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June 13, 2024

VIA EMAIL – [swaphamilton@gmail.com](mailto:swaphamilton@gmail.com)  
VIA EMAIL – [Jelena@Isis-Intrepid.com](mailto:Jelena@Isis-Intrepid.com)

Jelena Vermilion

Dear Ms. Vermilion:

**RE: HAMILTON IC SERVICES  
Our File No. 976-100**

Thank you for your IC Complaint dated June 11, 2024.

### **Complaint**

Your complaint concerns the following aspects of Councillor Danko's Response to your earlier complaint dated April 15, 2024 which was the subject of my Report: Private Complaint re: Councillor Danko Tweet (Re) – DGB-HamiltonICI-2024-01 dated May 27, 2024:

1. He claimed not to know what pronoun to use when referring to you. You impute improper motive in his claim in this regard given the numerous means available to him that you list to have identified the correct pronoun to use;
2. He spelled both your first and last names wrong. You once again impute a disrespectful motive given he had the correct spelling of both of your names or could have easily located them.

You go on to assert that Cllr. Danko's comments illustrates bad faith engagement with, and disrespect for, a member of the 2SLGBTQ+ community, and which "may embolden others to act with [the same] carelessness."

Your complaint alleges breaches of the following sections of Hamilton's Code of Conduct for Members of Council:

## SECTION 8: CONDUCT IN OFFICE, INCLUDING AT COUNCIL AND COMMITTEES

8. (1) Every Member shall conduct him or herself with decorum in the course of his or her performance, or required performance, of his or her responsibilities as a Member, and at meetings of Council and Committees of Council and other meetings, and in accordance with the provisions of the Procedural By-law, and other By-laws of the City, where applicable.

And,

## SECTION 10: IMPROPER USE OF INFLUENCE

10. (1) No Member of Council shall use the influence of his or her office for any purpose other than the performance of the Member's responsibilities as a Member, and other official duties.

In my Report regarding your previous complaint to me about Cllr. Danko, regarding the interpretation of "decorum" for the purpose of s. 8.(1) of the COC, I stated as follows:

The Cambridge University Dictionary defines "decorum" as "[behavior](#) that is [socially correct](#), [calm](#), and [polite](#)."<sup>[1]</sup> Wiktionary defines "decorum" as: "appropriate [social behavior](#)."<sup>[2]</sup> The Britannica Dictionary defines the word to mean "correct or proper behavior that shows respect and good manners."<sup>[3]</sup>

### Analysis

The communications complained of were contained solely in Cllr. Danko's Response to your earlier Complaint. The Response was provided to me in confidence and I doubt Cllr. Danko even appreciated this his Response would be shared with you. His impugned statements were not disseminated by me (or, to my knowledge, Cllr. Danko) to anyone other than you, and then only to you for the limited purpose of providing any rebuttal to them. Furthermore, I did not refer to either of the offending aspects of his Response in my Report. To the extent that a wider audience is now aware Cllr. Danko made these statements, that is solely because you chose to publicize them in a document you emailed to all members of Council as well as dozens of others on June 11, 2024.

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<sup>[1]</sup> [Cambridge Academic Content Dictionary](#) © Cambridge University Press)

<sup>[2]</sup> See <https://en.wiktionary.org/wiki/decorum>.

<sup>[3]</sup> See <https://www.britannica.com/dictionary/decorum>.

I do not regard there to be any legitimate argument that a confidential Response to a complaint made against a councillor directed only to the Integrity Commissioner constitutes “conduct...in the course of his or her performance, or required performance, of his or her responsibilities as a Member” as that term must be reasonably understood in the context of the Code of Conduct. Furthermore, I do not find, based on the evidence you have provided, that there was anything “socially incorrect” or “inappropriate socially inappropriate” about his comments. While he could have investigated into the appropriate pronoun to refer to you by, he merely made the statement regarding uncertainty about which pronoun to use by way of explanation as to why he was referring to you as “the Complainant” over the balance of the Response. That is hardly “socially incorrect” or “socially inappropriate” in my opinion. While you may have taken personal offence about the incorrect spelling of both your first and last names, there is no evidence that this was done for any malicious purpose and are easily explained as typos. I therefore see no basis for a finding of breach of s. 8. (1) of the Code of Conduct.

I see absolutely no basis for considering that the statements complained of constitute a violation of s. 10. (1) of the Code as there is no attempt to seek any gain from making the impugned statements, or any use of “influence” in making such statements.

I am therefore summarily dismissing your Complaint as frivolous pursuant to s. 18 of Bylaw 16-288.

Yours very truly,



David G. Boghosian,  
Integrity Commissioner,  
City of Hamilton

DGB/dgb/ka

cc: Cllr. Danko

(via email: John-Paul.Danko@hamilton.ca)

cc: Clerk

(via email: clerk@hamilton.ca)