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Greg Essensa, Chief Electoral Officer  
Elections Ontario  
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Toronto, Ontario  
M1R 3B1  
Email: [info@elections.on.ca](mailto:info@elections.on.ca)

**RE: Request for investigations and public rulings on specific Greenbelt-related “straw-person” donations, and on all other possible “straw-person” donations, made to the Ontario Progressive Conservative Party via tickets to the March 2023 “Leader’s Dinner” fundraising event**

September 22, 2023

Dear Mr. Essensa:

Democracy Watch requests an investigation of specific donations made to the Ontario Progressive Conservative Party via tickets provided by one person or entity to other people for the March 2023 “Leader’s Dinner” fundraising event, and also an investigation of who bought every ticket for the event and whether any other tickets were provided to other people who actually attended the event, as detailed below.

#### **A. Summary of request for investigation of violations of election law**

As CTV Toronto reported recently, John Mutton, the head of the firm Municipal Solutions, provided as a gift a \$1,500 ticket to the Ontario Progressive Conservative Party March 2023 “Leader’s Dinner” fundraising event to both Pickering Mayor Kevin Ashe and Councillor Lisa Robinson, and also offered a ticket to Councillor Maurice Brenner (who refused the gift). None of these people’s names appear in the online registry of donations related to the contribution made to the PC Party through buying a ticket to the event.

This situation raises questions concerning who bought the tickets, how Mr. Mutton obtained the tickets, whether Mr. Mutton offered or gave tickets to anyone else, and whether the people who actually paid for the tickets were recorded and disclosed in the online registry of donations?

This situation also raises questions about how many other people or entities that purchased tickets to the event secretly funnelled tickets to other people, including to municipal or provincial politicians, political staff or government employees?

**A full investigation by you of both the specific tickets given as gifts by Mr. Mutton, and of how many other people or entities funnelled event tickets to others, is the only way to answer these questions.**

**Democracy Watch's position is that provisions in the *Election Finances Act*, R.S.O. 1990, c. E.7 ("*EFA*") clearly prohibit buying a ticket for a fundraising event for another person who attends the event, whether the ticket is given by the person or entity who bought the ticket to the person who attends the event, or whether the ticket is given by the person or entity who bought the ticket to another person who then provides it to the person who attends the event, or whether the person who attends the event reimburses the person/entity who bought the ticket (unless they ensure that they are recorded as the donor), and whether the fundraising event is for a party, constituency association, nomination contestant, candidate or party leadership contestant.**

The person attending the event is clearly making the donation, because the ticket to the event is the donation, and so the person attending the event must pay for their own ticket directly, not through accepting it as a gift from another person or entity. The person attending the event could buy it from another person or entity, but then they must contact the party etc. to ensure that they are registered as the actual donor in the public registry of donors and donations. This is required so that the person attending the event who is the person using the ticket (which is the donation), can be identified as the donor as required under the *EFA*.

The Chief Financial Officer (CFO) Handbooks available on Elections Ontario's website seem to confirm that this is your interpretation of the *EFA* provisions. **(See below in section D** the details concerning the *EFA* provisions and Handbook guidelines).

**These situations that Democracy Watch requests be investigated**, both the specific ticket gifts given by Mr. Mutton for the PC Party's Leader's Dinner, and all the Dinner tickets bought and possibly given as gifts to others, **give you an opportunity as Chief Electoral Officer (CEO) to clarify that a ticket that has been bought by a person cannot be transferred** to another person or entity unless the person receiving the ticket: 1. pays the first person for the ticket, and; 2. notifies the party (or association, candidate or contestant) and you that the person they bought the ticket from should be removed from the donor registry, and instead they should be listed in the registry as the actual donor.

**If you as Chief Electoral Officer (CEO) of Elections Ontario do not interpret and apply the *EFA* provisions this way, you will open a huge loophole in the *EFA* that contradicts the *EFA*'s purposes and specific provisions that are intended to ensure that only individuals, using their own money, donate no more than the allowed amount to parties, riding associations, candidates and contestants, and that their identity and amount of their donations are disclosed in the online registry of Political Contributions at:**  
<https://finances.elections.on.ca/en/contributions?fromYear=2014&toYear=2023>.

**To put it another way, if you interpret the *EFA* provisions in a way that opens this huge loophole you will essentially gut the *EFA* provisions and make it legal for corporations, unions and other types of organizations to make secret donations, and for individuals to funnel donations through other individuals (known as "straw-person" donors) in order to hide their donations and their identity as a donor, and for individuals to donate more than the allowed amount.**

Interpreting the *EFA* provisions in a way that opens this huge loophole will also encourage fundraising event tickets to be used as a secret, unethical gift that will usually be impossible to track, monitor or reveal to the public.

