

**COMMISSION OF INQUIRY  
INTO THE CONDUCT OF  
HIS WORSHIP LEONARD OBOKATA,  
A JUSTICE OF THE PEACE**

**BOOK OF AGREED DOCUMENTS**

**TABLE OF CONTENTS**

**APPENDIX NO.**

1. Order in Council dated March 5, 2003
2. Report of the Opinion of the Justices of the Peace Review Council to the Attorney General of Ontario Respecting its Investigation into the Complaint of Justice of the Peace X.
3. Notice of Public Hearing.
4. Commission of Inquiry into the Conduct of His Worship Leonard Obokata, a Justice of the Peace – Statement of Agreed Facts
5. Letter of Apology dated September 12, 2003 from Justice of the Peace Obokata to Justice of the Peace X.
6. Letter dated August 8, 2003 from Scott L. Schuessler to Commission Counsel.
7. E-mail dated August 9, 2003 from Kathy and Bob Martin to Commission Counsel.
8. E-mail dated April 4, 2003 from Mr. Al Ryan to Regional Senior Justice of the Peace Ponton.



Ontario  
Executive Council  
Conseil des ministres

Order in Council  
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

WHEREAS pursuant to subsection 12(1) of the *Justices of the Peace Act*, R.S.O. 1990, c. J.4, as amended, the Lieutenant Governor in Council may appoint a provincial judge to inquire into the question whether there has been misconduct by a justice of the peace;

AND WHEREAS the Justices of the Peace Review Council has, pursuant to subsection 11(7) of the *Justices of the Peace Act*, made a report dated December 5, 2002 to the Attorney General on a complaint regarding His Worship G. Leonard Obokata, a Justice of the Peace, in which the Justices of the Peace Review Council recommended that an inquiry regarding His Worship G. Leonard Obokata be held under section 12 of the *Act*;

NOW THEREFORE, pursuant to subsection 12(1) of the *Justices of the Peace Act*, the Honourable Madam Justice Cathy Mocha of the Ontario Court of Justice be appointed to inquire into the question of whether there has been misconduct by His Worship G. Leonard Obokata and to prepare a report in accordance with section 12 of the *Act*.

Recommended   
Attorney General

Concurred   
Chair of Cabinet

Approved and Ordered MAR 5 - 2003  
Date

  
Lieutenant Governor

OC./Décret 573/2003

NOTICE

Subsections 11(3) and 11(4) of the *Justices of the Peace Act*, R.S.O. 1990, c.J.4, provide, *inter alia*, that the proceedings of the Justices of the Peace Review Council shall not be public.

---

**CONFIDENTIAL**

**REPORT OF THE OPINION  
OF THE JUSTICES OF THE PEACE REVIEW COUNCIL  
TO THE ATTORNEY GENERAL OF ONTARIO  
RESPECTING AN INVESTIGATION INTO THE COMPLAINT  
OF HER WORSHIP "X"  
AGAINST JUSTICE OF THE PEACE G. LEONARD OBOKATA**

The Justices of the Peace Review Council hereby makes the following report to the Attorney General for Ontario, pursuant to subsection 11(7) of the *Justices of the Peace Act*, R.S.O. 1990:

1. In the matter of the complaint of Her Worship "X", dated June 13, 2002: -

The Justices of the Peace Review Council convened on September 12, 2002 at which time the complaint and accompanying material was reviewed by the members present. After discussion, Council decided that this matter should proceed to a section 11 inquiry.

The Justices of the Peace Review Council directed to Justice of the Peace G. Leonard Obokata, a Notice of Inquiry, dated September 27, 2002, with Particulars (a copy of which is attached), alleging that he conducted himself in a manner that is incompatible with the execution of the duties of his office and that by reason thereof he had become incapacitated or disabled from the due execution of his office.

The section 11 inquiry was held on November 28, 2002.

Mr. Douglas Hunt, Q.C., Barrister and Solicitor, acted as Counsel to the Justices of the Peace Review Council.

Justice of the Peace Obokata was present at the investigation and was represented by Mr. Timothy G. Price, Barrister and Solicitor.

