

OFFICE OF THE
INTEGRITY COMMISSIONER
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ENCOURAGING A CULTURE OF INTEGRITY

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Investigations

This year the Commissioner concluded 18 investigations. Of these investigations, the Commissioner identified 11 cases of minor non-compliance and issued a compliance letter to the respondents to ensure future adherence to the Act. The Commissioner made six findings of non-compliance. When the Commissioner makes a finding of non-compliance, he must then determine if a penalty is appropriate.

The Commissioner imposed a penalty on one lobbyist this year. Summaries of cases in which penalties have been imposed can be found on the Office website.

Completed investigations are anonymized and summarized below. Certain summaries reflect more than one investigation.

CONSULTANT LOBBYISTS

1

Issue: Placing public office holders in a conflict of interest

The Commissioner investigated whether a consultant lobbyist placed public office holders he was lobbying in a real or potential conflict of interest by giving them free tickets to an event. The Commissioner found that the lobbyist did not personally offer the tickets to any public office holders. However, the lobbyist directed his colleagues to offer the tickets to public office holders they were registered to lobby.

Since the lobbyist accepted responsibility for his actions and cooperated fully with the investigation, the Commissioner ceased the investigation and cautioned the lobbyist to take steps to ensure compliance in future. Additionally, the lobbyist attended a meeting with the Commissioner and Office staff to discuss best practices for ensuring future compliance with the Act.

2

Issue: Failure to terminate registrations

The Commissioner investigated two matters concurrently to determine whether a consultant lobbyist failed to terminate his registrations for two clients as required by the Act. In relation to one client, the Commissioner determined that the lobbyist had not failed to terminate his registration and ceased his investigation. In relation to the second client, he determined that the lobbyist had failed to terminate his registration as required by the Act, but the Commissioner accepted that this was inadvertent. Since the lobbyist admitted the non-compliance and cooperated fully with the investigation, the Commissioner ceased the investigation and cautioned the lobbyist to take steps to ensure compliance in future.

3

Issue: Placing public office holders in a conflict of interest

The Commissioner investigated to determine if a consultant lobbyist breached the Act by 1) placing a public office holder whom she was lobbying in a conflict of interest when she offered them tickets to an event as a gift on behalf of a client; and 2) placing a public office holder for whom she had previously worked in a conflict of interest when she lobbied the public office holder for clients.

The Commissioner determined that the lobbyist had not breached the Act in either case. While the lobbyist had offered gifts to several public office holders, she was not lobbying those public office holders. In the case of the former employer, the lobbyist had not lobbied the public office holder despite registering to lobby her office. The Commissioner advised her that lobbyists should not offer gifts to any public officer holders. He also told her to remove the office of her previous employer from her registrations and to seek the Commissioner's advice through an Advisory Opinion if she plans to lobby that public office holder in the future, to ensure compliance with the Act.

4

Issue: Failure to register and failure to provide information in a registration

The Commissioner investigated five matters concurrently to determine whether a consultant lobbyist 1) failed to register lobbying activities on behalf of several clients; 2) failed to provide the correct business name for one client and to identify all the subject matters for his lobbying activities; and 3) failed to terminate one registration within 30 days as required by the Act.

The Commissioner found that the lobbyist had breached the Act by:

- lobbying for three clients without filing a registration as required by the Act. He lobbied for approximately six months for these clients without registering his lobbying;
- failing to respond to requests for information from the Commissioner on two matters;
- failing to identify his lobbying goals for two clients; and
- failing to provide the correct business name for one client.

The Commissioner found that the lobbyist's non-compliance seriously compromised the Act's goal of transparency regarding lobbyists' efforts to seek to influence the government. Overall, the lobbyist displayed repeated and troubling inattention to his obligations under the Act.

The Commissioner imposed a penalty of publication of the lobbyist's name and a description of his non-compliance. The Commissioner decided that it was not necessary to prohibit him from lobbying because he had no previous incidents of non-compliance with the Act and the investigation arose because he attempted to comply with the Act. In addition, the lobbyist had implemented new systems in his office to ensure future compliance with the Act.

5

Issue: Failure to register and placing public office holders in a conflict of interest

The Commissioner was referred information that a consultant lobbyist may have breached the Act by:

- failing to register lobbying activity on behalf of a client;
- knowingly placing the public office holders he was lobbying in a real or potential conflict of interest;
- providing paid advice to a public office holder on the same subject about which he was lobbying; and
- lobbying on a subject when he was under contract by a public office holder to provide advice on the same subject.

Following an investigation, the Commissioner found that while the lobbyist was in a position where he could influence the political decision-making of the public office holder and regularly provided advice to the public office holder, he was not under contract or paid to do so. Further, the lobbyist had not engaged in lobbying activity for the client in question, in that he did not have any direct communications with any public office holders. Accordingly, the Commissioner did not have a belief the lobbyist had contravened the Act in relation to all four allegations. The Commissioner ceased the investigation and closed the file.

