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**In the matter of**

**INVESTIGATION PURSUANT TO THE CODE OF CONDUCT BYLAW NO. 53, 2023**

**COMPLAINT NO. 2023-0007**

**Submitted by Reece Harding**

**Young, Anderson (the "Investigator")**

**June 19, 2024**

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## INVESTIGATION REPORT re Complaint 2023-0007

## INTRODUCTION

1. In August of 2023, Young Anderson was retained as an investigator under the City of Kamloops Code of Conduct Bylaw No. 53, 2023 (the “Code”) in relation to a complaint that was originally submitted by [REDACTED]. I will discuss the nature of the complaint further below, but I begin by noting that it is of a serious nature. The core allegation is that one of eight members of Council, other than Mayor Hamer-Jackson, disclosed to media sources a privileged and confidential workplace investigation report, [REDACTED], detailing allegations against the Mayor (the [REDACTED] Report” or the “Report”). This unauthorized disclosure has placed the City in a very awkward position and may have exposed it to unnecessary liabilities, privacy breaches and public embarrassment.

2. This investigation report is prepared and submitted pursuant to section 4.31 of the Code and has been delivered to the complainant, respondents, and the Corporate Officer. As discussed below, I have determined that there is not enough evidence to find a breach of the Code on the part of any of the eight members of Council. Accordingly, the complaint is dismissed and this report contains a recommendation that no censure, sanctions, corrective actions, or other measures be imposed on the respondents. However, the report does contain some general recommendations for Council relating to this matter. We hope Council will consider those recommendations.

## PRELIMINARY ISSUES

3. Before I deal with the complaint itself, I wish to highlight the difficulty caused by the identity of the original complainant. As noted above, the complaint was initially filed by [REDACTED] during both the investigation that led to the [REDACTED] Report, as well as when [REDACTED] submitted this complaint.

4. This created complications for me as an investigator and as a lawyer bound by certain ethical responsibilities. When the complaint came to me, it was unclear to me the extent to which Mayor Hamer-Jackson had [REDACTED] to file the complaint. It was also unclear as to the extent to which Mayor Hamer-Jackson intended to [REDACTED] over information that [REDACTED] had obtained in [REDACTED] and, if so, the extent to which [REDACTED] [REDACTED] for the purposes of this complaint.

5. After receipt of the complaint, the City also informed me, through [REDACTED], that it wished [REDACTED] I shared with respect to the manner in which [REDACTED] came to know the information that was the subject-matter of the complaint. This raised interesting and difficult legal issues, but ultimately, because of the change in complainant, the City’s position became largely moot.

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6. In view of these complications, I wrote to [REDACTED] expressing these concerns shortly after receiving and reviewing the complaint. We exchanged several communications and, in mid-November of 2023, determined that the best course of action was to “reset” the matter so that [REDACTED] Mayor Hamer-Jackson would act as the complainant. All of this delayed beginning our preliminary assessment and the formal investigation by several months. This partly explains why this investigation report has taken so long to complete.

### THE COMPLAINT

7. As noted above, the complaint centres on the [REDACTED] Report’s disclosure to two media sources. More particularly, the complaint alleges:

- a. On June 13, 2023, Council considered, in a closed meeting, [REDACTED]
- b. [REDACTED]
- c. The contents of the report, including both information and documents, were disclosed to Stingray Group Inc., RadioNL, and [REDACTED] on or around June 13 to June 19, 2023. RadioNL published an article on June 19, 2023, containing such information (the “RadioNL Article”); and
- d. The Report was disclosed again on or before August 1, 2023 to Kamloops This Week. Kamloops This Week published an article August 1, 2023, containing information from the Report (the “Kamloops This Week Article”).

8. Specifically, it is alleged that one of Councillor Sarai, Middleton, O’Reilly, Karpuk, Hall, Bass, Bepple, or Neustaeter is the person who disclosed the [REDACTED] Report, or information that was part of the investigation, to RadioNL and/or Kamloops This Week.

9. While it was initially unclear to me what the scope of the disclosure was alleged to be, in interviewing Mayor Hamer-Jackson, I determined that there were at least two potential sources of disclosure. First, there is the [REDACTED] Report itself, which [REDACTED]. Second, there were a series of documents that Mayor Hamer-Jackson passed out to his colleagues as a package before a May 30, 2023 closed meeting (the “Documents”). The Documents contained communications between the [REDACTED] and Mr. McMillan. Mayor Hamer-Jackson informed me that he passed these documents out to his colleagues at the meeting [REDACTED]. I will discuss this further later.

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10. Given that I have not seen either the Documents or the [S.14 information protected] Report, and the media reports are somewhat equivocal about the source of the information contained in them, I cannot identify for certain the source of the disclosure.

**SUMMARY OF EVIDENCE**

11. As there are eight respondents in this matter, and our investigation has proceeded concurrently against them all, I will organize the summary of evidence on the basis of the persons interviewed, and then on the basis of the other evidence gleaned outside of the interview process.

12. I conducted formal, on the record interviews (via Zoom) of the following people: [S.22(1) Personal Information] Mayor Hamer-Jackson, Councillor Kelly Hall, Councillor Dale Bass, Councillor Nancy Bepple, Councillor Katie Neustaeter, Councillor Margot Middleton, Councillor Steven Karpuk, Councillor Mike O'Reilly and Councillor Bill Sarai.

13. I also made formal written inquiries of the following people: [S.22(1) Personal Information, S.22(3)(b) would reveal personal recommendation/evaluation] [S.22(1) Personal Information], a member of the City's IT staff, [S.22(1) Personal Information] of Kamloops This Week, [S.22(1) Personal Information] of Kamloops This Week, and [S.22(1) Personal Information] of RadioNL.

14. The City provided me with a number of records including all relevant closed meeting minutes. The Mayor provided to me text messages between himself and most, but not all, Council members inquiring about the leak of the Report. Councillor Karpuk also provided me with text messages. I also sought out and obtained a number of media publications discussing and commenting on the leak of the Report.

**a. The Events**

15. As to the basic sequence of events, there was very little disagreement between the witnesses with respect to what occurred. Given this lack of controversy, in this section of my report I will set out a brief timeline within which the relevant events occurred, without making reference to specific witnesses. When I deal with the witness statements later on, I will not repeat this uncontroversial evidence except to the extent that I deem it necessary to do so. I do note that much of the interview process was focused on establishing with some certainty the details of the events below.

16. On May 30, 2023, the City held a closed meeting [S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege] [S.12(3)(a)(b) information considered by Council in Closed Meeting, S.22(1) Personal Information, S.14 information protected by privilege]. I have reviewed the closed meeting minutes, which confirm [S.12(3)(a)(b) information considered by Council in Closed Meeting, S.22(1) Personal Information, S.14 information protected by privilege].

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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.22(1) Personal Information

I have attached the May 30, 2023 closed minutes at Attachment 1.

17. The key portion of this meeting is, in fact, not something that happened during the formal meeting itself. As such, what is noted below is not recorded in the closed minutes. Before the meeting was called to order, Mayor Hamer-Jackson passed out a set of documents. The evidence I gathered differed slightly as to whether Mayor Hamer-Jackson handed out documents himself, through the Corporate Officer or whether he simply placed them in front of his colleagues' seats, but all agree he distributed them before the meeting was called to order. Other than Councillor Sarai, every Councillor told me that they shredded the documents then and there – S.22(1) Personal Information – or asked S.22(1) Personal Information to dispose of the documents.

18. Given that I have not reviewed the document package the Mayor distributed on this date, I cannot say for certain that these were “the Documents” that form part of his complaint. However, based on the Corporate Officer’s and Mayor’s description to me of them, as letters between him, his lawyer, and S.14 information protected by privilege, I find that it is very plausible that they are the same Documents that form part of the alleged disclosure. I proceed from here as if they are the Documents.

19. On June 13, 2023, City Council held another closed meeting at which it considered S.12(3)(a)(b) information considered by Council in Closed Meeting, S.22(1) Personal Information, S.14 information protected by privilege

At Attachment 2 is a copy of the June 13, 2023 closed minutes.

20. Other than Mayor Hamer-Jackson, the persons who were present at the June 13, 2023 Meeting constitute the individuals who received the S.14 information protected by privilege Report. While, as with the Documents, the S.14 information protected by privilege Report itself was not disclosed to me, I was provided with a June 9, 2023 email from the S.22(1) Personal Information to the eight members of Council (excluding the Mayor), as well as the S.22(1) Personal Information. These ten people, along with the S.14 information protected by privilege noted above, are the only persons who received the S.14 information protected by privilege Report through official City channels.

