

CITY OF TEMISKAMING SHORES

Integrity Commissioner's Report

Dan Ringuette v. Mark Lavallee

Issued: July 24, 2025

INTRODUCTION AND SUMMARY OF FINDING

1. I was appointed as the City's Integrity Commissioner on December 21, 2021. One of my duties upon receipt of a complaint against a member of council or a local board is to apply the City's Council Code of Conduct for Members of Council or Local Boards (the "**Code**"). This report deals with one such complaint.

2. On May 22, 2025, I received a complaint made under the Code and the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended (the "**MCIA**"), by Dan Ringuette, the owner of a business in downtown New Liskeard, against Mark Lavallee, the Chair of the Downtown New Liskeard Business Improvement Area (the "**BIA**"), a volunteer position (the "**Code Complaint**"). As I will explain, the Code Complaint concerned a visit Mr. Lavallee made to Mr. Ringuette's place of business, on May 13, 2025.

3. In the course of my consideration of the Code Complaint, I spoke with Dan Ringuette and Mark Lavallee, undertook a review of all the materials and information that was provided to me by both parties, and watched a video made by Mr. Ringuette, which captures all of Mr. Lavallee's May 13, 2025, visit to Mr. Ringuette's business.

4. For the reasons that follow, I find that Mark Lavallee has not contravened the Code or the MCIA, and I have dismissed the complaint.

BACKGROUND

5. Dan Ringuette has operated a business in downtown New Liskeard, since 2019. He is a past member of the BIA, but was disappointed in the lack of support he has received from the BIA. Mr. Ringuette expressed his frustration with the BIA in an email on May 11, 2025, wherein he severed all association with the organization due to a lack of response and support during a serious crisis involving his business.

6. Mr. Ringuette's concerns were exacerbated when, on May 13, 2025, the BIA posted a notice entitled "Call to Action", addressing important issues facing the downtown, including vandalism, loitering and safety concerns but, shortly after he commented on the post, disabled the ability to comment on the post.

7. Mr. Ringuette then sent an email to the Mayor, the BIA, the Temiskaming Shores & Area Chamber of Commerce (the "**TSACC**") and the City's Clerk, at 2:19 p.m. on May 13, 2025. As that email serves to set the stage for the events that followed and this inquiry, I will reproduce it, here:

From: Micro Solder Nerd <ghostnetworksolutions@gmail.com>

Date: May 13, 2025 at 2:19:44 PM EDT

To: Jeff Laferriere <jlaferriere@temiskamingshores.ca>, Liskeard Bia New <bianewliskeard@gmail.com>, Lois Weston-Bernstein TSACC <manager@tsacc.ca>, slee@temiskamingshores.ca, clerk@temiskamingshores.ca

Subject: **Subject: Concern Regarding Silenced Dialogue on BIA “Call to Action” Post**

Dear all parties

I’m writing to express concern about the BIA’s recent “Call to Action” post made on social media regarding downtown issues such as vandalism, loitering, and safety concerns.

I took the time to contribute a respectful, constructive, and solution-focused comment under that post—one that received clear support from the community. Since then, the BIA has disabled comments, effectively shutting down public engagement on an issue that directly affects local businesses and residents.

As a business owner operating downtown and someone who genuinely wants to see positive change, I find this move disappointing and counterproductive. A call to action should invite open discussion—not silence it.

The BIA exists to support local business—not just manage optics. If feedback from business owners is met with closed comment sections and no public dialogue, then what message does that send to the very people the BIA is supposed to represent?

I would appreciate a response clarifying:

Why the comments were disabled

Whether there are plans to engage the community in any meaningful way

How the BIA and city plan to include business owners in actual problem-solving, not just surface-level reporting

I’m more than willing to collaborate on finding real solutions—but that starts with transparency and communication, not silence.

Sincerely,

Dan Ringuette

Ghost Network Solutions

8. Very soon after Mr. Ringuette sent the email, Mark Lavallee attended at Dan Ringuette’s place of business. It was this visit on May 13, 2025, that forms the basis of Mr. Ringuette’s Code Complaint.

THE COMPLAINT

9. Mr. Ringuette alleges that, because Mark Lavallee was the subject of the concerns he expressed in his email, Mr. Lavallee’s visit was inappropriate and intimidating, and possibly an attempt to confront or pressure him. As well, Mr. Ringuette alleges that Mark Lavallee was in breach of the MCIA.

