

December 13th, 2010

To Mary Clark

Registration of Commissioners For Oaths

Alberta Government

Phone: 780-427-5981

Fax: 780-427-6821

From Larry Heather

2010 Public School Board Candidate

627 – 104th Ave S.W.

Calgary, Alberta T2W 0A4

403 – 629-5433 Cell

Dear Mary,

It has come to my attention that the Oath of Office for the Mayor of Calgary, Naheed Nenshi, who was supposed to be sworn in at the City Council Meeting of the evening of October 25th, 2010 was signed by his sister, Shaheen Nenshi Nathoo. According to my investigation on the phone at your office, Shaheen is not on the list of appointed Commissioners for Oaths in the province of Alberta. To my knowledge she does not hold ex-officio status.

Neither is her signature in conformity to the format proscribed by the Act in requiring an expiry date to be recorded along with a printed stamped name if she is indeed qualified to sign such a document.

Attached is the copy of the Oath of Office for Mayor, along with another one signed the same day by the City Clerk, Diana Garner, who is registered as a Commissioner, but with a slight discrepancy in that your official list seems to have her down as Diane, not Diana. From what I understand, this was signed earlier in the day apart from the meeting in public later on. I will be making inquiry to Elections Alberta regarding the timing of the earlier signing in the near future.

I have written up along with the copies of the two documents a few questions that in my mind should be asked. City staff referred to the evening document as 'Ceremonial', and the one signed in the day as 'Official.'

What is the propriety of having two Oaths of Office registered for the same position? Apparently, City Staff and the Mayor Designate Naheed Nenshi realized the document signed by his sister would not be sufficient to satisfy the legal requirements as set out by the Province.

Please investigate whether Shaheen Nenshi Nathoo is in violation of the Act by her signature to such a document. And whether the City of Calgary Administration was in full knowledge of the implications of having two Oaths signed and for what rationale was this allowed.

I do not like to quibble about technicalities, but the difference on the registry of Diana vs. Diane if it exists, should be corrected as well to avoid any future confusion and especially if it calls into question the legality any of the signed documents she has done, or may do in the future.

I await your response with interest.

Yours Truly,

Larry Heather

Calgary

January 20, 2011

Larry Heather
627 – 104th Avenue S.W.
Calgary, Alberta
T2W 0A4

Dear Mr. Heather:

Further to your letter that we received on December 12, 2010, we have now completed our investigation into the swearing of the Oath of Office for the Mayor of Calgary.

We can confirm that the Mayor was sworn in officially before a valid Commissioner for Oaths prior to the ceremonial swearing in. In this regard, we have confirmed the identity of the City Clerk and the validity of the Oath of Office document. Since the signature is that of the City Clerk, the different spelling of the printed name does not invalidate the document.

We have also confirmed that Shaheen Nenshi Nathoo is not a Commissioner for Oaths. We are confident however that she did not intend to breach the law, in light of the general understanding that this was purely a ceremonial occasion in keeping with tradition of the City of Calgary.

With regard to the remainder of your questions, we would suggest you contact the appropriate City of Calgary officials.

Thank you for bringing this to our attention.

Yours truly,



Mary E. Clark
Registrar
Official Documents & Appointments

February 11th, 2011
To the Honorable Alison Redford
Minister of Justice and Attorney General
Edmonton, Alberta

From Larry Heather
2010 Public School Board Candidate
627 – 104th Ave. SW
Calgary, Alberta T2W 0A4
Ph. 403 – 629-5433

Dear Honorable Minister Redford,

I would like to appeal the decision of Mary Clark, the Registrar of Official Documents and Appointments in her January 20th, 2011 letter.

This letter is attached with this document and in it, it is stated that no action will be taken against Shaheen Nenshi Nathoo for signing the Mayor Designate of Calgary's Oath of Office at around 7:10 pm the evening of October 25th, 2010.

It is recognized that Shaheen was not, and is not a Commissioner For Oaths. The Act requires that anyone who signs such a document is required to be so qualified or they are subject to a penalty.

It may be considered a lax administration of the Act to allow the City of Calgary to continue a history of ceremonial swearing in ceremonies that are in clear violation of the law. In fact, it throws the signing of all such documents in the Province of Alberta into disrepute. The City of Calgary, and not only Mrs. Nathoo is also subject to a penalty.

In a separate response to Minister Goudreau, I have explained how the work-around for this 'tradition' has caused the premature signing of Mayor Designate Nenshi's 'Official' Oath by the City Clerk eight and a half hours preceding the organizational meeting the new Calgary Council on October 25th, 2010. This is in conflict with the Local Authorities Election Act which requires that the powers of the Council must be transferred immediately before the start of the start of the meeting. (Sec.9:1)

The only Oath sworn at that time was signed by an unqualified witness, Mrs. Nathoo. It thus throws the validity of the entire City of Calgary Council into question, if the Mayor who proceeded to swear in fourteen Alderman, was not properly installed himself. But the issue at hand of illegal public signings is in the hands of your ministry.

The open violation of the Act, in one of the most public and importance installations in the Province is of serious importance.

The proper and due installation of those who govern the affairs of over a million people cannot be taken lightly. As it is, Calgary for a brief time, was controlled by two mayor's and the conflict started in a private signing hidden from the witness of the public.

Moreover, an examination of the minutes of the meeting will indicate that Mrs. Nathoo "administered the Oath of Office." for the Mayor With no indication of it's purely ceremonial nature.

Mary Clark's response indicates that nothing will be done to challenge this consistent violation of the law by the City, who is leading unqualified citizens to violate it every time there is a swearing in ceremony. Surely a directive from your office is needed to the Registrar, and an apology issued by the City of Calgary, and a revision of the Council Organizational Meeting minutes to reflect what in fact took place was without legal force.

Yours Respectfully,
Larry Heather

February 23, 2011

Mr. Larry Heather
627 – 104th Ave. SW
Calgary, Alberta T2W 0A4


Dear Mr. Heather:

Subject: Your Letter – Appeal of Registrar's Decision

I am responding to your facsimile (fax) correspondence of February 11, 2011 on behalf of Alison Redford Q.C., former Minister of Justice and Attorney General.

I wish to advise you that there is no legal appeal from the decision of the Registrar in this matter. I have reviewed the Registrar's decision as well as her January 20, 2011 letter to you and confirm that the information you have received is appropriate under the circumstances.

Yours truly,



Bruce Perry
Assistant Deputy Minister