*cont'd*

CONFIDENTIAL

2. After considering the Agreed Statement of Facts (a copy of which is attached) and submissions by counsel, the Justices of the Peace Review Council recommends that an inquiry be held under section 12 of the *Justices of the Peace Act*, R.S.O. 1990 to inquire into the question of whether Justice of the Peace G. Leonard Obokata should be removed from office.
3. The *Justices of the Peace Act*, R.S.O. 1990, provides, *inter alia*, that "the proceedings of the Review Council shall not be public...". However, subsection 11(8) of the aforementioned *Act* provides that "...a copy of the report shall be given to the justice of the peace".

Accordingly, a copy of this report will be conveyed to Justice of the Peace Obokata.

December 5/02

Dated at Toronto, Ontario

Valerie Sharp

Valerie P. Sharp, LL.B.  
A/Registrar  
Justices of the Peace Review Council



**COMMISSION OF INQUIRY INTO THE CONDUCT OF  
HIS WORSHIP LEONARD OBOKATA,  
A JUSTICE OF THE PEACE  
NOTICE OF PUBLIC HEARING**

Pursuant to subsection 12(1) of the *Justices of the Peace Act*, R.S.O. 1990, c.J.4, as amended, the Honourable Justice Cathy Mocha of the Ontario Court of Justice has been appointed to inquire into the question whether a recommendation should be made that the Lieutenant-Governor in Council should remove His Worship Leonard Obokata, a Justice of the Peace, from office, or whether a recommendation should be made that the Justices of the Peace Review Council implement a decision to:

- (a) warn the Justice of the Peace;
- (b) reprimand the Justice of the Peace;
- (c) order the Justice of the Peace to apologize to the complainant or to any other person;
- (d) order the Justice of the Peace to take specified measures, such as receiving education or treatment as a condition of continuing to sit as a Justice of the Peace;
- (e) suspend the Justice of the Peace with pay for any period; or
- (f) suspend the Justice of the Peace without pay, but with benefits for a period up to thirty days.

The inquiry will consider whether, on May 2 2002, while attending an educational conference in Toronto, Justice of the Peace Obokata sexually assaulted another Justice of the Peace.

The public hearing will commence on Friday, September 19 2003 at 10:00 a.m. in the hearing room of the ADR Chambers, 48 Yonge Street, Third Floor, Toronto, Ontario, M5E 1G6 and will continue daily at the same time and place until completed.

Any person who wishes to give evidence at the inquiry or who has information he or she believes will be of interest to the inquiry or who wishes to bring a preliminary motion is requested to contact Gavin MacKenzie, Commission Counsel, no later than Friday, September 12 2003 at the address below.

<p>Gavin MacKenzie Commission Counsel Heenan Blaikie LLP Suite 2600 200 Bay Street, South Tower P.O. Box 185, Royal Bank Plaza Toronto, Ontario M5J 2J4 Tel: (416) 360-2892 Fax: (416) 360-8425 E-mail: gmackenzie@heenan.ca</p>	<p>The Honourable Justice Cathy Mocha Commissioner Ontario Court of Justice 444 Yonge Street, 2<sup>nd</sup> Floor Toronto, Ontario M5B 2H4</p>
--	---

