



Office of the Conflict
of Interest and Ethics
Commissioner

Commissariat aux
conflits d'intérêts et à
l'éthique

The Glover Report

made under the
CONFLICT OF INTEREST ACT



November 20, 2014

Mary Dawson
Conflict of Interest and
Ethics Commissioner

The Glover Report

made under the
CONFLICT OF INTEREST ACT

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Ce document est également publié en français.

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112014-46E



PREFACE

The *Conflict of Interest Act*, S.C. 2006, c.9, s.2 (Act) came into force on July 9, 2007.

An examination under the Act may be initiated at the request of a member of the Senate or House of Commons pursuant to subsection 44(1) of the Act or on the initiative of the Conflict of Interest and Ethics Commissioner pursuant to subsection 45(1).

As set out in subsection 44(3) of the Act, unless the Commissioner determines that the matter described in the request is frivolous or vexatious or is made in bad faith, the Commissioner is required to examine the matter. Subsection 44(7) requires that the Commissioner provide a report to the Prime Minister setting out the facts in question as well as the Commissioner's analysis and conclusions in relation to the examination. Subsection 44(8) requires that, at the same time as a report is provided to the Prime Minister, a copy of the report also be provided to the Member who made the request and the current or former public office holder who is the subject of the report, and that it be made available to the public.

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EXECUTIVE SUMMARY

This report presents the findings of my examination under the *Conflict of Interest Act* (Act) relating to the conduct of the Honourable Shelly Glover, P.C., Member of Parliament for Saint Boniface and Minister of Canadian Heritage and Official Languages, in connection with a political fundraising event held in her name on January 16, 2014, for the benefit of the Saint Boniface Conservative Association.

I received a request to examine Mrs. Glover's conduct under section 16 of the Act based on a *CTV News* report published in January 2014, whereby it was alleged that stakeholders of the Department of Canadian Heritage were invited to the above referenced fundraiser. Section 16 of the Act prohibits public office holders from personally soliciting funds from any person or organization if it would place them in a conflict of interest.

I found no evidence that Mrs. Glover personally solicited funds in relation to this fundraiser by actively seeking donations by either personally requesting them or by asking someone else to do so. I therefore concluded that Mrs. Glover did not contravene section 16 of the Act.

While I have found no contravention of the Act under section 16, it was inappropriate for stakeholders of the Minister's department to be invited to make donations to the electoral district association in order to attend a fundraiser at which the Minister was to be present.

I have previously recommended that a more stringent rule with respect to fundraising than the current one in section 16 of the Act be established for ministers, ministers of state and parliamentary secretaries. This examination has prompted me to go even further and recommend that the Act be amended to include a contravention in the case of ministers, ministers of state and parliamentary secretaries who knew or should have known that funds were being solicited by others in circumstances that would place them in a conflict of interest and failed to take appropriate action.

I have also noted that ministers, ministers of state, parliamentary secretaries and chiefs of staff, when instructed to do so, should ensure that staff members and electoral district association officials are fully and frequently briefed on the requirements of the Act and other applicable rules, including *Fundraising and Dealing with Lobbyists: Best Practices for Ministers, Ministers of State and Parliamentary Secretaries*, a guidance document issued by the Prime Minister in 2010. It requires that official duties be kept separate from political fundraising activities and that fundraising solicitations neither target departmental stakeholders nor draw any connection with official government business. It further asserts that ministers, ministers of state and



parliamentary secretaries have a responsibility to ensure that adequate processes are in place in their offices to ensure compliance with the guidance document. Consideration should be given to reflecting some of the Prime Minister's guidelines in the Act.



REQUEST

On January 20, 2014, I received a letter dated January 18, 2014, from the Honourable Ralph Goodale, P.C., Member of Parliament for Wascana, requesting that I conduct an examination into the actions of the Honourable Shelly Glover, P.C., M.P., Minister of Canadian Heritage and Official Languages, in relation to a fundraiser held in her name in Winnipeg, Manitoba, on January 16, 2014.

In his letter, Mr. Goodale included a link to a *CTV News* report published January 17, 2014, which stated that the invitation to the fundraising event indicated that invitees were primarily from the cultural community of Winnipeg and were asked to donate money to Mrs. Glover. In his letter, Mr. Goodale highlighted that Mrs. Glover's office confirmed with *CTV News* that some of the invitees who attended the fundraiser had dealings with her department. He also referred to the guideline entitled *Fundraising and the Conflict of Interest Act* published by my Office in November 2013.

Mr. Goodale wrote that he believed Mrs. Glover had contravened section 16 of the *Conflict of Interest Act (Act)*.

Section 16 of the Act prohibits public office holders from personally soliciting funds from any person or organization if it would place them in a conflict of interest. Section 4 sets out the circumstances under which a public office holder is in a conflict of interest.

I found that Mr. Goodale's request met the requirements set out in subsection 44(2) of the Act. I therefore commenced the examination of this matter pursuant to subsection 44(3) of the Act.





