



DISTRICT SCHOOL BOARD OF NIAGARA
Achieving Success Together

COMPLIANCE AUDIT COMMITTEE MEETING

THURSDAY, JULY 7, 2011

DISTRICT SCHOOL BOARD OF NIAGARA
GRIMSBY/LINCOLN ROOM, EDUCATION CENTRE
10:30 A.M.

MINUTES

1) CALL TO ORDER

The meeting was called to order at 10:31 a.m. by Warren Hoshizaki, Director of Education, Secretary and Treasurer of the Board for the District School Board of Niagara (DSBN), who conducted the meeting until the selection of the Chairperson.

2) ROLL CALL

COMMITTEE MEMBERS PRESENT:

Allan Andrews
David Barrett
Margo Pinder

ALSO PRESENT:

Warren Hoshizaki, Director of Education, Secretary and Treasurer of the Board,
DSBN
Brenda Stokes Verworn, Board Lawyer, DSBN
Karen Bellamy, Administrative Assistant, DSBN
John Pula, Applicant
Dalton Clark, Candidate
Lora Campbell, Candidate
Linda Crouch, agent for Applicant John Pula

MEMBERS OF THE PUBLIC PRESENT: 3

MEDIA PRESENT: NIL

3) SELECTION OF CHAIR

Warren Hoshizaki, Director of Education, Secretary and Treasurer of the Board, asked for nominations for Chairperson.

Resolution No. 1

Moved by: Allan Andrews

THAT: David Barrett be appointed as the Chair for the purposes of this meeting.

(CARRIED)

4) DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

NIL

5) ADOPTION OF MINUTES

(a) Niagara Compliance Audit Committee Minutes – May 31, 2011

Mr. Allan Andrews requested changes to wording of the minutes in paragraph 3, page 3 under the heading 'Presentation of the Applicant'.

Resolution No. 2

Moved by: _____ David Barrett _____

THAT: The Niagara Compliance Audit Committee Minutes dated May 31, 2011, be confirmed as amended.

(CARRIED)

6) OPENING STATEMENT BY CHAIR

Chair Barrett stated that within normal procedures of the Niagara Compliance Audit Committee, when the Agenda includes one or more application, the committee is to deal with each application separately and in its entirety before moving on to the next application. Today, the committee will hear all three applications in their entirety before rendering a complete decision.

Resolution No. 3

Moved by: _____ Margo Pinder _____

THAT: Section 11.5 of the Procedures for the Niagara Compliance Audit Committee be waived, as permitted by section 16.1 of the said procedures, and the three applications for compliance audit from John Pula be considered together.

(CARRIED)

**7) APPLICATION FOR COMPLIANCE AUDIT –
APPLICATION BY JOHN PULA FOR CANDIDATE DALTON CLARK, PUBLIC
SCHOOL TRUSTEE, LORA CAMPBELL, PUBLIC SCHOOL TRUSTEE, AND
LYNN CAMPBELL, PUBLIC SCHOOL TRUSTEE**

1. Attachments: (i) Copy of Applications
(ii) Candidates' Financial Statements
(iii) Written Submissions
2. Introduction and Recording of Applicant and Candidates

The applicant and candidates provided their names and mailing addresses to the Secretary of the Board.

APPLICANT:

John Pula
105 Margery Avenue
St. Catharines, ON L2R 6K2

CANDIDATE:

Dalton Clark
5 Graham Avenue
St. Catharines, ON L2N 5L1

CANDIDATE:

Lora Campbell
74 Shoreline Drive,
St. Catharines, ON L2N 6H7

APPLICANT'S AGENT:

Linda Crouch
2 Woodglen Drive
St. Catharines, ON L2N 2Y7

3. Presentation by Applicant and Agent

(For the purposes of the minutes, exhibit marked 'A' referred to in Mr. Pula's application package will be referred to as original flyer A. Exhibit marked 'B' referred to in Mr. Pula's application package will be referred to as flyer B.)

In response to Mr. Pula's request, the committee allowed a member of the public to video-tape the meeting.

Mr. Pula distributed a written presentation to committee members.

Mr. Pula summarized his written affidavit noting that his interest in running for school board trustee stems from his involvement with the St. Catharines Collegiate Alumni Association where he currently holds the position of vice-president. The Alumni's mandate is to support the needs of the students, staff, and the school and he is proud of their accomplishments.

Mr. Pula stated his chances of being elected as a DSBN trustee were hampered because of the distribution of a flyer (flyer B). He believes that the DSBN was directly involved in the election process by allowing flyer B to be distributed at the meet and greet event and in the local newspaper. Mr. Pula noted the DSBN has a website where corrections could have been posted after the elections.

Mr. Pula noted there was nothing in the candidates' financial documents to indicate that flyer B was paid for by the candidates.

Mr. Pula advised that candidate Lynn Campbell showed flyer B to him at the meet and greet event in order to make him aware of the correct information. Mr. Pula noted he did not distribute original flyer A or condone original flyer A and he feels he is a victim of bad politicking.

