

# Appendix 1

*This is a transcription of the original letter. The transcription was produced and formatted to meet the City of Ottawa's accessibility standards. The original letter is held on file with the Integrity Commissioner.*

August 15, 2022

## **By Electronic Mail**

Ms. Karen E. Shepherd  
Office of the Integrity Commissioner  
110 Laurier Avenue West  
Ottawa, ON K1P 1J1

Dear Ms. Shepherd:

**Re: Councillor Rick Chiarelli**

I confirm that we are the solicitors for Councillor Rick Chiarelli, and that we have been providing advice and representation to Councillor Chiarelli in connection with a Code of Conduct complaint that was first filed with your office on January 25, 2022 (“the Current Complaint”).

During the afternoon of August 8, 2022, you forwarded to my office a 57-page “Draft Report”, with a direction that Councillor Chiarelli provide any responding comments by the close of business today (August 15, 2022).

Councillor Chiarelli was not expecting to receive this Draft Report this month, having regard to subsection 11(1) of City of Ottawa By-law no. 2018-400:

11(1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the intake process has been completed and an investigation has been commenced. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.

It is apparent that the current investigation process has taken longer than ninety (90) days.

It is Councillor Chiarelli's position that the "interim report" requirement, referenced above, is a mandatory requirement for the continuation of this process, and Councillor Chiarelli does not believe that any such "interim report" has been provided.

Councillor Chiarelli's position on this issue is supported by his previous dealings with your predecessor, Mr. Marleau, who provided two (2) formal interim reports, in compliance with the mandatory wording of subsection 11(1), when his investigations extended beyond the contemplated 90-day time period.

It is Councillor Chiarelli's position that you have no jurisdiction to continue this process, at this time, when you have failed to issue the required interim report.

Councillor Chiarelli is understandably concerned about your recent stated intention to "provide a final report to the parties and the City Clerk by August 19, 2022", when you have not issued the required interim report, and when Councillor Chiarelli has yet to respond, in any way whatsoever, to the 57-page report that you delivered a mere seven (7) days ago.

You will surely appreciate that August 19, 2022 is "Nomination Day", within the meaning of the Municipal Act and By-law 2018-400.

You will also surely appreciate that the aforesaid legislation, which specifically defines your jurisdiction, has provisions that are specifically designed to ensure that this type of investigation does not unfairly or unduly interfere with an upcoming municipal election.

And yet, you have confirmed your intention to release your report on what could be, technically, the last permissible day to do so, without knowing anything about what Councillor Chiarelli will say in response to the 57-page draft report, and despite the fact that you have sat on the within complaint since January 25, 2022.

There is good reason to believe that you are intent on affecting Councillor Chiarelli's re-election bid.

My client has confirmed his position that you are without jurisdiction to proceed at this time.

It is difficult to understand your stated intent to meet the August 19<sup>th</sup> deadline, unless you are acting on political considerations. After all, the allegations that form the basis of the within complaint date back to 2013 and 2014.

It is Councillor Chiarelli's position that you cannot "report to Council", either on an interim basis or on a final basis, until the next scheduled Council meeting on August 31, 2022. Of course, however, since the next scheduled Council meeting falls after "Nomination Day", the legislation specifically precludes you from doing so until after the upcoming municipal election.

You are fully aware that the complainant has repeatedly violated the expected confidentiality protocol during the course of this complaint process.

Councillor Chiarelli expects you to carry out your legislated responsibilities within the confines of your legislated jurisdiction.

Councillor Chiarelli expects you to vigorously defend and enforce the important confidentiality protocols associated with this process.

Respectfully, it makes no sense that you would rush to deliver a potentially damaging report to a complainant who has publicly "grandstanded" throughout this process, when you will be unable to properly deliver a report to Council until after the election, especially when there is every reason to believe that the complainant will surely share that report with the media. You are aware that the complainant has made public statements confirming that she will not be bound by confidentiality protocols.

Councilor Chiarelli will not hesitate to take appropriate formal legal action to advance the positions set out above, if he deems it appropriate to do so in the future.

Councillor Chiarelli will not hesitate to take appropriate legal action if this investigative process is used improperly to undermine his re-election bid.

Without prejudice to the positions set out above, we are attaching our client's initial responding comments.

As you know, Councillor Chiarelli had anticipated that he would have a reasonable opportunity to review the audio recordings of his interview before responding to the Draft Report. It is his position that he has not had such a reasonable opportunity, both as a function of the unexpected receipt of the Draft Report (when the required interim report had not issued), and as a function of the short time period that he was given to respond to the Draft Report.

Yours very truly,

[signature on original]

D. Bruce Sevigny

Attachment