

## Report of the Town of Kingsville Integrity Commissioner

Respecting an investigation into complaints received regarding the conduct of committee member

Submitted: January 6, 2025

### **Introduction:**

I was first appointed Integrity Commissioner for the Town of Kingsville for a period commencing on April 13, 2021. As Integrity Commissioner, I have authority to investigate complaints made concerning a breach of the code of conduct or of the Municipal Conflict of Interest Act made against members of council, local boards and committees, pursuant to subsection 223.3(1) of the Municipal Act, 2001. In accordance with subsection 223.6(1) of the Act, this report of my investigation is required to be provided to Council in public session unless the exemptions in subsection 239(2) of the Municipal Act apply. Procedural fairness requires that I provide reasons for my findings. Council does not have the authority to alter the factual findings made in my report however, Council is the body that must determine whether or not to accept any recommendations made in the report regarding sanctions.

### **Complaint:**

The Town of Kingsville regularly holds a Migration Festival Parade and Fantasy of Lights and has established a committee of volunteer community members to oversee the organization of these events.

The complainant filed a complaint with the Acting Clerk under the Town of Kingsville Code of Conduct for members of Council, Committees and Local Boards, and subsequently provided details respecting the complaint to me directly. The complaint related to the conduct of a member of the Kingsville Migration Festival Committee, Mr. William Szabo Verzoc. Councillors Sherie Lowrie and Debby Jarvis-Chausse are and four other residents also members of the Migration Festival Committee. I was provided with copies of emails issued by Mr. Szabo Verzoc wherein he commented that a member of group identified as participating in the parade, and therefore appearing before the committee, was “ a despicable person who is bigoted against people with disabilities” and made other

comments about this individual that were not related to the submissions before the committee.

### **The Code of Conduct:**

The Town of Kingsville Code of Conduct for Council, Committees and Local Boards applies to all individuals appointed by Council to committees and local boards, in addition to Council Members. In particular after reviewing the materials provided to me, the following provisions are most significant to this matter:

4.1. Bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior could be a singular incident or something that has the potential to be repeated over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. This includes physical, verbal, social/relational and cyber bullying.

## **6. PRINCIPLES OF GENERAL APPLICATION**

The principles of general application in this section shall be used to govern interpretation of the more specific rules and obligations outlined in this Code of Conduct.

These general principles shall also be used to determine issues not specifically addressed in this Code of Conduct.

The general principles are:

- a) Members shall uphold a high standard of ethical behaviour to ensure that their decision-making is impartial, transparent and free from undue influence;
- b) Members shall refrain from engaging in conduct that would bring the Municipality or Council into disrepute or compromise the integrity of the Municipality or Council;

### **6.3 Discrimination and Harassment**

6.3.1 No form of discrimination, intimidation or harassment will be tolerated, whether it involves a Member, staff or the public.

6.3.2 All Members have a duty to treat the public, other Members and staff with respect.

### **7.2.3 Respecting Others**

7.2.3.1 Every Member has the duty and responsibility to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation, and to ensure that the work environment is not poisoned and is free from discrimination and harassment.

7.2.3.2 Members shall not use indecent, abusive, or insulting words or expressions toward any other Member, any staff, or the public.

7.2.3.3 Members shall communicate in a manner that is respectful to any individual, regardless of race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or mental or physical disability.

**Investigation:**

To investigate this matter, I have sought information from the complainant, the Acting Clerk and Mr. Szabo Verzoc respecting the matters under investigation.

