

**Notice of Decision**  
**The Corporation of the City of Oshawa**  
**Joint Compliance Audit Committee**

established under Section 88.37 of the *Municipal Elections Act, 1996*

*IN THE MATTER OF the Clerk's Report on contributions to candidates under section 88.34(2) of the Municipal Elections Act, 1996;*

*AND IN THE MATTER OF the City of Oshawa's 2022 Municipal and School Board Election Joint Compliance Audit Committee Administrative Practices and Procedures in accordance with section 88.37(6) of the Municipal Elections Act, 1996;*

**Contributor:** Donald Jessome  
**Affected Candidate:** Joe Ingino  
**Report No.** JCAC-23-01  
**Meeting Date:** Thursday, June 8, 2023 at 10:00 a.m.  
**Meeting Location:** Committee Room, City Hall  
50 Centre Street South  
Oshawa, Ontario L1H 3Z7

**DECISION**

**Purpose of Meeting**

The purpose of the meeting was to consider a report from the City Clerk on an apparent contravention by Donald Jessome (the Contributor) of the contribution limits to candidates for the 2022 Municipal Election in the City of Oshawa. The Joint Compliance Audit Committee (the Committee) was also to decide whether to commence a legal proceeding against the Contributor.

This meeting was held in accordance with the provisions of the City of Oshawa's 2022 Municipal and School Board Election Joint Compliance Audit Committee Administrative Practices and Procedures (the Procedures).

**Decision**

After consideration of the report from the City Clerk under subsection 88.34(2) of the *Municipal Elections Act, 1996* (the Act), and upon reviewing a letter dated May 22, 2023 from the Candidate, Joe Ingino, (the Candidate) which included an unsigned copy of a revised Financial Statement dated May 22, 2023 (the Unsigned Financial Statement) and upon hearing the oral submissions of the Candidate on behalf of himself as well as his representation that he was also representing the Contributor, and the Contributor directly, the decision of the Committee that

there is a reasonable belief that an over contribution was not made by the Contributor contrary to the Act.

## **Reasons**

The reasons for the decision are as follows:

This case came before the Committee for decision under subsection 88.34(2) of the Act in the following circumstances:

1. The Contributor did not appear before the Committee on May 24, 2023 and did not provide any written submissions. The Contributor attended before the Committee on June 8, 2023. The Clerk served notice of the Report and published notice of the Report in accordance with the Procedures.
2. The Candidate appeared before the Committee on May 24, 2023 and provided a written submission dated May 22, 2023 stating that there was a clerical error on the Financial Statement. The written submission included the Unsigned Financial Statement. The Candidate orally confirmed the existence of the clerical error. The Candidate stated to the Committee that he was representing both himself and the Contributor.
3. In his oral submissions to the Committee, the Candidate indicated that he had in fact signed the Financial Statement that was filed with the Clerk on January 23, 2023 and completed the declaration 2023 indicating that to the best of his knowledge and belief that the Financial Statement and supporting schedules were true and correct. When asked about the apparent over contribution by the Contributor, the Candidate was dismissive blaming his staff for clerical errors. The Financial Statement listed only two (2) individual contributors of more than \$100 in money and three (3) contributors of goods and services. It did not appear to be a lengthy or complex document to review before completing and signing the declaration.
4. The Financial Statement indicated that no deficit or surplus was incurred. The deadline for filing the Financial Statement in such a case is set out in subsection 88.30(1)1 of the Act. No application to extend the time to file was made by the Candidate therefore the Unsigned Financial Statement could not be accepted by the Clerk. In any event, the Unsigned Financial Statement was incomplete as it was not signed and the required declaration was not completed by the Candidate.
5. The Candidate indicated that the Contributor only provided a \$1,000.00 contribution to his campaign, not the \$1356.00 listed in the Financial Statement. He stated that the Contributor used his credit card on behalf of the Candidate to purchase signs for the Candidate in the sum of \$1,356.00 on September 15, 2022. The Candidate also indicated that he provided the Contributor with \$356.00 in cash at the time of the credit card transaction to purchase the signs utilizing monies he had received from another contributor James Torok on June 20, 2022 as the sign company only accepted payment by credit card.
6. The Candidate further advised that the same clerical error was made on his signed Financial Statement indicating there was a contribution of \$1,356.00 from a contributor, Rosaldo Russo. He also indicated that this contributor used his credit card to purchase election signs for him on September 2, 2022 in the amount of \$1,356.00 and that he provided Rosaldo Russo with \$356.00 in cash at the time from monies he had received from another contributor Michael Palermo on April 2, 2022.

7. The Candidate indicated that he did not have any receipts to show that he had made payments to either Donald Jessome or Rosaldo Russo for \$356.00 in cash as outlined in his letter, Unsigned Financial Statement or his oral submissions to the Committee. The Act provides at subsection 88.22(1) the duties of candidates with respect to campaign finances which include ensuring that all contributions of money are deposited into campaign accounts, all payments for expenses are made from campaign accounts and that receipts are issued for every contribution and obtained for every expense. The Candidate's oral submissions indicate a violation of the provisions of subsection 88.22(1).
8. Although the Candidate indicated that he was appearing on behalf of himself and the Contributor, he did not provide any written documentation or letter from the Contributor confirming that he had been paid \$356.00 for his assistance purchasing election signs as stated by the Candidate.
9. The Financial Statement filed with the Clerk February 6, 2023 did not list any contributions from a James Torok or Michael Palermo although the Unsigned Financial Statement dated May 22, 2023 listed a \$356.00 contribution from James Torok on June 20, 2022 as well as a \$356.00 contribution from Michael Palermo on April 2, 2022.
10. The Contributor provided testimony which confirmed the substance of the evidence provided by the Candidate.
11. While the Committee has serious concerns about the submissions of the Candidate outlining his actions with respect to his campaign finances, the Committee is mindful that the question before it relates solely to the question of whether there was an over contribution by the Contributor.
12. Based on the foregoing, it is the decision of the Committee that there are not reasonable grounds to believe that the Contributor made a contribution in excess of the limits set out in the Act and therefore committed a breach of the Act.
13. The Committee is aware that the campaign finance provisions of the Act are an important part of ensuring the protection of the public and the maintenance of public trust in the integrity of municipal elections and municipal election campaign finances.
14. The evidence and submissions provided at the meeting have satisfied the Committee that there are no reasonable grounds to believe that there has been a breach of the Act, and that it is also not in the public interest to commence proceedings against the Contributor and to appoint an independent prosecutor.

Date this 8<sup>th</sup> day of June, 2023

  
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Joe Brown, Chair

  
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Kalli Chapman, Member

  
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Richard E. Austin, Member