PROCESS

The first communication I had in relation to this matter was on January 17, 2014, in a letter from the Honourable Shelly Glover, P.C., M.P., Minister of Canadian Heritage and Official Languages, informing me that, on the evening of January 16, 2014, she had attended a political fundraiser at the private home of two members of the Saint Boniface Conservative Association, the electoral district association for her riding. She stated in the letter that she was not personally involved in the planning of this fundraiser and she only became aware that some of the guests in attendance were stakeholders of the Department of Canadian Heritage upon arriving at the fundraiser.

On January 20, 2014, I received a letter dated January 18, 2014 from the Honourable Ralph Goodale, P.C., M.P., requesting an examination under the *Conflict of Interest Act* (Act) into the actions of Mrs. Glover in relation to the same fundraiser.

On January 20, 2014, I placed a call to Mrs. Glover. I confirmed receipt of her letter of January 17, 2014 and spoke to her generally about the fundraiser. I told her at that time that I had received a letter from Mr. Goodale asking me to conduct an examination under the Act relating to the fundraiser and that it appeared to satisfy the requirement under subsection 44(2) of the Act that he have reasonable grounds to believe there had been a contravention of the Act.

On January 21, 2014, I wrote to Mrs. Glover, confirming that Mr. Goodale's request satisfied the requirements of the Act and advising her that I was commencing an examination under subsection 44(3). I asked her to provide a response to the allegations and requested documents by February 21, 2014.

I wrote to Mr. Goodale that same day, informing him that I was undertaking an examination under subsection 44(3) and that I was forwarding his request for an examination to Mrs. Glover.

On February 20, 2014, I received a letter from Mrs. Glover responding to the allegations made by Mr. Goodale and enclosing the documents that I had requested.

I conducted an initial interview with Mrs. Glover on April 4, 2014, during which I requested additional documents. I received them on April 25, 2014.

My Office requested written submissions and documentary evidence from five witnesses, one of whom was also interviewed. The Schedule contains a list of these individuals.



A second interview with Mrs. Glover was conducted on October 9, 2014. Before proceeding with that interview, Mrs. Glover was given an opportunity to review the transcript from her first interview, excerpts of a transcript from a witness interview and other relevant documents.

In keeping with the practice I have established, Mrs. Glover was given an opportunity to comment on a draft of the factual parts of this report before it was finalized, specifically Request, Process, Findings of Fact and Mrs. Glover's Position.



FINDINGS OF FACT

The Honourable Shelly Glover, P.C., is the Member of Parliament for Saint Boniface and was appointed Minister of Canadian Heritage and Official Languages on July 15, 2013. As a minister, she is subject to the *Conflict of Interest Act* (Act).

This examination relates to a political fundraiser held at the residence of a board member of the Saint Boniface Conservative Association on January 16, 2014. The Saint Boniface Conservative Association (EDA) is the electoral district association of the Conservative Party of Canada registered under the *Canada Elections Act* for the constituency of Saint Boniface. Invited guests included representatives from arts and cultural organizations that were stakeholders of the Department of Canadian Heritage, and all guests were asked to make a \$50 donation to the EDA in order to attend the fundraiser.

It was alleged that Mrs. Glover contravened section 16 of the Act by personally soliciting funds from a person or organization that placed her in a conflict of interest.

No evidence was brought forward by any of the witnesses that would suggest that Mrs. Glover had personally solicited funds in relation to this fundraiser by requesting them herself or by asking someone to do so. However, it is important for the purposes of this report to understand the background of this fundraiser and Mrs. Glover's role. Therefore, I will set out in some detail the evidence relating to the planning and carrying out of this fundraiser, including how the guest list was developed and whether Mrs. Glover was aware that donations were to be solicited from those attending the fundraiser.

Background

Saint Boniface Conservative Association

The funds raised in connection with the January 16, 2014 fundraiser were to be for the benefit of the Saint Boniface Conservative Association.

Mrs. Glover is, according to the *Conservative Party of Canada Conservative Association Constitution*, a member of the board of the EDA as the sitting Member of Parliament for Saint Boniface. Mrs. Glover said that she would attend EDA board meetings when she was in Winnipeg and would typically sit as an observer when attending EDA board meetings. She added that the EDA would always give her an opportunity to say a few words, generally about current party issues, legislation before Parliament or what she was working on at the time.



When Mrs. Glover was asked whether she saw the minutes of EDA meetings, she responded that the minutes of each meeting were made available at the next meeting, but that she did not always read them and was not present at all of the meetings. With respect to the period relevant to this examination, Mrs. Glover was present at the September EDA board meeting but did not attend the October or November meetings. There was no December meeting and the January meeting occurred after the January 16, 2014 fundraiser.

Mr. Jeff Thiessen has been the Chief Executive Officer of the Saint Boniface Conservative Association since September 1, 2013. In a written submission, he informed my Office that, aside from his attendance at the EDA board meetings where the event was discussed, he was not involved in the planning or organization of the January 16, 2014 fundraiser. He referred me to Mr. John Tropak, a past president of the EDA, who took over EDA fundraising responsibilities in the fall of 2013.

Saint Boniface Conservative Association Fundraising

Mr. Tropak told my Office that one of the main functions of an electoral district association is to support an election campaign by raising funds to support the association and the local candidate. To achieve this function, the EDA typically engaged in fundraising activities, which he described as sending out letters requesting donations from previous donors and selling tickets to fundraising breakfasts and dinners hosted by the EDA.

