

April 1, 2025

EBC File: 15110-30/2024/106

Shaely Wilbur

By email and mail

ENFORCEMENT NOTICE

Dear Shaely Wilbur:

This letter addresses contributions that resulted in a contravention under the *Local Elections Campaign Financing Act* (LECFA) and comprises an Enforcement Notice under Part 2 of Policy 12.2 Administration of Monetary Penalties by the Chief Electoral Officer.

Elections BC (EBC) provided you with a copy of the Investigator's report into this matter, which included their preliminary findings. You acknowledged receipt of the report but did not provide any further information.

Background:

You were a candidate for Mayor in Dawson Creek during the 2022 General Local Elections and acted as your own Financial Agent.

On January 10, 2023, you filed a disclosure statement with EBC indicating that you accepted the following contributions:

\$1,250 received on October 11, 2022, from Western Canadian Properties

\$1,250 received on October 11, 2022, from WCPG Construction Ltd.

\$750 received on October 1, 2022, from Dawson Creek Super 8

On January 26, 2023, EBC's Electoral Finance Audit and Assessment team notified you of possible contraventions of LECFA due to accepting a contribution from Western Canadian Properties, WCPG Construction Ltd., and Dawson Creek Super 8. EBC explained the requirement to return the prohibited contributions.

On May 23, 2023, you filed a supplementary report with EBC indicating that the contributions were from individuals, not businesses. EBC's Electoral Finance Audit and Assessment team subsequently emailed you on multiple occasions requesting documentation showing that the contributions came from a personal account and not a business account. You failed to provide the requested documentation.

The file was then forwarded to Elections BC's Investigations team for follow up.

The EBC Investigator reached out to you requesting any supporting documentation for the contributions and asking for information regarding the contributions. The Investigator reiterated the steps that would need to be taken if the contributions were from businesses. You explained to the Investigator that you

would attempt to provide cheque stubs, but they would likely show that the contributions came from business accounts.

You did not provide the documentation and did not respond to subsequent contact attempts by the Investigator. On March 21, 2025, the Investigator provided you with a copy of the Investigation Report and you confirmed receipt but did not provide any further information or objections.

Legislation:

Section 27 (1.01) (a) of LECFA states that a financial agent must not accept a campaign contribution from an organization or an individual, other than an eligible individual.

LECFA defines an eligible individual as an individual who is a resident of British Columbia, and a Canadian citizen or a permanent resident.

Section 68.14 of LECFA explains the penalty for non-compliance with section 27:

- 68.14** (1) *Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 27 [restrictions in relation to campaign contributions] by a candidate, an elector organization, a financial agent or an individual authorized by the financial agent under section 27 (1) (b), the BC chief electoral officer must notify the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) of the non-compliance and the related penalty.*
- (2) *Subject to a court order for relief under section 68.18 [court relief powers in relation to campaign contributions], if the BC chief electoral officer gives notice under subsection (1) of this section, the candidate, elector organization, financial agent or individual authorized by the financial agent under section 27 (1) (b) must pay to the BC chief electoral officer,*
- (a) in the case of non-compliance with section 27 (1), (1.01) (a), (2) or (3), a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer, or*
 - (b) in the case of non-compliance with section 27 (1.01) (b), a penalty in an amount of up to 2 times the amount by which the campaign contribution exceeds the applicable contribution limit, as determined by the BC chief electoral officer.*

Section 28 (1) (a) of LECFA states that if a financial agent becomes aware that a campaign contribution was made or accepted in contravention of this Act or the regulations under this Act, the financial agent must, within 30 days after the financial agent becomes aware of the contravention, return the campaign contribution to the contributor.

Section 68.17 of LECFA explains the penalty for non-compliance with section 28:

- 68.17** (1) *Within 7 days of the BC chief electoral officer making a determination of non-compliance with section 28 [dealing with prohibited campaign contributions] by a financial agent, the BC chief electoral officer must notify the financial agent of the non-compliance and the related penalty.*
- (2) *Subject to a court order for relief under section 68.18 [court relief powers in relation to campaign contributions], if the BC chief electoral officer gives notice under subsection (1) of this section, the financial agent must pay to the BC chief electoral*

officer a penalty in an amount of up to 2 times the amount of the campaign contribution, as determined by the BC chief electoral officer.

