

Thai Mac - Response and Supporting Evidence

July 13, 2023

To: Municipal Election Compliance Audit Committee Members
Guelph City Clerk's Office

Re: Attachment 1 - Compliance Audit Request filed by A. Turner (redacted).pdf
(Received via email on Friday July 7, 2023 at 3:02pm)

Dear Municipal Election Compliance Audit Committee Members and Members of the Guelph City Clerk's Office,

Please find below are my responses to the allegations against myself that was brought forth by Ward 2 resident Amanda Turner. I respect the process available in our democratic society as noted in Section 88.33 of the Municipal Elections Act, 1996 and thank you for the opportunity to respond and present my supporting evidence.

Please note that since the Guelph Municipal Election was held on October 24, 2022, we must use and make any references of the Municipal Elections Act, 1996 at it's version relevant to that date, which would be v26 (November 29, 2021 - December 30, 2022 - <https://www.ontario.ca/laws/statute/96m32/v26>).

I will address each allegation point made by Amanda Turner as shown below.

1) Campaign Contributions By Individuals Other Than Candidate and Spouse

I submit that the candidate, Thai Mac, likely contravened the *Municipal Elections Act, 1996* by failing to report his campaign contributions as required under s. 88.25 (1).

In his financial statement, the candidate reports \$7,568.67 in campaign contributions from candidate and spouse, but no contributions from individuals other than the candidate and spouse (in other words, a fully 'self-funded' campaign.) However, there is evidence that the candidate did, in fact, receive contributions from other individuals.

Evidence supporting the grounds for this submission are as follows:

- 1.1 Web page titled "Donate to Thai Mac's Ward 1 Councillor Campaign"
- 1.2 Facebook posts soliciting campaign donations
- 1.3 If Candidate Refunded Contributions

Thai Mac Response:

Amanda Turner says "However, there is evidence that the candidate did, in fact, receive contributions from other individuals." as she makes notes of 1.1, 1.2 and 1.3.

1.1 - A web page soliciting donations is NOT evidence that “the candidate did, in fact, receive contributions from other individuals.”

It is common practice for there to be a donation option on political campaign websites. Having such an option does not mean that any such donations may be received. Amanda Turner has failed to show proof of any such donation transactions received. She has only shown that my website has a donation option - as most other candidates did as well.

1.2 - Facebooks posts soliciting campaign donations is NOT evidence that “the candidate did, in fact, receive contributions from other individuals.”

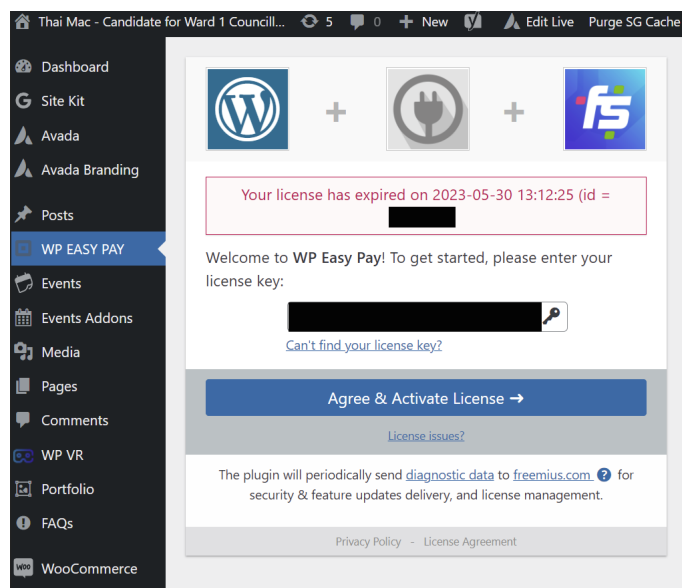
Again, please reference my response in 1.1 above. Soliciting for donations no matter how brief or extended, is NOT evidence of any such transactional donations received.

1.3 - “If the Candidate Refunded Contributions” is NOT evidence that “the candidate did, in fact, receive contributions from other individuals.”

I believe perhaps Amanda Turner may have meant to categorize 1.3 under a separate section of its own, as it doesn’t make any sense as being any such evidence. However, with that said, regardless of my announcement of a pause in my campaign activities, the Guelph City Clerk’s Office did NOT receive any such communications from myself in any official or formal manner.

My campaign did NOT receive any donations apart from my wife and I. We cannot refund contributions when none had been received, nor did my campaign give notice to the Guelph City Clerk’s Office of any such pause or withdrawal.