Mrs. Glover told me that EDA fundraisers would typically be discussed in advance at EDA board meetings. She explained that her involvement in EDA fundraising discussions would be limited mostly to receiving information on the type of fundraiser planned by the EDA, how many tickets had been sold and the date of the fundraiser. Mrs. Glover indicated that she does not organize these EDA fundraisers and she said she never personally solicits money or collects money in relation to EDA fundraisers.

Both Mr. Tropak and Mrs. Glover said that, in the fall of 2013, the EDA was looking at new ideas to assist with EDA fundraising initiatives. Mrs. Glover said that Mr. Tropak first raised the idea of holding house parties with her during the summer of 2013. She said that the purpose of the house parties would be to attract new people to get involved with the EDA. Mrs. Glover said that after their conversation, she thinks they proposed Mr. Tropak's house party idea at an EDA executive meeting. The first time the house party idea was discussed by the EDA board was at the September 17, 2013 EDA board meeting.



Board Meeting of September 17, 2013

The minutes from the September 17, 2013 EDA board meeting confirm that Mr. Tropak, Mrs. Glover and Mr. Ken Cooper, another board member, were in attendance.

According to those minutes, under the heading “Fundraising and Financing”, the EDA discussed the idea of hosting house parties. Mrs. Glover told me that she explained the house party idea at this board meeting. This was not reflected in the minutes.

Mr. Tropak told my Office that the EDA fundraising initiatives in the preceding year had not been very active and that he told the board members that he believed the EDA needed to come up with new ideas to broaden its base as far as donors were concerned. He told my Office that during that board meeting, the EDA passed a budget for fundraising events, which he said was primarily to pay for all the expenses relating to house parties, adding that the EDA had no idea how successful or unsuccessful the house parties would be because they had never done them before. Mrs. Glover told me that she did not recall the EDA discussing or passing a budget specifically for the house parties. I note that the EDA meeting minutes do not refer to a fundraising budget being approved, nor to the EDA paying the costs of the house parties.

In a letter to my Office, Mr. Cooper, who with his wife hosted the January 16, 2014 fundraiser, wrote that he recalled that, at the September board meeting, he and several other EDA board members were asked to consider the idea of hosting house parties. The minutes of the meeting confirm that Mr. Cooper expressed an interest in hosting a house party. Mr. Tropak recalled that Mr. Cooper said his intent was to invite personal friends.

There is no evidence that there was any discussion either of selling tickets or of asking for donations to attend the house parties at the September meeting. The minutes indicate that there was some discussion of targeting certain groups mentioned in the minutes, but arts and cultural groups were not included in those mentioned.

In a letter to my Office, Mr. Cooper mentioned that, at the end of the meeting, he told Mrs. Glover that he would consider hosting a party at his home, but would need to first check with his spouse. He added that he and Mrs. Glover discussed January 16, 2014 as a possible date for him to host the house party since Mrs. Glover was planning on being in town for the EDA annual general meeting scheduled for January 18, 2014.

Mrs. Glover told me that she did not recall discussing a date with Mr. Cooper after the September EDA meeting, but recalled instead that she asked Mr. Cooper to contact her staff about her availability.



Board Meeting of October 15, 2013

The next EDA board meeting was held on October 15, 2013. Mr. Tropak and Mr. Cooper were both in attendance. Mrs. Glover did not attend this meeting.

The minutes of that meeting include the heading “private parties”. Mr. Tropak told my Office that there was no difference between a “private party” and the house parties discussed at the September EDA meeting and that the terms were interchangeable. The minutes state that Mr. Tropak had made arrangements for three hosts and parties. The minutes also state that the EDA would cover the cost of these three parties and that the goal of the parties was to “broaden the fundraising base” of the EDA.

Mr. Tropak said that since house parties were new EDA fundraising initiatives, there were discussions at the October EDA board meeting as to how they should operate. He said that there would be an amount charged to attend. He said that the EDA fundraising rules were discussed at that meeting, in addition to how the EDA would reimburse the costs incurred by the hosts of the house parties. The hosts of such parties would need to provide the EDA with all of the receipts for expenses incurred in hosting the parties in order for the EDA to properly prepare the tax receipts for donors. None of these details were reflected in the minutes.

Mr. Tropak told my Office that of three house parties being considered at that time, one would take place at a supporter’s residence, one at a residence in the Francophone community, and the last would take place at Mr. Cooper’s residence. However, he said that the only house party that took place was the January 16, 2014 fundraiser held at the Cooper residence.

Mr. Tropak said that Mr. Cooper stated at the October 15, 2013, board meeting that he intended to ask for a \$50 donation from his guests to attend his house party. There is no reference to a donation in the meeting minutes.

Mr. Tropak told my Office that Mr. Cooper repeated, as he had said at the September meeting, that his intention was to invite his personal friends. Mr. Tropak said he had no idea that Mr. Cooper’s personal friends were involved in the Winnipeg arts and cultural community.

