



Office of the Ethics Commissioner
Bureau du commissaire à l'éthique

JUNE 2006

THE VELLACOTT INQUIRY

pursuant to the
CONFLICT OF INTEREST CODE FOR
MEMBERS OF THE HOUSE OF COMMONS



Report made pursuant to a request by
Mr Borys Wrzesniewskij, M.P. for an inquiry
in relation to Mr Maurice Vellacott, M.P.

Bernard J. Shapiro

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EXECUTIVE SUMMARY

On April 18, 2006, at the request of Mr. Borys Wrzesnewskyj, Member of Parliament for Etobicoke Centre, I initiated a preliminary inquiry to determine whether Mr. Maurice Vellacott, Member of Parliament for Saskatoon-Wanuskewin, had contravened the *Conflict of Interest Code for Members of the House of Commons* in relation to a trip he had taken to Sudan in September 2005. It was alleged by Mr. Wrzesnewskyj that Mr. Vellacott had received financial assistance through him and an organization called Canadian Friends of Sudan, for this trip, and that he had failed to disclose this fact to the Ethics Commissioner as he would have been obligated to under section 15 of the Members' Code.

Section 15 of the Code requires a member to disclose "travel costs" which are not wholly paid out of the Consolidated Revenue Fund, by the member personally, his or her political party or any interparliamentary association or friendship group recognized by the House. The issue in this case became whether the expenses incurred in relation to services provided by the individual who accompanied Mr. Vellacott while in Sudan should be considered "travel costs", particularly when Mr. Vellacott was aware this individual's travel and accommodation costs were being paid for by a third party.

My conclusion from the inquiry is that Mr. Vellacott paid for his own travel and personal expenses. It was, however, known to Mr. Vellacott that the expenses incurred by the individual who accompanied him during his travels were being paid out of the monies he transported to Sudan and that he, Mr. Vellacott, could not have undertaken the trip without the services of this individual. As a consequence, this service did amount to a benefit provided to Mr. Vellacott for which a disclosure should have been made.

Although section 15 of the Members' Code was, therefore technically contravened, I find, in accordance with subsection 28(5), that it was a mitigated contravention. The contravention was trivial and "occurred through inadvertence or an error in judgment made in good faith". As such, I recommend that no sanction be imposed.

* * *

INTRODUCTION

The Legislative Background

Under subsection 27(1) of the *Conflict of Interest Code for Members of the House of Commons* ("Members' Code"), which constitutes Appendix 1 of the *Standing Orders of the House of Commons*, a request for an inquiry can be made by a Member of the House of Commons who has reasonable grounds to believe that another Member has not complied with his or her obligations under the Members' Code. Following the completion of an inquiry, a report is to be provided to the Speaker of the House of Commons who then tables it in the House. Once the report is tabled, it is released to the public. It should be noted that subsection 28(2) states that during a period of adjournment or prorogation, the Ethics Commissioner makes the report public upon its receipt by the Speaker.

The Vellacott Inquiry - Request for Inquiry

This inquiry was initiated at the request of Mr. Borys Wrzesnewskyj, Member of Parliament for Etobicoke Centre. In his letter dated March 17, 2006 (attached as Appendix 1), Mr. Wrzesnewskyj requested that I investigate expenses incurred and claimed by Mr. Maurice Vellacott, Member of Parliament for Saskatoon-Wanuskewin, in relation to a trip Mr. Vellacott had taken to Sudan in September 2005. In this letter, Mr. Wrzesnewskyj alleged that he and Canadian Friends of Sudan had provided financial assistance to Mr. Vellacott to help defray the costs of that trip. Mr. Wrzesnewskyj also provided a handwritten note signed by him and Mr. Vellacott stating that the latter had received U.S. \$2,000, which was to be passed on to a third party in Sudan and used to "cover the costs of transportation and accommodations for the fact-finding mission members" (attached as Appendix 2).

In a follow-up conversation with Mr. Wrzesnewskyj on April 10, 2006, he indicated that his letter of March 17, 2006 was intended as a formal request for an inquiry under section 27 of the Members' Code. He further indicated that he believed Mr. Vellacott to have breached section 15 of that Code, subsection (1) of which states:

15(1) If travel costs of a Member for a trip that arises from or relates to his or her position exceed \$500 and those costs are not wholly paid from the Consolidated Revenue Fund or by the Member personally, his or her political party or any interparliamentary association or friendship group recognized by the House, the Member shall, within 30 days after the end of the trip, file a statement with the Ethics Commissioner disclosing the trip.

