



DISTRICT SCHOOL BOARD OF NIAGARA
Achieving Success Together

Compliance Audit Notice

To: Candidate: Dale Robinson, Public School Trustee, Pelham/Thorold
Applicant: Gary Atamanyk

cc: Niagara Compliance Audit Committee Members
Board of Trustees, District School Board of Niagara

Re: Notice of Compliance Audit Committee meeting – Tuesday, May 31, 2011

Please be advised that a Compliance Audit Committee Meeting has been scheduled for **May 31, 2011 at 3:30 p.m. in the Grimsby/Lincoln Room, District School Board of Niagara Education Centre, 191 Carlton Street, St. Catharines, Ontario** to consider the Application for a Compliance Audit received for a compliance audit of Dale Robinson's election campaign finances for the October 25, 2010 election, a copy of which is attached hereto.

The reasons for the Application are as follows:

“ The Candidate has filed a financial statement that does not comply with Section 78.(1) of the Municipal Elections Act, 1996, since the statement does not fully reflect the candidate's election campaign finances as outlined below:

- (a) Schedule 1 and/or 2 have not been completed to reveal the source(s) of \$400 in campaign income (\$300 when not counting the \$100 filing fee). This income is reported by the candidate on Page 1 in Box B, #3. 'Total Contributions Received (from Schedule 1).' This income is reported again on page 2 in Box C, Income, 'All Other Contributions.'
- (b) The financial statement is incomplete and thereby incorrect since Schedule 1 and/or Schedule 2 have (has) not been filled out as required. Also, the financial statement does not state the starting 'day' of the candidates' campaign period on page 1 as required.
- (c) The financial statement is incorrect since the candidate reports on Page 3, Box E, a total campaign 'surplus or deficit' of \$0 while reporting on page 1, Box B, a total campaign 'surplus or deficit' of \$-1771.00.”

Pursuant to the Procedures of the Niagara Compliance Audit Committee, a copy of which is attached hereto, please be advised of the following.

Under Section 8 of the Procedures, the Applicant and the Candidate have the opportunity to submit any and all documentation to the Board Secretary at least seven (7) days prior to the meeting for distribution to the parties in advance of the meeting. The Candidate may respond to the application in writing and same shall be submitted

to the Secretary of the Board at least four (4) days prior to the meeting for circulation with the Agenda.

In light of the fact that the Niagara Compliance Audit Committee came together for the first time on May 17th to be educated with respect to the compliance audit legislation under the Municipal Elections Act, and to train the committee members in its duties and responsibilities, we have been left with rather short timelines in which to consider the Application for Compliance Audit and give proper Compliance Audit Notice.

Therefore, under these circumstances, please be advised that we must receive any and all additional documentation from the Applicant by **Thursday, May 26, 2011**. The Candidate will have until **Friday, May 27, 2011** to respond in writing and submit same to the Secretary of the Board.

The Agenda for the meeting will be circulated on **Friday, May 27, 2011**. Meetings of the Compliance Audit Committee are open to the public.

Please ensure you familiarize yourself with the Procedures of the Niagara Compliance Audit Committee in advance of the meeting.

If either party fails to attend the meeting the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting.

Should you have any questions or require clarification, please contact Warren Hoshizaki, Secretary of the Board at 905-641-1550 ext. 54102 or email Karen Bellamy at Karen.Bellamy@dsbn.edu.on.ca.

Dated at St. Catharines this 24th day of May, 2011 and sent by electronic mail.



Warren Hoshizaki
Director of Education and Secretary of the Board
District School Board of Niagara



DISTRICT SCHOOL BOARD OF NIAGARA
Achieving Success Together

COMPLIANCE AUDIT COMMITTEE MEETING

TUESDAY, MAY 31, 2011

DISTRICT SCHOOL BOARD OF NIAGARA
GRIMSBY/LINCOLN ROOM, EDUCATION CENTRE
3:30 P.M.

AGENDA

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) SELECTION OF CHAIR
- 4) DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE
- 5) OPENING STATEMENT BY CHAIR
- 6) APPLICATION FOR COMPLIANCE AUDIT – APPLICATION BY GARY ATAMANYK FOR CANDIDATE DALE ROBINSON, PUBLIC SCHOOL TRUSTEE
 1. Attachments: (i) Copy of Application
(ii) Candidate's Financial Statement
(iii) Written Submission – Applicant Gary Atamanyk
(iv) Written Submission – Candidate Dale Robinson
 2. Introduction and Recording of Applicant and Candidate

Re: Candidate and Applicant (or agents) to provide names and mailing addresses to the Clerk
 3. Presentation by Applicant (or agent)
 4. Presentation by Candidate (or agent)

5. Committee Consideration of Application and Decision

Re: Committee to determine to grant or reject Application

6. Auditor's Report

Re: If Application granted - Appointment of Auditor

7) **ADJOURNMENT**

Application for Compliance Audit

Municipal Elections Act, 1996, 81(2)

To be filed with the Clerk of the Municipality, or the Secretary of the Local Board.

