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of Lobbying of Canada

Commissariat au lobbying
du Canada

INVESTIGATION REPORT

Dan Lovell

FEBRUARY 2024

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Preface

This report is submitted to the Parliament of Canada pursuant to section 10.5 of the *Lobbying Act* (Act) R.S.C., 1985, c. 44 (4th Supp.).

After conducting an investigation, the Commissioner of Lobbying prepares a report that includes findings, conclusions and reasons for the conclusions.

The Commissioner is required to submit the report to the Speaker of the Senate and the Speaker of the House of Commons. Each Speaker tables the report in the House over which they preside.

The *Lobbying Act* enables the transparency of federal lobbying. The *Lobbyists' Code of Conduct* establishes the rules of ethical behaviour expected from lobbyists required to register their activities under the *Lobbying Act*.

THIS REPORT WAS TABLED BY:

Nancy Bélanger
Commissioner of Lobbying of Canada

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Executive Summary

This report follows an investigation by the Commissioner of Lobbying pursuant to section 10.4 of the *Lobbying Act* to determine whether Mr. Dan Lovell, a registered consultant lobbyist, contravened Rules 7 and 8 of the [Lobbyists' Code of Conduct \(2015\)](#) (2015 Code) by arranging meetings with and/or lobbying a public office holder with whom he shared a relationship that could reasonably be seen to create a sense of obligation in respect of communications he had on behalf of his clients with Mr. Vance Badawey, Member of Parliament for Niagara Centre, in May and June 2022.

Mr. Lovell worked as an Executive Assistant for Mr. Badawey in his capacity as Member of Parliament for a period of four years from February 2018 to the end of April 2022. Mr. Lovell also played a significant, campaign-manager-like role in Mr. Badawey's two successful re-election campaigns in 2019 and 2021.

The information gathered establishes that in June 2022, Mr. Lovell arranged for two of his clients to meet with Mr. Badawey within the meaning of Rule 7 of the 2015 Code. It further establishes that Mr. Lovell lobbied Mr. Badawey within the meaning of Rule 8 of the 2015 Code on at least two occasions, once for each of two of his clients in May and June 2022.

An objective observer, apprised of the high degree of trust and reliance Mr. Badawey placed in Mr. Lovell over the four-year period in which he worked for Mr. Badawey as well as the significant role he played in Mr. Badawey's successful re-election campaigns, would reasonably conclude that Mr. Lovell and Mr. Badawey shared a relationship that could reasonably be seen to create a sense of obligation. This sense of obligation could reasonably be seen to have been particularly acute at the time Mr. Lovell first started communicating with Mr. Badawey as a consultant lobbyist in May 2022 given that he had only ceased to work for Mr. Badawey at the end of April.

For these reasons, the Commissioner concluded that Mr. Lovell contravened Rules 7 and 8 of the 2015 Code by arranging meetings with and lobbying Mr. Badawey, a public office holder with whom he shared a relationship that could reasonably be seen to create a sense of obligation.

Introduction

This report follows an investigation conducted by the Commissioner of Lobbying (OCL) pursuant to section 10.4 of the *Lobbying Act* (Act). This investigation focused on whether Mr. Dan Lovell, a registered consultant lobbyist and the former Executive Assistant and Campaign Manager for Mr. Vance Badawey, Member of Parliament for Niagara Centre and the then Parliamentary Secretary to the Minister of Indigenous Services, contravened Rules 7 and/or 8 of the *Lobbyists' Code of Conduct (2015)* (2015 Code) by arranging a meeting with and/or lobbying a public office holder with whom he shared a relationship that could reasonably be seen to create a sense of obligation.

Background

At the time of this investigation, Dan Lovell was a Senior Associate in the Federal Government Relations Practice with the Sussex Strategy Group (Sussex Strategy) in Ottawa. Immediately before joining Sussex Strategy at the beginning of May 2022, Mr. Lovell worked for Mr. Badawey in his capacity as a Member of Parliament (MP) for four years, from February 2018 until the end of April 2022. Mr. Lovell also worked for Mr. Michael Levitt, in his capacity as Member of Parliament in the former riding of York Centre, for three years, from October 2015 until February 2018, when he joined Mr. Badawey's office. These two positions were reflected in Mr. Lovell's LinkedIn profile, which indicated that he held the position of Executive Assistant in the House of Commons of Canada for a period of seven years, from October 2015 through April 2022.

On May 11, 2022, the *Lobby Monitor* published an article which described Mr. Lovell's professional history. In addition to discussing his role at Sussex Strategy, this article also described Mr. Lovell's employment in managing not only Mr. Badawey's MP offices from February 2018 to April 2022, but also Mr. Badawey's successful re-election campaigns in 2019 and 2021.

On June 20, 2022, the OCL Registration and Client Services Directorate received a phone call and then an email from an employee in the office of the Honourable Patty Hajdu, Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario, advising that Mr. Lovell had contacted his former employer, Mr. Badawey, to request a meeting on behalf of Mr. Lovell's client, the Independent First Nations Alliance. That same employee inquired as to whether a meeting between Mr. Badawey and Mr. Lovell

would be appropriate considering his previous employment in Mr. Badawey's office.

