

TOWNSHIP OF BONFIELD INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN

**Citation: Cllrs. MacInnis and Clark re: Kevin MacDonald
Complaint – DGB-BonfieldICI-25-002**

Date: June 16, 2025

REPORT ON COMPLAINT

Overview

[1] On June 3, 2025, I received a Complaint from Kevin MacDonald concerning alleged intimidation and harassment on the part of Cllrs. Dan MacInnis and Donna Clark at the Powassan Maple Syrup Festival (“the Festival”) held on April 26, 2025.

Complaint

[2] The Complainant described the circumstances giving rise to the Complaint as follows:¹

I heard a rumour that a councillor [CLLR. MACINNIS] was being compensated for using their personal assets for township projects. I reached out to a different councillor [CLLR CORBETT] via email to inquire, leaving out all details including the name of the accused councilor [CLLR. MACINNIS]. I asked if there was any truth, how much had the councillor received if so, and was the job put out for tender. This councillor, confirmed the details, responding that the rumour was unfounded and the accused councillor had donated their time and assets at no charge to the Township. I thanked them for clearing this up, and vouched for the councillor when this rumour came up again.

Fast forward a couple weeks [to April 26, 2025], the accused councillor [CLLR MACINNIS] along with another [CLLR CLARK], sought out and targeted my booth at a festival [the Powassan Maple Syrup Festival] interrupting my business in front of a line up of customers. They aggressively and immediately accused me of slander while handing me their township councillor business cards. They said next time I want to slander their name, referring to the email I had sent [to CLLR. CORBETT inquiring about the use of CLLR. MACINNIS’ equipment to do work at the Community Garden] in good faith, here is their card to contact them personally. I asked if it would be a conflict of interest to ask them, to which both denied. We had a "constructive" conversation afterwards, where they told me I need to reach out more. They bought my product and asked me to

¹ The text in [] in the statement below were added by me after speaking with the Complainant to obtain particulars of the players and events involved.

come to the local farmers market. Upon my own review of the interaction, although I was able to de-escalate, I feel like this is bullying and intimidating the councillors and could even be slanderous by publicly accusing me of slander for a private email where I named no names. The conversation ended with the councillors casually confirming my address, which has impacted my ability to enjoy my property, worrying is my family and home being targeted.

