



ADR
C H A M B E R S

Integrity Commissioner Office
for the Town of Wasaga Beach

BENJAMIN M. DRORY
Integrity Commissioner
bdrory@adr.ca

August 28, 2024

SENT BY EMAIL TO:

Nicole Rubli
Director of Legislative Services/Clerk
Town of Wasaga Beach
nicole.rubli@wasagabeach.com

For Distribution to Members of Council

**Re: Council Code of Conduct Complaint Investigation
IC-32606-0624 (Bray v. White)**

Dear Members of Council,

I concluded an investigation earlier this month respecting a complaint initiated by a member of the public, Ms. Sylvia Bray, against Councillor Richard White (“Councillor White”). In the Report for that matter, dated August 13, 2024 (the “Report”), I identified that Councillor White did not contravene the Town’s *Council Code of Conduct* (the “Code”), and specifically directed the parties as follows:

Decision and Publication

I have determined that Councillor White didn’t breach the Code of Conduct through his attendance in a delegation with other Town officials at the Stephen Lecce event of March 7, 2024. Section 6(3) of the Complaint Protocol to the Code of Conduct describes whether this report should become public information in such circumstances:

6. (3) *Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.*

The default presumption in the Code of Conduct is that a dismissed Report shall only be provided publicly to Council in exceptional circumstances. I do not believe sufficiently exceptional circumstances exist in this case to warrant straying from that default. Accordingly, this Report will not be provided to Council, and both parties are asked to maintain confidentiality respecting this investigation accordingly, in accordance with section 223.5(1) of the Municipal Act, 2001.

I thank the parties for their cooperation in this complaint process, and now consider this matter concluded.

Ms. Bray and Councillor White were provided copies of the Report individually, and the Report was not directed to Council, in accordance with section 6(3) of the Complaint Protocol.

On August 27, 2024, Councillor White reached out to me, advising that the Report's findings had been partially published in the Trillium,¹ and asking if I had released the Report. I searched online and found the article Councillor White referenced;² I confirmed that I hadn't released the Report, and Councillor White confirmed in return that he had also not done so.

It seems clear in these circumstances, and based on the nature of the case itself, that Ms. Bray did not keep the Report confidential – as she was the only other person to receive it. Accordingly, I am releasing the Report for your information, as the breach of confidentiality in this case has established exceptional circumstances warranting my release of the Report under section 6(3) of the Complaint Protocol.

Council is further advised that Ms. Bray attempted to open complaints against Councillors Tanya Snell and Joe Belanger (our files IC-32601-0624 and IC-32604-0624, respectively) at the origination of this process – both in April and June 2024. However, as Ms. Bray's allegations only consisted of a single, then-disputed email from Councillor

¹ <https://www.thetrillium.ca/>

² "Developer got town officials to lobby minister for a new school at a \$1,000-a-plate fundraiser: confidential report" (August 27, 2024) <https://www.thetrillium.ca/news/education-and-training/developer-got-town-officials-to-lobby-minister-for-new-school-at-1000-a-plate-fundraiser-confidential-report-9436036>

White – and with no context as to who or what he was responding to – I did not allow formal investigations to be commenced against Councillors Snell or Belanger unless Ms. Bray could provide me evidence pertaining to either of those councillors individually – without which there was simply no fair basis they could respond to. Ms. Bray never provided such, and therefore I only allowed her complaint against Councillor White to proceed to an investigation.

I can state bluntly that I believe Ms. Bray’s recent actions show brazen contempt and disrespect for both my Office and the Town’s administration. However, I have no jurisdiction over non-Members of Council, and as such have no authority to take any kind of remedial action against her.

Please be aware that I will be on vacation from August 31 to September 16, 2024, and will not be able to comment during that period. However, I will have limited ability to comment, if desired, after that time.

Best regards,

A handwritten signature in black ink, appearing to read 'BD', with a long, sweeping horizontal stroke extending to the right.