Publicly available information demonstrated that Mr. Lovell not only worked both in Mr. Badawey's MP offices for more than four years and for Mr. Badawey's successful re-election campaigns in 2019 and 2021, but also that he had filed a communication report with Mr. Badawey in the Registry of Lobbyists as a registered consultant lobbyist with Sussex Strategy. Taken together, this information raised concerns that Mr. Lovell may have been arranging meetings and/or lobbying a public office holder with whom he shared a relationship that could reasonably be seen to create a sense of obligation contrary to Rules 7 and/or 8 the 2015 Code, which was in force at the time.

Process

On June 21, 2022, a preliminary assessment was initiated to determine whether there was reason to believe that Mr. Lovell may have contravened Rules 7 and/or 8 of the 2015 Code. The period of review spanned from May 2, 2022, when Mr. Lovell first registered as a consultant lobbyist in the Registry of Lobbyists, through June 2022, the month in which concerns were first raised with the OCL.

On June 27, 2022, the Director of Compliance for the OCL informed Mr. Lovell by email that concerns had been raised with respect to his compliance with the 2015 Code and his then-ongoing lobbying activities with Mr. Badawey on behalf of his client, the Independent First Nations Alliance. In that message, the Director of Compliance advised Mr. Lovell not only that the matter had been referred to the OCL Compliance Directorate for further assessment, but also that he may be contacted to provide clarification and that he could, at any time, provide the OCL with any representations he would like to make.

In conducting its preliminary assessment, the OCL reviewed the consultant lobbying registration returns and the associated communication reports that Mr. Lovell filed in the Registry of Lobbyists. This review revealed that Mr. Lovell had reported having two communications with Mr. Badawey in his capacity as a Member of Parliament: one communication on behalf of the Independent First Nations Alliance (IFNA) regarding "Infrastructure" that took place on May 30, 2022, and one on behalf of the Grain Farmers of Ontario (GFO) regarding "Agriculture" on June 16, 2022.

Based on all of the above information, I found that there was sufficient reason to believe that an investigation of this matter was necessary to ensure compliance with the 2015 Code. Therefore, on July 29, 2022, I initiated an investigation pursuant to subsection 10.4(1) of the Act.

On August 5, 2022, prior to advising Mr. Lovell of the investigation, the OCL requested information from Mr. Badawey to confirm that Mr. Lovell was not a former “designated public office holder” as defined in subsection 2(1) of the Act and, accordingly, that he was not subject to the five-year prohibition on lobbying set out at subsection 10.11(1) of the Act. On the same day, Mr. Badawey’s office provided responsive documents confirming that Mr. Lovell was employed by Mr. Badawey in his capacity as a Member of Parliament and not in relation to his role as Parliamentary Secretary. As such, Mr. Lovell was not a former designated public office holder within the meaning of the Act and therefore was not subject to the five-year prohibition on lobbying.

On September 14, 2022, I notified Mr. Lovell by letter that I had initiated an investigation to determine whether, by arranging meetings with and/or lobbying Mr. Badawey on behalf of either or both of his clients, IFNA and GFO, he had contravened Rules 7 and/or 8 of the 2015 Code, respectively. I described the OCL’s investigation process in general terms and further advised Mr. Lovell that he could, at any time, provide any representations he might wish to make.

On November 1, 2022, Mr. Badawey participated in an in-person interview with the OCL. Further to his interview, Mr. Badawey provided additional information and documents. This information pertained to Mr. Lovell’s employment in Mr. Badawey’s MP office in Ottawa and in his 2019 and 2021 re-election campaigns. It also pertained to communications Mr. Lovell had with Mr. Badawey and his staff in May and June 2022 after Mr. Lovell had begun working as a consultant lobbyist with Sussex Strategy. Among those communications was a series of emails indicating that Mr. Lovell had communicated with Mr. Badawey’s office in an apparent effort to arrange a meeting with Mr. Badawey on behalf of a third client, Welded Tube of Canada Corp. (Welded Tube).

On January 5, 2023, I communicated with Mr. Lovell by letter to schedule an in-person interview at the OCL. In that letter, I advised Mr. Lovell that in addition to the communications set out in my September 14, 2022 letter, the investigation would consider other instances in which Mr. Lovell would have communicated with Mr. Badawey or his office to arrange meetings with Mr. Badawey for his clients, including Welded Tube. I also advised Mr. Lovell that the investigation

would consider his involvement in Mr. Badawey's 2019 and 2021 re-election campaigns and requested that he provide certain relevant documents in advance of the interview.

Following my letter of January 5, 2023, there were numerous communications between the OCL and counsel for Mr. Lovell, only the most notable of which are described below.

On February 6, 2023, Mr. Lovell provided six email chains between Mr. Lovell and Mr. Badawey and his office relating to Mr. Lovell's clients.

Following additional correspondence with the OCL through counsel, Mr. Lovell indicated that he preferred to provide a written statement in lieu of attending the requested one-hour interview. The OCL informed Mr. Lovell that the Commissioner would accommodate this preference by accepting his response in the form of a sworn affidavit.

