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FOR THE **REGULAR MEETING** OF CITY COUNCIL  
TO BE HELD ON **TUESDAY, December 15, 2015 AT 6:00 P.M.**  
IN THE **COUNCIL CHAMBER, TOM DAVIES SQUARE**

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**ADDENDUM (RESOLUTION PREPARED)**

*(Two-thirds Majority Required to Deal with the Addendum)*

**DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

**CORRESPONDENCE FOR INFORMATION ONLY**

ADD-1 Report dated December 7, 2015 from the Executive Director, Administrative Services regarding Application for an Election Compliance Audit for the 2014 Municipal and School Board Election.  
**(FOR INFORMATION ONLY)**

(Next Agenda Item: **CIVIC PETITIONS**)

**Request for Decision  
CITY COUNCIL**



Type of Decision					
Meeting Date	December 15, 2015			Report Date	December 7, 2015
Decision Requested	X	Yes	<input type="checkbox"/>	No	
	Direction Only		<input type="checkbox"/>		

**Report Title**

Application for an Election Compliance Audit for the 2014 Municipal and School Board Election

**Budget Impact**


X This report has been reviewed by the Finance Division and the funding source has been identified.

Financial Implications:  
Should an Election Compliance Audit be granted, it will be funded from the Election Reserve Fund.

**Recommendation**

That the City of Greater Sudbury receives the Report from the Executive Director, Administrative Services/City Clerk dated December 7, 2015 regarding an Application for an Election Compliance Audit for the 2014 Municipal and School Board Election.

**Recommended by the Department**

  
Caroline Hallsworth  
Executive Director Administrative Services / City Clerk

**Recommended by the C.A.O.**

  
Kevin Fowke  
Interim Chief Administrative Officer

*Handwritten mark*

The Clerk's Services department is in receipt of an Application for an Election Compliance Audit for the 2014 Municipal and School Board Election. The Application is complete and accompanied by the \$28.00 filing fee.

The Application relates to the Election campaign finances of Brian Bigger, Candidate for the Office of Mayor and cites that the applicant believes that the following sections of the Municipal Election Act 1996, relating to Election Campaign Finances, may have been contravened: 66(2)2iii; 67 (2) 5; 69 (1) (b); 60 (1) (e); 69 (1) (f); 78 (3.) The full application is appended to this report.

The process and timelines for managing the Election Compliance Audit process are set out in Section 81 of the Municipal Election Act. Within ten days of receipt of the application, the Clerk must forward the application to the members of the Election Compliance Audit Committee and to Council. Within thirty days of receiving the Application, the Election Compliance Audit Committee must meet to consider the application and decide if it is to be granted or rejected. Should the Committee grant the application, the next step would be to appoint an Auditor to conduct a compliance audit of the candidate's election campaign finances.

Notice is provided to Council and to the Members of the Election Compliance Audit Committee by way of this Council report distributed on December 7, 2015 and will appear as an Addendum Item - For Information Only, on the Council agenda of December 15, 2015. The Election Compliance Audit Committee will meet on Monday, January 4, 2016 at 10:00 a.m. The agenda for that meeting will be publically released prior to the Christmas break.

Should the Committee require additional time, the meeting can continue on Tuesday, January 5, 2016.

Additional information about the Election Compliance Audit Committee can be found in the Council reports on this topic dated May 27, 2014 and September 9, 2014, both of which are available in Agendas Online at: <http://agendasonline.greatersudbury.ca/>.

The Municipal Elections Act is available at: <http://www.ontario.ca/laws/statute/96m32>



municipal elections • élections municipales

## 2014 Municipal and School Board Election Application for an Election Compliance Audit

All applications are subject to a \$28.00 filing fee payable by cash, debit, credit card, certified cheque or money order made payable to the "City of Greater Sudbury"

Pursuant to Section 81(3) of the *Municipal Elections Act, 1996*, all applications 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.

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### Applicant Information

First Name

BERNARD

Last Name

GARNER

Residential Address

3174 LAMMIS RD  
SUDBURY, ON

Postal Code

P3G 1M6

Telephone Number

705 523 4689

Email Address

bernardgarner45@yahoo.ca

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## Reason for Application

I am applying for an Election Compliance Audit of the election campaign finances of:

Candidate's Name

Office

Brian Bigger

Mayor

Ward Councillor

Please state (if known) which section(s) of the *Municipal Elections Act, 1996* relating to Election Campaign Finances you believe have been contravened?

