

The Hamilton Spectator

Integrity probe zooms in on Clark-gate

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Halton MP Lisa Raitt isn't the only politician to discover the pitfalls of taped private conversations.

While the natural resources minister is struggling to weather her embarrassing comments on a misplaced tape, Stoney Creek councillor Brad Clark is waiting to find out what's going to happen to him for leaking a recording of a private conversation.

It's been 3 1/2 months since the city's interim integrity commissioner was given the green light to investigate whether Clark's actions violated council's code of conduct.

And George Rust-D'Eye finally appears to be within striking distance of wrapping up his probe.

Rust-D'Eye says he still has some additional records to check but he hopes to deliver his report in the very near future.

"Some of the information I may get may lead me to further information ... but I'm certainly hoping, for instance, within a month I'll have something to the city," he said.

Rust-D'Eye, a Toronto lawyer, was hired by the city almost a year ago to investigate whether Mayor Fred Eisenberger broke the rules by leaking confidential information to yours truly during an off-the-record interview in 2007.

At the same time, he was also appointed to conduct a separate investigation into Clark's leaking of that recording -- allegedly stolen from the mayor's office by someone else -- to a weekly newspaper and other councillors.

Rust-D'Eye finished his probe into the mayor's conduct in fairly short order.

In September of last year, he recommended that council shouldn't take any disciplinary action against Eisenberger, even though he had contravened the code of conduct.

Rust-D'Eye concluded the mayor's motives were proper and responsible because he was trying to convey accurate information about a controversial personnel matter.

Rust-D'Eye, however, was unable to start digging into Clark's behaviour until Hamilton police wrapped up their overlapping investigation into the alleged theft of the tape.

It took police almost eight months to conclude there

wasn't enough evidence to warrant criminal charges.

That was in February of this year.

Rust-D'Eye began investigating Clark shortly afterwards.

Clark has admitted circulating the tape, but said he did it for the "compelling public interest" of showing that the mayor's rhetoric about integrity was hollow.

That explanation was greeted with skepticism by some.

Councillor Sam Merulla, for instance, argued Clark was really just trying to politically embarrass the mayor, otherwise he would have given the recording to the city's legal department rather than selected media.

By releasing it to the press, some argued, Clark was guilty of the very thing he accused the mayor of.

It's basically up to Rust-D'Eye to decide whether Clark was playing the role of whistle-blower or political opportunist.

If Rust-D'Eye, as acting integrity commissioner, finds Clark guilty he can impose a punishment, including docking up to three months pay.

According to Clark, Rust-D'Eye has interviewed him three times to date. Clark says he found him fair, unbiased and thoroughly professional.

"He was everything you could hope for," Clark said.

Considering that his political reputation as well as some serious coin are on the line, Clark is remarkably cool about what may be heading his way.

Then again, why waste time worrying? As Clark notes, what happens next is out of his hands.

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