

Close praises justice system after charge withdrawn

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by Scott Dunn

South Bruce Peninsula Mayor John Close praised democracy and the justice system Friday, the day after an obstruction of justice charge against him was withdrawn by a Crown attorney who intervened in the privately brought charge.

Close was accused of obstructing justice by allegedly directing town bylaw officials not to enforce on a section of private beach the town's dynamic beach bylaw, which limits activities such as driving on the public beach.

Regional Crown attorney David Foulds determined there was no reasonable prospect of conviction and withdrew the charge in an appearance in Ontario Court of Justice in Owen Sound.

Close said in an interview the case has sustained his belief in democracy.

"I'm a politician. And as a politician, I hope all politicians in Canada believe in the pillars of democracy. And one of those pillars of democracy is our justice system," he said. "Thank goodness for democracy and our justice system, which has I guess justice for everybody."

Close said it's good that people can come before the court no matter how right or wrong and their concern will be assessed fairly. Still he said he felt "the same as I do every morning," despite the arrival of this welcome news.

He declined to say anything about the beach property in question, between 5th and 6th streets, which is owned by Sauble Beach Development Corporation and Joe Szewczyk.

"We'll leave that discussion for the council chambers," Close said.

Sauble Beach resident John Strachan alleged Szewczyk drove on the beach, which he said was the incident he tried to get town bylaw officials to pursue under the beach bylaw. He alleged he was told then that the mayor had directed staff not to enforce the bylaw on Szewczyk's property between last April and August.

He said that when police didn't investigate his concern, he brought the charge himself, following a rarely used court process known as pre-enquete.

David Foulds, of the regional Crown attorney's office, said in an interview Thursday he considered - in determining if there was any obstruction of justice - the legal status of the bylaw, which town lawyers had concluded couldn't be enforced on private property and which in January town council itself amended to exclude the private beach property.

He also determined there was insufficient evidence the mayor directed staff the way Strachan alleged and he found no evidence of dishonesty or corruption, a necessary component of proving the case, he suggested. "And the conduct of the accused was not unknown to local public officials," Foulds noted.