Benjamin M. Drory
Integrity Commissioner
Town of Wasaga Beach



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Wasaga Beach

BENJAMIN M. DRORY
Integrity Commissioner
bdrory@adr.ca

August 13, 2024

SENT BY EMAIL TO:

Ms. Sylvia Bray
at her personal address

And to:

Councillor Richard White

Re: Investigation Report – IC-32606-0624

This is my report respecting an application (the “Complaint”) brought by Ms. Sylvia Bray (“Ms. Bray”) against Councillor Richard White (“Councillor White”) pursuant to the Town of Wasaga Beach’s *Code of Conduct for Members of Council* (the “Code of Conduct”, or “Code”), through a June 25, 2024 Request for Investigation that my Office received on June 26, 2024. Ms. Bray originally attempted to initiate this matter on April 30, 2024, but without using the prescribed form for initiating a formal complaint, or specifying the sections of the Code of Conduct or *Municipal Conflict of Interest Act* she believed had been contravened. Our Office provided Ms. Bray with instructions on how she could re-submit her concerns, if she wished.

Upon receiving the June 25, 2024 Complaint, I reviewed it pursuant to sections 2(1) and 3(2) of the Code’s Complaint Protocol, as a matter of initial jurisdiction. I was unwilling to investigate everything that Ms. Bray wished, and advised her what I would and wouldn’t investigate. However, I determined that there were sufficient grounds to investigate the portion of Ms. Bray’s concerns that are addressed herein.

Pursuant to section 5(1)(a) of the Complaint Protocol, I invited Councillor White to provide a written response to the Complaint. Section 5(3) of the Complaint Protocol entitles me to speak to anyone relevant to a Complaint, and I ultimately

did so with Councillor White and the Town's CAO.

The Parties' Positions

Complaint

Ms. Bray asserted the following:

I believe Wasaga Beach Council members; including Richard White attended a \$1000/person fundraising event for MPP Stephen Lecce on March 7, 2024 in Aurora, ON. I know photos have been circulated by MPP Brian Saunderson's office showing them in attendance as well Councillor White has confirmed he was there along with two of the towns CAOs. At the time of my initial complaint (refused by you because I couldn't get the online form to work) I had heard a developer, with an active development file in Wasaga Beach may have purchased their tickets.

***I believe this is improper use of gifts and benefits** (as Richard White has confirmed "it didn't cost the tax payers anything") but the event itself clearly identified the value of access to Minister Lecce at \$1,000/person. I also believe that his attendance at this political fundraiser was most likely used to **improperly influence a political decision**, the then pending decision to build a high school in Wasaga Beach, a decision since made by MPP/then Minister of Education Stephen Lecce was made in the towns favour. These actions appear to be **an obvious failure to follow Council policies**.*

Tickets to the event cost \$1,000.00. If they were "gifted" to elected official and town staff then this "gift" is in excess of the dollar value of the policy allows them to receive, including that for 'entertainment'. As of April 30th, the date of my initial complaint, I found no record of the 'gift' being received and disclosed on the [Town's] website by any member of Council but Richard White clearly indicated on social media that it didn't cost the tax payers anything leading residents to assume the expense did not get billed to Council members or staff expense accounts.

Ms. Bray attached what appeared to be a screen shot from the Ontario Progressive Party website – the 'Donate' tab advertised the relevant event as follows:

Mix & Mingle with MPP Stephen Lecce

Please join us for a special event in support of the King-Vaughan PC Association

Date: March 7, 2024

Time: 6:30 pm

Location: Aurora, ON

Cost: \$1000

Authorized by the CFO for the King-Vaughan PC Association

Ms. Bray also attached the following message by Councillor White – but undated, and with no information about the surrounding circumstances or its addressee:

Re: Stephen Lecce dinner

As you know, we have been advocating for a high school for years. We have met with the ministry a couple of times and were given an opportunity to briefly meet with the Minister prior to him giving a speech at a fundraising event.

Since we were not participating in the event itself, there were no costs for anyone. So there cannot be anything on the cheque register.

We have a tremendous opportunity right now with two amazing proposals for a high school in Wasaga. While I am confident that both will be built, we need to advocate nonetheless.

Richard White
Councillor-Elect
Town of Wasaga Beach

Response process

Councillor White asserted on July 2, 2024 that he required a variety of evidence from Ms. Bray in order to properly respond. I forwarded his statement to Ms. Bray for comment, but advised Councillor White that I had already determined the case was suitable for investigation, and that it would ultimately be his choice to respond as he saw fit either way.

Councillor White then formally responded to the Complaint on July 4, 2024:

... I am displeased that this complaint has made it this far. It is very clear that this complaint exists solely based on a misrepresentation of the evidence submitted.