Mr. Szabo Verzoc completed the Town's Application for Appointment to Board or Committee form and indicated an interest in being appointed to two of the five committees listed on the form, notably the Fantasy of Lights Committee and the Migration Festival Committee. Mr. Szabo Verzoc hand-wrote that he was also applying to the Committee of Adjustment, a committee that was not listed on the application form. Of note Mr. Szabo Verzoc identified himself as being disabled but he did not identify himself as having disabilities that needed accommodation when he applied to the Town to join a committee. On February 13, 2024 Mr. Szabo Verzoc was informed by the Acting Clerk in writing that he was not selected to fill the vacant seat on the Committee of Adjustment. He was asked to confirm if he would be interested being considered for future board and committee vacancies. Mr. Szabo Verzoc indicated that he was interested in other committees in an email dated February 15, 2024, and he was subsequently appointed to the two listed committees applied for. Mr. Szabo Verzoc provided me with a copy of the first outreach he received from the Town concerning his appointment to committees. The Town's Manager of Recreation Programs and Special events emailed Mr. Szabo Verzoc on March 25, 2024 advising him of his appointment to the Fantasy of Lights and Migration Festival committees. In that email Mr. Szabo Verzoc was asked to meet with each committee coordinator to receive an overview of each and expectations. He was also given a link to a 30-minute volunteer training program. No reference was made in that email to the Code of Conduct however reference is made in the link provided in the email.

Mr. Szabo Verzoc did not dispute that he sent the email that forms the subject of the complaint and that described an individual who appeared before the Migration Festival Committee as a "despicable person". In fact he repeated the words to me several times in our telephone discussions and in subsequent emails. He also repeated them in emails to other individuals outside of the municipality. There is some obvious history between Mr. Szabo Verzoc and the person he verbally abused.

Mr. Szabo Verzoc sees the complaint filed as retaliation against him for concerns he raised with the Town about his treatment at a festival event. Actions taken by the Town in response to the matters raised by Mr. Szabo Verzoc substantiate that his concerns were valid, in my opinion. As they do not relate to this complaint and to protect personal information as I am required to do under the *Municipal Freedom of Information and Protection of Privacy Act*, I will not provide details in a public report. I can and must indicate publicly that Town staff responded to the concerns expressed by Mr. Szabo Verzoc in a timely manner, and he appears to be satisfied with the response provided.

Of note, as a defence to his actions, Mr. Szabo Verzoc advised that committee members start at different times and that he was not provided with any training regarding the Code of Conduct or any limitations on committee communications. Mr. Szabo Verzoc believed that his communications with committee members were confidential and that his privacy was violated when they were shared with me. He advised me that he felt it was important that the committee members be aware of his experiences with the gentleman who submitted an application on behalf of a community organization. I do not agree with his assessment.

Mr. Szabo Verzoc has also raised concerns about my impartiality and has alleged bias. Subsection 223.3 of the Municipal Act clearly states that the integrity commissioner acts independent of Council in all respects. I have attempted to assure Mr. Szabo Verzoc that my actions in investigating this complaint are independent.

In 2023 the Ombudsman of Ontario published a resource titled “Municipal Integrity Commissioners: Best Practice Guide”. The guide sets out as its purpose: “Our role is not to replace local accountability mechanisms, but to ensure they are working as they should. Our aim in suggesting best practices – and with this guide – is to avert future complaints and promote consistent standards across the province.” The Ombudsman stresses that best practices require an integrity commissioner to gather information by speaking to individuals and gathering documents from all sources deemed appropriate or necessary. In order to demonstrate fairness in the process, the person that is the subject of a complaint must have an opportunity to respond to the allegations made against them. This may include an opportunity to review the documents collected by the integrity commissioner, and to provide documents or other evidence that may conflict with what has been provided or gathered by the integrity commissioner, as well as an opportunity to meaningfully respond to the allegations made. I have provided that opportunity.

Respecting confidentiality, the Ombudsman acknowledges that the integrity commissioner has discretion to determine whether or not to disclose the identity of the complainant. The decision in *Dhillon v. Brampton*, 2021 ONSC 4165 (Div. Ct.) acknowledged the bar set in *Di*

Biase v. Vaughan, 2016 ONSC 5620 (Div. Ct.) addresses this best: “The statutory scheme prioritizes confidentiality; the integrity commissioner's process is investigatory and she may only make recommendations; the maximum penalty if Council accepts recommendations is 90 days suspension of pay; and no councillor may lose his elected position or suffer civil or criminal liability on the basis of an integrity commissioner’s report.”