On February 27, 2023, Mr. Lovell provided a sworn affidavit in which he responded to some, but not all, of the subjects the OCL had asked him to address. In particular, Mr. Lovell did not comment on any of the specific communications he would have had with Mr. Badawey on behalf of his clients.

On March 7 and 27, 2023, the OCL conducted interviews with Ms. Kaitlyn Peters. Ms. Peters held the position of Parliamentary Assistant to Mr. Badawey in his capacity as a Member of Parliament from January through September 2022. As such, she had direct, personal knowledge of Mr. Lovell's role in Mr. Badawey's office and Mr. Lovell's communications with Mr. Badawey and his staff in May and June 2022.

On June 20, 2023, through counsel, I sent Mr. Lovell a draft statement of facts setting out the information gathered to that point in the investigation and asked him to provide any representations he wished to make. After both Mr. Lovell and his counsel executed undertakings of confidentiality, I also provided Mr. Lovell with the documentary evidence I relied on in preparing this draft statement.

On September 29, 2023, following further exchanges between the OCL and his counsel, Mr. Lovell provided representations, including a general assertion that he did not attend any meetings between the clients relevant to this investigation and Mr. Badawey. I took Mr. Lovell's representations into consideration in preparing a draft investigation report for the purpose of obtaining representations.

On December 18, 2023, after receiving a second set of undertakings of confidentiality from Mr. Lovell and his counsel, I provided them with a draft investigation report in order to afford Mr. Lovell an opportunity to make representations prior to finalizing the report in accordance with subsection 10.4(5) of the Act.

On February 11, 2024, I received a letter from counsel setting out Mr. Lovell's representations, which are carefully considered in Annex A of this Report.

Findings and Analysis

This investigation focused on whether Mr. Lovell contravened Rules 7 (Preferential Access - Arranging a meeting) and/or 8 (Preferential Access - Lobbying) of the 2015 Code by arranging meetings with and/or lobbying a public office holder with whom he shared a relationship that could reasonably be seen to create a sense of obligation, namely his former employer, Mr. Badawey.

Mr. Lovell's lobbying registrations relevant to the investigation

In early May 2022, less than one week after ceasing to be employed in Mr. Badawey's MP offices, Mr. Lovell registered as a consultant lobbyist on behalf of clients. Three registrations are relevant to this investigation and are described below.

On May 2, 2022, Mr. Lovell registered as a consultant lobbyist for the Independent First Nations Alliance (IFNA). In that registration ([951864-371781](#)), Mr. Lovell indicated his intention to use written, oral and grass-roots communications as well as to arrange meetings on behalf of IFNA to lobby 11 government institutions, including the House of Commons. That registration further identified a variety of broad subject matters, including "Infrastructure", as well as one specific subject matter detail, namely "Seeking funding for a road and bridge project."

On May 2, 2022, Mr. Lovell also registered as a consultant lobbyist for Welded Tube of Canada Corp. (Welded Tube). That registration ([951864-371782](#)), sets out Mr. Lovell's intention to both use written and oral communication techniques and arrange meetings on behalf of Welded Tube in lobbying three government institutions, including the House of Commons. Mr. Lovell's registration identifies three broad subject matters, namely "Economic Development," "Environment,"

and “Industry,” as well as one specific subject matter detail: “To secure federal government financial contributions towards facility upgrades.”

On May 3, 2022, Mr. Lovell registered as a consultant lobbyist for the Grain Farmers of Ontario (GFO) ([951864-373783](https://www.gfo.ca/951864-373783)). That registration identified Mr. Lovell’s intention to both use written and oral communication techniques and arrange meetings on behalf of GFO in lobbying 16 government institutions, including the House of Commons, with respect to “Agriculture” among other broad subject matters. The registration further identifies “Canada’s policy regarding the carbon pricing system treatment of fuels used for drying grain” as one of the specific subject matter details in respect of which Mr. Lovell expected to lobby public office holders.

Application of the Lobbyists’ Code of Conduct

As set out in subsection 10.3(1) of the Act, individuals who are required to register as consultant lobbyists pursuant to subsection 5(1) of the Act must also comply with the *Lobbyists’ Code of Conduct* (Code).

Therefore, Mr. Lovell has been required to comply with the Code since he first registered as a consultant lobbyist on May 2, 2022. During the relevant period between May and June 2022, the 2015 edition of the Code was in force. Consequently, it is this version of the Code that has been considered and applied in this investigation.

I would note that in creating his registration account, Mr. Lovell declared he understood that he was subject to the ethical standards of the *Lobbyists’ Code of Conduct*.

Rules 7 and 8 – Preferential Access

Under the heading “Preferential Access,” Rules 7 and 8 of the 2015 Code read as follows:

7. A lobbyist shall not arrange for another person a meeting with a public office holder when the lobbyist and public office holder share a relationship that could reasonably be seen to create a sense of obligation.

8. A lobbyist shall not lobby a public office holder with whom they share a relationship that could reasonably be seen to create a sense of obligation.

