



**INTEGRITY
COMMISSIONER REPORT
ACTION REQUIRED**

Complaint of Violation of Code of Conduct by Councillor Ford

Date:	November 28, 2007
To:	City Council
From:	Integrity Commissioner
Wards:	All
Reference Number:	

SUMMARY

A person complained that Councillor Rob Ford violated the *Code of Conduct for Members of Council and Local Boards (Restricted Definition)* (“Code of Conduct”) by enclosing a decal promoting a printing company in an invitation to a summer barbecue sent in an envelope bearing his City Hall address and the City of Toronto logo. More particularly, the complainant alleged that Councillor Ford had violated Articles VI (“Use of City Property, Services and Other Resources”) and VIII (“Improper Use of Influence”).

Councillor Ford admitted the facts as alleged and added that he used City Hall return address stickers on twenty to thirty of around six hundred invitations. He had run out of stickers bearing his home address. He also offered to meet with and apologize to the complainant. The complainant rejected this offer and sought a public apology.

The inclusion of promotional material for a business in an envelope bearing a City Hall return address sticker was a violation of both Clauses VI and VII of the Code of Conduct. It involved the use of City property (the logo) for other than the purposes of the Corporation and the Councillor improperly using his status as a Member of Council for the purposes of promoting a business.

Even though this is the second time that Councillor Ford has violated the Code of Conduct in this way, I am not recommending that Council impose any sanction on him. His assumption of responsibility, willingness to meet with the complainant and apologize

to him, along with his full cooperation with my investigation convinced me that a public report to Council would be a sufficient sanction.

RECOMMENDATIONS

The Integrity Commissioner recommends that:

1. City Council adopt the finding that Councillor Rob Ford has violated the Code of Conduct; and
2. City Council not impose any sanction on Councillor Ford

Financial Impact

These recommendations will have no financial impact.

DECISION HISTORY

This report results from a complaint under the *Code of Conduct for Members of Council and Local Boards (Restricted Definition)* (“Code of Conduct”) that Councillor Rob Ford violated the Code of Conduct. On the basis of an investigation, I made a decision (Appendix A) that Councillor Ford had violated the Code of Conduct. As required by the *Code of Conduct Complaint Protocol* (“Complaint Protocol”) and section 162(3) of the *City of Toronto Act, 2006*, I am obliged to report to City Council publicly on any finding of violation of the Code of Conduct.

ISSUE BACKGROUND

Councillor Rob Ford holds an annual barbecue in his capacity as a Member of Council. He invites hundreds of people to this barbecue. This year, when processing the invitations, he ran out of return address stickers bearing his home address. For the last twenty or thirty, he used stickers bearing his City Hall address and the City of Toronto logo. The mailing included not only a flyer announcing the barbecue but also a decal promoting a business that prints deco labels and tags.

A member of the public made a formal complaint that this violated Articles VI (“Use of City Property, Services and Other Resources”) and VIII (“Improper Use of Influence”) of the Code of Conduct. These provisions prohibit Members of Council from using the property of the City for other than the purposes of the Corporation and from improper use of influence.

Councillor Ford admitted the facts on which the complaint was based and provided the explanation that he only used the City Hall return address stickers when he ran out of his domestic return address stickers. He also offered to meet with and apologize to the complainant. The complainant rejected that offer and requested that I report the violations to City Council with a recommendation for a public apology.

COMMENTS

Did the Councillor Violate the Code of Conduct?

Councillor Ford's actions violated the Code of Conduct. In using an envelope bearing the City of Toronto logo and his City Hall office address to mail out an invitation that also contained promotional material for a business, Councillor Ford used City-owned resources (the City's logo) for other than the purposes of the Corporation. This was a violation of Article VI. He also violated Article VIII. Using one's position as a Member of Council to influence someone to use a particular business is improper in terms of that provision. The use of the City Hall return address sticker plus the fact that Councillor Ford was sending the invitations out in his capacity as a Councillor associated the enclosed promotional decal with the Councillor and clearly suggested that the Councillor was endorsing the business's product.

In the circumstances, Councillor Ford was correct in acknowledging responsibility and offering to make amends to the complainant.

What should be done About It?

Despite the fact that Councillor Ford violated the Code of Conduct in a similar manner in early 2005, I was prepared to approve a settlement of the complaint as authorized by section 5(1) of the Complaint Protocol had the complainant been willing to accept Councillor Ford's offer of a meeting and an apology. However, the complainant with justification asserted that the violations were not personal to him but affected the population of the City as a whole. He therefore requested that Councillor Ford make a public apology.

Given Councillor Ford's prompt and contrite acceptance of responsibility as well as his initiation of the proposal that he meet with the complainant and apologize to him, I am not prepared to recommend to Council that it request Councillor Ford to apologize as provided for in Article XVIII of the Code of Conduct. While the violations were not trivial in terms of section 12(7) of the Complaint Protocol, I am nonetheless satisfied that a public report to Council without recommendation for any sanction is appropriate in the circumstances.

CONTACT

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SIGNATURE

David Mullan, Integrity Commissioner

ATTACHMENTS

Appendix A: Integrity Commissioner Decision on Complaint against Councillor Rob Ford.

