



# CITY OF MARKHAM

## COMPLIANCE AUDIT COMMITTEE

### AGENDA

Thursday, June 15, 2023

6:00 pm

Council Chamber

Markham Civic Centre

101 Town Centre Boulevard

Markham, Ontario

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Pages

#### 1. PUBLIC NOTICE

**Joint Compliance Audit Committee meetings will be held in a hybrid meeting format. The public can observe meetings of the Joint Compliance Audit Committees by attending in-person or by viewing the livestream of the open session part of these meetings which can be accessed on the City's website (Markham.ca).**

#### 2. CALL TO ORDER

##### INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

#### 3. DISCLOSURE OF PECUNIARY INTEREST

#### 4. COMMUNICATIONS

Communication from Najmus Saqib Agar  
Communication on behalf of Herman Grad  
Communication from Rajinder Minhas-Bal  
Communication from Zara Sajid

Communication Sakina Najmus Saqib  
 Communication from Lin Zhang

## 5. CONSIDERATION OF ITEMS REQUIRING DISCUSSION

### 5.1 COMMITTEE'S OPENING STATEMENT

### 5.2 MARKHAM CITY CLERK'S REPORT ON OVER-CONTRIBUTIONS IN THE 2022 MARKHAM MUNICIPAL ELECTION: NAJMUS SAQIB AGAR

5

1. Presentation by Kimberley Kitteringham, City Clerk, regarding the report to the Joint Compliance Audit Committee, where during the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Najmus Saqib Agar, was identified as appearing to have exceeded the *Municipal Elections Act's* \$5,000 total contribution limit to candidates running for office on Markham City Council.
2. Statement from the Contributor (or Agent), and witnesses.
3. Statement from the Affected Candidate(s) (or Agent)(s)), and witnesses.
4. Receipt of Written Correspondence (if applicable).
5. Committee Deliberation (may be in Private Session if the Committee so determines).

### 5.3 MARKHAM CITY CLERK'S REPORT ON OVER-CONTRIBUTIONS IN THE 2022 MARKHAM MUNICIPAL ELECTION: HERMAN GRAD

11

1. Presentation by Kimberley Kitteringham, City Clerk, regarding the report to the Joint Compliance Audit Committee, where during the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Herman Grad, was identified as appearing to have exceeded the *Municipal Elections Act's* \$5,000 total contribution limit to candidates running for office on Markham City Council.
2. Statement from the Contributor (or Agent), and witnesses.
3. Statement from the Affected Candidate(s) (or Agent)(s)), and witnesses.
4. Receipt of Written Correspondence (if applicable).

5. Committee Deliberation (may be in Private Session if the Committee so determines).

**5.4 MARKHAM CITY CLERK'S REPORT ON OVER-CONTRIBUTIONS IN THE 2022 MARKHAM MUNICIPAL ELECTION: RAJINDER MINHAS**

16

1. Presentation by Kimberley Kitteringham, City Clerk, regarding the report to the Joint Compliance Audit Committee, where during the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Rajinder Minhas, was identified as appearing to have exceeded the *Municipal Elections Act's* \$5,000 total contribution limit to candidates running for office on Markham City Council.
2. Statement from the Contributor (or Agent), and witnesses.
3. Statement from the Affected Candidate(s) (or Agent)(s)), and witnesses.
4. Receipt of Written Correspondence (if applicable).
5. Committee Deliberation (may be in Private Session if the Committee so determines).

**5.5 MARKHAM CITY CLERK'S REPORT ON OVER-CONTRIBUTIONS IN THE 2022 MARKHAM MUNICIPAL ELECTION: ZARA SAJID**

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1. Presentation by Kimberley Kitteringham, City Clerk, regarding the report to the Joint Compliance Audit Committee, where during the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Zara Sajid, was identified as appearing to have exceeded the *Municipal Elections Act's* \$5,000 total contribution limit to candidates running for office on Markham City Council.
2. Statement from the Contributor (or Agent), and witnesses.
3. Statement from the Affected Candidate(s) (or Agent)(s)), and witnesses.
4. Receipt of Written Correspondence (if applicable).
5. Committee Deliberation (may be in Private Session if the Committee so determines).

**5.6 MARKHAM CITY CLERK'S REPORT ON OVER-CONTRIBUTIONS IN THE 2022 MARKHAM MUNICIPAL ELECTION: SAKINA NAJMUS SAQIB**

28

1. Presentation by Kimberley Kitteringham, City Clerk, regarding the report to the Joint Compliance Audit Committee, where during the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Sakina Najmus Saqib was identified as appearing to have exceeded the *Municipal Elections Act's* \$5,000 total contribution limit to candidates running for office on Markham City Council.
2. Statement from the Contributor (or Agent), and witnesses.
3. Statement from the Affected Candidate(s) (or Agent)(s)), and witnesses.
4. Receipt of Written Correspondence (if applicable).
5. Committee Deliberation (may be in Private Session if the Committee so determines).

**5.7 MARKHAM CITY CLERK'S REPORT ON OVER-CONTRIBUTIONS IN THE 2022 MARKHAM MUNICIPAL ELECTION: LIN ZHANG**

34

1. Presentation by Kimberley Kitteringham, City Clerk, regarding the report to the Joint Compliance Audit Committee, where during the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Lin Zhang was identified as appearing to have exceeded the *Municipal Elections Act's* \$5,000 total contribution limit to candidates running for office on Markham City Council.
2. Statement from the Contributor (or Agent), and witnesses.
3. Statement from the Affected Candidate(s) (or Agent)(s)), and witnesses.
4. Receipt of Written Correspondence (if applicable).
5. Committee Deliberation (may be in Private Session if the Committee so determines).

**6. ADJOURNMENT**



Report to: York Region Joint Compliance Audit Committee

May, 18, 2023

**Subject:** Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Najmus Saqib Agar

**Prepared by:** Kimberley Kitteringham, City Clerk / Returning Officer

### **Recommendation:**

1. That the report titled 'Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Najmus Saqib Agar, be received; and,
2. That the York Region Joint Compliance Audit Committee recommend that this matter:
  - a. Be referred to independent legal counsel to proceed with action against the named contributor for an over-contribution to Markham City Council candidates in the 2022 Markham Municipal Election under Section 88.9 of Ontario's *Municipal Elections Act*; or,
  - b. Be resolved without further consideration of legal action against the named contributor under Ontario's *Municipal Elections Act*.

### **Purpose:**

To advise and seek direction from the York Region Joint Compliance Audit Committee on an apparent violation of the Ontario *Municipal Elections Act's* campaign contribution limits in the 2022 Markham Municipal Election.

### **Background:**

In Ontario, municipal council and school board elections are regulated by the *Municipal Elections Act, 1996 (MEA)*. As part of an overall election finance governance framework, the *MEA* establishes rules around the value a person can contribute to a candidate or third party advertiser's election campaign. By law, a person can donate a maximum of:

- \$1,200 to any one candidate or third party advertiser; and,
- \$5,000 total to candidates running for office on the same municipal council or school board, or to third party advertisers registered in the same municipality.

After an election, all candidates and third party advertisers are legally required to file a financial statement with the municipal clerk outlining their campaign's income and expenses. As part of this statement, candidates and third party advertisers have to disclose the name and address of every person who donated over \$100 to their election campaign. Documents filed under the *MEA*, including campaign financial statements and any supporting reports, are expressly classified as public records and open to inspection until the end of their legislated lifecycle.