The evidence submitted is a crude screen shot of a partial email with an attempt to redact some of the information. The evidence is intentionally bereft of the salutation and meta-data required to validate its accuracy.

I am left to assume that the complaint is centered on Rule 2 of the Code of Conduct; Gifts, Benefits and Hospitality, I have the following response.

Ms. Bray repeatedly and intentionally misrepresented the text of the aforementioned email. The quote clearly says "Since we were not participating in the event itself, there were no costs for anyone." Very much unlike the complaint quoting "it didn't cost the taxpayers anything", I am sure that Ms. Bray is aware that the distinction is that "no cost to the taxpayer's implies that there was a cost, just not to the identified group. Whereas the actual quote removes this implication by saying that there was no cost to "anyone", and furthermore states that we were not participating in the event itself. Since there was no actual cost to anyone, there was absolutely no gift received. If there was an actual photo of the event itself, it would depict a measure of hospitality as defined in Rule 2. I did receive a single beverage from the facility as hospitality, and since its value is much less than the \$100.00 amount required for disclosure, no disclosure was required and therefore I have not broken any rules.

Ms. Bray provided further information pursuant to Councillor White's July 2, 2024 request on July 8, 2024:

Thank you for sharing Councillor Whites' feedback, I will respond with greater clarity where I believe it might help the IC investigation. However, I disagree with Councillor Whites' assertion that I need to provide 'evidence'. I believe he needs to confirm if he was there or not? And if he was there he needs to confirm who paid for his access to an event where the published price of a ticket was \$1,000 per person? And he also needs to confirm who from Wasaga Beach was with him?

... Does Councillor White not remember having his photo taken or who took it? The photo I referenced showing Wasaga Beach council members and staff in attendance at Stephen Lecce's event was shown to a friend. He/She saw the photo through MPP Brian Saunderson's office whom apparently received the photo from MPP Stephen Lecce's office. I am sure either provincially elected officials office staff

will be willing to provide the photo through a request from the Integrity Commissioner.

... The developer I reference is FarSight Homes, principals Bob and Rick Schickedanz. I was told it was a representative of their company who attended the event in question. Perhaps the IC could obtain the guest list for Stephen Lecce's fundraising event to confirm whom, the number of tickets purchased and who else attended with them. <<This event happened weeks before the Ministry of Education approved a funding request for a high school to be built on property owned by this Developer in Wasaga Beach>>

... The copy of an email I attached in my original complaint was signed Councillor Richard White. I can only assume he sent it using his council email. I recommend the IC request he forward a complete copy of the e-mail and all emails he wrote regarding the Stephen Lecce fundraising event for review by the IC to further substantiate this complaint. As the emails should be stored on town servers perhaps this request should be handled through the FOI procedure/Clerks office? It would be beneficial for the IC to also request copies of all emails from town administration staff issuing invitations to staff and council to attend this event or discussing their attendance at this event.

My complaint listed three sections (listed on the towns website) of the procedural bylaw which elected members are expected to adhere to. For greater clarity I provide the following sections I believe Councillor White has breached with his attendance at a fundraising event where the value to attend was clearly listed as \$1000 per person. It is not reasonable to believe he was simply granted access to the minister in the hall outside the event without proper admission.

Rule # 2 Gifts, Benefits and Hospitality: Eiii, 4, 5 and 6

Rule #7 Improper Use of Influence

Rule # 11 Respect for Town Bylaws and Policies

*Rule # 15 (sic) Reprisals & Obstructing - Councillor Whites offensive response wants to put the onus on a resident to 'prove' he did wrong when the IC process is in place to help residents ensure their elected officials did **not** do wrong.*

Investigation and Analysis

Rule No. 2 of the Town's Code of Conduct¹ is the most relevant provision to this matter. It is a lengthy provision, and states:

Rule No. 2

Gifts, Benefits and Hospitality

In this Rule:

- a. *"Gift" means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a Member's duties of office, but excludes:*
 - i. *Compensation authorized by law;*
 - ii. *Political contributions otherwise reported by law, in the case of Members running for office;*
 - iii. *Services provided by persons volunteering their time;*
 - iv. *Contributions of value that are specifically addressed in other provisions of this Code;*
 - v. *Gifts provided to the Town of Wasaga Beach and which are logged, archived and/or publicly displayed as such.*

...