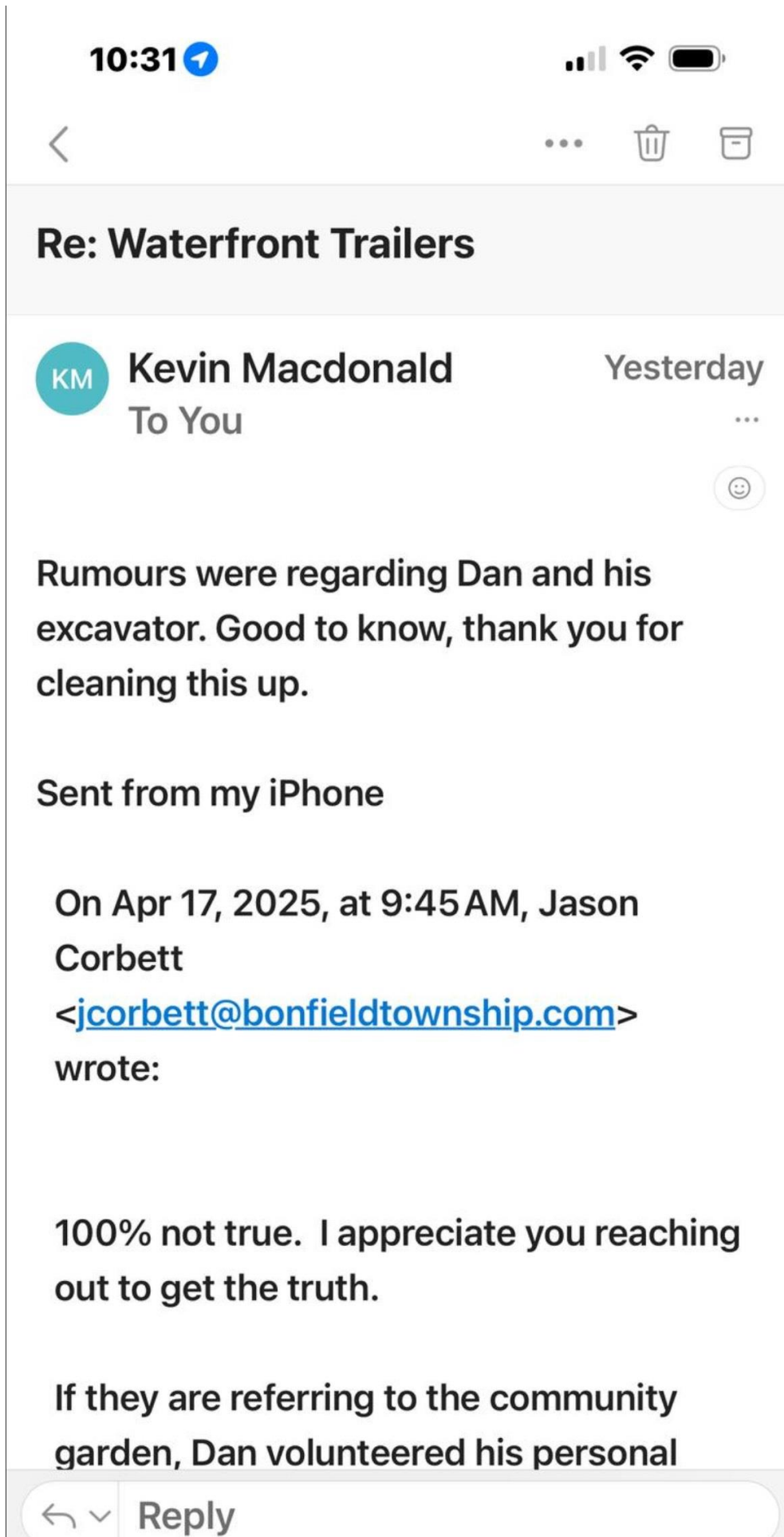
Once I arrived home after the festival, I had received an email from the Bonfield Planning Officer about the dealings of my business on my property, about the same time the councillors approached me at the festival. Again, I feel like this is collaborative intimidation.

Fast forward 3 weeks, I received a letter in the mail from the town increasing my property taxes by 7x, and backdating 2 years leaving me with an outstanding balance of \$4300. I was expecting an increase in property taxes but the timing and tactics are suspect and I believe this is a component of the collaborated and deliberate intimidation. I would also like to add that after the most recent Integrity Commissioner findings, a councillor [CLLR. CORBETT] attempted to deter residents from holding the council accountable, by stating the cost to the township and that an inquiry would lead to less services. Residents should not have to choose to forgo an investigation under duress.

[3] At my request following my initial review of his Complaint, the Complainant sent me the following:

- Screenshots of his email exchange with Cllr. Corbett regarding the use of Cllr. MacInnis' equipment for the Township Community Garden on April 17, 2025
– The full text of this exchange was as follows:







- Photos of the business cards of Cllrs. MacInnis and Clark he said he was given at the Festival on April 26, 2025 - I note that Cllr. MacInnis' card has his Township cell phone number handwritten on the front of the card;
- Email he received from the Township Planning Manager at 11:17 am on April 26, 2025 – the email indicates that the author learned about the Complainant's business from social media, extends an offer to assist with its growth and development and suggests a meeting to discuss same. The email seems generally supportive and contains no express or implied threats of any adverse municipal action against the Complainant or his business. The Complainant advised me that based on the timing of receipt of the email (on the heels of the encounter with Cllrs. MacInnis and Clark), he did not feel that it was sent in "good faith;"
- Two Letters from Township dated May 21, 2025 re: Retroactive Property Tax Increase – the letters advised of retroactive property tax increases to the Complainant's residential property due to re-assessment of the value of his property for each of 2023 and 2024.

[4] Mr. MacDonald admitted to me that he has been upset with Township Council recently over both a bylaw restricting trailers from being parked on waterfront lots and the termination of the Fire Chief, and that he has been "vocal" on social media about these issues.

