

## SUMMARY<sup>1</sup>

The Ethics Commissioner's Inquiry Report on Mr. Éric Caire, Deputy House Leader of the Second Opposition Group and Member for La Peltrie

September 27, 2018

### **CONTEXT**

On August 2, 2018, Mr. Claude Surprenant, Member for Groulx ("the Member"), filed an inquiry request with the Commissioner in which he claimed to have reasonable grounds to believe that Mr. Éric Caire, Deputy House Leader of the Second Opposition Group and Member for La Peltrie ("the Deputy Leader"), had violated sections 15 and 16(1) of the *Code of ethics and conduct of the Members of the National Assembly* (CQLR, c. C-23.1) ("the Code").

He claimed that the Deputy House Leader had hired an employee at his riding office who was also the president of the Commission de la Relève de la CAQ ("the CRCAQ"). The Member alleged that the Deputy House Leader had derived partisan advantage in hiring the employee, who simultaneously had responsibilities within the CRCAQ.

### **FACTS**

The documents and testimonies received reveal that the employee served as a political attaché at the La Peltrie riding office between April 10, 2012 and May 27, 2016. She had also served as CRCAQ president from the beginning of 2012 to the summer of 2013. She resigned from the latter position following a change to the internal by-laws of the CRCAQ, which prohibits a member of the CRCAQ executive from simultaneously working for a Member's riding office.

According to the testimonies, no partisan work was performed by the political attaché during the hours she worked for the La Peltrie riding office.

### **ANALYSIS OF THE FACTS AND APPLICABLE LEGISLATION**

For the purposes of the request received, the Commissioner had to determine whether, under section 15 of the Code, the Deputy House Leader had placed himself in a situation where his private interests might have impaired independence of judgment in carrying out the duties of office, and also whether, under section 16(1) of the Code, the Deputy House Leader had acted so as to further his private interests or to improperly further those of another person.

It is important to first clarify that holding a position as a political attaché in a riding office while simultaneously holding another office or post, whether partisan or not, does not in itself violate the *Rules of conduct applicable to the staff of Members and House Officers of the National Assembly* (Office of the National Assembly, Decision 1690) ("the Rules"). The Rules do not contain provisions on incompatibility of posts or offices in the case of Members' staff.

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1. The Ethics Commissioner's official position and conclusions are included in the inquiry report. Where there are any differences between the summary and the report's content, the latter prevails.

To allege a possible violation of the Code in relation to this situation, the Member had to submit elements making it reasonable to believe that, for example, the Deputy House Leader had allowed his employee to work on CRCAQ files during the hours she worked for the La Peltrie riding office. However, this was not what was alleged in the case in point.

The Member did not submit elements in support of his inquiry request that substantiated the allegations made against the Deputy House Leader. In fact, the inquiry request established no links between the facts submitted and the alleged violations of sections 15 and 16(1) of the Code. In addition, when invited to provide further information in connection with his request, the Member was unable to clarify or substantiate his allegations regarding the alleged violations.

### **CONCLUSION**

In light of the verification findings, the Commissioner concludes that the inquiry request filed by the Member on August 2, 2018 was unfounded, thereby terminating the inquiry process in accordance with section 95 of the Code.

Furthermore, the Commissioner notes that an inquiry request filed by a Member under section 91 must state the grounds making it reasonable to believe that another Member has committed a violation and be based on arguments that, at least to some degree, pertain to the alleged violations.