



NOTICE OF DECISION AND WRITTEN REASONS

THE CORPORATION OF THE TOWN OF CALEDON MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE Established pursuant to Section 88.37 of the *Municipal Elections Act, 1996*

IN THE MATTER OF the Town of Caledon Clerk's report, being Staff Report 2023-0374, dated July 10, 2023, "Apparent Over-Contribution Pursuant to Section 88.9 of the Municipal Elections Act, 1996 – Gaetano Franco" (the "Clerk's Report");

AND IN THE MATTER OF a Meeting of the Municipal Election Compliance Audit Committee (the "Committee"), held Monday, July 10, 2023.

PURPOSE

Pursuant to subsection 88.34(1) of the *Municipal Elections Act, 1996*, the Clerk is required to review the contributions reported on the financial statements submitted by candidates pursuant to section 88.25 of the *Municipal Elections Act, 1996* to determine whether any contributor appears to have exceeded any of the contribution limits established by section 88.9 of the *Municipal Elections Act, 1996*, and prepare a report identifying each contributor who appears to have contravened any contribution limits.

The Clerk's Report identified Gaetano Franco (the "Contributor") as a contributor that appeared to have exceeded the \$5,000 contribution limit to any two or more candidates under subsection 88.9(4) of the *Municipal Elections Act, 1996*.

The Committee held a meeting on Monday, July 10, 2023, at 5:00 p.m. to consider the Clerk's Report.

DECISION

On reviewing the Clerk's Report and the written submissions of the Contributor, and on hearing the presentation of the Deputy 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 decision are as follows:

1. The Clerk's Report identified that the Contributor made six separate contributions to candidates for Town Council, totalling \$6,400.00. This exceeds the maximum contribution limit to two or more candidates for office on the same council by \$1,400.00.
2. The Contributor was not in attendance at the Meeting, however the Contributor provided correspondence to the Committee to explain the apparent contravention.

The Contributor admitted to having exceeded the contribution limit and accepted responsibility for the overcontribution.

3. The Contributor advised that his overcontribution was a result of an error in his electronic book-keeping records at the time of making the contributions, and he did not realize this until receiving the Clerk's Report.
4. The Committee is of the opinion that commencing a legal proceeding against the Contributor would not be in the public interest. Although the Contributor exceeded the maximum contribution limit, the Committee accepts the Contributor's acknowledgment of his error and expression of sincere apology. The Committee also notes that the Contributor does not have a history of overcontributions in the Town, and accepts that the overcontribution was likely a result of an inadvertent error.
5. The Contributor is advised to exercise a great level of care in the future when making and keeping track of campaign contributions.
6. On that basis, the Committee has decided not to commence a legal proceeding against the Contributor.

Dated at the Town of Caledon on July 14, 2023.