

# Compliance Audit Committee Report

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**DATE:** Monday, September 16, 2019

**WARD(S):** ALL

**TITLE: APPOINTMENT OF EXTERNAL PROSECUTOR**

**FROM:**

Todd Coles, City Clerk and Returning Officer

**ACTION:** DECISION

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**Purpose**

To identify suitable external legal counsel for appointment by the Compliance Audit Committee for the purposes of commencing legal proceedings against two persons having made financial contributions to candidates at the 2018 Municipal Election in the City of Vaughan and whose contributions appear to have contravened provisions of the *Municipal Elections Act, 1996*.

**Report Highlights**

- Three options for external legal counsel have been identified by the City Clerk, in consultation with the City Solicitor, for appointment as external counsel
- Legal proceedings must be commenced against two contributors as determined by the Compliance Audit Committee at its meeting on June 6, 2019

**Recommendations**

1. That the Compliance Audit Committee appoint as external counsel to commence legal proceedings against contributors Peter Cipriano and Adam Starkman; and
2. That the Committee be authorized to direct and consult external counsel through email communications, assisted as necessary by the City Clerk or their designate.

## **Background**

At its meeting on Thursday, June 6, 2019 the City of Vaughan Compliance Audit Committee received and considered four reports from the City Clerk regarding contributors who appeared to contravene section 88.9 of the *Municipal Elections Act, 1996* (“the Act”), prepared in accordance with section 88.34 of the Act. The Compliance Audit Committee decided to commence legal proceedings against two of the four contributors, Adam Starkman and Peter Cipriano.

The Committee now has the responsibility to appoint external counsel to conduct the legal proceedings on their behalf in accordance with the procedures set out for York Region’s Joint Compliance Audit Committee.

## **Previous Reports/Authority**

[Clerk’s Report on Contributions to Candidates – Adam Starkman](#)

[Clerk’s Report on Contributions to Candidates – Peter Cipriano](#)

## **Analysis and Options**

In consultation with the Office of the City Solicitor and Legal Services, three options for external counsel have been identified for the Committee’s consideration. To assist in providing direction and consultation with the appointed external counsel, it is also recommended that the Committee authorize future discussions between the Committee and said counsel be permitted through email communication, with the assistance of the City Clerk or their designate.

## **Financial Impact**

The City of Vaughan is responsible for all costs associated with the operations and activities of the Compliance Audit Committee. These costs will be paid for using funds made available by the City’s Election Reserve.

## **Broader Regional Impacts/Considerations**

There are no regional impacts associated with this report.

## **Conclusion**

Staff have identified three options for the Committee’s consideration, once appointed the external counsel will commence legal proceedings against the contributors noted in this report for apparent contraventions of section 88.9 of the Act.

**For more information**, please contact: Evan Read, Manager, Elections and Special Projects, 8241

## **Attachments**

1. Compliance Audit Committee Decision – Peter Cipriano, Compliance Audit Committee, June 6, 2019
2. Compliance Audit Committee Decision – Adam Starkman, Compliance Audit Committee, June 6, 2019

## **Prepared by**

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