It is only because Pickering requires its mayor and councillors to list gifts they receive worth more than \$200 in a public registry that Mr. Mutton's gift of the tickets has been revealed. Brampton and Brantford are the only other of Ontario's 444 municipalities that have gift registries.<sup>1</sup>

**Democracy Watch requests that you issue a public report** containing your conclusions concerning these ticket gifts after you complete your investigation, whether or not you recommend to the Attorney General that people or entities should be charged and prosecuted for violating the *EFA*. If you do not release a report, the public's right to know the results of your investigation will be violated.

**Democracy Watch also requests**, if you recommend to the Attorney General that people or entities should be prosecuted, **that you recommend that a Special Prosecutor be appointed jointly** by the leaders of all of Ontario's parties that have MPPs in the Ontario Legislative Assembly, to ensure that any decisions made concerning prosecutions are not affected by political interference from the Attorney General or any other member of Premier Ford's Cabinet.

**Democracy Watch makes this request that you recommend a jointly appointed Special Prosecutor because, as the Integrity Commissioner's and Auditor General's reports concerning the Greenbelt show, and past Integrity Commissioner reports show, the Ford Cabinet has interfered in the decision-making processes of Ontario government employees in the past.**

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<sup>1</sup> Alex Wideman, "Municipal Lobbyist & Gifts Registries Are Optional in Ontario," August 24, 2023, OpenCouncil.ca, online: <https://opencouncil.ca/lobbyist-registries-ontario/>.

## **B. Request for investigation and public ruling re: specific donations made via the PC Party's "Leader's Dinner" fundraising event**

As reported by CTV Toronto on September 7, 2023 in this article:

<https://toronto.ctvnews.ca/ontario-watchdog-calls-for-probe-into-mr-x-s-purchase-donation-of-tickets-to-premier-s-gala-1.6552567>

City of Pickering Mayor Kevin Ashe and Councillor Lisa Robinson were each given the gift of a ticket worth \$1,500 to the Ontario Progressive Conservative Party's March 2, 2023 "Leader's Dinner" fundraising event

<https://ontariopc.ca/events/3015-23-0302/>

by Municipal Solutions:

<https://www.municipalsolutions.ca/>

whose President and Chief Executive Officer is John Mutton:

<https://www.municipalsolutions.ca/our-team>

who has been identified by the media:

[https://www.thestar.com/news/investigations/who-is-mr-x-after-scathing-ethics-probe-raises-questionable-conduct-of-unnamed-greenbelt-consultant/article\\_d34f22b7-2a19-5e0f-b0fb-cc786bdb4b2f.html](https://www.thestar.com/news/investigations/who-is-mr-x-after-scathing-ethics-probe-raises-questionable-conduct-of-unnamed-greenbelt-consultant/article_d34f22b7-2a19-5e0f-b0fb-cc786bdb4b2f.html)

and

<https://www.cbc.ca/news/canada/toronto/greenbelt-unregistered-lobbyist-development-1.6955297>

and

<https://toronto.ctvnews.ca/greenbelt-s-mr-x-is-a-former-ontario-mayor-sources-1.6548698>

as the person Ontario Integrity Commissioner called "Mr. X" in his recent report on violations of Ontario's *Members Integrity Act* by Minister of Housing Steve Clark, with the report saying that the Commissioner was investigating Mr. X for possible violations of Ontario's *Lobbyists Registration Act* concerning the Ford government's decisions to remove lands from protection in the Greenbelt. The Commissioner's report can be accessed via the Commissioner's news release at: <https://www.oico.on.ca/en/blog/news/integrity-commissioner-releases-report-re-minister-clark>.

The gifts of the tickets to the Pickering Mayor and Councillor are confirmed in Pickering's Gifts and Benefits Registry (under the sub-heading "Council Member Disclosure Statements (2022-2026)") which can be accessed via Pickering's Integrity Commissioner webpage at:

<https://www.pickering.ca/en/city-hall/IntegrityCommissioner.aspx#Council-Member-Disclosure-Statements-2022-2026->

or Mayor Ashe's registration of the gift can be seen directly at:

<https://www.pickering.ca/en/city-hall/resources/Clerks/disclosure-statements/Kevin-Ashe/Kevin-Ashe---2022-2026-Disclosure-Statements.pdf>

and Councillor Robinson's registration of the gift can be seen directly at:

<https://www.pickering.ca/en/city-hall/resources/Clerks/disclosure-statements/Lisa-Robinson/Lisa-Robinson---2022-2026-Disclosure-Statements.pdf>

The gift of the ticket from Mr. Mutton was also confirmed by Councillor Robinson in CTV Toronto's September 13, 2023 article which can be seen at: <https://toronto.ctvnews.ca/ontario-councillor-not-impressed-after-accepting-free-ford-gala-tickets-from-mr-x-after-greenbelt-scandal-1.6560539>.

