

**REPORT TO CITY COUNCIL - CODE OF CONDUCT: MAYOR MATT  
BROWN AND DEPUTY MAYOR MAUREEN CASSIDY**

**Gregory F. Stewart  
Integrity Commissioner  
City of London**

## REPORT TO CITY COUNCIL

### CODE OF CONDUCT: MAYOR MATT BROWN AND DEPUTY MAYOR MAUREEN CASSIDY

This Report to Council is with respect to the recent issues concerning the Mayor and Deputy Mayor.

The Code of Conduct sets out the process to be followed by the Integrity Commissioner:

- Section 1(1) A request for an investigation of a complaint that a Member has contravened the Code of Conduct shall be sent directly to the Integrity Commissioner by mail, email, fax or courier and shall be in writing.
- Section 1(3) A complaint shall set out reasonable and probable grounds for the allegation that a Member has contravened the Code.
- Section 3(1) 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, the Integrity Commissioner shall not conduct an investigation or, when that becomes apparent in the course of an investigation, terminate the investigation.
- Section 4(1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under Section 3, the Commissioner shall investigate and in so doing, at any time may attempt to settle the complaint.
- Section 6(1) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the making of the complaint.
- Section 6(2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Municipal Council outlining the findings, the terms of any settlement or recommended penalty. The City Clerk shall process the report for the next meeting of Municipal Council.
- Section 6(3) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behavior or activity does not continue.
- Section 9(3) All reports from the Integrity Commissioner to Council shall be made available to the public.

This Report is in response to concerns raised by specific complainants and concerns raised by Council and members of the public in general regarding the recent conduct of the Mayor and Deputy Mayor as disclosed by them. In regard to this issue I have received the following specific inquiries:

1. Whether these circumstances will cast a cloud over future Council votes cast by the Mayor and Deputy Mayor if they continue on Council.

2. Whether the Mayor and Deputy Mayor, by their conduct, have breached sections 2.4, 5.1 and 5.2(e)(h) of the Code of Conduct.
3. Whether the report of a suggestion by the Mayor to the Deputy Mayor that one of them will have to resign violates the Code.
4. Whether the Mayor's conduct allegedly during the relationship, in lobbying for the candidacy of the Deputy Mayor for a position on the Federation of Canadian Municipalities violates the Code of Conduct.
5. Whether it is inappropriate for the Mayor and the Deputy Mayor to receive their salary while on their current leaves of absence.

I have also received contact from individual members of the public suggesting that I should require the Mayor and the Deputy Mayor to resign their positions or, if they return, to declare that they will not stand for election again. I clearly have no authority under the Code of Conduct to impose those penalties or requirements.

As I write this Report, there is a suggestion in the media that there will be a motion introduced to Council requesting that I conduct an investigation.

In addressing this entire situation and these various concerns, I am acutely aware of the fact that the relationship between me as Integrity Commissioner and the members of City Council is new, and as yet untested. I am aware of the fact that the office of Integrity Commissioner is new to many Municipalities. As a result of the very public nature and disruptive impact of the issues involved, I believe that it is important that I address these matters promptly. As the parties who are subject of the investigation have provided the disclosure which is the factual basis of the investigation, there does not appear to be any dispute as to the facts. To follow the reporting regime set out in the Code by forwarding this Report to the Mayor and Deputy Mayor, receiving written comments from them and then reporting to Council could take an additional week or two. I believe that this delay would only serve to bring additional stress on the Mayor, the Deputy Mayor and Council and prolong the public uncertainty. I am therefore reporting directly to Council.

The purpose of an investigation is to seek out the facts in order to be able to determine whether there has been a breach of the Code of Conduct by a Member, or Members, of Council. In this case, the fundamental facts are known. I have, as reported in the media, met with the Mayor at his request on a consultative basis with respect to his conduct and the Code of Conduct. I have not met with or spoken to the Deputy Mayor nor have I been contacted by her. The facts of this case have been disclosed by the Mayor and the Deputy Mayor to the Council, the media and the public. The facts, to the extent that they are necessary for me to be able to make the determination that I have to make, are clear and undisputed.