10. On May 16, 2025, Mr. Ringuette attended at the municipal offices to complete the “Formal Complaint Affidavit” (not commissioned until May 22, 2025) (the “**Code Complaint**”). I was provided with a copy of the Code Complaint by the City’s Clerk, on May 22nd. The Code Complaint reads, as follows:

I have reasonable and probable grounds to believe that a member of the City of Temiskaming Shores Council or local board, *Mark Lavallee*, has contravened section(s) 4, 6, 11, 12 of the Code of Conduct. The particulars of which are as follows:

On May 13, 2025, I submitted a formal complaint via email to the Downtown New Liskeard BIA about leadership behaviour and lack of transparency. Without a formal response, Mr. Lavallee, as Chair, entered my business uninvited during an active complaint, stating he was “here on behalf of the BIA”. This action created a conflict of interest and undermined procedural fairness. The BIA board has not provided a reply, and City oversight appears lacking, despite the board being sanctioned under municipal authority. I believe this conduct constitutes a breach of trust, fairness and proper complaint handling under the applicable Code of Conduct.

THE CODE AND THE MCIA

11. In the Code Complaint, Mr. Ringuette alleges that Mark Lavallee has contravened sections 4, 6, 11 and 12 of the Code of Conduct and section 5 of the MCIA. For ease of reference, those sections are reproduced, below.

The Code

Section 4 – Roles & Responsibilities

The role of Council and Staff is traditionally one of the first items to be clarified for a Council, in that Staff shall take direction from the City Manager. The City Manager shall take direction from and be responsible to Council, but shall not be instructed or directed by or be responsible to any individual member of the Council. The City Manager shall consult with Council with respect to any matter of concern to the municipality or to any of its local boards or committees. Clearly defined roles, distinguishing between the concepts of “governance” and “management”, are critical to the success of a municipality. It will be reinforced at the outset that Council sets the policy for the community; it does not engage or participate in the daily operations of the municipality.

Council’s mandate is to:

- *Fairly represent the diversity of community views in developing an overall strategy for the future of the City.*
- *Set objectives and determine strategies to achieve the goals of the City.*
- *Achieve sound financial management, planning and accountability.*
- *Be aware of and understand statutory obligations imposed on Council as a whole, as well as each individual Member of Council.*

4.1 Legislated Responsibilities & Compliance

The legislated responsibilities, outlined in the Municipal Act, 2001, the laws of Canada and the Province of Ontario, the City’s Procedure By-law and all policies and by-laws of the City of Temiskaming Shores are to be adhered to and carried out by all Members. Failure to do so constitutes an offence under this policy.

4.2 Legislation

This Council Code of Conduct operates along with and as a supplement to the existing statutes governing the conduct of members. The following provincial legislation governs the conduct of members of Council:

- *The Municipal Act*
- *The Municipal Conflict of Interest Act (MCIA)*
- *The Municipal Elections Act (MEA)*
- *The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *The Ontario Human Rights Code (OHRC)*
- *The Criminal Code of Canada (CCC)*
- *The Occupational Health and Safety Act (OHSA) – including Bill 168*
- *The Accessibility for Ontarians with Disabilities Act (AODA)*

4.3 Relations with Staff

Members of Council shall acknowledge and respect the fact that staff work for the City as a corporate body and are responsible for making recommendations that reflect their professional expertise and corporate objectives, without due influence from any individual members. In addition, Members of Council shall acknowledge and respect the fact that staff carry out directions of Council as a whole and administer the policies of the City. A Member of Council shall refrain from using their position to improperly influence members of staff in their duties or functions or to gain an advantage for themselves or others. Members of Council shall refrain from publicly criticizing individual members of staff in a way that casts aspersions on their professional competence and credibility.

4.4 Interaction with Staff

The City has worked diligently at creating a positive working relationship between Council and Staff. This has been successful, largely due to a mutual respect for each other's roles and responsibilities.

- a. Only Council acting as a body, can dictate that staff perform such duties as are necessary to the efficient management of the affairs of the community as the Council deems necessary. Individual Council Members do not have authority to direct the City Manager, Directors, or staff.*
- b. The Role of the City Manager and the Directors is to direct the day to day management of the municipality, and assign duties to the staff placed under their supervision. To encourage the efficient management of the community, individual Council Members are requested to be mindful of that fact and are advised of the following:*
 - i. Council will respect and adhere to the Policies set by Council, and will under no circumstance take it upon themselves to circumvent or ask staff to circumvent established Policies. Only Council as a body, at a formal meeting, has the authority to amend policies.*
 - ii. Council as a body, and as individuals, will liaise primarily with the City Manager or Directors in the absence of the City Manager. This requirement is not designed to interfere with the normal flow of information with those staff members who have been assigned the responsibility of providing information to Council by the Directors or City Manager.*
 - iii. Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered above, should be directed primarily to the City Manager or in the absence of the City Manager, to the Directors.*
 - iv. The municipality does not provide secretarial and/or research services for individual Members. Should information be required by individual Council members, a request should be made to the Clerk or City Manager who will then determine which staff member is best suited to obtain the data.*

