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**BACKGROUND**  
**TAVERNER APPOINTMENT & INTEGRITY COMMISSIONER REPORT**  
**PRESS TELECONFERENCE 3PM EST TODAY (MARCH 21, 2019)**  
**ON BEHALF OF FORMER OPP DEPUTY COMMISSIONER BRAD BLAIR**

**Mr. Wake's Key Findings re. Biased Recruitment Process [emphasis added]**

[239] I accept Premier Ford's evidence that he stayed at arm's length from the recruitment process and that he believed it was independent. **In fact, the process was not independent as the Secretary stated in his evidence. The Secretary correctly noted that he was deputy minister to the Premier which is a position he held at pleasure.** It was for that reason that he objected to public announcements that the selection process was independent and insisted that it be referred to as a hiring recruitment process [...].

[240] I find that **there were some troubling aspects to the process that may have led, perhaps unintentionally, to a preference being given to one candidate.** In coming to this conclusion, I have considered the following:

1. As a result of his interactions with the Premier's Office over the offer of a position with the OCS, the Secretary was made aware that the Premier thought highly of Mr. Taverner;
2. Mr. Torigian's evidence that the Secretary told him that he felt 'pressure' to hire Mr. Taverner cannot be ignored even though the Secretary does not believe he was under any pressure from the Premier or his office. To some extent, Mr. Torigian's evidence is supported by Mr. Boniferro, who stated that he first heard of Mr. Taverner's name when the Secretary made a comment that the Premier's Office might suggest that he be offered a deputy minister role but that the Secretary thought it would be more appropriate for him to apply for the OPP Commissioner position. It does at least suggest that the Secretary was aware of the interest that the Premier and his office had in Mr. Taverner early on in the process;
3. The fact that the Secretary reached out to Mr. Taverner on LinkedIn on October 17 before the OPP Commissioner position had even been advertised demonstrates an elevated interest in Mr. Taverner;
4. This same level of interest was evident two days later when the Secretary sent Mr. Taverner's name to Mr. Badali as someone who might be interested in the position of OPP Commissioner without having first met him; and
5. According to the Secretary, Mr. French revealed his friendship with Mr. Taverner, if it was not already known, on November 19, the day before the second round of interviews. Although Mr. French disagrees that this was the basis for his recusal, the point is that the Secretary believed that Mr. French had a sufficiently close relationship with Mr. Taverner that he had to recuse himself from the same interview panel as the Secretary. At the very least there existed a



potential for the Secretary to be predisposed favourably towards Mr. Taverner as a result of this belief.

[241] What I found most disconcerting in all the evidence were the text messages from the Secretary to Mr. French as to Mr. Taverner’s progress throughout the process. **There seemed to be tacit acknowledgment by the Secretary that Mr. French was rooting for Mr. Taverner’s success. Anyone examining these messages would have serious doubts as to the fairness of the process to the other candidates.**

[242] I appreciate that the principles of natural justice, including procedural fairness, may not apply to a recruitment process for a cabinet appointment. This will be discussed later in the “Opinion” section of this report. At this stage I am making findings of fact. **After considering all of the evidence immediately above I find that I have a reasonable apprehension that the recruitment process was flawed.** (pp. 62-63)

### **Summary of Other Factual Findings and/or Uncontested Evidence**

#### **Supt. Taverner was recruited for Ontario Cannabis Store position:**

- Supt. Taverner was offered a high-paying position at the Ontario Cannabis Store on August 17, 2018, and Mr. French, at a minimum, made it clear to Mr. Orsini that the Premier thought highly of Supt. Taverner (paras 78-82, pp. 21-22); Supt. Taverner officially declined the offer on September 10, 2018 (para 89, p. 23), about a week after then OPP Commissioner Vince Hawkes announced his retirement (para 91, p. 24). On the same day that Supt. Taverner declined the offer, stating that there “might be other opportunities”, Mr. Orsini told then Deputy Minister of Community Safety, Mr. Torigian, that he should retire (paras 89, 120, pp. 23, 31);

