



OFFICE OF THE

# Integrity Commissioner of Ontario

Annual Report 2019-2020

ENCOURAGING A CULTURE OF INTEGRITY

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## Investigations

This year the Commissioner as Lobbyists Registrar concluded 29 investigations. Of these investigations, the Commissioner identified six cases of less serious non-compliance that were dealt with through the informal resolution process and made

nine 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.

## Investigation Activity

	2018-2019	2019-2020
Investigations carried from previous year	25	15
Investigations commenced	24	26
Investigations concluded	34	29
Investigations resumed	0	0
Matters refused for investigation <sup>2</sup>	13	24
Matters referred to another person or body	0	0
Matters remaining under assessment at fiscal year-end	14	0

## Investigation Case Summaries

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

### *Consultant Lobbyists*

#### ① Issue: Failure to register

The Commissioner investigated to determine if an individual who was lobbying public office holders on behalf of a client had failed to register. At the time that the Commissioner notified the individual of the

investigation, the registration was 395 days overdue. The investigation confirmed that the individual was a consultant lobbyist and was non-compliant with the Act. The Commissioner found that the non-compliance was significant and contrary to the public interest, but he also observed that the failure to register was inadvertent and that the lobbyist did not have a history of non-compliance. Considering these mitigating factors, the Commissioner confined the penalty to the publication of the lobbyist's name and a brief description of the non-compliance.

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<sup>2</sup> Generally, matters that the Commissioner decides not to investigate will be dealt with through the informal resolution framework in order to ensure future compliance with the Act.



**2 Issue: Failure to register**

The Commissioner investigated to determine if a former consultant lobbyist failed to register lobbying activities for a client. The Commissioner found that the individual's communication with public office holders about the client did not fall within the definition of "lobby". The investigation was ceased.

**3 Issue: Failure to register**

The Commissioner investigated to determine if a consultant lobbyist failed to register his lobbying activities for a client. The Commissioner found that the consultant lobbyist had not complied with the requirements of the Act, as the lobbyist had terminated his registration for that client, yet he continued to lobby on the client's behalf. The Commissioner accepted, however, that the consultant lobbyist thought he was registered at the time of the lobbying. The Commissioner concluded the investigation and decided against imposing a penalty because he accepted that the non-compliance was unintentional and the consultant lobbyist acknowledged his compliance failures and the importance of transparency with respect to his lobbying activities.

**4 Issue: Late to register**

The Commissioner investigated to determine if a consultant lobbyist was late to register. The Commissioner found that the lobbyist failed to comply with the Act because he had lobbied once on behalf of a client and then registered the lobbying activity 214 days late. The lobbyist's explanation for the delay was that the client's file belonged to his colleague, who was registered but on a

leave of absence from work; he indicated that he was simply assisting his colleague and had not intended to breach the Act. Although his colleague was registered for the client, this did not change the fact that he had lobbied on behalf of the client and was also required to register. The Commissioner concluded the investigation and decided against imposing a penalty because the lobbyist cooperated with the investigation, accepted responsibility for the non-compliance and indicated that the firm had made several changes to its internal processes to avoid future non-compliance.

**5 Issue: Late to register**

The Commissioner investigated to determine if a consultant lobbyist was late to register an undertaking on behalf of a client. The lobbyist provided information that suggested she began lobbying a number of years before she registered. The Commissioner found non-compliance with the prescribed timeline for registration; however, he accepted that the non-compliance was inadvertent because the lobbyist thought her client had registered her as an in-house lobbyist. When she discovered that she was not registered, the lobbyist sought an Advisory Opinion from the Commissioner. That opinion indicated that, in fact, she needed to register as a consultant lobbyist. The lobbyist addressed the non-compliance quickly by registering as required. She also fully cooperated with the investigation. The Commissioner reminded the lobbyist of the registration requirements under the Act and the investigation was ceased.



**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 a public office holder in a real or potential conflict of interest. The lobbyist worked on a political campaign for a candidate, publicly advertised her role on the campaign as having been at a senior level and then registered to lobby the candidate, who had become a public office holder. 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 and the public office holder had no meaningful personal or professional relationship. The lobbyist did not hold a senior or strategic role on the campaign, as suggested by her title, which would have significantly increased the risk of a conflict. Additionally, her lobbying of the public office holder was very limited. The Commissioner determined that the consultant lobbyist had not failed to comply with the Act but warned of the risk created by publicly overstating the nature of her political activities on behalf of the public office holder.

**7 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 public office holders in a real or potential conflict of interest. The lobbyist worked on political campaigns for two candidates and registered to lobby them after they became public office holders. The Commissioner found that the lobbyist had not placed the public office holders in a position of conflict

since an appropriate amount of time had elapsed between the political campaigns and the start of the lobbying activities. This reduced the risk of a conflict of interest because the sense of obligation a public office holder may feel towards a member of a campaign team diminishes over time. Additionally, the lobbyist had not maintained relationships with the public office holders following the campaigns. If he had, the Commissioner may have told him to refrain from lobbying them for a set period.