After the *MEA's* statutory filing deadline has passed, the municipal clerk is required to review the individual contributions reported in each candidate and third party advertiser's financial statement, and on the basis of this information, determine whether either of the contribution limits described above appear to have been exceeded. If one appears to have been exceeded, the municipal clerk will prepare a report outlining the potential violation, and convene a public meeting of the municipality's compliance audit committee to consider this report and render a recommendation on whether to take legal action against the contributor.



In October 2022, the City of Markham hosted an election for its City Council and local school board trustee offices. Candidates and third party advertisers could register with Markham's City Clerk starting on May 2, 2022 and accept campaign contributions until January 3, 2023. Financial statements were due to Markham's City Clerk by 2 PM on March 31, 2023, with a 30-day late filing window ending at 2 PM on May 1, 2023.

### Discussion:

During the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Najmus Saqib Agar was identified as appearing to have exceeded the *MEA's* \$5,000 total contribution limit to candidates running for office on Markham City Council.

The table below summarizes each contribution to Markham City Council candidates identified as being associated with this potential campaign finance infraction:

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Najmus, Saqib	707-9700 Ninth Line, Markham	Amanda Collucci	\$1,200.00	2022/06/15
Najmus Agar	707-9700 Ninth Line, Markham	Jim Jones	\$1,200.00	2022/10/24
Najmus Saqib Agar	707-9700 Ninth Line, Markham	Keith Irish	\$1,200.00	2022/07/29
Najmus Agar	707-9700 Ninth Line, Markham	Michael Chan	\$1,200.00	2022/09/28
Najmus Agar	707-9700 Ninth Line, Markham	Andrew Keyes	\$1,200.00	2022/09/01
Najmus Saqib Agar	707-9700 Ninth Line, Markham	Alan Ho	\$1,200.00	2022/09/01

**Total reported contributions: \$7,200.00**

Under the *MEA*, the York Region Joint Compliance Audit Committee is required to convene within 30 days of receiving this report and decide whether to recommend the commencement of legal proceedings against the contributor. A public meeting will be held within this timeframe by Markham's City Clerk for the Committee to formally receive, consider, and render a decision on this report. Affected parties will be notified of and invited to this meeting to participate in the Committee's consideration of this potential campaign finance infraction.

### Attachment(s):

- Campaign financial statements (2022 Markham Municipal Election)
 

Amanda Collucci	Andrew Keyes
Jim Jones	Michael Chan
Keith Irish	Alan Ho

## Notice of Compliance Audit Committee Meeting

### 2022 Markham Municipal Election



**To:** Najmus Saqib Agar,

This is to notify you that a meeting of the York Region Joint Compliance Audit Committee has been scheduled for **Thursday June 15, 2023, at 6:00 PM**, to address the campaign contributions you appear to have made to candidates in the 2022 Markham Municipal Election.

Under the *Municipal Elections Act, 1996*, it is illegal to donate more than \$1,200 to any one candidate, or more than \$5,000 total to multiple candidates running for office on the same municipal council or school board. Based on post-election financial statements filed by candidates in the 2022 Markham Municipal Election, it appears that you exceeded the law's \$5,000 total limit in donations to Markham City Council candidates.

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Najmus Saqib Agar	707-9700 Ninth Line, Markham	Amanda Collucci	\$1,200.00	2022/06/15
Najmus Agar	707-9700 Ninth Line, Markham	Jim Jones	\$1,200.00	2022/10/24
Najmus Saqib Agar	707-9700 Ninth Line, Markham	Keith Irish	\$1,200.00	2022/07/29
Najmus Agar	707-9700 Ninth Line, Markham	Michael Chan	\$1,200.00	2022/09/28
Najmus Agar	707-9700 Ninth Line, Markham	Andrew Keyes	\$1,200.00	2022/09/01
Najmus Saqib Agar	707-9700 Ninth Line, Markham	Alan Ho	\$1,200.00	2022/09/01

**Total reported contributions: \$7,200.00**

At this meeting, the York Region Joint Compliance Committee will consider this information and decide whether to recommend that legal action be taken against you.



This meeting will be held in a hybrid format with both in-person and electronic participation options. Please note that this meeting will be recorded and posted online on ElectionsMarkham.ca. You are invited to:

- Attend this meeting (electronically or in person) and make a statement to the Committee (or have an authorized agent do this for you); and,
- Submit a written statement to the Committee (this will be included in the meeting agenda if received by **Tuesday June 14, 2023 at 5:00 PM**).

Please note that if you don't make any representations at this meeting, the Committee will still proceed in your absence to consider and render a decision on this matter involving you.

### How to attend:

#### Online by video-conference

[ElectionsMarkham.ca/AuditCommitteeJune152023](https://ElectionsMarkham.ca/AuditCommitteeJune152023)

#### In-person

Markham Civic Centre (Council Chamber)  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

If you would like to submit a written statement to the Committee or have questions, please contact Hristina Giantsopoulos, Election and Committee Coordinator ([HGiantsopoulos@markham.ca](mailto:HGiantsopoulos@markham.ca) or 416.388.7510) or Erica Alligood, Election and Committee Coordinator ([EAlligood@markham.ca](mailto:EAlligood@markham.ca) or 647-407-8204).

Sincerely,

#### Kimberley Kitteringham

City Clerk and Returning Officer  
Elections Markham (City of Markham)

Enclosed document(s):

- Report to York Region Joint Compliance Audit Committee (May 18, 2023 )  
Over-Contribution in 2022 Markham Municipal Election: Najmus Saqib Agar

Najmus Saqib Agar  
707-9700 Ninth Line.  
Markham, ON L6B 1R7  
(647)- 898-3133

June 14, 2023

Compliance Audit Committee  
The City of Markham  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3

Dear Members of the Compliance Audit Committee

RE: Notice of Compliance  
Najmus Saqib Agar  
Explanation Regarding Violation of Municipal Elections Act 1996

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I hope this letter finds you well. I am writing to address the recent notice of compliance I received from the city of Markham, indicating that I am in violation of the Municipal Elections Act 1996 for exceeding the total donation limit of \$5,000.00 to multiple candidates in the recent elections. I would like to take this opportunity to explain my situation and express my sincerest apologies for inadvertently contravening the regulations outlined in the Act.

I must sincerely emphasize that my violation of the Municipal Elections Act 1996 was entirely unintentional. At the time of making these contributions, I was not fully aware of the specific legal provisions stipulated within the Act regarding the maximum allowable donation amounts. My primary intention was to support my friends' endeavors without realizing the legal constraints in place. As a law-abiding citizen, I deeply regret my oversight and understand the seriousness of this situation.

I would like to assure the Compliance Audit Committee that I have a profound respect for the electoral process and the legal framework that governs it. I understand the importance of maintaining transparency, integrity, and fairness in our democratic system. My inadvertent violation of the Municipal Elections Act was an unfortunate lapse in judgment, and I assure you that it was not motivated by any intention to circumvent the law or gain an unfair advantage.

I acknowledge the gravity of this matter and assure you that I have taken immediate steps to rectify the situation. Firstly, upon receiving the notice of compliance, I contacted each of the candidates to explain the circumstances and request that they return the excess donations above the prescribed limit.

I assure you that I have learned a valuable lesson from this experience and will exercise greater diligence and awareness regarding campaign donation regulations in the future. It was never my intention to undermine the integrity of the electoral process, and I deeply regret any inconvenience or concern my actions may have caused.

I humbly request the Compliance Audit Committee's understanding and leniency in this matter. I kindly ask for your consideration of the circumstances I have outlined in this letter and urge you to take into account my immediate actions to rectify the situation by returning the excess donations. I remain committed to upholding the principles of fairness, transparency, and compliance with the law, and I will ensure such oversights do not occur in the future.

