

February 7, 2025

**Private and Confidential**

**Delivered via E-mail to  
Todd.Coles@vaughan.ca**

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan ON L6A 1T1

Attention: Members of Council

Dear Members of Council:

**Re: Written Submission of Mario Racco (the “Respondent”) in respect of Formal Code of Conduct Complaint Investigation Report #102924.**

The following is the Respondent’s submission in respect of the above-noted report of the Integrity Commissioner (“IC”) dated January 31, 2025 (the “**Report**”). We ask that this submission be included on the agenda for the Committee of the Whole Meeting on February 11, 2025, and be considered by the Committee of the Whole in determining whether to accept the IC’s recommendations in the Report that a formal Reprimand be issued to the Respondent and that his remuneration be suspended for a period of 60 days (the “**Financial Penalty**”).

The Respondent relies on the submissions made in our: (1) letter to the IC dated November 14, 2024, in response to Notice of Complaint #102924 dated November 4, 2024; (2) our letter dated December 5, 2024, in response to the IC’s Draft Report dated November 29, 2024; and (3) our letter dated December 20, 2024, providing additional comments in response to the IC’s letter dated December 11, 2024. Copies of our prior correspondence are enclosed herewith. The Respondent maintains the position, as set out in our prior correspondence, that the sending of the October 26 email and attachments (the “**The October 26 Email**”) cannot constitute a breach of Rule 3 of the *Code of Ethical Conduct for Members of Council and Local Boards* (the “**Code**”) in the circumstances under which it was sent. The October 26 Email was directed only to Members of Council and city staff, all of whom are bound by confidentiality obligations. This is reinforced by the IC’s findings in Report file 09.29.09, where the IC acknowledged that confidentiality rules, including Rule 3 of the Code, extend to Council members and their staff. On page 4, the IC states:

*...[I]nsofar as Members of Council are regularly privy to confidential information acquired by virtue of their office, and insofar as their staff often have access to the same confidential information as the Members of Council, the rules regarding Confidential Information (Rule 3) and the Key Principles (Rule 1) necessarily include the transfer of responsibility and adherence to the rules...*

Additionally, or alternatively, the Respondent maintains that any alleged breach was unintentional and not made in bad faith to cause harm. The October 26 Email was sent in good faith for the sole purpose to ensure that Vaughan City Council had the necessary materials before it to make an

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informed decision on the IC's recommendations in respect of prior complaints against the Respondent, thereby safeguarding the Respondent's right to procedural fairness.

The Respondent submits that the Financial Penalty recommended by the IC in the Report is excessive and disproportionate. This is evident when compared to past recommendations by IC Suzanne Craig, where breaches of Rule 3 of the Code resulted in reprimands without any financial penalty.

In *Code of Conduct Complaint Investigation #052818(F)*, Councillor Tony Carella ("**Councillor Carella**") knowingly and in bad faith disclosed confidential information, yet the IC recommended only a reprimand with no financial penalty. By contrast, the Respondent did not disclose confidential information to the public and had no intent to cause harm.

In *Town of Gravenhurst Code of Conduct Complaint Investigation #100724*, Councillor Jo Murphy ("**Councillor Murphy**") publicly disclosed confidential information during a Council meeting, claiming the disclosure was inadvertent because she failed to realize the information was confidential. Despite the IC's finding that the agenda minutes were clearly marked as confidential and that Councillor Murphy knew or ought to have known not to disclose the information publicly, the IC imposed no financial penalty, instead recommending only a reprimand and educational measures. Unlike Councillor Murphy, the Respondent did not disclose confidential information to the public, but only to individuals bound by their own confidentiality obligations owed to the City. Moreover, Councillor Murphy was also found to have previously breached the Code, yet the IC did not consider the prior history sufficient to warrant any financial penalty.


In both referenced cases, the breaches posed a greater risk of harm than in the present case as the disclosure was made to the public. Nonetheless, the IC recommended only reprimands in those cases. This stark inconsistency is not justifiable and undermines the principles of fairness and impartiality that the IC is to uphold.

While in the Report the IC stresses the need to protect the integrity and reputation of the City of Vaughan, imposing such an excessive penalty without regard to the outcomes of prior cases, serves the opposite effect. It signals a troubling inconsistency in the application of discipline amongst Councillors and raises serious concerns about the integrity and impartiality of the decision-making process. Accordingly, the Respondent requests that City Council reject the IC's excessive Financial Penalty recommendation.

Yours truly,

MILLER THOMSON LLP

Per:



Rohit R. Kumar  
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Enclosures



