The September 7th CTV Toronto article linked above also states that Mr. Mutton's, Mr. Ashe's and Ms. Robinson's names do not "appear in provincial disclosures of corresponding political donations" related to a contribution made via a ticket to the March 2023 Leader's Dinner event. The *EFA* requires donations to provincial parties to be disclosed to you within 15 days so that you can list them in the online public Registry of Political Contributions two days later.

Democracy Watch has checked the Registry and confirmed that none of their names appear in the Registry.

These facts raise the following questions that point clearly to likely violations of the *EFA*, which gives you as CEO reasonable cause to commence an investigation to answer these questions using the section 33 *Public Inquiries Act* (2009, S.O. 2009, c. 33, Sched. 6) subpoena and other investigation powers that you have under sections 3, 6 and 7 of the *EFA*:

1. From whom did Mr. Mutton obtain the two tickets?
2. Did Mr. Mutton pay for the two tickets?
3. If Mr. Mutton paid for the two tickets, did he pay the full price?
4. If Mr. Mutton did not pay for the two tickets, who paid for those tickets?
5. Who sold the two tickets to the person who paid for those tickets?
6. Did the person who sold the two tickets properly record the identity of the person who bought those tickets?
7. Did the person who sold the two tickets, and the PC Party, disclose to you as CEO accurate information re: who bought those tickets so that the actual donor(s) were recorded in the online registry Political Contributions?

### **C. Request for investigation of all donations made via the Leader's Dinner**

CTV Toronto's September 7, 2023 article linked above in section B also quotes Pickering Councillor Maurice Brenner who says Mr. Mutton also offered him a ticket worth \$1,500 to the Ontario Progressive Conservative Party's March 2023 "Leader's Dinner" fundraising event.

Again, as mentioned in section B, the Pickering Mayor and Councillor disclosed that the gift was given to them by Mr. Mutton's firm "Municipal Solutions". It is a violation of the *EFA* for a corporation, firm, union or any other organization to make contribution to a party, and buying a full-price ticket for a fundraising event is a contribution.

This raises the following questions about whether other tickets for the event were provided by other ticket purchasers (Mr. Mutton and others) to other people, and

whether the actual purchasers (donors/contributors) were accurately recorded and disclosed:

1. Did Mr. Mutton offer the gift of a ticket or tickets to the Leader's Dinner event to anyone else? If so, who?
2. Did anyone else accept the gift of a ticket or tickets to the event from Mr. Mutton? If so, who?
3. Did anyone else offer the gift of a ticket or tickets to the Leader's Dinner event to anyone else? If so, who?
4. Did anyone else accept the gift of a ticket or tickets to the event from anyone else? If so, who?
5. If the person or entity offering the tickets did not buy them directly from the PC Party or a registered ticket seller for the PC Party, from whom did they obtain the tickets?
6. Did they pay the person they obtained the tickets from for the tickets? Did they pay the full price of the ticket?
7. If they did not pay for the tickets, who paid for the tickets?
8. Who sold the tickets to each person who paid for the tickets?
9. Did the person who sold the tickets properly record the identity of the person who bought the tickets?
10. Did the person who sold the tickets, and the PC Party, disclose to you as CEO accurate information re: who bought the tickets (or who obtained them from another person or entity) so that the actual donor(s) were recorded in the online registry Political Contributions?

This situation, and these questions, also give you as CEO reasonable cause to commence an investigation to answer these questions using the section 33 *Public Inquiries Act* (2009, S.O. 2009, c. 33, Sched. 6) subpoena and other investigation powers that you have under sections 3, 6 and 7 of the *EFA*.

#### **D. The legal provisions, and CFO Handbook guidelines, that prohibit "straw-person" donations**

Ontario's *Election Finances Act*, R.S.O. 1990, c. E.7 ("*EFA*") prohibits "straw-person" donations (called "contributions" in the *EFA*) to a political party, constituency association, nomination contestant, candidate or party leadership contestant.

A "straw-person" donation is a donation of money that is given to a party etc. by a person or a corporation, union or any other type of organization through another person. In other words, the person making the donation uses money provided by another person or by a corporation, union or any other type of organization.

