

TOWNSHIP OF BONFIELD INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN

Citation: Cllr. Donna Clark re: Caren Gagné Complaint – DGB-BonfieldICI-25-001

Date: May 14, 2025

REPORT ON COMPLAINT

Overview

[1] On April 11, 2025, I received a Code of Conduct Complaint from a resident, Caren Gagné, concerning an interaction she had with Councillor Donna Clark at a local “trade show” (as both the Complainant and Respondent described it) which took place on Saturday, April 5, 2025. Ms. Gagné alleges that the comments Cllr. Clark made to her on April 5th violated s. 15 of Bonfield’s Code of Conduct for Members of Council in that they were abusive, bullying, or intimidating.

[2] For the reasons that follow, I am hereby dismissing the Complaint.

The Complaint

[3] My summary of Ms. Gagné’s Complaint is as follows:

Ms. Gagné is a current school board trustee, is a former Bonfield councillor and has been a business owner in the community for 45 years.

Ms. Gagné indicated that at a local trade show which took place on April 5, 2025, while she was setting up her booth and after she greeted Cllr. Clark, the Councillor stated words to the following effect (not necessarily in direct succession) in an angry and hostile manner (wagging her finger at Ms. Gagné and allegedly shaking):

- I am very angry about what you said at the public meeting;
- You had no right to state at that public meeting that no member of Council except the Mayor ever called you or anyone in your family about the fire your family’s business suffered;
- You had no right to say anything at the public meeting except speak about the bylaws that were on the agenda;
- I will never recommend your husband’s tax business to anyone ever again;
- I used to refer people to your store but I will not be doing that any more.

Ms. Gagné advised that Cllr. Clark was referring to statements Ms. Gagné made at a public meeting held on March 18, 2025, where she had voiced her objection to any extra charges being imposed on taxpayers as a result of certain bylaws under consideration and also stated that she felt it was “not nice” that none of the councillors except the Mayor had called her or her family to offer condolences for the fact that the family business had suffered a fire more than a year earlier.

She alleges that in making these statements to her on April 5th, Cllr. Clark violated Bonfield’s Code of Conduct for Members of Council and specifically, s. 15, which reads:

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.

[4] In response to a follow up question I asked her, Ms. Gagné advised that she was not aware of anyone else at the trade show having heard or witnessed the exchange between her and Cllr. Clark.

Councillor Clark’s Response

[5] Cllr. Clark’s response to the complaint was as follows:¹

I categorically deny any conduct that could be construed as abusive, bullying, or intimidating. I am committed to upholding the standards expected of elected officials and have conducted myself throughout this matter with professionalism, respect, and integrity.

I said to Ms. Gagné that I was disappointed with her comment that she made at the Town Hall meeting. I noted that she stated that she had no questions about the bylaws. I went on to explain that my family and I have spent thousands of dollars at her store over the years. She said she didn’t know that. I said that I would hesitate to recommend her business to my family based on this experience. I then went to set up my booth.

When she approached me the second time she explained that she made the comment because a staff member told her that they had not seen me at the store since the election (I have never seen Ms. Gagné at the store). I then repeated that I have been to the store many times with my husband, we buy our pellets, gas and propane there. She then expressed frustration again that no member of council had reached out to her or offered her a tax deferral. I asked how would I know to do that? She did not answer. She then told me she was the mortgage holder for the store. Then she asked me if I had a son. I said yes. The conversation ended. A few hours later

¹ The following is my combined summary of Cllr. Clark’s original response by letter dated April 24, 2025 and a response to a follow up email I sent her requesting clarification of a number of points which she sent me on April 28, 2025.

she asked me who to contact to book the community centre for a fundraiser she was thinking of having. I gave her the information.

To provide some context, at a Town Hall meeting held on March 18, 2025, Ms. Gagné spoke, expressing dissatisfaction with Council and claiming that, aside from the mayor, no member reached out to offer support for her business. These comments implied a lack of care and concern on my part, and the rest of the council that is both untrue and deeply hurtful, especially given my longstanding patronage of her store and sincere commitment to the community.

I had no personal relationship with Ms. Gagné prior to this exchange and was, in fact, under the impression that the business was operated by her son. Her remarks, made before over 200 attendees, mischaracterized my conduct and, in my view, were intended to publicly shame and damage my reputation. They were not related to the subject matter of the meeting and seemed intended to inflame rather than contribute constructively.

At no point during my interaction with Ms. Gagné at the trade show did I raise my voice, use offensive language, or engage in any conduct that could reasonably be construed as bullying or intimidation. I addressed only my own feelings and experiences. Moreover, when Ms. Gagné subsequently (for the 2nd time that day) sought information about booking the Community Centre, I provided it promptly and courteously. We parted on good terms. My interaction with her for the entire day was approximately 6 minutes.

It is worth noting that Councilors' MacInnis and Deputy Mayor Corbett also expressed concerns, similar to mine, in person, to Ms. Gagné after the Town Hall about her comments. Councilor Featherstone also reached out to Ms. Gagné and her son via text. Yet, I am the only member facing a formal complaint. I must question why my response, which was measured and private, has been singled out.