[5] Mr. MacDonald advised me in a subsequent email exchange on June 12th that "my family and I are considering moving out of this township, we are hesitant to participate in any events now."

Code of Conduct

[6] The Complainant did not identify any particular provision of the Code of Conduct alleged to have been violated but it would appear that the relevant section is as follows:

15. DISCREDITABLE CONDUCT

All members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation.

Investigation

Telephone Conversation with Simon Blakeley, Planning and Economic Development Officer

[7] I spoke with Mr. Blakeley by telephone on June 9th about the email he sent to Mr. MacDonald on April 26th and he provided the following information:

- As the Township's Economic Development Officer, his job is to support and assist local businesses to expand. His spouse had gone to the maple syrup festival on April 26th but he had not attended it. He said he was on social media

looking at posts related to the Festival and saw reference to Mr. MacDonald's syrup making business, and that he was located in Bonfield. He therefore sent the email dated April 26th in an effort to reach out and try to support Mr. MacDonald's business;

- He insisted he had no contact with Cllr. MacInnis or Clark before sending that email and the timing was just a coincidence;
- The following Monday, Nicky Kunkel, CAO/Clerk-Treasurer, told him that Mr. MacDonald had posted on social media about an encounter with a councillor at the syrup festival and had linked Mr. Blakeley's email with that encounter, and that Mr. Blakeley should not reach out to him any further. When I pressed for more details about his discussion with Ms. Kunkel, Mr. Blakeley seemed to backtrack, indicating he wasn't sure about being told about an encounter between Mr. MacDonald and a councillor (he later said he did not know which councillor it was, reconfirming that he was at least aware of an encounter with a councillor). He finally suggested, somewhat exasperatedly, that perhaps I should speak to Ms. Kunkel to get further information.

Telephone Conversation with Andree Gagne, Township Deputy Clerk-Treasurer

[8] I spoke with Ms. Gagne on June 9th by telephone. She advised as follows with respect to the property tax assessment letters sent to Mr. MacDonald on May 21, 2025:

- Township building inspectors are required to advise MPAC when new construction has likely increased the value of a property, so that any increase in value can be reflected in the assessment of the value of the property for property tax purposes. MPAC will eventually get around to re-assessing the property and when completed, will send the updated assessment value to the municipality, at which point a letter will be sent out to the registered owners advising of the re-assessment, and if the assessment is retroactive, advising of back taxes owing back to the effective date of the re-assessment;
- In this case, the MPAC re-assessment was indicated to be effective July 19, 2023, so Ms. Gagne sent the two letters indicating property taxes owing for 2023 back to July 19th and for all of 2024, respectively. Retroactive assessments can go back up to 2 years;
- At my request, Ms. Gagne sent me the MPAC notice of the re-assessment of the MacDonald property the Township received, which confirmed what Ms. Gagne told me. She firmly denied that any councillor had any involvement with matters relating to Mr. MacDonald's tax assessment.

Telephone Conversation with Nicky Kunkel, Township CAO/Clerk-Treasurer

[9] I spoke with Ms. Kunkel by telephone on June 10th. She advised as follows:

- She confirmed she saw the social media posts by Mr. MacDonald over the weekend of April 26/27. They referenced both an encounter with two unnamed councillors but also the email from a Township planning officer received the same day which were linked together in the posts to seem as if it was part of a concerted harassment campaign against him by the Township;
- On Monday morning, she spoke with Mr. Blakeley, briefly explained the situation and told him not to communicate with Mr. MacDonald any further;
- She also said that at some later point in time, she was told by Cllr. MacInnis that he was one of the councillors who had spoken to Mr. MacDonald at the Festival but that it had not happened the way it was described in Mr. Blakeley's social media posts. She said he did not elaborate any further.