21. I note that the S.14 information protected by privilege that were present, given their professional obligations and duties to the City, were never considered by me to be the possible source of the disclosures.

22. I have been unable to establish the exact date on which the alleged disclosures took place. As I will discuss below, all efforts to do so, through both interviews and technical means, have been unsuccessful.

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23. Based on my review of the RadioNL article of June 19, 2024, and the Kamloops This Week article of August 2, 2024, information that was considered by the Council on May 30 or June 13 was very likely disclosed. These articles are found as Attachments 3 and 4.

24. It appears that the RadioNL report does not appear to assert that it is based on an actual copy of the S.14 information protected by privilege Report. Rather, it refers to “[c]orrespondence between the investigator and Hamer-Jackson’s lawyer, David McMillan, obtained by NL Newsday...” While I cannot make a finding with certainty, I find it is more likely than not that the source of the RadioNL report is the Documents that were distributed by the Mayor before the May 30 meeting.

25. The Kamloops This Week article, however, appears to be based on a disclosure of the S.14 information protected by privilege Report itself. The Kamloops This Week article refers numerous times to the Report itself, indicating that the author has familiarity with its contents and likely had, at least, a partial copy of the Report at the time the article was written.

26. These disclosures, if they came from a member of Council, and for reasons that will be developed further below, represent flagrant disregard for the duties of confidentiality imposed by both the Code of Conduct Bylaw and the *Community Charter*.

27. Having now established the basic undisputed facts, I will proceed to summarize the evidence that I obtained from each witness.

**b.** S.22(1) Personal Information

28. The first interview my office conducted was of the S.22(1) Personal Information.

S.22(1) Personal Information, S.12(3)(a)(b) information considered by Council in Closed Meeting

S.22(1) Personal Information, S.12(3)(a)(b) information considered by Council in Closed Meeting to Councillors Hall, Bass, Sarai, O’Reilly, Neustaeter, Middleton, Karpuk, and Bepple, along with S.14 information protected by privilege, S.22(1) Personal Information provided our office with a copy of that June 9, 2023 email.

29. The S.22(1) Personal Information interview addressed the chain of events leading to the Report’s distribution, including the events at the May 30 meeting where S.22(1) Personal Information advised the Mayor asked S.22(1) Personal Information before the May 30 meeting and that several Council members gave the Documents back to S.22(1) Personal Information to destroy. S.22(1) Personal Information also reviewed the nature of the City’s security in relation to confidential information, as well as S.22(1) Personal Information information about the disclosures discussed above.

30. S.22(1) Personal Information confirmed that S.22(1) Personal Information sent the Report via email only to the eight councillors noted above (with a cc to S.22(1) Personal Information), with a clear confidentiality warning and that its contents were not to be shared with anyone. S.22(1) Personal Information confirmed with me that the Report was not encrypted and was provided to Council as a PDF attachment thus it could be easily forwarded by its recipients.

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31. Finally, the [S.22(1) Personal Information] told me that [S.22(1)P] had no knowledge or suspicion as to who leaked the Report, but that [S.22(1)P] thought it was likely that the RadioNL article was based on the Documents. Given that these Documents were, in [S.22(1) Personal Information], it made logical sense that they would have been shared with [S.22(1) Personal Information] by [S.22(1) Personal Information]. However, [S.22(1)P] acknowledged that [S.22(1)P] had no evidence of this and was simply speculating, as we had asked [S.22(1)P] to speculate.

*c. Mayor Hamer-Jackson*

32. I corresponded with Mayor Hamer-Jackson on several occasions via email, telephone, in a formal interview via Zoom, and through his legal counsel, initially Mr. McMillan and then Mr. Daniel Coles. Mr. Coles became involved in this matter in early 2024, [S.22(1) Personal Information]. As Mr. Coles was retained in relation to a number of other matters involving the Mayor, he required some time to become familiar with the Code process and to deal with these other matters. This delayed our investigation, again, as our initial interview with the Mayor was deferred.

33. At his formal interview, the Mayor said that he was damaged reputationally by the release of the [S.14 information protected] Report and the Documents. He expressed frustration that he had never (at that time) obtained a copy of the [S.14 information protected] Report, or even, in his opinion, a true accounting of the allegations on which the [S.14 information protected] Report was based. His view was that both the process by which the Report was produced and the Report itself, was unfair and unreasonable. Not having received a copy of the Report at the time of this interview, the Mayor made it clear he did not, and could not have, leaked the Report.

34. When asked whether he had any specific knowledge as to who may have disclosed the Report or the Documents, he was unable to provide more than very general suspicions. While he made specific statements about Councillors Hall and Bass – because of their links with the two media outlets at issue – his allegations boiled down to an argument that it simply must have been one of his colleagues, because they were the only other people who received the Report.

35. Mayor Hamer-Jackson also confirmed that he passed out the Documents to his colleagues in advance of the consideration of the [S.14 information protected] Report. The Documents, Mayor Hamer-Jackson told us, were letters between himself, Mr. McMillan, and [S.14 information protected by privilege]. He tendered them, he said, for the purpose of convincing the other councillors that the process relating to the production of the [S.14 information protected] Report had been unfair. Mayor Hamer-Jackson did not provide us with copies of the Documents, and confirmed that some of his colleagues told him when he passed them out that they would not be looking at them. It is important to note that when we asked the Mayor directly if had leaked the Documents he emphatically denied this.

36. Finally, Mayor Hamer-Jackson provided our office with copies of text messages between himself and most of the respondents. I will address these text messages further when I deal with the evidence given by each of the Council respondents. For the purposes of the Mayor's evidence, it is sufficient to

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note that in each text message conversation, Mayor Hamer-Jackson asks his interlocutor whether they have any knowledge of who was disclosing confidential information. The text messages appear to be general in nature, and do not make specific reference to the [REDACTED] Report. I assume, however, that the disclosure of the Report was encompassed in the Mayor's inquiries in these messages.

### ***d. Request for Initial Response from Councillors***

37. After dealing with the preliminary issues caused by the identity of the complainant, I sought a response from each of the respondent councillors under section 4.24 of the Code of Conduct, which provides that I must do so before proceeding further with my investigation.

38. Rather than ask specific questions at this stage of the investigation, I simply forwarded the revised complaint and gave them a rather open-ended opportunity to respond. The relevant portion of that communication is as follows:

We see this section as your initial opportunity to respond to the complaint and to point out to us a high level response and any important information we may need to know.

For example, if you were out of the country at the time of the allegations and had no access to City records while away we would want to know that. Alternatively, if you have a direct substantive response to the allegations you might choose to let us know your view in that regard as well. As such, we cannot tell you what to say but the Code offers this initial response opportunity to "set the table", so to speak, on what you want us to know. I hope this assists.

I received a variety of different responses from each respondent, which I will detail further below as I consider their evidence.

### ***e. Councillor Hall***

39. Councillor Hall's initial response to the allegation was brief. The relevant portion of his response was as follows:

I have reviewed all my records and conversations on this subject and have nothing to contribute.

40. In his interview, Councillor Hall continued to deny having any knowledge of the disclosure.

41. He stated that he shredded the Documents passed out by the Mayor at the May 30, 2023 Meeting. He said he did so because he was expecting to receive a report and a resolution, and did not want to hear anything from the Mayor about the report and resolution through unofficial channels.

42. He confirmed that he spoke with the Mayor via the text messages provided to our office. In these messages, the Mayor repeatedly asked Councillor Hall about the disclosures, and asked to meet to

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discuss it further. Councillor Hall told us that he declined to attend such a meeting, as he did not believe it would be a constructive exercise.

43. As to the Mayor's expressed suspicion in relation to Councillor Hall's links to Kamloops This Week, Councillor Hall told us that he had not worked with that company for a long time. While he noted that he was friendly with **S.22(1) Personal Information**, to whom it appears one of the disclosures of the Report was made, he denied disclosing the Report to **S.22(1) Personal Information**.

44. Councillor Hall said that the only interaction he had with a media member about the disclosure was at a Memorial Cup hockey game in late May of 2023. **S.22(1) Personal Information** approached him and said "I've got a copy of McMillan's letter". Councillor Hall stated that his "jaw almost hit the floor" when he heard that. He told us that his response was "I don't know what you're talking about", and then they never spoke about it again. When asked by us if he knew what this inquiry was related to, he stated that his sense was maybe that it was the documents passed out by the Mayor and which Councillor Hall shredded.

