

Administrative monetary penalty – Summary

Subject of penalty	Penalty amount	Date of issue
BC NDP	\$1,000	October 3, 2018

On January 3, 2018, the BC NDP filed a specified fundraising function (Spec-FF) form with Elections BC for the following event:

Event: An Evening with Drinks and Friends

Held: October 27, 2017

Attended by: Selina Robinson (Minister of Minister of Municipal Affairs and Housing)

The Spec-FF form was filed after the event was held. Section 185.02(1) of the *Election Act* (the Act) requires organizations and individuals who plan on holding a specified fundraising function to provide notice of the event to Elections BC at least seven days before the event is to be held.¹

Elections BC investigated the event. The Investigator determined that the Spec-FF form had also not been filed within 60 days of the event taking place, which is required by section 185.02 of the Act. The Investigator recommended monetary penalties against the BC NDP that took into account aggravating and mitigating factors. Those factors include:

- The BC NDP had been notified of the requirement to file Spec-FF forms for specified events.
- The event was one of four events that were reported late.
- The BC NDP had not filed the required Spec-FF report within 60 days after the event.
- There was no evidence that the BC NDP intended to deliberately circumvent the legislation.
- The BC NDP cooperated fully with the investigation.
- The BC NDP had taken some measures to prevent the non-compliance from occurring, and took additional measures when notified of the investigation. The non-compliance itself was caused by human error.

The BC NDP accepted the Investigator's report, and did not object to the Investigator's analysis of the mitigating and aggravating factors in calculating the penalty. The BC NDP did object to the recommended base-line penalty that the Investigator used to initiate the penalty calculation. The Decision Maker also accepted the Investigator's report, and the Investigator's analysis of mitigating and aggravating factors in calculating the penalty.

The Decision Maker chose to use a different method of calculating the base line penalty, by establishing a progressively increasing scale for first instance, second instance and third instance of non-compliance. After taking into account the aggravating and mitigating factors as recommended by the Investigator, the Decision Maker issued a penalty of \$1,000.

¹ Appendix 1 – *Election Act* s. 185.02(1)