complainants and others affected by misconduct have a right to have a member of Council held to public account. Conversely, someone publicly accused of misconduct must have the opportunity to clear their name. The allegations made against Mr. Karygiannis were serious, widely publicized, and warranted investigation. The delay in these matters being brought to the attention of the Office of the Integrity Commissioner was unfortunate and consequently affected the investigation. It is important that matters be reported when they arise, especially by City officials, so they can be addressed in a timely fashion.

## **CONTACT**

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## **SIGNATURE**

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Jonathan Batty  
Integrity Commissioner

## **ATTACHMENTS**

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Attachment 1: Integrity Commissioner Report Regarding the Conduct of Former Councillor Jim Karygiannis