Applicant Information		
Last Name of Applicant ATAMANYK	First Name GARY	Middle Initial P
Address 32 WOODSTREAM BD.	City FONTHILL	Province ONTARIO
Postal Code L0S 1E1	Telephone 905-892-4191	Email gatamanyk@cojeco.ca
Candidate Information		
Last Name of Candidate ROBINSON	First Name DALE	Middle Initial A
Name of office for which the candidate sought election PUBLIC SCHOOL TRUSTEE		Filing Date of Candidate's Financial Statement (Day/Month/Year) 11 / 02 / 2011
Reasons for Compliance Audit		
In the area below provide the reason(s) that you believe the candidate named above has contravened the <i>Municipal Elections Act, 1996</i> relating to campaign finances. (Attach additional sheets if necessary).		
THE CANDIDATE HAS FILED A FINANCIAL STATEMENT THAT DOES NOT COMPLY WITH SECTION 78.(1) OF THE MUNICIPAL ELECTIONS ACT, 1996, SINCE THE STATEMENT DOES NOT FULLY REFLECT THE CANDIDATE'S ELECTION CAMPAIGN FINANCES AS OUTLINED BELOW:		
(A) SCHEDULE 1 AND/OR 2 HAVE NOT BEEN COMPLETED TO REVEAL THE SOURCE(S) OF \$400 IN CAMPAIGN INCOME (\$300 WHEN NOT COUNTING THE \$100 FILING FEE). THIS INCOME IS REPORTED BY THE CANDIDATE ON PAGE 1 IN BOX B, #3. "TOTAL CONTRIBUTIONS RECEIVED (FROM SCHEDULE 1)"		

Application for Compliance Audit

Municipal Elections Act, 1996, 81(2)

THIS INCOME IS REPORTED AGAIN ON PAGE 2 IN BOX C, INCOME, "ALL OTHER CONTRIBUTIONS".

(B) THE FINANCIAL STATEMENT IS INCOMPLETE AND THEREBY INCORRECT SINCE SCHEDULE 1 AND/OR SCHEDULE 2 HAVE (HAS) NOT BEEN FILLED OUT AS REQUIRED. ALSO, THE FINANCIAL STATEMENT DOES NOT STATE THE STARTING "DAY" OF THE CANDIDATE'S CAMPAIGN PERIOD ON PAGE 1 AS REQUIRED. (CONTINUED P. 3)

Distribution and Cost Recovery

This application will be shared with the Clerk / Secretary, Compliance Audit Committee, the auditor chosen to investigate this application (if applicable) and Council / Board. If this application is forwarded to an auditor and the auditor's report concludes that there was no apparent contravention of the *Municipal Elections Act* and the Compliance Audit Committee finds there are no reasonable grounds for this application, the Council / Board is entitled to recover the auditor's costs from you.

Total Pages Submitted (Including attachments)

11

Applicant Confirmation

I confirm that the information provided in this application is complete and accurate to the best of my knowledge, that I have read the Distribution and Cost Recovery information above and that I am entitled under the *Municipal Elections Act* to vote in an election for members which I was entitled to vote for.

Applicant's Signature Date



Date
(Day/Month/Year)

02 / 05 / 2011

Office Use

Received by: (Signature)

Marian Lamb

Date
(Day/Month/Year)

02 / 05 / 2011

Personal information contained on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and will be used for the purpose of responding to your application for a compliance audit. Questions about this collection should be directed to the Municipality's / Board's Freedom of Information and Privacy Co-ordinator.

(C) THE FINANCIAL STATEMENT IS INCORRECT SINCE THE CANDIDATE REPORTS ON PAGE 3, BOX E, A TOTAL CAMPAIGN "SURPLUS OR DEFICIT" OF \$0 WHILE REPORTING ON PAGE 1, BOX B, A TOTAL CAMPAIGN "SURPLUS OR DEFICIT" OF \$-1771.00 .

Instructions

All candidates must complete Boxes A, B, C, D, E and F and Schedule 1. All candidates must complete Schedules 2, 3 and 4 as appropriate. Candidates who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor’s Report.

All surplus funds (after any refund to the candidate or his or her spouse) shall be paid immediately over to the clerk who was responsible for the conduct of the election.