d. *"Official Hospitality" means food, lodging, transportation and entertainment provided by Provincial, Regional and local governments or political subdivisions of them, by the Federal government or by a foreign government with a foreign country or at a conference, seminar or event where the Member is either speaking or attending in an official capacity at an official event (such as at meetings of AMO, FCM, or conducted by providers of continuing education).*

- e. *"Business Hospitality" means food and beverages consumed at banquets, receptions or similar events, if:*
 - i. *attendance serves a legitimate business purpose;*
 - ii. *the person extending the invitation or a representative of the organization is in attendance; and*
 - iii. *the value is reasonable and the invitations infrequent.*

¹ <https://www.wasagabeach.com/en/town-and-government/resources/By-laws-and-Policies/Code-of-Conduct-By-law-Consolidated-February-2019.pdf>

...

1. *No Member shall accept any Gift unless expressly permitted by this Rule.*
2. *No Member shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. ...*
3. *Gifts identified in Column B of Table '1' may be accepted by a member provided the Gift is disclosed in accordance with the conditions set out in Column 'C'.*
4. *Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Councillor Information Statement in a form prescribed by the Integrity Commissioner and providing same to the Town Clerk for posting on the Town's web site.*
5. *Gifts identified in Column B shall not be accepted, without the Integrity Commissioner's specific approval, when the conditions set out in Column 'D' are applicable.*
6. *In providing advice to a Member about their obligations respecting Gifts, or in considering any inquiry with respect to ... an assertion that this Rule has been breached ... the Integrity Commissioner shall determine whether the receipt of the Gift might, in the opinion of the Integrity Commissioner, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he/she shall call upon the Member to justify receipt of the gift or benefit.*
7. *Should the Integrity Commissioner determine the receipt of the Gift was inappropriate, the Integrity Commissioner may direct the Member to return the gift reimburse the donor for the value of any gift or benefit already consumed, or the Integrity Commissioner may order the Member to forfeit the gift or remit the value of any gift or benefit already consumed to the Town ... Any such direction ordered by the Integrity Commissioner shall be a matter of public record.*

Table '1' within the Rule includes the following:

Gift Treatment and Disclosure

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u>	<u>Gift No Longer Allowable</u>
Course of Business	Business Meals	\$100	\$500
Course of Business	Business Hospitality	\$100	\$750 More than two Event Tickets (Golf, Gala, Sporting Entertainment) per event More than one event per year from the same person or organization (allowable with IC approval)
Course of Business	Official Hospitality	\$500	No limit

The Rule also includes an extensive commentary:

Commentary

Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role. Business-related entertainment and gift giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.

The practical problems that nominal gifts and benefits create require a Code of Conduct that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the Town be such that no Member of Council is perceived as showing favoritism or bias towards the giver. There will never be a perfect solution.

...

Use of real estate or significant assets or facilities (i.e., a vehicle, office, vacation property or club membership) at a reduced rate or at no cost is not an acceptable gift or benefit. The purpose of the Code is not to prohibit Members from accepting all invitations to socialize at a vacation property with personal friends at their vacation property, provided the Gift is disclosed in accordance with this Rule.

Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an issue before Town Council or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such engagements. ...

An invitation to attend a function with a developer or supplier could be seen as allowing the giver an opportunity to influence the elected official. ... Members should not consistently accept invitations from the same individual and should avoid any appearance of favoritism.

...

An invitation to attend a charity golf tournament or fund-raising gala, provided the Member of Council is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. ... Where a Member is uncertain in regards to whether an invitation is or is not appropriate, it may be prudent to consult with the Integrity Commissioner before attending any such event.

Regular invitations to lunch or dinner with persons who are considered friends of Members of Council is acceptable in situations where the Member pays their portion of the meal expense and treats it as a personal expense, meaning an expense claim to the municipality is not made. ...

The other three Rules Ms. Bray referenced on July 8, 2024 are as follows:

Rule No. 7

Improper Use of Influence:

1. *No member shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.*

...

Commentary

Examples of prohibited conduct are the use of one's status as a Member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's Family Member, or friends. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of a future advantage through a Member's supposed influence within Council in return for present actions or inaction. ...

Rule No. 11

Respect for Town By-laws and Policies:

1. *Members shall encourage public respect for the Town and its by-laws.*
2. *Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.*

Commentary

A Councillor must not encourage disobedience of a Town by-law in responding to a member of the public, as this undermines confidence in the Town and in the Rule of Law.

