

## **THE TWO 'SWEARING IN'S' OF MAYOR DESIGNATE NAHEED NENSHI**

**Heads were turned when it was announced that the sister of Mayor Naheed Nenshi, Shaheen Nenshi Nathoo was to be the one presiding over the swearing in of her brother into the office of Mayor in the official swearing in ceremony performed on the evening of October 25<sup>th</sup>, 2010 in the City Council Chambers.**

**On the surface, this is a touching tribute to an inspirational supporter in the journey of life. But many would rightly question the propriety and wisdom of having a family member, with no office of Provincial or City authority, swearing in a relative into such an office of prominence and authority. A greeting from a family member after the swearing in would have been a fitting tribute.**

**Under the Province of Alberta Oaths of Office Act a prescribed Oath is taken for each elected official upon them entering into office.**

**Under the Province of Alberta Commissioners For Oaths Act Alberta there are provisions made for those enabled to Administer Oaths by virtue of their office – ( ie. A Mayor swearing in alderman under him ) and those who are appointed Commissioner of Oaths by the government. ( ie. A Commissioner For Oaths, the minimum status needed to have the power to administer the Oath to the mayor in this last Calgary swearing in ceremony.)**

### **Questions For Investigation on This Case**

**1. By what authority from the City Clerk's Office or Legal Counsel, was the decision made for the sister of the Mayor Designate, Shaheen Nenshi Nathoo to do the public swearing in of her brother in the proceedings of October 25<sup>th</sup>, 2010?**

**Did such authorities take due diligence, since the Mayor Designate had not yet assumed his powers, to make sure that Shaheen Nenshi Nathoo , (a pharmacist at the Children's Hospital) was empowered as a Commissioner For Oaths Act in the Province of Alberta to administer such an Oath of Office?**

**Can the officials involved bear any legal consequences if such an action was carried out in knowing breach of Provincial Law?**

**2. Is Shaheen Nenshi Nathoo in fact an appointed Commissioner of Oaths in the Province of Alberta? ( A call to the Provincial Office in charge of the Commissioner Of Oaths Registry 780-427-5981 indicates there is at least one Nathoo on the list, but not with the first name Shaheen or the middle maiden name Nenshi. ) To be even handed, *some* pharmacists in Alberta do hold Commissioner of Oaths status.**

**3. Was the Oath of Office Document signed by Shaheen Nenshi Nathoo done in the proper format as required by the Oaths Act of Alberta? (The document signed does not have the proper addition of the date when The Commissioner's term expires, i.e. a 3 year term expiring on the birth date of the individual.)**

**4. There is also a second Oath Of Office ( enclosed ) which shows another swearing in of the Mayor Designate Naheed Nenshi signed by a confirmed Commissioner For Oaths, whose term expires on April 12<sup>th</sup>, 2013, (verified by said Provincial Office above), namely Diana L. Garner, Director of City Clerks Office, City of Calgary. There is an apparent discrepancy in a phone conversation with the Provincial Office saying that the name registered on the list is Diane Garner and not Diana Garner with which the stamp and document of Oath of Office is signed.**

**Question: Is this the Official Swearing in Document of the Mayor Designate, Naheed Nenshi. Does it cause confusion, for the City of Calgary to knowingly record and hold two duplicate Swearing In Oaths of Office for the Mayor Designate?**

**Has a distinction been made between the Official Swearing In of the Mayor of Calgary, and the Ceremonial Public service? What is the validity and legal implications of having a duplicate swearing in of the mayor and which is to take precedent?**

**It is disturbing to the confidence of the Public to see such discrepancies in practice. What could be next in the future?**

**5. Did the City Clerk's Swearing in of the Mayor Designate happen before or after the Public Service swearing in? If after, is the swearing in of the 14 Alderman by Mayor Designate Nenshi invalidated by the fact that the Mayor had not legally assumed office? If before, are the 14 valid but in a way not known to them?**

**6. Is it a transparent proceeding to the public to project in appearances that the real swearing in of the mayor took place in the public ceremony, when in fact, it took place in private before the City Clerk? ( Did those in person, or watching the Shaw live television of the ceremony see Mayor Designate Nenshi sign any other document before the Oath was taken.) Were any official acts or directives performed by the Mayor Designate in between these two events?**

**Stranger things have happened in the administration of Oaths.**

**( One remembers back to Obama's oath of office in which he mixed up the correct words and the oath had to be administered again by the Chief Justice of the Supreme Court after the ceremony.)**

**7. Is the signing of the Oath of Office by Shaheen Nenshi Nathoo a violation of the Provincial Commissioners For Oaths Act, either as to the format required or the authority itself to administer an oath? See excerpts of Act below and penalties.**

**8. If one of the Oaths of Office is invalid should the City of Calgary make a public apology and expunge the invalid duplicate Oath of Office from the records?**

**9. Should not the Oaths of Office Act be revised to make a judge or high government official with current public authority outside of the electoral process ( i.e. City Commissioner ) be the only ones who can administer such an oath to such powerful Provincial or Civic Offices? Is not the participation of such an authority appropriate in the passing on of powers dedicated to the trust of public affairs and office?**

**Relevant Excerpts From The Commissioners For Oaths Act**

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**12(1) A commissioner shall, on each affidavit, declaration, affirmation or other document that the commissioner signs in the commissioner's capacity as a commissioner, legibly print or stamp in legible printing next to the commissioner's signature**

**(a) the commissioner's name, and**

**(b) if the commissioner is appointed under section 6 or 7, the date on which the commissioner's appointment terminates.**

**(2) A commissioner who fails to comply with this section is guilty of an offence and liable to a fine of not more than \$100.**

**RSA 1980 cC□19 s9;1981 c7 s1(4)**

**15(1) No person shall**

**(a) administer an oath,**

**(b) take or receive an affidavit, declaration or affirmation, or**

**(c) hold out or represent the person to be a commissioner for oaths,**

**unless the person is empowered to do so by this Act.**

**(2) Subsection (1) does not apply to**

**(a) the administering of an oath or the taking or receiving of an affidavit, declaration or affirmation by a person who is empowered to do so by any other law in force in Alberta, or**

**(b) the administering of an oath or the taking or receiving of an affidavit, declaration or affirmation in Alberta for use only in another jurisdiction by a person who is empowered to do so by the laws of that other jurisdiction.**

**RSA 1980 cC□19 s12;1997 c18 s4**

**Offence and penalty**

**16 A person who contravenes this Act is guilty of an offence and liable to a fine of not more than \$500. RSA 1980 cC□19 s13**



THE CITY OF  
**CALGARY**

# Oath of Office

For Elected Officials of The City of Calgary

I, Naheed Nenshi of the city of Calgary, in the province of Alberta,

do swear that I will diligently, faithfully, and to the best

of my ability, execute according to law, the Office of Mayor

SO HELP ME GOD.

SWORN before me at Calgary, Alberta, this 25th day of October, A.D. 2010

Diana Garner

Mayor

**DIANA L. GARNER**  
A Commissioner for Oaths in and for  
the Province of Alberta  
Expiry Date: 2010 April 12  
D.L.G.



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Mayor