* * *

THE ALLEGATIONS

Subsection 27(2) of the Members' Code stipulates that a request for an inquiry from a Member of the House of Commons must (1) be in writing; (2) identify the alleged non-compliance with the Code; and (3) set out the reasonable grounds for the Member's belief that the obligations have not been complied with.

In light of the foregoing, the request submitted by Mr. Wrzesnewskyj alleges that Mr. Vellacott breached section 15 of the Members' Code by failing to disclose to the Ethics Commissioner the fact that travel costs associated with Mr. Vellacott's trip to Sudan in 2005, which were in excess of \$500, were partially subsidized.

After careful consideration of the information provided by Mr. Wrzesnewskyj, I was satisfied that this request met the conditions set out in subsection 27(2) of the Members' Code. Mr. Wrzesnewskyj's request was submitted in writing, he identified the alleged non-compliance and, in the form of the note signed by both him and Mr. Vellacott, established reasonable grounds for his belief that Mr. Vellacott had not complied with the Code. Accordingly, the decision was made to proceed with a preliminary inquiry. After interviewing Mr. Vellacott, I decided that the inquiry would need to move beyond the preliminary stage as an additional witness needed to be interviewed.

THE PROCESS

The process associated with this inquiry consisted of five steps:

First Step

Following the receipt of the original request (dated March 18, 2006 and received on April 5, 2006) Mr. Wrzesnewskyj was contacted by telephone on April 10, 2006. During the ensuing conversation, he confirmed that his letter of March 17, 2006 was intended as a formal request for an inquiry. He indicated that he believed Mr. Vellacott to have breached section 15 of that Code. He was also given an opportunity to convey any additional information he wished to provide in relation to his allegation, which he did. The Registrar, Inquiries, from my Office acknowledged in writing the receipt of Mr. Wrzesnewskyj's request on April 11, 2006.

Second Step

On the basis of the mandate given to the Ethics Commissioner, and after careful assessment of the information provided, I concluded that Mr. Wrzesnewskyj's allegation was not frivolous or vexatious, nor was it made in bad faith. I also concluded that there were reasonable grounds to believe that a preliminary inquiry was warranted in order to determine whether Mr. Vellacott had breached his obligations under the Members' Code.

Consequently, on April 18, 2006, I wrote to the Speaker of the House of Commons to inform him of my decision to undertake this preliminary inquiry. I enclosed a copy of the written request

received from Mr. Wrzesnewskyj. A letter was also sent to Mr. Wrzesnewskyj informing him of my decision to proceed. On the same day, in accordance with the provisions of subsection 27(4) of the Members' Code, Mr. Vellacott was informed of my intent to proceed with an inquiry, and was provided with notice of the nature of the allegation being made against him.

Third Step

On May 4, 2006, Mr. Vellacott was interviewed in relation to Mr. Wrzesnewskyj's allegations.

Fourth Step

After reviewing the testimony of Mr. Vellacott, I decided that the inquiry would need to move beyond the preliminary stage as an additional witness, Mr. Justin Laku, needed to be interviewed. This interview was conducted on May 30, 2006. Subsequent to this, an additional interview was conducted with Mr. Vellacott on June 14, 2006.

Fifth Step

Mr. Vellacott was provided with a Notice of Issues of Fact and given seven (7) calendar days within which he could, if he so wished, provide comments in writing to the Ethics Commissioner. All comments provided were taken into consideration prior to the finalization of this report.

THE FACTS

In his testimony, Mr. Vellacott explained that several Members of Parliament, representing the four official parties, were planning to undertake a fact-finding mission to Darfur in Sudan in the late summer or fall of 2005. Mr. Vellacott was first approached about taking part in this trip in the spring of 2005 by Justin Laku, a Sudanese individual living in Ottawa and a founder of Canadian Friends of Sudan.

In an interview with the Office of the Ethics Commissioner, Mr. Laku explained that he had been asked to organize the mission by Borys Wrzesnewskyj, Member of Parliament for Etobicoke Centre. Mr. Laku had met Mr. Wrzesnewskyj through his appearances before parliamentary committees. Mr. Laku said he was asked to travel with the MPs and to organize and coordinate the trip because of his knowledge of the Sudanese language and culture.

