



300 Dufferin Avenue
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N6A 4L9

APPENDIX A

NOTICE OF DECISION
THE CORPORATION OF THE CITY OF LONDON
COMPLIANCE AUDIT COMMITTEE
established under Section 88.37 of the *Municipal Elections Act, 1996*

IN THE MATTER OF an Application for Compliance Audit under section 88.33(1) of the Municipal Elections Act, 1996;

AND IN THE MATTER OF the City of London's Rules of Procedure for the 2018 Municipal Election Compliance Audit Committee in accordance with section 88.37(6) of the Municipal Elections Act, 1996;

Candidate: Shawn Lewis
Applicant: Bill Armstrong
File No. CAC-2019-L01-007
Meeting Date: Friday, July 26, 2019 at 10:00 AM

Meeting Location: Committee Room #5 – 2nd Floor
City Hall
300 Dufferin Avenue
London, Ontario N6B 1Z2

DECISION

PURPOSE OF MEETING

The purpose of the meeting was to consider a Compliance Audit Application (the "Application") submitted by Bill Armstrong (the "Applicant") with respect to the 2018 City of London Municipal Election as it relates to the candidacy of Shawn Lewis (the "Candidate").

This meeting was held in accordance with the provisions of the City of London's Rules of Procedure for the 2018 Municipal Election Compliance Audit Committee.

DECISION

After reviewing the documentation submitted in response to the Application appended to the Compliance Audit Committee Agenda and hearing oral submissions from the Applicant, Mr. Bill Armstrong and the Candidate, Mr. Shawn Lewis and considering the appropriate provisions of the *Municipal Elections Act, 1996* (the "Act"), it is the decision of the Compliance Audit Committee to reject the Application and to not order a compliance audit in accordance with the Act as there was insufficient credible information provided to support an audit and therefore there are no reasonable grounds that the Candidate has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances and an audit would not be in the public interest.

REASONS

The reasons for the decision are as follows:

1. Bill Armstrong (the "Applicant") has applied for a compliance audit of the election campaign finances of Shawn Lewis (the "Candidate") in connection with his candidacy for the office of Councillor for Ward 2 in the City of London 2018 Municipal Election.
2. The Applicant confirmed that he was entitled to vote in the 2018 Municipal Election and is therefore qualified to make this Application.

3. In the Application, the Applicant asserts that he has reasonable grounds to believe that the Candidate contravened a provision of the *Municipal Elections Act, 1996*, as amended, (the "Act") relating to election campaign finances.
4. In his Application, the Applicant asserts several grounds for his belief that the Candidate contravened the Act. In brief summary of the grounds are as follows:
 - a) The Applicant complains about City staff participation in the Annual General Meeting for the Argyle Community Association on April 25, 2019;
 - b) The Applicant complains that the Candidate attended a home-and-school sponsored event at Lord Roberts School on September 27, 2018;
 - c) The Applicant complains that the Candidate used the "Meet the Candidates Tent" at Ribfest in August 2018 at no cost;
 - d) The Applicant complains that the Candidate ordered mobile campaign signs before the campaign period;
 - e) The Applicant complains that the Candidate was not charged enough for his campaign signs;
 - g) The Applicant complains that the Candidate did not show an imputed fair value for the location of some of his campaign signs;
 - h) The Applicant complains that the Candidate did not pay enough for election services provided by Blackridge Strategy;
 - i) The Applicant complains that there was resource sharing by the Candidate with other candidates which was not reflected in the Candidate's financial reporting;
 - j) The Applicant complains about signage the Candidate used to promote his TV Cable programme in August of 2017;
 - k) The Applicant complains about the Candidate's distribution of anti-BRT signage and City signage promoting traffic safety in advance of the time when campaign signage was permitted;
 - l) The Applicant complains about the Candidate's website; and,
 - m) The Applicant complains that the Candidate had the benefit of volunteers who provided special expertise which should be valued and accounted for in the Candidate's financial reporting.
5. The Candidate credibly rebutted and provided credible explanations for all of the Applicant's allegations and submissions both in writing and during the Committee's meeting held to consider the Application.

Decision and Reasons

6. A review of applicable case law has been instructive in both determining the role of the Committee and determining when an application should be granted. At this stage of the proceedings, the Committee acts primarily as a gatekeeper in determining whether an audit should be undertaken. It is a pre-investigatory stage and not a determination that the Candidate has contravened the Act in any way. The test is whether the Applicant, acting in good faith, has reasonable grounds to believe the Candidate contravened the Act. Once reasonable grounds have been found to exist, the Committee has limited discretion in deciding whether to order a compliance audit.

DECISION
Armstrong/Lewis

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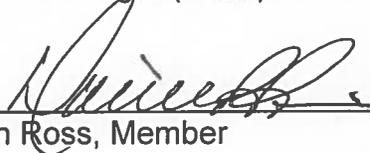
7. The Committee acknowledges the submissions of the Applicant and the Candidate, however, at this stage of the proceedings, it is not within the Committee's mandate or authority to weigh evidence or decide which position is correct in law, but to determine whether the Applicant has reasonable grounds to believe the Candidate has contravened the Act.
8. That said, there must be credible evidence from the Applicant in support of reasonable grounds to warrant a publicly funded compliance audit.
9. Based upon the information provided by the Applicant in his Application and at the meeting and the information provided by the Candidate immediately prior to the meeting held on July 26, 2019, and considering the provisions of the *Municipal Elections Act, 1996* (the "Act"), it is the decision of the Compliance Audit Committee to reject the Application and to not order a compliance audit in accordance with the Act as there was insufficient credible information provided to support an audit and therefore there are no reasonable grounds that the Candidate has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances and an audit would not be in the public interest.

ISSUED by the The Corporation of the City of London Compliance Audit Committee at London, Ontario, on July 31, 2019.

Compliance Audit Committee



Andrew Wright (Chair)



Dan Ross, Member



Christene Scrimgeour, Member