



Code of Conduct Complaint Form

For Code of Conduct complaints pursuant to section 160 of the *City of Toronto Act, 2006* about members of City Council and local boards (restricted definition), including adjudicative boards.

The personal information on this form is collected under authority of the *City of Toronto Act, 2006*. Questions about this collection can be directed to the Office of the Integrity Commissioner.

Tips

- Complainants should review the full text of the relevant legislation. This form includes hyperlinks to relevant legislation where possible.
- Complainants should review the Office's [Complaint and Application Procedures](#) and may contact the Office of the Integrity Commissioner with questions about the process before filing.

Part 1: Complainant Information

Last Name: (required)

Duff

First Name: (required)

Conacher

Address: (required)

P.O. Box 821, Stn. B

City / Town: (required)

Ottawa

Province: (required)

Ontario

Postal Code: (required)

K1P 5P9

Phone Number: (required)

416-546-3443

E-mail Address:

info@democracywatch.ca

Part 2: Complaint Information

Who do you believe contravened the Code of Conduct? Select one. (required)



Member of Council



Member of local board (restricted definition), including adjudicative boards

Name of Member(s) (required):

Jim Karygiannis

Name of Board (if applicable):

What article(s) of the Code of Conduct do you believe were contravened? (required)

Articles VIII: Improper Use of Influence, and XIV: Discreditable Conduct

[Code of Conduct for Members of Council](#)

[Code of Conduct for Members of Local Boards \(Restricted Definition\)](#)

[Code of Conduct for Members of Adjudicative Boards](#)

Date of Incident (MM/DD/YYYY):

11/12/2018 and before

Part 3: Complaint Description

Why do you believe the member has contravened the Code of Conduct? (required)
If you require more space, please use additional pages.

Sample wording: I believe that [member name] contravened Article(s) [x,y,z] when they...

I believe that City Councillor Jim Karygiannis violated Articles VIII: Improper Use of Influence and XIV: Discreditable Conduct on November 12, 2018 and before that day.

Please see the attached document for details.

I have attached supporting records and/or additional pages.



Yes



No

I am filing this form to request that the Integrity Commissioner conduct an inquiry into a possible Code of Conduct contravention.



Yes



No

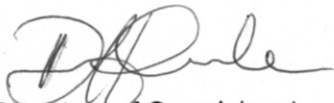
I also intend to file an application for an inquiry regarding a possible contravention of the *Municipal Conflict of Interest Act* in relation to this matter.



Yes



No



Signature of Complainant

02/11/2020

Date (MM/DD/YYYY)

Please submit completed forms to The Office of the Integrity Commissioner.

By Mail or In Person:
375 University Ave., Suite 202
Toronto, ON M5G 2J5

By Email:
integrity@toronto.ca

Code of Conduct Complaint concerning Councillor Jim Karygiannis – Supporting Record

Filed with the Toronto Integrity Commissioner by Duff Conacher, Feb. 11, 2020

A. Facts

1. As detailed in this February 8, 2020 *Toronto Star* article:
https://www.thestar.com/news/city_hall/2020/02/08/toronto-city-councillor-says-he-ignores-bylaw-infractions-if-they-vote-for-us-theyre-volunteers-and-they-donate-money.html
Councillor Jim Karygiannis was recorded making several statements on November 12, 2018 concerning filing complaints about bylaw infractions by his constituents, including (among other comments):
 - a) "There's houses that we bother, houses that we don't bother,"
 - b) And in response to the question "What constitutes if we don't bother them?" Councillor Karygiannis answered "They vote for us, they're volunteers and they donate money."
 - c) "I know where the a - - holes are, but you go through the database, take the pictures, bring them in and before you send them off, take a look — if they voted for us, if they didn't. If they voted for us and we see them that they're constant idiots, we send it in." "If they didn't vote for us," he adds, laughing, "we send it in, twice the pleasure."
 - d) Referring to a car that might be improperly parked, Karygiannis says, "Yeah, we should send it in, but we'll find out how he voted."
 - e) "Don't ever bother this guy," referring to a specific street number. Asked why, Karygiannis replies "Cause he's a buddy ... There's people that we don't f - - k around with. We leave them alone."
2. These statements are clearly confessions concerning how Councillor Karygiannis has acted, or failed to act, as a councillor before November 12, 2018. When he says there are "houses we don't bother" and "We leave them alone" and "we send it in" he is clearly talking about past actions he has taken as a councillor.
3. When he says that his conditions for not filing an infraction complaint about a constituent are that the constituent has voted for him, volunteered for him, donated to him or is a "buddy" Councillor Karygiannis is admitting that he gives preferential treatment to some constituents, including on the basis that they have done him a favour.

