

**IN THE MATTER OF THE TORONTO COMPUTER LEASING INQUIRY**

**BEFORE:** THE HONOURABLE MADAM JUSTICE DENISE BELLAMY  
COMMISSIONER

**HELD AT:** East York Civic Centre  
850 Coxwell Avenue  
Toronto, Ontario  
M4C 5R1

**SUBMISSIONS TO THE COMMISSIONER  
OF THE TORONTO COMPUTER LEASING INQUIRY  
REGARDING THE ALLEGATIONS OF PAULA LEGGIERI  
(SUBMITTED BY COUNSEL FOR KATHRYN BULKO)**

**A. OVERVIEW**

1. The City of Toronto has delivered written submissions dealing with the allegations made by Paula Leggieri (“Leggieri”) on April 9 and 10, 2003 that:

a) Bulko threatened Leggieri that if she did not lie to Commission Counsel, she would be in very serious trouble; and that

b) Leggieri does not have a position with the City because she co-operated with Commission Counsel.

2. Kathryn Bulko (“Bulko”) adopts the submissions of the City with respect to these allegations of Leggieri.

3. The Commissioner directed counsel not to address issues related to the operation of the Contract Management Office ("CMO") *per se* and the administration of the MFP leases.<sup>1</sup>

4. Leggieri made other serious allegations against Bulko on April 9 and 10, 2003 that do not relate to the operation of the CMO *per se* or to the administration of the MFP leases ("additional allegations"). These additional allegations against Bulko were widely reported in the media and it can be easily inferred that these allegations seriously prejudiced Bulko both in her personal life and in relation to her ongoing employment with the City.

5. During the week of June 12, 2003, Leggieri's testimony was generally and overwhelmingly contradicted by a parade of witnesses from the CMO. Leggieri herself withdrew some key elements of her previous testimony under cross-examination.

6. It is respectfully submitted that there is no credible evidence before the Commission to support Leggieri's allegations in general and the additional allegations in particular. Given the wide reporting of the Leggieri's April testimony in the media, it respectfully submitted that express findings should be made in the Commissioner's Interim Report that Leggieri's allegations against Bulko are groundless.

**B. ALLEGATION THAT BULKO HAD AN INTIMATE OR ROMANTIC RELATIONSHIP WITH DASH DOMI.**

7. In her testimony to the Commission on April 9, 2003, Leggieri alleged, directly and through innuendo, that Bulko had an intimate or romantic relationship with Dash Domi ("Domi").<sup>2</sup>

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<sup>1</sup> Statements by Commissioner Bellamy, June 12, 2003, page 9 line 24 to page 10 line 7; June 16 2003 page

8. Under cross-examination on June 16, 2003, when asked if she saw anything in the dealings between Bulko and Domi which led her to believe that there was an intimate relationship between them, Leggieri said "I don't know, and I don't care. I don't know."<sup>3</sup> Leggieri admitted that she didn't see anything which would lead her to believe that there was anything beyond a platonic relationship between Bulko and Domi and that she just saw a friendship.<sup>4</sup>

9. It is respectfully submitted that an express finding should be made that is no evidence before the Commission that Bulko had an intimate or romantic relationship with Domi.

### **C. BULKO'S RELATIONSHIP WITH DOMI**

#### **i) Buddy-buddy/ friendly-friendly**

10. In her testimony to the Commission on April 9, 2003, Leggieri alleged that Bulko had an inappropriate relationship with Domi. Leggieri alleged that the relationship between Bulko and Domi was "buddy-buddy" and "friendly-friendly"<sup>5</sup>; that it was not an ordinary vendor/client relationship<sup>6</sup>; and that it was more of a friendship than a business relationship.<sup>7</sup>

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6 lines 4 – 6; June 19 2003 page 329 line 24 to page 332 line 10

<sup>2</sup> Testimony of Paula Leggieri, April 9, 2003, page 97 line 8 – 15; page 101 line 22

<sup>3</sup> Testimony of Paula Leggieri, June 16, 2003, page 177 line 6 - 18

<sup>4</sup> *ibid.* page 177 line 19- 22; page 178 line 15 - 20

<sup>5</sup> Testimony of Paula Leggieri, April 9 2003, pg 89 line 10; page 90 line 13; page 94 line 8; page 95 line 4

<sup>6</sup> Testimony of Paula Leggieri, April 9, 2003, page 89 line 21- 24

<sup>7</sup> Testimony of Paula Leggieri, April 9, 2003, page 95 line 6

11. However, the contract management office employees (Felix Di Brina, Michael Franey, Chris Hull, Pam Josson, Annie Leung, Andy Lok, Line Marks, Debra Parent, Cathy Stagliano and Stephen Wong) testified that they neither heard nor saw anything to suggest that there was an inappropriate relationship between Bulko and Domi.<sup>8</sup>