Members of Council are required to observe the policies and procedures established by Town Council at all times, and are directed to pay special attention to, and comply strictly with, the Council Procedure By-law. In exceptional circumstances, a Member may request Council grant an exemption from any policy.

Rule No. 16

Reprisals and Obstruction:

1. *It is a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.*
2. *No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the Code of Conduct, or against a person who provides information to the Integrity Commissioner in any*

investigation.

3. *It is a violation of the Code of Conduct to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the Code of Conduct.*

Councillor White submitted a further written statement on July 9, 2024:

... It is clear by the response from Ms. Bray that this complaint is based on specious evidence. Although Ms. Bray claims that the email in question was signed "Councillor White", it very clearly says Councillor-Elect!!!! Ms. Bray knows that the term "Councillor-Elect" is not an email signature for a sitting elected official, and therefore not on the town's servers. Yet she suggests an FOI to waste more tax payer money and distract town staff from matters of actual importance. For all I know the email and alleged photo are all fictitious elements in this sham of a complaint.

It is clear to me that this is an ersatz complaint that is purely politically motivated.

There was no gift, there was no influence, and there was no wrong doing. I am certain Ms. Bray knows this as she was an elected official that likely met with Ministers and other government officials in course of her service. We could FOI her emails for proof, but we all know that would be a fool's errand.

Interview

I spoke with Councillor White. He identified that Ms. Bray was formerly the Town's Deputy Mayor for eight years; he felt her complaint was politically-motivated, and that she probably intended to complain about all councillors at some point.

Councillor White confirmed that he was present at the Stephen Lecce event on March 7, 2024. He said it took place in the municipality of Aurora; he wasn't entirely sure what the event was or who set it up, but Stephen Lecce was there and he was sure those who attended contributed somehow. But he said he attended in an official capacity, specifically to speak to Minister Lecce to remind him of the previous conversations the Town had with him about getting funding approval for a high school. Councillor White confirmed that more than one Town representative was present – the Deputy Mayor and one other councillor were also there, along with the Town's CAO and Deputy CAO. He said the Town and the local school board provided a business case to the Ministry of Education, and they

understood their submission was near the top of the Province's priorities list, perhaps second. He said the Town previously presented to Minister Lecce's Parliamentary Assistant (MPP Patrice Barnes) at ROMA (Rural Ontario Municipalities Association), and then delegated to Minister Lecce directly at the AMO (Association of Municipalities of Ontario) Conference in London.

Councillor White said he understood the purpose of the event was raising funds by having people listen to a speech from Minister Lecce, but that wasn't the purpose of the Town's delegation there – they weren't participating in the fundraiser itself, they were merely taking an opportunity to meet the Minister a week before he was to make his decision, and reiterate how important it was to the Town. He said none of them were there for the event itself, nor were any of them residents of King-Vaughan – their only reason to be there was to talk with the Minister about the Town. He said their attendance was set up by the Town's CAO, Andrew McNeill. He said councillors attend functions like these on official bases all the time – you can't just walk into Queen's Park or Parliament Hill, that's why AMO and ROMA are put together, so municipalities can have delegations speak with the provincial government. He added that Ms. Bray knew this – she had done so hundreds of times herself, and posted pictures of her meetings with Ministers.

Councillor White asserted that he never said "it didn't cost taxpayers anything" – Ms. Bray's screenshot was undated, and didn't say who the message was from or directed to. But he noted it clearly said there was no cost to anyone, so it couldn't constitute a gift, and it was signed "Councillor Elect" – an email handle he would have only used between when he was elected and took office in 2022 – so it would have been his campaign email account, which he doesn't regularly monitor anymore because all regular mail now goes to his Town email address. He suspected Ms. Bray's evidence was fake, and that she had tampered with it in an attempt to misrepresent facts to trick me.

Councillor White said the Province ultimately funded the high school – he believed it was always high on the Province's priorities, but the Town still had to lobby to try to ensure it. He said he had no connection to FarSight Homes, and obtained no personal benefit from attending Minister Lecce's event – any benefit obtained was solely in his capacity as Town councillor.