### ***f. Councillor Bepple***

45. Councillor Bepple's evidence is very similar to that of Councillor Hall. Her initial written response was as follows:

I'm unclear of what I am to respond to.

However, I have no information to provide on any of the unfounded allegations.

46. As with Councillor Hall, Councillor Bepple continued, in her formal interview, to deny the Mayor's allegations.

47. In respect of the Documents, Councillor Bepple confirmed that she did not look at them and shredded them immediately.

48. Councillor Bepple also stated, in relation to the text messages disclosed to us by the Mayor, that she chose not to respond to his inquiries into who leaked the report. She told us that she viewed it as inappropriate to respond to an inquiry of this nature outside of official channels.

49. Finally, Councillor Bepple told us, again, that she kept the Report confidential and did not disclose it to any person.

### ***g. Councillor Bass***

50. Councillor Bass provided us with the following initial response, indicating her full denial of the Mayor's allegations:

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Thank you for your letter. I have absolutely nothing concrete to prove I had nothing to do with any of the leaks that have occurred. What I do have and will share with you is a lifetime of deep understanding about confidentiality and the ethics it is based on.

I was a journalist for 45 years, working at a large newspaper in Ontario for 27 years before moving to Kamloops and working for the now-defunct Kamloops This Week (KTW) for 18 years. As such, I adhered to a strong ethical code as was taught in my university studies and reinforced by my employer.

During my career, I became chair of the Canadian Association of Journalists for eight years. It also maintains a strong ethical code, which can be found here <https://caj.ca/wp-content/uploads/Ethics-Guidelines.pdf>. I chaired the CAJ ethics committee for two years as well. I also contributed to JSource regularly on journalism issues ( <https://j-source.ca/> ).

At KTW, because I had more experience than anyone else in the newsroom, I often found myself dealing with potential stories where some being interviewed required confidentiality. I always provided that because many of them were putting their jobs, at least, in jeopardy. I changed names, referred to “sources” —I did everything I could to ensure confidentiality.

I respect confidentiality.

I suspect the mayor has concerns toward me because I also know all reporters in Kamloops except a new hire at the Broadcast Centre. Most are friends, some close friends because [REDACTED]. I worked at KTW with some of them.

None of that matters when it comes to confidentiality.

There is one other relevant point I wish I could include here but our [REDACTED] S.14 information protected by privilege [REDACTED]. Perhaps [REDACTED] can speak to it with you but I cannot. Again, respect for confidentiality.

As for acquiescing, what nonsense. I have been as surprised as anyone at what has leaked out and, frankly, concerned because people I work with and respect are the victims and continue to be victimized.

I hope this assists you.

51. In her interview, Councillor Bass maintained the tone of her initial response, offering a full-throated denial of the Mayor’s allegations, which she characterized as ludicrous, particularly in relation to the suggestion that [REDACTED] S.22(1) Personal Information [REDACTED] was involved.

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52. In relation to the Documents, she stated that she did not read them, but asked the [REDACTED] to dispose of them for her. She further stated that she saw most of her Council colleagues dispose of the Documents as well.

53. In response to our questioning, Councillor Bass suggested that it may have been [REDACTED] who leaked the Documents, but she had no evidence to support her suspicion.

54. Finally, in relation to the Report, Councillor Bass stated that she kept it completely secure.

### ***h. Councillor Karpuk***

55. Councillor Karpuk's initial response was a firm denial of the Mayor's allegations:

My response is as follows to this inquiry:

1. I am not the leaker of this information. As a health care professional for the past 20 years, who is bound by confidentiality, I am hyper aware of breaking confidentiality for patient information in my practice and as it applies to my role as an elected official. I would not compromise either position and my moral compass would never let me.

2. I have no direct knowledge of who leaked the information being reported by the media. My response has been not to comment on the inquiries, except to the mayor (see #3). I am unable to confirm, deny or even comment on anything from a closed meeting.

3. I replied to the mayor's direct inquiry to me via text at 10:13 am, October 5th, 2023, with a response at 12:02 pm, same day, with "No".

56. Councillor Karpuk provided our office with copies of the text messages referred to above, as well as further messages in which Mayor Hamer-Jackson asked him about breaches of confidence.

57. He stated that, in relation to the Documents, he shredded them.

58. In relation to the Report, Councillor Karpuk told us that he kept it secure and did not disclose it to any person.

59. Finally, as with Councillor Bass and the [REDACTED] Councillor Karpuk told us that the only people he suspected may have leaked the Report or Documents were the [REDACTED].

### ***i. Councillor Middleton***

60. Councillor Middleton provided us with a letter setting out her initial response. This letter stated:

I did not leak the document referenced in this complaint, nor do I have any knowledge of any other individual(s) that may or may not have leaked the document or been complicit in the leak.

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61. Councillor Middleton maintained this denial at our interview.
62. She noted that she shredded the Documents as soon as she received them from the Mayor at the May 30 Meeting.
63. In relation to the Report, she stated that she kept it secure and did not disclose it to any person.
64. Councillor Middleton noted that she remained one of the only members of Council who had not “had a run-in” with the Mayor. She stated that she had no suspicions about who disclosed the Report or the Documents, but that there were certain councillors who had connections with media. She acknowledged that this was nothing more than an “unconnected dot”.

### ***j. Councillor Neustaeter***

65. Councillor Neustaeter provided the following initial response:

In regard to the first allegation as I understand it, I was not the source of a leak of a confidential City report. It was made explicitly clear when the findings of the investigation were shared with Council that the document was confidential and not to be shared in any form. This was reiterated when the report was presented to Council. I followed all protocols, maintained confidentiality, and am willing to submit to any process deemed appropriate by your office to prove so if needed. Second, in addition to not being directly involved in the leak, I had no indirect knowledge that the breach would take place in advance, nor has any Councillor said or done anything in my presence that would indicate they were the source of the leak since it occurred. If I did have knowledge I would have reported it in a timely and appropriate manner.

Thank you and please let me know if I can cooperate further in any way helpful.

66. She maintained this denial in our interview. In that interview, she further stated that she shredded the Documents she received at the May 30 Meeting immediately. She stated that she was not comfortable reading anything from the Mayor with respect to this topic, because she knew she would be receiving § 87(4) information protected by on it and she wanted to receive information only through official channels.
67. Councillor Neustaeter referred to ongoing litigation in which Mayor Hamer-Jackson sued her for defamation, telling us that before she was aware of this litigation, she strongly condemned the leak in conversations with the Mayor.
68. In relation to the Report, she stated that she kept it secure.
69. Councillor Neustaeter had no suspicions as to who leaked the Documents and the Report.

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70. Finally, Councillor Neustaeter told us that there were discussions with the IT department about determining whether there was a way to see whether the Report was forwarded. She understood that there was a “dead-end” in relation to this.

**K. Councillor O’Reilly**

71. Councillor O’Reilly’s initial response was as follows:

I have not disclosed any confidential information or records from the June 13, 2023 closed meeting contrary to the *Code of Conduct* or the *Community Charter*, nor am I aware of anyone who did. Specifically, I did not disclose the confidential City report to anyone.

By resolution, Council designated me as spokesperson for any media enquiries or requests regarding HR matters between the mayor and senior city staff, including the investigation and the confidential City report. S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege

[REDACTED]

72. Councillor O’Reilly maintained this denial in his interview.

73. In relation to the Documents, he told us that he shredded them immediately upon receiving them at the May 30 Meeting. He stated that the Mayor told them they included a letter from Mr. McMillan.

74. In relation to the text messages the Mayor provided us, Councillor O’Reilly told us that he did not respond because, in his view, the Mayor does not listen to him. He used an example of information he sent to the Mayor as part of his role as spokesperson (on June 23, July 4, Sept 9, Sept 17, and Nov 4, 2023), in relation to which the Mayor kept asking the same questions of Councillor O’Reilly without acknowledging Councillor O’Reilly’s statements.

75. Councillor O’Reilly stated that he kept the Report secure and did not disclose it to any person.

**I. Councillor Sarai**

76. Councillor Sarai provided the following initial response:

As far as I can recall, I have no knowledge or information regarding this allegation. The only thing I do recall is that we appointed Councilor O’Reilly to be our spokesperson on this matter at the time stated in this alleged breach.

