

**Appendix "C"**  
**Request for Advice**

Note: Should the Integrity Commissioner determine that a member of Council or of a local board has violated any provisions governing ethical behaviour pursuant to the Code of Conduct for Council or local boards, he/she is obligated to report such violation, with any recommendation for sanction, to Council.

**Request for Advice**

Name of Requestor:	Stephan Kinosh
Address:	[REDACTED]
Telephone:	[REDACTED]
Email address:	sk@kinosh.com

Advice requested (Provide as much detail as possible relating to the issue. Attach second page if required.)

The issue is from comments made by me at March 18, 2024 it can be found on the City YouTube page the issue can be found at roughly 1:50 into the meeting. Concerning agenda item 7.5 which I removed from the consent agenda. Also item 7.16 which I made comments on as well should be taken into consideration as a supporting argument to my comments on 7.5.

Following the meeting ~~to 23rd~~ I had a meeting w Mayor Shoemaker + CAD Vair where I was informed that my comments upset a senior management staff member. I was asked to apologize at next council meeting April 8th 2024 or I will reported to the Integrity Commissioner. I was initially in agreement on March 22, 2024. Over that weekend I sat down to write an apologize but I will not be able to bring myself to read it in open council. Attached is more info

*Stephan Kinosh*  
 Signature of Requestor

Date received by Integrity Commissioner

Date March 30, 2024

Date reply issued

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**From:** Stephan Kinach <[s.kinach@cityssm.on.ca](mailto:s.kinach@cityssm.on.ca)>

**Sent:** Wednesday, March 27, 2024 11:39:31 AM

**To:** Mayor Shoemaker <[mayor.shoemaker@cityssm.on.ca](mailto:mayor.shoemaker@cityssm.on.ca)>; CAO Vair <[cao.vair@cityssm.on.ca](mailto:cao.vair@cityssm.on.ca)>

**Subject:** Follow Up

Hello Mayor Shoemaker and CAO Vair

After our meeting on Friday I had some time to reflect. I reached out and discussed with family, friends, former councillors and trusted Saultites from my ward and across the city.

I have written my apology. But I will not be able to read it at open council as you both asked. For following reasons:

1. From my conversations and research this would be the first time a councillor would be apologizing in open council in the Soo in such a manner. In the past there has been much worse said by past councillors which was all dealt with privately. The precedent that this would set I am not comfortable being associated with. It would have a long lasting negative impact on council's role and key responsibilities of representing the people by weakening elected official's duties.
2. As was brought up in our meeting about being worried about starting a culture of running or opening the floodgates to the integrity commissioner. I don't think that should be my responsibility or put on my shoulders. I'm not in a management role.
3. By me apologizing in open council I have no guarantee this will be the end of this issue because the next time this senior management member is offended by me or another councillor they will just go directly to the integrity commissioner.
4. While my comments were harsh they were generalized. I do not believe I crossed any lines. No one was personally targeted, threatened, slandered, or belittled. Councillors are allowed to criticize staff and this is a grey zone as you both agreed with in our meeting.

I understand that a personal apology is out of the question because of the privacy issues involved in the complaint process.

So, I would offer that our meeting on Friday addressed the complaint and going forward I will be more polished and courteous with my wording.

If that senior management member is not satisfied with the meeting we had. I would like to express my interest in consulting the integrity commissioner and weigh my options to face this issue head on.

Thank you  
Stephan Kinach  
Councillor Ward 4  
705-989-6759

Second, it is going to be a lot less awkward for you to quickly and painlessly apologize for this than it will be for all of us to have to debate what the appropriate penalty is if the integrity commissioner finds there's been a breach of the code of conduct.

Of course, it's entirely possible that the integrity commissioner won't find a breach, but it is certain that there won't be an integrity commissioner investigation if an apology does happen.

That's all from me on this, I leave it to you to keep me posted.