Mr. Tropak said that between the October EDA meeting and the date of the fundraiser, he informed Mrs. Glover of the plans Mr. Cooper had announced at the October EDA meeting, since she was not present. He said that he mentioned to Mrs. Glover, in particular, that Mr. Cooper had told him that he and his wife were going to invite their personal friends and that he wanted to charge guests a \$50 donation to the EDA to attend their event.



Mrs. Glover's Testimony

Mrs. Glover said that she was not informed of the charge to attend the fundraiser either by Mr. Tropak or by anyone else prior to the event. She said she only became aware of the \$50 donation during a telephone conversation she had with her constituency assistant, which occurred after she had left the house party on January 16, 2014. Her constituency assistant was also a board member of the EDA.

Mrs. Glover told me that, at the time of the September meeting, she had not understood that the house parties were to be official EDA events. She said it was her understanding that a house party would be an informal event, meaning no tickets would be sold. She thought that the hosts of these parties would invite friends and associates, typically their neighbours, to attend. It was her intention to attend these parties to speak to the guests.

It appears from Mrs. Glover's testimony that she understood that some fundraising could result from a house party, but that individuals invited to a house party would not be asked to make a donation in order to attend. According to Mrs. Glover, these house parties had four purposes: to promote the party's candidate in that riding, to find new volunteers, to find new party members, and to find individuals who may be willing to donate to the EDA.

Mrs. Glover understood that, after a house party, a member of the EDA would contact the guests who attended; if the guests were interested in what she had said at the party, they could get involved with the EDA by volunteering, becoming a member or making a donation. She said that she would not be involved in the process of communicating with guests after the party on behalf of the EDA.

Mrs. Glover mentioned during her interviews that one of the house parties being considered was to be held by one of her supporters. That party became a very small dinner party of five, including the hosts, Mrs. Glover, Mr. Tropak and one other guest. Mrs. Glover stated that after she left, Mr. Tropak spoke with the others in attendance and one or more donations were made to the EDA. Although Mr. Tropak said that only one house party had taken place, that of the Coopers, Mrs. Glover said that she believed that that small dinner party also constituted a house party.

The January 16, 2014 Fundraiser

Mr. Cooper wrote in a submission to my Office that, after the September EDA meeting, he and his wife discussed how many people they could host at their home and who they would likely invite from their contacts. Together, they decided that it would be good to invite members from the arts and cultural community in Winnipeg since many were close acquaintances of theirs. Mrs. Glover told me that the Coopers were both active in that community.



Mr. Cooper wrote that he recalled having a conversation with Mrs. Glover during which he informed Mrs. Glover that he and his wife would invite to their house party people primarily from the cultural community based on Mr. Cooper's contacts and his familiarity with many organizations from the arts and cultural community. He wrote that he believes that he also gave Mrs. Glover a few examples of proposed invitees to the house party, including the names of two individuals that he had already spoken to who said they would be interested in attending. The documentary evidence shows that both of these individuals were senior officials of organizations that were stakeholders of the Department of Canadian Heritage.

Mr. Cooper initially suggested that this conversation took place at the end of the October EDA meeting, but it is clear from the evidence that Mrs. Glover was not present at that meeting. When my Office brought this to Mr. Cooper's attention, he then wrote that it must have happened at the end of the September EDA meeting.

Mrs. Glover told me that she never had a conversation with Mr. Cooper about target groups and that he never told her that he and his wife were going to find organizations from the arts and cultural community, such as art galleries and museums, and were going to target them.

Mrs. Glover told me that she did recall a conversation with Mr. Cooper in September 2013 in which Mr. Cooper mentioned two possible invitees, but they were not the same individuals as those Mr. Cooper said he spoke to her about. Mrs. Glover said that these individuals were friends of both herself and Mr. Cooper through the Conservative Party. Our research shows that each of the individuals that Mrs. Glover identified had had some involvement with the arts and cultural community in Winnipeg, but further investigation by my Office found nothing to indicate that they were, at the time of the planning for the fundraiser or at the time of the fundraiser, stakeholders of the Department of Canadian Heritage.

Draft Invitation to the Fundraiser

The Coopers decided to use an online invitation service for the fundraiser because it allowed them to track guest responses. On January 2, 2014, Mr. Cooper sent a draft invitation to Mrs. Glover's MP email account and to Mr. Tropak's email account asking for their comments, suggestions or changes.

The subject of the email read: "Shelly's reception on Jan 16th – from Ken Cooper". In the email, Mr. Cooper indicated to Mrs. Glover and Mr. Tropak that his goal was to be able to send out over 30 invitations by January 6, 2014. The draft invitation read:

We're pleased to invite you to a reception at our home for the Honourable Shelly Glover. Invitees are primarily members of the cultural community in Winnipeg. Shelly is interested in meeting with you and hearing your views. We



hope you can attend. Please RSVP using the attached invitation or call us if you have any questions.

Ken & Lynn Cooper [Telephone number]

MINISTER OF CULTURE AND HERITAGE SHELLY GLOVER FUND RAISER [sic]

Thursday, January 16, 2014 7PM-9PM

The draft invitation was accompanied by an attachment that included a request for a \$50 donation per person payable to the Saint Boniface EDA. The attachment also mentioned that this party was a fundraiser.