Thank you for your time and attention to this matter. I am willing to cooperate fully with the Compliance Audit Committee, providing any additional information or documentation that may be required. Should you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Sincerely,

Najmus Saqib Agar

## Notice of Compliance Audit Committee Meeting

### 2022 Markham Municipal Election



**To: Herman Grad,**

This is to notify you that a meeting of the York Region Joint Compliance Audit Committee has been scheduled for **Thursday, June 15, 2023, at 6:00 PM**, to address the campaign contributions you appear to have made to candidates in the 2022 Markham Municipal Election.

Under the *Municipal Elections Act, 1996*, it is illegal to donate more than \$1,200 to any one candidate, or more than \$5,000 total to multiple candidates running for office on the same municipal council or school board. Based on post-election financial statements filed by candidates in the 2022 Markham Municipal Election, it appears that you exceeded the law's \$5,000 total limit in donations to Markham City Council candidates.

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Herman Grad	2 Cluny Dr, Toronto	Jim Jones	\$1,200.00	2022/06/13
Herman Grad	2 Cluny Dr, Toronto	Shanta Sundarason	\$1,200.00	2022/10/24
Herman Grad	2 Cluny Dr, Toronto	Frank Scarpitti	\$1,200.00	2022/10/24
Herman Grad	2 Cluny Dr, Toronto	Howard Shore	\$720.00	2022/07/29
Herman Grad	2 Cluny Dr, Toronto	Isa Lee	\$1,200.00	2022/09/22
Herman Grad	2 Cluny Dr, Toronto	Alan Ho	\$500.00	2022/06/13

**Total reported contributions: \$6,020.00**

At this meeting, the York Region Joint Compliance Committee will consider this information and decide whether to recommend that legal action be taken against you.

This meeting will be held in a hybrid format with both in-person and electronic participation options. Please note that this meeting will be recorded and posted online on ElectionsMarkham.ca. You are invited to:



- Attend this meeting (electronically or in person) and make a statement to the Committee (or have an authorized agent do this for you); and,
- Submit a written statement to the Committee (this will be included in the meeting agenda if received by **Wednesday, June 14, 2023 at 5:00 PM**).

Please note that if you don't make any representations at this meeting, the Committee will still proceed in your absence to consider and render a decision on this matter involving you.

### How to attend:

#### Online by video-conference

[ElectionsMarkham.ca/AuditCommitteeJune152023](https://ElectionsMarkham.ca/AuditCommitteeJune152023)

#### In-person

Markham Civic Centre (Council Chamber)  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

If you would like to submit a written statement to the Committee or have questions, please contact Hristina Giantsopoulos, Election and Committee Coordinator ([HGiantsopoulos@markham.ca](mailto:HGiantsopoulos@markham.ca) or 416.388.7510) or Erica Alligood, Election and Committee Coordinator ([EAlligood@markham.ca](mailto:EAlligood@markham.ca) or 647-407-8204).

Sincerely,

#### Kimberley Kitteringham

City Clerk and Returning Officer  
Elections Markham (City of Markham)

Enclosed document(s):

- Report to York Region Joint Compliance Audit Committee ( May 18, 2023)  
Over-Contribution in 2022 Markham Municipal Election: Herman Grad

Report to: York Region Joint Compliance Audit Committee

May 18, 2023

**Subject:** Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Herman Grad

**Prepared by:** Kimberley Kitteringham, City Clerk / Returning Officer

**Recommendation:**

1. That the report titled 'Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Herman Grad' be received; and,
2. That the York Region Joint Compliance Audit Committee recommend that this matter:
  - a. Be referred to independent legal counsel to proceed with action against the named contributor for an over-contribution to Markham City Council candidates in the 2022 Markham Municipal Election under Section 88.9 of Ontario's *Municipal Elections Act*; or,
  - b. Be resolved without further consideration of legal action against the named contributor under Ontario's *Municipal Elections Act*.

**Purpose:**

To advise and seek direction from the York Region Joint Compliance Audit Committee on an apparent violation of the Ontario *Municipal Elections Act's* campaign contribution limits in the 2022 Markham Municipal Election.

**Background:**

In Ontario, municipal council and school board elections are regulated by the *Municipal Elections Act, 1996 (MEA)*. As part of an overall election finance governance framework, the *MEA* establishes rules around the value a person can contribute to a candidate or third party advertiser's election campaign. By law, a person can donate a maximum of:

- \$1,200 to any one candidate or third party advertiser; and,
- \$5,000 total to candidates running for office on the same municipal council or school board, or to third party advertisers registered in the same municipality.

After an election, all candidates and third party advertisers are legally required to file a financial statement with the municipal clerk outlining their campaign's income and expenses. As part of this statement, candidates and third party advertisers have to disclose the name and address of every person who donated over \$100 to their election campaign. Documents filed under the *MEA*, including campaign financial statements and any supporting reports, are expressly classified as public records and open to inspection until the end of their legislated lifecycle.

After the *MEA's* statutory filing deadline has passed, the municipal clerk is required to review the individual contributions reported in each candidate and third party advertiser's financial statement, and on the basis of this information, determine whether either of the contribution limits described above appear to have been exceeded. If one appears to have been exceeded, the municipal clerk will prepare a report outlining the potential violation, and convene a public meeting of the municipality's compliance audit committee to consider this report and render a recommendation on whether to take legal action against the contributor.

In October 2022, the City of Markham hosted an election for its City Council and local school board trustee offices. Candidates and third party advertisers could register with Markham's City Clerk starting on May 2, 2022 and accept campaign contributions until January 3, 2023. Financial statements were due to Markham's City Clerk by 2 PM on March 31, 2023, with a 30-day late filing window ending at 2 PM on May 1, 2023.

### **Discussion:**

During the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of, Herman Grad was identified as appearing to have exceeded the *MEA*'s \$5,000 total contribution limit to candidates running for office on Markham City Council.

The table below summarizes each contribution to Markham City Council candidates identified as being associated with this potential campaign finance infraction:

<b>Name</b>	<b>Address</b>	<b>Receiving Candidate</b>	<b>Contribution Amount (\$)</b>	<b>Contribution Date</b>
Herman Grad	2 Cluny Dr, Toronto	Jim Jones	\$1,200.00	2022/06/13
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Herman Grad	2 Cluny Dr, Toronto	Isa Lee	\$1,200.00	2022/09/22
Herman Grad	2 Cluny Dr, Toronto	Alan Ho	\$500.00	2022/06/13

Total reported contributions: **\$6020.00**

Under the *MEA*, the York Region Joint Compliance Audit Committee is required to convene within 30 days of receiving this report and decide whether to recommend the commencement of legal proceedings against the contributor. A public meeting will be held within this timeframe by Markham's City Clerk for the Committee to formally receive, consider, and render a decision on this report. Affected parties will be notified of and invited to this meeting to participate in the Committee's consideration of this potential campaign finance infraction.



P: 905-883-6706  
F: 905-883-6703  
Jason@CherniakLaw.com  
<http://CherniakLaw.com>

June 14, 2023

Attn

The City of Markham; and  
The York Region Joint Compliance Audit Committee

**Re: Over-Contributions in the 2022 Markham Municipal Election: Herman Grad**

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I act for Mr. Herman Grad regarding the captioned.

Mr. Grad has made an honest mistake in this matter – he did not realise that the contributions made to the candidates have exceeded \$5,000.

