

# Conflict case resurfaces

BY ROY GREEN  
Staff Writer

A divisional court has ruled that East Gwillimbury Mayor Jim Morton must return to court to face new evidence in conflict-of-interest charges brought against him in 1999.

And the decision has rekindled charges that a special deal was struck to pay his legal bills in that case, in spite of having been found guilty.

The Divisional Court of Ontario Superior Court of Justice ruled Tuesday that a cross-appeal filed by an East Gwillimbury resident would be allowed, meaning the original trial judge must now hear additional evidence that wasn't unearthed until after Morton's conviction on two conflict charges in February 1999.

In Tuesday's ruling, Justice J. Matlow stated East Gwillimbury resident Maxine Jafine's cross-appeal contained new evidence obtained in May 1999 — three months after Morton's conviction.

"Examination of the (tax) records at that time revealed that Morton had interests in other properties in the area of the proposed extension of Hwy. 404," wrote Justice Matlow.

Jafine, who said she is pleased with Tuesday's ruling, is still upset she had to pay her own



**JIM MORTON:** A divisional court has ordered East Gwillimbury's mayor to face new evidence.

legal costs. "After the initial ruling, we were going to just leave it. But then he appealed that ruling and we decided to cross-appeal. The tribunal of judges was, I think, quite impressed with our evidence. And they ruled the way it should have been back then."

"But the fact that an ordinary citizen has to incur the costs even after a conviction, that would deter a lot of people. If other citizens think something's wrong, they won't go to court because they can't afford it."

Morton was found guilty of conflict in two 1998 votes — at East Gwillimbury council and York Regional council — in

favour of extending Hwy. 404, even though he could benefit financially if the route then preferred by the province crosses his farm.

But Judge Robert MacKinnon also ruled Morton's conduct was "an entirely understandable error in judgment" and applied no penalties. He also ruled Morton did not have to pay the legal costs of Jafine, who filed the charges.

Morton then appealed the conviction and Jafine filed a cross-appeal. Morton later dropped his appeal, but Jafine decided to continue.

Morton said he had no knowledge of Tuesday's ruling and could not comment until he had talked to his lawyer.

He also declined comment on reports the Ontario Municipal Insurance Exchange had paid his legal bills for the original case.

That matter was first raised by a citizens group after Morton's conviction. Jean Martin of East Gwillimbury Watch wrote to then town clerk Denis Kelly asking if the town, through OMEX, would pay Morton's legal fees.

In March 1999, Kelly said the town's insurance policy would not cover the legal fees. But the e-mail message contained as part of the new evidence states OMEX reversed that policy in February for Morton.

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