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Integrity Commissioner Office
for the City of Markham

DONALD R. CAMERON, Q.C.
[REDACTED]

April 20, 2015

SENT BY COURIER AND EMAIL TO: (KKittingham@markham.ca)

Ms. Kimberley Kittingham, City Clerk
City of Markham
Anthony Roman Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Ms. Kittingham:

**Re: Complaint Reference Number MIC-001-1214
Mr. Howard Shore**

This is my report to the Municipal Council of the City of Markham respecting 12 complaints against Mr. Howard Shore under the Council Code of Conduct (the "Code") brought by Mr. Paul Glionna (the "Complainant") on November 28, 2014 on behalf of a group of Thornhill residents not named in the Complaint. Mr. Shore ceased to be a Councillor on November 30, 2014.

The Complainant alleges that Mr. Shore violated the following provisions of the Code under the following circumstances:

1. Sections 4.1 and 4.2 of the Code: The Complainant alleged that Mr. Shore did not exercise his duties as Councillor with integrity and transparency, did not perform his duties in a manner that promotes public confidence and respect and which will withstand public scrutiny, and did not serve the public interest by upholding both the letter and spirit of the laws, regulations, and policies established by Canada, Ontario, and the City of Markham.
2. Sections 4.2 and 17.1 of the Code: The Complainant alleged that Mr. Shore stole items from City Hall.
3. Sections 4.2 and 17.1 of the Code: The Complainant alleges that Mr. Shore was given items on the understanding that he would give them to others as gifts, but he kept the items for himself.



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4. Sections 4.1, 4.2, 15.1, 16.1, 17.1 and 17.2 of the Code: The Complainant alleged that Mr. Shore removed a resident's "deputation slip", preventing him from speaking at a Council meeting.
5. Sections 4.1, 4.2, 11.1, 15.1, 17.1, 17.2 and 18.1 of the Code: The Complainant alleged that Mr. Shore used his official position to interfere in the internal affairs of Aileen Willowbrook Ratepayers Association (AWRA).
6. Sections 11.1, 12.1 and 15.1 of the Code: The Complainant alleged that Mr. Shore held one of his coffee klatches at which he was supposed to hear concerns of his constituents, but he used it as an opportunity to engage in campaigning.
7. Sections 11.1 and 12.1 of the Code: The Complainant alleged that Mr. Shore used City resources to invite residents to a meeting about a local park, after the April 30, 2014 election year deadline for Councillors to spend public funds for such uses.
8. Section 12.1 of the Code: The Complainant alleged that Mr. Shore engaged in campaigning in Simonston Park, a City owned facility.
9. Sections 12.1 and 17.1 of the Code: The Complainant alleged that at an official Markham City ceremony at City Hall, Mr. Shore was engaged in campaigning. Further, the Complainant alleged that Mr. Shore reacted inappropriately when a resident advised that he did not have his support in the upcoming election.
10. Sections 16.1 and 17.2 of the Code: The Complainant alleged that Mr. Shore, in his role as Chair of the German Mills Meadow Natural Habitat Liaison Committee, would not permit members of the committee other than Council members to vote on issues.
11. Sections 15.1, 17.1, 17.2 and 18.1 of the Code: The Complainant alleged that a number of residents received a series of angry, critical and mean spirited e-mails, allegedly from other residents, criticizing the residents for disagreeing with Mr. Shore. The Complainant alleged that these emails had been sent by Mr. Shore.
12. Sections 15.1 and 17.1 of the Code: The Complainant alleged that anonymous ads on Craigslist and Kijiji, which were made to look like official City ads, asked for student volunteers to assist with campaigning.



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One of the ads indicated on a map that the location of the ad was the street where Councillor Shore lives.

Procedure

I reviewed the complaints and the Code, spoke to the various people whom I was advised were familiar with the various grounds of complaint, and then sought a reply from Mr. Shore. I then asked the Complainant and the other individuals having knowledge of the various grounds of complaint to make any comments on Mr. Shore's reply. I forwarded an earlier draft of this letter to Mr. Shore to give him reasonable notice of the basis for my proposed finding and the recommended sanction, and an opportunity to comment in writing on the proposed finding and recommended sanction, pursuant to section 4 (vi) of the Complaint Protocol.

Credibility

I was struck by how many of the people I spoke to accused Mr. Shore of not being truthful and making false allegations.

Mr. Shore was accused of twisting facts, bullying, throwing temper tantrums, uttering threats and engaging in other inappropriate behaviour.

I found the Complainant and those who complained about Mr. Shore's conduct to be credible. Where there is conflict between the facts alleged by a person making allegations against Mr. Shore and the facts alleged by Mr. Shore, I prefer the facts alleged by the person making the allegations.

Analysis

Complaint No. 1 – Sections 4.1 and 4.2 of the Code: The Complainant alleged that Mr. Shore did not exercise his duties as Councillor with integrity and transparency, did not perform his duties in a manner that promotes public confidence and respect and which will withstand public scrutiny, and did not serve the public interest by upholding both the letter and spirit of the laws, regulations, and policies established by Canada, Ontario, and the City of Markham.