Analysis and Determination:

I have carefully reviewed the Investigator’s report, and I concur with their preliminary conclusions. The campaign contributions received from Western Canadian Properties, WCPG Construction Ltd., and Dawson Creek Super 8 were not from eligible individuals and were accepted in contravention of section 27 (1.01) (a) of LECFA.

The campaign contributions received from Western Canadian Properties, WCPG Construction Ltd., and Dawson Creek Super 8 were not returned to the contributor within 30 days of you becoming aware of the prohibited nature of the contributions, nor were the contributions remitted to Elections BC as soon as practicable, in contravention of section 28 of LECFA.

Monetary Penalties:

Because of my findings above, section 68.14 (2) (a) of LECFA requires me to issue administrative monetary penalties for accepting contributions contrary to section 27 (1.01) (a) of up to double the amount of the prohibited contributions. The maximum monetary penalties in this case are as follows:

Maximum Penalty Amount	Contribution
\$2,500	Western Canadian Properties
\$2,500	WCPG Construction Ltd.
\$1,500	Dawson Creek Super 8

Maximum penalty amount: \$6,500

Section 68.17 (2) of LECFA requires me to issue administrative monetary penalties for failing to return or remit prohibited contributions contrary to section 28 of up to double the amount of the prohibited contributions. The maximum monetary penalties in this case are as follows:

Maximum Penalty Amount	Contribution
\$2,500	Western Canadian Properties
\$2,500	WCPG Construction Ltd.
\$1,500	Dawson Creek Super 8

Maximum penalty amount: \$6,500

In assessing these penalties, I note the following:

- Accepting a prohibited contribution gives a candidate an advantage in that the candidate did not need to seek a contribution of that amount from an eligible source, saving the candidate time during a busy campaign.
- Once contacted by Elections BC, you did not bring yourself into compliance.
- Your campaign did not return or remit the prohibited contribution, as required by section 28 of LECFA.
- You have previously run as a candidate for Councillor in Dawson Creek during the 2014 and 2018 General Local Elections.
- You have not been responsive to our investigation.
- You have not previously been the subject of a monetary penalty under LECFA.

Based on these considerations, I make the following finding:

- Shaely Wilbur contravened section 27 (1.01) (a) of LECFA and must pay \$1,625 in combined penalties to the Chief Electoral Officer of BC, under section 68.14 (2) (a) of LECFA as follows:

Penalty Amount	Contribution
\$625	Western Canadian Properties
\$625	WCPG Construction Ltd.
\$375	Dawson Creek Super 8

- Shaely Wilbur contravened section 28 of LECFA and must pay \$3,250 in combined penalties to the Chief Electoral Officer of BC, under section 68.17 (2) of LECFA as follows:

Penalty Amount	Contribution
\$1,250	Western Canadian Properties
\$1,250	WCPG Construction Ltd.
\$750	Dawson Creek Super 8

For clarity, the total of the six penalties assessed under sections 68.14 and 68.17 by this Enforcement Notice is \$4,875.

Review/Court Relief:

You may request a review of this determination by an Elections BC Adjudicator. A request must be made in writing and must be received by the Investigator within 14 days after the date on which you received the Enforcement Notice. The request must state the grounds on which the request for review is made. The Adjudicator is not bound by the determinations or reasons in this Enforcement Notice and must consider the matter afresh and with an open mind.

You may also seek relief from the monetary penalties from the BC Supreme Court within 30 days of receiving this notice, under section 68.18 of LECFA. You may wish to seek legal advice prior to requesting relief.

Penalty Payment

Under Policy 12.2 Administration of Monetary Penalties by the Chief Electoral Officer, you have 40 days from today's date to pay the monetary penalties. The penalty can be paid by cash, money order, or certified cheque payable to the Minister of Finance, or online through <https://pay.gov.bc.ca/> using invoice number EBC-030. Payments made by cheque can be sent to the Minister of Finance, C/O Elections BC at the address below:

Mailing Address:

PO Box 9275 Stn Prov Govt
Victoria, BC
V8W 9J6

Physical Location:

Suite 100 – 1112 Fort Street

Victoria, BC

250-387-5305

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Barnes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Adam Barnes

Director of Investigations