## ii) Boyfriend

12. Leggieri said that Bulko called Domi “my boyfriend” and Leggieri asserted directly and by innuendo that the word boyfriend was said seriously by Bulko.<sup>9</sup>

13. Most of the CMO witnesses (Di Brina, Hull, Leung, Marks, Stagliano and Wong)<sup>10</sup> never heard Bulko call Domi “my boyfriend”. Others heard Bulko use the word “boyfriend”, but testified that it was used only in jest (Franey, Josson)<sup>11</sup>. James Ridge said that he heard Bulko use the word “boyfriend” but it was with tongue firmly planted in her cheek.<sup>12</sup>

## iii) Leggieri’s Credibility

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<sup>8</sup> Affidavit of Felix Di Brina, para. 10; Affidavit of Michael Franey, para. 4; Affidavit of Chris Hull, para. 8; Affidavit of Pam Josson, para. 11; Affidavit of Andy Lok, para. 6; Affidavit of Line Marks, para. 8; Affidavit of Debra Parent, para. 9; Affidavit of Cathy Stagliano, para. 7

<sup>9</sup> Testimony of Paula Leggieri April 9, 2003 page 89 line 10; page 90 line 13; page 94 line 8; page 95 line 4; page 97 line 8 – 17; page 101 line 14;

<sup>10</sup> Affidavit of Felix Di Brina para. 8; affidavit of Chris Hull, para. 9; affidavit of Annie Leung para. 6; affidavit of Line Marks para. 9; affidavit of Cathy Stagliano para. 9; affidavit of Stephen Wong para. 7

<sup>11</sup> Affidavit of Michael Franey para.5; affidavit of Pam Josson para. 10

<sup>12</sup> Testimony of James Ridge, June 19, 2003 page 314 line 24

14. Leggieri's credibility was seriously damaged by the evidence of Councillor John Fillion ("Fillion"). Leggieri testified that in a meeting with Fillion on November 11, 1998 about her job performance as Fillion's assistant, "He brought up the issues that he had. I brought up the issues that I had."<sup>13</sup>

15. Fillion filled out a Notice of Termination form for Leggieri dated January 5, 1999.<sup>14</sup> Under "reasons for unsatisfactory/qualified rating", Fillion wrote: "Poor work ethic. Tasks not completed. Not always truthful." Leggieri denied that Fillion thought that she was not truthful. She testified that when she left his employ, Fillion "shook my hand and said, you have character, and he said good luck, and if you ever need anything, you can give me a call."<sup>15</sup>

16. However, when Fillion testified, he gave a very different version of events. Fillion testified:

- a) the purpose of the meeting on November 11, 1998 was to let Leggieri know that he was unsatisfied with her performance and that it needed to improve.<sup>16</sup>
- b) his writing on the January 5, 1999 Notice of Termination is accurate and that was his belief at the time.<sup>17</sup>
- c) there was no final parting on her last day of work because she did not show up for work that day. Leggieri

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<sup>13</sup> Testimony of Paula Leggieri June 16, 2003 page 151 line 5

<sup>14</sup> Leggieri Volume II, Tab 7

<sup>15</sup> Testimony of Leggieri, June 16, 2003 page 157 line 12

<sup>16</sup> Testimony of Fillion June 18, 2003 page 185 line 24

<sup>17</sup> *ibid.* page 186 lines 13 - 21

had phoned in sick, but he heard from another City employee that she was seen shopping in Yorkville.<sup>18</sup>

- d) Fillion denied that when she left his employ he shook her hand, told her that she had character and asked her to call him if she ever needed anything.<sup>19</sup>

#### **D. CONCLUSION**

17. Leggieri's testimony about Bulko was for the most part based on alleged oral statements and was littered with innuendo which attacked Bulko's character. The most dramatic and personally damaging allegation made by Leggieri was that Bulko was involved in an intimate or romantic relationship with Domi. On June 12, 2003, Leggieri withdrew this allegation.

18. Leggieri's testimony about the general nature or character of Bulko's relationship with Domi (ie. that it was buddy-buddy/friendly-friendly and inappropriate for a vendor-client) was denied by each and every member of the CMO. It is impossible to believe that Bulko could have had the kind of relationship with Domi as described by Leggieri, but that none of the other members of the CMO noticed it.

19. Based on the testimony of Councilor Fillion, Leggieri was not always truthful in her previous job and she was not truthful in her evidence to the Commission about the termination of her employment with Fillion.

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<sup>18</sup> *ibid.* page 188 – 9 lines 6 - 25

20. The evidence given during the week of June 12, 2003 vindicated Bulko. There was no evidence from anyone which corroborated the allegations of Leggieri. It is respectfully submitted that Bulko is entitled to an express finding that there is no credible evidence before the Commission to support the allegations made by Leggieri against Bulko.

Date: August 1, 2003.

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<sup>19</sup> ibid page 189 lines 6 - 25

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