May 27, 2025 Council Meeting

[10] I reviewed the YouTube video of the referenced Council meeting. The discussion of my Report re Complaint 25-001 commenced at approximately the 16 minute mark of the video of the meeting. At approximately the 17:25 mark of the video, Cllr. Corbett begins a comment wherein, paraphrasing, he states that he does not know what the cost of the subject report being discussed was but that the previous IC Complaint investigation and report (which I note was *not* undertaken by me or my office) cost \$10,000, which is the equivalent of 20 dump trucks of gravel on Township roads assuming each truckload cost \$500, which he essentially said would not be able to be put down on the roads as a result of the cost of the IC investigation and report. He stated that he was not trying to discourage meritorious complaints but urged ratepayers to carefully review the Code of Conduct before making a complaint so as to ensure the complaint was meritorious because IC investigations come "at great expense to the taxpayers" and result in "exorbitant bills."²

[11] The approximate cost of my investigation and Report re: Complaint 25-001- my first investigation and report for the Township - was \$4,200, inclusive of HST, not \$10,000. Given that municipalities are rebated the HST portion of my invoices, the cost to the Township was actually just ~\$3,700.

Responses

Councillor Clark

[12] I spoke with Cllr. Clark by telephone at her request to receive her Response on June 12th. She advised me as follows:

- She attended the Festival in her private, not councillor, capacity. She is friends with Cllr. MacInnis and his family, so she attended with them (Cllr. MacInnis, his wife, two children and the childrens' significant others);

² "Exorbitant" is defined in the Oxford Dictionary as "unreasonably high."

- It was a cold, miserable day. They walked around outside then went indoors to get warm;
- At some point she and Cllr. MacInnis (alone) approached Mr. MacDonald's booth. He had no customers at the time. After some probing, she conceded that they had intentionally separated from the rest of Cllr. MacInnis' family in order to approach Mr. MacDonald's booth alone but denied it was so that the family would not witness what they had to say to Mr. MacDonald. She said they both knew Mr. MacDonald as he had been a volunteer firefighter and had been vocal in his criticism of the departure of the Fire Chief from the Township's employ;
- She agreed that, at the very outset of their encounter with Mr. MacDonald, Cllr. MacInnis handed Mr. MacDonald his business card, introduced himself, referenced Mr. MacDonald's communication with Cllr. Corbett about the Township's use of Cllr. MacInnis' equipment, then said words to the effect of "next time you want to slander me, do it to my face," although she stressed she did not recall if the exact word used was "slander." Cllr. MacInnis also said something like "if you have any questions about me, please call me." Mr. MacDonald then asked if it would have been a conflict of interest to speak to Cllr. MacInnis about it, to which they replied "no;"
- The conversation then turned to the Fire Department, then turned to Mr. MacDonald's products and later about suggesting that Mr. MacDonald set up a stall at the Farmer's Market. They eventually both bought some maple syrup products from Mr. MacDonald;
- During the approximately 6 minutes they were speaking with Mr. MacDonald, one other customer came up to the booth to buy some more product (he had already purchased some from Mr. MacDonald earlier) and they stepped aside until Mr. MacDonald had serviced the other customer;
- She indicated that, unlike Cllr. MacInnis, she did not give her business card to Mr. MacDonald at the outset of the meeting but only did so later on;
- Regarding the email from Mr. Blakeley, she insisted that she did not communicate with him about sending the email that was sent the same day as the encounter with Mr. MacDonald at the Festival and has no knowledge of Cllr. MacInnis having done so.

Councillor MacInnis

[13] Cllr. MacInnis sent me the following written Response by email on June 12th (after my discussion with Cllr. Clark):

My family and councillor Clark attended the Maple Syrup Festival. We walked around and checked out the vendors outside, then decided to move indoors as it was not a pleasant day - it was cold and rainy. We walked

around and talked to a few vendors inside. I saw Kevin at his booth, so I approached him and shook his hand. I offered my card and said if he wanted to question my integrity, to next time call me first. Kevin then suggested that would be a conflict of interest. I indicated that if he has a question to ask it, it would not be a conflict of interest. As far as Kevin de-escalating the situation there was nothing to de-escalate. Councillor Clark and I asked him about his product, and we each purchased a 4 pack of drinks. I simply asked him if he pulls the sap from his property as I see sap lines running down the edge of the road on his property. Kevin then proceeded to tell us he gets the sap from Quebec and the drink is made in Sturgeon Falls. This is a small town and I drive past Kevin most days while he is waiting for the bus to drop his child off- this is the only reason I know where Kevin lives. In Kevin's email to Councillor Corbett, it was Councillor Corbett who asked if he was referring to the use of my tractor at the community garden, in which Kevin responded "it was regarding Dan and his excavator" (screenshot to follow). My wife and I donate our time and resources to the community garden to make it a success.