For the campaign period from (day candidate filed nomination)

YYYY	MM	DD
2010	09	

 to

YYYY	MM	DD
2011	01	31

- Primary filing reflecting finances to December 31 (or 45th day after voting day in a by-election)
- Supplementary filing including finances after December 31 (or 45th day after voting day in a by-election)

Box A: Name of Candidate and Office

Name of Candidate

Last Name

Robinson

First Name

Dale

Middle Initial

A

Mailing Address

Suite/Unit No.

Street No.

Street Name

41
Welland Street South

City/Town

Thorold

Province

On

Postal Code

L2V 2B6

Telephone No. (incl. area code)

Business

Home

905 680 2427

Fax No.

Email Address

d.robinson41@sympatico.ca

Name of office for which the candidate sought election

Public School Trustee

Ward Name or No. (if any)

Name of Municipality

Pelham and Thorold
Box B: Summary of Campaign Income and Expenses

- | | |
|---|--------------|
| 1. My spending limit (as issued by clerk) was - - - - - | \$ 21,753.50 |
| 2. Surplus (or deficit) from previous election - - - - - | \$ 0 |
| 3. Total contributions received (from Schedule 1) - - - - - | \$ 400.00 |
| 4. My total campaign expenses that were subject to the spending limit were (from Box C) - - - | \$ 2171.00 |
| 5. My total campaign expenses that were not subject to the spending limit were (from Box C) - - | \$ |
| 6. Total of all campaign expenses (from Box C) - - - - - | \$ 2171.00 |
| 7. Election campaign surplus/deficit from current election (from Box E) - - - - - | \$ -1771.00 |
| 8. Contributions refunded to candidate or spouse (from Box E) - - - - - | \$ |
| 9. Amount paid to clerk (from Box E) - - - - - | \$ |

Box C: Statement of Campaign Period Income and Expenses

From YYYY	MM	DD	To YYYY	MM	DD	For Candidate
2010	09	10	2010	10	25	Dale Robinson

INCOME

Candidate's surplus from immediately preceding election released by the clerk	+	\$	0
Contributions from candidate	+	\$	1020.00
Contributions from spouse of candidate	+	\$	1000.00
All other contributions	+	\$	400.00
Revenue from fund-raising functions not deemed a contribution (from Schedule 2, Part III)	+	\$	
Interest income	+	\$	
Other (provide full details)			
1.	+	\$	
2.	+	\$	
3.	+	\$	

Total Campaign Period Income = **\$ 2420.00** C1

EXPENSES (Note: include the value of contributions of goods and services)

Expenses Subject to Spending Limit

Advertising	+	\$	535.95
Bank charges	+	\$	
Brochures	+	\$	791.00
Interest on loan	+	\$	
Inventory contributed to candidate's campaign (Schedule 3)	+	\$	
Meetings hosted	+	\$	
Nomination filing fee	+	\$	100.00
Office expenses	+	\$	
Phone and/or Internet	+	\$	
Salaries and benefits/honoraria/professional fees	+	\$	
Signs	+	\$	838.70
Other (provide full details)			
1. map of Pelham	+	\$	5.65
2.	+	\$	
3.	+	\$	
Subtotal	=	\$	2271.00

C2

Expenses Not Subject to Spending Limit

Accounting and audit	+	\$	
Costs of fund-raising function (from Schedule 2, Part IV)	+	\$	
Expenses related to compliance audit	+	\$	
Expenses related to controverted elections	+	\$	
Expenses related to recounts	+	\$	
Voting day party / appreciation notices	+	\$	149.00
Expenses related to candidate's disability (provide details)			
1.	+	\$	
2.	+	\$	
3.	+	\$	
Other (provide full details)			
1.	+	\$	
2.	+	\$	
3.	+	\$	
Subtotal	=	\$	2420.00

C3

Total Campaign Period Expenses (C2) + (C3) = **\$ 2420.00** C4

Excess (Deficiency) of Income over Expenses (C1) - (C4) = **\$ 0.**

Box D: Statement of Assets and Liabilities as at , 20

Assets

Cash	----- +	\$	
Accounts receivable	----- +	\$	
Value of inventory retained (from Schedule 4)	----- +	\$	
Other (provide full details)			
1.	----- +	\$	
2.	----- +	\$	
3.	----- +	\$	
Total Assets	----- =	\$	0

Liabilities and Excess (Deficiency) of Income over Expenses

Accounts payable	----- +	\$	
Borrowings, overdraft	----- +	\$	
Other (provide full details)			
1.	----- +	\$	
2.	----- +	\$	
3.	----- +	\$	
Total Liabilities	----- =	\$	0

