

Integrity Commissioner releases opinion on former Wollaston mayor

By Bill Kilpatrick

The former mayor of Wollaston Township Lynn Kruger is happy that the Integrity Commissioner for Wollaston council, Robert J. Swayze, released an opinion on a rumored conflict of interest regarding the sale of Nellie Lunn Park, that, according to Kruger, has been circulating for the last couple years and has caused her and her family extensive mental anguish. The opinion that was sent by Swayze to Bancroft This Week reads as follows, "Ms. Kruger, the former mayor did not have a conflict of interest under the Municipal Conflict of Interest Act because the owner of the property was the cousin of her husband. The definition of "family" in the Act does not include a cousin." For Kruger this was a huge relief to finally have this put to rest, "It's impacted me in several ways. It was a huge hit toward election decisions. I have a family and they have heard all the rumours too. It's affected my family life, it's affected my kids. It's put a strain on my marriage, but I have a good supportive husband that realized that "yes, you're right. It's not a conflict." Kruger further spoke about the whispers around town and the looks that she would get and how people would demand that she step out of the decisions made around the park, not to mention the "nasty emails and nasty phone calls." The rumour, says Kruger, began after the adjacent landowner to Nellie Lunn Park, Fred Cox, showed support for selling the property. As was reported in the Nov. 8 edition of The Bancroft Times, Cox is in fact related to Kruger by marriage as he is Kruger's husband's first cousin. In addition, Kruger claimed that she did all of her investigating before she threw herself into any decisions concerning Nellie Lunn Park. Kruger has repeatedly alleged that she spoke to Swayze and he informed her that there was no conflict of interest. Kruger further claimed that Swayze followed up with written confirmation adding that the Integrity Commissioner informed her that, "Under no certain circumstances do you give them [The Friends of Nellie Lunn] the letter that I provided to you, if they want it they need to contact me directly." When this assertion was put to Swayze he replied that, "When I give advice to a member of council, I mark it confidential but advise that the member can disclose it if he or she is accused of the conflict." Further to Kruger's claims that she had both spoken to and received in writing an opinion from the Integrity Commissioner, Swayze said in an email to Bancroft This Week that he has, "no record of any contact from Ms. Kruger regarding the Nellie Lunn matter when it was considered by council," further adding that "I cannot confirm that I spoke with or received an email on the park issue from her when she was mayor. If she called me, I would have asked her to follow up with an e-mail since the Municipal Act requires me to receive requests for and provide advice, in writing," adding that, "I did change my [e-mail] address two years ago. For this reason, I'm not sure that I was able to search all my email." Kruger pointed out that once she left office she no longer had access to her Wollaston email, which were archived at the County of Hastings, and that she has filed a freedom of information request with the county to see if she can retrieve the emails in question. Barry Wannamaker, who was a municipal consultant with Wollaston Township during Kruger's administration said that despite what the Integrity Commissioner claimed he clearly recalled being part of a phone call, sometime in November of 2021, where Kruger discussed the alleged conflict of interest with Swayze. Wannamaker stated "I do remember [that phone call], and the reason why I remember is that there were three or four hot issues that I was dealing with and Nellie Lunn was one of them. I do remember precisely Lynn talking to Swayze on the phone about the conflict of interest as it was floating around, as her and I had chatted about it a number of times. That was where it needed to go, it needed to go to the Integrity Commissioner to get confirmation. She called him and was on speaker phone and I made Swayze aware that I was in the room and part of the conversation and I remember that really clear. She made the phone call and I was there for the phone call." Wannamaker added that he is also certain that there was follow up email from Swayze, but he did not provide any evidence, but suggested that if it did exist it would likely be in the Hastings County archives. Kruger feels that because she was allegedly told by the Integrity Commissioner to not release his opinion on her conflict of interest the rumours continued to circulate and that those rumours were spread by supporters of the Friends of Nellie Lunn. However, Kruger could not provide evidence to back up this claim other than hear say. When Bancroft This Week reached out to Wollaston Councillor JD Fentie on Nov. 03 he confirmed that the rumour was indeed in circulation throughout the township and he was also aware of the claims by Kruger that she was given verbal and written confirmation from Swayze regarding the conflict. When asked on Nov. 22 if the former mayor ever told him to contact the Integrity Commissioner directly to attain the conflict of interest opinion, Fentie did not recall Kruger ever discussing that with him, but on Nov. 3 he stated during an interview that, "she [Kruger] was the one that told us that she spoke to the Integrity Commissioner, but she would never show us any documentation because according to her you can't do that [without permission from the Integrity Commissioner]," adding that once he got on council he found out different. However, when asked by Bancroft This Week on Nov. 23 for a comment about Ms. Kruger's statements "that she had spoken to the Integrity Commissioner regarding the issue of Nellie