Mr. Grad is very sorry for this oversight and will be more careful in the future.

Mr. Grad humbly asks for your forgiveness for the over-contributions. He will be grateful if you do not refer this matter to external counsel.

Mr. Grad will ensure that the same error will not happen again.

Yours truly,  
Cherniak Law Professional Corporation  
Per:

Jason R. Cherniak  
Barrister and Solicitor



Report to: York Region Joint Compliance Audit Committee

May 18, 2023

**Subject:** Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Rajinder Minhas

**Prepared by:** Kimberley Kitteringham, City Clerk / Returning Officer

### **Recommendation:**

1. That the report titled 'Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Rajinder Minhas' be received; and,
2. That the York Region Joint Compliance Audit Committee recommend that this matter:
  - a. Be referred to independent legal counsel to proceed with action against the named contributor for an over-contribution to Markham City Council candidates in the 2022 Markham Municipal Election under Section 88.9 of Ontario's *Municipal Elections Act*; or,
  - b. Be resolved without further consideration of legal action against the named contributor under Ontario's *Municipal Elections Act*.

### **Purpose:**

To advise and seek direction from the York Region Joint Compliance Audit Committee on an apparent violation of the Ontario *Municipal Elections Act's* campaign contribution limits in the 2022 Markham Municipal Election.

### **Background:**

In Ontario, municipal council and school board elections are regulated by the *Municipal Elections Act, 1996 (MEA)*. As part of an overall election finance governance framework, the *MEA* establishes rules around the value a person can contribute to a candidate or third party advertiser's election campaign. By law, a person can donate a maximum of:

- \$1,200 to any one candidate or third party advertiser; and,
- \$5,000 total to candidates running for office on the same municipal council or school board, or to third party advertisers registered in the same municipality.

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After the *MEA's* statutory filing deadline has passed, the municipal clerk is required to review the individual contributions reported in each candidate and third party advertiser's financial statement, and on the basis of this information, determine whether either of the contribution limits described above appear to have been exceeded. If one appears to have been exceeded, the municipal clerk will prepare a report outlining the potential violation, and convene a public meeting of the municipality's compliance audit committee to consider this report and render a recommendation on whether to take legal action against the contributor.



In October 2022, the City of Markham hosted an election for its City Council and local school board trustee offices. Candidates and third party advertisers could register with Markham's City Clerk starting on May 2, 2022 and accept campaign contributions until January 3, 2023. Financial statements were due to Markham's City Clerk by 2 PM on March 31, 2023, with a 30-day late filing window ending at 2 PM on May 1, 2023.

### Discussion:

During the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Rajinder Minhas was identified as appearing to have exceeded the *MEA*'s \$5,000 total contribution limit to candidates running for office on Markham City Council.

The table below summarizes each contribution to Markham City Council candidates identified as being associated with this potential campaign finance infraction:

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Rajinder Minhas	699 Esprit Cres, Mississauga	Amanda Collucci	\$1,200.00	2022/06/13
Rajinder Minhas	699 Esprit Cres, Mississauga	Jim Jones	\$1,200.00	2022/10/24
Rajinder Minhas	699 Esprit Cres, Mississauga	Don Hamilton	\$1,200.00	2022/10/24
Rajinder Minhas	699 Esprit Cres, Mississauga	Keith Irish	\$1,200.00	2022/07/29
Rajinder Minhas	699 Esprit Cres, Mississauga	Michael Chan	\$1,200.00	2022/09/22

Total reported contributions: **\$6,000.00**

Under the *MEA*, the York Region Joint Compliance Audit Committee is required to convene within 30 days of receiving this report and decide whether to recommend the commencement of legal proceedings against the contributor. A public meeting will be held within this timeframe by Markham's City Clerk for the Committee to formally receive, consider, and render a decision on this report. Affected parties will be notified of and invited to this meeting to participate in the Committee's consideration of this potential campaign finance infraction.

### Attachment(s):

- Campaign financial statements (2022 Markham Municipal Election)

Amanda Collucci  
 Jim Jones  
 Don Hamilton  
 Keith Irish  
 Michael Chan

## Notice of Compliance Audit Committee Meeting

### 2022 Markham Municipal Election



**To: Rajinder Minhas,**

This is to notify you that a meeting of the York Region Joint Compliance Audit Committee has been scheduled for **Thursday, June 15, 2023, at 6:00 PM**, to address the campaign contributions you appear to have made to candidates in the 2022 Markham Municipal Election.

Under the *Municipal Elections Act, 1996*, it is illegal to donate more than \$1,200 to any one candidate, or more than \$5,000 total to multiple candidates running for office on the same municipal council or school board. Based on post-election financial statements filed by candidates in the 2022 Markham Municipal Election, it appears that you exceeded the law's \$5,000 total limit in donations to Markham City Council candidates.

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Rajinder Minhas	699 Esprit Cres, Mississauga	Amanda Collucci	\$1,200.00	2022/06/13
Rajinder Minhas	699 Esprit Cres, Mississauga	Jim Jones	\$1,200.00	2022/10/24
Rajinder Minhas	699 Esprit Cres, Mississauga	Don Hamilton	\$1,200.00	2022/10/24
Rajinder Minhas	699 Esprit Cres, Mississauga	Keith Irish	\$1,200.00	2022/07/29
Rajinder Minhas	699 Esprit Cres, Mississauga	Michael Chan	\$1,200.00	2022/09/22

**Total reported contributions: \$6,000.00**

At this meeting, the York Region Joint Compliance Committee will consider this information and decide whether to recommend that legal action be taken against you.

This meeting will be held in a hybrid format with both in-person and electronic participation options. Please note that this meeting will be recorded and posted online on ElectionsMarkham.ca. You are invited to:



- Attend this meeting (electronically or in person) and make a statement to the Committee (or have an authorized agent do this for you); and,
- Submit a written statement to the Committee (this will be included in the meeting agenda if received by **Wednesday, June 14, 2023 at 5:00 PM**).

Please note that if you don't make any representations at this meeting, the Committee will still proceed in your absence to consider and render a decision on this matter involving you.

### How to attend:

#### Online by video-conference

[ElectionsMarkham.ca/AuditCommitteeJune152023](https://ElectionsMarkham.ca/AuditCommitteeJune152023)

#### In-person

Markham Civic Centre (Council Chamber)  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

If you would like to submit a written statement to the Committee or have questions, please contact Hristina Giantsopoulos, Election and Committee Coordinator ([HGiantsopoulos@markham.ca](mailto:HGiantsopoulos@markham.ca) or 416.388.7510) or Erica Alligood, Election and Committee Coordinator ([EAlligood@markham.ca](mailto:EAlligood@markham.ca) or 647-407-8204).

Sincerely,

#### Kimberley Kitteringham

City Clerk and Returning Officer  
Elections Markham (City of Markham)

Enclosed document(s):

- Report to York Region Joint Compliance Audit Committee (May 18, 2023 )  
Over-Contribution in 2022 Markham Municipal Election: Rajinder Minhas

Rajinder Minhas-Bal and Harpreet Bal  
699 Esprit Cres.  
Mississauga, On L5R 3C1  
(416)-716-6956

June 13, 2023

Compliance Audit Committee  
The City of Markham  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3

Dear Members of the Compliance Audit Committee

RE: Notice of Compliance  
Rajinder Minhas-Bal and Harpreet Bal  
Explanation Regarding Violation of Municipal Elections Act 1996

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I hope this letter finds you well. I am writing to address the recent notice of compliance I received from the city of Markham, indicating that I am in violation of the Municipal Elections Act 1996 for exceeding the total donation limit of \$5,000.00 to multiple candidates in the recent elections. I would like to take this opportunity to explain my situation and express my sincerest apologies for inadvertently contravening the regulations outlined in the Act.