Although Mr. Cooper's email of January 2, 2014, did not contain his guest list, Mr. Cooper asked Mr. Tropak and Mrs. Glover in the email whether they had any person or any cultural group they specifically wanted Mr. Cooper to add to his guest list or to contact.

Mr. Tropak quickly responded to Mr. Cooper's email on the same day, stating that the draft invitation looked fine to him. He did not address or respond to Mr. Cooper's request regarding additions to the guest list. He added that Mr. and Mrs. Glover were out of the country for a week and that he did not know whether Mrs. Glover had access to her email. Mr. Cooper responded on the same day that if he did not hear from Mrs. Glover by Monday morning (January 6), he would go ahead and send out the invitations.

Mrs. Glover said that she left for Mexico early in the morning of January 2, 2014, for a seven-day family vacation. She said that the only features of her BlackBerry that were working in Mexico were her phone and text messaging, and that she did not have access to her emails. Mrs. Glover said that it was her practice not to arrange for roaming features for her email when she is on personal travel.

As Mr. Cooper did not hear from Mrs. Glover by that Monday, he sent the draft invitation by email to Mrs. Glover's constituency assistant on January 6, 2014. The assistant responded on the same day, informing Mr. Cooper that the invitation looked great, adding a slight correction to Mrs. Glover's ministerial title and suggesting that the invitation mention that Mrs. Glover is the MP for Saint Boniface. Mrs. Glover's constituency assistant wrote to my Office that she did not speak to Mrs. Glover about the event after her return from Mexico, except to confirm with Mrs. Glover that she would attend.

Mrs. Glover said that she never saw Mr. Cooper's email of January 2, 2014 that was sent while she was in Mexico or the responses from Mr. Tropak and her constituency assistant, until after the house party.



Formal Invitation to the Fundraiser

Mr. Cooper sent out the formal invitations on that same day, January 6, 2014, by using an online service. Mrs. Glover's title was adjusted in the formal invitation to add a reference to her designation as an MP. The attachment to the formal invitation requested a \$50 per person donation payable to the Saint Boniface Conservative Association.

Mr. Cooper also sent the formal invitation, addressed to both Mrs. Glover and her husband, to Mrs. Glover's MP email account on January 6, 2014. She and her husband were out of the country until January 9, 2014 and, as mentioned earlier, Mrs. Glover said that she did not have access to her emails in Mexico.

Mrs. Glover testified that she did not see the formal invitation until the day after the house party. My Office obtained the electronic invitation records from Mr. Cooper relating to the online service. These records show when the invitations were sent and when they were read by the recipients. The records confirm that, although Mrs. Glover's invitation was sent on January 6, 2014, it was not read until January 17, 2014.

Communications with Mrs. Glover after her Return from Mexico

Mrs. Glover said that, when she landed in Mexico on January 2, 2014, she found that she had received a voicemail on her BlackBerry informing her that her mother was very ill and was hospitalized in Winnipeg. Mrs. Glover tried, but was not reasonably able, to advance the timing of the return of herself and her family to Canada. She said her mother remained in the hospital for the duration of her Mexico trip and was still in the hospital after her return and on the day of the Cooper house party.

Mrs. Glover said that following her return from Mexico on January 9, 2014, she instructed her staff to bring to her attention only matters considered to be urgent, given her mother's critical condition. She said that during this period her focus was on her mother.

Mrs. Glover said that she recalled only speaking briefly to her constituency assistant about the house party, at which time she confirmed that she would attend on January 16, 2014. The constituency assistant confirmed that she did not have any other discussions about the house party with Mrs. Glover between January 6, 2014, and January 16, 2014.

On January 13, 2014, Mrs. Glover's constituency assistant sent details about the event to the personal email account of Mrs. Glover's husband. The email itself provided Mr. Glover with the date of the event, the time and the location. The email contained an attachment, which indicated that Mrs. Glover was the guest of honour. It noted that it was an informal event, but that the



Minister would be required to say a few words to a non-partisan crowd. It also referred to the event as a fundraising event and that approximately 35 people from the arts and cultural organizations throughout the city would attend. Mrs. Glover made a hand-written note on the attachment when she submitted it to my Office that it was not opened until February 9, 2014, some time after the fundraiser.

On January 15, 2014, Mr. Cooper sent an email to Mrs. Glover's MP email account and to her constituency assistant. This email had two attachments: the first set out a detailed guest list and the second was a receipt list that included information that Mr. Cooper had collected on each guest and a blank space to be completed that would show whether they would be paying by cheque or credit card. Mrs. Glover responded to Mr. Cooper's email on January 16, 2014, saying only that she was en route from the hospital to the Coopers' home. During her interview with me, Mrs. Glover told me that she never saw the guest list. In her written submission, her constituency assistant stated that, to her knowledge, Mrs. Glover never discussed, approved or changed the list of invitees.

