



DISTRICT SCHOOL BOARD OF NIAGARA
Achieving Success Together

COMPLIANCE AUDIT COMMITTEE MEETING

TUESDAY, MAY 31, 2011

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

MINUTES

1) CALL TO ORDER

The meeting was called to order at 3.42 p.m. by Warren Hoshizaki, Director of Education and Secretary of the Board for the District School Board of Niagara, who conducted the meeting until the selection of the Chairperson.

Mr. Hoshizaki confirmed a quorum is a majority of members present.

2) ROLL CALL

COMMITTEE MEMBERS PRESENT:

Allan Andrews
David Barrett

COMMITTEE MEMBERS ABSENT:

Margo Pinder

ALSO PRESENT:

Warren Hoshizaki, Director of Education and Secretary of the Board, DSBN
Wayne McNally, Acting Superintendent of Business, DSBN
Brenda Stokes Verworn, Board Lawyer, DSBN
Karen Bellamy, Administrative Assistant, DSBN
Gary Atamanyk, Applicant
Dale Robinson, Candidate

MEMBERS OF THE PUBLIC PRESENT: 3

MEDIA PRESENT: NIL

3) SELECTION OF CHAIR

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

Resolution No. 1

Moved by: David Barrett

THAT: Allan Andrews be appointed as the Chair for the purposes of this meeting.

(CARRIED)

4) DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

NIL

5) OPENING STATEMENT BY CHAIR

Chair Andrews stated this committee is a joint committee which has been appointed to hear all applications of this nature for all of the regional municipalities across Niagara including both the public and separate school boards.

Both the applicant and candidate will be asked if they wish to make a brief statement to the Committee. Committee members may ask questions, speak to the matter or make a motion on the matter.

6) APPLICATION FOR COMPLIANCE AUDIT – APPLICATION BY GARY ATAMANYK FOR CANDIDATE DALE ROBINSON, PUBLIC SCHOOL TRUSTEE

1. Attachments: (i) Copy of Application
(ii) Candidate's Financial Statement
(iii) Written Submission – Applicant Gary Atamanyk
(iv) Written Submission – Candidate Dale Robinson

2. Introduction and Recording of Applicant and Candidate

Both the applicant and candidate confirmed their names and mailing addresses.

APPLICANT:

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

CANDIDATE:

Dale Robinson
41 Welland Street South
Thorold, ON L2V 2B6

3. Presentation by Applicant

Applicant Gary Atamanyk addressed the committee and read his written submission in support of his position. The applicant stated he believes in the democratic process and rule of law and is proud to take part in this democratic process.

The applicant indicated the \$400 reported in box B on page 1 is not reflected on Schedule 1. There is no way of knowing whether contributions from single contributors totalled more than \$100, or totalled \$100 or less. It is a requirement to report on Schedule 1 all contributions more than \$100 and total contributions of \$100 or less. They are not reported on the Schedule. The applicant stated there may have been someone who contributed more than \$100 but you cannot tell.

In response to a question posed by Mr. Andrews, the applicant responded that he did not have any substantial reason to believe a donation from one person was **more than \$100**. The candidate stated that the \$400 is not the question, but that there is an error in the financial statement in that the \$100 registration fee is not part of the fundraising money that can be recorded but they have included that. The question is really of the \$300. The applicant stated there seems to be some errors in the way in which the form has been set up.

4. Presentation by Candidate

Candidate Dale Robinson addressed the committee.

The candidate stated that after the application was filed she recognized her error on Page 1 and indicated she misread the form.

With respect to the naming of campaign contributors, the candidate stated she did not make any misrepresentations. It was her understanding that names of contributors were only required on contributions over \$100.

The candidate stated it was not her intent to misrepresent the reporting of her financial statement nor to do a bad job.

David Barrett commented he understands how the candidate's errors led to a misunderstanding of her financial statements but feels the candidate has met all requirements of law and that the errors were made inadvertently.

5. Committee Consideration of Application and Decision

Mr. Barrett stated he feels the errors made by the candidate in the financial reporting were minor in nature and had no bearing on the election outcome.

Mr. Andrews stated that while filling out forms sometimes seems unimportant in nature, it is an important task. Mr. Andrews acknowledged the candidate did make some errors on the form but believes none of the errors had any material effect. Section 92 of the Municipal Elections Act reads that should the judge, or in this case the committee, feel the errors were made inadvertently, or made because the person lacked knowledge or expertise, the penalties set out in The Act do not apply.

Resolution No. 2

Moved by: David Barrett

THAT: Having reviewed the written materials filed by the Applicant and the Candidate, and having heard the oral submissions by both parties, 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 Gary Atamanyk for an audit of the election campaign finances of Dale Robinson, candidate in the October 25, 2010 election since the Committee is not satisfied that reasonable grounds have been demonstrated that the Candidate may have seriously contravened the provisions of the said Act relating to election campaign finances.

(CARRIED)

7) ADJOURNMENT

Resolution No. 3

Moved by: David Barrett

THAT: The Compliance Audit Committee Meeting hereby adjourn at 4:06 p.m.

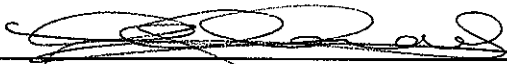
(CARRIED)

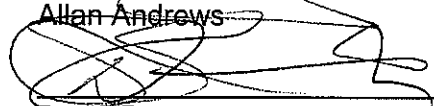
Prepared by:



Warren Hoshizaki
Secretary of the Board
District School Board of Niagara

Reviewed by Niagara Compliance Audit Committee Members:



Allan Andrews


David Barrett