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**By Email**  
**Confidential**

Mr. Ric McGee  
CAO/Clerk  
The Corporation of the Town of Deep River  
100 Deep River Road, P.O. Box 400  
Deep River, ON K0J 1P0

Mr. Larry Dumoulin  
19 Banting Drive  
Deep River, ON K0J 1P0

Dear Mr. McGee and Mr. Dumoulin:

**Re: Code of Conduct File 02-2018**

A May 23 complaint alleged that three Council Members contravened the Code of Conduct during the May 16 meeting that considered the report of the Acting Integrity Commissioner.

You will recall that I had recused myself from Files 02-2017, 03-2017 and 04-2017. Though the numbering was not reflected in his report, the Acting Integrity Commissioner in his report also addressed File 01-2017.

The reason for my recusal in the 2017 files did not apply in File 02-2018, which related entirely to statements made by Council Members about the Complainant.

Under the Code of Conduct, not every complaint gets investigated. Section 10.4(f) of the Code states that:

If the Integrity Commissioner is of the opinion that the referral of a matter to him or her 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 where that becomes apparent in the course of an investigation, terminate the investigation.

Section 10.4(f) identifies five different circumstances in which I may decline to investigate or may terminate an investigation:

1. Referral is frivolous.
2. Referral is vexatious.
3. Referral is not made in good faith.

4. No grounds for an investigation.
5. Insufficient grounds for an investigation.

The Code defines these terms as follows:

**Frivolous** – means of little or no substance, worth or importance; not worthy of serious notice.

**Good faith** – means in accordance with standards of honesty, trust, sincerity and integrity.

...

**Vexatious** – means instituted without sufficient grounds and serving only to cause annoyance to the defendant.

The Complainant had filed complaints that the Acting Integrity Commissioner dismissed. The basis for the new complaint was that he did not like what Council Members said about the old complaints and the dismissals.

I did not find an absence of good faith, but I did conclude that the referral was frivolous and vexatious, and that there were insufficient grounds for an investigation. My reasons included the following:

First, the new complaint was based on an argument that the Complainant acted appropriately and properly in filing the original complaints. I expressed no opinion on whether he did or didn't. I simply noted that this argument invited re-litigation of the original complaints.

Second, the new complaint appeared to be just an alternate way for the Complainant to seek vindication of his position in the original complaints.

Third, the public interest and respect for the Code of Conduct are not served when the report of an investigation into a first complaint is immediately followed by a second complaint about discussion of the first investigation and report. This is especially true when, as in this case, the complaint about *discussion* was just a thinly veiled attempt to reopen the original investigations.

Fourth, Council Members have the right to speak freely and to express their opinions unless they are contravening the Code of Conduct. The complaint contained insufficient grounds to commence an investigation into their opinions and speech.

Consequently, I declined to investigate or to refer the file to an acting integrity commissioner. Under the circumstances there was no basis to report to Council.

Yours truly,



Guy W. Giorno  
Integrity Commissioner  
Town of Deep River

