

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

OFFICE OF THE INTEGRITY COMMISSIONER



REPORT OF THE HONOURABLE J. DAVID WAKE INTEGRITY COMMISSIONER

Re: Jessica Bell, Member of Provincial Parliament for
University–Rosedale

Toronto, Ontario
March 31, 2022

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EXECUTIVE SUMMARY

This report relates to a request made by Mike Harris, Member of Provincial Parliament for Kitchener–Conestoga, under section 30 of the *Members' Integrity Act, 1994* regarding Jessica Bell, Member of Provincial Parliament for University–Rosedale.

Mr. Harris alleges that Ms. Bell breached Ontario parliamentary convention in two separate incidents. In one instance, Ms. Bell posted to her constituency office website and distributed paper copies of a flyer advertising an October 21, 2021 roundtable meeting with Ms. Bell in her capacity as MPP. The flyer included the logo of the Ontario New Democratic Party. In the second instance, Ms. Bell distributed a letter, on her MPP letterhead, which, among other things, promoted a January 30, 2022 charitable gift card drive jointly organized with the local NDP riding association. The back of the letter was a poster for this event and included the name and email address of the riding association.

It is my opinion that Ms. Bell breached Ontario parliamentary convention against using constituency resources for partisan purposes by referencing partisan symbols and organizations in materials that she and her staff produced and distributed to promote constituency events.

Notwithstanding the finding of a breach, I recommend that no penalty be imposed in this case because Ms. Bell promptly admitted her error, expressed her regret over the incidents and implemented mitigation steps, specifically training for herself and her Queen's Park and constituency staff on the parliamentary conventions regarding partisan activities.

I found it was unnecessary to make recommendations because I am satisfied that the contravention that occurred in this case is unlikely to be repeated by Ms. Bell and her staff. I do, however, remind all MPPs to ensure they meet their responsibilities to respect parliamentary conventions, including the convention that constituency office resources not be used for partisan purposes.

I. BACKGROUND TO THE INQUIRY

[1] On February 2, 2022, Mike Harris, Member of Provincial Parliament (“MPP”) for Kitchener–Conestoga, submitted two affidavits and supporting documents, in which he set out his belief that Jessica Bell, MPP for University–Rosedale, may have contravened the *Members’ Integrity Act, 1994* (“the Act”) or Ontario parliamentary convention by using constituency resources for partisan purposes.

[2] Mr. Harris’s allegations against Ms. Bell relate to two separate events occurring several months apart:

- a. Ms. Bell posted to her constituency website and distributed paper copies of a flyer advertising an October 21, 2021 roundtable meeting with Ms. Bell in her capacity as MPP. The flyer included the logo of the Ontario New Democratic Party (“NDP”); and,
- b. Ms. Bell distributed a letter on her MPP letterhead which, among other things, promoted a January 30, 2022 charitable gift card drive jointly organized with the local NDP riding association. The back of the letter was a poster for this event and included the name and email address of the riding association.

II. LEGAL FRAMEWORK

The Commissioner’s Jurisdiction

[3] Under s.30(1) of the Act, a member of the Legislative Assembly of Ontario who has reasonable and probable grounds to believe that another member has contravened the Act or Ontario parliamentary convention may request that I give an opinion on the matter.

[4] Upon receiving such a request, I may conduct an inquiry and report my opinion to the Speaker of the Assembly.¹ Alternatively, I may refuse to conduct an inquiry if I am of the opinion

¹ *Members’ Integrity Act, 1994* s. 31

that the referral was frivolous, vexatious, not made in good faith or that there are either no or insufficient grounds for an inquiry as set out in subsection 31(5) of the Act.

Parliamentary Convention

[5] “Ontario parliamentary convention” is not defined in the Act but consists of generally accepted rules or practices of members of the Ontario legislature.² The rules or practices that parliamentarians accept as governing their ethical conduct form “Ontario parliamentary convention.”³

[6] It has long been an accepted parliamentary convention in Ontario that a member’s constituency office resources should not be used for partisan activities.⁴

[7] It is also well established that political parties and riding associations are partisan organizations.⁵

III. THE INQUIRY PROCESS

[8] As is my practice, on February 4, 2022, I asked Ms. Bell for submissions on whether I should conduct an inquiry in response to Mr. Harris’s request. On February 18, 2022, she provided a response.