As a Member of Parliament, Mr. Badawey qualifies as a “public office holder” as defined at subsection 2(1) of the Act, which includes, as set out in paragraph (a), a

member of the Senate or House of Commons and any person on the staff of such a member.

In order to determine whether Mr. Lovell contravened Rules 7 and/or 8, I must determine not only whether Mr. Lovell arranged meetings with and/or lobbied Mr. Badawey, but also whether Mr. Lovell and Mr. Badawey shared a relationship that could reasonably be seen to create a sense of obligation. I will address each of these elements in turn.

Did Mr. Lovell arrange meetings with Mr. Badawey for his clients? (Rule 7)

Grain Farmers of Ontario

On June 2, 2022, Mr. Lovell wrote an email to Mr. Badawey in which he noted that his client, GFO, would:

[...] be in Ottawa on June 16th and are looking to have an introductory meeting with you to discuss the current food security and global supply chain issues. They would also like to take the time to discuss opportunities and examine challenges facing grain farmers in Eastern Canada.

A member of Mr. Badawey's staff responded later that day to confirm that a meeting had been scheduled for June 16, 2022.

On June 13, 2022, Mr. Lovell responded by email to confirm that a different representative of Sussex Strategy and two representatives of GFO would attend the June 16 meeting with Mr. Badawey.

In her interview, Ms. Peters, Parliamentary Assistant to Mr. Badawey, recalled receiving these representatives in the lobby of the House of Commons to escort them through security and that Mr. Lovell was not among them.

Welded Tube of Canada Corp.

On June 6, 2022, Mr. Lovell wrote to Ms. Peters, in respect of his client, Welded Tube. In that email, which was copied to Mr. Badawey's Chief of Staff, Mr. Lovell stated, "I am reaching out today to set up a time and date in July for Mr. Badawey to tour the Welland site of Welded Tube. Let me know what can work for your team." The next day, Mr. Lovell and Ms. Peters scheduled the visit for July 4, 2022 at 3 P.M.

Mr. Lovell and Ms. Peters continued to exchange emails to plan the visit until June 21, 2022, at which time Mr. Lovell introduced, via email, a representative of Welded Tube so that his client and Ms. Peters could discuss particulars of the visit.

Finding with respect to arranging meetings

Taken together, the documentary evidence provided by Mr. Lovell and Mr. Badawey's office as well as Ms. Peters' testimony establish that, on the two above-referenced occasions, Mr. Lovell arranged for his clients, GFO and Welded Tube, to meet with Mr. Badawey. Mr. Lovell made a general assertion that he did not attend any meetings with his clients and Mr. Badawey. However, I would note that, for a meeting to be arranged for another person within the meaning of Rule 7, it is not relevant whether the lobbyist attended.

Therefore, I find that Mr. Lovell arranged meetings within the meaning of Rule 7 of the 2015 Code for each of his clients, GFO and Welded Tube, with Mr. Badawey.

Did Mr. Lovell lobby Mr. Badawey? (Rule 8)

Independent First Nations Alliance

In connection with his registration on behalf of IFNA, Mr. Lovell filed a monthly communication report ([371781-533206](#)) in the Registry of Lobbyists. In that report, Mr. Lovell reported having communicated with Mr. Badawey on May 30, 2022 with respect to "Infrastructure" consistent with his registration described above.

During his interview, Mr. Badawey stated that he had no recollection of this communication and, after reviewing his calendar, could find no indication that such a meeting had occurred.

In her interview, Ms. Peters recalled that in the period of time between May and June 2022, Mr. Badawey had indicated to her that he ran into Mr. Lovell at an event. Ms. Peters also noted that Mr. Lovell mentioned to her that he had spoken to Mr. Badawey about IFNA at a reception held on May 30, 2022.

Grain Farmers of Ontario

In a June 13, 2022 email to Mr. Badawey's office, Mr. Lovell enclosed a document entitled "Briefing for MP Offices." That briefing material identified several priorities for Mr. Lovell's client, GFO, with respect to a series of changes to agricultural policy and other measures, including carbon pricing.

The contents of this briefing document reflect both the general subject matter, ("Agriculture") as well as one of the specific subject-matter details ("Canada's policy regarding the carbon pricing system treatment of fuels used for drying grain") set out in Mr. Lovell's consultant lobbyist registration on behalf of GFO, as noted above.

Mr. Lovell also filed a monthly communication report for his client, GFO ([371783-540327](#)), in which he reported having communicated with Mr. Badawey on June 16, 2022 with respect to "Agriculture."

During his interview, Mr. Badawey acknowledged that, consistent with the communication reported by Mr. Lovell in the Registry of Lobbyists, a meeting with GFO on June 16, 2022 was reflected in his calendar. However, he had no particular recollection of the meeting.

With respect to the above-referenced communication reports filed on behalf of IFNA and GFO, Mr. Lovell did not provide any details about these particular communications in his sworn affidavit or in responding to either the draft statement of facts or the draft investigation report provided to him for the purpose of obtaining representations.