4.5 Media Communications

It is understood that the Mayor as Head of Council, as per section 226(1)(c) of the Municipal Act, is the primary spokesperson, which does not prohibit other Members of Council, therefore the following shall apply:

- a. Members of Council will accurately communicate the decisions of the City of Temiskaming Shores Council, even if they disagree with the majority decision of Council, and by doing so affirm the respect for and integrity in the decision making process of Council. A Member may state that he/she did not support the decision, or voted against the decision.*

- b. Members shall refrain from making judgemental or critical comments about other Members of Council or staff, or about the City Council's processes and decisions.*
- c. Members at all times shall refrain from speculating or reflecting upon the motives of other Members of Council or staff, when communicating with the media.*
- d. Members of Council will keep all confidential information confidential, until such a time arises that the matter can properly be made public. A breach of confidentiality by Members diminishes public confidence.*

Section 6 – Behaviour of Members

6.1 Interpersonal Behaviour

6.1.1 Treat Every Person with Dignity, Understanding and Respect:

Members shall refrain from abusive conduct, personal charges, verbal attacks, discrimination or gossip upon the character of motives of municipal employees, Councillors, Committee Members, Volunteers, or the public. Members shall abide by the City of Temiskaming Shores' Workplace Violence Prevention and Workplace Harassment Prevention Policies, as well as the Ontario Human Rights Code, and shall take these policies and legislation and their contents into account at all times when considering etiquette. All dealings with any person are to exhibit a high degree of professionalism and are to be based on honesty, dignity, understanding, respect, impartiality and fairness.

6.1.2 Do not Discriminate:

In accordance with the Ontario Human Rights Code, Members shall not discriminate against anyone on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, religious affiliation or faith, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability. These forms of discrimination listed, shall be as defined in the Ontario Human Rights Code.

6.1.3 Do not Engage in Violence or Harassment of any kind:

No Member shall engage in any form of Violence or Harassment as per the City of Temiskaming Shores' Workplace Violence Prevention and Workplace Harassment Prevention Policies and the Ontario Human Rights Code, as amended.

Section 11 – Conflict of Interest – Pecuniary Interest

Members of Council will recognize their obligations to follow and respect the provisions of the Municipal Conflict of Interest Act.

Section 12 - Compliance with the Code of Conduct

The Public Service of Ontario Act, 2006 (PSOA) provides for the Conflict of Interest Commissioner to have a leadership role in contributing to public servants' understanding of the rules and how to apply them.

The commissioner also has certain responsibilities under the PSOA related to employees of ministries and employees and appointees of agencies, boards, and commissions that are defined as "public bodies" in the PSOA.

The commissioner's role encompasses three broad areas:

*Offer advice and make determinations on specific matters involving Ontario public servants.
Provide advice and direction to public bodies.*

Serve as a resource for developing and sharing information about dealing with conflict of interest and political activity matters.

The Office of the Integrity Commissioner is impartial, believing that good leadership fosters an ethical culture. It works to reconcile private interests and public duties, promoting confidence and respect for Ontario's Legislative Assembly and the Ontario Public Service.

The MCIA

When present at meeting at which matter considered

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

12. In my view, sections 4, 11 and 12 are not applicable to the allegations.

13. Section 4 deals specifically with the roles and responsibilities of Council and Staff and, while subject to the Code and parts of the legislation listed, Mr. Lavallee is not a Member of Council and Mr. Ringuette is not a member of staff. Accordingly, I do not see this section as applicable in the circumstances of the Code Complaint.

14. It is also my view that section 11 of the Code (a Member's obligations under the MCIA) is not applicable; the events of May 13th not involving a meeting of the BIA's board and Mr. Lavallee having no pecuniary interest, direct or indirect, in Mr. Ringuette's concerns over the BIA's "Call to Action".

15. Section 12 is concerned with the duties of members of the Ontario Public Service. Mr. Lavallee is not a "public servant", as defined in the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Schedule A, as amended and, accordingly, section 12 is not applicable.

16. Section 6 – "Behaviour of Members" – and, in particular, section 6.1.1 which cautions that Members shall refrain from "abusive conduct, personal charges, verbal attacks... upon ... the public", would seem to best capture Mr. Ringuette's allegations.

