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HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

Office of the Conflict of Interest and Ethics Commissioner  
Parliament of Canada  
Centre Block, P.O. Box 16  
Ottawa, Ontario  
K1A 0A6

June 19 2014

**RE: Conservative MP Mark Adler's possible violation of the conflict of interest code**

Dear Ms. Dawson,

I am writing to ask that you investigate Conservative MP Mark Adler's fundraising and parliamentary activities to determine whether these actions breach several sections of the *Conflict Of Interest Act* ( s. 16, 6, 4 and 21) and *Conflict of Interest Code for Members of the House of Commons* (s. 8 and 14).

Mr. Adler allegedly held a fundraiser, to which he is reported to have invited a number of lobbyists, including many who lobbied him directly in relation to his work on the House of Commons Standing Committee on Finance. I believe that these activities could be in violation of several sections of the Conflict of Interest Act and Code as specified below, as well as several guidelines produced by your office regarding the impropriety of Members of Parliaments asking for money from those they meet in their official capacity and to conduct related work in the House.

**Multiple Breaches of the Conflict of Interest Act**

Section 16 of the Act states: *"No public office holder shall personally solicit funds from any person or organization if it would place the public office holder in a conflict of interest."* Section 4 specifies *"a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests"*

Your office has clarified that this must be interpreted such that a Member cannot *"Solicit funds from a company or organization with which the public office holder, their office or their department has had official dealings or anticipates doing so. In addition, the public office holder is advised not to solicit funds if he or she is also a Member of the House of Commons and sits on a House of Commons committee that has dealings with the company or organization."*

Section 6 of the Act states: “(1) No public office holder shall make a decision or participate in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.”

Furthermore, Section 21 of the Act states that “A public office holder shall recuse himself or herself from any discussion, decision, debate or vote on any matter in respect of which he or she would be in a conflict of interest.”

Your office has clarified that this must be interpreted as, “Public office holders who have previously accepted donations from an individual, a company or an organization that subsequently has official dealings with their office, department or committee must, under section 21 of the Act, recuse themselves.

### **Multiple Breaches of the Conflict of Interest Code**

Section 8 of the *Conflict of Interest Code* states, “When performing parliamentary duties and functions, a Member shall not act in any way to further his or her private interests or those of a member of the Member’s family, or to improperly further another person’s or entity’s private interests.”

Your office has clarified that this must be interpreted as, “When fundraising, you should not target any organizations or individuals with which you anticipate having official dealings in your capacity as a Member of Parliament, including in the context of committee work. This would avoid the potential for furthering a person’s private interest as prohibited by section 8.”

Section 14 of the *Conflict of Interest Code* states: “ (1) Neither a Member nor any member of a Member’s family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office. (1.1) For greater certainty, subsection (1) applies to gifts or other benefits. (a) related to attendance at a charitable or political event” (emphasis mine).

### **Details of the Breach**

As noted above, Mr. Mark Adler allegedly invited several lobbyists, each of which can be found in the York Centre Conservative Riding Association’s annual return, to a fundraising cocktail reception held at the Albany Club in downtown Toronto on February 20, 2013. The lobbyists allegedly received a tax receipt of \$291 for the donation portion of a \$400 ticket.

In a news report, two of the many lobbyists confirmed that Mr. Adler’s contact with them was in addition to their connection with his official parliamentary duties. For example, Ian Russell of the Investment Industry Association of Canada alleges that Mr. Adler invited him to the event at the end of a parliamentary meeting of the Conservative financial services caucus. Tricia Anderson, President of the Canadian Independent Petroleum Marketers Association said that she lobbied Mr. Adler in November 2012 and bought a ticket for the fundraiser as well.

Furthermore, Mr. Adler is a member of the House of Commons Standing Committee on Finance. It appears that many of these lobbyists have interests in connection to the work of this committee. For example, Paul Brown of Campbell Strategies, a company that assists the disabled to apply for tax credits. Mr Brown's business could potentially be affected by a bill considered by the same Committee that oversees the fees such firms could charge.

It appears that this would not only make Mr. Adler's fundraising activities inappropriate, but his activities on the finance committee as well as the fact that the *Act* seems to stipulate that he should have recused himself from any debate, discussion or vote on these matters. This could put into question not only his donations, but, the entirety of his work on the Finance Committee that dealt with issues associated with any of the lobbyists who donated to him.

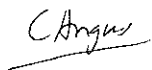
Additional examples of lobbyists who met Mr. Adler and donated to Mr. Adler's fundraiser are: Mamdouh Shoukri, the president of York University, Michael Bourque, president of the Railway Association of Canada, Peter Singer of Grand Challenges Canada as well as lobbyists for Ford, CN and PearTree Financial Services.

### Conclusion

The alleged actions of Conservative MP Mark Adler raise serious questions of inappropriate and unethical behaviour that could be in breach of several sections of the *Conflict of Interest Act* and *Conflict of Interest Code*. These alleged activities raise questions as to whether both his fundraising and, his parliamentary activities as a Member of Parliament and member of the Finance Committee are in violation of the *Act* and *Code*.

I ask that you investigate these matters and look forward to your response.

Sincerely,



Charlie Angus  
MP Timmins-James Bay