[9] In her response, Ms. Bell advised that she had since reviewed the rules relating to parliamentary convention and agreed that she had been in breach of parliamentary convention. She expressed her “deep regret and embarrassment” and provided additional information about the events at issue and steps she had since taken to ensure that such breaches would not happen again.

² Report re: The Honourable Lisa MacLeod, May 23, 2019, para.25 (quoting the Honourable Coulter A.A. Osborne).

³ Ibid.

⁴ I and past Integrity Commissioners have discussed this convention in multiple reports. See for example: Report re. Catherine Fife, September 14, 2021; Report re. Stan Cho, September 14, 2021 [“Cho Report”]; Report re: the Honourable Peter Bethlenfalvy, October 21, 2020 [“Bethlenfalvy Report”]; Report re. Patrick Brown, July 14, 2016; Report re. Daiene Vernile, and the Honourable Jeff Leal, December 22, 2015; Report re. Jagmeet Singh, June 26, 2015; and Report re. Laurie Scott, October 1, 2013.

⁵ See for example Bethlenfalvy Report at pp.48-53, and Cho Report at para. 85.

[10] I informed Ms. Bell and Mr. Harris that I was commencing an inquiry. In light of Ms. Bell's admissions and the evidence she and Mr. Harris had already provided, I determined it was not necessary to gather additional evidence but offered Ms. Bell an opportunity to make additional submissions if she wished to do so.

[11] Ms. Bell advised on March 9, 2022, that NDP Caucus had provided refresher training on March 4, 2022 to her and to her Queen's Park and Constituency Office staff on the parliamentary convention regarding partisan activities.

IV. EVIDENCE

Roundtable Flyer and Website

[12] As part of his request for an opinion, Mr. Harris provided a copy of the flyer that was produced by Ms. Bell's office promoting the "Condo Dweller Roundtable" and screenshots of the same flyer posted to the events page of her constituency office website. On one side, the flyer clearly displayed the Ontario NDP Logo at the bottom of the page, with her constituency office contact information also provided as a means of correspondence. People were asked to register for this event via Ms. Bell's constituency office website. On the other side of the flyer, Ms. Bell's name and contact information was provided at the top of the page. Next to the Legislative Assembly's coat of arms, both Ms. Bell's Queen's Park and constituency office information was provided.

[13] In her response, Ms. Bell explained that she directed her constituency staff to organize a roundtable meeting targeting constituents who live in condominiums. Her goal was to hear from them, get their feedback about regulatory changes, and share her plans for condominium reform and related projects. The event was held virtually on October 21, 2021.

[14] Ms. Bell noted that a letter promoting the event did not contain any partisan references but acknowledges that "other promotional materials" mistakenly included a party logo rather than a caucus logo. She admits that this escaped her attention until she received my letter of February 4, 2022.

[15] Ms. Bell stated that the roundtable event itself “had nothing to do with the Ontario NDP or any other sort of partisan activity” and that it was “a community event open to the public.”

Gift Card Drive Promotion

[16] As part of his request for an opinion, Mr. Harris provided a copy of the letter that was produced by Ms. Bell’s office, as well as screenshots of tweets from Ms. Bell’s Twitter account. The letter is on Ms. Bell’s MPP letterhead and contains the contact information for both her Queen’s Park and constituency offices. While the letter contains information about a number of issues affecting Ms. Bell’s constituents and her efforts to assist them, it opens with an announcement about a devastating local fire and the gift card drive to be held on January 30, 2022 to assist affected residents. The letter clearly states that Ms. Bell is organizing the event “along with the University-Rosedale NDP Riding Associations [sic]”. The back of the letter further promotes this event and clearly states that it is organized by the “Uni-Rose NDP Riding Association” and provides the email unirosendp@gmail.com as the contact point for any further donations. The screenshots of tweets provided by Mr. Harris show Ms. Bell and other individuals holding flyers promoting the gift card drive event and attending the event itself.