**Matthew Shoemaker**

Mayor, Sault Ste. Marie

[www.MatthewShoemaker.ca](http://www.MatthewShoemaker.ca)

CITY OF SAULT STE. MARIE

99 Foster Drive, Sault Ste. Marie, ON P6A 5X6



**SAULT  
STE. MARIE**

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**From:** Mayor Shoemaker <[mayor.shoemaker@cityssm.on.ca](mailto:mayor.shoemaker@cityssm.on.ca)>

**Sent:** Wednesday, March 27, 2024 12:00 PM

**To:** Stephan Kinach <[s.kinach@cityssm.on.ca](mailto:s.kinach@cityssm.on.ca)>; CAO Vair <[cao.vair@cityssm.on.ca](mailto:cao.vair@cityssm.on.ca)>

**Subject:** Re: Follow Up

And David Celetti as I give it more thought.

Matthew Shoemaker

Mayor, Sault Ste. Marie

[www.MatthewShoemaker.ca](http://www.MatthewShoemaker.ca)

Sent from mobile.

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**From:** Mayor Shoemaker <[mayor.shoemaker@cityssm.on.ca](mailto:mayor.shoemaker@cityssm.on.ca)>

**Sent:** Wednesday, March 27, 2024 11:55:40 AM

**To:** Stephan Kinach <[s.kinach@cityssm.on.ca](mailto:s.kinach@cityssm.on.ca)>; CAO Vair <[cao.vair@cityssm.on.ca](mailto:cao.vair@cityssm.on.ca)>

**Subject:** Re: Follow Up

Stephan, it's ultimately your decision but it's not the first time a Councillor will have apologized in council. I believe both Frank Fata and Ross Romano apologized, on separate occasions, for things they said either at council, in public or in the community, and that's just in the last 10 years I've been around.

Matthew Shoemaker

Mayor, Sault Ste. Marie

[www.MatthewShoemaker.ca](http://www.MatthewShoemaker.ca)

Sent from mobile.

Thanks, Matt and Stephan, I would only add the following to your comments:

Matt has already confirmed there have been other times a Councillor has apologized and I would hesitate to use standards of the past. Much has changed in the municipal and work world and expectations are much different for today's Councillors and senior managers in the way they engage with staff and the community.

The Integrity Commissioner would make her conclusions, but I would suggest the Code of Conduct is not worded so that it has to a specific person. The comments were made in a public meeting and the request from the member of SMT was that an apology would be made in a public meeting to address them. Should the Integrity Commissioner become involved, a possible outcome is that an apology is requested.

An apology does nothing to weaken elected officials duties but it does help set the tone for how we all would like Council and staff to be treated in our communications – with respect and professionalism. There is lots of room for Council to challenge or question staff in a respectful manner that would not violate the Code of Conduct.

The comments to “just hire consultants and replace all staff”, “discards us and constituents”, “evidence staff is working against us and Saultites” were included in the commentary. A simple apology indicating these went too far may go a long way to addressing the situation at hand.

Thanks,  
Tom

**Tom Vair** (he/him)  
Chief Administrative Officer (CAO)  
705.759.5347 [cao.vair@cityssm.on.ca](mailto:cao.vair@cityssm.on.ca)

**CITY OF SAULT STE. MARIE**  
99 Foster Drive, Sault Ste. Marie, ON  
P6A 5X6  
[saultstemarie.ca](http://saultstemarie.ca)



**From:** Mayor Shoemaker <[mayor.shoemaker@cityssm.on.ca](mailto:mayor.shoemaker@cityssm.on.ca)>  
**Sent:** Wednesday, March 27, 2024 1:37 PM  
**To:** Mayor Shoemaker <[mayor.shoemaker@cityssm.on.ca](mailto:mayor.shoemaker@cityssm.on.ca)>; Stephan Kinach <[s.kinach@cityssm.on.ca](mailto:s.kinach@cityssm.on.ca)>; CAO Vair <[cao.vair@cityssm.on.ca](mailto:cao.vair@cityssm.on.ca)>  
**Subject:** RE: Follow Up

Here's the last thing I'll say on this.