### **Post Report Submission:**

I provided Mr. Szabo Verzoc with an opportunity to review the factual findings set out in my report and at 3:22pm on January 8, 2024, Mr. Szabo Verzoc submitted comments to me, which were incorporated into my report, to the extent they were relevant to the subject matter of it. I thanked him for his comments and then proceeded to file my report with the Acting Clerk. The message received from Mr. Szabo Verzoc at that time was "OK thanks. Take Care." At approximately 1am on January 9, 2024, Mr. Szabo Verzoc submitted a series of emails to me taking issue with an email I sent him on December 17th respecting the Code of Conduct and reiterating that he believes I am biased, and he will take legal action. In his words: "If you rule against me this will be a MASSIVE LAWSUIT. A PROMISE". Additional emails were sent to me that included a string of emails attached to an email from Mr. Szabo Verzoc to Councillor Lowrie dated October 18, 2024 wherein he advises: "As only some of you are aware of an incident that occurred this evening, for the sake of completeness I am sharing with the rest of the Committee..."and goes on to discuss his need for seating behind the bar, about being yelled at when serving behind the bar, and not being included in the photo of those "manning the bar" Mr. Szabo Verzoc advised that he would be sitting out the balance of the weekend activities. The details of that evening are not the subject of the complaint I am investigating and reporting on.

Mr. Szabo Verzoc sent another email in which he demands complaints be filed against two committee members, including Councillor Lowrie. He calls Councillor Lowrie an "ABSOLUTE SNAKE"; "BITCH AGAINST THE DISABLED"; "DEVIL INCARNATE"; and "GODDAMN DISGRACE" (his capital lettering). He ends his email with: "REMOVE HER. The Town of Kingsville is a GODDAMN DISGRACE at this point and I will destroy it if I must. Thanks for giving me some entertainment. God Bless."

These emails and comments were shared through a blind copy with several individuals in addition to me, including members of Town staff. I cannot determine who exactly received them, but I am aware that others were copied.

**Findings:**

Writing to fellow committee members and describing a member of the public who is identified by name as “a despicable person who is bigoted against people with disabilities” is abusive and an attack against an individual that constitutes bullying under the Code of Conduct. It does not demonstrate the values set out in the Code of Conduct and furthermore, it contravenes the requirement that “all Members have a duty to treat the public, other Members and staff with respect.” The standards of behaviour in the Code of Conduct apply in all situations and to all members of Council, its boards and committees. It may be appropriate to share valid concerns that could impact the matter under consideration by the committee, but it is never appropriate to resort to abusive name calling.

I was willing to give Mr. Szabo Verzoc the benefit of the doubt and treat the matter in part as an event triggered by a past experience with the individual he defamed. There were no previous outbursts or use of insulting language by Mr. Szabo Verzoc before this event. Given the communications that have followed, I am very concerned that Mr. Szabo Verzoc’s outbursts are continuing and are now being directed at members of the committee. As a result of my discussions with Mr. Szabo Verzoc I am confident that he understands what the Code of Conduct says and that it applies to him. He has nevertheless chosen to continue to send emails to a number of individuals attacking the integrity of committee members and using abusive language to insult them. I am satisfied that Mr. Szabo Verzoc understands that this is offensive, understands that it is not acceptable, and yet intentionally has made a decision to send these emails. I do not accept Mr. Szabo Verzoc’s disability as a defence or reason for his conduct.

**Recommendation:**

The Integrity Commissioner finds that the statement made by the committee member constitutes a breach of the Code of Conduct, and recommends:

1. That Council issue a public reprimand to ensure that the public are aware that the Town of Kingsville Council does not condone this conduct.
2. That Mr. Szabo Verzoc be asked to submit a written apology to the members of the Town of Kingsville Migration Festival Committee for his outbursts and issue a specific apology to Councillor Lowrie for the emails he sent wherein he defames her.
3. In the event Mr. Szabo Verzoc refuses to apologize for his conduct, that Council consider rescinding his appointment to the Kingsville Migration Festival Committee effective within 14

days of the Clerk providing him with a copy of Council's decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'MEB', with a stylized, cursive flourish extending to the right.

Mary Ellen Bench, BA, JD, CS, CIC.C  
Town of Kingsville  
Integrity Commissioner

