

In the Matter of an Application for a Compliance Audit of  
Giorgio Mammoliti's Election Campaign Finances pursuant  
to Section 81 of the *Municipal Elections Act, 1996*, S.O.  
1996, c. 32, Sched.

**SUPPLEMENTAL SUBMISSIONS OF THE APPLICANT,  
DAVID DEPOE**

January 24, 2012

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TO: **COMPLIANCE AUDIT COMMITTEE OF THE CITY OF TORONTO**  
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**PART I - INTRODUCTION**

1. These are the supplemental submissions of the Applicant, David DePoe ("DePoe"), in respect of an application for a compliance audit of the election campaign finances of Giorgio Mammoliti ("Mammoliti"). These submissions expand on, and should be read in conjunction with, the submissions of DePoe filed with the City of Toronto on January 17, 2012.

2. These supplemental submissions will address four issues:

- (a) The standard for ordering a compliance audit and the discretion of the Compliance Audit Committee (the "Committee") to order a compliance audit;
- (b) Mammoliti having improperly incurred campaign expenses exceeding the prescribed limit;
- (c) Mammoliti's failure to include any amount in respect of rent for a campaign office at 2958 Islington Avenue; and
- (d) The ability of the Committee to consider Mammoliti's improper acceptance of a contribution in the amount of \$1,250, and Mammoliti's failure to keep proper

records of other contributions, despite these grounds not being specifically raised in DePoe's initial application.

## **PART II - ISSUES AND LAW**

### **A. THE STANDARD FOR ORDERING A COMPLIANCE AUDIT**

3. The standard for ordering a compliance audit was largely addressed in DePoe's earlier submissions. These submissions will briefly expand the points raised in the earlier submissions.

4. If an application discloses reasonable grounds to believe that a provision of the *Municipal Elections Act, 1996* (the "MEA") has been violated, the fact that a candidate has put forward an alternative explanation for a particular state of affairs does not negate the need for a compliance audit. This point was repeatedly emphasized by Justice Bellefontaine in the recent case of *Dickerson v. Compliance Audit Committee of the City of Pickering*, where he noted as follows:

....Determining the true state of affairs is the function of the auditor and ultimately the trial court who will make the ultimate decision on the facts and the law as they find it.

[...]

Accordingly, it would in my view be contrary to the purposes of the *Act* to have me simply rely on Mr. Dickerson's reply information and make a decision as to the categorization of the expenses as he calculates them and potentially circumvent the fulsome audit and report contemplated by the *Act*.

....I do not consider it my role at this stage to accept Mr. Dickerson's statements as to the number of signs in pre-existing inventory or the value of them or whether that value would be low enough to keep pre-voting day expenses below the allowable limit. That is a function that should be left to the auditor in the context of a complete audit.

**Reference:** *Dickerson v. Compliance Audit Committee of the City of Pickering* (December 21, 2011, Ont. Ct. J.) at paras. 18, 21-22, Tab F of the Submissions of the Applicant, David DePoe

5. A compliance audit is “a straightforward and effective procedure for achieving transparency and accountability”. In cases of conflicting evidence, a compliance audit should be ordered.

**Reference:** *Fuhr v. Perth South (Township)*, 2011 ONCJ 413 at para. 42, Tab C of the Submissions of the Applicant, David DePoe

*Dickerson v. Compliance Audit Committee of the City of Pickering* (December 21, 2011, Ont. Ct. J.) at para. 22, Tab F of the Submissions of the Applicant, David DePoe

6. Once the Committee has found that reasonable grounds exist, the Committee has limited discretion to decide whether to order a compliance audit.

**Reference:** *Fuhr v. Perth South (Township)*, 2011 ONCJ 413 at para. 42, Tab C of the Submissions of the Applicant, David DePoe

*Mastroguiseppe v. Vaughan (City)*, 2008 ONCJ 763 at para. 62, Tab G of the Submissions of the Applicant, David DePoe

7. To the extent that Mammoliti suggests that earlier jurisprudence, which holds that the Committee must order a compliance audit once reasonable grounds are found, is inapplicable on the basis that the earlier jurisprudence related to decisions of City Council rather than decisions of the Committee, such a position is incorrect. Applicable jurisprudence has confirmed that a compliance audit committee must order a compliance audit once that committee has found reasonable grounds to believe that a provision of the *MEA* has been violated. For example, in *Fuhr v. Perth South (Township)*, an appeal to the Ontario Court of Justice from a decision of a compliance audit committee rather than a decision of City Council, the Court held that “there is little discretion in deciding whether to order a compliance audit once reasonable grounds have been found to exist”.