Mr. Pula stated his quest is to find the truth and to make sure everyone plays by the rules in future elections.

Linda Crouch introduced herself as agent for Applicant John Pula and noted she was also one of candidates named in the original flyer A.

Ms. Crouch stated that after reading all three written statements by the candidates, a conclusion can be made that the Board created flyer B and questioned if flyer B is campaign literature. Ms. Crouch also referenced the presentation package that was distributed earlier by Mr. Pula in which samples of DSBN media releases were included. Ms. Crouch pointed out that there is a great difference in flyer B from a DSBN media release. Ms. Crouch noted the candidates have made statements that flyer B was a corporate response to original flyer A but it is not in the same format as other news releases listed on the school board's website.

In response to a question posed by Mr. Andrews, Ms. Crouch stated that a news release is something that is issued to the media at large. The intention would be for the media to carry this information to the broader public. Ms. Crouch further stated that according to the Niagara This Week article, Lynn Campbell contacted the media. The article also indicated that Brett Sweeney, Media Relations Officers with the DSBN, sent a written email to the media rebutting original flyer A.

For clarification, Mr. Andrews reiterated the series of events: A candidate contacted the media to voice her concern. The media followed up and called the Board to ask questions and received a response. This written response was the basis of flyer B.

Linda Crouch stated that talking to the media is different than the Board distributing flyer B at a campaign meeting.

Mr. Andrews asked Ms. Crouch if she believes the Board, or employees of the Board, brought flyer B to the campaign meeting? Ms. Crouch responded by indicating that the candidates' written statements admit that the Board made flyer B and distributed it at the meeting.

Chair Barrett questioned that in general, during election time or any other time, would the Board not have the right and obligation to correct misinformation about Board affairs in the newspaper?

Ms. Crouch responded that the Board has that right but the Board does not have the right to produce campaign literature and hand it out at an election event.

Mr. Pula confirmed that flyer B was not generally distributed at the event but was placed on the table which was meant for campaign literature only. Flyer B was handed directly to Mr. Pula by candidate Lynn Campbell. Mr. Pula stated he feels it made it seem that he didn't know what he was talking about.

Committee member Margo Pinder tried to narrow down Mr. Pula's main issues. Mr. Pula and Ms. Crouch confirmed the issues are:

- a) DSNB's normal communication protocol was not followed with respect to media communication; and
- b) that in using Mr. Pula's name, his reputation was impaired; and
- c) the school board created flyer B, in which case it is a goods or service contributed to a campaign.

Chair Barrett asked Mr. Pula if he considered original flyer A to be a benefit. Mr. Barrett commented that Ms. Crouch feels flyer B was a benefit to the candidates but they did not report it in their financial documentation. Mr. Barrett questioned if both Mr. Pula and Ms. Crouch reported it as a benefit, as they should have.

In response to a question asked by Mr. Andrews, Mr. Pula confirmed that if his name had not been included on the original flyer A this would not be an issue for him, but he questioned if the Board is allowed to produce campaign literature.

Ms. Pinder stated that she is having difficulty making connections with some of the issues. The Niagara This Week article mentions the four names of the individuals noted in the original flyer A, not just one name. Mr. Pula has stated concern about being respected and that the flyers have impaired his reputation. If that were true the flyers would have impaired all reputations as the media has repeated all four of those names. Also, when it comes to Mr. Pula's issue of whether it's a goods or service that contributes or detracts from the candidates' campaign, Ms. Pinder indicated she cannot make that connection either.

Ms. Crouch stated the issue is whether the DSBN created flyer B and, if so, would the committee members consider it to be campaign literature. If it is campaign literature, it should have been declared on the candidates' financial statements.

Mr. Pula commented he is guilty by association as it has been broadcast everywhere that the information he put out was wrong. Had the corrections been sent out after the election, he would have no issue. The reason he submitted this application is because he felt embarrassed about it.

Ms. Crouch stated the issue is whether the Board participated in the election, and if so, these goods and services should have been declared.

Ms. Crouch referenced a document in the written presentation package which outlines questions they believe need to be answered by the Niagara Compliance Audit Committee and the Auditor as to flyer B.

4. Presentation by Candidate Dalton Clark

Mr. Dalton Clark addressed the committee.

Mr. Clark commented that after hearing Mr. Pula speak, he is confused as to whether Mr. Pula is submitting an application against him or the school board or the ghost writer of original flyer A.

Mr. Clark stated that campaign literature usually has the candidate's name listed on it together with the words 'vote for'. Flyer B does not have this information noted on it and it is clearly a corporate response to misinformation.

In response to a comment made by Chair Barrett, Mr. Clark confirmed there is nothing noted on flyer B to indicate it was produced by the DSBN and therefore it is an assumption on his part.

Mr. Clark stated that if a ruling went in favour of Mr. Pula's application, then a school board, a city council or even a Region would not have the right to correct information in the 10 months allowed for an election.

Mr. Clark stated he did not request that flyer B be prepared, he did not distribute flyer B and he was surprised to see it on the table at the meet and greet event. It would have never occurred to him to include flyer B in his financial papers.