I have no interaction with the planning department and I would not know what Mr. Blakely is sending out.

As far as the taxes go, a re-assessment of Kevin's property would come from Mpac I would think. Again, I have no knowledge of what the office sends out other than my own personal tax bill.

My phone number is hand written on the business card I gave to Kevin. My cell is my work cell that I cannot give out publicly. The number I give out for the township is my wife's number that she barely uses, so I wanted to make sure Kevin could get a hold of me when he had a question.

As an aside, a shake up was required within our volunteer fire department due to [explanation redacted for privacy reasons]. Kevin was one of the first volunteers to hand in his resignation from the department, leading me to believe this is a vexatious complaint.

[14] I followed up with questions arising out of his initial Response in a telephone call we had on June 13th. The additional information elicited was as follows:

- He said the first thing that happened upon reaching Mr. MacDonald's booth was that he handed Mr. MacDonald his business card (on which he had already handwritten his Township cell phone number) then said "here's my card with my cell #. The next time you want to question my integrity, next time call me first;"
- He staunchly denied using the term "slander" and maintained that he used the phrase "question my integrity" in relation to the email exchange with Cllr. Corbett;

- He felt that Mr. MacDonald himself may have started the rumour about him being paid by the Township for the use of his equipment to maintain the Community Garden. When I asked why Mr. MacDonald would do that, he surmised it was because he was “hostile [toward members of Council] about the Fire Department.” When I asked him why Mr. MacDonald would seek to find out if the rumour was true or not by contacting Cllr. Corbett if he had started the false rumour for malicious purposes, he responded “I can’t know what he was thinking;”
- He agreed he was at the Festival with his wife, children and their significant others as well as Cllr. Clark, and that he and Cllr. Clark alone went to Mr. MacDonald’s booth. When I asked why he didn’t approach Mr. MacDonald alone if it was a personal matter between him and Mr. MacDonald but instead approached Mr. MacDonald’s booth together with Cllr. Clark such as to create the appearance of 2 of the 5 members of Council confronting him, he did not really have any explanation except that they were just together when he saw Mr. MacDonald’s booth and decided to go up and introduce himself;
- He denied that the purpose of approaching Mr. MacDonald with Cllr. Clark was to try to intimidate Mr. MacDonald into toning down his criticism of Council;
- He thought the discussion of the email exchange with Corbett took about 1 minute and the balance of the time they spent at Mr. MacDonald’s booth lasted about 5 more minutes;
- He reiterated that he never had any communication with Simon Blakeley concerning Mr. MacDonald or his business.

Analysis and Findings

Preliminary Issue: Were the Actions of the Councillors Related to Their Position as Councillors Or Undertaking In Their Personal Capacities?

[15] As both I and other Ontario Integrity Commissioners have held, municipal Codes of Conduct do not apply to subject matter that is “unrelated ... to the office, role, function, influence, authority, and responsibility of a ... Member, and to the interests and business of the Municipality.”³ Stated differently, a Code of Conduct only applies to conduct connected to one’s office as a member of Council.⁴

[16] I find that both Cllrs. MacInnis and Clark were acting in their capacities as councillors in the course of their encounter with Mr. MacDonald at the Festival. While I accept that they did not attend the Festival in their capacities as Township councillors, I find that this changed during their encounter with Mr. MacDonald. They announced themselves as councillors and presented their

³ *Danko (Re)*, 2024 ONMIC 11 (CanLII) at [para 20](#); *Gogos v Jones*, 2022 ONMIC 7 (CanLII) at [para 4](#).

⁴ *Gogos v Jones*, 2022 ONMIC 7 (CanLII) at [para 161](#).