Lunn Park and that he [Swayze] said she had no conflict, Fentie commented "I believe so although I don't have any record of her telling me directly." Fentie was also asked if the Friends of Nellie Lunn reached out to the Integrity Commissioner either by phone or in writing regarding this issue and he replied, "not that I'm aware of." He was also asked if the Friends of Nellie Lunn ever filed a formal complaint with the Integrity Commissioner regarding Kruger's alleged conflict of interest and he again replied, "Not that I'm aware of." Fentie disclosed to Bancroft This Week on Nov. 3 that he had stepped down as acting director of the Friends of Nellie Lunn, but as of Nov. 23, according to a Profile Report released by the Ontario Ministry of Public and Business Service Delivery, Fentie was still listed as an acting director of The Friends of Nellie Lunn Park. For this reason Fentie was asked to provide clarification as to why the Friends of Nellie Lunn Park did not attempt to either approach the Integrity Commissioner or file a complaint given that they were aware of Kruger's potential conflict of interest and he replied, "It appeared that the Mayor had received a ruling but was not releasing it to the public. I was interested in having the ruling made public and followed up with the mayor and clerk to this end. At no point did either the mayor or the clerk suggest that I could simply contact the Integrity Commissioner for a copy of the ruling. Filing a complaint seemed to be a waste of time if there was already a ruling." Bancroft This Week reached out to Fentie for clarification on the above statements, but he did not respond by press time. Fentie attained permission from the Integrity Commissioner to share an opinion that he received on Nov. 24 which, when combined with the information provided to Bancroft This Week on Nov. 28, appears to show that the former mayor not only misunderstood the process to release a disclosure of opinion given by the Integrity Commissioner, but that she may have not had a verbal or written request completed by the Integrity Commissioner at all. The email by Swayze to Fentie states that, "I always mark my advice confidential for the protection of the requester. If I am asked for the opinion I have given, I will usually disclose it if the requester gives his or her consent. If I decide to report to council on any matter, that report is required to be available to the public." The Nov. 28 email from Swayze reiterates his previous statement and also refutes the assertion by Kruger that she was told by Swayze that she could not share the alleged opinion with the Friends of Nellie Lunn Park, he said again, "I have no record of a request for advice relating to the Nellie Lunn Park from Ms. Kruger when she was mayor," adding that, "I would not have told her that the opinion was absolutely confidential." Another person, who does not want to be named, but considered themselves a supporter of the Friends of Nellie Lunn Park, shared emails that appear to back up the above conclusions and revealed that inquiries were indeed made in 2021 regarding Kruger's alleged conflict of interest. In those emails the sender inquired about the alleged conflict and was informed by Kruger that she had consulted the Integrity Commissioner and was given both a verbal and written opinion. Then, in response to that, the person inquired about it being made public in order to counter the rumours that were going around. At this point Kruger mentioned that she needed clarification about it being marked "confidential," adding that, "it is unclear to me as to if and when I can provide his actual verbiage. I would have to enquire this of him myself." The hope, said the sender, was that the Integrity Commissioner's opinion could be released so that it could be put to rest. Why Kruger did not release the information she claimed to have at that time remains unclear. Kruger has continually reiterated, despite the recent revelations from the Integrity Commissioner, that she did get a verbal and written opinion from Swayze in 2021. Regardless, the current opinion by the Integrity Commissioner clears the air relating to the rumours that Kruger had a conflict while serving as mayor, and hopefully this finding will quell future rumours and allow the people of Wollaston to, in the words of Councillor Sheila Currie, "focus on the bigger picture moving forward."