Section 66 (2) 2 iii

Section 67 (2) 5

Section 69 (1) (b)

Section 69 (1) (e)

Section 69 (1) (F)

Section 78 (3)

The *Municipal Elections Act, 1996* requires that you set out the reasons you believe that the candidate has contravened the provisions of the *Municipal Elections Act, 1996* related to campaign finances in writing. Please limit your representation to a maximum of ten (10) pages.

See attached

## Submissions/Exhibit List

Please attach and list below any exhibits (photographs, documents, records) that you refer to in your written submission(s) or to which you will refer in your oral submission(s) to the Election Compliance Audit Committee.

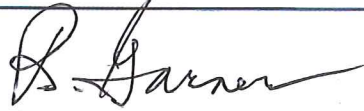
See Attached

**Applicant Declaration**

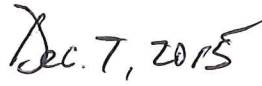
By signing below I BERNARD GARNER

- Confirm that the information provided in this application is complete and accurate to the best of my knowledge.
- Have reasonable grounds to believe that a contravention of the Municipal Elections Act, 1996 campaign financing rules has taken place pursuant to Section 81(1).
- Understand Council's authority to recover the Auditor's costs from me, the applicant pursuant to Section 81(15) of the Municipal Elections Act, 1996 if the Auditor's report finds no apparent contravention of Municipal Elections Act, 1996 campaign financing rules and the Committee finds no reasonable grounds for the application.
- Confirm that I am an eligible voter in the City of Greater Sudbury and was entitled to under the Municipal Elections Act, 1996 to vote for Mayor, Ward Councillor or Rainbow District School Board Trustee in the October 27, 2014 Municipal and School Board Election.
- Understand that personal information on this form is collected under the authority of the Municipal Elections Act, 1996. The information will be used by the Clerk for the purposes of receiving and processing an application for an election compliance audit and will be available for public inspection by any person at the Clerk's office when the office is open until the next Municipal Election.

Applicant's Signature



Date Signed



## Reasons for the Audit Request

1. Is it appropriate under the Ontario Elections act sect 78 (3) to include revenue and expenses in your supplemental financial filings that were incurred during the actual campaign period and before an extension was requested, and which were not included in the Primary financials, submitted on March 26 2015? Is it appropriate to substantially change the primary filing before including it in the supplementary filing?
2. Why wasn't the Ambassador Fund raiser held on October 2<sup>nd</sup> 2014 reported on the primary financial filing submitted on March 26 2015 as required under the Ontario Elections act?
3. In the supplemental financial statement the moneys collected are described as having been collected by "pass the hat". The advertising for the event on the radio and on Facebook said "Special door price for students with their cards at \$5.00 – all others - \$20.00". People who attended event have said they were charged \$20.00 per person at the door as was advertised and were not aware of a hat being passed around.
4. Under the Ontario elections act a receipt must be issued to every person who contributes more than \$10.00. Why were no receipts issued when the \$20.00 per person was collected?
5. The supplemental financial filling states that as per the Ontario Elections act the money was to be paid back to the Clerk's office. There is nothing in the Supplemental filing that shows the \$1248.80 as having been paid to the Clerks' office.
6. If the \$1248.80 has not been paid to the Clerk's office why not and if it has been paid was it paid from Mr. Bigger's campaign account or his personal account?
7. Is there a deposit slip for the \$1248.80 into Mr. Biggers campaign account on or about Oct 2 2014?
8. Mr. Bigger used the Ambassador hotel for a number of other events (press releases and announcements) where is the expense accounted for or the donation in kind if they donated their facility.