Township councillor business cards (albeit only Cllr. MacInnis did so at the outset). The issue discussed was related to the business of the Township, namely, Mr. MacDonald's inquiries of another councillor about whether Cllr. MacInnis had been paid by the Township for the use of his equipment to maintain the Community Garden and Mr. MacDonald's concerns about the Township's management of the Fire Department. I have no hesitation in finding that both Cllr. MacInnis and Clark were acting in the course of capacity as Members of Council when the subject interaction took place.

Did the Councillors' Conduct Amount to Abuse, Bullying or Intimidation?

Councillor MacInnis

[17] Cllr. MacInnis denied suggesting that Mr. MacDonald had slandered him in communicating with Cllr. Corbett about whether the Township had paid him for the use of his equipment (an accusation of a tortious act and a potential threat of civil action). Cllr. MacInnis maintained in his Response and in my subsequent questioning of him that he only stated that Mr. MacDonald had "questioned his integrity." Cllr. Clark initially agreed that he had used the term "slander," then later backtracked, indicating she was unsure but that whatever the wording was, it conveyed essentially the same message. On balance of probabilities, I accept Mr. MacDonald's version of the conversation and find that Cllr. MacInnis did use the term "slander" at some point in the conversation with Mr. MacDonald.

[18] The two Councillors did not approach the Complainant with the rest of their party who were present at the Festival. Councillor MacInnis could have approached the Complainant alone, one-on-one (since, after all, it involved a matter concerning only him and Mr. MacDonald), which may have reduced the intimidating aspect of the encounter; instead he did so with Cllr. Clark at his side, such that 2 of 5 members of Council for the Township were confronting the resident. I surmise that the rest of the family was not included because of the fear of where the confrontation might lead. Presenting a Township councillor business card as the opening greeting would also have been reasonably understood as creating an air of authority over the situation. I find that the intent of the approach was to express displeasure at the Complainant for allegedly spreading false rumours about Cllr. MacInnis concerning the use of the equipment and to discourage him from making similar inquiries in the future, and also perhaps to dissuade him from being critical of Council at all (as he had with respect to the situation with the Fire Department and the Trailer Bylaw). The further point of the approach, I find, was to create the appearance of a united front amongst councillors in the message they were delivering.

[19] Furthermore, I reject Cllr. MacInnis' apparent belief that Mr. MacDonald was offside by inquiring of another councillor whether the Township had paid him for the use of his excavator and his time in operating it. It was perfectly reasonable for the Complainant to have approached another councillor who he perhaps was better acquainted with,⁵ or out of a desire to avoid confrontation with the very councillor that was the subject of the rumour in the event that the rumour turned out to be false. My impression in this regard is bolstered by the fact that, in his exchange with the Complainant, Cllr. Corbett praised his approach in stating "I appreciate you reaching out to get the truth." I also see no rational basis for Cllr. MacInnis to believe, as he told

⁵ I note that Mr. MacDonald had previous communications with Cllr. Corbett about the Trailer Bylaw.

me he does, that Mr. MacDonald started the false rumour for apparently malicious purposes only to then turn around and ask Cllr. Corbett if the rumour was true. I therefore find that Cllr. MacInnis' comments to Mr. MacDonald were neither measured nor justified.

[20] I find that, in all of the circumstances, including the message, the circumstances in which it was delivered and the fact that two councillors were involved, Cllr. MacInnis engaged in bullying and intimidating conduct in his interaction with the Complainant at the Festival on April 26, 2025 and as such, he breached s. 15 of the Code of Conduct.

Councillor Clark

[21] I have no doubt that Cllrs. MacInnis and Clark discussed the approach to the Complainant amongst themselves before they approached him such that Cllr. Clark was aware of the intended nature of Cllr. MacInnis' communication with the Complainant before it happened. In standing by him armed with this knowledge, adding her own authority as a councillor to the already intimidating atmosphere, I find she made herself a party to Cllr. MacInnis' bullying and intimidation, and is therefore guilty of breaching s. 15 of the Code of Conduct as if she herself had uttered the words that Cllr. MacInnis did.

