

**Instructions:**

Under the Municipal Elections Act, 1996, an elector may apply for a compliance audit of a candidate or registered third party advertiser's election campaign finances.

To apply for a compliance audit of a councillor candidate, mayoral candidate or registered third party advertiser:

- Complete this form.
- Submit this form and any supporting documents in person or by mail to Election Services, 100 Queen Street W, 1st floor N, M5H 2N2, or by e-mail to candidateinfo@toronto.ca.

Election Services must receive this form by the deadline(s) in s.88.33(3) of the Municipal Elections Act, 1996.

Applicant Details

Last Name or Single Name ☒ I have a legally registered single name		First Name	
LIN		ROLAND	
Address (qualifying address in the City of Toronto)		Unit	City
349 HUNTSMILL BLVD			TORONTO
			Postal Code
			M1W 3C9
Mailing Address (if different than qualifying address)		Unit	City
			Postal Code
Home Phone	Business Phone	Cell Phone	
		416-727-2821	
Email			
rolandlin@hotmail.com			

Candidate/Registered Third Party Advertiser Details

Individual Last Name or Single Name		First Name
KARYGIANNIS		JIM
Organization Name (if corporation or trade union)		
Registered for (check box that applies) ☐ Mayor ☒ Councillor ☐ Third Party Advertiser		
Ward: 22		
Set out the reasons for your belief that the candidate or registered third party advertiser has contravened a provision of the Municipal Elections Act, 1996 relating to election campaign finances (attach additional pages if necessary)		
The candidate's Financial Statement was incorrect and did not comply with Municipal Elections Act, 1996 (here referred to as "the Act"). The candidate filed the Financial Statement manually. It was confirmed by Justin Niddrie from Election Services that NO pink/hard copies were submitted. The Statement disclosed no dates of all the contributions and did not comply with the Act and by-laws. Section 88.19(5) of the Act states, the campaign expenses include the cost of holding fun-raising functions. In his case the amount of \$20176.36 on 2018/09/09 was campaign expenses before the voting day. He spent about \$180000 in the campaign, much exceeding his limit. There were 21 payments in the total of 81000, receipts not obtained to verify the services his team received before or after voting day. 4 payments to Tri-Tech Office Solutions, Facebook Ad, Hagol Imadonian, and Tim Hortons or Jim Karygiannis himself, were not in the campaign period besides the accounting and auditor's fees. Section 88.22 of the Act states that a candidate shall ensure that (f) receipts are issued for every contribution and obtained for every expense. 381 contributions were disclosed and 380 receipts were not filed. Even in the EFFE, there are only 339 records found, 42 records missing. All the contributions were received and processed before Nov 27, 2018. All point to no fundraising event on 2018/12/21, Santorini Grill. If so, it would constitute a fraud and conspiracy. (To be continued with Attachments)		
I believe on reasonable grounds that the candidate or registered third party noted above has contravened a provision of the Municipal Elections Act, 1996, relating to election campaign finances.		
Signature of Applicant		Date (yyyy-mm-dd)
<i>Michael Joseph Li</i>		2019-06-27

Filing

Received By	Date Received (yyyy-mm-dd)
<i>Justin Niddrie</i>	2019-06-27

The personal information on this form is collected under the authority of the Municipal Elections Act, S.O. 1996, Chp. 32 Sched. ss. 88. This information is used for the purpose of applying for a compliance audit of a candidate's or registered third party advertiser's election campaign finances. Your information will be filed with the City Clerk and will be available online through the Toronto Meeting Management Information System (TMMIS) and for public inspection by any person at the City Clerk's Office at a time when the office is open. Questions about this collection can be directed to Project Manager, 89 Northline Rd., Toronto, ON M4B 3G1 or by phone at 416-338-1111.

CAMPAIGN EXPENSES

What constitutes an expense

For an election campaign

88.19 (1) For the purposes of this Act, costs incurred for goods or services by or under the direction of a person wholly or partly for use in his or her election campaign are expenses. 2016, c. 15, s. 57 (1).

For third party advertisements

(2) For the purposes of this Act, costs incurred by or under the direction of an individual, corporation or trade union for goods or services for use wholly or partly in relation to third party advertisements that appear during an election in a municipality are expenses. 2016, c. 15, s. 57 (2).

Expenses

(3) Without restricting the generality of subsections (1) and (2), the following amounts are expenses:

1. The replacement value of goods retained by the person, individual, corporation or trade union from any previous election in the municipality and used in the current election.
2. The value of contributions of goods and services.
3. Audit and accounting fees.
4. Interest on loans under section 88.17.
5. The cost of holding fund-raising functions.
6. The cost of holding parties and making other expressions of appreciation after the close of voting.
7. For a candidate, expenses relating to a recount or a proceeding under section 83 (controverted elections).
8. Expenses relating to a compliance audit.
9. Expenses that are incurred by a candidate with a disability or a registered third party who is an individual with a disability, are directly related to the disability, and would not have been incurred but for the election to which the expenses relate.
10. The cost of election campaign advertisements (within the meaning of section 88.3) or third party advertisements, as the case may be. 2016, c. 15, s. 57 (3).

Exception

(4) For greater certainty, the cost of holding fund-raising functions does not include costs related to,

- (a) events or activities that are organized for such purposes as promoting public awareness of a candidate and at which the soliciting of contributions is incidental; or
- (b) promotional materials in which the soliciting of contributions is incidental. 2016, c. 15, s. 57 (3).