As noted above, Ms. Peters recalled that Mr. Lovell was not with the representatives of GFO when they met with Mr. Badawey on June 16, 2022. Mr. Lovell also made a general assertion in his written representations to the effect that he did not attend any meetings with his clients and Mr. Badawey. In light of this general assertion and given that consultant lobbyists are required to report their own oral and arranged communications with designated public office holders, I take the fact that Mr. Lovell filed a communication report in the

Registry of Lobbyists with respect to a June 16, 2022 communication on behalf of GFO to indicate that he communicated with Mr. Badawey on the same day without his clients.

Alternatively, however, to the extent that Mr. Lovell did not have his own separate communication with Mr. Badawey on June 16, 2022, it is possible that Mr. Lovell filed the communication report in relation to the June 16, 2022 communication in error. Despite having had many opportunities to do so, Mr. Lovell did not provide any information or explanation to clarify the factual circumstances of this communication report.

Finding with respect to lobbying

In light of the communications Mr. Lovell reported in the Registry of Lobbyists and the documents gathered during the investigation, including the briefing document provided on behalf of GFO, I find that Mr. Lovell lobbied Mr. Badawey within the meaning of Rule 8 of the 2015 Code on at least two separate occasions: once on behalf of IFNA on May 30, 2022 and at least once on behalf of GFO on June 13, 2022. To the extent that Mr. Lovell did, in fact, communicate with Mr. Badawey on June 16, 2022 as reflected in the associated communication report, he would have lobbied Mr. Badawey on a third occasion as well.

Did Mr. Lovell and Mr. Badawey share a relationship that could reasonably be seen to create a sense of obligation? (Rule 7 and Rule 8)

Rules 7 and 8 prohibit lobbyists from, respectively, arranging meetings with and lobbying public office holders with whom they share relationships that “could reasonably be seen to create a sense of obligation.” For the purposes of these rules, “could reasonably be seen” connotes that the lobbyist’s relationship with the public office holder must be assessed on an objective standard, namely would a reasonable observer, apprised of all of the relevant factual circumstances, reasonably conclude that the lobbyist and the public office holder share a relationship that creates a sense of obligation.

In this connection, it is worth underscoring that a sense of obligation is not required to factually exist for this objective standard to be met. Similarly, the determination as to whether this objective standard is met does not turn on whether the lobbyist or the public office holder subjectively believe that a sense of obligation exists.

To assist in determining whether a relationship can be “reasonably seen to create a sense of obligation” the OCL issued a guidance document in 2019 entitled, [“Guidance to mitigate conflicts of interest resulting from preferential access”](#)(Guidance on Preferential Access), which specifically addresses Rules 7 and 8 of the 2015 Code and notes:

Relationships with a public office holder that involve family, close friends, business partnerships, or other personal or professional bonds that can create a sense of obligation on the part of the public office holder have a high risk of creating the perception that you have preferential access to them.

Seen in this light, lobbyists who have close professional bonds with public office holders may reasonably be seen to share relationships that create a sense of obligation on the part of the public office holder.

Employment in Mr. Badawey’s office

Mr. Lovell began his employment in Mr. Badawey’s MP office in Ottawa on February 19, 2018. Mr. Lovell’s employment in that office came to an end on April 29, 2022. During his tenure, Mr. Lovell held the position of “Legislative Assistant,” which has also been variously described as “Executive Assistant” by Mr. Badawey, Ms. Peters and Mr. Lovell, himself, and “Member’s Assistant” by the House of Commons Human Resources Services.

In his affidavit, Mr. Lovell stated that, “As Mr. Badawey’s executive assistant, my primary responsibility was to support in the execution of the priorities of the office which covered a wide range of matters, largely made up of local riding issues.”

During his interview, Mr. Badawey stated that after one year of employment in his office, Mr. Lovell earned his trust and progressively took on more responsibilities and developed “a chief-of-staff-type relationship with the team and looked after executive issues, legislative issues [in Ottawa] as well as committee and looked after the structure of the team, not only [in Ottawa] but in the constituency office.”

According to Mr. Badawey, Mr. Lovell reported directly to him while other staff reported to Mr. Lovell who, in turn, led team meetings, managed budgetary aspects of the office and made “sure there was no stone left unturned with respect to working on behalf of constituents in the riding, but also with some of

the work we were doing [in Ottawa] with committees and of course my duties in the House.”

During Mr. Lovell’s tenure, Mr. Badawey was the Chair of the House of Commons Standing Committee on Transportation. According to Mr. Badawey, Mr. Lovell prepared committee pre-meeting agendas in addition to liaising with relevant government departments to develop questions to be asked of certain witnesses appearing before committee. At Mr. Badawey’s request, Mr. Lovell also frequently met with stakeholders on his behalf and reported back on those meetings.

During her interview, Ms. Peters, who described herself as having a positive, mentor-like relationship with Mr. Lovell, characterized Mr. Lovell as Mr. Badawey’s “right hand” and “the person who’d get the phone calls at 10 P.M.” She also indicated that Mr. Lovell managed finances for the office and that he coordinated Mr. Badawey’s committee work and stakeholder relations. In Ms. Peters’ view, Mr. Badawey respected Mr. Lovell and considered that, after working together for four years, the two had a “close relationship.”