9. There appears to be some irregularities in how other donations were accounted for as well. For example a donation from Levert Personnel is shown under individuals instead of a corporation as required. The rules state that you must report the name of the president or Business Manager of a Corporation that contributed \$100 on the forms and the name of the person who authorized the contribution or signed the cheque.
10. For the fund raiser that was organized and held on November 27 2014 you are required to disclose the ticket price, the number of tickets sold, and complete breakdown of all ticket sales. None of this information is reported.
11. If attendees of the November 27 2014 fund raiser had previously contributed the maximum limit of \$750 to the Bigger campaign and then purchased a ticket to the fund raiser they would be in a position of having over contributed to the Bigger campaign, which is illegal.
12. According to the elections act on Schedule 2 Fund Raising events and Activities a record of the ticket prices and the number of tickets sold is to be recorded. This information is missing from the Schedule 2 filing.
13. The event held at the Ambassador Hotel did show the In Kind donation from the Ambassador under Contributions over \$100, but schedule 2 for this event doesn't show the same amount of \$372.19 as an expense offsetting this in kind contribution. This appears to result in a surplus which doesn't exist? Mr. Bigger then refunds his contributions resulting from the surplus. He may have over refunded his contributions. The real question is how could the auditor not have identified these contributions last October or the related expenses if they were paid and deposited into the campaign account as required by the act?
14. The schedule that reports the other fundraiser (Caruso Club) held in November was also changed in the June 15 f/s and more expenses related to ticket printing were included now? How was that forgotten last December?



15. In the June f/s the advertising expenses have gone down by \$1,344.70 from \$13,506.38 reported in the December f/s to \$12,161.68 in the June f/s? It appears someone got confused when they started covering up the October 2nd Ambassador Fund raiser and instead of just showing the radio ads for the Ambassador Fund raiser at \$1,344.70 they messed up and deducted the \$1,344.70 from the advertising total. Again how could his auditor have missed this?

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September 30, 2014 ·

**Brian Bigger's Shevies Reunion: Come see me perform Magic!**  
Brian Bigger is hosting a Shevies Reunion this THURSDAY NIGHT at the Ambassador/Ten Lounge - EVERYONE's invited!! Come out for some snacks and refreshments, and meet him, as well as other candidates, and myself - I'll be performing Magic! Tickets available at the door.

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**Stefano Presenza**

September 30, 2014 ·

Brian Bigger's Shevies Reunion: Come see me perform Magic!

Brian Bigger is hosting a Shevies Reunion this THURSDAY NIGHT at the Ambassador/Ten Lounge - EVERYONE's invited!! Come out for some snacks and refreshments, and meet him, as well as other candidates, and myself - I'll be performing Magic! Tickets available at the door.

The fun starts at 9 pm!

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7 people like this.

1 share

9 comments

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**Hanneli Maki** It just seems odd to call it a reunion when really it sounds more like just a "Shevies night!"

September 30, 2014 at 7:27am · Like



**Hanneli Maki** I know about the good old days. I used to hangout at both places :))

September 30, 2014 at 7:43am · Like · 1



**Stefano Presenza** Click here to verify if you are on the voters list:

<http://greatersudbury.ca/.../for.../am-i-on-the-voters-list/>



**Am I on the Voters' List? - Greater...**

GREATERSUDBURY.CA

September 30, 2014 at 7:55am · Like



**Stefano Presenza Diane Suski**

September 30, 2014 at 8:33am · Like



**Diane Suski** Looking forward to the big event on Thursday at the Ambassador Hotel, hope everyone drops by

Write a comment...

# It's a ROCK AND ROLL Night at SHEVIES!

## STUDENTS

Your Special Invitation

# The Campaign to Elect BRIAN BIGGER For Mayor IS HAVING a SHEVIES REUNION

Thursday October 2, 2014 - Fun Starts at 9:00 PM

And

**You and your Friends are invited!**

Come and meet Brian Bigger our Candidate for Mayor and the Ward Candidates.

**Did you KNOW?** The Municipal Elections are happening on October 27, 2014, and for the first time ever you will be able to vote on line!

**Did you KNOW?** Even if you are not from Sudbury and you are a full time student at school here -> you can vote!

**How awesome is that? Make sure your name is on the voters list!**

Check out <https://t.co/UikZkh75wz> to make sure you are on the voters' list! #sudelec

Featuring:

- ❖ Rock and Roll - the 50's, 60's 70's
- ❖ Stefano Presenza - Ward 8 Candidate brings his very special Magic Act to Shevies - performing live and on stage <http://www.SPmagic.ca>
- ❖ Snacks and Refreshments
- ❖ Special door price for students with their cards at \$5.00 - all others - \$20.00

See you at the **AMBASSADOR HOTEL 225 Falconbridge Rd, Greater Sudbury, ON P3A 5K4**  
(Corner of Falconbridge and The Kingsway)

Public Posts



**TEN Lounge & Nightclub**

October 2, 2014 · Edited ·

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