My website donation button uses WP EasyPay which is a Square Payment Solution linked to my Square Account. I have a screenshot of my WP EasyPay plugin implemented (note that 1 year license has since expired) on this premium plugin.



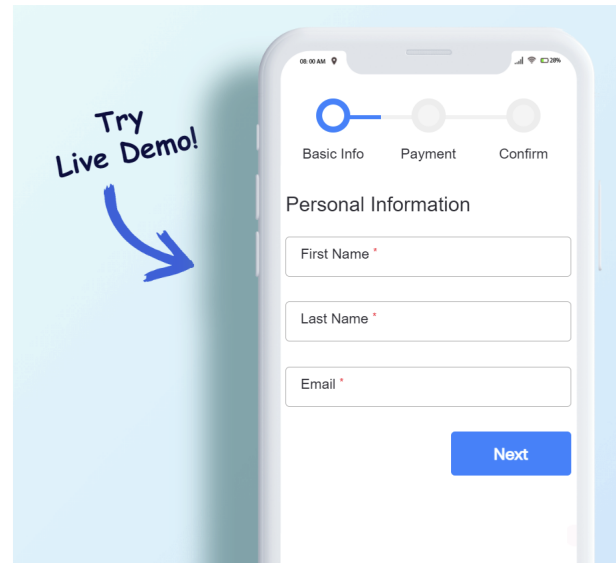
Screenshot of Thai Mac Campaign WP EasyPay Implementation

Accept Payments Now —

#1 WordPress Square Payment Solution

Simplify The Way Your WordPress Accepts Payments With WP EasyPay – A Global Square Payments Plugin That is Simple, Fast & Secure. Reach More Buyers & Drive Higher Conversion With an Outstanding 99.9% Uptime. Wp EasyPay is Available For Your Business to Initiate Transfers at Virtually Any Time.

[GET WP EASYPAY](#)



Screenshot of WP EasyPay Description

My Square Account has received zero transactions. I have NOT received any donations either through my website (via any donation buttons), or through any means, in any way, shape or form.

Screenshot of Square Account Showing Zero Transactions Received

2.1 No Record of Expenses Related to Website

As described in section 1.1 of this document, the candidate had a campaign website at the URL (<https://thaimac.com>). The candidate reports \$7,718.67 in total campaign expenses, including \$3,310 in expenses related to Advertising, but no expenses related to website design or hosting.

It is possible that the candidate outsourced the design and hosting of his website to a third party. It is also possible, given the candidate's professional work, that the candidate designed and hosted the website himself.

In either scenario, there is evidence that the candidate likely contravened the *Municipal Elections Act, 1996*, as the candidate's financial statement does not report expenses related to website design or website hosting, nor contributions in goods and services from the candidate and spouse.

The evidence of contraventions in both these scenarios is explained in sections 2.1.1 and 2.1.2.

Thai Mac Response:

I self created the simple campaign website and billed it through my corporation (Macreo Inc) in the total amount (including HST) of \$1,000.

Macreo Inc.



GST/HST Registration No. [REDACTED]



Google™ Certified | Virtuals | Web Design | Marketing | Social Media Management | Business Development



INVOICE

BILL TO
Thai Mac
Thai Mac Campaign
[REDACTED]

INVOICE 1442
DATE 01/12/2022
TERMS Net 30
DUE DATE 31/12/2022

DATE		AMOUNT
01/06/2022	Website Development and Design www.thaimac.com Build, development, hosting, licensing and related., 1 @ \$884.96	884.96
SUBTOTAL		884.96
HST (ON) @ 13%		115.04
TOTAL		1,000.00
PAYMENT		1,000.00
BALANCE DUE		\$0.00
		PAID

www.thaimac.com Website Receipt

In a meeting with Stephen O'Brien and Jennifer Slater on Wednesday August 10th, 2022 at 3:30pm, we touched base on campaign website costs and it was discussed that it is a gray area with no defined set costs for campaign websites. As such, we see candidates of the Guelph 2022 Municipal Election claiming their website expenses through a diverse range of costs as shown below:

2022 Guelph Municipal Elections Candidates Listed Website Costs

<https://guelph.ca/city-hall/mayor-and-council/municipal-elections/2022-municipal-election-results/>

