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## Council Code of Conduct Complaint Form

Under Section 223.4(1) of the Municipal Act, 2001, as amended, a member of council or a member of the public, may request the Integrity Commissioner to conduct an inquiry as to whether a member of council has contravened a code of conduct applicable to the member.

### About the Complainant

Full Name Elizabeth Boston

Address [REDACTED]

Township of Adjala-Tosorontio

Phone [REDACTED]

Email [REDACTED]

I, Elizabeth Boston of Twp. of Adjala-Tosorontio, Ontario, hereby request the Integrity Commissioner for the Township of Adjala- Tosorontio to conduct an inquiry pursuant to section 223.4 of the *Municipal Act, 2001* and the Township of Adjala- Tosorontio Code of Conduct.

### About the Allegation

Name of the Member of Council who is the subject of the allegation (complete a separate form for each Member who is the subject of an allegation):

Mayor Floyd Pinto

The Applicant alleges that the Member contravened the following section(s) of the Code of Conduct:

As per COUNCIL-Staff Relations Policy dated and enacted  
by Council on February 11, 2019  
Section 6.1.1 Item(j) and Section 6-16.3

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Description Please provide a detailed description, including date, time and location of conduct. Include any supporting documentation that you may have and the names of all persons involved and the names of any witnesses. (Supporting Documentation: It is recommended that you provide supporting documentation that will help verify your complaint. Please attach the documentation either in your e-mail (as an attachment) or attach physical copies in mailed and faxed forms.)

6.1.1(j): I believe that Mayor Pinto has shown that he has not respected the role of staff in the daily conduct of operations of the Township as witnessed in the audio recording of the Emergency Council meeting of March 24<sup>th</sup>, 2020

6.16.3: In his correspondence of Wednesday, April, 29<sup>th</sup>, 2020 with local media "Madhunt.com" Mayor Pinto did viciously attack the reputation of Councillor Scott Anderson by accusing him of misspending Township funds. And on April 23, 2020 Mayor Pinto also, in my opinion, damaged the reputation of 3 former senior staff members through his actions and statements on CTV news Barrie. By making misleading statements he has since retracted or apologised for Mayor Pinto caused serious harm to the reputation of our Township employees.

\* In closing I am also very concerned about the turnover of staff; 20 staff members have either resigned or been fired since Mayor Pinto was elected in 2018. The cost of staff turnover, staff morale, lost productivity, cost of severance packages, retraining of staff and legal fees is very worrying. Where is the money coming from to pay for all this disruption? Mayor Pinto, in my opinion, has not acted in the best interest of the Township.

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**PLEASE READ BEFORE SIGNING:**

Use of Your Information/Process The Integrity Commissioner will use the contact information you have provided to communicate with you about this complaint. If the complaint falls under the Code of Conduct, a copy will be provided to the Member(s) and other persons may be asked for more information. If the Integrity Commissioner conducts an investigation, you, the Member(s) and other persons may be asked for more information. The Integrity Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. Reports to Council become public documents.

I request that this matter be reviewed by the Township of Adjala -Tosorontio's Integrity Commissioner.

[Redacted Signature]

(Signature of Complainant)

May 8<sup>th</sup>, 2020  
(Date)

Note: You may print this form and mail it to the below address. You may also save this form and e-mail it to [ggiorno@fasken.com](mailto:ggiorno@fasken.com).

**Guy Giorno**

[ggiorno@fasken.com](mailto:ggiorno@fasken.com)  
Fasken Martineau DuMoulin LLP Barristers and Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 2400  
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## NOTICE OF INQUIRY BY INTEGRITY COMMISSIONER

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**To:** Mayor Floyd Pinto (Respondent)  
Ms Elizabeth Boston (Complainant)

**From:** Guy Giorno  
Integrity Commissioner  
Township of Adjala-Tosorontio

**Date:** April 6, 2022

**Re:** Code of Conduct File CC-2020-04

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As previously reported to Township Council, this Code of Conduct Complaint has been on hold, first because of the pandemic, and then pending the completion of other inquiries. With the completion of several other complaint reports in March 2022, this Complaint file has been reactivated.

The Complaint is dated and was received May 8, 2020. I have redacted the Complainant's personal information and attached the Complaint to this Notice of Inquiry.