**8 Issue: Failure to register**

The Commissioner investigated to determine if a former consultant lobbyist failed to register his lobbying activity for a client. The Commissioner found that the former lobbyist had not complied with the Act because he lobbied on behalf of the client and failed to register. The Commissioner accepted, however, that the non-compliance was inadvertent and that the former lobbyist thought he was registered. Because he cooperated fully with the investigation, no longer worked as a lobbyist and the period of non-compliance was relatively brief, the Commissioner decided to cease the investigation. The Commissioner did, however, remind the former lobbyist of his responsibility to ensure compliance with the requirements of the Act if he returns to lobbying in future.

**9 Issue: Failure to register**

The Commissioner started a preliminary investigation to determine if two individuals failed to register as consultant lobbyists. There was insufficient evidence for the Commissioner to determine that the individuals were lobbying. The Commissioner ceased the investigation.





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

The Commissioner investigated cases concurrently to determine if three consultant lobbyists knowingly placed public office holders they were lobbying in a real or potential conflict of interest contrary to the Act. The consultant lobbyists helped sell tickets to a fundraising event for a political party, and they were registered to lobby public office holders, including the leader of the political party. The Commissioner found that the lobbyists had not placed any public office holder in a position of conflict of interest because they had no strategic or instrumental role in organizing the fundraiser. In addition, they did not interact with any public office holders concerning planning the fundraiser. Further, the fundraiser was not for an individual public office holder but for the political party as a whole. The Commissioner stated that when a lobbyist fundraises for a political party, and no individual public office holder has possession or control of the proceeds, it is less likely that an individual public office holder will have a sense of obligation to the lobbyist. The Commissioner determined that while the lobbyists had not failed to comply with the Act, one of the lobbyists made a misleading statement to prospective attendees that suggested the lobbyists played an instrumental role in organizing the fundraiser, which was factually incorrect. This statement increased the risk that people would wrongly perceive that the lobbyists placed a public office holder in a position of conflict of interest.

**11 Issue: Failure to register**


The Commissioner investigated to determine if an individual was acting as a consultant lobbyist on behalf of several clients and failed to register his lobbying activity within the timeline set out in the Act. During the investigation, the individual advised the Commissioner that he provides advisory services to public office holders. He also provides advisory services to clients; however, he does not lobby public office holders on behalf of his clients. The Commissioner found that the individual was not lobbying; that is, he was not communicating with public office holders on behalf of paying clients in an attempt to influence. Therefore, the Commissioner ceased the investigation. However, he cautioned the individual about the risk of non-compliance with the Act if his clients come up in conversation with public office holders. He reminded the individual to seek advice from the Commissioner if he has questions about his compliance with the Act.

**12 Issue: Late to register**

The Commissioner investigated to determine if an individual was late to register as a consultant lobbyist. The Commissioner determined that the individual had not engaged in lobbying activities. Accordingly, he concluded that there was no contravention of the Act and ceased the investigation.

**13 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 consultant lobbyist failed to comply with the Act. The lobbyist held senior and strategic roles on political campaigns for a candidate, and shortly afterwards, the candidate became a public office holder. The public office holder was a target of the lobbyist, who represented several clients. Additionally, the lobbyist and the public office holder had an ongoing personal relationship. 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 further the private interests of the lobbyist and/or his clients improperly.

The Commissioner concluded that this was a serious breach of the Act. However, the lobbyist stopped lobbying the public office holder when he was notified of the investigation. He cooperated fully in the investigation and did not have a history of non-compliance. Therefore, the Commissioner decided not to impose a penalty.

#### **14 Issue: Late to register**

The Commissioner investigated to determine if a consultant lobbyist was late to register an undertaking on behalf of a client. The lobbyist provided information that suggested she began lobbying a number of years before she registered. The Commissioner found non-compliance with the prescribed timeline for registration; however, he accepted that the non-compliance was inadvertent because the lobbyist thought her client had registered her as an in-house lobbyist. When the lobbyist discovered that this was not the case, and that she should have been registered as a consultant lobbyist, she

addressed the non-compliance quickly and cooperated with the investigation. The Commissioner reminded the lobbyist of the registration requirements under the Act and the investigation was ceased.

#### **15 Issue: Failure to provide information in registration**

The Commissioner investigated two cases concurrently to determine if two consultant lobbyists failed to provide information required by the Act in their individual registrations for the same client. The Commissioner determined that the lobbyists failed to provide complete and accurate information in their registrations but accepted that this was inadvertent. Since the lobbyists brought the non-compliance to the attention of the Commissioner, updated their registrations as required when the non-compliance was discovered and cooperated fully with the investigation, the Commissioner ceased the investigation and cautioned the lobbyists to take steps to ensure future compliance.