As a real estate agent residing in Mississauga, Ontario, I am privileged to work in the vibrant city of Markham. Over the years, I have developed meaningful relationships with numerous influential individuals who have become my dear friends. Recently, five of these friends decided to run for elections with the aspiration of becoming City Councillor, and I wholeheartedly supported their campaigns. In my desire to show my support, I made individual donations of \$1,200.00 to each of their campaigns, resulting in a cumulative amount of \$6,000.00, which exceeds the total donation limit prescribed by the Act.

I must sincerely emphasize that my violation of the Municipal Elections Act 1996 was entirely unintentional. At the time of making these contributions, I was not fully aware of the specific legal provisions stipulated within the Act regarding the maximum allowable donation amounts. My primary intention was to support my friends' endeavors without realizing the legal constraints in place. As a law-abiding citizen, I deeply regret my oversight and understand the seriousness of this situation.

I would like to assure the Compliance Audit Committee that I have a profound respect for the electoral process and the legal framework that governs it. I understand the importance of maintaining transparency, integrity, and fairness in our democratic system. My inadvertent

violation of the Municipal Elections Act was an unfortunate lapse in judgment, and I assure you that it was not motivated by any intention to circumvent the law or gain an unfair advantage.

I acknowledge the gravity of this matter and assure you that I have taken immediate steps to rectify the situation. Firstly, upon receiving the notice of compliance, I contacted each of the candidates to explain the circumstances and request that they return the excess donations above the prescribed limit.

I assure you that I have learned a valuable lesson from this experience and will exercise greater diligence and awareness regarding campaign donation regulations in the future. It was never my intention to undermine the integrity of the electoral process, and I deeply regret any inconvenience or concern my actions may have caused.

I humbly request the Compliance Audit Committee's understanding and leniency in this matter. I kindly ask for your consideration of the circumstances I have outlined in this letter and urge you to take into account my immediate actions to rectify the situation by returning the excess donations. I remain committed to upholding the principles of fairness, transparency, and compliance with the law, and I will ensure such oversights do not occur in the future.

Thank you for your time and attention to this matter. I am willing to cooperate fully with the Compliance Audit Committee, providing any additional information or documentation that may be required. Should you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Sincerely,

Rajinder Minhas-Bal

Harpreet Bal



Report to: York Region Joint Compliance Audit Committee

May 18, 2023

**Subject:** Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Zara Sajid

**Prepared by:** Kimberley Kitteringham, City Clerk / Returning Officer

### **Recommendation:**

1. That the report titled 'Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Zara Sajid' be received; and,
2. That the York Region Joint Compliance Audit Committee recommend that this matter:
  - a. Be referred to independent legal counsel to proceed with action against the named contributor for an over-contribution to Markham City Council candidates in the 2022 Markham Municipal Election under Section 88.9 of Ontario's *Municipal Elections Act*; or,
  - b. Be resolved without further consideration of legal action against the named contributor under Ontario's *Municipal Elections Act*.

### **Purpose:**

To advise and seek direction from the York Region Joint Compliance Audit Committee on an apparent violation of the Ontario *Municipal Elections Act's* campaign contribution limits in the 2022 Markham Municipal Election.

### **Background:**

In Ontario, municipal council and school board elections are regulated by the *Municipal Elections Act, 1996 (MEA)*. As part of an overall election finance governance framework, the *MEA* establishes rules around the value a person can contribute to a candidate or third party advertiser's election campaign. By law, a person can donate a maximum of:

- \$1,200 to any one candidate or third party advertiser; and,
- \$5,000 total to candidates running for office on the same municipal council or school board, or to third party advertisers registered in the same municipality.

After an election, all candidates and third party advertisers are legally required to file a financial statement with the municipal clerk outlining their campaign's income and expenses. As part of this statement, candidates and third party advertisers have to disclose the name and address of every person who donated over \$100 to their election campaign. Documents filed under the *MEA*, including campaign financial statements and any supporting reports, are expressly classified as public records and open to inspection until the end of their legislated lifecycle.

After the *MEA's* statutory filing deadline has passed, the municipal clerk is required to review the individual contributions reported in each candidate and third party advertiser's financial statement, and on the basis of this information, determine whether either of the contribution limits described above appear to have been exceeded. If one appears to have been exceeded, the municipal clerk will prepare a report outlining the potential violation, and convene a public meeting of the municipality's compliance audit committee to consider this report and render a recommendation on whether to take legal action against the contributor.



In October 2022, the City of Markham hosted an election for its City Council and local school board trustee offices. Candidates and third party advertisers could register with Markham's City Clerk starting on May 2, 2022 and accept campaign contributions until January 3, 2023. Financial statements were due to Markham's City Clerk by 2 PM on March 31, 2023, with a 30-day late filing window ending at 2 PM on May 1, 2023.

### Discussion:

During the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Zara Sajid was identified as appearing to have exceeded the MEA's \$5,000 total contribution limit to candidates running for office on Markham City Council.

The table below summarizes each contribution to Markham City Council candidates identified as being associated with this potential campaign finance infraction:

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Zara Sajid	9 Carl Finlay Drive, Brampton	Amanda Collucci	\$1,200	2022/06/13
Zara Sajid	9 Carl Finlay Drive, Brampton	Jim Jones	\$1,200	2022/10/24
Zara Sajid	9 Carl Finlay Drive, Brampton	Don Hamilton	\$1,200	2022/10/24
Zara Sajid	9 Carl Finlay Drive, Brampton	Keith Irish	\$1,200	2022/07/28
Zara Sajid	9 Carl Finlay Drive, Brampton	Michael Chan	\$1,200	2022/09/22
Zara Sajid	9 Carl Finlay Drive, Brampton	Greg Marcos	\$1,000	2022/12/07

**Total reported contributions: \$7,000.00**

Under the MEA, the York Region Joint Compliance Audit Committee is required to convene within 30 days of receiving this report and decide whether to recommend the commencement of legal proceedings against the contributor. A public meeting will be held within this timeframe by Markham's City Clerk for the Committee to formally receive, consider, and render a decision on this report. Affected parties will be notified of and invited to this meeting to participate in the Committee's consideration of this potential campaign finance infraction.

### Attachment(s):

- Campaign financial statements (2022 Markham Municipal Election)

Amanda Collucci  
 Jim Jones  
 Don Hamilton  
 Keith Irish

Michael Chan  
 Greg Marcos

## Notice of Compliance Audit Committee Meeting

### 2022 Markham Municipal Election



**To: Zara Sajid,**

This is to notify you that a meeting of the York Region Joint Compliance Audit Committee has been scheduled for **Thursday, June 15, 2023, at 6:00 PM**, to address the campaign contributions you appear to have made to candidates in the 2022 Markham Municipal Election.

Under the *Municipal Elections Act, 1996*, it is illegal to donate more than \$1,200 to any one candidate, or more than \$5,000 total to multiple candidates running for office on the same municipal council or school board. Based on post-election financial statements filed by candidates in the 2022 Markham Municipal Election, it appears that you exceeded the law's \$5,000 total limit in donations to Markham City Council candidates.