**Reference:** *Fuhr v. Perth South (Township)*, 2011 ONCJ 413 at para. 42, Tab C of the Submissions of the Applicant, David DePoe

8. Moreover, the fact that a breach of the *Municipal Elections Act, 1996* (the “MEA”) appears to be trivial is not a reason to decline to order a compliance audit. This point was clearly established by Justice McKerlie in *Fuhr v. Perth South Township*, where he noted as follows:

As noted in the April 26, 2011 decision of the Compliance Audit Committee, the campaign period expenses incurred by the candidates were indeed “minimal”. I also note that the sole contributors to the campaigns in question were the candidates themselves. However, while the doctrine of *de minimis non curat lex* (“the laws does not concern itself with trifles”) may apply to a review of a decision whether to prosecute under s. 81(14), the issue at this stage of the review is simply whether the appellant had reasonable grounds to believe that the candidate contravened a provision of the *Act* relating to election campaign expenses. [emphasis added]

**Reference:** *Fuhr v. Perth South (Township)*, 2011 ONCJ 413 at para. 44, Tab C of the Submissions of the Applicant, David DePoe

9. In summary, as set out in both DePoe’s earlier submissions and these supplemental submissions, the jurisprudence has articulated the following principles relating to the standard for ordering a compliance audit:

- (a) A compliance audit should be ordered if there are reasonable grounds to believe that a candidate has contravened a provision of the *MEA*;
- (b) Reasonable grounds will not be found where an elector is acting on conjecture, suspicion, or a merely proceeding on fishing expedition;
- (c) However, the standard for ordering a compliance audit is a low one;
- (d) Where reasonable grounds exist, the Committee has no discretion not to order an audit;

- (e) Once an application discloses reasonable grounds for believing that a provision of the *MEA* has been contravened, it is not the role of the Committee to accept a candidate's alternative explanation and thereby negate the need for an audit; and
- (f) A compliance audit must be ordered where there are reasonable grounds to believe that any election campaign finance provision of the *MEA* has been contravened, irrespective of the seriousness of the violation believed to have occurred. Although there may be a *de minimis* defence to a prosecution or even a decision to prosecute under the *MEA*, there is no *de minimis* defence to an application for a compliance audit.

**B. MAMMOLITI INCURRED EXPENSES OVER HIS CAMPAIGN LIMIT**

10. In his earlier submissions, DePoe set out in detail, with cross-references to Mammoliti's filings, the basis for reasonably believing that Mammoliti exceeded his spending limit.

11. At the hearing before the Committee on January 20, 2012, counsel for Mammoliti suggested that the totals included in DePoe's spreadsheet were erroneous, as they improperly included some of Mammoliti's expenses relating to his campaign for mayor in his totals for his campaign for councillor.

12. DePoe has two responses to this submission:

- (a) The analysis conducted by DePoe, and the values included in the spreadsheet at Tab B of DePoe's submissions, only included expenses which reasonably appear to relate to Mammoliti's campaign for councillor rather than Mammoliti's campaign for mayor; and

(b) Alternatively, if there is any confusion as to the proper allocation of expenses between Mammoliti's mayoral campaign and his councillor campaign, such confusion is a basis for ordering an audit, rather than a basis for avoiding one.

(i) ***The Expenses Listed at Tab B Only Relate to Mammoliti's Campaign for Councillor***

13. The analysis conducted by DePoe, set out in the spreadsheet at Tab B of DePoe's earlier submissions, was limited to those expenses which appeared on their face to relate to Mammoliti's campaign for city councillor.

14. Mammoliti's campaign for councillor began on July 10, 2010. As indicated by the dates on the receipts listed in the spreadsheet at Tab B of DePoe's earlier submissions, all of the expenses included in that spreadsheet were incurred at least three weeks after Mammoliti effectively ended his campaign for mayor and began his campaign for city councillor.