There was insufficient evidence for me to conclude that the facts alleged in Complaint No. 1 constituted a separate breach of the Code.

Complaint No. 2 – Sections 4.2 and 17.1 of the Code: The Complainant alleged that Mr. Shore stole items from City Hall.



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The facts alleged in Complaint No. 2 occurred prior to the Code coming into effect on February 1, 2014, so they did not constitute a breach of the Code.

Complaint No. 3 – Sections 4.2 and 17.1 of the Code: The Complainant alleges that Mr. Shore was given items on the understanding that he would give them to others as gifts, but he kept the items for himself.

The facts alleged in Complaint No. 3 occurred prior to the Code coming into effect on February 1, 2014, so they did not constitute a breach of the Code.

Complaint No. 4 – Sections 4.1, 4.2, 15.1, 16.1, 17.1 and 17.2 of the Code: The Complainant alleged that Mr. Shore removed a resident's "deputation slip", preventing him from speaking at a Council meeting.

The facts alleged in Complaint No. 4 occurred prior to the Code coming into effect on February 1, 2014, so they did not constitute a breach of the Code.

Complaint No. 5 – Sections 4.1, 4.2, 11.1, 15.1, 17.1, 17.2 and 18.1 of the Code: The Complainant alleged that Mr. Shore used his official position to interfere in the internal affairs of Aileen Willowbrook Ratepayers Association (AWRA).

The allegation by the Complainant is that, in the weeks and days leading up to the October 27, 2014 election, Mr. Shore accused a resident of reviving a previously defunct organization, the AWRA, without authority, and publishing to the members a list of endorsed candidates, including an opponent of Mr. Shore.

I find that the resident had the authorization of the defunct organization's president and executive to take the over the organization's name and use the membership list.

Mr. Shore accused the resident of fraudulently, and without consent, using the revived organization and its membership list to publish her personal choices for the election. Mr. Shore threatened to refer the matter to his lawyer and the City Clerk unless the resident apologized.

I could not determine, to my satisfaction, whether:

- 1) this was a revival of the former organization or a new organization using the old name;
- 2) the new executive had been properly elected; or whether



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- 3) the resident was using the organization to promote the views of its members or her own choices.

In these circumstances, I dismiss the complaint.

Complaint No. 6 – Sections 11.1, 12.1 and 15.1 of the Code: The Complainant alleged that Mr. Shore held one of his coffee klatches at which he was supposed to hear concerns of his constituents, but he used it as an opportunity to engage in campaigning.

On July 27, 2014, Mr. Shore advertised and held one of his monthly coffee klatches at Java Joe's, to hear constituents' concerns. He says the advertising on July 24 and the event were paid for by him personally and I have no evidence to the contrary. It was advertised as an event of "Howard Shore" and that he was a "Council Thornhill Councillor", not that he was a candidate for Thornhill, Ward 1. He wore a yellow T-Shirt which said "Howard Shore, Councillor".

A resident said there was an "election sign behind him resting on the back of the bench by the window." Mr. Shore says that the sign was the same sign he had always used. The resident alleged that Mr. Shore had election information brochures on the table. Mr. Shore denies it. Mr. Shore says the coffee klatch was not a campaign event.

The resident to whom I spoke took a campaign brochure with her when she left.

I find, notwithstanding Mr. Shore's denial, that he was campaigning. However, as Mr. Shore paid for the advertising and the event, and there is no evidence that he used City funds to pay for the advertising, the event, signs and brochures. He did not breach sections 11.1, 12.1 and 15.1 of the Code.

I therefore dismiss the complaint.

Complaint No. 7 – Sections 11.1 and 12.1 of the Code: The Complainant alleged that Mr. Shore used City resources to invite residents to a meeting about a local park, after the April 30, 2014 election year deadline for Councillors to spend public funds for such uses.

On August 6, 2014, Mr. Shore used City resources, including stationery, envelopes and stamps, to invite approximately 100 local residents to a community meeting about Glencrest Park on August 14.



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Mr. Shore said this was a small neighbourhood meeting, not a community meeting, called at the request of the residents. He says the list was initially prepared by one office assistant and he then asked a volunteer who worked for him to reduce the number of letters actually sent. He says he paid the City \$100 later to cover the costs.

I believe the cost of 100 sheets of stationery, the time to type the letters, the cost of envelopes and the postage of .75¢ per letter probably exceeded \$100.

While I believe Mr. Shore technically contravened sections 11.1 and 12.1 of the Code, the contravention was minor and inadvertent so no consequence should flow from the breach.

Complaint No. 8 – Section 12.1 of the Code: The Complainant alleged that Mr. Shore engaged in campaigning in Simonston Park, a City owned facility.