Mr. Vellacott says that he was also acquainted with Mr. Laku, who was aware of his interest in Sudan and, during a chance meeting in the spring of 2005, asked him if he would be interested in taking part in the fact-finding mission. Mr. Vellacott expressed interest and asked for more details before eventually deciding to take part in the trip.

The trip was tentatively scheduled for August 2005, but several MPs were unable to participate due to conflicting schedules, and the trip as originally planned did not take place. In light of this, Mr. Vellacott decided to travel to Sudan on his own in mid-September 2005. Mr. Wrzesnewskyj also

planned a separate trip. Mr. Laku accompanied both MPs on their individual trips, helping them get around Sudan.

According to Mr. Vellacott, in the days prior to his trip, he received an e-mail from Mr. Laku, who was to travel to Sudan in advance of Mr. Vellacott's arrival. He asked Mr. Vellacott to bring U.S. \$2,000 with him to Sudan. Mr. Laku corroborated this.

Mr. Vellacott says he did not know exactly why he was being asked to bring the \$2,000, but assumed some previous arrangements had been made between Mr. Laku and Mr. Wrzesnewskyj, and he forwarded the request to the latter. Mr. Laku indicates that he had made arrangements with Mr. Wrzesnewskyj to act as the guide to both Mr. Vellacott and Mr. Wrzesnewskyj and that Mr. Vellacott had agreed to pass the money along to Mr. Laku to help defray Mr. Laku's personal expenses incurred while he accompanied each of the MPs.

Mr. Vellacott indicated that Mr. Wrzesnewskyj contacted him shortly before Mr. Vellacott's departure for Sudan to arrange a meeting between the two at the Toronto airport in order to pass on to Mr. Vellacott the \$2,000. The money was to be passed on to Mr. Laku. Once the money was given to Mr. Vellacott, both he and Mr. Wrzesnewskyj signed a hand-written document indicating that the money had been received and was to be passed on to Mr. Laku in Sudan and used "to cover the costs of the transportation and accommodations for the fact-finding mission members." Mr. Vellacott said the money was, indeed, transferred upon his arrival in Khartoum, Sudan. Mr. Laku corroborated the fact that he did receive the money at that time.

Mr. Vellacott explained that it was necessary to carry the money in cash, due to the poor financial infrastructure in Sudan. Traveler's cheques, for example, are not widely accepted and they are difficult to cash.

During his stay in Sudan, Mr. Vellacott says that he personally covered all of his own costs, including travel, accommodation and meals. In support of this, Mr. Vellacott provided the Office of the Ethics Commissioner with copies of several documents including credit card statements, a bank statement showing a withdrawal of U.S. funds, airline tickets and a rough accounting of his expenses while in Sudan.

In a telephone conversation with the Ethics Commissioner, Mr. Wrzesnewskyj indicated that the \$2,000 was intended for expenses to be incurred on the ground by Mr. Laku, who would be acting as a formal escort in Sudan. Mr. Laku confirmed that he acted as a guide to both Mr. Vellacott and Mr. Wrzesnewskyj and that the \$2,000 went to covering his own personal expenses only. He indicated that he received no further remuneration. Both Mr. Laku and Mr. Vellacott testified that Mr. Vellacott had no access to the \$2,000 after it had been passed in full to Mr. Laku.

Mr. Vellacott confirmed that Mr. Laku had helped him get around Sudan and that making the trip to Sudan would have been impossible without having someone like Mr. Laku accompany him. Mr. Vellacott further confirmed that he had assumed that the \$2,000 was being used, in part, to cover Mr. Laku's expenses while he accompanied him, and later Mr. Wrzesnewskyj, around Sudan.

THE FINDINGS

Section 15 of the Members' Code, as previously referred to in this report, requires a Member to disclose travel costs exceeding \$500, when the costs are not wholly paid for by the entities specifically identified in that section.

For the year 2005, Mr. Vellacott did not report any travel costs exceeding \$500 that were not wholly paid from the Consolidated Revenue Fund or by the Member personally, his or her political party or any interparliamentary association or friendship group recognized by the House. The cost of Mr. Vellacott's trip to Sudan exceeded \$500. Therefore, if he had accepted any money or any other benefit from a third party associated with his trip to Sudan, this would have necessitated a disclosure pursuant to section 15 of the Members' Code.

