

JUSTICES OF THE PEACE REVIEW COUNCIL

REPORT OF THE DISPOSITION OF THE JUSTICES OF THE PEACE REVIEW COUNCIL RESPECTING A COMPLAINT AGAINST JUSTICE OF THE PEACE G. LEONARD OBOKATA

The Justices of the Peace Review Council hereby makes the following report of the disposition of this complaint, pursuant to subsection 12(3.3) of the *Justices of the Peace Act*, R.S.O. 1990:

1. On December 5, 2002, the Justices of the Peace Review Council reported its recommendation to the Attorney General following an inquiry the Review Council held pursuant to s. 11 of the *Act*.

The Review Council recommended to the Attorney General that a public inquiry be held, pursuant to section 12 of the *Justices of the Peace Act*, R.S.O. 1990.

2. After considering the Review Council's report, the Attorney General followed its recommendation and ordered a public inquiry into the complaint against His Worship Obokata.

The Honourable Madam Justice Cathy Mocha was appointed to inquire into the question of whether there had been misconduct by His Worship G. Leonard Obokata and to inquire into the question of whether Justice of the Peace G. Leonard Obokata should be removed from office in accordance with section 8 of the *Act*.

3. The inquiry was conducted commencing September 19, 2003 and a report to the Lieutenant Governor, dated November 6, 2003 was tabled in the Provincial Legislature.
4. At the conclusion of the public inquiry, Justice Mocha found that Justice of the Peace G. Leonard Obokata clearly misconducted himself within the meaning of section 12 of the *Justices of the Peace Act*.
5. Justice Mocha further found that His Worship Obokata had not become incapacitated or disabled from the due execution of his office by reason of conduct that was incompatible with the execution of the duties of his office and did not recommend that he be removed from office.

Justice Mocha instead recommended that the matter be returned to the Justices of the Peace Review Council to implement a disposition under section 12 (3.3) of the *Act*.

6. The Justices of the Peace Review Council met to consider the appropriate disposition of the complaint on Monday, May 10, 2004. Present at the public hearing on that date were Douglas Hunt and Michael Meredith as presenting counsel and Timothy G. Price, counsel for His Worship G. Leonard Obokata, who was also present.

7. After submissions made by presenting counsel and counsel for His Worship, the Review Council imposed the following sanctions available to it under section 12 (3.3) of the *Act*:
 - that Justice of the Peace G. Leonard Obokata be formally reprimanded by the Review Council for his conduct and the discredit that his conduct has brought to the bench, pursuant to section 12 (3.3)(b) of the *Act*; and

 - that, as a condition of continuing to sit as a Justice of the Peace, Justice of the Peace G. Leonard Obokata be required to undergo assessment and (where required) treatment and counselling for potential alcohol abuse and gender sensitivity training with proof in writing to the satisfaction of the Justices of the Peace Review Council, pursuant to section 12 (3.3)(d). The Justices of the Peace Review Council retained the discretion to determine whether or not the evidence provided is satisfactory with respect to the necessity of treatment or the course of treatment eventually followed; and

 - that Justice of the Peace G. Leonard Obokata be suspended, without pay, but with benefits, for a period of thirty (30) days, being the maximum period provided by section 12(3.3) (f) of the *Justices of the Peace Act*, R.S.O. 1990.

Dated this 1st day of June, 2004
at Toronto, Ontario

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