Councillor White added that he didn't believe my Office's purpose was to investigate baseless claims, and felt Ms. Bray's Complaint was simply a series of questions that was a gross waste of taxpayer money, when she could have easily identified it was simply a delegation to the Ministry of Education. He felt Ms.

Bray's sole motivation was to say the Integrity Commissioner was investigating his conduct, to use against him later when he was subject to confidentiality rules.

I reached out to the Town's CAO, Andrew McNeill, for information about who attended the Minister Lecce event for the Town; what they intended to achieve there; and the terms upon which the Town's representatives attended, including the cost to the Town or individual Members of Council for doing so.

Mr. McNeill replied that the Town sent five attendees – himself, Deputy CAO Gerry Marshall, Deputy Mayor Tanya Snell, and Councillors White and Joe Belanger. He said the Town, in collaboration with their partners Simcoe County, the Simcoe County Catholic District School Board, and FarSight Homes, delegated to Minister Lecce at ROMA in January 2024. He described that ROMA delegations are very quick, approximately 10-15 minutes long, so the Town typically sends follow-up thank-you letters, and seeks opportunities for additional meetings with Ministers to discuss the Town's pressing issues. He provided me a copy of a February 22, 2024 letter the Town sent Minister Lecce (below). Mr. McNeill additionally said he received correspondence from Mr. Bob Shickendanz of FarSight Homes on March 3, 2024 (below), indicating that he was hosting an event Minister Lecce would be attending, and requesting the Town's attendance so they could have a few minutes with the Minister to further their joint efforts pursuing funding for a new school in the Town.

Mr. McNeill emphatically stated there was no cost to the Town, and said he understood the guest list was vetted by Minister Lecce's office. He added that he conferred with the Town Clerk to ensure they weren't violating any rules by attending the event. Mr. McNeill said he invited a few Members of Council who were well-versed in education issues facing the Town – Mayor Smith was out of the country, but Deputy Mayor Snell was a former School Board Trustee, Councillor White served on the High School Task Force, and Councillor Belanger was the longest-serving councillor familiar with the issues. He said they treated the opportunity as a further delegation, and had a pleasant but brief chat with Minister Lecce for about 10 minutes, and they didn't participate in any fundraising.

The above-noted February 22, 2024 letter was sent from Mayor Smith to Minister Lecce, cc'ing Mr. McNeill and Brian Saunderson (MPP, Simcoe-Grey), on official Town letterhead:

Dear Minister Lecce,

Re: Wasaga Beach High School

On behalf of our delegation, I want to thank you for the time you took to meet with us at the ROMA conference. It was important for our Council, senior Town officials and partners to speak with you directly about the proposal for a K-12 school that has been submitted to the Ministry of Education, and flagged as the #2 Capital Priority, by the Simcoe Muskoka Catholic District School Board (SMCDSB).

During our meeting at ROMA, we were pleased to demonstrate the high level of collaboration that has taken place between the Town and the SMCDSB, in developing this proposal.

This project included senior staff from the municipality and the SMCDSB, sitting around the same table from the beginning of the planning and design process. It involved lengthy and innovative conversations about how we could work together and leverage municipal infrastructure, including the Town's new twin-pad arena and library, to build something unique that would benefit our kids, save the Province (and hard-working families in Wasaga Beach) money, and best serve the needs of our community, now and in the future.

Right now, public servants in your ministry are considering this innovative proposal, which has the full support of our local MPP, Brian Saunderson. We want you to be aware because we believe that collaboration and partnership between school boards and municipalities matters. We believe it is in the best interest of our students and the future of our community.

The Town of Wasaga Beach is aware that the Simcoe County District School Board (SCDSB) has also submitted a proposal to build a high school in Wasaga Beach. They have flagged it as their #12 Capital Priority. Although we were not consulted, the Town welcomes this additional validation of the need for a high school in our community.