During his interview, Mr. Badawey stated that he and Mr. Lovell were in frequent and direct communication with one another on a more-than-daily basis during Mr. Lovell’s employment in his office and that he came to rely on Mr. Lovell’s opinion. In addition, Mr. Badawey confirmed that he and Mr. Lovell shared a relationship of trust.

Both Mr. Badawey and Mr. Lovell stated that they did not and do not see one another socially or outside of a working environment, except at the occasional reception.

Employment in Mr. Badawey’s re-election campaigns

In his affidavit, Mr. Lovell confirmed that he worked on Mr. Badawey’s 2019 and 2021 re-election campaigns. He specified that he “interacted with Mr. Badawey on most days during both campaign periods” and that each such period lasted approximately one-and-a-half months. Mr. Lovell further indicated that he was not given a specific title for his role in the campaign, but that it “generally included assisting with strategy development and execution, budgeting and operational support” which also entailed coordinating campaign activities and helping to manage staff and volunteers, among other operations.

During his interview, Mr. Badawey recalled that Mr. Lovell “pretty well managed the campaign with the team.” He subsequently specified that Mr. Lovell was

responsible for “managing all aspects of the campaign that are not financial.” Mr. Badawey provided a copy of an unsigned contract bearing Mr. Lovell’s name indicating that, from August 14, 2021 to September 26, 2021, Mr. Lovell would have occupied a paid position to render various campaign services which “include[d], but [were] not limited to, campaign strategy, budgeting and operational leadership of the candidate.”

According to Mr. Badawey, Mr. Lovell’s employment in both campaigns was as “Campaign Manager” and that the same terms and conditions would have applied to the 2019 and 2021 campaigns.

In his affidavit, Mr. Lovell stated that his role with the re-election campaigns “generally included assisting with strategy development and execution, budgeting and operational support.” His role was also “to coordinate campaign activities and help manage staff and volunteers and other operations.” In the context of the two campaigns, Mr. Lovell further explained that he “assisted with all matters for which [he] was available when the need arose including canvassing, scheduling, coordination activities, meetings, media relations and seeking out or organizing other engagement activities with electorates.”

Mr. Lovell’s representations about his relationship with Mr. Badawey

In his affidavit, Mr. Lovell stated that, “Today, I view my relationship with Mr. Badawey as a former employee of his office with occasional overlap in my role as a government relations consultant and his as the elected official for the Niagara Centre federal riding.”

In further written representations, Mr. Lovell stressed that “[he] believes his relationship with Mr. Badawey is one of a former employee of a former employer. [He] does not consider any aspect of his relationship with Mr. Badawey to have any sense of obligation.”

Finding with respect to the relationship between Mr. Lovell and Mr. Badawey

Determining whether a relationship could reasonably be seen to create a sense of obligation does not turn on either the lobbyist’s or the public office holder’s subjective view of their relationship but is instead based on an objective assessment of the relevant factual circumstances.

The evidentiary record set out above demonstrates that, during the four years he worked with Mr. Badawey, Mr. Lovell and Mr. Badawey shared a close and professional bond which involved frequent and significant interactions.

Mr. Badawey relied on Mr. Lovell in his chief-of-staff-like role to provide key strategic and operational support in his parliamentary duties, in managing both his Ottawa and constituency offices, representing him during meetings with stakeholders and assisting with his committee work. Moreover, Mr. Lovell was trusted by Mr. Badawey to manage two successive re-election campaigns which secured Mr. Badawey's seat in the House of Commons.

In my view, an objective observer, apprised of the high degree of trust and reliance Mr. Badawey placed in Mr. Lovell over the four-year period in which Mr. Lovell worked for Mr. Badawey in his MP offices as well as the significant, campaign-manager-like role Mr. Lovell played in Mr. Badawey's two successful re-election campaigns in 2019 and 2021, would reasonably conclude that Mr. Lovell and Mr. Badawey shared a relationship that could reasonably be seen to create a sense of obligation.

If anything, his sense of obligation could reasonably be seen to have been particularly acute at the time Mr. Lovell first started communicating with Mr. Badawey as a consultant lobbyist in May 2022 given that he had only ceased to work for Mr. Badawey at the end of April 2022.

For all of these reasons, I am of the view that Mr. Lovell and Mr. Badawey shared a relationship that can reasonably be seen to create a sense of obligation.

Conclusions

Based on all of the information gathered in this investigation, I find that Mr. Lovell arranged meetings with Mr. Badawey on behalf of the Grain Farmers of Ontario and Welded Tube of Canda Corp. and lobbied Mr. Badawey on behalf of the Independent First Nations Alliance and the Grain Farmers of Ontario. I further find that Mr. Lovell shared a relationship that could reasonably be seen to create a sense of obligation with Mr. Badawey.

I therefore conclude that Mr. Lovell contravened both Rule 7 and Rule 8 of the 2015 Code.

As a final observation, I note that on July 1, 2023, the [Lobbyists' Code of Conduct \(2023\)](#) came into force, replacing the 2015 version of the Code considered in this report. While the text of Rules 7 and 8 of the 2015 Code are no longer in force,

the rules of the updated 2023 Code also prohibit a lobbyist from lobbying (for consultant lobbyists, this includes arranging a meeting) any official in circumstances where the official could reasonably be seen to have a sense of obligation toward the lobbyist.