William Albabish - Website \$100.00	Alex Green - Website \$107.41 (\$97.82 + \$9.59)
Phil Alt - Website \$600.00	Dallas Green - Website Cost Not Listed
John Bertrand - Website \$176.28	Cam Guthrie - Website Cost Not Listed
Christine Billings - Website \$214.21	Lana Haines - Website \$360.45
Anne-Marie Blackadar - Website Cost Not Listed	Hitesh Jagad - Website Cost Not Listed
Kevin Bowman - Website \$66.48	Carly Klassen - Website Cost Not Listed
Michelle Bowman - Website \$85.09	John Edward Krusky - Website Cost Not Listed
Linda Busuttill - Website Cost Not Listed	Mark MacKinnon - Website Cost Not Listed
Leanne Caron - Website \$300.00	Shelagh McFarlane - Website Cost Not Listed
Erin Caton - Website \$1,059.85 (\$244.08 + \$4.46 + \$11.31 + \$800)	Amelia Meister - Withdrawn
Ken Yee Chew - Website Cost Not Listed	Elia Morrison - Website \$11.29
Brendan Clark - Website \$85.53 (\$48.70 + \$36.83)	Chidi Nwene - Website Cost Not Listed
Billy Cottrell - Website Cost Not Listed	Dominique O'Rourke - Website \$203.91 (\$49.30 + \$49.88 + \$51.77 + \$52.96)
Luc Cousineau - Website \$76.89 (\$21.89 + \$55.00)	Rob Osburn - Website Cost Not Listed
Morgan Dandie - Website \$93.32	Mark Paralovos - Website \$25.00
Craig DiSero - Did Not File	Jason Provencal - Withdrawn
Cathy Downer - Website Cost Not Listed	Denese Renaud - Withdrawn
Danny Drew - Did Not File	Michelle Richardson - Website \$814.73
Sam Elmslie - Website Cost Not Listed	Chetna Robinson - Website Cost Not Listed
Ray Ferraro - Website Cost Not Listed	Nicholas A Ross - Did Not File
Nathan Ford - Website Cost Not Listed	Adrian Salvatore - Website Cost Not Listed
Hesham Genidy - Website Cost Not Listed	Raymond Sartor - Website Cost Not Listed
Dan Gibson - Website Cost Not Listed	Dhruv Shah - Website \$1,456.90
Rodrigo Goller - Website Cost Not Listed	Justin Van Daele - Website \$108.52 (\$81.36 + \$9.09 + \$18.07)

As you can see, my website cost of \$1,000 is not unreasonable by any means. It also satisfies Amanda Turner's reference to GoDaddy Canada:

⁵ From GoDaddy Canada
(<https://ca.godaddy.com/blog/how-much-does-it-cost-to-build-a-website-in-canada/>): "For a brochure website in Canada, you can expect to pay between \$400 and \$1000 for the website design."

My response and provided supporting evidence above I feel adequately addresses Amanda Turner's 2.1 (2.1.1 and 2.1.2) allegations.

2.2 Incomplete Expenses Related to Advertising

The candidate operates a public Facebook group called “Caught in Guelph (and Area)” (<https://www.facebook.com/groups/CaughtinGuelph/>). In the weeks leading up to the municipal election, the group had approximately 34.4K members. A screenshot of the group with the member count visible taken September 24, 2022 is attached as Addendum E (far left). The candidate also owns and operates a website related to this group (<https://caughtinguelph.com/>).

Besides serving as a forum for community discussion, the candidate explicitly uses the group as an advertising platform, providing advertising space to local businesses for a fee. As an example, a screenshot of one such ‘Sponsored Post’ in the “Caught in Guelph (and Area)” Facebook Group taken June 23, 2023 is attached as Addendum F. The website page titled “Sponsorship - Caught in Guelph” (<https://caughtinguelph.com/sponsor/>), describes the group as having “Larger reach and engagement than all local media - combined” and “the best reach per dollar invested. Better than Facebook Ads and Google Adwords.” A screenshot of this page taken June 23, 2023 is attached as Addendum G. Although there is no information regarding the cost of advertising in the Facebook group on this page, it is clear that the candidate treats it as an advertising platform and moreover considers it a high-value one.

Thai Mac Response:

The “Caught in Guelph (and Area)” Social Media Facebook Group does NOT satisfy any definitions or related references to having need to register or charge for political advertising in the Municipal Elections Act, 1996 v26 (November 29, 2021 - December 30, 2022 - <https://www.ontario.ca/laws/statute/96m32/v26>).

The “Caught in Guelph (and Area)” Social Media Facebook Group does NOT satisfy any definitions or related references to having need to register or charge for political advertising in the 2022 Third Party Advertisers’ Guide (<https://www.ontario.ca/files/2022-03/mmah-2022-third-party-advertisers-guide-en-2022-03-31.pdf>).

