

Commissioner of Lobbying



Commissaire au lobbying

Ottawa, Canada K1A 0R5

JUN 01 2011

PERSONAL AND CONFIDENTIAL

Mr. Duff Conacher
Co-ordinator
Democracy Watch
1 Nicholas Street, Suite 1210
P.O. Box 821, Postal Station B
Ottawa, Ontario K1P 5P9

Dear Mr. Conacher:

This letter is further to your inquiries concerning the status of complaints made by Democracy Watch, and the contents of an Administrative Review Caseload Report submitted to the House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI) on March 23, 2011.

As you have already been made aware, a copy of the Administrative Review Caseload Report, and all other documents presented to ETHI on March 23, 2011 are now posted on the Office of the Commissioner of Lobbying website: www.ocl-cal.gc.ca.

In correspondence sent to my Office, you point out that Democracy Watch received three written letters/rulings from the former Registrar of Lobbyists (October 2006, May 2007 and September 2007), but did not receive a response in October 2007 concerning a file referenced as ADM #A3 in the caseload report.

Following receipt of your correspondence, I asked my Office to verify the contents of the above-mentioned file. I can confirm to you that the administrative review was closed on October 24, 2007. The administrative review concerned an allegation (one of several made by Democracy Watch in a letter to the former Ethics Counsellor dated March 27, 2001) that Mr. René Fugère had failed to register lobbying activity performed on behalf of Maisons Beam International.

As you will see in the attached copy of an internal memorandum prepared by my Director of Investigations, the file does not contain any signed correspondence to Democracy Watch informing them that the administrative review was closed. Nevertheless, it is clear from the results of our verification that the file referenced as ADM #A3 was closed on October 24, 2007.

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In conclusion, the following table summarizes the status of files relating to ethics complaints filed by Democracy Watch prior to the coming into force of the *Lobbying Act*:

Date of Complaint	Subject	Status
2000-04-13	Barry Campbell	Closed
2000-11-09	Transitional Jobs Fund	Closed
2001-03-27	René Fugère (Scierie Opitciwan)	Ongoing
2001-03-27	René Fugère (Maisons Beam)	Closed
2001-04-12	John Dossetor	Closed
2002-06-17	Nine Lobbyists	Ongoing
2002-09-26	Chicoutimi Golf Tournament	Ongoing
2002-10-17	Lobbyist donations to leadership campaigns (Coppes-Manley-Rock)	Ongoing
2004-01-30	Lobbyist donations to leadership campaigns (Coppes-Manley-Martin)	Ongoing

Sincerely yours,



Karen E. Shepherd
Commissioner of Lobbying

Encl.



*Seen
May 17/11
KS*

MEMORANDUM / NOTE DE SERVICE

To
À Karen E. Shepherd
Commissioner of Lobbying

Commissioner of Lobbying

MAY 13 2011

Commissaire au lob

Security

~~PROTECTED~~

From
De Phil McIntosh *P.M.C.*
Director of Investigations

Declassified by the ATIP Coordinator of the
Office of the Commissioner of Lobbying

René Leblanc
René Leblanc

May 31, 2011
Date

May 13, 2011

Subject
Objet

VERIFICATION OF FILE: RENÉ FUGÈRE (MAISONS BEAM)

ISSUE:

The Commissioner requested a verification of the administrative review file completed by the former Registrar of Lobbyists in respect of a Democracy Watch allegation that Mr. René Fugère engaged in unregistered consultant lobbying activities on behalf of Maisons Beam International. The purpose of the verification was to confirm whether the former Registrar of Lobbyists advised Democracy Watch of the decision he made at the conclusion of the administrative review, as indicated in a caseload report prepared for the Commissioner's appearance before the House of Commons Committee on Access to Information, Privacy and Ethics (ETHI) on March 23, 2011.

BACKGROUND:

On April 14, 2011, the Office of the Commissioner of Lobbying received an email from Democracy Watch Coordinator Duff Conacher inquiring about, among other things, a decision made by the former Registrar of Lobbyists in October 2007. In his correspondence, Mr. Conacher confirms that he received letters from the former Registrar of Lobbyists in October 2006, May 2007 and September 2007 advising him of decisions made concerning three of eight Democracy Watch complaints. He states, however, that he did not receive a letter from the Registrar advising him of a decision in October 2007, as indicated in the caseload report presented to the ETHI Committee.

In a document entitled "Administrative Review Caseload –Closed Files (2004-2011)" prepared for the Commissioner's committee appearance, a file referenced as ADM #A3 is listed as one of five

Democracy Watch complaints closed in the years 2006 and 2007 by the former Office of the Registrar of Lobbyists. In the comments section, the administrative review is described as being: "Unfounded due to insufficient information. Letter sent to complainant and subject with Registrar's decision. File closed."

RESULTS OF REVIEW

The file identified in the caseload report as ADM #A3 relates to one of several complaints made in a letter from Democracy Watch to the former Ethics Counsellor on March 27, 2001. In that letter Democracy Watch alleged, among other things, that Mr. René Fugère had breached the *Lobbyists' Code of Conduct* by performing unregistered lobbying activities on behalf of Les Maisons Beam International.

I can confirm the following information concerning the file:

- On May 17, 2004, the former Registrar of Lobbyists (the Registrar) inherited several outstanding files from the Ethics Counsellor after the coming into force of relevant sections of Bill C-4, the *Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Commissioner) and other Acts in consequence*.
- In correspondence sent on behalf of the Registrar on July 22, 2005, and April 13, 2006, Senior Counsel advised Democracy Watch that the Registrar was prepared to reconsider matters for which Democracy Watch had sought judicial review.
- An administrative review was conducted concerning the allegation that Mr. Fugère was in breach of the *Lobbyists' Code of Conduct* by performing unregistered lobbying consultant lobbying on behalf of Maisons Beam International. A report was presented to the former Registrar of Lobbyists in October 2007.
- On October 24, 2007, the Registrar of Lobbyists closed the administrative review on the basis that he did not have reasonable grounds to believe that Mr. Fugère had communicated with public office holders in an attempt to influence the awarding of a grant or contribution.

The file does not contain a signed copy of any correspondence sent to Democracy Watch advising them of his decision.

However, I have scanned a copy of the file docket as evidence of the status of the file.

LOB 615-F4

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ENQUETES - REVUES
ADMINISTRATIVES/ENQUETES

FUGÈRE, RENÉ - MAISONS BEAM
INTERNATIONAL

LOB 615-F4

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INVESTIGATIONS - ADMINISTRATIVE
REVIEWS/INVESTIGATIONS

FUGÈRE, RENÉ - MAISONS BEAM
INTERNATIONAL

CLOSED

FERME

CONTENT - CONTENU

FROM: 2007-01-06
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TO: 2007-10-24
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