#### **Supt. Taverner received special assistance throughout the hiring process despite being “not qualified”**

- “Mr. French thought he remembered telling Mr. Taverner that he had recommended him for the OPP Commissioner position [...]. Mr. French’s evidence was that ‘with the tone of the conversation’ he would have been encouraging Mr. Taverner to apply” (para 116, pg. 31);
- Former Deputy Minister Torigian stated that Supt. Taverner was not qualified on October 16, 2018. Mr. Torigian had a phone call with Mr. Badali on October 16, 2018 where Mr. Torigian stated: “‘Well, there’s one other name obviously out there that you’re not going to get from me, because they’re not qualified, but I’m sure you’ve heard there’s interest in having this person apply, too.’ And, I didn’t get him the name. And, [Mr. Badali] half-chuckled and said, ‘Well, we all know Ron is going to get an interview, and we’ll see where it goes.’” (para 110, p. 29);
- Mr. Orsini reached out to Supt. Taverner prior to the posting of the OPP commissioner job advertisement, and was not forthcoming with the Integrity Commissioner about this fact (paras 139-152, pgs. 37-40):
  - Mr. Orsini sent a request to connect on LinkedIn to Supt. Taverner on October 17, 2018, but never produced this exchange to the Integrity Commissioner (para 141, p.



- 37). Mr. Orsini told the Integrity Commissioner that Supt. Taverner contacted him out of the blue on October 19, 2018 (paras 139, 141, 152, pp. 37, 40);
- Mr. Orsini's LinkedIn request resulted in Supt. Taverner sending Mr. Orsini an email on October 19, 2018, asking to meet for coffee (para 141, pg. 37). Almost immediately after receiving this email, Mr. Orsini sent a text to Mr. Badali with a link to Supt. Taverner's LinkedIn profile stating Supt. Taverner was interested in applying for the OPP Commissioner. Later that morning, Mr. Orsini sent an email marked "Private" to Mr. Badali asking to confirm that Mr. Badali had received Mr. Orsini's message (para 145, p. 38);
  - Mr. Orsini failed to produce for the Integrity Commissioner the text exchange or the email exchange with Mr. Badali and did not mention them in his initial interview; when later asked about them, he explained he lost his text messages due to a technical issue and that he did not delete the emails, yet the emails were never found (paras 146-148, pp. 38-39);
  - Mr. Orsini could not explain why the email was marked "Private"; such emails, unlike non-private emails, are not forwarded to his staff automatically (para 149, p. 39);
- After receiving the October 19, 2018, message from Mr. Orsini, Mr. Badali reached out to Supt. Taverner and they arranged for a meeting in Mr. Badali's office; the timing of the meeting is not clear from the evidence (para 189, p. 49);
  - Mr. Orsini had a meeting with Supt. Taverner on October 25, 2018. Immediately afterwards, Mr. Orsini went to a pre-scheduled meeting with Deputy Minister Di Tommaso, where Mr. Orsini told the Deputy Minister that he (Mr. Orsini) had just met with Supt. Taverner (para 151, p. 40). Supt. Taverner reported to Deputy Minister Di Tommaso for four years at the Toronto Police Service and Deputy Minister Di Tommaso was one of the panelists on the selection committee;
  - Mr. Badali provided feedback to Supt. Taverner after Supt. Taverner submitted his application package on October 31, 2018; Supt. Taverner re-submitted on November 1, 2018, after making the suggested changes (para 192, pp. 49-50). Mr. Badali did not raise this fact at his initial interview with the Integrity Commissioner nor did he produce the relevant October 31, 2018, email exchange until further questioning subsequent to Supt. Taverner's interview (para 193, p. 50);
  - Deputy Attorney General Boniferro raised concerns about the high salary being offered to Supt. Taverner, noting that the salary being offered to Supt. Taverner was higher than the bottom range for the position, even though the bottom range was a significant increase for Supt. Taverner and would be a more appropriate amount given government financial restraints (para 251, p. 66);
  - Premier Ford commented on his support for Supt. Taverner at the Cabinet meeting. "There is consistent evidence that Premier Ford made a comment in support of Mr. Taverner's appointment" at the cabinet meeting on November 29, 2018, when Supt. Taverner's name was presented to Cabinet by Minister Jones, Mr. Di Tommaso, and Mr. Orsini (para 253, p. 66); No one in Cabinet suggested that Premier Ford should recuse himself, and no vote was



taken. “There is also consistent evidence about the following: there were no discussion during the Cabinet meeting about Premier Ford recusing himself from the meeting; no concerns were raised by any Cabinet members about Mr. Taverner’s appointment; and no vote taken” (para 254, p. 67);