First, here are the articles I referenced below:

<https://www.sootoday.com/local-news/celetti-sorry-for-using-racial-epithet-at-council-meeting-108682>

<https://www.thesudburystar.com/2016/08/06/sault-councillor-to-apologize-for-on-line-comments>

Stephan Kinach  
Councillor Ward 4  
705-989-6759

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**From:** Mayor Shoemaker <mayor.shoemaker@cityssm.on.ca>  
**Sent:** Thursday, March 28, 2024 11:19:22 AM  
**To:** Stephan Kinach <s.kinach@cityssm.on.ca>; CAO Vair <cao.vair@cityssm.on.ca>  
**Subject:** Re: Follow Up

Stephan, I don't remember a previous time when you requested the contact information for the integrity commissioner, so I am puzzled by your request for it "again" but the code of conduct has a request for advice section (Appendix C), which is at the link below.

<https://saultstemarie.ca/Cityweb/media/Mayor-and-Council/CodeofConduct.pdf>

Once completed it can be emailed to: [ironsideconsult@outlook.com](mailto:ironsideconsult@outlook.com)

Matthew Shoemaker  
Mayor, Sault Ste. Marie  
[www.MatthewShoemaker.ca](http://www.MatthewShoemaker.ca)

Sent from mobile.

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**From:** Stephan Kinach <s.kinach@cityssm.on.ca>  
**Sent:** Thursday, March 28, 2024 8:49 AM  
**To:** CAO Vair <cao.vair@cityssm.on.ca>; Mayor Shoemaker <mayor.shoemaker@cityssm.on.ca>  
**Subject:** Re: Follow Up

Hello, Mayor Shoemaker and CAO Vair

It is quite obvious from both your correspondence yesterday that this issue will not be resolved internally.

I would once again like to ask for the contact information of the integrity commissioner. I would like to speak with them.

Thank you

Stephan Kinach  
Councillor Ward 4  
705-989-6759

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**From:** CAO Vair <cao.vair@cityssm.on.ca>  
**Sent:** Wednesday, March 27, 2024 2:43:16 PM  
**To:** Mayor Shoemaker <mayor.shoemaker@cityssm.on.ca>; Stephan Kinach <s.kinach@cityssm.on.ca>  
**Subject:** RE: Follow Up

## Stephan Kinach

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**From:** Mayor Shoemaker  
**Sent:** March 28, 2024 12:34 PM  
**To:** Stephan Kinach; CAO Vair  
**Subject:** Re: Follow Up

You've completely lost me. If you want to reach out to the integrity commissioner, go ahead and do so. You now have her contact info. I thought this was your intention/request.

The integrity commissioner has not yet been contacted by anyone we've spoken to. That'll likely happen after the next council meeting when an apology isn't forthcoming. Personally, I think it would be easier, cheaper, and better for you to apologize and avoid that. But the staff member Tom spoke to said if an apology was provided, they wouldn't report their complaint to the integrity commissioner. So when you don't apologize after the next meeting, we can expect that complaint will be lodged shortly thereafter.

Matthew Shoemaker  
Mayor, Sault Ste. Marie  
[www.MatthewShoemaker.ca](http://www.MatthewShoemaker.ca)

Sent from mobile.

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**From:** Stephan Kinach <[s.kinach@cityssm.on.ca](mailto:s.kinach@cityssm.on.ca)>  
**Sent:** Thursday, March 28, 2024 12:20:50 PM  
**To:** Mayor Shoemaker <[mayor.shoemaker@cityssm.on.ca](mailto:mayor.shoemaker@cityssm.on.ca)>; CAO Vair <[cao.vair@cityssm.on.ca](mailto:cao.vair@cityssm.on.ca)>  
**Subject:** Re: Follow Up

Sorry sent accidentally before I finished writing

When can I expect the request for the investigation to be filed?

Stephan Kinach  
Councillor Ward 4  
705-989-6759

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**From:** Stephan Kinach <[s.kinach@cityssm.on.ca](mailto:s.kinach@cityssm.on.ca)>  
**Sent:** Thursday, March 28, 2024 12:17:53 PM  
**To:** Mayor Shoemaker <[mayor.shoemaker@cityssm.on.ca](mailto:mayor.shoemaker@cityssm.on.ca)>; CAO Vair <[cao.vair@cityssm.on.ca](mailto:cao.vair@cityssm.on.ca)>  
**Subject:** Re: Follow Up

Thank you for information

I in my last paragraph in my first email " I would like to express my interest in consulting the integrity commissioner and weigh my options to face this issue head on."