The Mayor and Deputy Mayor have each, separately, disclosed that for a period of time, they together, engaged in what they have referred to as an inappropriate relationship. In light of this disclosure, I believe that to conduct any further search for details would be to engage in an exercise in seeking out the salacious details of the situation – an exercise which, other than satisfying curiosity, would serve no purpose.

On this basis, I do not find it appropriate or necessary to perform any further investigation to reach the conclusions that I must reach.

One area that I have been asked to consider is whether it is appropriate that the Mayor and the Deputy Mayor would be receiving their salary while on leaves of absence to address personal and professional fallout from these disclosures. As recently announced, both the Mayor and Deputy Mayor have addressed this issue by advising the City Clerk that they do not wish to be paid during their leaves of absence.

With respect to the disclosed conduct of the Mayor and Deputy Mayor, the following provisions of the Code of Conduct are relevant:

- Section 2.4 Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
- Section 5.1 A Member shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of his or her official duties in the public interest.
- Section 5.1(1)(e) [the Members shall not] place themselves in a position of obligation to any person or organization which might reasonably benefit from special consideration or may seek preferential treatment.

Although there is no allegation of improper activity in the actual discharge of either of these persons of the duties of their office itself there are major questions being raised as to the propriety of two public officials conducting themselves in the manner disclosed here. Conduct here, on the part of general members of the public, would raise concerns and controversy among the family and friends of those persons. In this case, because the persons involved are prominent public officials and subject to requirements of specific conduct in their activities as well as to public scrutiny, the conduct has become an issue of concern to the public.

Considering the conduct in question here and the requirements of the Code of Conduct it leads to the inevitable conclusion that the Mayor and Deputy Mayor have contravened the Code of Conduct, specifically Sections 2.4, Section 5.1, Section 5.1(1)(e).

The conduct of these individuals does show a failure to arrange their public affairs such that it would promote public confidence and would withstand public scrutiny. The conduct disclosed is clearly incompatible or inconsistent with the ethical discharge of their official duties in the public interest and might reasonably have placed either or both of them in a situation where they may be in obligation to each other or other persons with respect to conduct that might reasonably benefit from or provide special consideration or preferential treatment.

As stated above, if this was conduct of private individuals it would raise concerns among their families and those with whom they associate. As these individuals are public officials, the nature of their conduct becomes a public issue and subject to the Code of Conduct requirements.

I have limited authority under the Municipal Act and the Code of Conduct to recommend penalties. I can recommend a formal reprimand or a suspension of remuneration for up to 90 days. The Mayor and Deputy Mayor have to a degree by their own choice imposed a suspension of remuneration. I am concerned that a proposal for a reprimand may only serve to

initiate a prolonged debate over whether a reprimand should be issued and the nature of that reprimand. The end result could well be a further distraction from the City's business.

The public nature of these disclosures and the resulting public comment and criticism is in and of itself a significant penalty. By their conduct, the Mayor and Deputy Mayor may well have caused irreparable harm to what many considered to be promising political careers. Both persons must set about restoring the confidence and relationships within their families as well as with their fellow Councillors and the citizens of London.

These consequences are, I believe, far greater than any penalty that I am authorized to recommend to Council.

I have written this report promptly in the hope that it may help to, in some manner, settle the maelstrom that has resulted from these disclosures. Hopefully Council and the community can get beyond the understandable immediate anger, outrage and sense of disappointment that has been expressed over the past several days and get on with the business of the City.

As stated earlier in this Report, I have received requests from the public that I recommend the resignation of the Mayor and Deputy Mayor or that I recommend that they not run for office again. As stated, I have no authority under the provisions of the Municipal Act or the Code of Conduct to make such recommendations. The question of the continued status of the Mayor and Deputy Mayor in office is their decision to make and theirs alone. The concerns raised in public as to the interaction by the Mayor and Deputy Mayor as Councillors in this term and with other Councillors is a question that is in the hands of the Mayor, the Deputy Mayor and the other members of Council. The question of continuity in office by these individuals beyond this term is a question to be determined solely by the voters of London.

DATED at Goderich, Ontario this 21<sup>st</sup> day of June, 2016.



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**Gregory F. Stewart**  
Integrity Commissioner