The purpose and specifics of various provisions of the *EFA* serve to prohibit "straw-person" donations directly and indirectly in many ways, including the provisions that:

1. Prohibit donations by corporations, unions and any other type of organization except an affiliated political organization (subsection 16(1) and sections 19, 21, 22, 22.1, 26 and 29);
2. Prohibit donations by anyone who is not an Ontario resident (subsection 29(1.1));
3. Prohibit donations by an individual using money provided by another person or entity (section 19);
4. Prohibit donations by an individual that exceed the annual limit of \$3,325 (in 2023 – plus \$25 for each subsequent year – sections 18 and 28);
5. Require recording of the identity of the donor and amount of the donation (subsections 12.1(1), 13(2), 14(1), 16(3) and sections 17, 23, 24-25.2 and 34 (with an exemption to 25.1 for small parties in section 25.4)), and;
6. Require public disclosure of the identity of the actual person who made each donation of more than \$100 (or aggregate annual donations of more than \$200), and the amount donated, within 15 days to the Chief Electoral Officer, who then within 2 days discloses the donor and donation in the public online Registry of Political Contributions at: <https://finances.elections.on.ca/en/contributions?fromYear=2014&toYear=2023> (section 34.1).

The CFO Handbook for the Chief Financial Officers of parties, which can be seen by [clicking here](#), says on page 33 under the heading “Source of Contributor’s Funds” the following:

“Example:

If a contributor attends a fund-raising event, that person must pay for the ticket from his or her own funds and must not be reimbursed for that payment.”

Page 73 of same Handbook on says the following about Fundraising Events:

“The following are recommended for organizing ticket sales:

- have pre-numbered tickets printed for the event;
- assign one person to control ticket distribution to ticket sellers and supervise the return of unused tickets and proceeds from tickets sold; and
- ensure that each ticket seller completes a list recording the ticket numbers sold and the full name and address of each ticket purchaser and method of payment.”

and on page 74 it says:

“If a purchaser of a ticket does not attend the fund-raising event, a contribution is still considered to have been given and a tax receipt must be issued to the purchaser for the net amount after direct costs.”

and

“Only eligible contributors may purchase tickets to a fund-raising event and the purchases may be considered to be contributions. Persons ineligible to contribute may still attend a fund-raising event by purchasing a ticket at the cost of the direct expenses but no contribution can be made.”

The Handbooks for the CFOs of constituency associations, candidates, nomination contestants and party leadership contestants listed at:

<https://www.elections.on.ca/en/political-financing0/forms-and-handbooks.html>  
contain the exact same statements as the above CFO Handbook for parties.

## E. Conclusion

Democracy Watch's position is that the donations made via the tickets Mr. Mutton/Municipal Solutions provided to the Pickering mayor and councillor, as well as any other tickets bought by anyone and provided to others, very likely violated one or more provisions in Ontario's *Election Finances Act*, R.S.O. 1990, c. E.7 ("*EFA*") which in various ways prohibit "straw-person" donations (called "contributions" in the *EFA*) to a political party, constituency association, nomination contestant, candidate or party leadership contestant.

Based on the provisions in the *EFA* and guidelines in the Handbook detailed above in section D that restrict donations made via a fundraising event, and that require parties to accurately record and disclose donors and donations, it is very likely that the Ontario PC Party has lists of:

1. Who sold tickets for the March 2, 2023 Leader's Dinner fundraising event;
2. Which tickets they sold (by ticket number);
3. The identity of each person who purchased which ticket or tickets, and;
4. For security purposes (given the Premier was at the event), and to comply with the *EFA*, the identity of each person who attended the event, and which ticket they used to attend the event (for security purposes).

As a result, it should be not only possible, but also relatively simple for you to investigate and determine who bought the tickets that Mr. Mutton gave and offered as gifts, how Mr. Mutton obtained the tickets, whether Mr. Mutton offered or gave tickets to anyone else, how many other people or entities that purchased tickets to the event secretly funnelled tickets to other people, including politicians, political staff or government employees, and their identities, and whether the people who actually paid for the tickets were recorded and disclosed in the online registry of donations accurately by the PC Party as required by the *EFA*.

Democracy Watch requests that you undertake these two investigations, issue a public report when the investigations are completed, and recommend a jointly appointed Special Prosecutor to handle any violation prosecutions. The public has a right to know exactly what happened concerning ticket sales and funnelling of tickets for this PC Party event, and anyone who violated the *EFA* must be held accountable through a fully independent process.

Sincerely,



Duff Conacher, Board member of Democracy Watch  
On behalf of the Board of Directors of Democracy Watch