Planning Officer Email

[22] The email from the Township Planning Officer the very same day would have been found to have been an additional aspect of the bullying and intimidation of the Complainant if I found them to be connected. If they had been, it would be sending the added message of "we are watching you so you better be careful." In fact, it would be far more concerning to me as it means the Councillors had enlisted a relatively new Township employee to assist them in their attempt to intimidate the Complainant.

[23] I find the coincidence of a Township staff person sending an email to this particular individual on a Saturday when they are not working and the approach to the Complainant by the Councillors on the very same day to be almost impossible to accept as being unrelated. I have denials from both councillors that there was any such coordination. I also have a denial from the Township employee, although I note he was extremely nervous and somewhat evasive when I spoke to him about this. I am nonetheless giving them the benefit of the doubt and find that the Planning Officer's email was not the product of direction or suggestion by either councillor.

Property Tax Re-assessment

[24] I am satisfied that the property tax re-assessment/ retroactive assessment letters from the Deputy Clerk-Treasurer to the Complainant almost a month after the interaction between him and the councillors were unrelated to the encounter and were done in the ordinary course of the Township's business without involvement of the two councillors.

Appropriate Penalty

[25] I fully appreciate that councillors feel targeted by community gossip and negative social media posts, including personal attacks on individual councillors, often based on factual inaccuracies or outright lies. This is heightened in a small community like Bonfield where

everyone knows each other, or at least knows of each other, such that attacks like these feel more personal. It is particularly unfortunate here that, as noted by Mr. MacDonald, rumours that the Township had paid Cllr. MacInnis had been circulating within the community when in fact, Cllr. MacInnis had very generously donated his equipment and labour to improve the Township's Community Garden free of charge.

[26] On the other hand, any interpretation of Mr. MacDonald's approach to Cllr. Corbett as "slandering" Cllr. MacInnis is misguided. He merely stated that there were rumours in the community and sought clarification from Cllr. Corbett, following which he expressed his appreciation for clearing the air and committed to clarifying the truth in the community. His motive and approach were laudable, not something that ought to have been perceived negatively as Cllr. MacInnis did.

[27] It is important that the penalties imposed reflect the fundamental need for members of the public not to be intimidated into being afraid to question Council decisions and councillor actions, as so-called "citizen watch" is one of the critical means of holding local governments accountable. Members of Council must be prepared to face scrutiny and justify their decisions and actions to the electorate as this is an integral aspect of the democratic process.

[28] I am of the view that an appropriate sanction for these violations of the Code of Conduct are:

Cllr. MacInnis – 10 day suspension of pay and that he make an appropriate public apology to Mr. MacDonald;

Cllr. Clark – reprimand by Council and that she make an appropriate public apology to Mr. MacDonald.

I so recommend these sanctions.

Concluding Remarks

[29] While I do not regard the Complainant's reference to Cllr. Corbett's comments about IC investigations as a formal Code of Conduct complaint about him, since he brought it up in the course of his Complaint, I will address them. Cllr. Corbett's comments about the cost of my previous report was a gross overstatement⁶ and although he was careful to claim that he was not trying to discourage Code of Conduct complaints, the content of his statement was, I find, intended to do exactly that. The reference to the cost of IC investigations as "exorbitant" is also offensive and unfounded, at least with respect to investigations conducted by my office. I strongly encourage Members of Council to respect the Code of Conduct and not attempt to dissuade residents from bringing forward complaints that they sincerely believe to be valid.

[30] I also believe it is important to caution the public to take what one hears through the gossip mill or, worse, reads on social media, about Members of Council and Township staff with a large grain of salt. Much of such information is false and inaccurate, sometimes spread for intentionally nefarious purposes. Being a councillor is a challenging and mostly thankless job requiring time

⁶ The purported \$10,000 IC investigation/report was apparently carried out by the previous IC, not the undersigned.

commitments far out of proportion to the modest remuneration and recognition derived from holding such office. If the public wants the strongest possible candidates to step forward to hold elected municipal office, they need to desist in hurling unsupported accusations that will undoubtedly ensure that persons best suited to sit on Council are driven away by unfounded threats to their personal and professional reputations.

[31] This concludes my investigation.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D. Boghosian", with a stylized flourish at the end.

David G. Boghosian,
Integrity Commissioner,
Township of Bonfield