77. While this was not an outright denial, Councillor Sarai did specifically deny that he leaked the Documents or the Report when we interviewed him.

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78. He did note that his memory with respect to the events that occurred on May 30 and June 13 was not perfect.

79. Unlike the other Councillors, he stated that he kept a copy of the Documents, but never read them. When we inquired further about this, however, it became apparent that he was clearly referring to a different set of documents that the Mayor had distributed at another meeting. We took independent steps to confirm this through the City's Corporate Services Department. The [REDACTED] believed the documents referred to by Councillor Sarai were distributed at a meeting in December of 2023, and were not the Documents that are the subject of this investigation report.

80. Councillor Sarai did not state in his interview what he did with the Documents that were distributed at the May 30 Meeting. Afterwards, he clarified that he did not recall the incident, but did not have anything in his possession from the May 30 Meeting. As noted above, he did deny providing the Documents to anyone.

81. In relation to the text messages the Mayor provided us, Councillor Sarai told us that he sticks to one word answers with the Mayor because "if you give him anything it can go on for 24 hours".

82. In relation to the Report, Councillor Sarai told us that he had forwarded it to his [REDACTED] computer system, where it remained. As will be noted below, this was independently confirmed by the City's IT Staff Person that he sent the Report to his [REDACTED] email on June 27, 2023. Councillor Sarai stated that he sometimes does this because he has trouble reading PDF files on his City system. While he stated that he never printed a copy or showed the Report to anyone, he noted that [REDACTED] have access to the computer on which his personal email account is located. When asked whether they knew his password, he stated that they did.

83. Councillor Sarai stated that he has suspicions about who leaked the Report, but would not be comfortable saying who he suspected.

84. There were aspects of Councillor Sarai's evidence that concerned us and which led us to make further inquiries – particularly the fact that he forwarded the Report to a personal device that was used by [REDACTED].

85. After the interview, Councillor Sarai sent me an email communication in which he stated that he had deleted the email containing the Report from his personal email account.

*m.* [REDACTED]

86. Due to their potential access to the Report – Councillor Sarai having forwarded it to the [REDACTED] computer in the [REDACTED] – I conducted a telephone and then a written interviews of [REDACTED] provided the following response:

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1. I do [REDACTED] a Shaw email account [REDACTED], with our own passwords.
  2. Yes I do know his password
  3. I have never looked at any of his personal emails regarding this [REDACTED] Report
  4. Yes I can confirm that I did not see nor forward the [REDACTED] Report to anybody.
87. [REDACTED] provided the following response:
1. Do you [REDACTED] a [shaw.ca](http://shaw.ca) email account with [REDACTED]? - Yes
  2. Do you know [REDACTED] password to his account? - No
  3. There was a sensitive City workplace report in [REDACTED] email account from approximately mid-June 2023 to April 25, 2024 referred to as the [REDACTED] report. Can you advise whether you ever accessed or read this report at any time? - No I did not read or access the report at anytime
  4. Can you confirm that you did not forward the [REDACTED] report to anyone? - I can confirm I did not forward or share the [REDACTED] report to anyone.
- n. **[REDACTED] and IT Staff Person**
88. After the formal interviews of the Councillors, I contacted the [REDACTED]. My first interaction via written questions with [REDACTED] was to ask [REDACTED] directly if [REDACTED] leaked the Report or knew who leaked the Report. [REDACTED] advised, without hesitation, that [REDACTED] neither leaked the Report and did not know who did.
89. My second interview with [REDACTED] via telephone was brief, and only for the purpose of determining whether the City had the technological capability to look into whether any recipient of the Report had forwarded it using their City kamloops.ca email address. [REDACTED] placed me in contact with an IT Staff Person. I have chosen to anonymize the identity of this City employee.
90. Over the next several weeks, I worked directly with this IT Staff Person to search the City's servers using existing City software. Although the IT Staff Person told me that there was a time limit within which it was possible to perform the action about which I was inquiring, as the systems backups delete periodically, we were able to design searches that provided significant information for this investigation. The form and extent of these searches is at Attachment 5 to this report. In short, the IT Staff Person could look at the current state of the Councillors' inboxes and sent items. This form of

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<sup>1</sup> We note that [REDACTED]

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search would not tell us whether someone sent the Report and then subsequently deleted the email showing that they sent it, but it would tell us whether there were any existing emails that forwarded the Report.

91. IT performed the search described above, and did not retrieve any evidence that the June 9, 2023 email attaching the Report was forwarded by any of the Councillors, **S.22(1) Personal Information** to another unexplained email location. The one exception to this was Councillor Sarai. The IT Staff Person was able to confirm that the Councillor did forward the Report to his shaw.ca account on June 27, 2023 as he had advised in our interview.

**o. S.22(1) Personal Information**

92. Given that many of the respondents referred to **S.22(1) Personal Information** as having been present at the May 30 Meeting we thought it best to reach out to **S.22(1) P**. In a telephone interview, **S.22(1) P** confirmed with me that **S.22(1) Personal Information** the council chamber and does contain shredding equipment. Although not able to recall the May 30 Meeting specifically, **S.22(1) P** confirmed that many council members use the shredder frequently.

93. Given that **S.22(1) P** would have had access to the respondents' email accounts (and therefore the Report) as part of **S.22(1) Personal Informa**, I asked whether **S.22(1) P** had any knowledge of the disclosure. **S.22(1) P** responded as follows, in writing:

I, **S.22(1) Personal Information**, have no knowledge or proof as to who is responsible for leaking the confidential information during the summer of 2023. I have not seen or heard anything that would give me any idea about who was responsible for leaking this information.

### **p. Media Sources**

94. While I was aware that this line of inquiry was unlikely to be successful, I did make direct contact with the three media members who appear to have received a copy of the Report or Documents **S.22(1) Perso**. We had been specifically advised in the course of our investigation that **S.22(1) Personal Informa** may have screen shots of the Report itself and wanted to inquire with **S.22(1) P** how **S.22(1) P** had received these photographs.

95. As members of the media, all declined to assist the investigation. Freedom of the press is enshrined in the *Canadian Charter of Rights and Freedoms* at section 2(b) and this freedom includes the right to refuse to cooperate with an investigation such as this. Of course, I have no authority to compel these persons to speak to me.

96. In regard to **S.22(1) Personal Informa**, additional efforts were made, with the cooperation and assistance of the Mayor's legal counsel, to try and convince **S.22(1) Personal Information** to assist this investigation. Despite my combined efforts with the Mayor's legal counsel, we were unsuccessful in these efforts.

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q. S.22(1) Personal Information

97. After S.22(1) Personal Information, S.22(3)(f) would reveal personal recommendations/evaluations, I asked S.22(1) P. to participate as a witness in a limited capacity. Due to the S.22(1) Personal Information, I did not ask S.22(1) P. specific questions regarding S.22(1) knowledge of the investigation. Rather, I asked S.22(1) P. the following two questions:

1. Were you aware that the Mayor dispersed these emails in paper copies to all 8 Council members before a May 30, 2023 closed council meeting?
2. Are you aware if these emails were dispersed to anyone else beyond the 8 members of Council?

98. S.22(1) Personal Information as follows:

In answer to your question #1, I can say with absolute certainty that it was the Mayor's stated intention to deliver individual paper copies of the e-mails that S.22(1) P. exchanged with S.14 inform to each of the 8 council members at the next closed City council meeting. His concern was that some of these councillors had been spreading a false narrative, based on their communications with S.14 information protected by privacy, that he had refused to participate in or co-operate with the investigation. He wanted to dispel that rumour, and wanted them to see these letters to demonstrate the attempts he had made to respond to the investigation while not having been provided with any of the specific allegations against him. My concern, which he accepted, was that he must reveal these letters, to the 8 councillors only, at a time and place where confidentiality was fully protected, so as not to expose himself to a claim that he had breached confidentiality.

In answer to your question #2, I can tell you with absolute certainty that I did not share these e-mails with anyone other than S.22(1) Personal Information and that nobody has access to my office or files. The Mayor confirmed to me that he had provided paper copies to the 8 councillors and to no-one else, but I obviously have no way of verifying that.

99. As noted above, given S.22(1) Personal Information and Mayor Hamer-Jackson, I determined not to ask S.22(1) P. any further questions.

100. In summary, we interviewed nineteen individuals for this investigation. The cumulative result of all of these interviews left us no closer to finding out who leaked the Documents and Report than when we started the investigation.

