

May 14, 2024

EBC File: 15110-30/2024/142

Eric Woodward
Financial Agent for Contract With Langley Association

Via email

ENFORCEMENT NOTICE

Dear Eric Woodward:

This letter addresses a contravention under the *Local Elections Campaign Financing Act* (LECFA) and comprises an Enforcement Notice under Part 2 of Policy 36.3 Administration of Monetary Penalties under LECFA.

Elections BC provided you with a copy of the Investigator's report into this matter, which included his preliminary findings. You responded to the report to indicate that it was a sincere mistake without intent to contravene the rules.

Background:

You were the Financial Agent for Contract With Langley Association in the 2022 General Local Elections.

On January 12, 2023, you filed a disclosure statement with Elections BC indicating that you received a contribution of \$1,250 from Amritpal Grewal on September 18, 2022 and contributions of \$500 from Amritpal Grewal on October 6, 2022.

Elections BC's Electoral Finance Audit and Assessment team emailed you on November 22, 2023 to clarify if Amritpal Grewal and Amritpal Grewal were the same individual. You responded on December 2, 2023 confirming that they were the same individual. You then filed an amended disclosure statement showing the return of the \$500 contribution made on October 6, 2022 to Amritpal Grewal.

The file was then forwarded to the Elections BC's Investigations team for follow up.

You provided the Investigator with a detailed sequence of events by email and evidence that the prohibited contribution had been returned.

Legislation:

Section 27 (1.01) (b) of LECFA states that a financial agent must not accept campaign contributions from an eligible individual that exceed an applicable campaign contribution limit.

Section 70 of the Local Elections Campaign Financing Regulation establishes the campaign contribution limit for 2022 as \$1,250 per individual per campaign.

Section 68.14 of LECFA explains the penalty for non-compliance with section 27:

68.14 (1) *Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27 [restrictions in relation to campaign contributions] by a candidate, an elector organization, a financial agent or an individual authorized by the financial agent under section 27 (1) (b), the BC chief electoral officer must notify the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) of the non-compliance and the related penalty.*

(2) *Subject to a court order for relief under section 68.18 [court relief powers in relation to campaign contributions], if the BC chief electoral officer gives notice under subsection (1) of this section, the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) must pay to the BC chief electoral officer,*

(a) *in the case of non-compliance with section 27 (1), (1.01) (a), (2) or (3), a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer, or*

(b) *in the case of non-compliance with section 27 (1.01) (b), a penalty in an amount of up to 2 times the amount by which the campaign contribution exceeds the applicable contribution limit, as determined by the BC chief electoral officer.*

Analysis and Determination:

I have carefully reviewed the Investigator's report, and I concur with their preliminary conclusions. The campaign contributions received from Amritpal Grewal exceeded the contribution limit established under section 70 of the Local Elections Campaign Financing Regulation by \$500.

Monetary Penalty:

Because of my finding above, section 68.14 of LECFA requires me to issue an administrative monetary penalty of up to double the amount of the prohibited contribution. The maximum monetary penalty in this case is \$1,000.

In assessing this penalty, I note the following:

- Accepting a prohibited contribution gives an elector organization an advantage in that they did not need to seek a contribution of that amount from an eligible source, saving them time during a busy campaign.
- Once contacted by Elections BC, you cooperatively brought yourself into compliance.
- Your campaign has been cooperative with our investigation.
- Your campaign returned the prohibited contribution, as required by s. 28 of LECFA.
- You have not previously acted as a financial agent for an elector organization in the general local elections, although you have participated in previous local elections as a candidate and acted as your own financial agent at that time.
- You have not previously been the subject of a monetary penalty under LECFA.

Based on these considerations, I make the following finding:

- Eric Woodward contravened section 27 (1.01) (b) of LECFA, and must pay a penalty of \$300 to the Chief Electoral Officer of B.C., under section 68.14(2) (b) of that act.

Review/Court Relief:

You may request a review of this determination by an Adjudicator. A request must be made in writing and must be received by the Investigator within 14 days after the date on which the Subject received the Enforcement Notice. The request must state the grounds on which the request for review is made. The Adjudicator is not bound by the Investigator's determinations or reasons in this Enforcement Notice, and must consider the matter afresh and with an open mind.

You may also seek relief from the BC Supreme Court within 30 days of receiving this notice, under section 68.18 of LECFA. You may wish to seek legal advice prior to requesting relief.

Penalty Payment:

Under Policy 36.3 Administration of Monetary Penalties under the *Local Elections Campaign Financing Act*, you have 40 days from today's date to pay the monetary penalties. Payments can be made by cheque to the Minister of Finance, C/O Elections BC at the address below:

Mailing Address:

PO Box 9275 Stn Prov Govt
Victoria, BC
V8W 9J6

Physical Location:

Suite 100 – 1112 Fort Street
Victoria, BC
250-387-5305

Sincerely,



Adam Barnes
Director of Investigations