6

Issue: Placing public office holders in a conflict of interest

The Commissioner investigated to determine if a consultant lobbyist failed to comply with the Act by knowingly placing two public office holders in a real or potential conflict of interest. The lobbyist held a senior role within a political party and registered to lobby a public office holder who was the leader of the same political party. The Commissioner

found that the lobbyist had not placed the public office holder in a position of conflict because the investigation revealed that, in fact, the lobbyist's role within the party had not granted him direct or increased interactions with the public office holder. In addition, the lobbyist and the public office holder had no meaningful personal or professional relationship, which would have significantly increased the risk of a conflict. The Commissioner found that the lobbyist had not placed this public office holder in a position of conflict.

In relation to the second public office holder, the Commissioner found that the lobbyist had worked on a political campaign for a candidate and maintained his relationship with the individual after the candidate became a public office holder. The lobbyist then proceeded to lobby the public office holder. The Commissioner found that the lobbyist failed to comply with the conflict of interest restriction in the Act. After considering the lobbyist's full and candid cooperation during the investigation, the fact that he did not have any previous incidents of non-compliance, and whether a penalty was a necessary deterrent to the lobbyist or to protect the public interest, the Commissioner decided not to impose a penalty in this matter.

7

Issue: Failure to register

The Commissioner investigated to determine if an individual was acting as a consultant lobbyist on behalf of a client and failed to register his lobbying activity within the timeline set out in the Act. The Commissioner also investigated whether the lobbyist's payment was contingent on the success of the lobbying. During the investigation, the individual advised the Commissioner that he held a senior executive role with the company he had registered as his client. While the individual had lobbied, the lobbying was carried out as an employee of the company. The Commissioner found that the individual was not a consultant lobbyist and ceased the investigation. The

individual was provided with information about the obligations of in-house lobbyists and reminded to seek advice from the Commissioner should he have questions about his compliance with the Act.

8

Issue: Placing public office holders in a conflict of interest

The Commissioner investigated to determine if a consultant lobbyist knowingly placed a public office holder in a real or potential conflict of interest contrary to the Act.

The Commissioner found that the lobbyist failed to comply with the conflict of interest restrictions in the Act. The lobbyist held a senior and strategic role on a political campaign for a candidate and continued in a strategic role during a second political campaign for that candidate. Shortly afterwards, the candidate became a public office holder, and the consultant lobbied their office for several clients. For these reasons, the Commissioner found that the public office holder may have felt a sense of obligation towards the lobbyist, which could have caused the public office holder to improperly further the private interests of the lobbyist and/or his clients.

Additionally, the Commissioner found that in three instances, the lobbyist did not meet the Act's 30-day requirement to update his registrations with respect to identifying the public office holders he was lobbying. Finally, the Commissioner found that the lobbyist was 46 days late in registering for one client.

The multiple breaches of the Act weighed in favour of imposing a penalty. However, the Commissioner considered the fact that the lobbyist did not have any previous incidents of non-compliance, had been fully cooperative during the investigation and that a penalty was not required to deter the lobbyist from being non-compliant in the future or protect the public interest. Therefore, the Commissioner decided not to impose a penalty.

9

Issue: Late to register

The Commissioner investigated cases concurrently to determine whether three consultant lobbyists were late to register their lobbying activity for one client.

The evidence indicated that one lobbyist was five days late to register his very limited lobbying activity. Because the period of non-compliance was short, the lobbyist had self-disclosed the non-compliance and had cooperated fully with the investigation, the Commissioner ceased the investigation for that lobbyist and cautioned him to take steps to ensure compliance in future.

In relation to the other two consultant lobbyists, the case was more complex. The evidence indicated that they initially managed a municipally focused campaign on behalf of the client, then later pivoted to a grassroots lobbying campaign targeting provincial public office holders. The lobbyists registered their grassroots lobbying in accordance with the Act. However, during the earlier municipal campaign, a single tweet was sent to a provincial public office holder that triggered the Act's 10-day registration requirement. However, the tweet appeared to have been a singular event in response to a public tweet from the public office holder, and the lobbyists may not have recognized that it triggered the registration requirement. Further, any periods of non-compliance were relatively short, the lobbyists had no prior record of infractions, and they cooperated with the investigation. Accordingly, the Commissioner ceased the investigations and cautioned the lobbyists to take steps to ensure compliance in future.

IN-HOUSE LOBBYISTS

10 *Issue: Placing public office holders in a conflict of interest*

The Commissioner investigated to determine if a company's senior officer, who is also an in-house lobbyist, failed to comply with the Act by placing public office holders, whom he was lobbying, in positions of real or potential conflict of interest by offering them tickets to an event as gifts while lobbying them.

The Commissioner determined that the lobbyist did not breach the Act, because he had not personally offered any gifts to the public office holders. However, the investigation showed that the company's consultant lobbyists had given gifts to public office holders on the company's behalf. (The Commissioner commenced separate investigations of the consultant lobbyists.) While the Commissioner concluded his investigation of the company's senior officer, he reminded him that lobbyists should refrain from offering gifts, such as event tickets, to public office holders.

11

Issue: Failure to register

The Commissioner investigated whether the senior officer of an organization failed to register the organization's lobbying activity, which included meeting with public office holders during two lobby days. After reviewing the organization's lobbying activity over the year, the Commissioner found that the organization's in-house lobbyists did not surpass the 50-hour threshold required to submit a registration, and he ceased the investigation on this basis.