According to the Divisional Court, an Integrity Commissioner possesses the authority to reformulate a complaint submitted by a member of the public.<sup>1</sup> In this case, I am reformulating the Complaint to correct two obvious inadvertent errors and to clarify the scope of the issue related to news media comments:

- The Complaint names the Council-Staff Relations Policy but then refers to specific sections of the Council Code of Conduct. Clearly the Complaint is being made under the Code of Conduct and I am treating it as such.
- The Complaint refers to section 6.1.1 j) when obviously section 6.2.1 j) is meant. The reference to respect for the role of the staff clearly pertains to section 6.2.1 j).
- The Complaint refers to three recently dismissed employees but does not name them. It is clear that the Complaint refers to Punya Marahatta, Gagan Sandhu, and Ralph Snyder.
- The Complaint alleges that in an April 23 interview with CTV News the Mayor made comments, about these three individuals, "he has since retracted or apologised for." I am

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<sup>1</sup> *Di Biase v. Vaughan (City)*, 2016 ONSC 5620 (CanLII), at para. 42: "In exercising the powers conferred upon her, the Integrity Commissioner must be able to interpret and reformulate complaints submitted by members of the public who may lack specific knowledge of the Code of Conduct and the Complaints Protocol and who may, therefore, not be familiar with how to identify and formulate alleged breaches."

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also going to examine the Mayor's comments to other news media around the same time, including comments to the Alliston Herald and [www.madhunt.com](http://www.madhunt.com)

The Complaint relates to three separate issues. I am conducting an inquiring into only one issue.

The three issues are:

1. The Mayor's treatment of the staff during the March 24, 2020, Special Meeting of Council.
2. The Mayor's May 6, 2020, written comments, to [www.madhunt.com](http://www.madhunt.com), concerning Councillor Anderson.
3. The Mayor's news media comments about the dismissal of Punya Marahatta, Gagan Sandhu, and Ralph Snyder.

The inquiry will focus on only the third of these issues.

## **Allegation in the inquiry**

The allegation into which I will inquire is the allegation that the Mayor made false or misleading news media comments that were damaging to the three recently dismissed employees. These comments suggested that the dismissals were linked to an OPP investigation and a forensic audit:

Pinto says an OPP investigation that took place before he came into office in 2018, and a forensic audit he requested when he became mayor 18 months ago, made it clear the employees had to be dismissed.

"It was identified that this has been going on for so long, and things have to change," Pinto says. "People are struggling outside to pay bills, and we can't [have] money just flowing out without accountability."

The sole issue in the inquiry will be whether the comments about the dismissed employees contravened the underlined words of section 6.6.13 of the Code:

Members are to be respectful of the role of Staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council. Accordingly, no Member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of Staff, and shall show respect for the professional capacities of the Staff of the Township.

## **Allegations not being considered**

First, I am not going to conduct an inquiry into the allegations related to the March 24, 2020, meeting. I have obtained the audio tape of that meeting and have determined that no Code of Conduct contravention is apparent. In my view, the audio tape does not reveal that the Mayor spoke disrespectfully of the staff. What I heard on the audio tape was a policy disagreement about remote work. Just because many staff members were on one side of the issue, and the Mayor was on the other side of the issue, does not mean that he was being disrespectful.

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As was observed in *Sinnott et al. v. McConkey*, 2021 ONMIC 4 (CanLII), at paras. 210 and 212-213:

Disagreement with the staff does not equate to disrespect for [the] staff. Disagreement with the staff does not equate to disrespect for the staff's professional capacities and responsibilities.

...

Nonetheless, it is not a contravention of the Code for a Council Member to question, or even to disagree with, the recommendation or analysis of a staff member who possesses greater expertise.

In fact, our system of government assumes that non-experts will have oversight of experts. Politicians may be experts in certain matters, but expertise is not a requirement for election to office. It is the nature of our democracy that non-expert, elected officials oversee the operations of subject-matter experts who work in municipal, provincial, and federal governments. It may or may not be wise, but it is not unethical, for the non-expert to disagree with the expert. The Code of Conduct requires that elected officials show respect for the staff; it does not compel deferring to the staff's advice in all cases.

Also, the fact that a member of the staff got upset at the Mayor's position does not reflect on the Mayor's conduct. It is not evidence of a contravention of the Code.

Second, I am not going to conduct an inquiry into the response of Mayor Pinto to Councillor Anderson's letter. First, I note that the comments were made in the context of public debate between two politicians who both have access to – and both were using – the same platform. It was Councillor Anderson who initiated the exchange on [www.madhunt.com](http://www.madhunt.com) and the Mayor was responding. Several Integrity Commissioner reports have found that when an issue arises in the context of political debate, political debate offers its own remedies to address inaccurate or misleading comments. Utilizing the tools of political debate to respond to unfairness and inaccuracy in political debate is far more appropriate than having Integrity Commissioners police the truth and fairness of political speech. See *Newman v. Brown*, 2021 ONMIC 11 (CanLII) at para. 71; *Gerrits v. Currie*, 2020 ONMIC 6 (CanLII), at paras. 40-49; *Linton v. Kitras*, 2020 ONMIC 1 (CanLII), at paras. 86-88; *Re Maika*, 2018 ONMIC 11 (CanLII), at paras. 138-139.

