TORONTO

Application
Compliance Audit

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 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	
KUNG			FRANCIS	
Address (qualifying address in the City of Toronto)		Unit	City	Postal Code
299 GLENLAKE AVE		2005	TORONTO	M6P 4A6
Mailing Address (if different than qualifying address)		Unit	City	Postal Code
Home Phone	Business Phone		Cell Phone	
			416-833-5570	
Email				
kungfrancis@gmail.com				

Candidate/Registered Third Party Advertiser Details

Individual Last Name or Single Name	First Name
NUNZIATA	FRANCES
Organization Name (if corporation or trade union)	
Registered for (check box that applies) ☐ Mayor ☑ Councillor Ward: 5 ☐ Third Party Advertiser	

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)

SEE ATTACHED

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)
Francis Kung	2023-06-29

Filing

Received By	Date Received (yyyy-mm-dd)
Christopher Hills	2023-06-29

The 2023 Toronto municipal election did not require candidates to include receipts in their financial filings, in a departure from past practice. Members of the public are no longer able to review these receipts to investigate potential financial issues; the only recourse is now a compliance audit.

In Ward 5 - York South-Weston - I have found a number of potential issues with Frances Nunziata's campaign. The compliance audit committee is the only body that can investigate these potential issues, and maintain our faith in the integrity of our elections.

1. Expenses missing from financial filing
1a. Shared event costs

An event was promoted at the Istar Restaurant and Banquet Hall (235 Dixon Road), on October 15, as a "Somali Community Meet Up" with Frances Nunziata and John Tory. Promotion and photos on social media from the event show Tory, Nunzia, and Liban Hassan in attendance and featured.

As this was not an open event for all candidates, nor an internal event for an organisation's members, the cost of hosting this event (venue rental, A/V equipment, refreshments, etc) must be considered a campaign expense - in this case, split between Tory, Nunziata, and Hassan.

However, Nunziata does not have any expenses listed under "Meetings hosted" which is where these expenses are typically recorded. It is possible they were recorded under a different line (although no other line makes sense); without receipts, an audit is the only way to be sure.

1b. Missing lawn signs on opening inventory

The campaign's opening inventory only includes two types of lawn signs (large and small); however residents noticed other types of signs reused from past campaigns as well. It is unknown, and must be verified, whether those signs were actually included and misclassified, or if they were omitted entirely.

1c. Other omitted expenses

Given these potential omissions, we must examine whether any other expenses were also omitted from the financial filing, whether deliberate or by mistake.

2. Fundraising tickets inconsistent with contributions

The financial report lists a major fundraising event on June 22, 2022; however the ticket sales reported contradicts the list of contributions.

An accurate list of ticket sales from the event is essential in verifying that the event was a fundraiser, and not a campaign event. These errors potentially call into question the nature of the event; an audit can determine the extent of these errors.

3. Shared trustee costs

Toward the end of the campaign, printed literature was distributed promoting both Nunziata and Liban Hassan. The printed pieces themselves do not specify which campaign paid for them, but either way they should be considered joint expenses as both candidates received promotion and benefit.

While Nunziata's campaign lists printing expenses (though not individual receipts which could be used to verify), Liban Hassan's financial return is very problematic. There is reason to suspect the Hassan campaign did not open a bank account or practise any kind of financial tracking, and simply approximated their financial report (or worse).

A trustee campaign audit is beyond the scope of this compliance audit committee. However the apparent complete lack of financial control and tracking on Hassan's campaign is troubling given the shared expenses between Nunziata and Hassan's campaigns, and therefore increased scrutiny on Nunziata's campaign finances is needed to see if there were any other shared expenses, and ensure any and all shared expenses were tracked and accounted for properly on Nunziata's side.