

November 28, 2019

EBC File: 15110-25/2019/002

Tia Williams
Financial Agent, BC Marijuana Party
accounts@cannabisculture.com

Dear Tia Williams:

This letter comprises the Determination under Part 4 of the Application of Administrative Policies Policy 12.1, for investigation REF-2019-002 related to s. 187(1.01) of the *Election Act*. This section establishes that a financial agent must not accept a political contribution from a person other than an eligible individual.

An allegation that you were non-compliant with section s. 187(1.01) was investigated. The investigation report and recommendations for penalty calculations were provided to you on October 22, 2019. At that time, you were given an Opportunity to be Heard in accordance with Elections BC's Application of Administrative Penalties Policy, 12.1. You did not take any action to rebut or disprove the allegations of Elections BC's investigator during the Opportunity to Be Heard period, or provide any feedback on how the proposed penalty should be calculated.

As you have provided no evidence to the contrary, I accept the findings of the investigator as set out in the following summary:

"On 2018-04-15, the BC Marijuana Party accepted a contribution from 0883467 BC LTD. The BC Marijuana Party reported the contribution to Elections BC in their annual financial report for the period of 2018-01-01 to 2018-12-31. [The investigator] concluded that it was likely that the BC Marijuana Party's financial agent Tia Williams was not in compliance with section 187(1.01) of the Election Act which requires that the financial agent not accept a contribution from anyone other than an eligible individual."

Elections BC uses a set of baselines on an incremental scale to recognize aggravated penalties for repeated contraventions, and to ensure adjudication decisions are reasonably consistent, predictable, and objective. See below:

Minimum Penalty	\$50	Minimum penalty that would be assessed if the decision-maker decided, on a balance of probabilities, that there has been non-compliance by the subject with the provision of the <i>Election Act</i> set out in the Enforcement Notice
First Instance	\$250	Baseline for assessing the first instance of a particular contravention
Second Instance	\$500	Baseline for assessing the second instance of a similar contravention
Third and subsequent Instance	\$ 750	Baseline for assessing the third and any subsequent instances of a similar contravention
Maximum Penalty	\$1,000	Maximum penalty allowed per s. 220.06 of the <i>Election Act</i>

**These are guidelines only. The decision-maker may deviate when they determine it is appropriate to do so based on the individual circumstances of each case.*

The guidelines suggest a starting calculation of \$250 for a contravention in the first instance. In the absence of a rebuttal, or feedback on how the proposed penalty should be calculated, I find the proposed starting point to be appropriate. I also accept the investigator’s recommendations as set out below:

a. The egregiousness of the behaviour:

“While the value of the contribution was not large here, consideration of this factor does support increasing the penalty. The BC Marijuana Party was a small, but active party, and the financial agent should have been aware of the rules related to organization contributions. Further, contribution from 0883467 BC LTD was the only contribution that the BC Marijuana Party reported that year. The prohibited nature of the contribution should have stood out to the financial agent.”

b. Repetition of the behaviour:

“There is no evidence to suggest that this is a pattern of behaviour with the BC Marijuana Party. This appears to be an isolated incident[t].”

c. Cooperation of the subject:

“The BC Marijuana Party has been cooperative with our investigation. They provided fast and reasonable responses to our questions. I recommend reducing the penalty for this factor by 5% of the maximum penalty, or \$50.”

d. Previous Monetary Penalties issued under similar circumstances:

“The BC Liberal Party [was] issued a \$200 monetary penalty under similar circumstances on 2019-07-07. In the BC Liberal Party case, the decision maker took into consideration the measures that the BC Liberal party had taken to prevent future contraventions. Taking measures to prevent future contraventions is obviously not a step that is available to the BC Marijuana Party, since they have now deregistered. Because the BC Marijuana Party has cooperated fully with this investigation, it is likely that they would have taken steps going forward to prevent future contraventions had they remained registered. In the interests of ensuring an equitable outcome here, I recommend reducing the penalty for this factor by 5% of the maximum penalty, or \$50.”

In agreement with the investigator, I assess a total penalty of \$200 for failing to comply with section s. 187(1.01) of the *Election Act*. A summary table is provided below for reference:

Starting amount: \$250	
Influencing factors	Penalty adjustment
a. Egregiousness of the behaviour	+ \$100
b. Repetition of the behaviour	- \$50
c. Cooperation of the Subject	- \$50
e. Previous Monetary Penalties issued under similar circumstances	- \$50
Total recommended penalty:	\$200

In accordance with Elections BC’s Application of Administrative Monetary Penalties Policy, 12.1, the administrative monetary penalty will be applied, and this determination published (according to Part 7) 38 days after the date you are served this determination. If you seek court relief under the Act, publication will be suspended until the completion of that process.

You have a further 30 days following publication and application of the administrative monetary penalty to either pay the penalty or enter into a payment agreement with Elections BC to pay the penalty over the period of one year. Payment(s) 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

Sincerely,

A handwritten signature in black ink, appearing to read 'Amie Foster', with a long horizontal flourish extending to the right.

Amie Foster, MPA, FIP
Director Corporate Planning & Strategic Initiatives
Enforcement Adjudicator