



**DECISIONS AND REASONS OF THE MUSKOKA COMPLIANCE AUDIT
COMMITTEE**
Established under the *Municipal Elections Act, 1996*

IN THE MATTER OF the Town of Gravenhurst Clerk's Report dated May 2, 2023 regarding an apparent contravention of the maximum contribution limit to one candidate by Tara McNaughton (the "Clerk's Report");

AND IN THE MATTER OF a meeting of the Muskoka Compliance Audit Committee held on May 26, 2023 to deal with the Financial Statements of candidate Terry Pilger as filed with the Clerk on March 29, 2023.

PURPOSE

Under the *Municipal Elections Act, 1996*, a candidate is required to report all contributions on their financial statements. The Clerk's Financial Statement Review Report identified an apparent contravention under Section 88.9 of the MEA which states that a contributor shall not make contributions exceeding a total of \$1,200 to any one candidate.

Section 88.34(8) requires the Compliance Audit Committee to consider the Clerk's Financial Statement Report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

The Clerk's Report identified Tara McNaughton (the "Contributor") as a contributor that appeared to have exceed the \$1,200.00 contribution limit to any one candidate under subsection 88.9(1) of the *Municipal Elections Act, 1996*.

DECISION

On reviewing the Clerk's Report and the supplementary materials provided by the Clerk, and on hearing the presentation of the Town Clerk, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee not to commence a legal proceeding against the Contributor pursuant to subsection 88.34(8) of the *Municipal Elections Act, 1996*.



REASONS

The reasons for the Committee's decision are as follows:

1. The Clerk's Report identified that the Contributor made two separate contributions to Mr. Terry Pilger, a Candidate for the office of Mayor of the Town of Gravenhurst (the "Candidate"), as follows:
 - October 3, 2022 - \$1,000.00
 - October 11, 2022 - \$750.00
2. These contributions resulted in a total of \$1,750.00 contributed to the Candidate; this exceeded the maximum contribution limit by \$550.00.
3. The Clerk advised the Committee that the Candidate had since passed away, and that his Financial Statement was filed with the Clerk by his widow.
4. The Committee was advised that the Contributor was provided notice of the Clerk's Report and the Meeting, and further that the Clerk was in correspondence with and had spoken to the Contributor about this matter. The Clerk also advised that the Contributor was aware of the opportunity to participate in this process.
5. Despite this, the Contributor did not provide any written submissions or materials that would assist the Committee, nor did the Contributor avail themselves of the opportunity to attend the Meeting.
6. The Committee is deeply disappointed in the Contributor's choice not to participate in the Meeting and assist the Committee in fulfilling its mandate.
7. At the request of the Committee, the Clerk provided the Committee a copy of email correspondence with the Contributor in which the Contributor seems to indicate that the apparent overcontribution was a result of an error in the Financial Statement, and that one contribution should have been attributed to the Contributor, and one contribution should have been attributed to the Contributor's spouse. The Committee notes however that the Contributor could have provided proof of payment (e.g., a cheque, contribution receipt) to corroborate her statement, but did not.
8. Based on the record before, and the advisement of the Clerk, the Committee is satisfied that the apparent overcontribution identified in the Clerk's Report was likely a result of an inadvertent error.



9. Notwithstanding this, the Committee is of the opinion that the public interest would not be served by commencing a legal proceeding against the Contributor. The Committee notes that the apparent overcontribution might have resulted from an oversight, and that the Candidate had passed away and was not able to provide documentation.
10. On that basis, the Committee has decided not to commence a legal proceeding against the Contributor. The Contributor is well advised the exercise greater care in making contributions in a municipal election.

Dated: May 26, 2023

Muskoka Compliance Audit Committee

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