15. Moreover, a review of the invoices listed in Tab B shows that almost all of the receipts were addressed to either Mammoliti's campaign office for councillor (2958 Islington Avenue) rather than to his home address (14 Joyce Parkway). Some (though not all) of the receipts had "councillor" written on them in handwriting, and none of them had "mayor" written on them in handwriting.

**Reference:** Receipts Filed by Mammoliti – First Filing, Record of the Applicant, Tab 2, p. 66, 68-69, 72, 75-79, 102-110, 112-119, 123  
Receipts Filed by Mammoliti – Final Filing, Record of the Applicant, Tab 3, p. 7-8, 13, 15, 17-20, 22, 25, 27

16. There are a limited number of receipts included in the spreadsheet in those columns that are included in Mammoliti's spending limit which do not explicitly, on their face indicate that

they relate to Mammoliti's campaign for councillor. However, for the reasons that follow, it is likely that these receipts also relate to Mammoliti's campaign for councillor.

17. The only receipts and invoices of any significance that are included in the spreadsheet at Tab B and do not explicitly indicate that they relate to Mammoliti's campaign for councillor fall into two categories.

18. First, there are three invoices from In-House Graphics, as follows:

- (a) one in the amount of \$2,803.97 dated August 31, 2010, for postcards and flyers;
- (b) one in the amount of \$615.85 dated September 14, 2010, for "Giorgio Mammoliti 'You voted..' Brochure Folded"; and
- (c) one in the amount of \$4,710.97 dated September 28, 2010 for campaign brochures.

**Reference:** Receipts Filed by Mammoliti – First Filing, Record of the Applicant, Tab 2, p. 70, 71, and 121

19. There is no explicit indication on the face of any of these invoices as to which of Mammoliti's campaigns they relate to.

20. Expenses of this nature incurred at these times plainly appear to be related to Mammoliti's councillor campaign rather than to his mayoral campaign. While Mammoliti would have needed additional brochures and flyers for his councillor campaign in September 2010, it seems unlikely that he would have needed such brochures for a mayoral campaign which, save for fundraising events to eliminate a deficit, would have been over by that time.



21. Moreover, a separate copy of the invoice in the amount of \$4,710.97 is reflected in the receipts and invoices included with Mammoliti's final filings, which otherwise appear only to contain invoices relating to expenses incurred on Mammoliti's councillor campaign. The inclusion of this invoice with other councillor expenses is probative of the fact that this is an invoice relating to Mammoliti's campaign for councillor.

**Reference:** Receipts Filed by Mammoliti – Final Filing, Record of the Applicant, Tab 3, p. 6

22. Consequently, the reasonable inference to be drawn is that these expenses relate to Mammoliti's campaign for councillor rather than to his campaign for mayor.

23. Second, there is an invoice from Rogers for wireless (cell phone) services dated October 12, 2010, in the amount of \$1,661.14. On its face, this invoice purports to be made out to the Giorgio Mammoliti Mayoralty campaign. However, there are three reasons to believe that this invoice actually relates to expenses incurred for the benefit of Mammoliti's campaign for councillor.

**Reference:** Receipts Filed by Mammoliti – First Filing, Record of the Applicant, Tab 2, p. 80

24. First, this invoice includes charges for wireless services for the period of October 2010, which was during Mammoliti's campaign for councillor and was more than three months after Mammoliti's campaign for mayor had effectively ended. There is no evidence that these expenses relate to any ongoing activities relating to Mammoliti's mayoral campaign, which, as noted above, would have for practical purposes been over by that time.

25. Second, there is evidence in the record that suggests that some of the invoices made out to the Mammoliti mayoral campaign were actually paid for by Mammoliti's campaign for councillor. For example, there is a separate invoice from Rogers to Mammoliti's Mayoral

campaign dated January 12, 2011, which has a handwritten note on it that states that the invoice was “paid for by Councillor campaign”. This suggests both a) that, in general, some of the expenses incurred by Mammoliti after July 2010 and invoiced to his mayoral campaign may have in fact been incurred for the benefit of his councillor campaign and b) that, in particular, the Rogers wireless invoices addressed to Mammoliti’s mayoral campaign after July 2010 were related to and were paid for by Mammoliti’s campaign for councillor.