[17] In her response, Ms. Bell confirmed her constituency staff “partnered” with the riding association to host the event and explained she and her staff were motivated to assist constituents in crisis after a four alarm fire in their 12-unit apartment building, noting residents lost both their homes and possessions.

[18] Ms. Bell stated that the event was focused on assisting community members and performing what she described as “other usual MPP functions,” including examples of requesting signatures for petitions, distributing tote bags and pens with MPP Jessica Bell branding, and generally engaging with constituents in an open public setting.

[19] Ms. Bell stated that the event involved no fundraising, campaigning, or other attempts to advance the Ontario NDP or the riding association.

V. ANALYSIS

[20] The issue in this matter is whether Ms. Bell breached parliamentary convention by using constituency office resources for partisan purposes,⁶ specifically by

- a. posting to her constituency office website and distributing paper copies of a flyer advertising an October 21, 2021 roundtable meeting with Ms. Bell in her capacity as MPP which included the logo of the Ontario New Democratic Party; and
- b. distributing a letter, on her MPP letterhead, which, among other things, promoted a January 30, 2022 charitable gift card drive jointly organized with the local NDP riding association.

[21] In this case, the evidence shows that in both instances Ms. Bell referenced partisan symbols and organizations in materials that she and staff produced and distributed to promote constituency events. In the roundtable materials, the partisan logo of the Ontario NDP Party was used on the constituency office website and in paper flyers to advertise the meeting with Ms. Bell in her capacity as an MPP. In the second incident, Ms. Bell used her MPP letterhead to promote a charitable gift card drive organized together with the NDP riding association and included references to that partisan organization in her communication to residents. Ms. Bell has acknowledged her constituency staff were involved in the production of these materials referencing partisan organizations.

[22] Upon receipt of my correspondence, Ms. Bell promptly admitted she breached parliamentary convention unwittingly, in both circumstances, saving significant time and resources of my Office in conducting this inquiry. She expressed her regret and embarrassment and set out steps she had since taken to ensure that such breaches would not happen again.

⁶ Mr. Harris did not request my opinion with respect to the question of whether the promotion of particular charitable activities breached the Act or Ontario parliamentary convention and this report does not address or decide that issue. Members frequently request advice about this issue, however, and a summary of my advice can be found on page 16 of the “Office of the Integrity Commissioner of Ontario Annual Report, 2020-2021” available on the Office website.

These steps included arranging additional training for herself and her staff about the proper use of constituency and legislative resources, which was completed on March 4, 2022.

[23] While I find that Ms. Bell did breach parliamentary convention by mixing partisan symbols and organizations with her constituency activities, I also find that this is not a case where a penalty is appropriate. In coming to that conclusion, I considered that Ms. Bell promptly admitted her error, expressed her regret over the incidents and implemented mitigation steps, specifically training for herself and her Queen's Park and constituency staff about the parliamentary conventions regarding partisan activities. In addition, Ms. Bell cooperated fully with my Office's inquiry into these matters. In these circumstances, I am confident that a reprimand is not necessary to ensure that Ms. Bell and her staff do not commit this type of contravention again.

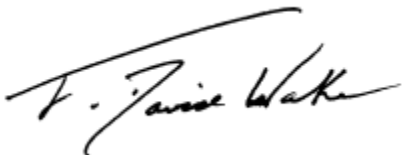
VI. CONCLUSIONS

[24] I find that Ms. Bell contravened the Ontario parliamentary convention against using constituency resources for partisan purposes by referencing partisan symbols and organizations in materials that she and her staff produced and distributed to promote constituency events.

[25] I recommend that no penalty be imposed in this case.

[26] I remind all members of provincial parliament to ensure they meet their responsibilities to respect parliamentary conventions, including the convention that constituency office resources not be used for partisan purposes.

Dated at Toronto this 31st day of March, 2022.

A handwritten signature in black ink, appearing to read "J. David Wake". The signature is written in a cursive, flowing style with a long horizontal stroke at the top.

The Honourable J. David Wake
Integrity Commissioner