

Application for a Compliance Audit

Section 88.33 and 88.35 Municipal Elections Act, S.O. 1996, c. 32

The Corporation of the Town of South Bruce Peninsula Municipal Election Compliance Audit Committee

Affidavit of Applicant

I, DOUGLAS JORDAN (Full legal name)

DO SOLEMNLY DECLARE:

I am an eligible elector in the Town of South Bruce Peninsula by virtue of the fact that:

I am a Canadian Citizen;

I am at least 18 years of age as of October 24, 2022;

I am a resident, owner or tenant of land, or the spouse of such owner or tenant of land in the Town of South Bruce Peninsula; and

I am not prohibited from voting under Section 17 (3) of the Municipal Elections Act, 1996 or otherwise prohibited by law.

I have reasonable grounds to believe that GARRY MICHI a Candidate or
Name of candidate or registered third party

Registered Third Party in relation to the October 24, 2022 Municipal Election for the Town of South Bruce Peninsula has contravened the following provision(s) of the *Municipal Elections Act*, S.O. 1996, c. 32 (Act)

88.8(4)3/88.9(1)/88.9.1(1)(a)(i)/88.22(1)F/88.2(1)H/88.23(c)
(list specific section(s) of the Act)

The particulars of this belief are outlined in the attached Schedule A (please outline reasons for your belief on the page labeled "Schedule A" and attach any supporting documents).

This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or DECLARED] before me at the Town
of South Bruce Peninsula in the Province
of Ontario on

2023/06/26
Date (YYYY-MM-DD)

[Signature]
Signature of a Commissioner for taking affidavits, etc.

[Signature]
Signature of applicant

Please see attached **Schedule A**

Applicant's address: 47 MARINA AVE SAUBLE BEACH ON

Applicant's telephone number: 519-503-2815

Applicant's e-mail address: iamiaminolan@hotmail.com

This application and supporting documents will be placed on the Town's website, on public agenda and shared with the Compliance Audit Committee, the Auditor chosen to investigate this application (if applicable) and any other party to the proceedings. The personal information collected on this form is collected under the authority of the *Municipal Act, 2001* and the *Municipal Elections Act, 1996* for the purpose of applying for a compliance audit of a candidate's election campaign finances.

Pursuant to the *Municipal Elections Act, 1996* this completed document is a public record, despite anything in the *Municipal Freedom of Information and Protection of Privacy Act, 1990* and, until its destruction may be inspected by any person at the Town Clerk's Office at a time when the office is open. Questions about this collection can be directed to the Clerk, PO Box 310, 315 George Street Warton ON N0H 2T0 519-534-1400 ext 122

Deadline for making the application:

In accordance with section 88.33 (3) and 88.35 (3) of the *Act* the application must be made within 90 days after the latest of the following dates:

1. The candidate or registered third party's filing date under section 88.30.
2. The date the candidate or registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The candidate or registered third party's supplementary filing date, if any, under section 88.30.
4. The date on which the candidate or registered third party's extension, if any, under subsection 88.23 (6) or 88.27 (3) expires.

Application to be filed in person, with the Clerk at Town Hall, 315 George Street Warton ON N0H 2T0.

Schedule "A"

Full legal name

Please outline the reasons for your belief. Use additional copies of this page as necessary, providing clear and specific information. If you refer to any documents please attach copies of these documents to this Schedule.

SEE ATTACHED

Recently the signs that democracy is under attack in Canada, the USA and other well established democratic areas has become hard to miss. This appears to be true in Canada from the municipal level all the way up to the federal government as witnessed by recently publicized foreign attacks on our democratic process.

As a voter in Canada, I feel it important that any and all attacks on this institution, whether real or perceived, be investigated under the rules of law to ensure compliance and integrity.

As a result, I wish to submit an Application for Compliance Audit of Garry Michi's 2022 campaign finances incurred during the 2022 Ontario Municipal elections in the Town of South Bruce Peninsula.

Reasons for filing this Compliance Complaint

June 19, 2023

Office Expenses – Post voting day

Regarding the following:

TSBP Website = <https://southbrucepeninsula.civicweb.net/filepro/documents/59897/>

Header = 2022 Election Campaign Financial Statements

Candidate - Garry Michi – Filed March 16, 2023

Financial Statement - Auditor's Report Candidate - Form 4

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Item 3. Expenses not subject to spending limits

Office expenses incurred after voting day = \$1,278.92

This is deeply concerning. To claim \$1,278.92 appears significantly out of line and possibly offensive to the voters if compared to this candidate's pre-voting office expense of \$88.60. and the values submitted by all other successful candidates.

I would like to know what expense(s) Mr. Michi is claiming after the election was over. To claim a pre-election expense of \$88.60 and then a whopping \$1,278.92 after the election was over appears suspect. No other candidate running for any office claimed this expense. My concern is this amount may have been assigned to "office expenses" which is not subject to his overall spending limit.

