



300 Dufferin Avenue
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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 2018 Municipal Election Contributions Report under section 88.34 of the Municipal Elections Act, 1996 with respect to apparent contraventions of section 88.9 of the Municipal Elections Act;

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;

Contributor: Ismail Omer
File No. CAC-2019-L01-004
Meeting Date: Friday, May 17, 2019 at 9:00 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 the “2018 Municipal Election Contributions Report” (“Report”) submitted by the City Clerk in accordance with section 88.34 of the *Municipal Elections Act, 1996* (“Act”) with respect to the apparent contravention of Ismail Omer (“Contributor”) of the campaign contribution limits as set out section 88.9(4) of the Act.

The 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 City Clerk's Report (“Report”), documentation submitted in response to the Report, hearing oral submissions from the Contributor and considering appropriate provisions of the Act, it is the decision of the Compliance Audit Committee (“Committee”) that the Contributor contravened the contribution limits of \$5,000 to two or more candidates for office of the same council during the 2018 City of London Municipal Election as set out in section 88.34 of the Act. Based on the documentation and submissions before the Committee, the Committee finds the contravention to be minimal, with the Contributor acting in good faith with no direct intention to contravene the Act and therefore commencement of a legal proceeding against the Contributor for the contravention is not warranted.

REASONS

The reasons for the decision are as follows:

1. Section 88.34(1) of the Act requires that the clerk review the contributions reported on the financial statements submitted by a candidate under section 88.25 of the Act to determine whether any contributor appears to have exceeded either the individual or aggregate contribution limits. While the individual and aggregate contribution limits have been in force for some time, the Committee notes that the 2018 Municipal Election was the first time that the Act required the clerk's review to determine if contribution limits have been exceeded.

DECISION

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2. The Report identifies that the Contributor contributed a total of \$7100.00 to two or more candidates for office on the same council during the 2018 City of London Municipal Election. This total is \$2100.00 in excess of the \$5000.00 limit prescribed by section 88.9(4) of the Act.
3. The Contributor has acknowledged the overcontribution in contravention of the Act, but has stated that he was completely unaware of the aggregate contribution limit set out in the Act, and did not intend, in any way, to contravene the Act. The Contributor further stated that at no time during the election campaign period was he made aware of the aggregate contribution limit by any candidate, election official, by any print or digital media, or otherwise. He was not aware of the contravention until informed by the Clerk. The contributor stated that, had he been aware of the aggregate limit, he would have limited his contributions accordingly, or arranged for contributions to be made by other family members.
4. The Committee is satisfied that the Contributor acted in good faith and without any knowledge of the aggregate contribution limit of \$5000.00. He was responding primarily to candidates on an individual by individual basis without thought or consideration of an aggregate limit.
5. The Committee has taken into consideration that this is the first election in which the Report has been required which has created a significant and unprecedented focus on aggregate contributions to candidates. However, the Act and guidelines published by the Province of Ontario and the City of London, while clearly stating the contribution limits, are significantly candidate and voter focused and distributed and accessed accordingly. Indeed, it is the candidate, under section 88.22(1)(r) of the Act who is to ensure that each contributor is informed of contribution limits, and the guidelines suggest that this might be accomplished, for example, by issuing annotated receipts.
6. The Committee is satisfied that media and other publicity with respect to its meetings and deliberation will serve to increase awareness of the contribution limits, will have a deterrent effect, and will lead to the refinement, at least in the City of London, of future election practices relating to contributors and, in particular, the aggregate contribution limit. The Committee is also cognizant of the cost of further proceedings, and believes that the deterrent effect of prosecution under the Act is not merited by the cost of such proceedings. The Committee is satisfied that it is extremely unlikely that the Contributor will exceed contribution limits in future elections
7. The Committee is satisfied that it is within its discretion and consistent with its traditional gatekeeper role to determine whether the public interest would be served by the commencement of legal proceedings against the Contributor for an acknowledged contravention of the Act. For the reasons herein set out, it is the Committee's decision that it is not in the public interest to commence a legal proceeding against the Contributor for his contravention of Section 88.9(4) of the Act.

ISSUED by the The Corporation of the City of London Compliance Audit Committee at London, Ontario, on June 14, 2019.

Compliance Audit Committee

Andrew Wright, Chair

Dan Ross, Member

Christene Scrimgeour, Member