On September 6, 2014, Mr. Shore held a Movie in the Park Night at Simonston Park, a City-owned facility, at which approximately 300 people attended. Signs on the boulevard and on chairs said:

HOWARD SHORE [✓]

for

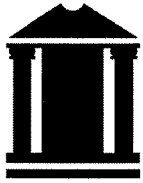
Councillor

“Shore” was printed in white on a blue background. The word “for” between “Howard Shore” and “Councillor” was only partly taped over with duct tape but clearly visible as was a box in the upper right corner with a check mark suggesting the marking of a ballot.

Strung between trees and at the parking lot were signs saying:

HOWARD SHORE
Council Thornhill Councillor Ward 2
www.howardshore.ca

Mr. Shore’s campaign website was howardshore.ca.



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At the boulevard and on chairs beside the table were signs that said:

HOWARD [✓]
SHORE

Mr. Shore handed out small yellow shopping bags which had printed on them:

HOWARD SHORE
Council-Thornhill Councillor
www.howardshore.ca

and on the reverse:

Thornhill Summerfest
Movie in the Park
Thank you to our great "Sponsors"

followed by a list of 11 sponsors. "Shore" was in yellow and blue background. He again used his campaign website.

He also asked at least one person at the event for her support and she replied that she would not support him and that she would stay out of the election.

Mr. Shore denies that this was a campaign event or that any campaigning took place. He denies that he used his actual election signs.

I believe that this was a campaign event, that campaigning took place and that they were election signs, even though they may have been for a prior election.

In my opinion, Mr. Shore's actions amounted to a contravention of section 12.1 of the Code.

Complaint No. 9 – Sections 12.1 and 17.1 of the Code: The Complainant alleged that at an official Markham City ceremony at City Hall, Mr. Shore was engaged in campaigning. Further, the Complainant alleged that Mr. Shore reacted inappropriately when a resident advised that he did not have his support in the upcoming election.

On September 17, 2014 there was a Council City ceremony at City Hall to present awards to notable citizens. After the formal part of the meeting,



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Mr. Shore approached a resident to casually ask if he could count on his support during the election and if he could place an election sign on his lawn. The resident responded in the negative to both questions, saying he did not support Mr. Shore's candidacy. Mr. Shore walked away, visibly angry, and he chastised the resident "loudly".

Mr. Shore said the conversation took place after the event was concluded and that he was acquainted with the resident he was speaking to. The resident told me he was upset that the request was made while at a meeting on City property.

In my opinion, Mr. Shore's actions amounted to a contravention of section 12.1 of the Code.

Complaint No. 10 – Sections 16.1 and 17.2 of the Code: The Complainant alleged that Mr. Shore, in his role as Chair of the German Mills Meadow Natural Habitat Liaison Committee, would not permit members of the committee other than Council members to vote on issues.

In 2013 and 2014, Mr. Shore was Chair of the German Mills Meadow and Natural Habitat Liaison Committee ("German Mills Committee"). The German Mills Committee had on it two business representatives, three residential representatives and three Councillors.

The Complainant alleges that from the first meeting in September 2013, Mr. Shore would only permit Council members of the German Mills Committee to vote on issues brought to it. In March 2014, the committee members were given an orientation session by City staff in which they learned that residents did have a right to vote on the committee.

Mr. Shore, as Chair of the committee, argued that this committee was an *ad hoc* community group to facilitate better communication between staff and area residents having to do with the German Mills, and therefore the rules did not apply to the German Mills Committee.

Mr. Shore told me that the committee members had agreed to dispense with formality and operate in a collegial fashion.

The Complainant alleges that members of the committee insisted on the right to vote. The City Clerk supported this view.

In my opinion, Mr. Shore's conduct amounted to a contravention of section 17.2 of the Code.



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Complaint No. 11 – Sections 15.1, 17.1, 17.2 and 18.1 of the Code: The Complainant alleged that a number of residents received a series of angry, critical and mean spirited e-mails, allegedly from other residents, criticizing the residents for disagreeing with Mr. Shore. The Complainant alleged that these emails had been sent by Mr. Shore.

The facts alleged in Complaint No. 11 occurred prior to the Code coming into effect on February 1, 2014, so they did not constitute a breach of the Code.

Complaint No. 12 – Sections 15.1 and 17.1 of the Code: The Complainant alleged that anonymous ads on Craigslist and Kijiji, which were made to look like official City ads, asked for student volunteers to assist with campaigning. One of the ads indicated on a map that the location of the ad was the street where Councillor Shore lives.

The facts alleged in Complaint No. 12 did not contain any allegations against Mr. Shore.

CONCLUSION

I see no grounds for settlement.

I recommend that the Council reprimand Mr. Shore for breaches of sections 12.1 and 17.2 as outlined in complaints Nos. 8, 9 and 10 above.

I have concluded that the contravention outlined in Complaint No. 7 was trivial or made through inadvertence or an error in judgment, and made in good faith and recommend that no sanction be imposed, pursuant to section 6 of the Complaint Protocol.

Could you please ensure that Mr. Shore and the Complainant receive a copy of this letter when it has been reported to the members of Council.

Yours very truly,

Donald R. Cameron, Q.C.
Integrity Commissioner