Published in the August 8 2003 issue of Ontario Reports

Published in the August 8 2003 edition of the London Free Press

**COMMISSION OF INQUIRY  
INTO THE CONDUCT OF  
HIS WORSHIP LEONARD OBOKATA,  
A JUSTICE OF THE PEACE**

**STATEMENT OF AGREED FACTS**

**I. APPOINTMENT OF COMMISSION OF INQUIRY**

1. By Order in Council dated March 5 2003, The Honourable Justice Cathy Mocha of the Ontario Court of Justice was appointed pursuant to Section 12 of the *Justices of the Peace Act*, R.S.O. 1990, c.J. 4, as amended, to inquire into the question of whether, based on the complaint investigated by the Justices of the Peace Review Council in its report dated December 5 2002 there has been misconduct by His Worship Leonard Obokata, a Justice of the Peace, and to recommend whether the Lieutenant-Governor in Council should remove Justice of the Peace Obokata from office, or to recommend that the Justices of the Peace Review Council implement a disposition to:
  - (a) warn the Justice of the Peace;
  - (b) reprimand the Justice of the Peace;
  - (c) order the Justice of the Peace to apologize to the complainant or to any other person;
  - (d) order the Justice of the Peace to take specified measures, such as receiving education or treatment as a condition of continuing to sit as a Justice of the Peace;
  - (e) suspend the Justice of the Peace with pay for any period; or
  - (f) suspend the Justice of the Peace without pay, but with benefits for a period up to thirty days.
2. The Commission of Inquiry was appointed on the recommendation of the Justices of the Peace Review Council upon the completion of an investigation into complaint of another Justice of the Peace. Justice of the Peace Obokata, through his counsel, and Commission of Inquiry counsel Gavin MacKenzie have agreed to refer to the complainant in this statement of agreed facts and at the public hearing of the Commission of Inquiry as "Justice of the Peace X".
3. The Order in Council dated March 5 2003 is under Tab 1 of the Book of Agreed Documents.
4. The Report of the Opinion of the Justices of the Peace Review Council to the Attorney General of Ontario respecting its investigation into the complaint of Justice of the Peace X is under Tab 2 of the Book of Agreed Documents.
5. A Notice of Public Hearing was published in the Ontario Reports (August 8 2003) and in the London Free Press (August 8 2003). A copy of the Notice of Public Hearing is under Tab 3 of the Book of Agreed Documents.

## **II. BACKGROUND INFORMATION CONCERNING JUSTICE OF THE PEACE OBOKATA**

6. Leonard Obokata was appointed as a full-time Justice of the Peace by order-in-council dated November 8 1978. He has held a designation as a presiding Justice of the Peace since then, and has performed the full range of functions required of Justices of the Peace, including presiding in assignment court, bail court, intake court, and *Provincial Offences Act* court. He has presided in the Southwest Region continuously since his appointment. From 1978 to June 17 2002 Justice of the Peace Obokata served as Administrative Justice of the Peace for the counties of Middlesex, Elgin, Perth, Oxford and Huron. Justice of the Peace Obokata is 55 years old.

## **III. ISSUES**

7. The following issues, as set forth in the Notice of Public Hearing under Tab 3 of the Book of Agreed Documents, are raised for determination by this Commission of Inquiry:

- (i) Whether, on May 2 2002, while attending an educational conference in Toronto, Justice of the Peace Obokata sexually assaulted another Justice of the Peace.
- (ii) In the event that question (i) is answered affirmatively, the Commission of Inquiry will be called upon to decide whether a recommendation should be made that the Lieutenant-Governor in Council should remove Justice of the Peace Obokata from office, or whether a recommendation should be made that the Justices of the Peace Review Council implement a decision to:
  - (a) warn the Justice of the Peace;
  - (b) reprimand the Justice of the Peace;
  - (c) order the Justice of the Peace to apologize to the complainant or to any other person;
  - (d) order the Justice of the Peace to take specified measures, such as receiving education or treatment as a condition of continuing to sit as a Justice of the Peace;
  - (e) suspend the Justice of the Peace with pay for any period; or
  - (f) suspend the Justice of the Peace without pay, but with benefits for a period up to thirty days.

## **IV. FACTS RELEVANT TO MAY 2 2002 INCIDENT:**

8. In early May 2002, Justice of the Peace Obokata attended an educational conference for Justices of the Peace that was held in Toronto. During the conference, on the evening of Thursday May 2 2002, Justice of the Peace Obokata went out to dinner with five other Justices of the Peace who were attending the conference. The dinner took place at Le Biftheque restaurant in the Sheraton Centre Hotel in downtown Toronto. Prior to the dinner Justice of the Peace Obokata consumed alcoholic beverages in his hotel room. He

continued to drink alcoholic beverages during the dinner, while the other Justices of the Peace in attendance drank wine.