Annex A

Mr. Lovell's representations and the Commissioner's response

On December 18, 2023, my office provided Mr. Lovell with a draft investigation report (Draft Report) and invited him to provide representations to be considered prior to finalizing the report. On February 11, 2024, Mr. Lovell, through counsel, provided representations on the Draft Report in which he alleged that my investigation into his conduct raised concerns about procedural fairness and natural justice, that the findings contained in the Draft Report were therefore untenable, and that the Draft Report contained errors of fact, law, and mixed fact and law.

With respect to procedural fairness, Mr. Lovell raised arguments of bias, lack of meaningful and informed participation, and delay. Regarding errors in the report, he alleged that Rules 7 and 8 of the 2015 *Lobbyists' Code of Conduct* (2015 Code) were vague and that, in analyzing Mr. Lovell's relationship with Mr. Badawey for the purposes of Rules 7 and 8, I had ignored the subjective views of the parties to this relationship.

Mr. Lovell's counsel requested that I revise my findings to conclude that Mr. Lovell had not contravened Rules 7 or 8 of the 2015 Code or, alternatively, to provide him with a 30-day period to review my final investigation report before any such report were to be submitted to Parliament for tabling.

On February 13, 2024, OCL Legal Counsel provided Mr. Lovell with his own preliminary reactions to Mr. Lovell's representations.

I have carefully considered Mr. Lovell's representations dated February 11, 2024 as well as OCL Legal Counsel's preliminary reactions. I am confident that this investigation was both procedurally fair and free of the alleged errors outlined by Mr. Lovell in his representations.

With respect to Mr. Lovell's unconscious bias allegation, there is no basis for his contention that I was influenced by the consultation process aimed at updating the *Lobbyists' Code of Conduct* when carrying out my investigation of Mr. Lovell's conduct. Mr. Lovell's allegation that the mere coexistence of these two parallel processes gives rise to a reasonable apprehension of unconscious bias is unfounded. The Code consultation and my investigation of Mr. Lovell are completely distinct processes. I evaluated Mr. Lovell's conduct exclusively with reference to the 2015 Code in force at the time of the factual circumstances at

issue in this investigation. Moreover, I would note that the substance of Rules 7 and 8 of the 2015 Code is reflected in the updated version of the *Lobbyists' Code of Conduct* in force since July 1, 2023 (2023 Code). While the text of Rules 7 and 8 of the 2015 Code are no longer in force, the rules of the 2023 Code also prohibit a lobbyist from lobbying (for consultant lobbyists, this includes arranging a meeting) any official in circumstances where the official could reasonably be seen to have a sense of obligation toward the lobbyist.

Many of Mr. Lovell's procedural fairness arguments appear to reflect a misunderstanding about the nature of the OCL's investigation process. Code investigations pursuant to the *Lobbying Act* (Act) are inquisitorial in nature and conducted by the Commissioner, who is statutorily mandated to take all steps in relation to such investigations, including whether to initiate, cease or refuse to conduct an investigation (subsections 10.4(1) and (1.1) of the Act), whether and how to exercise powers to compel the attendance of witnesses or the production of documentary evidence or administer oaths (subsection 10.4(2) of the Act), to maintain the confidentiality of investigations (subsection 10.4(3) of the Act), to provide subjects of Code investigations with a reasonable opportunity to present their views before finding that the subject of an investigation has contravened the Code (subsection 10.4(5) of the Act) and, once an investigation has been completed, to prepare an investigation report to Parliament setting out the Commissioner's findings, conclusions and reasons (subsection 10.5(1) of the Act).

I would note that the Act does not prescribe any specific procedures to be followed in mandating the Commissioner to provide the subject of an investigation with a reasonable opportunity to make representations. In my view, the investigation procedures that I have established and followed throughout the course of this investigation have provided Mr. Lovell with a more than reasonable opportunity not only to know the case to be met, but also to be heard and to present his views, including for example, the following:

- On September 14, 2022, I sent Mr. Lovell a letter notifying him that I had initiated an investigation into his conduct, setting out the allegations and the text of the 2015 Code, describing the investigation process in general and inviting Mr. Lovell to provide representations at any time;
- On January 5, 2023, I sent a second letter to Mr. Lovell disclosing additional information that had been gathered in the context of this investigation and

informing him that this information gave rise to additional allegations under Rules 7 and 8 of the 2015 Code;

- In this same letter, I invited Mr. Lovell to participate in an in-person interview to answer questions about the factual circumstances at issue in this investigation. In response to Mr. Lovell's stated preference for providing written answers to my questions, I agreed that Mr. Lovell could provide a sworn affidavit in lieu of attending an in-person interview. I subsequently outlined issues for Mr. Lovell to address in his affidavit and provided him with exhibits relevant to these issues. I also indicated that Mr. Lovell could include any other information that he wished to provide in his affidavit;
- On June 20, 2023, I sent Mr. Lovell a draft statement of facts for the purpose of obtaining his representations. In doing so, I provided Mr. Lovell with the documentary evidence I relied on in preparing this draft statement, which was provided to Mr. Lovell on August 9, 2023, following the execution of undertakings of confidentiality. I took these steps in light of the fact that Mr. Lovell had not addressed some of the factual circumstances at issue and before I made any findings or conclusions in respect of the allegations under investigation; and
- On December 18, 2023, I provided Mr. Lovell with a draft investigation report for the purpose of obtaining his representations. I also confirmed that Mr. Lovell was already in possession of all of the documentary evidence I relied upon in preparing the Draft Report.