ANALYSIS AND FINDINGS

Jurisdiction

17. As a starting point, I will briefly explain the statutory authority whereby the Code and the MCIA are made to apply to Members of the BIA.

18. Under section 223.2 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "***Municipal Act***"), a municipality shall establish codes of conduct for members of the council of the municipality and of its local boards. Section 223.3(1) of the *Municipal Act* states that municipalities are to appoint an Integrity Commissioner who reports to council and who is

responsible for performing in an independent manner the functions assigned by the municipality with respect to, among other things, the application of the code of conduct for members of council and the code of conduct for members of local boards.

19. Section 223.1 of the *Municipal Act* defines *local board* to mean a local board other than a list of six types of boards specifically stated not to be a local board for the purposes of Part V.1 – Accountability and Transparency – of the *Municipal Act*. A business improvement area is not included in that list and, accordingly, the Code is applicable for members of the BIA, including its Chair, Mark Lavallee.

20. The MCIA applies to members of a council or of a local board. The MCIA defines a “local board” to include a number of municipal boards or committees (but not a BIA) and “any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof ...”.

21. Section 204 of the *Municipal Act* provides the authority for a local municipality to designate an area as an improvement area and may establish a board of management to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area and to promote the area as a business or shopping area. A board of management is a local board of the municipality for all purposes.

22. Although, as stated above, I do not believe the provisions of section 5 of the MCIA are applicable to this fact situation, I am, nevertheless, satisfied that the BIA is a local board for the purposes of the MCIA and that, if the circumstances described in section 5, i.e., a member with a pecuniary interest in a matter before the local board were to be present at the meeting and participate in the matter, it would be a breach of the MCIA.

The Issue

23. Next, to be fair to Mr. Lavallee, and so that a reader of this report will understand what actions are being judged against which part or parts of the Code and the MCIA, it is my determination that the issue before me is whether the circumstances leading to Mr. Lavallee’s visit to Mr. Ringuette’s place of business on May 13, 2025, or the manner in which he conducted himself during that visit, constitute a contravention of section 6 of the Code.

Discussion

24. In terms of the circumstances of Mr. Lavallee’s visit, I see no problem with Mr. Lavallee telling Mr. Ringuette that he was there on behalf of the BIA, notwithstanding that there was admittedly no time for him to have secured any kind of direction from the BIA’s board to that effect. Mr. Lavallee is the Chair of the board and I am satisfied that he took the initiative to meet with Mr. Ringuette in a good faith effort to understand and, perhaps, assuage Mr. Ringuette’s concerns.

25. In assessing the basis of the Code Complaint, I note that Mr. Ringuette's May 13th email to the BIA made no mention of Mr. Lavallee or the board. Moreover, I do not believe that the email can be considered to be a "complaint"; to me it is, as Mr. Ringuette put it, an "expression of his concerns" about the "Call to Action" post and, more particularly, his concerns about the disabling of the means to respond to that post.

26. I also note that Mr. Ringuette clearly requests a response from the BIA and goes so far as to volunteer to collaborate on finding solutions. It would not be an untenable reading of the message to see it as an invitation from Mr. Ringuette for further dialogue.

27. My findings on Mr. Lavallee's conduct during the visit are easily reached, based on the clear audio and video recording of the entire visit. To wit, the video makes it abundantly clear that, throughout his visit, Mr. Lavallee is calm, respectful, even collegial, and speaks in a respectful manner to Mr. Ringuette. In fact, he shows surprising restraint and deference in the face of a less than welcoming reception from Mr. Ringuette. The video confirms the version of the visit described to me by Mark Lavallee.

28. To address the test in section 6 of the Code, it is my finding that Mark Lavallee's words and actions on May 13, 2025, were not abusive, harassing or a "verbal attack" on Mr. Ringuette. His dealings with Mr. Ringuette exhibited a high degree of professionalism, and were conducted in a respectful, impartial and fair way; there was nowhere near the degree of improper behaviour required to constitute a breach of section 6 of the Code.

29. Finally, as I have explained, there was no contravention of the MCIA by Mark Lavallee. He had no pecuniary interest in Mr. Ringuette's expression of concern to the BIA about the "Call to Action" or the disabling of the ability to comment on the post, and the event in question was not a matter before the BIA's board.

30. Accordingly, I find that Mark Lavallee did not contravene section 6.1.1 of the Code or, for that matter, any other part of the Code, nor did he contravene section 5 of the MCIA. The complaint is hereby dismissed.

All of which is respectfully submitted this 24th day of July, 2025



H.G. Elston
Integrity Commissioner
City of Temiskaming Shores