## FINDINGS

101. This complaint engages very serious subject-matter. In particular, the provisions of the Code of Conduct engaged are as follows:

3.15 A Member must:

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...

(b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing, Confidential Information.

102. “Confidential Information” is defined as follows:

“**Confidential Information**” means information or records held in confidence by the City, including information or records to which section 117 of the *Community Charter* applies and, for certainty, this includes all information and records from closed meetings of Council until publicly released.

103. Section 117 of the *Community Charter* states:

**Confidentiality**

**117 (1)** A council member or former council member must, unless specifically authorized otherwise by council,

(a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and

(b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

(2) If the municipality suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or damage.

104. I will not spend substantial time in this report setting out the standard for determining whether the Documents or the Report were confidential as per the Code and the *Community Charter*. In my view, it is beyond dispute that they were. The Report was privileged and considered only in a closed meeting of Council. To date, the City continues to claim this privilege despite the leak and even refused to share the Report with me. The Documents, while they were distributed prior to the commencement of the May 30 Meeting, were also clearly confidential. As described by the Mayor and § 22(1) Personal Information, they were communications between himself, his lawyer and the investigator, produced in the process of the investigation that ultimately led to the Report. In my view, the duty of confidentiality quite clearly extends this far.

105. This matter is not about the law – of which there was a clear, flagrant, and very concerning breach – but about the facts. It is obvious that both the Kamloops This Week article and the RadioNL

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article contain confidential information that, if disclosed by a councillor, would constitute a breach of both the Code and the *Community Charter*.

106. On the facts, the question I must ask myself is whether I can establish that, on the balance of probabilities, any of the eight respondents breached the duty of confidentiality by disclosing the documents (*F.H. v. McDougall*, [2008] 2 SCR 41). To find facts in this case, I must be of the view that it is more likely than not that a matter occurred. The mere possibility that something occurred will not meet this standard.

107. Having regard to the evidence available to me in my capacity as Investigator under the Code of Conduct Bylaw, I must answer that question negatively. I cannot say that it is more likely than not that one of the eight respondents was the person who leaked the Report or the Documents to the media. For seven of the Councillors reaching this conclusion was simple as there was nothing in their responses that raised a concern.

108. In the case of Councillor Sarai, we had to take several additional steps to reach this conclusion but his story was authenticated within our authority to the extent we could. All witnesses we spoke to confirmed his version of events leading me to conclude that on a balance of probabilities I had no reasonable basis to suggest Councillor Sarai leaked either the Report or the Documents. At worst, he made an error of judgment to forward the Report to his [REDACTED] email.

109. Importantly, this is also not a case where I am asked to decide a contest of credibility, because there are no real material facts in dispute. While this is not a criticism of the Mayor's complaint, he was not able to allege a specific material fact in relation to who he said was the person that disclosed the Report and the Documents. Rather, his allegations were more general in nature, as one would expect them to be in a circumstance such as this.

110. I am not, therefore, able to weigh the account of one person who says the state of affairs is "X" and another who says it is "Y" and use the legal tools available to me to decide which account is more likely to be true.

111. Regrettably, I simply have not been able to establish, using the investigative tools available to me, who leaked the Report and the Documents. To draw any conclusion on the evidence available to me would be unfair and based on speculation.

112. With all of that said, I found all of the witnesses to be forthright and sincere in their evidence. Other than the issue with Councillor Sarai's email account, which he addressed as noted-above in what I believe to be a satisfactory manner, I uncovered no information that made me suspect that any of the respondents (or the complainant) was the source of the leak. In fact, the independent work done by the City's IT Staff Person on my behalf confirmed, at the very least, that no Council member [REDACTED]

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**S.22(1) Personal Information**) used their City email account to forward the Report to anyone beyond the initial 10 recipients.

113. In short, I recognize that this is a wholly unsatisfactory result to this complaint - somebody did disclose the Report and Documents and should be held accountable. As an alternate theory, the disclosure could have been the result of a computer breach or a mistake by one of the individuals that received the Report. For example, was the Report left open on a computer screen for an unknown third-party to photograph with their smartphone? There are other possible explanations as to how the Report and Documents could have been disclosed as well. Unfortunately, this investigation has not identified any such explanation.

114. **Accordingly, complaint 2023-0007 is dismissed and no censure, sanctions, corrective actions, or other measures should be imposed on the eight respondents.**

### **RECOMMENDATIONS**

115. While I have found no breach of the Code of Conduct, I will take this opportunity to give Council some closing thoughts and recommendations.

116. First, it is my opinion that Council should consider reviewing its practices and policies with respect to the handling of confidential information. It is of the utmost importance that all councillors are aware of what duties are imposed on them, and how to properly manage confidential information so as to protect the corporation. The City should also review how it delivers confidential information to elected officials so as to reduce the risk of an event such as this happening again. This is not about blaming any City official, but suggesting that it audit its own processes to make it harder for an elected official to neglectfully or purposefully breach confidences. I believe some of this work on this issue may have already happened, but if more work can be done, I would strongly encourage this.

117. Second, the City should consider reviewing its technological capabilities with respect to keeping control of confidential documents. While no system will be perfect – and there is always the ability of a person to use their smartphone to take a picture of a confidential document – there are likely steps that could be taken to secure confidential information. I understand that some efforts to do this may already have been completed or may be underway. We note the additional recommendations of the City's IT Staff Person at Attachment 5 as well.

118. Third, Council may wish to consider reviewing the Code of Conduct to grant investigators greater powers. While there may be little more Council can do, we were hampered somewhat because the City (after receiving legal advice) denied us the ability to look at the Report. We understand why the City did not want to distribute the Report further but there is a balancing exercise for Council to consider between the power of the City to keep matters from its own investigator, and the effectiveness of that investigator in providing a satisfactory result. It is unlikely that, in this case, reviewing these

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records would have made any real difference in outcome, but it is somewhat ironic that we have never seen the records we were investigating. There may be other circumstances, however, in which it is important for an investigator to independently verify a closed document.

119. Finally, if the City wishes to look further into who was the source of the disclosure, Council could consider exercising its authority under the *Community Charter* to compel witnesses to testify under oath:

### **Authority to compel witnesses**

**134 (1)** A council or council committee

(a) has power, under the signature of the mayor, to summon witnesses for examination on oath respecting matters related to the administration of the municipality, and

(b) has the same power to enforce the attendance of witnesses and compel them to give evidence as is vested in a court of law in civil cases.

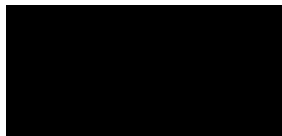
(2) A member of council or the corporate officer may administer the oath to or take the solemn affirmation of a witness.

(3) A witness may be examined, cross examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

120. As an Investigator with limited terms of reference, and after detailed internal discussions, I did not consider it part of my duties to request that Council exercise this power. However, if Council wished to look into this matter further, it could consider the engagement of this statutory authority.

121. Last, I wish to thank all involved in this investigation for their assistance and cooperation. Without exception each and every City official, elected official and other witnesses were responsive and helpful throughout.

All of which is respectfully submitted this 19th day of June, 2024.

A large black rectangular redaction box covering the signature of the investigator.

Investigator

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**Attachment 1 - May 30, 2023 Closed Minutes (redacted)**

