



Democracy Watch  
émocratie en surveillance

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Commissioner of Canada Elections William H. Corbett  
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257 Slater Street  
Ottawa, Ontario  
K1A 0M6  
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October 21, 2009

**RE: Petition for investigation of, and rulings on, situation involving Minister of Natural Resources Lisa Raitt and Cement Association of Canada lobbyist Michael McSweeney**

Dear Commissioner Dawson:

Democracy Watch is filing this petition to request, under the provisions of the federal *Canada Elections Act*, (the *Act* -- (2000, c. 9)), an investigation of and ruling on the actions of Minister of Natural Resources Lisa Raitt concerning the significant role Cement Association of Canada registered lobbyist Michael McSweeney played in a fundraising event for Minister Raitt held on September 24, 2009.

Given the significant role Mr. McSweeney played in the fundraising event for Minister Raitt, Democracy Watch's opinion is that serious questions arise concerning Rogers being in violation of the contribution measures in the *Act*.

**The Facts**

Lisa Raitt is the Minister of Natural Resources. Michael McSweeney is a registered lobbyist for the Cement Association of Canada (CAC), and the CAC is registered to lobby the Ministry of Natural Resources under the federal *Lobbying Act* (Registration number 781395-13913-5). And on March 3, 2009 (Communications registration number 13913-100475), and on September 24, 2009 (the same day as the event -- Communications registration number 13913-125034) representatives of the CAC communicated directly with Minister Raitt.

A fundraising event was held for Minister Raitt on September 24, 2009 at Kultura at 169 King St. E. in Toronto and, to attend, a person was required to make a donation of minimum \$250. The invitation does not state whether the donations were for Minister Raitt as a nomination contestant or candidate, or for her riding association, or for the Conservative Party of Canada, or to be divided in some way amongst all or some of the above.

While it is not known what role (if any) Michael McSweeney played in organizing the event, or designing or distributing invitations for the event, the invitation that was distributed stated "Come and support Lisa Raitt on September 24th" and "To RSVP, please fax this form to Michael McSweeney 1.613.563.4498" (See attached copy of invitation). This is the fax number for the Cement Association of Canada's office in Ottawa.

The invitation also stated: "Questions? Please e-mail michael\_b\_mcsweeney@yahoo.ca" and that "Cheques can be made payable to: Halton Conservative E.D.A."

The invitation that was distributed also had space for the invitee to fill out their name, credit card number and expiry date, and amount they were donating

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It is clear from the invitation that Mr. McSweeney played a significant role in the event for Minister Raitt.

It is not known whether Minister Raitt paid Mr. McSweeney for the services he provided to her.

## **The Law**

The *Canada Elections Act* defines “contribution” as “2.(1) a monetary contribution or a non-monetary contribution” and, therefore, contributions include money, property and services, with “monetary contribution” defined as “an amount of money provided that is not repayable” and “non-monetary contribution defined as “the commercial value of a service, other than volunteer labour, or of property or of the use of property or money to the extent that they are provided without charge or at less than their commercial value.”

The *Canada Elections Act* defines “commercial value” as follows:

- “2.(1) “commercial value”, in relation to property or a service, means the lowest amount charged at the time that it was provided for the same kind and quantity of property or service or for the same usage of property or money, by
- (a) the person who provided it, if the person is in the business of providing that property or service; or
  - (b) another person who provides that property or service on a commercial basis in the area where it was provided, if the person who provided the property or service is not in that business.”

Only individuals are permitted to make contributions under the *Canada Elections Act* and the limits on contributions are as follows:

### **“Contribution limits**

405. (1) No individual shall make contributions that exceed

- (a) \$1,000 in total in any calendar year to a particular registered party;
- (a.1) \$1,000 in total in any calendar year to the registered associations, nomination contestants and candidates of a particular registered party;
- (b) \$1,000 in total to a candidate for a particular election who is not the candidate of a registered party; and
- (c) \$1,000 in total to the leadership contestants in a particular leadership contest.”