- Mr. Orsini and Mr. French arranged to provide media training to Supt. Taverner in the wake of public concerns about Supt. Taverner’s appointment. Supt. Taverner’s comments to the media in early December 2018 raised concerns for Mr. Orsini and Mr. French. They agreed to have Chris Froggatt, a friend of Mr. French’s and founding partner of a firm specializing in government relations and strategic communications, connect with Supt. Taverner after they developed concerns about Supt. Taverner’s statements to the media on December 8, 2018 (para 262, p. 68);

**Mr. Orsini was aware of the Premier’s Chief of Staff, Mr. French’s particular interest in Supt. Taverner’s progress through interview process:**

- Mr. Orsini provided regular updates to Mr. French about Supt. Taverner throughout the recruitment process, and Mr. French expressed delight in learning Supt. Taverner seemed to be doing well:
  - Once the short-list of candidates for the first-round interviews had been approved by the Public Service Commission (“PSC”) and the Executive Development Committee at a meeting on November 9, 2018, the following text exchange occurred between Mr. Orsini (who was at the November 9, 2018, meeting) and Mr. French (who was not part of the November 9, 2018, meeting) (the indented texts are Mr. French’s responses):

We just went through the applications for the OPP Commissioner. Ron Taverner has made the short list for interviews. He will be interviewed on Monday. I will keep you posted every step of the way.

Wonderful. Best news all day.

I need to work harder to be able to give more good news!!

LOL...you are working hard enough already! (para 205, p. 53)

- On November 13, 2018, the second day of first-round interviews, Mr. Orsini sent the following text to Mr. French:

Okay.

Great news. There are three candidates that cleared the first for the OPP: Ron Taverner, Brad Bair [sic] and [a third candidate]. Rom [sic] did an excellent job and the first round is of the view he can do the job. It is now up to the second panel of you, Mario, Sal and I to recommend to the Premier.

We are conducting the interviews this Monday to take a recommended decision to Cabinet on Nov 21. (para 215, p. 55)



### **The OPP selection process was not independent:**

- Neither Mr. Orsini nor Mr. French believed the panel was independent (para 261, p. 68); Mr. Orsini sent Mr. French the following text on December 3, 2018 regarding comments made about the selection process during Question Period, and Mr. French never responded:

The messaging in today's legislature on the OPP Commissioner uses the term 'independent' selection panel. Independent of who? I'm the Deputy Minister to the Premier and Ron reported to Mario when he was at TPS. I would drop the word independent and just call it 'recruitment selection panel' where no political staff were involved. (para 260, p. 67)

### **Former Secretary of Cabinet Orsini wanted Premier to abandon Supt. Taverner's appointment in wake of public outcry:**

- Mr. Orsini told the Premier he believed Supt. Taverner should withdraw from the position until the matter could be reviewed by the Integrity Commissioner and said he would resign if the Premier felt that Supt. Taverner's installation must proceed (para 275, p. 74). Upon the Premier initially indicating he would not sign an Order-in-Council appointing an interim OPP Commissioner, Mr. Orsini sent in his resignation letter (paras 269-279, pp. 72-75);