9. After dinner, five of the six Justices of the Peace in attendance, including Justice of the Peace X, walked back to the Radisson Hotel on Queens Quay West which is located on Toronto's waterfront, several blocks south of the restaurant, where the conference was being held and the Justices of the Peace were all staying. The sixth Justice of the Peace returned to the Renaissance Hotel by taxi.
10. During the walk back to the Radisson Hotel, which proceeded along public streets, Justice of the Peace Obokata walked beside Justice of the Peace X, a short distance behind the other Justices of the Peace. During the walk Justice of the Peace Obokata and Justice of the Peace X engaged in general conversation.
11. During the walk back to the Radisson Hotel, without any invitation or consent from Justice of the Peace X and without any warning, Justice of the Peace Obokata reached over and grabbed one of Justice of the Peace X's breasts and twisted his hand. Justice of the Peace Obokata recalls that he grabbed Justice of the Peace X's breast between his thumb and forefinger, and pinched the breast. Both agree that the contact was entirely inappropriate.
12. Justice of the Peace X loudly exclaimed, "Lenny! I can't believe you did that!", at which point Justice of the Peace Obokata repeated the action.
13. Justice of the Peace Obokata says that he attempted to apologize to Justice of the Peace X immediately after the incident. Justice of the Peace X has no recollection of this. Justice of the Peace X told Justice of the Peace Obokata to tell one of the other Justices of the Peace who was walking in front of them what he had just done. Justice of the Peace Obokata immediately told the other Justice of the Peace what he had done, as Justice of the Peace X had demanded. The other Justice of the Peace suggested that Justice of the Peace Obokata immediately apologize to Justice of the Peace X. Justice of the Peace Obokata attempted to apologize to Justice of the Peace X. Justice of the Peace X did not want to have any further conversation or contact with Justice of the Peace Obokata at that time.
14. Justice of the Peace Obokata and Justice of the Peace X agree that though Justice of the Peace Obokata was able to walk without difficulty and carry on a conversation on the evening in question, and though his actions were deliberate, he was nevertheless under the influence of alcohol when he assaulted Justice of the Peace X.
15. Justice of the Peace X was angry, and felt shocked, hurt, humiliated, and cheapened by Justice of the Peace Obokata's actions. She took the following work day off, as what she refers to as a "mental health day", as she felt unable to work as a result of Justice of the Peace Obokata's actions.
16. The Saturday after the incident Justice of the Peace Obokata met with Regional Senior Justice of the Peace Robert Ponton and told him what he had done to Justice of the Peace X. He acknowledged that what he had done was stupid and that it could cost him his



career. Regional Senior Justice of the Peace Ponton advised Justice of the Peace Obokata to consider apologizing to Justice of the Peace X in person or in writing, and offered to facilitate such an apology by speaking to Justice of the Peace X in advance. Justice of the Peace Obokata told Regional Senior Justice of the Peace Ponton that he had attempted to apologize in person to Justice of the Peace X at the time but she was unwilling to accept his apology, and he was concerned that any further attempt to apologize may be misinterpreted. Regional Senior Justice of the Peace Ponton did not pursue the matter.

17. On June 13 2002 Justice of the Peace X wrote to the Registrar of the Justices of the Peace Review Council to the following effect:

“ I am regretfully filing a complaint concerning the conduct of a colleague. This difficult decision has been reached following much deliberation and soul-searching.”

After describing the incident in question as set forth above, Justice of the Peace X continued as follows:

“ Notwithstanding an attempt by His Worship to apologize, his behaviour was unprofessional, immoral, and reflects conduct unbecoming a judicial officer. I remain hurt, angered, and offended by his actions. In my opinion, his disrespect constituted a total lack of sensitivity towards me personally and women in general.

I am concerned that failure on my part to bring this matter to the attention of our governing body to address this situation, may result in others being exploited.”

