



ADR
CHAMBERS

Integrity Commissioner Office
for Norfolk County

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Sent via Email

January 16, 2023

[The Complainant]
Ms. Kristal Chopp
cc: Teresa Olsen, County Clerk

Dear [Complainant] and Ms. Chopp:

Re: Final Investigation Report for Complaint IC-18968-0822

I. Introduction:

1. The complainant initiated this complaint against Kristal Chopp, the former Mayor of the County of Norfolk, on August 2, 2022.
2. Former Mayor Chopp provided a response to the complaint on August 15, 2022 and the complainant replied to this response on August 17, 2022.
3. On August 19, 2022, the parties were informed that the investigation into this complaint was terminated by virtue of the forthcoming municipal elections pursuant to section 223.4 (7) of the *Municipal Act*, 2001, S.O. 2001, c. 25 ("*Municipal Act*").
4. On October 29, 2022, the complainant, in accordance with s.223.4 (8) of the *Municipal Act* asked in writing that the investigation be revived and provided additional reply submissions in support of [REDACTED] complaint.
5. The complainant's additional submissions were provided to the respondent for [REDACTED] reply, which has been shared with the respondent.
6. I have had the opportunity to interview both the complainant and the respondent.

II. The Facts:

7. On or about Friday, July 29, 2022, Kristal Chopp, the Mayor of the County of Norfolk, updated her personal Facebook cover photo with a split image, one half showing her wearing the Mayor's chain of office with Long Point in the background; the other half showing her in the cockpit of an aircraft. The caption above the split photograph read, "Ready for takeoff! #norfolkcounty". The complainant alleges that the respondent was campaigning for the forthcoming election, and in so doing, making improper use of the Mayor's chain of office.
8. The portion of the photograph depicting the respondent wearing the chain of office is the photograph that is on display at Governor Simcoe Square. The other portion of the photograph depicts the respondent in the cockpit of an aircraft. The former Mayor is an airline pilot.
9. In her response to the complaint, the respondent states that as of the date of the complaint (August 2, 2022) and as of the date of the posting of the photograph to her personal Facebook account (July 29, 2022) she had not fully decided if she would run again as a candidate for Mayor.

III. Parties' Positions:

10. The complainant alleges that former Mayor Chopp has contravened sections 12 and 14 of the Code of Conduct for Council Members ("the Code of Conduct" or "the Code"); more particularly the relevant sections to this complaint are as follows:

12. MUNICIPAL ELECTION CAMPAIGNS

- 12.2 No Member shall use County property, including the County's logo, for any election campaign or campaign related activities.

14. USE OF COUNTY PROPERTY

- 14.1 Members may only use County property, including land, facilities, equipment, supplies, services, staff or other resources (for example, County owned materials, computers, networks, websites) for activities directly connected with the discharge of their official County duties or, as appropriate, local municipal duties.

11. The respondent denies the use of County property for election purposes as she was not yet a candidate for election and further disputes the complainant's right to advance the

19. As noted in paragraph 4, the complainant asked, in writing, on October 29, 2022 that the inquiry be revived. I find that section 223.4 (8) of the *Municipal Act* makes it clear that it is the inquiry that is being commenced and it is not in and of itself a new complaint.
20. I find that at all material times the complainant was a resident and a legal person to advance this complaint.

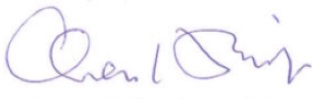
b. Did the respondent's conduct contravene sections 12.2 and 14.1 of Norfolk County's Code of Conduct?

21. Before my analysis of sections 12.2 and 14.1 of the County's Code of Conduct, it should be clear that I am not being asked about the propriety of a not yet nominated candidate campaigning before completing the nomination process. However, I am being asked about the propriety of the then current Mayor wearing the chain of office in a photograph that appears to have nothing to do with her official duties and which is accompanied by a campaign style slogan "ready for takeoff."
22. Whether the Mayor was using the chain of office and slogan as part of her re-election campaign is, I find, irrelevant. What is to be determined is whether the chain of office is County property and thus its use confined to and connected with the Mayor's official duties.
23. There are two points for consideration based on sections 12.2 and 14.1 of the Code of Conduct. First, no member can use County property for election purposes; and second, members can only use County property for activities directly connected with the discharge of their official duties.
24. Section 12.2 of the Code makes it clear that the County's logo is considered to be County property which cannot be used for election purposes.
25. Section 14.1 of the Code states that members may only use County property, including land, facilities, equipment, supplies, services, staff or other resources, for activities directly connected with the discharge of their official County duties. The provision lists the following examples under "other resources": County-owned material, computers, networks and websites are specifically noted.
26. I find that the chain of office does not fall within the categories of the County logo, nor does it fall within the categories of land, facilities, equipment, supplies, services, staff or other resources. It is also not County-owned materials, computers, networks and websites.
27. I must conclude that the Mayor's chain of office is a symbol belonging to the Mayor for the duration of the Mayor's term of office, to be used by the Mayor as the Mayor so pleases. It is for the elected Members of Council, including the Mayor, to decide whether the chain of

office should be included specifically as County property and to amend the Code of Conduct accordingly.

28. Given the finding that the chain of office is not County property based on the current Code of Conduct, it is not necessary for me to determine if the chain of office was being used for election purposes.
29. For the foregoing reasons, I would therefore dismiss this complaint.

Dated this 16th day of January, 2023



Charles Harnick, Integrity Commissioner for Norfolk County