**Reference:** Receipts Filed by Mammoliti – Final Filing, Record of the Applicant, Tab 3, p. 27

26. Third, although there are a number of invoices in Mammoliti’s filings that relate to cell phone usage that are addressed to Giorgio Mammoliti Mayoralty campaign (including several after Mammoliti’s campaign for councillor had begun), there are no invoices relating to cell phone usage that are addressed to Giorgio Mammoliti councillor campaign.

27. Consequently, in order to believe that invoices relating to wireless charges incurred after July 2010 relate to Mammoliti’s mayoral campaign, one would have to believe that although Mammoliti made heavy use of a cell phone for campaign purposes during his mayoral campaign, he did not use a cell phone for any purposes relating to his campaign for councillor. Furthermore, one would also have to believe that during his campaign for councillor, Mammoliti continued to incur hundreds of dollars in monthly cell phone charges (roughly the same amount spent by Mammoliti when he was actively campaigning for mayor) relating to his campaign for mayor. Both of these assumptions are implausible.

**Reference:** Receipts Filed by Mammoliti – First Filing, Record of the Applicant, Tab 2, p. 13

28. Rather, the more reasonable inference to draw is that although the Rogers invoice was addressed to Giorgio Mammoliti Mayoralty campaign, this expense was actually incurred for the benefit of Mammoliti's campaign for councillor.

**Reference:** Receipts Filed by Mammoliti – First Filing, Record of the Applicant, Tab 2, p. 80

29. Consequently, it appears likely that even those few receipts and invoices that do not explicitly state that they relate to Mammoliti's campaign for councillor do nonetheless relate to his campaign for councillor, for the reasons set out above.

30. However, as noted above, the question for this Committee is not whether these invoices relate to Mammoliti's campaign for mayor or his campaign for councillor. Rather, the question for this Committee is whether there are reasonable grounds to believe that Mammoliti contravened provisions of the *MEA*. Given the dates on which each of the expenses were incurred and the nature of the expenses incurred, there are reasonable grounds to believe that these expenses relate to Mammoliti's campaign for councillor and, consequently, that Mammoliti exceeded his spending limit. For these reasons, DePoe's application for a compliance audit should be granted.

31. Additionally, even if this Committee were to step into the shoes of an auditor and decide, contrary to the available evidence, that each of the four expenses listed above did in fact relate to Mammoliti's mayoral campaign, there would still be significant discrepancies which would justify a compliance audit. For example, none of the four expenses listed above was included by DePoe in the "office" category in the spreadsheet at Tab B, so the exclusion of those four expenses would not change the figures calculated by DePoe in that category. According the analysis reflected in the spreadsheet at Tab B, the office expenses incurred by Mammoliti in his

campaign for councillor totalled \$11,391.02, but Mammoliti only reported office expenses of \$5,705.56. Thus, even if, contrary to the evidence and contrary to the Committee's role, the Committee found that each of the four invoices described above related to Mammoliti's campaign for mayor, there would still be significant discrepancies between Mammoliti's reported expenses and the receipts and invoices filed by Mammoliti.

***(ii) Uncertainty in Mammoliti's Filings is a Reason for Ordering, rather than Avoiding, a Compliance Audit***

32. In the alternative, if there is uncertainty as to whether Mammoliti exceeded his spending limit, which uncertainty arises as a result of confusion between Mammoliti's campaign for mayor and his campaign for councillor, such uncertainty gives rise to precisely the type of situation in which a compliance audit should be ordered.

33. The purpose for requiring candidates to file financial statements reflecting the candidate's election campaign finances is to achieve transparency in election finances. When a candidate's financial statements are available, electors can review those documents and, if they have reasonable grounds for believing that a provision of the *MEA* has been contravened, bring an application for a compliance audit. For the goals of transparency and fairness to be achieved, an ordinary elector must have a reasonable ability to review and understand a candidate's filings.

34. Where an elector has reviewed a candidate's filings in detail and has provided reasonable grounds for believing that a candidate has exceeded his or her campaign limit, a candidate should not be permitted to defeat an application for a compliance audit simply by claiming that the elector erroneously included expenses from a candidate's campaign for a different office, particularly where, as here, such confusion arises from the candidate's own filings. To permit a candidate to defeat an application for a compliance audit on the basis of ambiguous or unclear

filings made by the candidate themselves would provide an incentive for candidates to make ambiguous and unclear filings and would undermine the goals of transparency and fairness in election finances. This directly runs contrary to the purposes of the *MEA*.