Attendance at the Fundraiser

Mrs. Glover told me that on her arrival at the fundraiser, she recognized some individuals who were senior officials of organizations that were stakeholders of her department. She said it was then that she first realized that Mr. and Mrs. Cooper had targeted members of the Winnipeg arts and cultural community. Mrs. Glover said she also noticed that the guests were wearing name tags with the name of their organization on them.

As mentioned earlier, the Coopers decided to invite their contacts from the arts and cultural communities. The documentary evidence shows that the Coopers sent invitations to the office email addresses of a number of their contacts who held senior positions within organizations that either had had official dealings with Mrs. Glover's ministerial staff, or who had applied for funding from the Department of Canadian Heritage in the year leading up to the fundraiser. The evidence also shows that some of these funding applications were still pending at the time of the fundraiser.

Mrs. Glover told me that approximately 15 to 20 minutes after her arrival at the fundraiser, *CTV News* arrived at the event.

Mrs. Glover said that, after the media left to wait for her outside, Mr. Cooper introduced her to the guests and she delivered a 6 to 7 minute speech. She stated that she made it perfectly clear that she was attending the party as the MP for Saint Boniface and not as a minister. She told me that she did not have speaking notes, but that she covered her usual talking points about why she entered politics, namely to assist victims and hold criminals to account. Mrs. Glover told me that



she did not mention any items or matters relating to her ministerial position during her speech. This was confirmed by several witnesses who attended the event.

Mrs. Glover said that following her speech she was asked a question relating to her ministerial portfolio by one of the guests and that she responded that she was there as the MP for Saint Boniface and that it would not be appropriate to discuss a matter relating to her ministerial portfolio. Overall, Mrs. Glover recalls speaking with six or seven guests at the fundraiser, all in a very general way, after which she left the event to return to the hospital to be with her mother.

When the *CTV News* reporter approached Mrs. Glover outside the event, Mrs. Glover told the reporter: “It’s a fundraiser and we do them all the time.” Mrs. Glover told me that when she said “we”, she was referring to Members of Parliament and not the EDA. She explained her use of the term “fundraiser”, saying that it is her understanding that a house party can have up to four purposes, one of which is to find new individuals from whom the EDA could ask for a donation after the house party.

After the Fundraiser

Mrs. Glover said she went back to the hospital after the fundraiser to see her mother again. She said she called her constituency assistant later that evening and said that, during this call, her assistant asked her what to do with funds raised at the fundraiser. Mrs. Glover said that it was at that moment that she became aware that the Coopers had requested a \$50 donation to the EDA to attend their party. Mrs. Glover also told me that during that call, she instructed her assistant to ensure that all of the money raised at the house party be returned.

Mr. Cooper informed my Office that the constituency assistant called him the morning of January 17, 2014 to advise him that the EDA would not accept any donations collected at the fundraiser and that he would have to contact all of the guests to inform them of this. Mr. Cooper said that he took the necessary steps to return or cancel all the donations.



MRS. GLOVER'S POSITION

Mrs. Glover stated that she played no role in organizing or planning the political fundraiser held on January 16, 2014. She added that she was not aware that the guests included officials from organizations that were stakeholders of the Department of Canadian Heritage until she arrived at the event. At that time, she recognized some of the guests and noticed that they were wearing name tags bearing the names of the organizations they represented. She said that she did not personally solicit donations from anyone in relation to the fundraiser, nor did she ask anyone else to solicit donations on her behalf. Her position is that she did not contravene section 16 of the *Conflict of Interest Act*.

Mrs. Glover told me that the Coopers organized the event. She explained that the Coopers prepared the guest list, drafted the invitations and sent them out to the individuals on their list. She added that the only role she played for this event was agreeing to attend, and then attending on the day it occurred.

Mrs. Glover explained that based on her experience with previous house parties she had attended, it was her understanding that house parties were informal events where the hosts invite their friends and associates, typically their neighbours. She saw a house party as an opportunity to promote the party's candidate in that riding, to find new volunteers, to find new party members, and to find individuals who may be willing to donate to the Saint Boniface Conservative Association (EDA). No money would be charged to attend the house party. After the house party, a member of the EDA would contact the guests who attended the event; if the guests were interested in what she had said at the party, they could get involved with the EDA in one of the ways just mentioned.

Mrs. Glover said that she did not see a guest list or the invitation for the event at the Coopers' until after the event took place. She said she was out of the country at the time the draft invitation and final invitation were sent to her, and she did not have access to her emails at that time. She said that, upon her return, she was preoccupied by her mother's serious illness.

Mrs. Glover added that Mr. Cooper never told her that he would be targeting the arts and cultural community. Nor did she know that the invitation would include her title as Minister of Heritage [sic] and that it would state that she would be interested in meeting with the guests and hearing their views. She added that, had she been aware of this, she would have put a stop to the house party.

Mrs. Glover referred to another house party that had been proposed during the fall of 2013 for the Francophone community. She said that she put a stop to that event because she was concerned that the guests would be involved in official languages matters and she was of the



view that, in light of her ministerial role in relation to the *Official Languages Act*, attending that party could place her in a conflict of interest.

Mrs. Glover said that she did not find out that the Coopers had asked the guests to make a \$50 donation to the EDA to attend the house party until after she had left it. She said that, once she learned about the donation, she immediately instructed her constituency assistant to inform the Coopers that all of the funds collected had to be returned.

