

SUMMARY¹

The Ethics Commissioner's Inquiry Report Regarding Mr. Louis-Charles Thouin, Member for
Rousseau

April 28, 2021

This report concerns Mr. Louis-Charles Thouin, Member for Rousseau. It was prepared pursuant to the *Code of Ethics and Conduct of the Members of the National Assembly* (the "Code"), at the request of Gaétan Barrette, the Member for La Pinière, and Marie-Claude Nichols, the Member for Vaudreuil. The aim of the inquiry is to determine whether Louis-Charles Thouin (the "Member") violated section 16 of the Code by furthering the interests of the Regional County Municipality ("RCM") of Montcalm, of the urban planning firm Groupe BC2 and of the real estate developer Développement Saint-Roch, indirectly owned by Arthur Steckler.

BACKGROUND

The request for inquiry relied in part on a series of articles published in *La Presse* in October and November 2020 concerning the alleged role of the Member, at the time the parliamentary assistant to the Minister of Municipal Affairs and Housing ("the Minister") in the amendment of the revised planning and development plan (the "SADR") of the RCM of Montcalm, a file that he had worked on prior to entering provincial politics as warden of the RCM.

ANALYSIS

Section 16 of the Code stipulates that a Member must not act or attempt to act, influence or attempt to influence another person's decision so as to further the Member's private interests or those of a family member or non-dependent child, or to improperly further "another person's" private interests.

In determining whether the Member influenced or attempted to influence the Minister so as to improperly further the interests of the RCM of Montcalm, Groupe BC2 or Développement Saint-Roch, the Commissioner relied on five factors used in previous reports and by its counterparts in Canada. These factors are the proximity of the elected official and a third party, the degree of involvement of the elected official, the elected official's reasons for acting, the process followed, and the basis for the decision.

Although there is a connection between the Member and the RCM that he worked for, the connection to BC2 is much weaker, while there is no connection at all to Développement Saint-Roch. The evidence shows that the Member was significantly involved in facilitating the role of the stakeholders; he acted as the communication channel between RCM stakeholders and the Minister's office. At no time did he attempt to circumvent the process in effect. Furthermore, although he reminded the Minister about the SADR several times, it appears that his

1 The Ethics Commissioner's official position and conclusions are included in the inquiry report. In case of differences in the content of the summary and the report, the latter prevails.

interventions with her were limited to following up on the file and not attempting to convince her to approve the SADR proposed by the RCM. Thus, despite the lengthy procedures and complexity of the SADR for the RCM of Montcalm, the evidence shows that the process set out in the *Act Respecting Land Use Planning and Development* was followed. Moreover, there is nothing to suggest that the Minister's decision to issue a notice of compliance with regard to the by-law amending the SADR of the RCM of Montcalm was made on an arbitrary, illegitimate or unreasonable basis.

Given the foregoing, the Commissioner concluded that the Member did not commit a breach of section 16 of the Code.

A Member elected as a municipal official does not have to refrain from acting in all files emanating from or concerning the municipality or the RCM where such Member worked. Indeed, the National Assembly is enriched by elected officials with diverse profiles contributing to the common good. Members' past involvement with an organization, a business or a public entity prior to their election is undeniably an asset. Hence, the issue is not to prohibit, but rather to be concerned with the perception of a reasonably well-informed person. When a Member is actively involved in a file or with an entity prior to being elected, prudence recommends keeping some distance and modulating one's level of involvement. The Office of the Ethics Commissioner is available to advise Members in this regard.