S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege

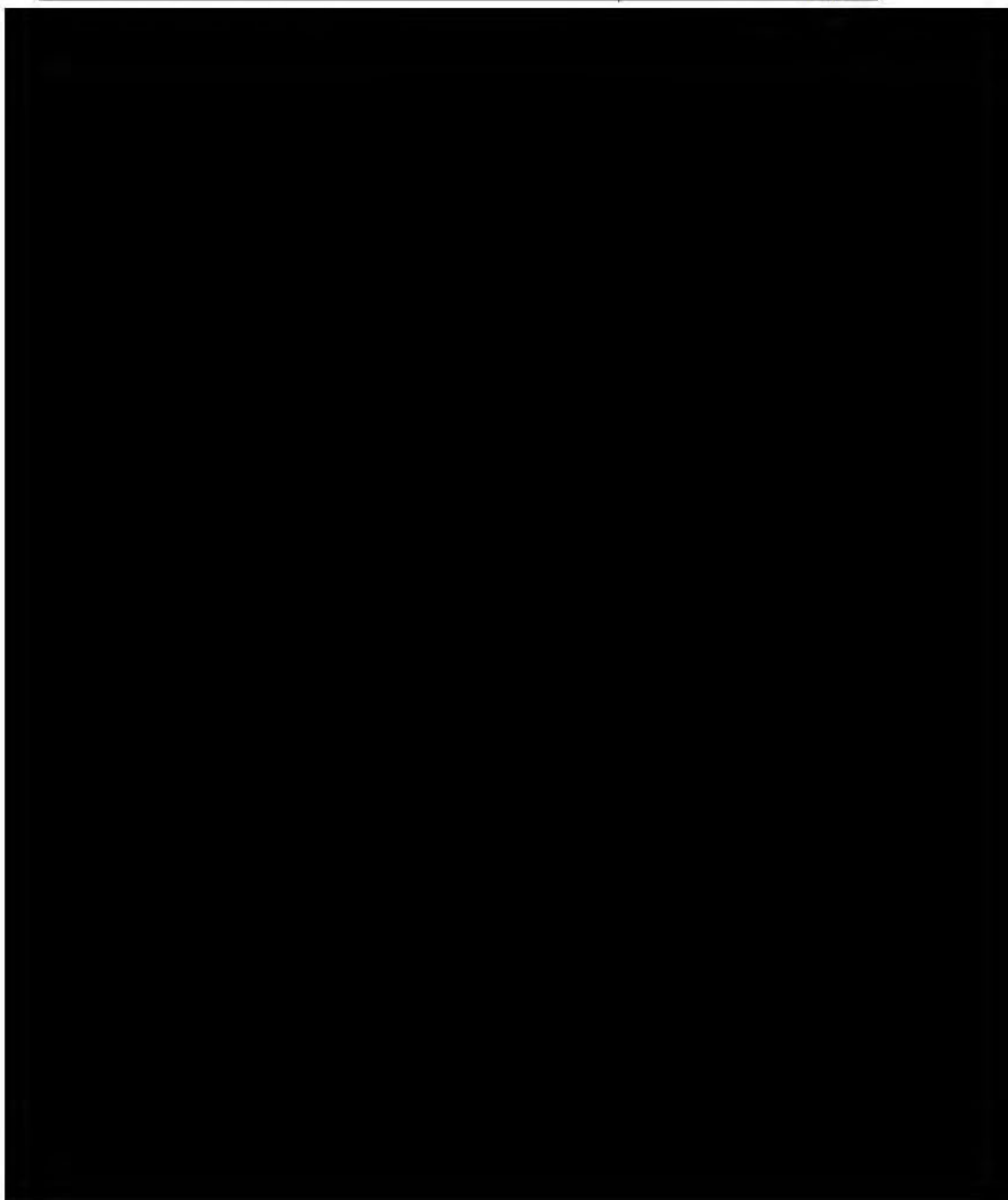


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MINUTES OF A CLOSED MEETING

May 30, 2023  
Page 4



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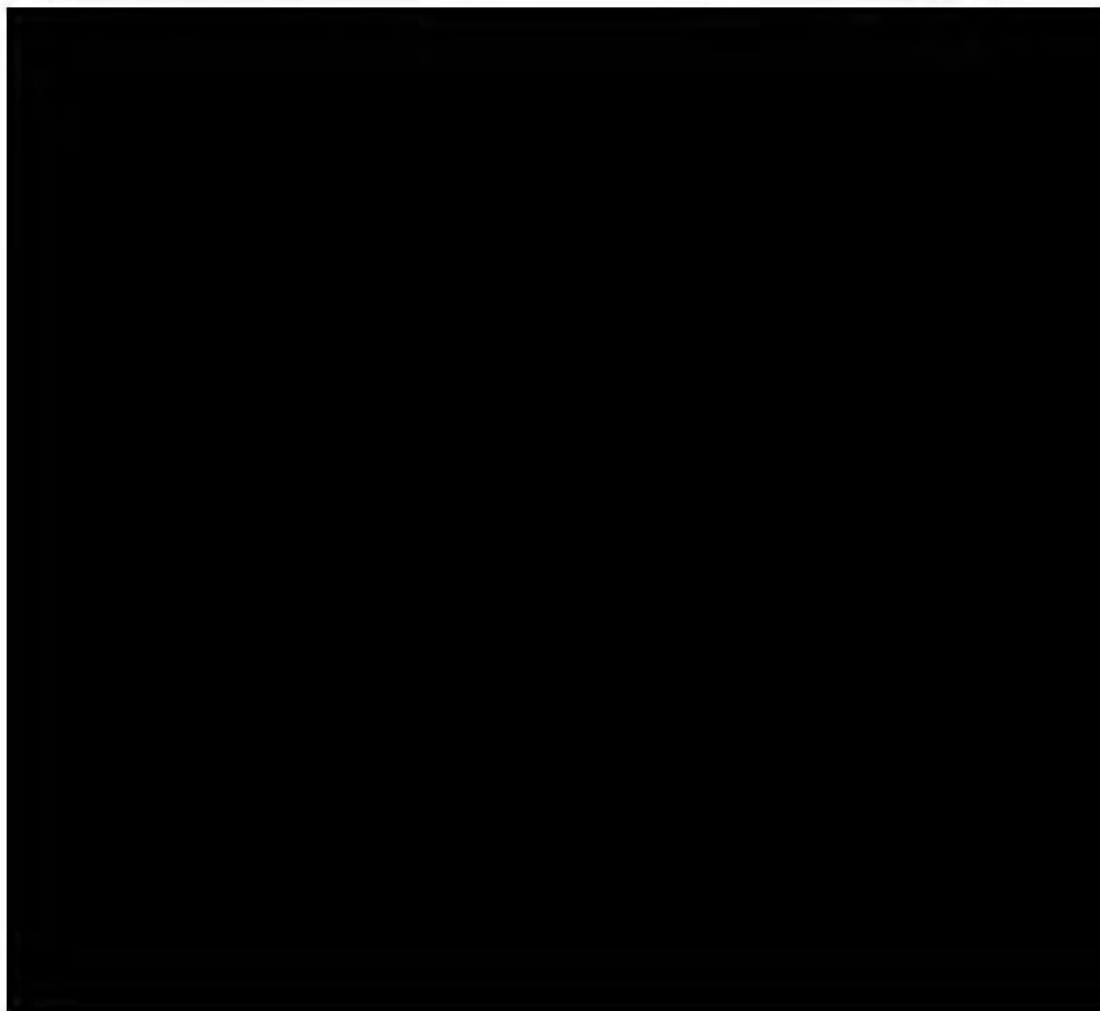
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MINUTES OF A CLOSED MEETING

May 30, 2023

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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege, S.22(1) Personal Information



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege, S.22(1) Personal Information



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege, S.22(1) Personal Information



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege, S.22(1) Personal Information



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege, S.22(1) Personal Information



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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege, S.22(1) Personal Information



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S.12(3)(a)(b) information considered by Council in Closed Meeting



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S.12(3)(a)(b) information considered by Council in Closed Meeting



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S.12(3)(a)(b) information considered by Council in Closed Meeting



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S.12(3)(a)(b) information considered by Council in Closed Meeting



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## Attachment 3 – June 19, 2023 RadioNL report “Kamloops mayor being investigated for alleged workplace bullying and harassment”

2024, 1:50 PM

Kamloops mayor being investigated for alleged workplace bullying and harassment | Radio NL - Kamloops News


**610 AM**

### Local News Now

## Kamloops mayor being investigated for alleged workplace bullying and harassment

[Brett Miner](#)

Jun 19, 2023 | 2:15 PM



Radio NL has learned that for months, Mayor Reid Hamer-Jackson has been the subject of an investigation into alleged workplace bullying and harassment, being conducted by a Vancouver firm contracted by the city.

Allegations from four non-political City Hall staff were handed over to Terry Honcharuk, lawyer and senior partner at the firm The Integrity Group, Radio NL has chosen to protect the identity of the complainants in the case.

"All we can say at this time is that the municipal corporation has been forced to take extraordinary steps to protect certain members of staff from ongoing mistreatment and a hostile work environment at the hands of an elected official," Deputy Mayor of Kamloops for June, Mike O'Reilly, told NL News Monday.

"Rest assured that we are working diligently and consistently to protect the Municipal Corporation and each and every Kamloops taxpayer in the face of these very difficult circumstances created by an elected official."

The need for an external investigation was first raised by Colleen Quigley, the City's Director of Human Resources and Safety, and the decision to contract The Integrity Group for this purpose was mandated through a resolution passed in-camera by council.