### **Summary of Gaps in Findings and Unresolved Conflicting Evidence**

- **Whether Mr. Badali of Ogders Berndston said on October 16, 2018, that he (Mr. Badali) knew Supt. Taverner would get an interview** (paras 110-113, pp. 29-30): Mr. Torigian's evidence is that on an October 16, 2018, phone call, Mr. Badali pressed Mr. Torigian for other potential candidates for OPP Commissioner. Mr. Badali's evidence is that he did not hear of Supt. Taverner's name until October 19, 2018, when Mr. Orsini sent it to him (para 111, p. 29);
- **Whether Mr. French recommended Supt. Taverner to Mr. Orsini for the position of OPP Commissioner:** Mr. French says he did; Mr. Orsini says Mr. French did not (paras 114-118, pp. 30-31); and **whether the topic of the OPP Commissioner role was discussed between Mr. Orsini and Supt. Taverner at their October 25, 2018 meeting** (para 150, p. 39);
- **Whether Mr. Orsini was pressured to hire a Ford friend:** In addition to whether Mr. Orsini knew prior to Supt. Taverner's selection that Premier Ford and Supt. Taverner were friends (paras 129-131, 233, pp. 33-34, 60);
- **The reason that then Deputy Commissioner of Community Safety, Mr. Torigian, was told by Mr. Orsini in September 2018 to find new work:** (paras 120-125, pp. 31-32); and **details about why/how Deputy Minister Di Tommaso was selected as Deputy Minister in September 2018 after Mr. Torigian was told to leave.** The evidence does, however, indicate the following:
  - Mr. Di Tommaso indicated to Mr. Orsini in August 2018 that he was interested in an OPS position; Mr. Orsini asked Mr. Di Tommaso to send his CV, which Mr. Di Tommaso did by end of August/early September 2018 (para 136, p. 36);
  - Mr. Orsini recalls that someone from the Premier's Office provided Mr. Di Tommaso's name in early September 2018 before a decision had been made regarding



- then Deputy Minister Torigian (para 126); Mr. French provided Mr. Di Tommaso's name to Mr. Orsini for consideration as Deputy Minister (para 127, p. 33);
- Mr. Torigian was first told on September 10, 2018, to consider a career change; He was told this more forcefully on September 17, 2018 (paras 120-121, pp. 31-32);
  - Mr. Di Tommaso learned in mid-September 2018 that the Deputy Minister role was available (para 136, p. 36);
  - Mr. Orsini spoke with Mr. Badali for a list of names for the Deputy Minister position, even though Mr. Badali's firm was not retained to recruit for this position (para 128, p. 33). Originally, Mr. Orsini had thought of having a hiring panel for the Deputy Minister position and tying this recruitment to the recruitment of the OPP Commissioner, but later decided to proceed with the Deputy Minister recruitment separately and without a panel (paras 133-134, p. 35);
  - Mr. Torigian told the Integrity Commissioner that Mr. Orsini asked Mr. Torigian for recommendations for the Deputy Minister position on Sept 19, 2018 and Mr. Torigian "said that during this discussion, the Secretary confided in him that he felt pressured to hire 'a friend of the Fords' and that he mentioned Mr. Taverner and another name (unrelated to this matter). Mr. Torigian indicated that the Secretary told him that he was 'getting pressure' to hire Mr. Taverner and that a position had been offered to Mr. Taverner which he had turned down." (para 129, pp. 33-34). Mr. Orsini denies he felt pressure to hire Supt. Taverner and states the Premier's office never provided Supt. Taverner's name for consideration as Deputy Minister (para 131, p. 34);
  - Mr. Orsini states there was no competition to fill the position (despite getting a list of "top internals" from the Chief Talent Officer, Treasury Board Secretariat and looking at the OPP potentials list with Mr. Torigian) (paras 134-135, pp. 35-36). Mr. Di Tommaso was the only candidate interviewed for the Deputy Minister position (para 135, pp. 35-36). Mr. Di Tommaso was formally offered the position in September (para 136, p. 36); His appointment was announced by Mr. Orsini on October 1, 2018, effective October 22, 2018 (para 138, p. 36);
- **Whether Mr. French discussed his recusal from the 2<sup>nd</sup> round interview interviews held on November 20, 2018:** with either the Premier (para 225, p. 58) or at a November 19, 2018, meeting involving: Mr. French, Mr. Badali, Mr. Di Tommaso, Mr. Orsini, Mr. Greg Harrington (Senior Advisor to the Chief of Staff, Premier's Office), and Mr. Derek O'Toole (Senior Policy Advisor, Premier's Office) (paras 219-229, pp.56-59).