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Zara Sajid	9 Carl Finlay Drive, Brampton	Amanda Collucci	\$1,200	2022/06/13
Zara Sajid	9 Carl Finlay Drive, Brampton	Jim Jones	\$1,200	2022/10/24
Zara Sajid	9 Carl Finlay Drive, Brampton	Don Hamilton	\$1,200	2022/10/24
Zara Sajid	9 Carl Finlay Drive, Brampton	Keith Irish	\$1,200	2022/07/28
Zara Sajid	9 Carl Finlay Drive, Brampton	Michael Chan	\$1,200	2022/09/22
Zara Sajid	9 Carl Finlay Drive, Brampton	Greg Marcos	\$1,000	2022/12/07

**Total reported contributions: \$7,000.00**

At this meeting, the York Region Joint Compliance Committee will consider this information and decide whether to recommend that legal action be taken against you.



This meeting will be held in a hybrid format with both in-person and electronic participation options. Please note that this meeting will be recorded and posted online on ElectionsMarkham.ca. You are invited to:

- Attend this meeting (electronically or in person) and make a statement to the Committee (or have an authorized agent do this for you); and,
- Submit a written statement to the Committee (this will be included in the meeting agenda if received by **Wednesday, June 14, 2023 at 5:00 PM**).

Please note that if you don't make any representations at this meeting, the Committee will still proceed in your absence to consider and render a decision on this matter involving you.

## How to attend:

### Online by video-conference

[ElectionsMarkham.ca/AuditCommitteeJune152023](https://ElectionsMarkham.ca/AuditCommitteeJune152023)

### In-person

Markham Civic Centre (Council Chamber)  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

If you would like to submit a written statement to the Committee or have questions, please contact Hristina Giantsopoulos, Election and Committee Coordinator ([HGiantsopoulos@markham.ca](mailto:HGiantsopoulos@markham.ca) or 416.388.7510) or Erica Alligood, Election and Committee Coordinator ([EAlligood@markham.ca](mailto:EAlligood@markham.ca) or 647-407-8204).

Sincerely,

### Kimberley Kitteringham

City Clerk and Returning Officer  
Elections Markham (City of Markham)

Enclosed document(s):

- Report to York Region Joint Compliance Audit Committee ( May 18, 2023)  
Over-Contribution in 2022 Markham Municipal Election: Zara Sajid

**Subject:** Notice of Compliance: Zara Sajid (Explanation Regarding Violation of Municipal Elections Act 1996)

June 13, 2023

Compliance Audit Committee  
The City of Markham  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3

Dear Members of the Compliance Audit Committee

RE: Notice of Compliance  
Zara Sajid  
Explanation Regarding Violation of Municipal Elections Act 1996

I hope this letter finds you well. I am writing to address the recent notice of compliance I received from the city of Markham, indicating that I am in violation of the Municipal Elections Act 1996 for exceeding the total donation limit of \$5,000.00 to multiple candidates in the recent elections. I would like to take this opportunity to explain my situation and express my sincerest apologies for inadvertently contravening the regulations outlined in the Act.

I must sincerely emphasize that my violation of the Municipal Elections Act 1996 was entirely unintentional. At the time of making these contributions, I was not fully aware of the specific legal provisions stipulated within the Act regarding the maximum allowable donation amounts. My primary intention was to support my friends' endeavors without realizing the legal constraints in place. As a law-abiding citizen, I deeply regret my oversight and understand the seriousness of this situation.

I would like to assure the Compliance Audit Committee that I have a profound respect for the electoral process and the legal framework that governs it. I understand the importance of maintaining transparency, integrity, and fairness in our democratic system. My inadvertent violation of the Municipal Elections Act was an unfortunate lapse in judgment, and I assure you that it was not motivated by any intention to circumvent the law or gain an unfair advantage.

I acknowledge the gravity of this matter and assure you that I have taken immediate steps to rectify the situation. Firstly, upon receiving the notice of compliance, I contacted each of the candidates to explain the circumstances and request that they return the excess donations above the prescribed limit.

I assure you that I have learned a valuable lesson from this experience and will exercise greater diligence and awareness regarding campaign donation regulations in the future. It was never my intention to undermine the integrity of the electoral process, and I deeply regret any inconvenience or concern my actions may have caused.

I humbly request the Compliance Audit Committee's understanding and leniency in this matter. I kindly ask for your consideration of the circumstances I have outlined in this letter and urge you to take into account my immediate actions to rectify the situation by returning the excess donations. I remain committed to upholding the principles of fairness, transparency, and compliance with the law, and I will ensure such oversights do not occur in the future.

Thank you for your time and attention to this matter. I am willing to cooperate fully with the Compliance Audit Committee, providing any additional information or documentation that may be required. Should you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Sincerely,

Zara Sajid  
9 Carl Finlay Drive.  
Brampton, On L6P 4G4  
(647)-271-7918

## Notice of Compliance Audit Committee Meeting 2022 Markham Municipal Election



**To:** Sakina Najmus Saqib,

This is to notify you that a meeting of the York Region Joint Compliance Audit Committee has been scheduled for **Thursday June 15, 2023, at 6:00 PM**, to address the campaign contributions you appear to have made to candidates in the 2022 Markham Municipal Election.

Under the *Municipal Elections Act, 1996*, it is illegal to donate more than \$1,200 to any one candidate, or more than \$5,000 total to multiple candidates running for office on the same municipal council or school board. Based on post-election financial statements filed by candidates in the 2022 Markham Municipal Election, it appears that you exceeded the law's \$5,000 total limit in donations to Markham City Council candidates.

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Jim Jones	\$1,200	2022/06/13
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Amanda Collucci	\$1,200	2022/10/24
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Keith Irish	\$1,200	2022/10/24
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Michael Chan	\$1,200	2022/07/28
Sakina Saqib	707-9700 Ninth Line, Markham	Andrew Keyes	\$1,200	2022/09/22

**Total reported contributions: \$6,000.00**

At this meeting, the York Region Joint Compliance Committee will consider this information and decide whether to recommend that legal action be taken against you.

This meeting will be held in a hybrid format with both in-person and electronic participation options. Please note that this meeting will be recorded and posted online on ElectionsMarkham.ca. You are invited to:



- Attend this meeting (electronically or in person) and make a statement to the Committee (or have an authorized agent do this for you); and,
- Submit a written statement to the Committee (this will be included in the meeting agenda if received by **Wednesday, June 14, 2023 at 5:00 PM**).

Please note that if you don't make any representations at this meeting, the Committee will still proceed in your absence to consider and render a decision on this matter involving you.

### How to attend:

#### Online by video-conference

[ElectionsMarkham.ca/AuditCommitteeJune152023](https://ElectionsMarkham.ca/AuditCommitteeJune152023)

#### In-person

Markham Civic Centre (Council Chamber)  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

If you would like to submit a written statement to the Committee or have questions, please contact Hristina Giantsopoulos, Election and Committee Coordinator ([HGiantsopoulos@markham.ca](mailto:HGiantsopoulos@markham.ca) or 416.388.7510) or Erica Alligood, Election and Committee Coordinator ([EAlligood@markham.ca](mailto:EAlligood@markham.ca) or 647-407-8204).