Presentation by Candidate Lora Campbell

Mrs. Lora Campbell addressed the committee.

Mrs. Campbell concurred with the statements made by Mr. Clark. Mrs. Campbell also stated that if she was responsible to include flyer B in her financial reporting, than all candidates would have to include it as well.

In response to a question posed by Mr. Barrett, Mrs. Campbell acknowledged that it was a presumption on her part to include the words 'DSBN Correcting Mis-Information Flyer' in her written submission as she has no information to verify that it is a DSBN document.

Presentation by Candidate Lynn Campbell

Chair Barrett confirmed candidate Lynn Campbell is not present at this meeting but that the committee received her written statement. Once again, the committee will assume it is a presumption on her part that flyer B is a DSBN document.

5. Committee Consideration of Application and Decision

Re: Committee to determine to grant or reject Application

Chair Barrett stated that before deliberations continue, many assumptions have been made and statements have been made that the yellow flyer B was prepared by the DSBN for the candidates named in the application. Chair Barrett asked Director Hoshizaki to respond to the statements.

Mr. Hoshizaki stated that is normal practice to respond to media enquiries and it is something which is done on a daily basis. Mr. Hoshizaki further stated that we (the Board) did not create flyer B nor distribute flyer B. Mr. Hoshizaki confirmed he has no knowledge of original flyer A whatsoever.

In response to a question, Mr. Hoshizaki stated that the Board did not instruct him regarding the allegations on original flyer A.

Ms. Crouch commented she believes Lynn Campbell brought flyer B to the candidates' meeting and noted Lynn Campbell refers to flyer B being produced by the DSBN in her written disclosure.

Ms. Crouch noted that by the time she arrived at the candidates' meeting, the stack of flyers (flyer B) were already there. Ms. Crouch questions who brought flyer B to the meeting and if there is enough information to seek further investigation.

Mr. Andrews stated that the question of what the Niagara Compliance Audit Committee should and shouldn't do is in its infancy. Mr. Andrews referenced a recent NCAC decision which sets out what reasonable grounds are in order to grant an application for compliance audit. Speculation, conjecture and simply 'fishing expeditions' are not reasonable grounds for granting a compliance audit. Whether or not flyer B was prepared by the DSBN is not clear. There is a difference between partisan literature prepared for a particular candidate and non-partisan literature. Even if flyer B was prepared by DSBN and left at the candidates' meeting is not an issue.

Mr. Andrews stated that Mr. Pula's name being included on original flyer A is what caused all the problems.

Resolution No. 4

Moved by: Allan Andrews

THAT: Having reviewed the written materials filed by the Applicant and the Candidate, and having heard the oral submissions by John Pula et al, pursuant to Section 81(5) of the Municipal Elections Act, 1996, as amended, the Compliance Audit Committee hereby rejects the compliance audit application filed by John Pula for an audit of the election campaign finances of Dalton Clark, candidate in the October 25, 2010 election since the Committee is not satisfied that reasonable grounds have been demonstrated that the Candidate may have contravened the provisions of the said Act relating to election campaign finances.

(CARRIED UNANIMOUSLY)

Resolution No. 5

Moved by: Allan Andrews

THAT: Having reviewed the written materials filed by the Applicant and the Candidate, and having heard the oral submissions by John Pula et al, pursuant to Section 81(5) of the Municipal Elections Act, 1996, as amended, the Compliance Audit Committee hereby rejects the compliance audit application filed by John Pula for an audit of the election campaign finances of Lynn Campbell, candidate in the October 25, 2010 election since the Committee is not satisfied that reasonable grounds have been demonstrated that the Candidate may have contravened the provisions of the said Act relating to election campaign finances.

(CARRIED UNANIMOUSLY)

Resolution No. 6

Moved by: Margo Pinder

THAT: Having reviewed the written materials filed by the Applicant and the Candidate, and having heard the oral submissions by John Pula et al, pursuant to Section 81(5) of the Municipal Elections Act, 1996, as amended, the Compliance Audit Committee hereby rejects the compliance audit application filed by John Pula for an audit of the election campaign finances of Lora Campbell, candidate in the October 25, 2010 election since the Committee is not satisfied that reasonable grounds have been demonstrated that the Candidate may have contravened the provisions of the said Act relating to election campaign finances.

(CARRIED UNANIMOUSLY)

Chair Barrett commented that if the applicant has a quarrel at all, it is not with the candidates nor with the DSBN, it is with the person(s) that prepared and distributed original flyer A.

8) ADJOURNMENT

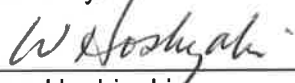
Resolution No. 7

Moved by: David Barrett

THAT: The Compliance Audit Committee Meeting hereby adjourn at 11:25 a.m.

(CARRIED)

Prepared by:



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

Reviewed and electronically approved by Niagara Compliance Audit Committee
Members: David Barrett, Chair
Allan Andrews
Margo Pinder