

Commissioner of Lobbying



Commissaire au lobbying

Ottawa, Canada K1A 0R5

**Personal and Confidential**

MAR 11 2011

Mr. Duff Conacher  
Coordinator, Democracy Watch  
1 Nicholas Street, Suite 1210  
P.O. Box 821, Stn. B  
Ottawa, ON  
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Dear Mr. Conacher:

I am writing to inform you that the Office of the Commissioner of Lobbying (OCL) has completed an Administrative Review of your allegation that Rogers Communications Inc. (Rogers) was in breach of Rule 8 (Improper Influence) of the *Lobbyists' Code of Conduct* when it provided the use of the Owner's Box at the Rogers Centre to the Conservative Party of Canada's St. Catharines Electoral District Association for the purpose of hosting a fundraising event.

In letters to me dated October 16 and November 2, 2009, you alleged that Rogers made a significant contribution to the above-mentioned riding association when it provided the use of the Owner's Box during a Major League Baseball game between the Toronto Blue Jays and the New York Yankees on September 6, 2009, and that this placed one or more federal public office holders in a conflict of interest.

Based on the information gathered during the course of the review conducted by my Office, I have found no basis to conclude that lobbyists employed by Rogers were in breach of Rule 8 of the *Lobbyists' Code of Conduct*.

The Administrative Review involved research of publicly available information and the collection and analysis of documentary and oral evidence obtained during interviews with key witnesses. The objective of the review was to assess whether or not lobbyists employed by Rogers were in breach of Rule 8 by placing Mr. Richard (Rick) Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration and Conservative Member of Parliament) in a real or apparent conflict of interest.

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Rule 8 of the *Lobbyists' Code of Conduct* states that:

*“Lobbyists shall not place a public office holder in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.”*

In determining whether registered lobbyists employed by Rogers placed Mr. Dykstra in a real or apparent conflict of interest, my Office conducted an analysis of the following two factors.

1. The degree to which lobbyists employed by Rogers Communications advanced Mr. Dykstra's private interest.
2. The degree to which lobbyists employed by Rogers Communications might interact with Mr. Dykstra as a consequence of their employment; or, the degree to which the subject-matter of their lobbying activities could fall within his purview.

***The degree to which lobbyists employed by Rogers advanced Mr. Dykstra's private interest***

Funds raised by an electoral district association are used, among other things, to finance election campaigns. In my view, the act of raising money for an electoral district association is a political activity that advances the private interest of an incumbent seeking re-election.

The review found that, during the 2009 baseball season, Rogers offered the use of their suite at the Rogers Centre at a special price in an effort to increase rentals. This offer was made to the St. Catherine's Electoral District Association and to other organizations throughout the season. In some instances, other organizations paid less than what the District Association paid. The information gathered also demonstrated that they paid full price for the catering services.

On September 6, 2009, a lobbyist employed by Rogers attended a portion of the District Association's father-and-son event to escort children through security and watch the pre-game batting practice. In my view, by facilitating the use of the suite and attending a portion of the event, the lobbyist contributed to the success of the fundraising activity organized by the St. Catharines Electoral District Association and their actions advanced Mr. Dykstra's private interest, but to a low degree.

*The degree to which lobbyists employed by Rogers Communications might interact with Mr. Dykstra as a consequence of their employment; or, the degree to which the subject-matter of their lobbying activities could fall within his purview.*

After completing a review of the Registry of Lobbyists, my Office has determined that no lobbyists employed or engaged by Rogers are registered to lobby the Department of Citizenship and Immigration.

Further, there is no evidence to suggest that anyone employed or engaged by Rogers ever lobbied Mr. Dykstra in his capacity as the Parliamentary Secretary to the Minister of Citizenship and Immigration, or as a Member of Parliament, or as an associate member of various House of Commons committees. In addition, I was advised that invitations to the event had been forwarded to other members of parliament and colleagues; however, none of them attended the event.

I have, therefore, concluded that lobbyists employed or engaged by Rogers did not interact with Mr. Dykstra as a consequence of their employment, and the subject-matter of their undertakings does not fall within his purview.

After completing a review of the above-mentioned factors, I have determined that a registered lobbyist employed by Rogers advanced Mr. Dykstra's private interest to a low degree as a consequence of their limited involvement in the September 6, 2009 fundraising event. However, given the nature of the lobbying activities performed by or on behalf of Rogers, the intersection of the above-mentioned factors did not place him in any real or apparent conflict of interest, and therefore there is no breach of Rule 8 of the *Lobbyists' Code of Conduct*.

In view of this, there will be no further action taken on this file.

Sincerely yours,



Karen E. Shepherd  
Commissioner of Lobbying