[6] In response to a follow up email I sent to her on May 1st, she advised as follows:

1. The Trade Show was organized by the Township's Recreation Committee. She is not a member of that Committee;
2. She was at the Trade Show in her capacity as a Board member representing NECO Community Futures Non-profit, operating a booth with a NECO staff member.

Ms. Gagné's Reply

[7] I forwarded Cllr. Clark's Response to Ms. Gagné on May 1, 2025 and I received her Reply to it on May 6th.

[8] Ms. Gagné's Reply was largely duplicative of her original complaint, with the following additional information:

- She reiterated that Cllr. Clark used the phrase “very angry” not “disappointed” to describe her reaction to what Ms. Gagné had said that the Town Hall meeting;
- She did speak with Cllr. Clark after the initial confrontation because she wanted to see if Cllr. Clark had “calmed down.”

Analysis and Findings

[9] 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.”² Stated differently, a Code of Conduct only applies to conduct connected to one’s office as a member of Council.³

[10] In this case, I find as follows:

- It is not the role of a municipal councillor such as Cllr. Clark to speak on behalf of Council unless specifically delegated (that is the role of the Mayor) and there is no duty or obligation resting upon councillors to offer condolences or assistance to residents after unfortunate circumstances befall them, whether that is a common practice and perhaps expected by residents such as Ms. Gagné;
- Cllr. Clark was in attendance at the trade show as a private citizen (an exhibitor at the event like Ms. Gagné), not in her capacity as a municipal representative. She was not part of the organizing committee for the trade show and had no official duties to fulfill at the event;
- The topic of the impugned discussion was personal in nature, being comments Ms. Gagné had made about her disappointment in members of Council about a matter which I find is not a necessary role of a Council member at a well-attended public meeting and Cllr. Clark’s expression of personal hurt and anger at having been, in her view, characterized at the Town Hall meeting as insensitive and uncaring. There was no discussion of municipal business during the impugned conversation, per se;
- Although there is a factual dispute concerning whether Cllr. Clark raised her voice or made other physical indicators of antagonism toward Ms. Gagné, there is no allegation that the Councillor used offensive language or uttered any threats *related to her capacity as a member of Council*;
- While Cllr. Clark did advise she would not be referring others to the Gagné family businesses, this was a statement of what she would be doing as a private individual; she did not threaten to use municipal powers to damage the Gagné businesses or to use municipal outlets to comment negatively about the Gagné businesses. While there may have been what could be construed as a threat of

² *Danko (Re)*, 2024 ONMIC 11 (CanLII) at [para 20](#); *Gogos v Jones*, 2022 ONMIC 7 (CanLII) at [para 4](#).

³ *Gogos v Jones*, 2022 ONMIC 7 (CanLII) at [para 161](#).

negative consequences as a result of Ms. Gagné having made the statements, the consequences were entirely personal to Cllr. Clark;

- As far as the Complainant is aware, the conversation with Cllr. Clark at the trade show was entirely private, with no witnesses having heard what was said between them.

[11] Based on the foregoing findings, I conclude that the impugned statements made by Cllr. Clark were made in her capacity as a private citizen, not in her role as a member of Council. For this reason, they do not fall within the scope of matters covered by the Code of Conduct for Members of Council.

[12] In the event I am wrong about the essentially private nature of the exchange between Ms. Gagné and Cllr. Clark, I further find that, while some might characterize the Councillor's comments as unnecessary, hurtful and petty, especially given the serious business misfortune Ms. Gagné and her family had been through, they did not rise to a level that qualifies them as abuse, bullying or intimidation. The statements did not include any personal attacks on Ms. Gagné, any attempt to induce Ms. Gagné to do or refrain from doing anything or suggest that the powers of the Township might be invoked to harm Ms. Gagné or her family's business. In my opinion, Cllr. Clark comments merely conveyed her personal feeling of upset and embarrassment at having been called out by Ms. Gagné at the Town Hall meeting.

Disposition

[13] As indicated above, I have dismissed the Complaint.

[14] The Township's Code of Conduct is silent regarding the procedures which the Integrity Commissioner is to follow in investigating and reporting on a complaint, including whether a public report is to be issued depending on whether the complaint is dismissed or upheld, nor is there any other Bylaw governing the procedures the Integrity Commissioner is to follow. Most of the other Codes of Conduct I deal with do spell out the procedures to be followed, or alternatively, there is a second, "procedural" bylaw directing the steps the Integrity Commissioner should take in respect of investigating and reporting on a Complaint.

[15] I have determined that in the absence of Council direction regarding the nature of reporting on Complaints the Integrity Commissioner receives, given the public interest in Code of Conduct investigations and the overriding principles of transparency and accountability underlying the Code of Conduct, the outcome of this Complaint should be set out in a public report, notwithstanding that I have dismissed the Complaint. Accordingly, I have done so.

[16] This concludes my investigation.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D. Boghosian", with a long horizontal flourish extending to the right.

David G. Boghosian,
Integrity Commissioner,
Township of Bonfield