Mrs. Glover stated that, since the fundraiser at the Cooper residence, no EDA event has gone forward without her and her senior political staff checking the lists and the invitations to ensure that no stakeholders or lobbyists who have anything to do with her portfolio are included. She added that she has since required that all her staff review the guidelines that ministers must follow, *Accountable Government: A Guide for Ministers and Ministers of State (2011)*, and she has requested that EDA members also be made aware of these guidelines.



ANALYSIS AND CONCLUSION

Mrs. Glover attended a political fundraiser held at the residence of a board member of the Saint Boniface Conservative Association on January 16, 2014, to which stakeholders of her department who paid to attend were also invited. This situation was clearly inappropriate.

In this examination, I must determine whether Mrs. Glover contravened section 16 of the *Conflict of Interest Act* (Act) in relation to the January 16, 2014 political fundraiser.

Section 16 reads as follows:

16. 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 16 would prohibit, for example, a minister or parliamentary secretary from soliciting funds from an organization that is seeking his or her assistance or action in relation to an official decision affecting the organization's private interests. For there to be a contravention of section 16, the public office holder must personally solicit such funds or ask someone else to do so.

As I determined in *The Raitt Report*, dated May 13, 2010, in order to find that a public office holder had personally solicited funds under section 16 of the Act, the public office holder would have to have actively sought monetary contributions to support an event by personally requesting them or by asking someone else to do so.¹ I continue to be of the view that this is the appropriate interpretation of section 16. The inclusion of the term "personally" cannot be ignored. It limits the extent to which the term "solicit" in section 16 can be given a broad interpretation. As I will discuss later, I believe that the scope of section 16 should be broadened, but I am required to interpret the law as it now exists.

Section 16 contains two elements; both must exist for there to be a contravention. The first element is whether a public office holder personally solicited funds from a person or organization. The second element is whether the solicitation would place the public office holder in a conflict of interest. If the first element is not found to exist, the second element is not engaged.

Mrs. Glover testified that she did not personally solicit funds in relation to the January 16, 2014 fundraiser. I asked Mrs. Glover to produce all documents in her possession that related to the fundraiser and all such documents in the ministerial, Hill or constituency offices.

¹ *The Raitt Report*, page 23 and *The Dykstra Report*, page 28



My Office also requested detailed information and documentation from the Coopers relating to the planning and preparations for the January 16, 2014 fundraiser along with any related emails between themselves and Mrs. Glover. My Office made a similar request of Mr. Tropak, Mr. Thiessen and Mrs. Glover's constituency assistant. There was no evidence that Mrs. Glover was involved in the creation of the guest list, or in the issuing of invitations to the fundraiser.

None of the information or documentation that my Office received suggests that Mrs. Glover actively sought donations by personally requesting them or by asking someone else to do so.

I have concluded that Mrs. Glover did not personally solicit funds from anyone in relation to the January 16, 2014 fundraiser. Therefore, the second element in section 16, relating to conflict of interest, was not engaged.

For the reasons set out above, I have concluded that Mrs. Glover did not contravene section 16 of the Act.



OBSERVATIONS

As I have already noted, it was inappropriate for stakeholders of the Minister's department to be invited to make donations in order to attend a fundraiser at which the Minister was to be present. It would also be inappropriate to target stakeholders, even if donations had not been requested in order to attend but only solicited after the event. While I have found no contravention of the *Conflict of Interest Act* (Act) under section 16, I am of the view that this situation was sufficiently troubling to warrant further discussion.

It would appear from the evidence that Mrs. Glover was minimally engaged in the planning for the fundraiser of January 16, 2014 and that she paid little attention to it. At the same time, it is evident that adequate measures had not been put in place to ensure that she did not find herself in a situation such as the one that is under examination, despite the fact that there has been some guidance available in this regard since 2010. This guidance is referred to below under the heading Current Guidance.

It is important to note that there would be nothing inappropriate about Mrs. Glover knowing that donations were being requested from those invited to the fundraiser, unless she also knew that the stakeholders of her department were being targeted to attend. The evidence in that regard is not conclusive: the accounts of Mr. Cooper and Mrs. Glover are inconsistent in relation to discussions that may have occurred in that regard in September 2013.

It is clear that Mr. Cooper made two attempts by email to obtain comments from Mrs. Glover, first on January 2, 2014, with respect to the guest list and the draft invitation, and then on January 15, 2014 with respect to the guest list. However, Mrs. Glover was out of the country at the time the January 2, 2014 email was sent to her and did not have access to her emails on her BlackBerry. When she returned on January 9, 2014, it is possible, given the situation of her mother's health at the time, that Mrs. Glover did not look at the draft invitation or the guest list until after the fundraiser. This is consistent with all the evidence submitted.

It may well be that Mrs. Glover did not have enough knowledge about the fundraiser, specifically knowledge that arts and cultural groups were being targeted, to prompt her to make further enquiries and put a stop to such solicitations before the event took place. If she had any suspicion that stakeholders were being targeted, she should have inquired. In any event, it was not necessary, for the purposes of this examination, to pursue this question further because it fell outside the scope of section 16.