Who cannot contribute – Ontario Corporations

Regarding the following:

TSBP Website = <https://southbrucepeninsula.civicweb.net/filepro/documents/59897/>

Header = 2022 Election Campaign Financial Statements

Candidate - Garry Michi – Filed March 16, 2023
Financial Statement - Auditor's Report Candidate - Form 4
Page 8 of 15
Auditor's Report (statements from the report are in blue)

"Cash contributions of \$7,500.00 from other candidates were from corporations".

88.8 (4) 3. – Who cannot contribute - A corporation that carries on business in Ontario.

I am unable to find any exceptions in the Act that allow for any corporate contributions even from the candidates own business.

"...two contributions from two individuals were in excess of \$1,200. These were subsequently allocated to two other individuals."

This statement in and of itself seems contrary to the spirit of the Act.

88.9 (1) – Maximum contributions to candidates - A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.

I find no mention in the Act allowing a candidate to assign a partial contribution to another donor to make it legal.

"Furthermore, cash contribution of \$100 was received from an individual."

88.8 (8) – Contributions exceeding \$25 - A contribution of money that exceeds \$25 shall not be contributed in the form of cash and shall be contributed in a manner that associates the contributor's name and account with the payment or by a money order signed by the contributor.

These items are very clearly laid out in Mr. Michi's own audit report, signed by him, and all are clearly covered and easily found in the Municipal Elections Act.

Mr. Michi has, under his own signature, contravened every one of these laws.

Advertising

Regarding the following:

TSBP Website = <https://southbrucepeninsula.civicweb.net/filepro/documents/59897/>

Header = 2022 Election Campaign Financial Statements

Candidate - Garry Michi – Filed March 16, 2023

Financial Statement - Auditor's Report Candidate - Form 4

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Item 1. Expenses subject to general spending limit
Advertising = \$700.00

It is known in Town that while campaigning, Mr. Michi bought significant amounts of coffee cards from Tim Horton's® in Wiarion. These coffee cards were apparently handed out at the drive-through in Wiarion on October 13, 2022. What is alarming is Mr. Michi's posted this event on his campaign Facebook® page (<https://www.facebook.com/MichiForMayor1>) but claims that the complimentary coffee was being distributed in honour of "World Kindness Day". If Mr. Michi did not claim this as a campaign expense, then I believe this may be a deliberate attempt to hide campaign costs. In addition, locals apparently met him campaigning inside the same Tim Hortons, where he distributed literature and ran a coffee tab with the cashier over a considerable amount of time.

On October 17, 2022, Mr. Michi posted on his campaign Facebook® page another event he attended in Oliphant where he gave out more Tim Horton® coffee cards. These events are clearly part of his election campaign and unless we see properly date and time stamped receipts, how we are to have any clue as to how much these events contributed to the overall \$700 advertising budget or how this may affect his maximum campaign spending limit?

In addition, Mr. Michi sponsored a Labour Day Weekend concert in Sauble Beach. This event was clearly published across social media. Mr. Michi is known to have paid the promoter for the opportunity to post his campaign signs across the venue and make a campaign speech on stage during the event. Once again, we need the cancelled cheque, not a handwritten receipt, to see what portion of his \$700 advertising claim was attributed to this one event.

Date and time stamped cashier receipts are required along with cancelled cheques or eTransfer statements, etc. This will provide legitimate clarity of these advertising expenses. Between all the purchased Tim Horton cards, the tab inside Tim Horton's and the concert sponsorship, I am concerned that Mr. Michi spent far more than \$700 which would make that an illegal claim. I am also concerned that the true costs of these campaign expenses may put Mr. Michi over his legal spending limit.

Conclusion

According to the Ontario Government website, the following is true of a person running for a seat in a municipal election:

(Reference: <https://www.ontario.ca/document/2022-candidates-guide-ontario-municipal-council-and-school-board-elections/campaign>)

“You are responsible for keeping records of the financial activities related to your campaign... You may want to consult with an auditor or an accountant early in your campaign to make sure that you are using a bookkeeping and accounting system that will suit your needs.

You should also look through the campaign financial statement (Form 4) that you will be required to file to make sure that you are keeping records of all the information that must be included on the statement.”

After my review of Mr. Michi’s financial statement and after considering the items listed above, I am concerned that in addition to accepting corporate donations, there is a possibility that Mr.

Michi has not claimed all expenses, expenses which might put him over his legal spending limit,

or he has allocated expenses to items not subject to spending limits in order to remain under

his limit. To not claim expenses contravenes the rules of the Act.

Mr. Michi is required to have itemized cash register receipts from Tim Horton’s dated in October 2022 as well as the cancelled cheque for the sponsorship of the Labour Day concert.

In my opinion, Mr. Michi appears to have chosen to ignore the rules and directions laid before him. These rules are built on the backs of those that came before him and deserve extreme diligence and respect...not disregard, something the other candidates were able to abide by.