Box E: Statement of Determination of Surplus or Deficit and Disposition of Surplus

Part I – Determination of Surplus or Deficit

Amount of excess (deficiency) of income over expenses (from Box C)	----- +	\$	0	E1
Deduct: Any deficit carried forward by the candidate from immediately preceding election if the offices are with respect to the same jurisdiction	----- -	\$	0	E2
Surplus (or deficit) for the campaign period (E1) – (E2)	----- =	\$	0	
Deduct: Any refund of contributions to the candidate or spouse (only if there is a surplus)	----- -	\$	0	
Total Determination	----- =	\$	0	E3

Part II – Disposition of Surplus

If line **E3** shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who was responsible for the conduct of the election.

Surplus paid to the municipal clerk of the municipality of _____

Box F: Declaration

I, Dale Robinson, a candidate in the municipality of Pelham/Thorold, hereby declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.

Declared before (clerk or commissioner)

in the TOWN OF PELHAM REGION OF NIAGARA
 on (yyyy/mm/dd) 2011/02/11

Nancy J. Bozzato
 Signature of Clerk or Commissioner

Dale Robinson
 Signature of Candidate

2011/02/11
 Date Filed in the Clerk's Office (yyyy/mm/dd)

NANCY J BOZZATO, Clerk,
 Town of Pelham, a Commissioner
 for Taking Affidavits in the
 Regional Municipality of Niagara.

Table 2: Monetary contributions from unions or corporations

Name (Legal and Carrying on Business As)	Address	President or Business Manager	Cheque Signatory	Amount
				\$
				\$
				\$
				\$
				\$
				\$
				\$
<input type="checkbox"/> Additional information is listed on separate supplementary attachment				Total \$

Table 3: Contributions in goods or services (Note: must also be reported as expenses in Box C)

Name	Address	Goods or Services	Amount
			\$
			\$
			\$
			\$
			\$
			\$
			\$
<input type="checkbox"/> Additional information is listed on separate supplementary attachment			Total \$

Total Part II Contributions

\$

Schedule 2 – Fund-Raising Function

Additional schedule for each event or activity held is/are listed on separate supplementary attachment(s)

Date			Description of event or activity
YYYY	MM	DD	

Admission charge (per person)* (may not exceed individual contribution limit) - - - - - \$ **2A**

*If admission charge per person is not consistent, attach complete breakdown of all ticket sales.

Number of tickets sold - - - - - **2B**

Part I – Ticket Revenue

Lines: **(2A) x (2B)** (include in Schedule 1) - - - - - = \$

Part II – Other Revenue Deemed A Contribution

Provide full details (e.g., revenue from goods sold in excess of fair market value)

1.	- - - +	\$	<input type="text"/>
2.	- - - +	\$	<input type="text"/>
3.	- - - +	\$	<input type="text"/>
4.	- - - +	\$	<input type="text"/>
5.	- - - +	\$	<input type="text"/>
6.	- - - +	\$	<input type="text"/>
7.	- - - +	\$	<input type="text"/>
8.	- - - +	\$	<input type="text"/>
Total Part II Revenue (include in Schedule 1)	- - - - - =	\$	<input type="text"/>

Part III – Other Revenue Not Deemed A Contribution

Provide full details (e.g., contributions of \$10 or less; revenue from refreshment sold at cost)

1.	- - - +	\$	<input type="text"/>
2.	- - - +	\$	<input type="text"/>
3.	- - - +	\$	<input type="text"/>
4.	- - - +	\$	<input type="text"/>
5.	- - - +	\$	<input type="text"/>
6.	- - - +	\$	<input type="text"/>
7.	- - - +	\$	<input type="text"/>
8.	- - - +	\$	<input type="text"/>
Total Part III Revenue (include in Box C)	- - - - - =	\$	<input type="text"/>

Part IV – Expenses Related to Fund-Raising Function

Venue - - - - -	- - - +	\$	<input type="text"/>
Event advertising - - - - -	- - - +	\$	<input type="text"/>
Food and drink - - - - -	- - - +	\$	<input type="text"/>
Entertainment - - - - -	- - - +	\$	<input type="text"/>
Other (provide full details)			

1.	- - - +	\$	<input type="text"/>
2.	- - - +	\$	<input type="text"/>
3.	- - - +	\$	<input type="text"/>
4.	- - - +	\$	<input type="text"/>
5.	- - - +	\$	<input type="text"/>
6.	- - - +	\$	<input type="text"/>
7.	- - - +	\$	<input type="text"/>
8.	- - - +	\$	<input type="text"/>
Total Part IV Expenses (include in Box C)	- - - - - =	\$	<input type="text"/>