On its website, The Integrity Group describes itself as "a consulting firm of lawyers specializing in the prevention and resolution of workplace conflict such as sexual and other harassment and discrimination, bullying, and other workplace misconduct including violence. Integrity Group also specializes in "Drafting and revising corporate policies, Independent investigation of all workplace conflicts including harassment and discrimination complaints, bullying, and workplace violence; and Conciliation services including mediation and external ombudsperson services."

### Mayor contacted about investigation in February

Correspondence between the investigator and Hamer-Jackson's lawyer, David McMillan, obtained by NL Newsday allege that the mayor was first contacted about the investigation on February 23, 2023, and interviews conducted by Honcharuk were completed by April 3, 2023.

The documents also reveal a long, back-and-forth between the investigator and the mayor and his lawyer, over Hamer-Jackson's alleged refusal to sit for an interview or participate.

An email from McMillan to Honcharuk dated May 5, 2023 references a telephone conversation with Honcharuk on March 2, 2023.

"In that conversation I raised a number of questions and concerns to which you have not responded. I assumed (incorrectly) that you would be providing sufficient information regarding your investigation that would allow my client to make informed decisions regarding his participation. I am now requesting that information."

McMillan continues, "Firstly, please identify the person who is directing your investigation and providing instructions on behalf of the City of Kamloops. Given that the "Complainants" are (Complainant C) and three subordinates, it is important for my client to understand how and to whom, the alleged complaints were raised. It is also important for him to know what authority (if any) exists for any adjudication said complaints to take place."

"Secondly, in your initial letter to the Mayor, your stressed the highly privileged and confidential nature of your investigation, and purported to impose duties of confidentiality on him. In that regard, please advise if you have obtained NDA's (Non-Disclosure Agreement) from the Complainants, or if any form of Confidentiality Agreement has been circulated among the parties for signature. If

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2/20/24, 1:59 PM

Kamloops mayor being investigated for alleged workplace bullying and harassment | Radio NL - Kamloops News



information by any party, for any purpose other than your investigation."

Honcharuk responded in an email dated May 9, 2023.

"With respect to punitive delays, I note that I first contacted Mr. Hamer-Jackson about this investigation on February 23, 2023 and, on April 3, 2023, I advised him that I had completed my interviews with the Complainants and requested that he schedule an interview with me. On April 4, 2023, I confirmed with Mr. Hamer-Jackson that he would receive a summary of the allegations after he scheduled that interview."

Honcharuk continues "Mr. Hamer-Jackson requested that I email you but did not provide me with any contact information so I requested that from him. On April 17, 2023, I messaged Mr. Hamer-Jackson again requesting that information which he had not sent me; I received the information on April 18, 2023."

"I emailed you on April 21, 2023 to confirm, among other things, that I had been retained by the City through its legal counsel (which I had advised you during our telephone discussion of March 2, 2023) and I also advised you of the names of the Complainants who had alleged unlawful and/or inappropriate conduct by the Mayor."

Honcharuk writes "I always endeavor to move investigations along efficiently and fairly and I believe the above-noted timeline reflects this (as well as the fact that any supposed delays were brought about by either Mr. Hamer-Jackson or yourself)."

On the issue of confidentiality, Honcharuk says "With respect to professional undertakings, NDAs, etc., my practice follows well-established and widely accepted standards which apply to workplace investigations and includes requesting and receiving from participants their commitment to keep all matters pertaining to the investigation confidential. This applies to all participants equally, including your client. I do not use NDAs in my workplace investigations and do not see any reason to change that approach in this matter."

He continues, "With respect to details of the allegations, I have been advised by Ms. Quigley that the Mayor was made aware of the general nature of the allegations against him (and of course he knows who the Complainants are)."

Honcharuk concludes with a warning.

"Accordingly, I look forward to receiving, by the end of business on Friday, May 12, 2023, your written advice as to whether or not Mr. Hamer-Jackson agrees to be interviewed, failing which I will complete this investigation on the basis of the evidence available to me. Your client is again encouraged to participate and provide his account of events."

The deadline appears to have come and gone.

The Mayor's lawyer responded May 22, 2023.

That response, which has been viewed by Radio NL, states that the mayor's participation in the investigation would be contingent on assurances that any "facts or statements that he might provide in an interview would be held in strict confidence." McMillan also writes "I have previously advised you he (Hamer-Jackson) rejects as absurd the proposition that he must agree to such an interview before being provided with any details of the allegations advanced against him by the Complainants."

McMillan's email goes on to claim "The Mayor has had no dealings, personal or otherwise, with (Complainant A) and (Complainant B). He has not violated the personal or professional boundaries of either of them. On the basis of purely second-hand information, he believes both of them claim to have been traumatized by a shouting match that was initiated by [a councillor] in the Mayor's private office one day. He has no further information to offer, and denies having committed any unlawful or inappropriate conduct vis-à-vis either (Complainant A) and (Complainant B)."

The Mayor's lawyer also contends the other two complainants, are senior city staffers and goes on to say "The Mayor is prepared to state under oath if necessary, that the allegation that he is guilty of a campaign of "bullying (sic) and harassment" against (Complainant C) is pure fiction – motivated apparently by (Complainant C)'s assessment of the range of damages (Complainant C) could recover if (Complainant C) had a valid cause of action."

McMillan concludes, "As I have indicated previously, the Mayor would prefer to deal with any accusations of this nature in a Court of Law, where appropriate rules of procedure are applied and recourse in costs is available to him" he says. "Be assured that I have a modicum of experience in advancing claims for punitive damages and special costs where appropriate, as is reflected in a number of reported decisions. Nonetheless, if you believe that anything of substance emerges from your investigation, feel free to advise me accordingly."

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## Young, Anderson

2024, 1:50 PM

Kamloops mayor being investigated for alleged workplace bullying and harassment | Radio NL - Kamloops News



the investigation while it was underway.

The final report from Honcharuk and The Integrity Group was received by council in-camera Tuesday, June 13, 2023. It has not been made public yet.

Separately, the Mayor [filed a defamation and libel suit against City Councillor Katie Neustaeter](#) on June 12, 2023. The suit focuses on a [statement jointly produced by council that was read by Neustaeter at a news conference](#) on March 17, 2023.

At that news conference, council alleged among other things, the Mayor was breaching personal and professional boundaries.

The lawsuit contends the wording of the joint-statement implies sexual misconduct by the Mayor, who [commented to Radio NL last week](#) that he's been accosted by members of the public calling him a "pervert."

None of the allegations contained in the libel and defamation suit have been proven in court.

O'Reilly said the workplace investigation was unrelated to the lawsuit filed by the mayor, and also unrelated to [the privacy breaches when Hamer-Jackson took personnel documents](#) home. The Office of the Information and Privacy Commissioner (OIPC) has opened a file looking into that breach of privacy.

O'Reilly says the city is obligated to investigate the claims about workplace harassment and bullying.

"This City must do so in order to discharge its legal duties and avoid potential legal claims," O'Reilly said. "The cost of these legal claims, which ultimately would have been a very substantial monetary liability, would ultimately be borne by the taxpayer."

Reached for [comment by Kamloops This Week, Hamer-Jackson said he could not comment](#) on matters pertaining to closed, in-camera information.

"I'd be breaching confidentiality," he said. "I can't comment on anything that would be in closed [meetings]. If other people want to, that's fine, but I can't," Hamer-Jackson said.

He also refused to comment or acknowledge the existence of a workplace investigation [telling INFONews there have been "a lot" of in-camera](#) meetings that he hasn't been a part of.

"We've had a lot of leaks, as you know," Hamer-Jackson said, "I would think that would be a human resources issue and I think that would be something happening in closed [council] meetings."

"If there was anything in closed, I wouldn't be able to speak to it anyway."

– With files from Paul James and Victor Kaiser

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### Attachment 4 – August 2, 2023 Kamloops This Week report (reprinted in Vancouver Sun) “Investigation finds Kamloops mayor violated code of conduct”

3/21/24, 9:48 AM Investigation finds Kamloops mayor violated code of conduct | Vancouver Sun

Spring break: Here are some fun things to do with kids in Metro Vancouver [Read the list>>](#) Spring break: Fun things to do with kids in Metro Vancouver [Read the list>>](#)

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## Investigation finds Kamloops mayor violated code of conduct

Now, Reid Hamer-Jackson is prohibited from making telephone calls to or meeting in person with any of the complainants without a third party present. [Read more.](#)

Michael Potestio • Kamloops This Week

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3/21/24, 9:48 AM

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Kamloops Mayor Reid Hamer-Jackson. Dave Eagles/KTW jpeg

Kamloops Mayor Reid Hamer-Jackson is not allowed to meet with the city's chief administrative officer or three other city staffers without a third party present, Kamloops This Week has learned.