Sincerely,

#### Kimberley Kitteringham

City Clerk and Returning Officer  
Elections Markham (City of Markham)

Enclosed document(s):

- Report to York Region Joint Compliance Audit Committee (May 18, 2023)  
Over-Contribution in 2022 Markham Municipal Election: Sakina Najmus Saqib



Report to: York Region Joint Compliance Audit Committee

May 18, 2023

**Subject:** Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Sakina Najmus Saqib

**Prepared by:** Kimberley Kitteringham, City Clerk / Returning Officer

### **Recommendation:**

1. That the report titled 'Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: 'Sakina Najmus Saqib' be received; and,
2. That the York Region Joint Compliance Audit Committee recommend that this matter:
  - a. Be referred to independent legal counsel to proceed with action against the named contributor for an over-contribution to Markham City Council candidates in the 2022 Markham Municipal Election under Section 88.9 of Ontario's *Municipal Elections Act*; or,
  - b. Be resolved without further consideration of legal action against the named contributor under Ontario's *Municipal Elections Act*.

### **Purpose:**

To advise and seek direction from the York Region Joint Compliance Audit Committee on an apparent violation of the Ontario *Municipal Elections Act's* campaign contribution limits in the 2022 Markham Municipal Election.

### **Background:**

In Ontario, municipal council and school board elections are regulated by the *Municipal Elections Act, 1996 (MEA)*. As part of an overall election finance governance framework, the *MEA* establishes rules around the value a person can contribute to a candidate or third party advertiser's election campaign. By law, a person can donate a maximum of:

- \$1,200 to any one candidate or third party advertiser; and,
- \$5,000 total to candidates running for office on the same municipal council or school board, or to third party advertisers registered in the same municipality.

After an election, all candidates and third party advertisers are legally required to file a financial statement with the municipal clerk outlining their campaign's income and expenses. As part of this statement, candidates and third party advertisers have to disclose the name and address of every person who donated over \$100 to their election campaign. Documents filed under the *MEA*, including campaign financial statements and any supporting reports, are expressly classified as public records and open to inspection until the end of their legislated lifecycle.

After the *MEA's* statutory filing deadline has passed, the municipal clerk is required to review the individual contributions reported in each candidate and third party advertiser's financial statement, and on the basis of this information, determine whether either of the contribution limits described above appear to have been exceeded. If one appears to have been exceeded, the municipal clerk will prepare a report outlining the potential violation, and convene a public meeting of the municipality's compliance audit committee to consider this report and render a recommendation on whether to take legal action against the contributor.



In October 2022, the City of Markham hosted an election for its City Council and local school board trustee offices. Candidates and third party advertisers could register with Markham's City Clerk starting on May 2, 2022 and accept campaign contributions until January 3, 2023. Financial statements were due to Markham's City Clerk by 2 PM on March 31, 2023, with a 30-day late filing window ending at 2 PM on May 1, 2023.

### Discussion:

During the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Sakina Najmus Saqib was identified as appearing to have exceeded the *MEA's* \$5,000 total contribution limit to candidates running for office on Markham City Council.

The table below summarizes each contribution to Markham City Council candidates identified as being associated with this potential campaign finance infraction:

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Jim Jones	\$1,200	2022/06/13
Sakina Saqib	707-9700 Ninth Line, Markham	Amanda Collucci	\$1,200	2022/10/24
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Keith Irish	\$1,200	2022/10/24
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Michael Chan	\$1,200	2022/07/28
Sakina Najmus Saqib	707-9700 Ninth Line, Markham	Andrew Keyes	\$1,200	2022/09/22

Total reported contributions: **\$6,000.00**

Under the *MEA*, the York Region Joint Compliance Audit Committee is required to convene within 30 days of receiving this report and decide whether to recommend the commencement of legal proceedings against the contributor. A public meeting will be held within this timeframe by Markham's City Clerk for the Committee to formally receive, consider, and render a decision on this report. Affected parties will be notified of and invited to this meeting to participate in the Committee's consideration of this potential campaign finance infraction.

### Attachment(s):

- Campaign financial statements (2022 Markham Municipal Election)

Jim Jones  
Amanda Collucci  
Keith Irish  
Michael Chan

Andrew Keyes

Sakina Najmus Saqib  
707-9700 Ninth Line.  
Markham, ON L6B 1R7  
(647)- 898-3133

June 14, 2023

Compliance Audit Committee  
The City of Markham  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3

Dear Members of the Compliance Audit Committee

RE: Notice of Compliance  
Sakina Najmus Saqib  
Explanation Regarding Violation of Municipal Elections Act 1996

---

I hope this letter finds you well. I am writing to address the recent notice of compliance I received from the city of Markham, indicating that I am in violation of the Municipal Elections Act 1996 for exceeding the total donation limit of \$5,000.00 to multiple candidates in the recent elections. I would like to take this opportunity to explain my situation and express my sincerest apologies for inadvertently contravening the regulations outlined in the Act.

I must sincerely emphasize that my violation of the Municipal Elections Act 1996 was entirely unintentional. At the time of making these contributions, I was not fully aware of the specific legal provisions stipulated within the Act regarding the maximum allowable donation amounts. My primary intention was to support my friends' endeavors without realizing the legal constraints in place. As a law-abiding citizen, I deeply regret my oversight and understand the seriousness of this situation.

I would like to assure the Compliance Audit Committee that I have a profound respect for the electoral process and the legal framework that governs it. I understand the importance of maintaining transparency, integrity, and fairness in our democratic system. My inadvertent violation of the Municipal Elections Act was an unfortunate lapse in judgment, and I assure you that it was not motivated by any intention to circumvent the law or gain an unfair advantage.

I acknowledge the gravity of this matter and assure you that I have taken immediate steps to rectify the situation. Firstly, upon receiving the notice of compliance, I contacted each of the candidates to explain the circumstances and request that they return the excess donations above the prescribed limit.

I assure you that I have learned a valuable lesson from this experience and will exercise greater diligence and awareness regarding campaign donation regulations in the future. It was never my intention to undermine the integrity of the electoral process, and I deeply regret any inconvenience or concern my actions may have caused.

I humbly request the Compliance Audit Committee's understanding and leniency in this matter. I kindly ask for your consideration of the circumstances I have outlined in this letter and urge you to take into account my immediate actions to rectify the situation by returning the excess donations. I remain committed to upholding the principles of fairness, transparency, and compliance with the law, and I will ensure such oversights do not occur in the future.

Thank you for your time and attention to this matter. I am willing to cooperate fully with the Compliance Audit Committee, providing any additional information or documentation that may be required. Should you have any questions or require further clarification, please do not hesitate to contact me at your convenience.

Sincerely,

Sakina Najmus Saqib



Report to: York Region Joint Compliance Audit Committee

May 18, 2023

**Subject:** Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: Lin Zhang

**Prepared by:** Kimberley Kitteringham, City Clerk / Returning Officer

### **Recommendation:**

1. That the report titled 'Markham City Clerk's Report on Over-Contributions in the 2022 Markham Municipal Election: 'Lin Zhang' be received; and,
2. That the York Region Joint Compliance Audit Committee recommend that this matter:
  - a. Be referred to independent legal counsel to proceed with action against the named contributor for an over-contribution to Markham City Council candidates in the 2022 Markham Municipal Election under Section 88.9 of Ontario's *Municipal Elections Act*; or,
  - b. Be resolved without further consideration of legal action against the named contributor under Ontario's *Municipal Elections Act*.

### **Purpose:**

To advise and seek direction from the York Region Joint Compliance Audit Committee on an apparent violation of the Ontario *Municipal Elections Act's* campaign contribution limits in the 2022 Markham Municipal Election.

### **Background:**

In Ontario, municipal council and school board elections are regulated by the *Municipal Elections Act, 1996 (MEA)*. As part of an overall election finance governance framework, the *MEA* establishes rules around the value a person can contribute to a candidate or third party advertiser's election campaign. By law, a person can donate a maximum of:

- \$1,200 to any one candidate or third party advertiser; and,
- \$5,000 total to candidates running for office on the same municipal council or school board, or to third party advertisers registered in the same municipality.