35. In the present case, the invoices and receipts included with Mammoliti's campaign filings were not filed in such a way as to clearly delineate between those expenses which Mammoliti claims relate to his campaign for mayor and those which Mammoliti claims relate to his campaign for councillor. While some of them invoices are marked with either "Mayor" or "Councillor" on them, the majority are not. Moreover, while it appears that all expenses incurred prior to July 10, 2010 relate to Mammoliti's campaign for mayor, Mammoliti has provided no basis in the majority of the invoices or receipts subsequent to July 10, 2010 for distinguishing between those expenses which Mammoliti claims relate to his campaign for mayor and those which Mammoliti claims relate to his campaign for councillor.

36. Rather, in order to try to determine which expenses relate to Mammoliti's campaign for councillor and which relate to his campaign for mayor, DePoe has reviewed all the invoices from the relevant time period and has attempted to only include those invoices that reasonably relate to Mammoliti's campaign for councillor in the analysis at Tab B. It is unreasonable to expect more of an elector, as there is little more that could have been done.

37. Consequently, to the extent that there is any confusion in Mammoliti's filings as to the appropriate attribution of expenses between Mammoliti's campaign for councillor and his campaign for mayor, such confusion stems from Mammoliti's own filings. Any such confusion is a reason to order a compliance audit, rather than a way for Mammoliti to avoid an audit.

**C. MAMMOLITI FAILED TO ACCOUNT FOR THE FAIR MARKET VALUE OF HIS CAMPAIGN OFFICE RENTAL**

38. A second independent basis for ordering a compliance audit is that Mammoliti failed to include the fair market value of rent for his campaign office in his election campaign expenses.

39. As stated by Mammoliti's counsel before the Committee on January 20, 2012, Mammoliti does not deny that he operated a campaign office at 2958 Islington Avenue for his campaign for councillor.

40. The invoices and receipts filed by Mammoliti that relate to his campaign for councillor, a complete copy of which is included in the Record of the Applicant, do not include any invoices, receipts, or cancelled cheques relating to payments for rent at 2958 Islington Avenue.

**Reference:** Receipts Filed by Mammoliti – First Filing, Record of the Applicant, Tab 2  
Receipts Filed by Mammoliti – Final Filing, Record of the Applicant, Tab 3

41. Similarly, Mammoliti's Financial Statement does not provide any indication that amounts relating to rental of space at 2958 Islington Avenue were included in Mammoliti's expenses. An amount of \$5,705.06 is included in Mammoliti's Financial Statement in respect of Office Expenses; there is no indication or evidence that this amount includes payments in respect of rent.

**Reference:** Financial Statement – Auditor's Report, Form 4, dated September 29, 2011, Record of the Applicant, Tab 1, p. 14

42. Consequently, there are reasonable grounds for believing that Mammoliti violated the *MEA* by failing to properly account for the contribution of the use of his campaign headquarters at 2958 Islington Avenue. For this reason, the Committee should order a compliance audit.

**D. MAMMOLITI IMPROPERLY ACCEPTED ONE DONATION AND FAILED TO KEEP PROPER RECORDS OF OTHERS**

43. A third distinct basis for ordering a compliance audit is that Mammoliti improperly accepted certain contributions and failed to keep adequate records of others.

44. This ground was not specifically raised in DePoe's initial application to the Committee. However, the evidence substantiating this allegation is contained entirely in Mammoliti's Financial Statement, which was filed with the City and is properly before the Committee. Consequently, the Committee is entitled to consider this ground in deciding whether there are reasonable grounds to believe that a provision of the *MEA* has been contravened.

45. There is nothing in the *MEA* which explicitly limits the Committee to considering only the grounds raised in the application in deciding whether to order a compliance audit. Section 81(5) of the *MEA* provides that "[w]ithin 30 days after receiving the application, the committee shall consider the application and decide whether it should be granted or rejected." This provision does not expressly limit the Committee to considering what was in the application; rather, it merely provides that the Committee must consider the application, among other things.

**Reference:** *MEA*, s. 81(5)

46. Indeed, it is the practice of this Committee to consider more than simply the application in deciding whether to order a compliance audit. For example, the Committee's Rules request that a candidate respond in writing at least two days prior to the hearing where the application will be considered. The Rules also provide a right for speakers to make oral submissions for up to five minutes each.