18. Justice of the Peace X's letter was provided to Justice of the Peace Obokata. On July 30 2002, he responded in the form of a letter from his counsel to the Registrar. In that letter, Justice of the Peace Obokata acknowledged that he had acted inappropriately towards Justice of the Peace X on May 2 2002, and expressed “his embarrassment, remorse and deep regret over his inappropriate behaviour towards [Justice of the Peace X].” Justice of the Peace Obokata's counsel added that Justice of the Peace Obokata “remains prepared to tender, and wishes to tender, a formal, in person, or written, apology to [Justice of the Peace X].” Justice of the Peace Obokata's counsel added that Justice of the Peace Obokata “has asked me to convey, through the Council, to [Justice of the Peace X], his sincerest regrets for his behaviour, his desire to apologize, and his assurance that his inappropriate behaviour will not be repeated.”
19. By a letter dated September 12 2003, Justice of the Peace Obokata formally apologized to Justice of the Peace X. A copy of Justice of the Peace Obokata's letter is under Tab 4 of the Book of Agreed Documents.

**V. LETTERS IN SUPPORT OF JUSTICE OF THE PEACE OBOKATA**

20. Commission Counsel has received a letter from Scott L. Schuessler concerning his high opinion of Justice of the Peace Obokata's effectiveness as a Justice of the Peace. Mr. Schuessler's letter is reproduced under Tab 5 of the Book of Agreed Documents.
21. Commission of Inquiry Counsel has also received an e-mail from Kathy and Bob Martin, who have known Justice of the Peace Obokata socially for 18 years, and who describe him as "a very friendly, fun loving yet professional, smart man", who makes them feel special, and whom they are honoured to know. This e-mail is reproduced under Tab 6 of the Book of Agreed Documents.
22. Counsel for Justice of the Peace Obokata has provided an e-mail from Mr. Al Ryan, a provincial prosecutor, commending Justice of the Peace Obokata on his handling of a case in which Mr. Ryan was involved. This e-mail is reproduced under Tab 7 of the Book of Agreed Documents.

**VI. ACKNOWLEDGEMENT**

23. Justice of the Peace Obokata acknowledges that before signing this Statement of Agreed Facts he reviewed it carefully and obtained the advice of his counsel, Timothy G. Price.

DATED at Toronto this 18th day of September 2003.



Gavin MacKenzie  
Commission of Inquiry Counsel  
Heenan Blaikie LLP  
P.O. Box 185, Suite 2600  
South Tower, Royal Bank Plaza  
Toronto, Ontario, M5J 2J4



Justice of the Peace Leonard Obokata

12 September 2003

Your Worship Justice X,

I am truly sorry for the anguish and embarrassment which I caused you as a result of my inappropriate actions of a year ago May.

What I did that night was inexcusable. It has resulted in the loss of our friendship, destroyed your trust in me, and justifiably caused you to lose whatever respect you may have had for me as a colleague.

If ever our relationship is to be repaired, I acknowledge that I will have to work diligently to earn back your trust, friendship and respect. I am also aware that I may never re-gain any of them.

My father always taught me to respect all people. My actions were clearly disrespectful of you as a person - as a woman - and for that I am truly sorry.

Once again, I am sorry for the hurt and anguish I have caused you, and hope that you will receive my apology and eventually accept it when you are ready.

Sincerely

A handwritten signature in black ink, appearing to be a stylized name, possibly "John" or "James", written over a vertical line.

# GENT & SCHUESSLER

Law Office \_\_\_\_\_

Scott L. Schuessler, B. Math., LL.B.

Leo J. Gent, Q.C., B.A., LL.B. (1942-1994)

H. Ramsay Park, B.A., LL.B. (Retired)

London, Ontario, N6B 1L5  
333 Horton Street (at Waterloo)

London, Ontario, N6B 1L5

Phone: (519) 434-2440

Fax: (519) 434-9708

E-mail: [sschuessler@gent.net](mailto:sschuessler@gent.net)

Fax 416-360-8425

August 8, 2003

Mr. Gavin MacKenzie  
Commission Counsel  
Heenan Blaikie LLP  
Suite 2600  
200 Bay Street, South Tower  
P.O. Box 185, Royal Bank Plaza  
Toronto, Ontario  
M5J 2J4

Dear Mr. MacKenzie,

**RE: Commission of Inquiry - His Worship Leonard Obokata**

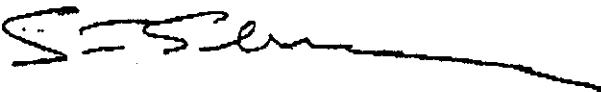
This letter is in response to an advertisement contained in the August 8, 2003 edition of the London Free Press in regard to the above.