Appendix A

Date: November 28, 2007

To: Ulli Watkiss, City Clerk

From: David Mullan, Integrity Commissioner

Subject: Report on Complaint

Nature of Complaint:

A person complained that Councillor Rob Ford violated the *Code of Conduct for Members of Council and Local Boards (Restricted Definition)* ("Code of Conduct") by enclosing a decal promoting a printing company in an invitation to a summer barbecue sent in an envelope bearing his City Hall address and the City of Toronto logo. More particularly, the complainant alleged that Councillor Ford had violated Articles VI ("Use of City Property, Services and Other Resources") and VIII ("Improper Use of Influence").

Summary of Findings:

Councillor Ford admitted that he had indeed sent out the invitation as alleged and I find that this constituted a violation of both Articles VI and VIII of the Code of Conduct. Councillor Ford explained that he ran out of other address stickers to attach to the many hundreds of invitations that he was mailing and turned for the last few to address stickers bearing his City Hall address and the City of Toronto logo. He also offered to meet with and apologize to the complainant. The complainant was not content with this. He sought an apology to the people of Toronto. This is the second time that Councillor Ford has violated the Code of Conduct in this kind of way. However, the fact that he was prepared readily to take responsibility and apologize plus the presence of mitigating circumstances persuaded me that I should do no more than report the violation publicly to Council without any recommendation for sanction.

Facts:

Councillor Ford, in his capacity as a Councillor holds an annual barbecue to which he invites constituents and many others. He has been doing this for twelve years. He pays for the event out of his own funds. (Whether he should be doing that is not part of this complaint and is subject to a separate inquiry that the Auditor General and I have been conducting.)

The 2007 version of the barbecue was held on August 26, 2007. Councillor Ford mailed out between six and seven hundred invitations. The mailing included not only a flyer announcing the

barbecue but also a decal promoting a company that prints deco labels and tags, the Ford family company currently run by his brother. The vast majority of these invitations had attached to them return address stickers bearing Councillor Ford's home address. However, he ran out of his domestic return address stickers and for the last few envelopes used instead return address stickers bearing his City Hall Office address and the City of Toronto logo (stickers that he had also paid for himself). Councillor Ford could not recollect precisely how many of the invitations bore this sticker but he estimated twenty (and thirty at most).

When confronted with the formal complaint, Councillor Ford readily took responsibility for what had occurred, provided his explanation, and offered to meet with and apologize to the complainant as a way of settling this matter informally. I conveyed that offer to the complainant. He declined expressing his preference for a public apology to the citizens of Toronto. I conveyed that to Councillor Ford and, without ascertaining whether he was prepared to make a public apology, made my decision.

Relevant Provisions:

The relevant provisions of the Code of Conduct are as follows:

VI. USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES:

No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, web sites, Council transportation delivery services and Councillor global budgets) for activities other than the business of the Corporation. Nor should any member obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the City.

VIII. IMPROPER USE OF INFLUENCE:

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise...

Analysis:

Did the Councillor Violate the Code of Conduct?

Councillor Ford's actions violated both these provisions of the Code of Conduct. In using an envelope bearing the City of Toronto logo and his City Hall office address to mail out an invitation that also contained promotional material for a business, Councillor Ford used City-owned resources

(the City's logo) for other than the purposes of the Corporation. This was a violation of Article VI. He also violated Article VIII. Using one's position as a Member of Council to influence someone to use a particular business is improper in terms of that provision. The use of the City Hall return address sticker plus the fact that Councillor Ford was sending the invitations out in his capacity as a Councillor associated the enclosed promotional decal with the Councillor and clearly suggested that the Councillor was endorsing the business's product.

In the circumstances, Councillor Ford was correct in acknowledging responsibility and offering to make amends to the complainant.

What should be done About It?

Despite the fact that Councillor Ford violated the Code of Conduct in a similar manner in early 2005, I was prepared to approve a settlement of the complaint as authorized by section 5(1) of the *Code of Conduct Complaint Protocol* ("Complaint Protocol") had the complainant been willing to accept Councillor Ford's offer of a meeting and an apology. However, as already indicated, the complainant with justification asserted that the violations were not personal to him but affected the population of the City as a whole. He therefore requested that Councillor Ford make a public apology.

Given Councillor Ford's prompt and contrite acceptance of responsibility as well as his initiation of the proposal that he meet with the complainant and apologize to him, I am not prepared to recommend to Council that it request Councillor Ford to apologize as provided for in Article XVIII of the Code of Conduct. While the violations were not trivial in terms of section 12(7) of the Complaint Protocol, I am nonetheless satisfied that a public report to Council without recommendation for any sanction is appropriate in the circumstances.

Conclusions:

Councillor Ford violated two provisions of the Code of Conduct. By using the City of Toronto logo on a mailing containing advertising material for a printing business, he used the property of the City for other than the purposes of the Corporation. This was a violation of Article VI. He also violated Article VIII when, in that mailing, he associated his office with the promotion of the same printing business. However, despite the complainant's call for a public apology, I regard Councillor Ford's admission of responsibility, expression of regret, and cooperation with my investigation as justifying no greater sanction than comes from a public report to Council.

David Mullan
Integrity Commissioner