



## CITY OF HAMILTON

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**DECISION of the  
ELECTION COMPLIANCE AUDIT COMMITTEE**  
established under Section 88.37(1) of the *Municipal Elections Act, 1996* (the “Act”)  
**A CLERK’S REPORT RESPECTING A CONTRIBUTOR WHO APPEARS  
TO HAVE EXCEEDED ANY OF THE CONTRIBUTION LIMITS UNDER  
SECTION 88.9 OF THE ACT**  
**DARIVOJ VRANICH**

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With respect to the meeting of the Election Compliance Audit Committee (the “Committee”) held on June 16, 2023, to consider the Clerk’s Report (FCS23069) concerning the contributions made by Darivoj Vranich (the “Contributor”) to the 2022 Election Campaign (the “Campaigns”) of various candidates (the “Candidates”):

The Clerk’s Report indicates the Contributor’s total contribution of funds as \$9,600 to the Campaigns of various Candidates, exceeding the maximum contribution to two or more candidates for office on the same council, as per Section 88.9 (4) of the Act.

When the matter of the Clerk’s Report respecting Darivoj Vranich was originally considered at the Meeting, it was determined that the Contributor was not present before the Committee and that one Candidate, Laura Farr, was present. It was also confirmed that no written submissions had been provided by the Contributor in advance of the Meeting. To allow the Contributor a further opportunity to attend the Meeting, the Committee deferred consideration of the Clerk’s Report respecting Darivoj Vranich to the end of the Meeting agenda. When the Clerk’s Report respecting Darivoj Vranich was again called by the Chair, the Contributor was still not present before the Committee.

The Candidate advised the Committee that it is best practice to notify Contributors to the Campaign of the contribution limits and was unaware of contributions to other Candidates.

During the initial private deliberations of the Committee, held on June 16, 2023 the Committee requested confirmation of whether the Meeting Notice had been provided to the Contributor. The Committee was subsequently advised by the Committee Clerk that

on May 30, 2023 the package addressed to the Contributor was sent by registered mail and that on May 31, 2023 a Notice Card was left by Canada Post at the address provided for the Contributor advising where and when the Contributor could pick up the item, however that the item went unclaimed by the Contributor. The Committee was also advised that the Committee Agenda, including the Clerk's Report (FCS23069) respecting the Contributor was posted on the City's website on June 6, 2023.

On June 19, 2023, subsequent to its initial deliberations respecting the Contributor, but before its decision had been rendered, the Committee was advised that the Contributor had learned of the Clerk's Report respecting the Contributor and had asked for the opportunity to make representations. Later that day the Clerk's office received a short email statement from the Contributor, which was provided to the Committee.

On June 20, 2023 the Committee resumed its private deliberations respecting the Clerk's Report (FCS23069).

As permitted pursuant to the procedures for the Committee, the Committee decided to receive the email statement made by the Contributor on June 19, 2023 and, to ensure the matter at issue was determined in a just manner, the Committee decided to consider the email statement of the Contributor in the course of their deliberations, finding that doing so would not create procedural unfairness towards any of the involved parties. The Committee further decided to waive the requirement in the procedures for the Committee to afford the parties an opportunity to respond to the email statement.

In the email statement of the Contributor, the Contributor admitted to making over contributions and apologized for the error, stressing that the error was unintentional and was due to his lack of knowledge of the cumulative contribution limit respecting multiple donations.

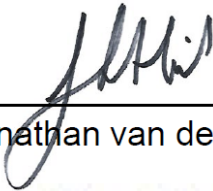
The Committee is satisfied that there are reasonable grounds to believe that Contributor made contributions in excess of the limits set out in Section 88.9 (4) of the Act given that the total amount of contributions made to two or more candidates for office on the same Council totaled \$9,600, exceeding the maximum limit by \$4,600. The Committee does not accept as a reasonable explanation the Contributor's lack of knowledge regarding the contribution limits relating to contributions to two or more candidates, which are not new to the Act and which have existed in the Act since 2010.

The Committee finds that the commencement of legal proceedings is warranted and that it is in the public interest to commence legal proceedings against the Contributor who has exceeded the contribution limits in the Act by a significant margin and without reasonable explanation. As such, the Committee will be commencing legal proceedings against the Contributor and a prosecutor will be appointed for that purpose.

The Committee also wishes to remind all Candidates of their obligations pursuant to Section 88.22 (1) of the Act – Duties of Candidates, particularly with respect to overcontributions.

Dated at the City of Hamilton June 23, 2023.

Written and approved by the following Committee Members:

  
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Jonathan van der Heiden

  
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Zachary Spicer

  
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Vivian Sanders