**Reference:** Compliance Audit Committee, By-Law No. 1, Rules of Procedure for the Compliance Audit Committee, dated March 28, 2011, s. 8(E)(1), 9(2)



47. If s. 81(5) of the *MEA* were to be read to limit the Committee's consideration of whether there are reasonable grounds to the solely application itself, it would be impermissible for the Committee to consider either responding materials or oral submissions in reaching its decision. However, the Committee does consider both written materials filed and oral submissions made by interested parties. This demonstrates that s. 81(5) of the *MEA* does not limit the Committee's consideration of whether reasonable grounds exist to the face of the application.

48. For these reasons, a proper interpretation of the *MEA* leads to the conclusion that the Committee can consider any evidence properly before it, including Mammoliti's Financial Statements filed with the City, to determine whether there are reasonable grounds to believe that Mammoliti contravened provisions of the *MEA* relating to election campaign finances.

49. This Committee should consider that Mammoliti improperly accepted a donation of \$1,250 and that he failed to keep adequate records of other donations. This provides an independent basis for the Committee to find reasonable grounds that Mammoliti contravened provisions of the *MEA*.

### **PART III - RELIEF REQUESTED**

50. The Applicants respectfully requests that this Committee order a compliance audit of Mammoliti's election campaign finances.



ALL OF WHICH IS RESPECTFULLY SUBMITTED this <sup>24</sup> day of January, 2012.



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## TEXT OF STATUTES, REGULATIONS & BY - LAWS

### Municipal Elections Act, 1996, S.O. 1996 c. 32, Sched.

81. (1) An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances.

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office; and it shall be in writing and shall set out the reasons for the elector's belief.

(3) The application must be made within 90 days after the latest of,

(a) the filing date under section 78;

(b) the candidate's supplementary filing date, if any, under section 78;

(c) the filing date for the final financial statement under section 79.1; or

(d) the date on which the candidate's extension, if any, under subsection 80 (4) expires.

(4) Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee established under section 81.1 and provide a copy of the application to the council or local board.

(5) Within 30 days after receiving the application, the committee shall consider the application and decide whether it should be granted or rejected.

(6) The decision of the committee may be appealed to the Ontario Court of Justice within 15 days after the decision is made and the court may make any decision the committee could have made.

(7) If the committee decides under subsection (5) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances.

(8) Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed under subsection (7).

(9) The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate.

(10) The auditor shall submit the report to,

- (a) the candidate;
  - (b) the council or local board, as the case may be;
  - (c) the clerk with whom the candidate filed his or her nomination;
  - (d) the secretary of the local board, if applicable; and
  - (e) the applicant.
- (11) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee.
- (12) For the purpose of the audit, the auditor,
- (a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and
  - (b) has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the audit as if it were an inquiry under that Act.
- (13) The municipality or local board shall pay the auditor's costs of performing the audit.
- (14) The committee shall consider the report within 30 days after receiving it and may,
- (a) if the report concludes that the candidate appears to have contravened a provision of this Act relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;
  - (b) if the report concludes that the candidate does not appear to have contravened a provision of this Act relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application.
- (15) If the report indicates that there was no apparent contravention and the committee finds that there were no reasonable grounds for the application, the council or local board is entitled to recover the auditor's costs from the applicant.
- (16) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (7) for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith.
- (17) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances.

**Compliance Audit Committee, By-Law No. 1, Rules of Procedure for the Compliance Audit Committee, dated March 28, 2011**

**8. E. Consideration of an Agenda Item**

(1) Any persons present for the item, including the Applicant and the Candidate, who have registered with the Clerk, may speak to the item for up to five minutes.

(2) The Committee members may ask questions of anyone who speaks and of City staff.

(3) Once all of those who have registered have been given an opportunity to speak as permitted by (1), the committee members will each have an opportunity to speak to the item.

[...]

**9. (2)** Where an Application will be considered at a meeting, the Clerk shall give reasonable notice to the Applicant and Candidate of the time, place and purpose of a meeting and of the fact that if either party fails to attend the meeting the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting or subsequent meetings at which the Application is considered. The notice shall include the reasons given in the Application. The Candidate shall be requested to respond to the Application in writing. The written response shall be submitted to the Clerk a minimum of two days prior to the Committee meeting at which the Application will be considered.