



democracy Watch
émocratie en surveillance

P.O. Box 821, Str. B, Ottawa K1P 5P9
Tel: 613-241-5179 Fax: 613-241-4758
Email: info@democracywatch.ca Internet: <http://democracywatch.ca>

Marguerite Trussler
Office of the Ethics Commissioner
Suite 1250, 9925 - 109 Street NW
Edmonton, Alberta, Canada T5K 2J8

Tel: (780) 422-2273
Fax: (780) 422-2261
Via E-mail: info@ethicscommissioner.ab.ca

January 17, 2020

RE: Response to your letter of December 17, 2019 requesting “sufficient particulars” in our request for an investigation and ruling on Minister of Justice and Solicitor General Doug Schweitzer participating in appointment of his associate Steve Allen

Dear Commissioner Trussler:

Thank you for your letter dated December 17, 2019 concerning the letter Democracy Watch filed on December 11, 2019 requesting the investigation into Minister Schweitzer participating in the appointment of his associate Steve Allan.

In your letter, you stated that Democracy Watch’s “request does not provide sufficient particulars” as required under subsection 24(2)(b) of the *Conflicts of Interest Act*, and says “If you wish me to consider your request you will need to provide the facts on which you are basing your allegations.”

In section 2 of Democracy Watch’s detailed 9-page request letter filed on December 11th, Democracy Watch provided the link to a CBC.ca article, and summarized the facts provided in that article, that show that Mr. Allan is an associate of Minister Schweitzer, and that he had participated in campaign

activities in support of Minister Schweitzer's election. This article provides clear, factual evidence to support Democracy Watch's allegations that Mr. Allan's actions made him an associate of Minister Schweitzer, and were also favours for Minister Schweitzer that would make it improper for Minister Schweitzer to do anything in his position to further Mr. Allan's private interests.

In case you meant by "particulars" in your letter of December 17 that a link to a webpage containing a media article is not sufficient and that you need to see the actual article, I am attaching the article to this letter.

In section 3 of Democracy Watch's detailed 9-page request letter filed on December 11th, Democracy Watch also provided a link to the Order in Council for the appointment of Steve Allan, which states that he was recommended by Minister Schweitzer, which is clear, factual evidence that Minister Schweitzer participated in, and influenced, the decision to appoint Mr. Allan.

In case you meant by "particulars" in your letter of December 17 that a link to a government webpage is not sufficient and that you need to see the actual document, I am attaching the Order in Council to this letter.

Also in section 3 of Democracy Watch's detailed 9-page request letter filed on December 11th, Democracy Watch provided the link to the same CBC.ca article mentioned above that also states that Mr. Allan is being paid \$290,000 by the Alberta Government as an inquiry commissioner. This salary, obviously, furthers the financial interests of Mr. Allan, which is clear, factual evidence that Minister Schweitzer's recommendation of Mr. Allan to be appointed furthered Mr. Allan's private interests.

As a result of the above, I do not understand why your letter of December 17th states that, to have you consider Democracy Watch's request, Democracy Watch "will need to provide the facts on which" we are basing our allegations. We provided those facts in our letter of December 11th.

I have searched your rulings on your website since early 2015 when subsection 24(2)(b) came into force and have found no more detailed definition of "sufficient particulars" in any ruling.

I have searched your Annual Reports on your website since 2015 and have found no more detailed definition of "sufficient particulars" in any of the reports.

Your "brochure" entitled "Information on Investigations" and dated "2017" at: <http://www.ethicscommissioner.ab.ca/media/1738/investigations.pdf> only states that "A request must also set out the particulars of the alleged breach" and that:

"The Ethics Commissioner may refuse to investigate or cease to investigate an allegation if, in the Ethics Commissioner's opinion, the

request is frivolous, vexatious, or not made in good faith, or there are no or insufficient grounds to investigate.”

If you decide that the information provided in our letter of December 11th, and above, and in the article and Order in Council attached to this letter, do not together provide enough facts for your to consider our request, please let us know, including reasons for your decision.

We look forward to hearing back from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Duff Conacher', written in a cursive style.

Duff Conacher, Co-founder of Democracy Watch
on behalf of the Board of Directors of Democracy Watch

Attachments:

Inquiry commissioner Steve Allan campaigned for Alberta Justice Minister Doug Schweitzer | CBC News,” by Charles Rusnell, Jennie Russell, November 19, 2019, online: <<https://www.cbc.ca/news/canada/edmonton/inquiry-allan-campaigned-schweitzer-1.5364265>>.

O.C. 125/2019, July 4, 2019, Government of Alberta, online: <http://www.qp.alberta.ca/documents/Orders/Orders_in_Council/2019/2019_125.html>.