Furthermore, in the 2022 Third Party Advertisers’ Guide, we can reference:

Third party advertisement

Activities that do not involve spending money, such as discussions or expressing an opinion about a candidate (or an answer to a question on the ballot) are not considered to be third party advertising. Examples include:

- speaking to friends and neighbours
- posting on social media, such as Twitter, Facebook or Instagram
- sending an email to a group or mailing list

Internal communications from an employer to their employees, a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees are not considered to be third party advertising.

Also at the meeting I had with Stephen O'Brien and Jennifer Slater on Wednesday August 10th, 2022 at 3:30pm, we had discussions about Social Media and it was in agreement that the (then) current Municipal Elections Act, 1996 v26 (November 29, 2021 - December 30, 2022 - <https://www.ontario.ca/laws/statute/96m32/v26>) may need an update to address current trends and technologies.

However, to err on the side of caution, I decided not to accept monetary political advertising in the "Caught in Guelph (and Area)" Social Media Facebook Group. As demonstrated when a Ward 2 resident, Erin Caton, who was running for Ward 1 had been turned down when she inquired about advertising in the "Caught in Guelph (and Area)" Social Media Facebook Group.

Caught in Guelph Sponsorship

2 messages

Caught in Guelph [REDACTED]

Wed, Aug 17, 2022 at 9:02 AM

Reply-To: [REDACTED]

To: [REDACTED]

From: Erin Caton

Email: [REDACTED]

Tel: [REDACTED]

Business: Erin Caton Ward 1 Candidate

Business URL: <http://www.erinward1.ca>

Business Facebook: <http://facebook.com/erin.caton.ward.1>

Message:

Hi,

I was wondering how much it costs for a featured post and what other options you have for advertising.

Thanks,
Erin Caton.

Caught in Guelph [REDACTED]

Wed, Aug 17, 2022 at 9:57 AM

To: [REDACTED]

Good morning Erin,

Appreciate you reaching out regarding sponsorship for your Municipal Election Candidacy. In the near future there may be equal sponsorship opportunities for all Guelph Municipal Candidates.

Thank you.

Caught in Guelph

www.CaughtinGuelph.com

[Quoted text hidden]

There was no monetary political advertising in the "Caught in Guelph (and Area)" Social Media Facebook Group.

As outlined in section 2.1.1, it is known that the candidate reports \$3,310.70 in Advertising expenses, and spent \$1,935 on Facebook advertising via the Meta Ads platform, leaving just \$1,375.70 for other expenses related to advertising. It is also possible that the candidate included his campaign website under advertising expenses.

Thai Mac Response:

My combined total of \$3,310.70 for “Advertising” includes:

- \$1,000.00 for the website (as previously shown)
- \$2,196.26 for Facebook Advertising
- \$114.44 for Google Adwords



Meta Platforms, Inc.
1601 Willow Road
Menlo Park, CA 94025-1452
United States

Account: [REDACTED]

Billing Report: 05/01/2022 - 12/31/2022

Meta Ads payment

Payment Method: [REDACTED]

Date	Transaction ID	Amount	Payment Status
11/13/2022	[REDACTED] 10984005	\$49.36 CAD	Paid
10/24/2022	[REDACTED] 10846676	\$113.00 CAD	Paid
10/24/2022	[REDACTED] 10843579	\$113.00 CAD	Paid
10/23/2022	[REDACTED] 10839632	\$113.00 CAD	Paid
10/22/2022	[REDACTED] 10831101	\$113.00 CAD	Paid
10/21/2022	[REDACTED] 10819875	\$113.00 CAD	Paid
10/19/2022	[REDACTED] 10809370	\$113.00 CAD	Paid
10/18/2022	[REDACTED] 10800533	\$113.00 CAD	Paid
10/17/2022	[REDACTED] 10791996	\$113.00 CAD	Paid
10/15/2022	[REDACTED] 10780267	\$113.00 CAD	Paid
10/13/2022	[REDACTED] 10763642	\$18.33 CAD	Paid
10/12/2022	[REDACTED] 10756150	\$113.00 CAD	Paid
10/05/2022	[REDACTED] 10708454	\$113.00 CAD	Paid
09/30/2022	[REDACTED] 10673446	\$113.00 CAD	Paid
09/25/2022	[REDACTED] 10644082	\$113.00 CAD	Paid
09/13/2022	[REDACTED] 10561932	\$84.83 CAD	Paid