This measure, and others, has been implemented after an investigation into complaints of inappropriate conduct at city hall found the mayor violated council's code of conduct numerous times by disrespecting and/or demeaning three employees who filed complaints against him in February.

The mayor was found to not have violated the code of conduct with respect to a complaint from a fourth employee.

The City of Kamloops hired Vancouver firm The Integrity Group to investigate the allegations. The report, obtained by KTW, is dated May 31 and council first saw it in an in camera meeting on June 13.

As a result of the investigation, the mayor is prohibited from making telephone calls to or meeting in person with any of the complainants unless a third party approved by the complainants is present for the call or meeting.

In addition, any written communication, including emails, from Hamer-Jackson to the complainants initially goes through a councillor, appointed as a liaison, who is checking the messages.

The councillor has the authority not to forward communication from the mayor that contains inappropriate or offensive language or material.

Investigator Terry Honcharuk found Hamer-Jackson's conduct violated the code of conduct numerous times with David Trawin, the chief administrative officer, and a second employee, and once with a third employee. Honcharuk found the mayor's conduct described by a fourth employee did not violate the code of conduct.

In the report, Honcharuk found all the complainants credible and accepted their evidence.

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The report sheds more light on a number of reports KTW and other local media outlets have published during the mayor's first nine months in office.

There are also a number of infractions in the report that are also referenced in the legal response Coun. Katie Neustaeter submitted to the defamation lawsuit filed against her by Hamer-Jackson. The mayor is suing Neustaeter in connection with comments she made about him on behalf of council in March.

Hamer-Jackson was informed of the investigation on Feb. 23 and interviews with the complainants were completed by investigator Honcharuk in early April. The mayor, however, refused to be interviewed and did not defend himself against the claims.

Numerous emails were exchanged between Honcharuk, Hamer-Jackson and his personal lawyer, David McMillan, who said it was "an absurd precondition" for Hamer-Jackson to agree to be interviewed before viewing details of the allegations. McMillan said Hamer-Jackson preferred to deal with accusations of such a nature in a court of law.

According to the report, the impetus for the investigation was a shouting match on Jan. 20 between Hamer-Jackson and a city councillor in the mayor's office. The argument was reportedly so loud it could be heard elsewhere in city hall, leading a receptionist to ask if she should call 911.

The mayor then emerged from his office and apologized to staff for the councillor's actions, prompting one employee to tell the mayor, "There is more than one person involved in this incident," according to the report.

The argument sparked an internal investigation that revealed prior incidents had occurred, but had not been reported. As a result of the investigation, it was determined an employee should be transferred from city hall to avoid potential psychological impact.

On Jan. 23, council, in a meeting with Trawin to discuss the incident, decided it would no longer have one-on-one meetings in city facilities with Hamer-Jackson to prevent similar incidents from occurring.

On Jan. 25, Trawin emailed all of council, advising that he and human resources director Colleen Quigley attempted to meet with Hamer-Jackson and, when they entered the room, the mayor had a friend in his office to take notes. According to the report, Trawin said it was unacceptable to have a friend present while they discussed city business. The mayor then said he was willing only to meet with director Quigley and not Trawin.

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"This is getting very difficult for me to do my job," Trawin wrote in the email to council.

In February, on the advice of Quigley and following a council resolution, the municipality retained The Integrity Group to conduct a workplace investigation.

Honcharuk advised the city implement a policy restricting the mayor's communication with the complainants.

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The policy directs that there be no telephone calls or face-to-face meetings between the mayor and any of the complainants unless a third-party, approved by the complainants, is present.

The advice from Honcharuk also recommended the city direct all written communication from the mayor to any of the complainants to be first vetted by an appointed city councillor.

Reached by KTW for comment on the report, Hamer-Jackson described it as false and containing innuendo.

"I think it's a complete waste of taxpayer dollars, is what I think," Hamer-Jackson said, adding he has not seen the full report, only "partial things" he cannot discuss and "a little bit" pertaining to its recommendations.

He said he would like to view a full, unredacted version, noting he has asked corporate officer Maria Mazzotta for a copy and is awaiting an answer.

He said he is abiding by the recommendations of the report relating to communications restrictions.

When asked if not being able to communicate directly with the city CAO has affected his ability to do his job as mayor, Hamer-Jackson said it has, explaining he has had to direct questions for Trawin through deputy mayor for July Nancy Bepple and has not been getting answers.

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## Attachment 5 - IT Staff Person Report (undated and redacted)

**Reece Harding**

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**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** Reece Harding  
**Cc:** Nick Falzon  
**Subject:** Re: Results and follow-up

The ask:

Identify if any named individuals (10 in total) used their City of Kamloops email accounts to send or forward an email containing the [REDACTED] Report attachment (PDF) to an external email address between the dates of JUN-01-2023 to JUN-01-2024.

Individuals searched:

[REDACTED] S.22(1) Personal Information Nancy Bepple, Margot Middleton, Katie Neustaeter, Bill Sarai, Dale Bass, Kelly Hall, Mike O'Reilly, Stephen Karpuk, [REDACTED] S.22(1) Personal Information.

Process and Capabilities:

[REDACTED] S.15(1)(0) harm the security of any property or system can be used as an audit tool to search and provide logs/forensics of all sent/forwarded items from the individual email accounts while filtering on dates and subject lines.

[REDACTED] S.15(1)(0) harm the security of any property or system tool can be used as an audit tool to search and provide logs/forensics of all sent/forwarded items from the individual email accounts while filtering on dates and subject lines.\*\*

\*\* Our licensing only allows us to search back for a maximum of [REDACTED] S.15(1)(0) harm (0). We had a trial license installed as part of another recent project that allowed us to search for a longer time period.

Methods:

[REDACTED] S.15(1)(0) harm the security of any property or system did not generate any results, since our license only allows us to search back for [REDACTED] S.15(1)(0) harm (0). Since the search criteria was beyond [REDACTED] S.15(1)(0) harm (0), we could not use the tool as intended. [REDACTED] S.15(1)(0) harm the security of any property or system was able to search back to the JUN-01-2023 start date, but due to licensing restrictions, the results do not include any sent emails that would have been deleted, and immediately deleted from the Deleted Items bin.

Searches and Results:

1. Search #1: Search the 10 individuals with an unlimited time range (present-->backwards) for the subject: [REDACTED] S.14 Information provided by P.
  - a. This returned 25 results, but none of the results met the criteria of being sent to an external email address.
2. Search #2: Search the 10 individuals with an unlimited time range (present-->backwards) sent to: [REDACTED] S.22(1) Personal Information.
  - a. This returned 1,187 results. There were too many to check one-by-one, so I moved to the next search to narrow results.

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3. Search #3: Search that the sender was "bsarai@kamloops.ca" and the email had an attachment of any kind with a time range of: JUN-01-2023 to DEC-01-2023.
  - a. This returned 111 items. I went through the emails one-by-one and found 1 result that met the original criteria in the ASK.
  - b. I discovered that the email contained an attachment containing the word "S.14 information".
  - c. I discovered that the email had a blank subject or "No subject".
4. Search #4: Search the 10 individuals with the time range of JUN-01-2023 to JUN-01-2024 with an attachment named or containing the word "S.14 information".
  - a. This returned 22 items. I checked the emails one-by-one. I found 1 result that met the original criteria in the ASK. This was the exact same email found in search #3.
5. Search #5: Search the 10 individuals with the time range of JUN-01-2023 to JUN-01-2024 for any emails containing a blank subject or "No subject".
  - a. This returned 0 results. My conclusion is that this search didn't work as intended since we know there are emails containing a blank subject or "No subject".

**Conclusion:**

There was only one email that met the criteria of the ask. An email was sent from Bill Sarai's City of Kamloops email address: bsarai@kamloops.ca to his personal Shaw email address: S.22(1) Personal Information. This email was sent on JUN-27-2023 at 12:02AM. No other emails met all the criteria.

**Future enhancements or capabilities:**

S.13(1) Policy advice/recommendations, S.15(1)(l) harm the security of any property or system, S.17(1) harm the financial or economic interests of a public body



Thanks,