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

The Commissioner was given information that a consultant lobbyist may have failed to register lobbying activity and knowingly placed public office holders he was lobbying in a real or potential conflict of interest contrary to the Act. The Commissioner started a preliminary investigation. The Commissioner was unable to find any evidence that the lobbyist had failed to register his lobbying activity or placed any public office holder in a position of conflict of interest. The Commissioner ceased the investigation.



***In-House Lobbyists for an Organization or a Person and Partnership***

**17 Issue: Late to update registration**

The Commissioner investigated to determine if the senior officer of an organization complied with the Act's 30-day requirement to notify the Commissioner of changes to the organization's registration. The Commissioner found that the senior officer was up to 300 days late in listing certain public office holders the organization had lobbied. The Commissioner found that the non-compliance was significant given the length of the delay. Ultimately, he decided not to impose a penalty because the organization had maintained an active registration through the relevant period and the senior officer took responsibility for the non-compliance and instituted internal policies to prevent future non-compliance. The Commissioner reminded the senior officer of his obligations under the Act and closed the file.

**18 Issue: Failure to register (in-house and consultant)**

The Commissioner investigated to determine 1) if the senior officer of an organization failed to register, and 2) if an individual failed to register as a consultant lobbyist on behalf of the organization, which was his client. On the first matter, the Commissioner found that the communications between the organization and public office holders did not fall within the Act's definition of "lobby." And on the second matter, he found that the individual had not lobbied on behalf of the organization and was therefore not required to register as a consultant lobbyist. Accordingly, the Commissioner ceased the investigation.

**19 Issue: Late to register**


The Commissioner investigated to determine if the senior officer of an organization was late to register as an in-house lobbyist. The Commissioner found that the senior officer, who was the sole employee at the organization involved in lobbying activities, had not spent more than 50 hours lobbying public office holders in any single year. The Commissioner concluded that the Act did not require the senior officer to register. The investigation was ceased.

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

The Commissioner investigated to determine if an organization's in-house lobbyists placed public office holders they were lobbying in a real or potential conflict of interest by giving them free tickets to an event. The Commissioner found that an in-house lobbyist, who was also the senior officer, failed to comply with the Act because she gave tickets to public office holders she was lobbying, which put them in a position of a real or potential conflict of interest. However, the Commissioner ceased the investigation because the organization stopped offering free tickets to public office holders and the senior officer left the organization and was no longer a registered lobbyist. Additionally, the new senior officer met with the Commissioner and Office staff to discuss best practices for ensuring future compliance with the Act.

**21 Issue: Late to update registration**

The Commissioner investigated to determine if the senior officer of an organization complied with the timeline under the Act for notifying the Commissioner of changes to



the organization's in-house lobbyists. The Commissioner found that the senior officer had failed to notify him about the addition or removal of four in-house lobbyists within the required timeline. The Commissioner found that a fifth employee did not need to be registered as an in-house lobbyist because he had not engaged in lobbying activities as defined by the Act. The Commissioner determined that a penalty was not in the public interest given that the senior officer had cooperated fully with the investigation. Additionally, the period of non-compliance in the case of one in-house lobbyist was relatively short, and another was caused by extenuating circumstances. However, the Commissioner recommended to the senior officer that the organization provide better training for their employees to ensure compliance with the Act in future.

**22 Issue: Late to update registration**

The Commissioner investigated to determine if the senior officer of an organization complied with the Act's 30-day requirement to notify the Commissioner of all the public office holders the organization lobbied during a lobby day at Queen's Park. The Commissioner found that the organization's registration had properly reflected the lobbying that occurred during the event. The Commissioner ceased the investigation and closed the file.

**23 Issue: Failure to register**

The Commissioner investigated to determine if an organization's senior officer failed to register the organization's lobbying. The Commissioner found that the senior officer had not complied with the Act, as he had not filed a registration within two months of the organization employing an in-house

lobbyist. After receiving notice of the Commissioner's investigation, the senior officer filed a registration, which was more than 400 days late. This was a serious delay and contrary to the public interest. However, the senior officer cooperated fully during the investigation and instituted new practices within the organization to ensure future compliance. The Commissioner accepted that the senior officer's non-compliance was inadvertent. For these reasons, he decided that a penalty was not necessary and concluded the investigation.

**24 Issue: Late to update registration**

The Commissioner investigated to determine if a senior officer failed to amend the information in his organization's registration within the timeline required by the Act. The Commissioner found that the senior officer failed to comply with the Act. Following a lobby day at Queen's Park, the senior officer failed to amend the organization's registration to reflect all the public office holders the organization lobbied that day. The senior officer accepted responsibility for the non-compliance and explained that an oversight occurred because certain public office holders, who were not specifically invited, attended one of the lobby day meetings, and the senior officer then neglected to add those public office holders to his registration as lobbying targets. Since the senior officer cooperated fully with the investigation, acknowledged the error and was otherwise properly registered, the Commissioner decided not to impose a penalty.