**Schedule 3 – Inventory of Campaign Goods and Materials (from Previous Campaign)
Used in Candidate's Campaign**

Description	Date Acquired (yyyy/mm/dd)	Supplier	Unit Value	Quantity	Total Value
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
Total Value of Inventory from Previous Campaign Used in Candidate's Campaign					\$

Schedule 4 – Inventory of Campaign Goods and Materials at The End of Campaign

Description	Date Acquired (yyyy/mm/dd)	Supplier	Unit Value	Quantity	Total Value
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
			\$		\$
Total Value of Inventory of Campaign Goods and Materials					\$

Auditor's Report*Municipal Elections Act, 1996 (Section 78)*

A candidate who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report. The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

Professional Designation of Auditor

Municipality		Date (yyyy/mm/dd)	
Contact Person Last Name		First Name	Licence No.
Address			
Suite/Unit No.	Street No.	Street Name	
City/Town		Province	Postal Code
Telephone No. (incl. area code) ext.		Fax No.	Email Address

May 31, 2011

AUDIT COMPLIANCE APPLICATION

(Dale A. Robinson)

To guarantee the success of the new electoral reforms for campaign finances, the Municipal Elections Act, 1996, provides a mechanism for citizens to defend and preserve their usefulness and effectiveness.

This is done by carefully examining financial statements and then making an application to the Audit Compliance Committee to challenge any apparent conflicts with the provisions of the new legislation.

If no citizen action is taken where it appears that a conflict may exist, then precedents could be established that may neutralize the usefulness and effectiveness of the legislation going forward.

Ontario society would not benefit from that type of negative outcome.

That is why I have filed this Audit Compliance Application.

I believe that the following questions need to be answered:

(1) Does the legislation require that every candidate must reveal ALL sources of campaign funding as stated in their financial statement without exception?

(I believe that the legislation does have this requirement.)

(2) Does the legislation require that every candidate fill out ALL pages of the financial statement applicable to that particular candidate in its entirety and appropriately?

(I believe that the legislation does have this requirement.)

(3) Does the legislation require that every candidate be responsible for the accuracy and validity of ALL information that they have provided in their financial statement?

(I believe that the legislation does have this requirement.)

(4) Does the legislation require that every candidate be personally responsible for obtaining the knowledge and/or the expertise required to accomplish (1), (2) and (3) as stated?

(I believe that the legislation does have this requirement as well.)

Gary Atamanyk, 32 Woodstream Bd., Fonthill, Ontario, L0S 1E1

905-892-4191 gatamanyk@cogeco.ca

auditcompliance

*Received May 25, 2011
Karen Bellamy*

41 Welland Street, South
Thorold, On.
Wednesday, May 18, 2011.

To the Compliance Audit Committee:

Attached please find my response to the Application for Compliance Audit by Gary Atamanyk, filed with the Secretary of the Board on May 2, 2011. I have included Mr. Atamanyk's reasons, followed by my response. I apologize for the errors that I did make. There was no intent to misrepresent my finances during the campaign.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dale Anne Robinson". The signature is written in black ink and is positioned below the typed name.

Dale Anne Robinson

Compliance Audit Response: Dale Robinson

"Statement does not fully reflect the candidate's election campaign expenses.

A) "Schedule 1 and/or 2 have not been completed to reveal the source/sources of \$400.00 in campaign income, (not counting the \$100.00 filing fee)."

This is not an error. There were no contributions to my campaign that were greater than \$100.00, so no donors needed to be named. I do have their names if you require them.

B) "The financial statement is incomplete and thereby incorrect since schedule 1 and or Schedule 2 have/has not been filled out as required. Also, the Financial Statement does not state the starting "Day" of the candidate's campaign period on page 1 as required."

This is an error. The starting date of my campaign was September 26, 2011, but I was unsure whether this date should have been September 10 , the day after the closing of nominations. My intent had been to clarify the correct date with the Clerk of the Town of Pelham, but she was absent the day that I went to file. When I made my second trip to Pelham the next week, I forgot to do so.

C) The Financial Statement is incorrect since the candidate reports on page 3, box E, a total campaign "surplus or deficit" of \$0. While reporting on Page 1, Box B, a total campaign "surplus or deficit" of - \$1771.00

This is an error. The deficit figure from Box E did read \$0. To arrive at the figure of - \$1771.00 on page 1, Box B, I subtracted the \$400.00 donations received from my total expenses of \$2 171.00. The deficit reported was the amount that my husband and I personally contributed to my campaign, without the donations.