



**Cunningham Swan**  
LAWYERS  
• EST 1894 •

**Tony E. Fleming**  
**Direct Line: 613.546.8096**  
**E-mail: [tfleming@cswan.com](mailto:tfleming@cswan.com)**

**CONFIDENTIAL**

May 26, 2025

**SENT BY EMAIL TO: [tgorgerat@khrtownship.ca](mailto:tgorgerat@khrtownship.ca)**

Mayor and Council  
c/o Tammy Gorgerat, CAO/Clerk  
1 John Street  
P.O. Box 39  
Killaloe, ON. K0J 2A0

Dear: Mayor and Council

**RE: Code of Conduct Complaint – Report – Councillor Ted Browne**  
**Our File No. 33209-3**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

{01378141.DOCX:}

TEL: 613-544-0211  
FAX: 613-542-9814  
EMAIL: [INFO@CSWAN.COM](mailto:info@cswan.com)  
WEB: [WWW.CSWAN.COM](http://WWW.CSWAN.COM)

The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

### **Timeline of Investigation**

- April 4, 2025 complaint received
- April 15, 2025 complaint package sent to Member
- April 29, 2025 response from Member received
- May 5, 2025 correspond with Member to seek apology
- May 5, 2025 Member apologizes at Council meeting
- May 8, 2025 letter sent to complainant to determine if the matter can be resolved
- May 13, 2025, response from complainant requesting public report

### **Complaint Overview**

At a Finance Committee meeting held March 17, 2025, Councillor Ted Browne (the "Member") made a series of comments directed at the Mayor that are alleged to have breached the Code of Conduct because he used profanity and was disrespectful to the Mayor.

### **Relevant Policy Provisions**

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

The Complaint engaged the following provisions of the Code of Conduct:

7.1 Every Member has the duty and responsibility to treat members of the public, Staff and each other in a respectful manner, without abuse, bullying, Harassment or intimidation.

7.2 A Member shall not use indecent, abusive, or insulting words or expressions toward any other Member, any member of Staff, or any member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability

8.1 Every Member shall conduct themselves with decorum and professionalism at all Council, Committee, Board and other meetings in accordance with the provisions of the applicable Procedure by-law, this Code, and other applicable law.

### **Code of Conduct Findings**

We watched the recorded Council meeting of March 17, 2025 and confirmed that Councillor Browne did utter profanities at the meeting.

During the meeting the Mayor was reviewing with the Municipality's Accountant his views about what revenue and expenses should be shown and whether water and wastewater costs should be included in the municipal levy.

After the exchange with the Accountant, the Member can be heard on the recording saying:

"I am getting sick and tired of hearing about this F\*\*\*ing Sh\*\*"

"What are your credentials as an accountant? Zero right?"

The Mayor agrees he is not "degree'd (has no degree in accounting)"

The Member then states, "everybody's heard that we're ripping the F\*\*\*ing taxpayers off, and we're not"

"every meeting its over and over again"

To which the Mayor replies that "there is a problem"

The Member then states, "yeah its right there in that chair (referring to the Mayor)"

When provided with the complaint, the Member admitted to his mistake in using profanity and acknowledged that he needed to apologize for his behaviour.

Under the Code of Conduct, Appendix 1 sets out the Complaint Protocol. Under Part "B", Formal Complaints, section 9 authorizes the Integrity Commissioner to resolve the complaint without requiring a formal investigation and report to Council.

We reviewed the May 5, 2025 Finance Committee meeting and confirmed that Councillor Browne apologized for his behaviour at the March 17, 2025 meeting. The Integrity Commissioner was satisfied that the offending behaviour was properly acknowledged and that the apology was sufficient to resolve the complaint.

Pursuant to the Code of Conduct, in order to resolve a complaint, the complainant must agree that the apology is sufficient. In this case, the complainant refused to accept that the apology was sufficient and demanded a public report.

Absent the agreement of the complainant, we were unable to resolve the complaint and it was necessary to bring this report to Council.

**Recommendation**

The Member breached provisions of the Code of Conduct related to treating other members of Council without abuse, using profanity and behaving with decorum.

This type of behaviour is a significant departure from the degree of respect, civility and decorum expected of elected officials.

It is relevant that the Member acknowledged his error immediately and offered to apologize. These are mitigating factors.

It is also a mitigating factor that the Member apologized for using profanity in a subsequent public meeting of Council.

In the circumstances, we are satisfied that the Member's apology is sufficient to resolve the complaint without the need for further sanction by Council. The Integrity Commissioner does not recommend any further penalty or sanction.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**



Tony E. Fleming, C.S.  
LSO Certified Specialist in Municipal Law  
(Local Government / Land Use Planning)  
Anthony Fleming Professional Corporation  
TEF