I believe that I have demonstrated a repeated willingness throughout this investigation to accommodate various procedural requests made by Mr. Lovell, including by granting multiple requests for extensions of time and accommodating his preference to provide answers in writing in lieu of an in-person interview. I also incorporated an additional procedural fairness mechanism by providing Mr. Lovell with a draft statement of facts and the documentary evidence on which it was based to afford him a further opportunity to provide representations about the factual circumstances at issue in this investigation. These measures have facilitated Mr. Lovell's ability to provide representations at multiple different junctures of this investigation process.

With respect to Mr. Lovell's allegation that the investigation has taken an unreasonable amount of time to complete, I disagree. In any event, I note that his own requests for multiple lengthy extensions of time contributed to the length of the investigation. Specifically, on at least four occasions, I have agreed to

extensions of time for Mr. Lovell to provide representations, two of which were each for more than four weeks. As well, Mr. Lovell's preference to make a written statement in lieu of attending an in-person interview also contributed to the length of this investigation.

With respect to Mr. Lovell's submission that he was required to enter into undertakings of confidentiality in order to access the documentary evidence and the Draft Report, the Act sets out a strong, mandatory confidentiality regime that requires the Commissioner and any person acting on her behalf or under her direction to maintain the confidentiality of all investigation-related information. This confidentiality regime is reinforced by parallel protections set out in section 16.2 of the *Access to Information Act*. In keeping with my standard practice, I required both Mr. Lovell and his counsel to sign undertakings to safeguard the confidentiality of investigation-related materials in accordance with the requirements of the Act.

With respect to Mr. Lovell's submission that I ignored parties' subjective views, I would make the following two points. First, it is not accurate to say that I ignored either Mr. Badawey's or Mr. Lovell's subjective views. Both the Draft Report and this Final Investigation Report accurately reflect both Mr. Badawey's testimony and Mr. Lovell's submissions and affidavit. In making my findings and conclusions in this investigation, I considered all of the information gathered, including both Mr. Badawey's testimony and Mr. Lovell's submissions about the nature of their relationship. Second, Rules 7 and 8 preclude lobbyists from arranging meetings with or lobbying public office holders with whom they share "relationships that **can reasonably be seen** to create a sense of obligation" (emphasis added), language that clearly connotes that such relationships are assessed on an objective, and not a subjective, standard.

With respect to Mr. Lovell's contention that the requirements of Rules 7 and 8 of the 2015 Code are not precise or ascertainable, and that this lack of specificity was exacerbated because the OCL failed to develop and implement an educational program in keeping with subsection 4.2(2) of the Act, I would strongly disagree. The OCL has a robust education and outreach program that includes, among other things, offering individual and group training sessions, providing advisory services as well as tools and information on the OCL website, including the Guidance on Preferential Access cited in this Report. More particularly, I would note that, on May 2, 2022, in keeping with standard OCL procedures, Mr. Lovell received an email from the Registration and Client Services

Directorate (RCSD) introducing him to his Registration Advisor at the OCL and indicating that RCSD is available not only to answer any questions he may have, but also to provide an information session on his obligations as a consultant lobbyist. Mr. Lovell did not avail himself of either of these two opportunities. On this same date, Mr. Lovell made a declaration in creating his account in the Registry of Lobbyists that he understood he was subject to the ethical standards of the *Lobbyists' Code of Conduct*.

Finally, Mr. Lovell made an unsupported assertion that I committed errors of fact in the Draft Report. In response to this assertion, I would reiterate that, despite having had many opportunities to provide representations, and notwithstanding the encouragement he received from OCL legal counsel on February 13, 2024, to provide any information he may have or any representations he may wish to make about the factual accuracy of the Draft Report, Mr. Lovell declined to provide any information with respect to any such alleged factual errors.

Accordingly, I have considered Mr. Lovell's representations on the Draft Report in full and find that they provide no basis for altering my findings and conclusions.

On February 26, 2024, I advised Mr. Lovell, through counsel, that the *Lobbying Act* requires the Commissioner, upon completion of an investigation, to prepare an investigation report for tabling in each House of Parliament that sets out the Commissioner's findings, conclusions and reasons. I further advised Mr. Lovell's counsel that, having carefully considered his representations, I have completed my investigation of Mr. Lovell's conduct and therefore that I will proceed to comply with the requirements of the Act. I also advised him that, in keeping with the OCL's standard practice, I would notify him when I have provided my final investigation report to Parliament. In doing so, I indicated that, based on past experience, such reports are typically tabled in the House of Commons the following the day.