In my submission to the House of Commons Standing Committee on Access to Information, Privacy and Ethics in the context of the five-year review of the Act, I noted, when considering



section 16 of the Act, that the potential for a conflict of interest is higher for a minister, minister of state or parliamentary secretary than for other public office holders². I recommended that, with respect to fundraising, a more stringent rule than the current one in section 16 be established for ministers, ministers of state and parliamentary secretaries.

Having now had an occasion to further consider section 16 of the Act, I can put forward a more specific recommendation that section 16 be amended to include a contravention in the case of a minister, a minister of state or a parliamentary secretary who knew or should have known that funds were being solicited by others in circumstances that would place him or her in a conflict of interest and failed to take appropriate action.

Current Guidance

It is clear, based on the evidence in the present matter, that neither Mrs. Glover's staff nor the electoral district association (EDA) board members had been adequately instructed on the rules that apply to ministers in relation to political fundraising. I raised a similar concern with respect to instructing staff and EDA officials on the requirements of the Act four years ago in *The Raitt Report* in relation to a political fundraiser organized by the EDA of the Honourable Lisa Raitt, who was Minister of Natural Resources at the time.

In 2010, the Prime Minister issued a guidance document, the current version of which is entitled *Fundraising and Dealing with Lobbyists: Best Practices for Ministers, Ministers of State and Parliamentary Secretaries*³, to be administered by the Privy Council Office. It requires that official duties be kept separate from political fundraising activities. I encourage all ministers, ministers of state and parliamentary secretaries to make themselves aware of the activities of their EDA board members and volunteers to ensure that they are not placed in a conflict of interest.

Sections 4 and 6 of the Prime Minister's guidance document underline the importance of ensuring that fundraising solicitations neither target departmental stakeholders nor draw any connection with official government business. The document focuses on the responsibility of ministers, ministers of state and parliamentary secretaries to ensure that their staffs are well acquainted with its best practices and that adequate processes are in place in their offices to ensure compliance with these practices.

² *The Conflict of Interest Act: Five-Year Review, Submission to the Standing Committee on Access to Information, Privacy and Ethics*, January 30, 2013, page 30 – accessed online at <http://ciec-ccie.parl.gc.ca/Documents/English/Public%20Reports/Special%20Publications/Five-Year%20Review%20Act.pdf> on October 6, 2014.

³ Annex B, *Accountable Government: A Guide for Ministers and Ministers of State (2011)*, p. 25-27 – accessible online at http://www.pm.gc.ca/grfx/docs/guidemin_e.pdf on October 6, 2014.



Sections 4 and 6 read as follows:

4. Ministers, Ministers of State and Parliamentary Secretaries should ensure that the solicitation of political contributions on their behalf does not target:

- departmental stakeholders, or*
- other lobbyists and employees of lobbying firms.*

Note that this is not intended to restrict general fundraising appeals made to a broad group of supporters or potential supporters.

[. . .]

6. Ministers, Ministers of State and Parliamentary Secretaries should ensure that fundraising communications issued on their behalf do not suggest any connection between fundraising and official government business.

In addition, I issued a guideline in November 2013 entitled *Fundraising and the Conflict of Interest Act*. In that guideline, I advise public office holders, including ministers, as follows:

[. . .] caution must be exercised when issuing invitations to political fundraisers stating that various ministers will be present. This would appear to imply an opportunity for lobbyists and other stakeholders to obtain special access to ministers by attending the event.

If Mrs. Glover's staff had been adequately briefed and reminded of these rules and the available guidance materials had been shared with them, as well as with the organizers of the fundraiser, the situation that Mrs. Glover found herself in at the January 16, 2014 political fundraiser could have been prevented. Consideration should be given to reflecting some of the Prime Minister's guidelines in the Act.

I note that Mrs. Glover told me that, following the fundraiser, she took immediate action by requiring her staff to review the guidelines that ministers must follow and by adopting internal preventative measures. These measures include having her senior political staff check the guest lists and the invitations of future fundraisers to ensure that they do not promote the fundraisers using her status as a minister and that they do not target the stakeholders of her department.

Ministers, ministers of state and parliamentary secretaries and, when instructed to do so, chiefs of staff, should ensure that staff members and EDA officials are fully briefed on, and frequently reminded of, the requirements of the Act and all other applicable rules.





SCHEDULE: List of Witnesses and Written Submissions

The names of all individuals listed below are according to the organizations to which they belonged at the time the events that are the subject of this examination occurred.

Interview and Written Submission:

1. Mr. John Tropak

Past President of the Saint Boniface Conservative Association

Written Submissions:

2. Mr. Ken Cooper

*Board Member – Saint Boniface Conservative Association
Co-host of the January 16, 2014 fundraiser*

3. Mrs. Lynn Cooper

Co-host of the January 16, 2014 fundraiser

4. Mr. Jeff Thiessen

Chief Executive Officer of the Saint Boniface Conservative Association

5. Ms. Rochelle Squires

*Board Member – Saint Boniface Conservative Association
Constituency Assistant to the Honourable Shelly Glover*