With regard to clause 405(1)(a.1) set out above, total contribution limit applies to the combined total contributions made to a registered associations, nomination contestants and candidates of a given registered party during a calendar year and, with regard to clause 405(1)(c), to the combined total contributions made to the leadership contestants in a specific leadership race.

Under section 405.1 of the *Canada Elections Act*, these limits are adjusted for inflation annually. As a result, the actual limit on each type of contribution of money, property or services listed above during 2009 is \$1,100.

However, as set out above, “volunteer labour” is not included in the definition of “non-monetary contribution.” Subsection 2(1) of the *Canada Elections Act* defines “volunteer labour” as: “any service provided free of charge by a person outside their working hours, but does not include such a service provided by a person who is self-employed if the service is one that is normally charged for by that person.”

## **Application of the law to the situation involving Minister Raitt and Mr. McSweeney**

Taking into account the above measures in the *Canada Elections Act*, and the facts of the situation of Mr. McSweeney providing at least the service of having attendees of the fundraising event RSVP him by faxing him at his Cement Association of Canada office, Democracy Watch’s opinion is that it is reasonable for you to conclude that Mr. McSweeney did not provide his services “outside of working hours”.

Therefore, if Mr. McSweeney provided the services to Minister Raitt for free, the exception for "volunteer labour" in the *Act* would not apply to the services Mr. McSweeney provided to Minister Raitt (and, of course, an investigation is needed to determine if Mr. McSweeney provided further services related to the event during working hours).

Democracy Watch contacted several members of the Canadian Society of Professional Event Planners and was told that the services that we know Mr. McSweeney provided to Ms. Raitt have a commercial value of \$1,500 to \$2,000, and if Mr. McSweeney was involved in overall organization of the event (including the services we know he provided) then the commercial value is \$4,000 to \$5,000.

Therefore, in Democracy Watch's opinion, if Mr. McSweeney was not paid by Minister Raitt or others for the services he provided to her, it is reasonable for you to conclude that Mr. McSweeney made a contribution that exceeds the annual limit of \$1,100 for individuals set out in the *Canada Elections Act*, and that, as a result, Minister Raitt and/or her riding association accepted a contribution prohibited by the *Act*.

### **Request for investigation of the situation**

Under sections 511 to 514 of the *Canada Elections Act* (the *Act*), the Commissioner of Canada Elections and the Director of Public Prosecutions share the responsibility of investigating and reviewing situations for possible prosecution based on having reasonable grounds to believe that a violation of the *Act* has occurred.

Democracy Watch believes that the information set out above gives you much more than adequate evidence upon which to form the reasonable belief that a contravention has occurred.

Again, based on the information set out above about the situation of the Mr. McSweeney providing services for Minister Raitt's fundraising event, and the applicable measures in the *Canada Elections Act*, Democracy Watch's opinion is that it is reasonable to conclude that if Mr. McSweeney was not paid for his services and he performed them during working hours, the contribution was of a value higher than the legal annual contribution limits.

Democracy Watch looks forward to your prompt response to the above information and requests.

Sincerely,



Duff Conacher, Coordinator  
on behalf of the Board of Directors of Democracy Watch

Original to follow by mail

### **ATTACHMENT:**

Copy of 1-page invitation to the September 24th fundraising event for Minister Raitt



# Lisa Raitt



**Come and support  
Lisa Raitt on September 24th**

JOIN US ON  
SEPTEMBER 24, 2009 6:00–8:00PM



**KULTURA**  
169 KING EAST  
TORONTO, ON M5A 1J4

***A minimum of \$250 per person.***

No corporate sponsorships, please.

**To RSVP, please fax this form to:**

**Michael McSweeney  
1.613.563.4498**

*Questions?*

**Please e-mail**

michael\_b\_mcsweeney@yahoo.ca

**Cheques can be made payable to:**

Halton Conservative E.D.A.

**YES I will attend.**  
**Here's my information:**

**I am donating \$** \_\_\_\_\_

**Name:** \_\_\_\_\_

**MasterCard #:** \_\_\_\_\_

**Visa#** \_\_\_\_\_

**Expiry Date:** \_\_\_\_\_

**Home Address:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**X**

**Signature**