*Thank you again for your time at ROMA. Families and kids in Wasaga Beach are in dire need of a high school – and the Town is a willing, collaborative, and open-minded partner. **We want to help get it done.***

Respectfully yours,

Bob Shickedanz of FarSight Homes sent the above-noted email to Mr. McNeill on March 3, 2024:

From: Robert Shickedanz
To: Andrew McNeill
Subject: Event with Minister Lecce
Date: March 3, 2024, 1:46 pm

Good Afternoon Andrew. I hope your weekend is going well & apologize reaching out on a Sunday. I left you a VM on Friday and essentially I was reaching out regarding a small group fund raising event I will be hosting this Thursday March 7 with the Honourable Stephen Lecce, Minister of Education. I know and also apologize for the short notice, however, this is all coming together very quickly. Regardless considering how important our joint efforts are to secure funding for the new combined school in Wasaga Beach it would be beneficial if you and another key staff member and perhaps the Mayor and Deputy Mayor (can you canvass them on their availability?) could join us for the event. While this is a fund raising event there would be NO cost to any of you and I would greatly appreciate if we could get a good Wasaga Beach contingent in the room. As noted the event will take place this Thursday, March 7, commencing at 6:30 pm ... Just let me know what works and I will make sure everyone is registered. Many thanks for your consideration and have a great day. Best. Bob.

Analysis

I believe the evidence conclusively establishes what took place in this matter. Councillor White was part of an informal Town delegation that met with Stephen Lecce at his March 7, 2024 event in Aurora – a delegation that included the Town’s CAO, Deputy CAO, and two other Members of Council. Their attendance was clearly part of a lobbying effort, attempting to persuade Minister Lecce to make a decision they believed would be for the Town’s benefit. I accept that the delegation didn’t actually attend or participate in the fundraiser itself – they were only there to delegate on behalf their cause, and I accept that nobody in the delegation paid to attend. Their attendance was arranged by Bob Shickedanz of FarSight Homes – an organization Mr. McNeill referenced as a partner of the Town respecting the proposed high school.

No provision of the Code of Conduct was breached. No gift was received – Councillor White neither paid to be present, nor stayed to take to part in the fundraiser itself. I accept that he received no personal benefit, and attended fully in his capacity as a Town official. There was no undue use of influence. This was clearly an ordinary lobbying effort towards the provincial government, of a kind that members of municipal government frequently partake in throughout the province. Most notably – the purpose of the “undue use of influence” provisions

in the Code of Conduct predominantly addresses influence upon decisions made by the Town, or influence exerted by Members of Council on members of the public owing to their status as municipal councillors. But a decision by the provincial government, in which Town officials were attempting to lobby a provincial Minister to effect a decision in their favour, had the relevant balance of power and status in reverse. The allegation reflects a misunderstanding of the purpose of the Rule.

I wish to address the “appropriate use” of my Office, since both parties made faulty assertions on point. The written allegations in Ms. Bray’s complaint – despite the deep chasm in the supporting evidence provided – could have potentially supported a finding a contravention of the Code of Conduct if they ended up being true. Accordingly, it was appropriate to investigate what took place. I did not initially consider the complaint frivolous or vexatious, and do not believe it was inappropriate to try to establish the facts of what happened. Conversely, though, I foundationally disagree with Ms. Bray’s assertions that it was inappropriate for Councillor White to ask her to provide some form of evidentiary proof to substantiate her claims, or that Councillor White’s Response defending against her allegations somehow constituted a reprisal against her. This Office exists to investigate claims that meet a threshold of plausibility – but is not intended to be used for “fishing expeditions.” To be clear – I have the right to decline or terminate frivolous or vexatious complaints pursuant to section 3(2) of the Complaint Protocol:

(2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

On more than one occasion during this complaint process I considered using that provision, but ultimately felt it was in everybody’s best interests to simply establish the facts of the matter – which has now been done. As a result of my inquiry into the facts, the Complaint has now been determined to have been completely unfounded.

Decision and Publication

I have determined that Councillor White didn’t breach the Code of Conduct through his attendance in a delegation with other Town officials at the Stephen

Lecce event of March 7, 2024. Section 6(3) of the Complaint Protocol to the Code of Conduct describes whether this report should become public information in such circumstances:

6. (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.

The default presumption in the Code of Conduct is that a dismissed Report shall only be provided publicly to Council in exceptional circumstances. I do not believe sufficiently exceptional circumstances exist in this case to warrant straying from that default. Accordingly, this Report will not be provided to Council, and both parties are asked to maintain confidentiality respecting this investigation accordingly, in accordance with section 223.5(1) of the *Municipal Act, 2001*.

I thank the parties for their cooperation in this complaint process, and now consider this matter concluded.

Dated at Toronto, this 13th day of August, 2024.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'BD', with a long horizontal stroke extending to the right.

Benjamin M. Drory
Integrity Commissioner