Transition, candidates' expenses

(5) In the following circumstances, a candidate's expenses for the 2018 regular election that are described in paragraphs 7 and 8 of subsection (3) may include his or her expenses as a candidate in the 2014 regular election for an office on the same council or local board:

1. The circumstances described in paragraph 4 of subsection 88.24 (1) (deficit).
2. The circumstances described in paragraph 5 of subsection 88.24 (1) (expenses relating to a recount, etc.). 2016, c. 15, s. 57 (3).

Section Amendments with date in force (d/m/y)

2016, c. 15, s. 57 (1, 3) - 09/06/2016; 2016, c. 15, s. 57 (2) - 01/04/2018

Candidates' expenses

88.20 (1) An expense shall not be incurred by or under the direction of a person unless he or she is a candidate. 2016, c. 15, s. 58.

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Only during campaign period

(2) An expense shall not be incurred by or under the direction of a candidate outside his or her election campaign period. 2016, c. 15, s. 58.

Exception, auditor's report

(3) Despite subsection (2), a candidate whose election campaign period ends as described in paragraph 2, 3 or 4 of subsection 88.24 (1) may incur expenses related to the preparation of an auditor's report under section 88.25 after the campaign period has ended. 2016, c. 15, s. 58.

Same

(4) For greater certainty, the expenses described in subsection (3) constitute expenses for the purposes of paragraph 3 of subsection 88.19 (3). 2016, c. 15, s. 58.

Who may incur expense

(5) An expense may only be incurred by a candidate or an individual acting under the candidate's direction. 2016, c. 15, s. 58.

DUTIES OF CANDIDATES AND REGISTERED THIRD PARTIES**Duties of candidates**

88.22 (1) A candidate shall ensure that,

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and
 - (iv) the contributor's name and address;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17;
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.25 and 88.32;
- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed;
- (q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,

- (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
- (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board. 2016, c. 15, s. 60; 2017, c. 10, Sched. 4, s. 8 (13).

Candidate for mayor, City of Toronto

(2) A candidate for the office of mayor of the City of Toronto shall ensure that each of his or her contributors is informed that a contributor shall not make contributions exceeding a total of \$2,500 to any one candidate for the office of mayor of the City of Toronto. 2016, c. 15, s. 60.

Exclusion of certain expenses

(3) Expenses described in paragraph 2 of subsection 88.19 (3) are not expenses for the purpose of clause (1) (a). 2016, c. 15, s. 60.

1. The Financial Statement (here referred as "the Statement") the candidate filed on March 27, 2019 was incorrect and did not comply with Municipal Elections Act, 1996 (Here referred as "the Act"). The Statement was incorrect and incomplete as it disclosed no dates of all the contributions. Without such important dates, all the contributions were in doubt if they were the qualified ones in the campaign period.
2. The Statement was filed manually. It was confirmed by Justin Niddrie from Election Services that no pink/hard copies of the receipts of the contributions were submitted at the time of filing, neither were the EFFS contribution list print-outs. It did not comply with the Act, being filed in the prescribed forms.
3. The Statement indicated that there were 381 contributions. In the EFFS, we can find 339 records with 42 records missing. And yet the public do not know all these were filed before the deadline? Were the records simply entered before or after the deadline, but not filed?
4. The Statement indicated a loan from Scotia Bank, yet disclosed no amount borrowed.
5. The Statement showed that there were two fundraising events, one on 2018/09/09, and the other on Dec 21, 2018. There were no tickets or admissions charged, only expenses. The first one turned out to be the Grand Opening of The Jim Karygiannis Campaign Headquarters (See Attachment P1). expenses.
6. There were no expenses of salaries, benefits, honoraria, professional fees incurred until voting day, but \$81,000.00 expenses after the voting day. No invoices or receipts were provided to verify the nature of the payments as to what kinds of services, or when the services were provided to the campaign. The Act states that the candidate should keep every receipt of every expense.
7. The Statement also indicated a payment of \$5000.00 to a church, Living Stone Assembly, as a victory party expense, again without the receipt of party expenses to verify how many people attended, where the party was held and when. It might be a payment for the services the church provided to his campaign, subject to the spending limit. If it was a donation, it was not a qualified expense.
8. I restored the candidate's contributions by his team's bookkeeping order matching the contributions through EFFS (See attachment A1-13). Judging from the order, I believe all the contributions were received before or on the voting day. Only some credit card contributions of \$46,750 were processed and the funds were received after the voting day.
9. I sorted the contributions through EFFS by date contribution received (See Attachment B1-13). We

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found that most of the contributions had been processed by Nov. 12, 2018. The last contributions of \$3300 were received on November 26, 2018. Therefore, there was no need of another fundraising event. The event was a make-up event on a Friday, December 21, 2018. If there was such an event, it was a fund-spending event rather than fund-raising one. There were 2000 copies of invitations/letterheads Fund-raising/promotional envelopes printed. That meant that about 2000 people were invited to Event 2: Santorini Grill where it can accommodate up to 160 guests (See Attachment P2-6). Professional fees of \$21300 were paid to Campaign Support Ltd and Margot Doey-Vick to plan such an event. Again, there was no ticket or admission charge, only expenses of \$27,083.50.

10. The Act states: the cost of holding fundraising event is a campaign expense. The candidate incurred about \$180000 expenses, much exceeding the spending limits. In the case that there was no 2108-12-21 event, that would constitute a fraud and/or conspiracy.

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