After an election, all candidates and third party advertisers are legally required to file a financial statement with the municipal clerk outlining their campaign's income and expenses. As part of this statement, candidates and third party advertisers have to disclose the name and address of every person who donated over \$100 to their election campaign. Documents filed under the *MEA*, including campaign financial statements and any supporting reports, are expressly classified as public records and open to inspection until the end of their legislated lifecycle.

After the *MEA's* statutory filing deadline has passed, the municipal clerk is required to review the individual contributions reported in each candidate and third party advertiser's financial statement, and on the basis of this information, determine whether either of the contribution limits described above appear to have been exceeded. If one appears to have been exceeded, the municipal clerk will prepare a report outlining the potential violation, and convene a public meeting of the municipality's compliance audit committee to consider this report and render a recommendation on whether to take legal action against the contributor.



In October 2022, the City of Markham hosted an election for its City Council and local school board trustee offices. Candidates and third party advertisers could register with Markham's City Clerk starting on May 2, 2022 and accept campaign contributions until January 3, 2023. Financial statements were due to Markham's City Clerk by 2 PM on March 31, 2023, with a 30-day late filing window ending at 2 PM on May 1, 2023.

### Discussion:

During the Markham City Clerk's review of the campaign financial statements filed by candidates and third party advertisers in the 2022 Markham Municipal Election, a contributor listed by the name of Lin Zhang was identified as appearing to have exceeded the *MEA*'s \$5,000 total contribution limit to candidates running for office on Markham City Council.

The table below summarizes each contribution to Markham City Council candidates identified as being associated with this potential campaign finance infraction:

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Lin Zhang	98 Gordon Road, North York	Neetu Gupta	\$1,000.00	2022/09/29
Lin Zhang	98 Gordon Road, North York	Joe Li	\$1,000.00	2022/09/26
Lin Zhang	98 Gordon Road, North York	Michael Chan	\$1,200.00	2022/10/03
Lin Zhang	98 Gordon Road, North York	Isa Lee	\$1,200.00	2022/10/03
Lin Zhang	98 Gordon Road, North York	Alan Ho	\$1,200.00	2022/06/01

Total reported contributions: **\$5,600.00**

Under the *MEA*, the York Region Joint Compliance Audit Committee is required to convene within 30 days of receiving this report and decide whether to recommend the commencement of legal proceedings against the contributor. A public meeting will be held within this timeframe by Markham's City Clerk for the Committee to formally receive, consider, and render a decision on this report. Affected parties will be notified of and invited to this meeting to participate in the Committee's consideration of this potential campaign finance infraction.

### Attachment(s):

- Campaign financial statements (2022 Markham Municipal Election)
  - Neetu Gupta
  - Joe Li
  - Michael Chan
  - Isa Lee
  - Alan Ho

## Notice of Compliance Audit Committee Meeting

### 2022 Markham Municipal Election



**To: Lin Zhang,**

This is to notify you that a meeting of the York Region Joint Compliance Audit Committee has been scheduled for **Thursday, June 15, 2023, at 6:00 PM**, to address the campaign contributions you appear to have made to candidates in the 2022 Markham Municipal Election.

Under the *Municipal Elections Act, 1996*, it is illegal to donate more than \$1,200 to any one candidate, or more than \$5,000 total to multiple candidates running for office on the same municipal council or school board. Based on post-election financial statements filed by candidates in the 2022 Markham Municipal Election, it appears that you exceeded the law's \$5,000 total limit in donations to Markham City Council candidates.

Name	Address	Receiving Candidate	Contribution Amount (\$)	Contribution Date
Lin Zhang	98 Gordon Road, North York	Neetu Gupta	\$1,000.00	2022/09/29
Lin Zhang	98 Gordon Road, North York	Joe Li	\$1,000.00	2022/09/26
Lin Zhang	98 Gordon Road, North York	Michael Chan	\$1,200.00	2022/10/03
Lin Zhang	98 Gordon Road, North York	Isa Lee	\$1,200.00	2022/10/03
Lin Zhang	98 Gordon Road, North York	Alan Ho	\$1,200.00	2022/06/01

**Total reported contributions: \$5,600.00**

At this meeting, the York Region Joint Compliance Committee will consider this information and decide whether to recommend that legal action be taken against you.



This meeting will be held in a hybrid format with both in-person and electronic participation options. Please note that this meeting will be recorded and posted online on ElectionsMarkham.ca. You are invited to:

- Attend this meeting (electronically or in person) and make a statement to the Committee (or have an authorized agent do this for you); and,
- Submit a written statement to the Committee (this will be included in the meeting agenda if received by **Wednesday, June 14, 2023 at 5:00 PM**).

Please note that if you don't make any representations at this meeting, the Committee will still proceed in your absence to consider and render a decision on this matter involving you.

### How to attend:

#### Online by video-conference

[ElectionsMarkham.ca/AuditCommitteeJune152023](https://ElectionsMarkham.ca/AuditCommitteeJune152023)

#### In-person

Markham Civic Centre (Council Chamber)  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

If you would like to submit a written statement to the Committee or have questions, please contact Hristina Giantsopoulos, Election and Committee Coordinator ([HGiantsopoulos@markham.ca](mailto:HGiantsopoulos@markham.ca) or 416.388.7510) or Erica Alligood, Election and Committee Coordinator ([EAlligood@markham.ca](mailto:EAlligood@markham.ca) or 647-407-8204).

Sincerely,

#### Kimberley Kitteringham

City Clerk and Returning Officer  
Elections Markham (City of Markham)

Enclosed document(s):

- Report to York Region Joint Compliance Audit Committee (May 18, 2023 )  
Over-Contribution in 2022 Markham Municipal Election: Lin Zhang

June 6, 2023

Ms. Kimberley Kitteringham  
City Clerk and Returning Officer  
Elections Markham (City of Markham)  
101 Town Centre Boulevard  
Markham, ON  
L3R 9W3

**Re: Over-Contribution in the 2022 Markham Municipal Election by Lin Zhang**

**To: York Region Joint Compliance Committee:**

This letter is being sent to confirm that Mr. Michael Bender will be acting as my authorized agent and be representing me (Lin Zhang), in-person at the York Region Joint Compliance Meeting, which is being held at the Markham Civic Centre on Thursday, June 15, 2023. This letter is also being submitted as my formal written statement to the Committee.

My Statement is as follows:

At the end of May 2023, I received a notice informing me that a York Region Joint Compliance Audit Committee has been scheduled for Thursday, June 15, 2023, at 6:00 PM, to address the campaign contributions that I appear to have made to candidates in the 2022 Markham Municipal Election. I can confirm that the five listed contributions in the Notice were made by myself to the 5 listed candidates. I can also confirm that I was aware that there was a limit of \$1,200 to any one candidate. However, I was not aware that a total limit amount of \$5,000 existed for funds going to multiple candidates running for office on the same municipal council. If I had known this total limit existed, I would have adjusted the amount of my donations to a number of the individual candidates to ensure the total limit of \$5,000 was not exceeded. I am sorry that this mistake has happened, and I can assure the Committee that I will not make this mistake again nor at any time in the future.

Please let me know if you require any additional information related to this notice and my statement.

I would like to thank the Committee for allowing me to provide this statement and have Mr. Bender act as my authorized agent.

Yours truly,

Lin Zhang



Mr. Lin Zhang 98 Gordon Road, North York, Ontario M2P 1E4