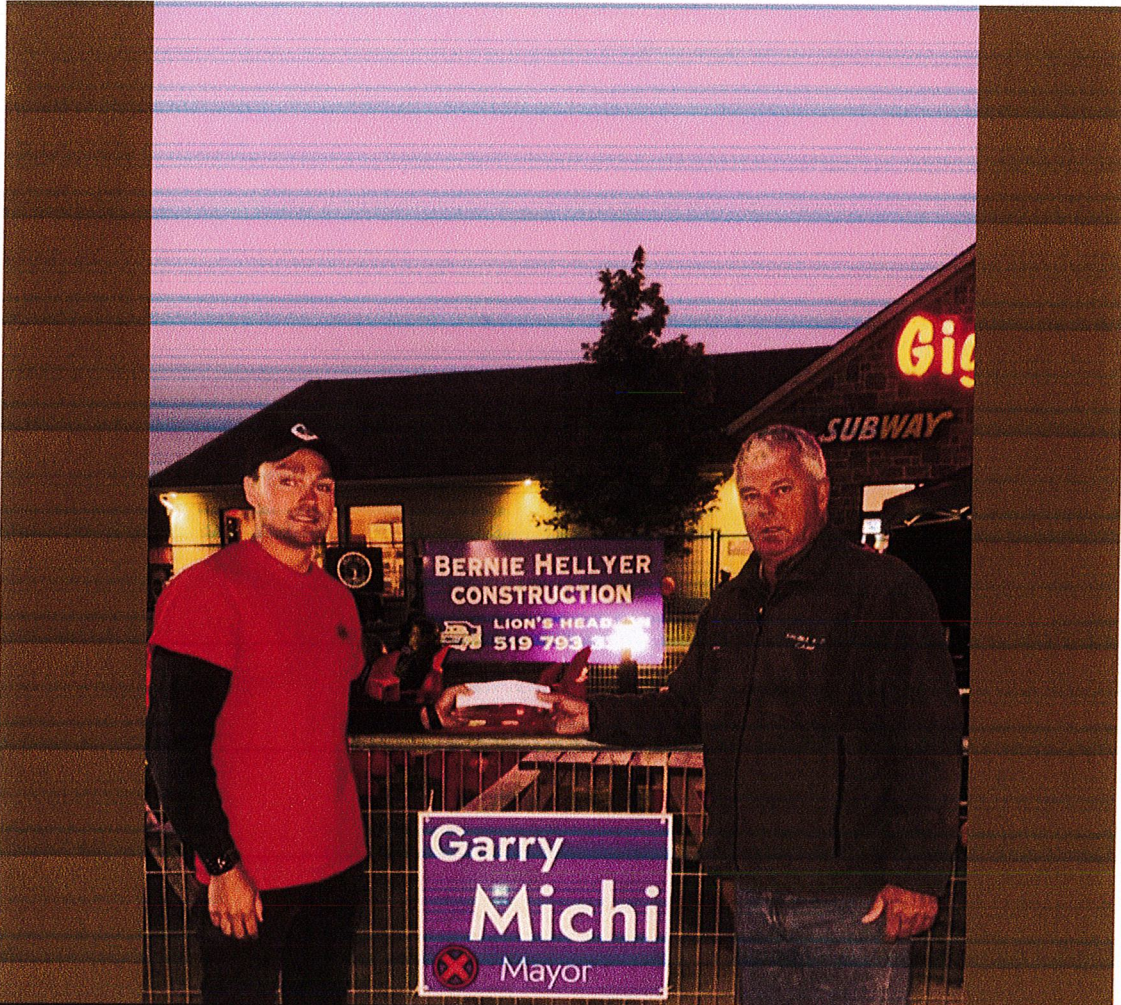
If the process finds the allegations discussed here to be true, it would mean that Mr. Michi has contravened the laws of this province and quite possibly did win the 2022 Municipal election illegally. To maintain the rules of the democratic process Mr. Michi’s seat would logically need to be vacated.



Garry is Your Voice

September 17, 2022 · 🌐

Garry Michi happily sponsored and attended Hayden Hellyer's Sauble Beach Night Party September 2nd to 4th, 2022. It was a successful event put on by a great group of young people in our town.





Garry is Your Voice

October 13, 2022 · 🌐

With World Kindness Day (November 13th) a month away, I thought I'd get the ball rolling and start my day today with an Act of Kindness for some drivers at the Warton Tim Hortons. It was nice to meet so many people and also run into some familiar ones. It doesn't take a lot of effort to be kind, it can be as simple as a smile and a hello or buying a coffee for someone. You never know where I may pop up again! [#payitforward](#) [#actsofkindness](#) [#inspirekindness](#)





View more comments



Garry is Your Voice

October 17, 2022 · 🌐



It was quite a big crowd for euchre at the Young at Heart Seniors Women's Institute in Oliphant. I stopped in to introduce myself and chat with those in attendance for bid euchre on Thursday, October 13th and then I had the privilege of joining their regular euchre game for the evening on Friday. I passed out a few more coffee cards Friday night as a thank you. Hopefully no one went home empty handed. Looking forward to some future evenings.