GST Rate: 13%

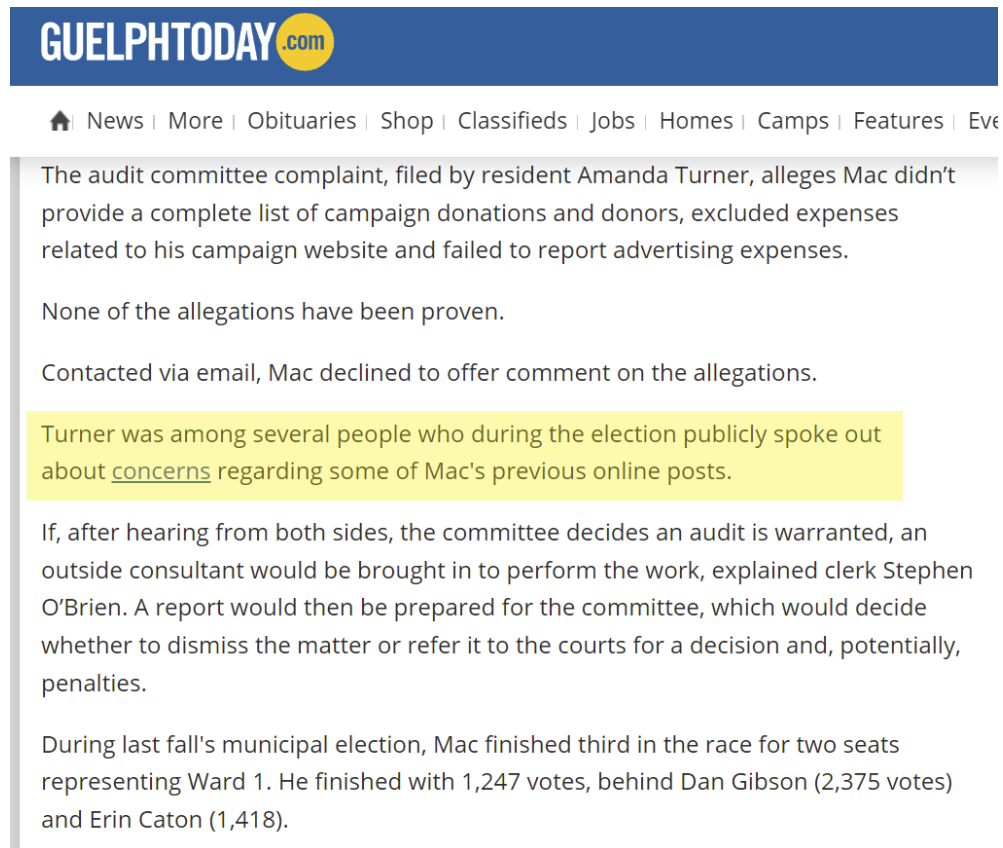
GST Amount: \$252.67

A copy of this will be available on www.guelph.ca and www.caughtinguelph.com

Thai Mac Closing Response:

Ladies and gentlemen of the Municipal Election Compliance Audit Committee and the Guelph City Clerk's Office, I feel that I have clearly explained in detail, and have presented sufficient evidence in response to all of Amanda Turner's allegations against myself. I appreciate the process we have in place such as this hearing and this opportunity to defend myself against such allegations.

I would like to note that a GuelphToday article that was released shortly after having received my Notice of Meeting, was quick to point out that Amanda Turner had been quite vocal about my candidacy. Amanda Turner was vocal enough to catch media attention as shown below in the article:



In addition, Amanda Turner has not shown concerns for the many other candidates' lack of website costs, as had been shown above.

Amanda Turner has not shown concerns for candidates who did not file their campaign finances at all - which I would consider to be a far larger issue.

Amanda Turner has not shown concern for candidates who also did not receive any donations.

Self-funded Candidates:

William Albabish
Anne-Marie Blackadar
Linda Busuttil
Leanne Caron
Billy Cottrell

Ray Ferraro
Nathan Ford
Hesham Genidy
Alex Green
Lana Haines

John Edward Krusky
Shelagh McFarlane
Mark Paralovos
Michelle Richardson

As a business owner, I campaigned on fiscal responsibility and community safety. As such, I did not enter into a campaign dependent on donations. My campaign was relatively simple in nature and my wife and I had personal funding for my campaign. There was nothing extravagant about my campaign or spending.

I personally feel that these allegations against myself are without merit, quite possibly vindictive and an abuse of good process.

I would respectfully request that the Municipal Election Compliance Audit Committee Members to kindly dismiss this matter.

Respectfully yours,

Thai Mac