I am a general practitioner and have practised law for 24 years. As a general practitioner I have appeared before His Worship Leonard Obokata many times for remands and bail hearings.

Although I have absolutely no information with respect to the allegation of assault on another Justice of the Peace, I am more than willing to testify, at my own expense, as to my high opinion of His Worship Obokata's effectiveness as a Justice of the Peace.

If there is any further information you require at this time, please do not hesitate to contact me.

Yours truly,



SCOTT L. SCHUESSLER

sls:jda

cc: His Worship Leonard Obokata  
Obokata-let.wpd

**MacKenzie, Gavin (TOR)**

---

From: Bob Martin [2bmartin@sympatico.ca]  
 Sent: August 21, 2003 10:02 PM  
 To: MacKenzie, Gavin (TOR)  
 Subject: Re: Len Obokata

We have no problem with you using our comments at a hearing.  
 Kathy and Bob Martin

----- Original Message -----

From: "MacKenzie, Gavin (TOR)" <GMacKenzie@Heenan.ca>  
 To: "'Bob Martin'" <2bmartin@sympatico.ca>  
 Sent: Thursday, August 21, 2003 2:42 PM  
 Subject: RE: Len Obokata

> Thank you for informing me of your views. May I assume that you have no  
 > objection to your e-mail being introduced into evidence at the hearing?  
 >

> -----Original Message-----

> From: Bob Martin [mailto:2bmartin@sympatico.ca]  
 > Sent: August 9, 2003 10:28 AM  
 > To: gmackenzie@heenan.ca  
 > Subject: Len Obokata

> Attention Mr. Gavin MacKenzie

> After reading: Justice of Peace accused of assault---London Free Press  
 > Saturday August 9th,2003---we want to share our experiences with Len. He  
 > was a customer of our store, Bob Martins Golf in London, Ontario for  
 several

> years. Len, my wife Kathy and myself are members of the Oaks Golf and  
 > Country Club and have shared some games of Golf occasionally. We have  
 > shared some other social events and dinners as well over the 18 years we  
 > have known Len. Len is a very friendly, fun loving yet professional,  
 smart

> man. He made us feel special and we are honored to know him.  
 > Respectively submitted,  
 > Kathy and Bob Martin

>  
 >

>>> -----Original Message-----

>>> From: Ryan, Alan (MNR)  
>>> Sent: Friday, April 04, 2003 12:30 PM  
>>> To: Ponton, Robert (JUS)  
>>> Subject: Re Justice Obokata

>>>  
>>> Dear Justice Ponton,

>>>  
>>> Re: R. v. Maitland Valley Marina Ltd et al  
>>> Public Lands Act charges  
>>> Goderich Court

>>>  
>>> I wanted to express my sincere appreciation and thanks regarding the  
>>> special efforts made by Justice Obokata during the above-noted POA  
>>> prosecution.

>>>  
>>> Throughout my involvement with this matter, Justice Obokata made  
himself

>>> available to help resolve a number of difficult factual and legal  
> issues.

>>> Both parties benefitted from his assistance and direction.

Eventually,

>>> when the parties required additional time to complete a prolonged  
>>> Pre-Trial conference in London on March 4, he unselfishly offered up  
his

>>> personal office to us, kept the court open and stayed with the parties  
>>> until 9:00 pm, at which time we were finally able to resolve the  
entire

>>> proceeding. He did all this despite a bad winter storm which hit  
>>> southwest Ontario during the afternoon on March 4th. (It would have  
> been

>>> easy for him to simply go home early that day). Despite the late hour  
> and

>>> bad weather, he stayed and helped the parties resolve their issues .

>>>  
>>> Without his assistance, I doubt that we would have settled the case.

> More

>>> importantly, his personal contribution resulted in the saving of at  
> least

>>> 7 to 10 days of trial.

>>>  
>>> Both defence counsel (Greg Stewart) and myself were extremely  
> appreciative

>>> of his unique efforts.

>>>  
>>> Please pass on my sincere regards.

>>>  
>>> Alan Ryan  
>>>