B. Requirements in the Code of Conduct

4. The Preamble to the *Code of Conduct for Members of City Council: City of Toronto* includes statements of principle that “underline” the *Code*, including the following statements:
 - Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
 - Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real, and ;
 - Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
5. In law, the word “integrity” is usually defined as “soundness of moral principle and character” and as a synonym of “probity,” “honesty,” and “uprightness.” Based on this, I believe that the requirement in the first statement of principle set out above that members of council perform functions serve and be seen to serve their constituents in a “conscientious and diligent manner” means essentially the same thing as “performing their functions with integrity” and also essentially the same thing as the requirement in the third statement of principle set out above that members of council “perform their duties...in a manner that promotes public confidence and will bear close public scrutiny.”
6. As the Preamble states, these principles “underline the *Code of Conduct*...” and are, therefore, set out the goals of the *Code* that must be taken into account by you in a justifiable, transparent and intelligible way when you interpret and apply the articles of the *Code* to a specific situation.
7. Article VIII: Improper Use of Influence in the *Code* states:

“Examples of prohibited conduct are the use of one’s status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one’s parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties.”
8. On page 8 of his February 8, 2002 ruling on the actions of then-Deputy Premier and Minister of Finance Jim Flaherty, then-Integrity Commissioner Coulter A. Osborne stated concerning the word “improperly”:

“the qualification “improperly” is intended to convey a sense that the decision made (section 2) or influence exercised (section 4) was objectionable, unsuitable or otherwise wrong (see Black’s Law Dictionary definition of “improper”).”

You can see that ruling at:

<https://www.oico.on.ca/docs/default-source/commissioner%27s-reports/re-flaherty-minister-of-finance-feb-8-2002.pdf?sfvrsn=8>

9. Concerning Article VIII, first, you should conclude that people who volunteered for or donated to Councillor Karygiannis are “friends, or associates, business or otherwise” of the councillor, especially given that his statements clearly indicate that he considers them to be associates, even his “buddy.”
10. Secondly, you should conclude that the recorded conversation between Councillor Karygiannis and the volunteer to whom he was giving an orientation amounts to “the use of one’s status as a member of Council to improperly influence the decision of another person to the private advantage” of Councillor Karygiannis’ associates because the councillor tells the volunteer not to report bylaw violations by his associates (people who volunteered for him or donated to him or are his “buddy”).
11. This is “improper” because the councillor is essentially saying that his actions as a councillor are based on a system of trading favours – of “you scratch my back (with your support) and I’ll scratch yours (by not bothering you or reporting your bylaw violations)” – and, for those who don’t scratch his back, are based on retaliation “with twice the pleasure.”
12. Article XIV: Discreditable Conduct in the *Code* states: “All members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation...”
13. It is not “appropriate” for a councillor to give preferential treatment to people who have supported them and to retaliate against people who haven’t supported them. In addition, although there is no clear reference in what Councillor Karygiannis is recorded as saying, there is a suggestion that the councillor may also have used retaliation or the threat of retaliation as a means of turning a non-supporter into a supporter.
14. In reference to the principles in the Preamble of the *Code*, by giving this preferential treatment, positive for supporters and negative for non-supporters, the councillor is not “conscientiously” serving his constituents, nor is he “performing their functions with integrity” and “avoiding the

improper use of the influence of [his] office, and conflicts of interest, both apparent and real” nor is he performing his duties in office “in a manner that promotes public confidence and will bear close public scrutiny.”

15. It is important to note that by not acting, by not reporting bylaw infractions or other wrongdoing, a councillor can assist a constituent as much as by acting in some way to further a constituent's interests, and this inaction of not reporting violations is just as much preferential treatment as providing assistance is.

C. Conclusion

16. For all of the above reasons, I believe that Councillor Jim Karygiannis has violated Article VIII: Improper Use of Influence and Article XIV: Discreditable Conduct of the *Code of Conduct*.

17. Because his actions so fundamentally violate the principles and two articles of the *Code*, and also go directly against the key, democratic function of a councillor of serving all their constituents fairly and well, and because Councillor Karygiannis has been found guilty of violating the *Code* in the past due to his treatment of constituents, as summarized in this article:

<https://www.cbc.ca/news/canada/toronto/karygiannis-code-of-conduct-1.3612555>

I believe that you should recommend that the Council impose the following penalties on Councillor Karygiannis:

- a) Suspension of remuneration paid to the councillor for 90 days;
- b) Removal from membership of all committees and boards on which he sits, as follows:
 - i. Board of Governors of Exhibition Place;
 - ii. General Government and Licensing Committee;
 - iii. Greater Toronto Airports Authority (GTAA) Consultative Committee;
 - iv. Scarborough Consultative Committee;
 - v. Toronto and Region Conservation Authority Partners in Project Green: Executive Steering Committee;
 - vi. Toronto Transit Commission, and;
- c) An apology to Council.