It should be noted that the term "travel costs" in section 15 should be interpreted broadly. Subsection 15(2) of the Members' Code spells out the details that would need to be included in a disclosure of travel costs paid by a third party. These include details on "the nature of the benefit" received. The term "benefit" is not specifically limited. Travel costs paid by a third party could include things like ground transportation and accommodation as well as less tangible benefits such as the costs associated with having a guide.

Despite the fact that Mr. Laku did not receive any remuneration, beyond expenses, for accompanying Mr. Vellacott, this service did amount to a benefit provided to Mr. Vellacott. Mr. Vellacott could not have traveled around Sudan without the assistance of someone like Mr. Laku. The feasibility of the trip depended on it, and it must therefore be considered a travel cost associated with his trip. As Mr. Laku's expenses were paid for by a third party, a disclosure should have been made. However, although section 15 of the Members' Code was technically contravened, I find, in accordance with subsection 28(5), that it was a mitigated contravention. The contravention was trivial and "occurred through inadvertence or an error in judgment made in good faith". As such, I recommend that no sanction be imposed.

THE SPECIAL COSTS

During the course of this inquiry expenses for professional services, including transcription and translation services, were incurred. All of these costs have been or will be absorbed within the budget of the Office of the Ethics Commissioner. Consistent, however, with this Office's past practice of providing the public with the special costs associated with its inquiries, these special expenses are listed in Appendix 3.

* * *

March 17, 2006

Dr. Bernard Shapiro
Ethics Commissioner
Office of the Ethics Commissioner
66 Slater Street, 22nd Floor
Ottawa, Ontario K1A 0A6

Dear Dr. Shapiro:

I would like to take this opportunity to formally request that you investigate the expenses incurred and claimed by Mr. Maurice Vellacott, M.P. for Saskatoon-Wanuskewin, for his trip to Sudan in September 2005.

In September 2005, Mr. Vellacott and I, along with several other individuals, took a trip to Sudan to get a first hand look at the very desperate situation that this country finds itself in. In order to take this trip Mr. Vellacott received financial assistance from me and through the Canadian Friends of Sudan. I have enclosed a copy of a handwritten note from Mr. Vellacott to me acknowledging receipt of \$2,000 (U.S.). I personally provided these funds to help defray the cost of his trip as I felt that it was of uttermost importance for as many individuals from all political parties to participate.

My reason for bringing this to your attention is that Mr. Vellacott is claiming that this was a self-financed trip, which is simply not true. You will note from the copy of the transcript of Mr. Vellacott's press conference that he claims he went at his personal expense. Nowhere in the transcript does he acknowledge that he received any outside financial assistance for this trip.

Prior to their election, the Conservative government claimed to have brought down the government on issues of honesty and accountability. I believe that they would be ashamed should it be found that a colleague of theirs has made false claims in press releases and false submissions to the Ethics Commissioner.

Commissioner, I thank you in advance for your consideration of my request and I look forward to your response.

Respectfully,

Borys Wrzesnewskyj, M.P.
Associate Critic for Foreign Affairs

Encl.

Sept. 11, 2005

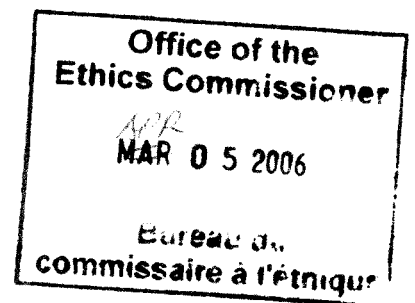
I Maurice Vellacott have received
\$2,000.^{xx} U.S. from Borys Wrzesnewskyj for
the purposes of a fact-finding mission
to Darfur taking place Sept. 2005.
The monies received are to be passed
on to Justin Laiku and are to
be strictly used to cover the costs
of transportation and accomadations
for the fact-finding mission members.

Maurice Vellacott M.P.

~~Maurice Vellacott~~

Borys Wrzesnewskyj M.P.

B. W. W.



September 11, 2005

I, Maurice Vellacott, have received \$2,000.^{xx} U.S. from Borys Wrzesnewskyj for the purposes of a fact-finding mission to Darfur taking place Sept. 2005. The monies received are to be passed on to Justin Laiku (sic.) and are to be strictly used to cover the costs of transportation and accomadations (sic.) for the fact-finding mission members.

Maurice Vellacott, M.P.

“Maurice Vellacott”

Borys Wrzesnewskyj, M.P.

"B. Wrzesnewskyj"

SPECIAL COSTS

COURT REPORTING	
Cornell Catana Reporting Services	\$811.28