Further, I am reluctant to accept a third party's complaint about the treatment of Councillor Anderson, when Councillor Anderson is perfectly capable of bringing his own complaint if he feels that the Code has been violated. An Integrity Commissioner should not accept a third party's complaint alleging ill treatment by one politician of another politician. See *Miller v. Bath-Hadden*, 2020 ONMIC 12 (CanLII), at paras. 65-70, and *Chan v. Therrien*, 2021 ONMIC 6 (CanLII), at paras. 95-96.

The Respondent does not need to address the issues described in this section.

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## **Process including deadline**

As the next step in the process: I invite the Respondent to respond to the Complaint, in writing, within ten days, that is, by Tuesday, April 19.

As a matter of fairness, I will share with each party the submissions received from the other side. Each submission from the Complainant will be shared with the Respondent and each submission from the Respondent will be shared with the Complainant.

To ensure that this Complaint is investigated in a fair manner that respects the rights of the both of you and of any witnesses, until the final report is delivered to Council both parties are required to maintain the confidentiality of the complaint process, including but not limited to the confidentiality of the Complaint, Response, Reply, and any other communication from either party or from me.

Thank you.

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**From:** Eilish Boston [REDACTED]

**Sent:** Friday, April 8, 2022 5:15 PM

**To:** Integrity Commissioner <[IntegrityCommissioner@fasken.com](mailto:IntegrityCommissioner@fasken.com)>; Guy Giorno <[ggiorno@fasken.com](mailto:ggiorno@fasken.com)>

**Subject:** [EXT] Re: Confidential: Integrity Commissioner Inquiry File CC-2020-04 (Adjala-Tosorontio)

Hello Mr. Giorno, I am in receipt of your reply to my Complaint mentioned in the above File CC-2020-04 (Adjala-Tosorontio). Upon reading your reply I notice that you have incorrectly assumed the names of three former senior Township employees referred to in my original submission. In fact the three former employees I was referring to were former CEO Eric Wargel, former Treasurer Janet Sherwood and the Planner who I believe is on medical stress leave. I am requesting that you make those changes before presenting your report to Council.

Respectfully, Elizabeth Boston

Sent from my iPad

\* AFTER THE INTEGRITY COMMISSIONER FOUND I HAD NOTHING TO DO WITH HIGH STAFF TURNOVER THAT WAS CAUSED BY RETIREMENTS, EMPLOYEES MOVING TO OTHER JOBS AND SOME TERMINATION DONE BY THE CAO WHICH COUNCIL HAD NO CONTROL OVER MS. BOSTON THEN CHANGED THE EMPLOYEE NAMES. THE INTEGRITY COMMISSIONER THEN TERMINATED THE INVESTIGATION ON APRIL 10, 2022 AFTER RECEIVING THIS EMAIL FROM MS. BOSTON ON APRIL 8, 2022. THIS SPEAKS VOLUMES OF THE INTEGRITY OF MS. BOSTON AND IS PROOF OF WHO WAS MAKING FALSE ALLEGATIONS.

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## NOTICE OF TERMINATION OF INQUIRY OF INTEGRITY COMMISSIONER

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**To:** Mayor Floyd Pinto (Respondent)  
Ms Elizabeth Boston (Complainant)

**From:** Guy Giorno  
Integrity Commissioner  
Township of Adjala-Tosorontio

**Date:** August 10, 2022

**Re:** Code of Conduct File CC-2020-04


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On April 6, I issued a Notice of Inquiry, in which I named three individuals alleged to have been harmed by the comments of the Respondent.

On April 12, the Complainant confirmed that the scope of the Complaint includes harm to the reputations of two additional individuals.

The inquiry has proceeded on that basis.

The *Municipal Act*, section 223.5, imposes on me the obligation to “preserve secrecy with respect to all matters that come to [my] knowledge in the course of [my] duties.” Exceptions are made for disclosure necessary to perform my duties, such as to conduct an inquiry, and for disclosure of necessary matters in a report to Council.

This month, during the course of conducting the inquiry, I obtained information that has led me to determine that the inquiry should be terminated. The information relates to individuals other than the Complainant and the Respondent. Because of section 223.5, I will not say more. 

The reasons for my determination in this case are similar to those set out in a previous inquiry report, *Re Meadows and Pinto*, 2021 ONMIC 35 (CanLII), at paragraphs 27-40. A copy of that report is posted online: <https://canlii.ca/t/jmsmr>

I am therefore exercising my discretion to end the inquiry.

Thank you.

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