

**DETERMINATION DECISION 23-02**

**Greater Vancouver Board of Trade**

**Designated Filer:** Bridgitte Anderson

**February 8, 2023**

**SUMMARY:** The designated filer for the Greater Vancouver Board of Trade failed to submit Monthly Returns with information required under sections 4.2(2)(a) to (d) of the *Lobbyists Transparency Act* (LTA) (senior public office holder lobbying activity) within the legislated timeline. They were assessed an administrative penalty of \$3,000 for this contravention.

The designated filer submitted a Monthly Return under s. 4.1 of the LTA with information required under s. 4.2(2)(e)(i) of the LTA (changes to a Registration Return). The information they entered was inaccurate. The designated filer was assessed an administrative penalty of \$1,000 for this contravention.

**Statutes considered:** *Lobbyists Transparency Act*, S.B.C. 2001, c. 42.

**Authorities considered:** Investigation Report 20-02, Investigation Report 19-05, Investigation Report 18-01, Investigation Report 17-05, Investigations Report 15-11, Investigation Report 15-02 and Investigation Report 14-12.

**INTRODUCTION**

[1] This report concerns an investigation under s. 7.1 of the LTA. This section gives the Registrar of Lobbyists (the Registrar) the authority to conduct an investigation to determine compliance with the LTA or its regulations. If the Registrar or delegate believes that the person under investigation has not complied with a provision of the LTA or its regulations, s. 7.2 of the LTA requires the Registrar to give a person under investigation notice of the alleged contravention and the reasons for the Registrar's belief that the contravention has occurred. Prior to making a determination under s. 7.2(2) of the LTA, the Registrar must, under s. 7.2(1)(b), give the person under investigation a reasonable opportunity to be heard respecting the alleged contravention.

[2] The LTA recognizes two types of lobbyists: consultant lobbyists and in-house lobbyists. This report focuses on the activities of the Greater Vancouver Board of Trade (GVBT), an

organization that employs in-house lobbyists. An in-house lobbyist is a paid employee, officer or director of an organization who lobbies on behalf of the organization or affiliate.

[3] Under s. 7(4)(d) of the LTA, the Registrar has delegated to me the authority to conduct this investigation.

### **ISSUES UNDER CONSIDERATION**

[4] The questions for consideration are:

- (a) whether the designated filer contravened s. 4.1 of the LTA when they failed to submit Monthly Returns with information required under ss. 4.2(2)(a) to (d) of the LTA (lobbying activity), no later than 15 days after the end of each month;
- (b) whether the designated filer entered inaccurate information when they submitted a Monthly Return under s. 4.1 of the LTA with information required under s. 4.2(2)(e)(i) of the LTA (changes to Registration Return); and
- (c) if the designated filer did not comply with the requirements of the LTA, what, if any, administrative penalty is or penalties are appropriate in the circumstances.

The relevant portions of the LTA are as follows:

#### **"designated filer" means**

- (a) a consultant lobbyist, or
- (b) in the case of an organization that has an in-house lobbyist,
  - (i) the most senior officer of the organization who receives payment for performing the officer's functions, or
  - (ii) if there is no senior officer who receives payment, the most senior in-house lobbyist

#### **Requirement to file Monthly Return**

4.1 A designated filer who has filed a registration return under section 3 must file with the Registrar a Monthly Return, in the prescribed form and manner and containing the information required under s. 4.2, no later than 15 days after the end of every month, beginning with the month in which the Registration Return under s. 3 is filed.

4.2 In this section:

**"senior public office holder" means an individual who**

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- (a) is a member of the Executive Council,
  - (b) is employed, other than as administrative support staff, in the office of a member of the Executive Council,
  - (c) is a member of the Legislative Assembly,
  - (d) is employed, other than as administrative support staff, in the office of a member of the Legislative Assembly,
  - (e) is a parliamentary secretary,
  - (f) occupies a senior executive position in a ministry, whether by the title of deputy minister, chief executive officer or another title,
  - (g) occupies the position of associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry, or
  - (h) occupies a prescribed position in a Provincial entity;
- "third party sponsor" has the same meaning as in the [Election Act](#).

4.2(2) Each Monthly Return filed under s. 4.1 must include the following information in relation to each lobbying activity carried on, as applicable:

- (a) the name and position title of the senior public office holder who was the object of the lobbying activity;
- (b) the date of the lobbying activity;
- (c) the names of the lobbyists who participated in the lobbying activity;
- (d) particulars, including any prescribed particulars, to identify the subject matter of the lobbying activity;
- (e) the following information about a registration return filed under section 4:
  - (i) particulars of any change to the information in the registration return;
  - ...

#### **Certification of documents and date of receipt**

5(1) An individual who submits a document, including a return, to the registrar under this Act must certify,

- (a) on the document, or
- (b) in the manner specified by the registrar, if the document is submitted in electronic or other form under section 6,

that, to the best of the individual's knowledge and belief, the information contained in the document is true.

## **Power to investigate**

7.1(1) If the registrar considers it necessary to establish whether there is or has been compliance by any person with this Act or the regulations, the registrar may conduct an investigation.

(2) The registrar may refuse to investigate or may cease an investigation with respect to any matter if the registrar believes that

- (b) the matter is minor or trivial,
- (c) dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose,

## **Hearing and administrative penalty**

7.2 (1) If after an investigation under section 7.1 the registrar believes that a person under investigation has not complied with a provision of this Act or the regulations, the registrar must

- (a) give notice to the person
  - (i) of the alleged contravention,
  - (ii) of the reasons why the registrar believes there has been a contravention, and
  - (iii) respecting how the person may exercise an opportunity to be heard under paragraph (b) of this subsection, and
- (b) give the person a reasonable opportunity to be heard respecting the alleged contravention.

(2) If after giving a person under investigation a reasonable opportunity to be heard respecting an alleged contravention the registrar determines that the person has not complied with a prescribed provision of this Act or the regulations, the registrar

- (a) must inform the person of the registrar's determination that there has been a contravention,
- (b) may impose a monetary administrative penalty of not more than \$25 000, and
- (c) must give to the person notice
  - (i) if the registrar determines that the person has contravened a prescribed provision of this Act or the regulations, and the reason for the determination,

(ii) if a monetary administrative penalty is imposed, of the amount, the reason for the amount and the date by which the penalty must be paid,

...

(iv) respecting how the person may request reconsideration, under section 7.3, of the determination of contravention and, as applicable, the imposition or amount of the monetary administrative penalty or the imposition or duration of the administrative penalty of prohibition.

(3) Despite subsection (2), the registrar must not impose an administrative penalty if more than 2 years have passed since the date of the contravention.

## BACKGROUND

[5] On January 11, 2022, GVBV submitted a Monthly Return updating its Registration Return, number 1021-1627. The information in GVBV's January 11, 2022 Monthly Return is not at issue in this investigation.

[6] Upon receiving GVBV's January 11, 2022, Monthly Return, ORL staff examined GVBV's Registration Return and noticed that it contained a potential error. On January 11, 2022, ORL staff emailed the designated filer and pointed out that in the GVBV's Registration Return under the "in-house lobbyists section - Contributions" field they entered "No" indicating that the GVBV's lobbyists did not lobby or plan to lobby a member of the Legislative Assembly, including a Minister or Office of the Premier.

In-house Lobbyists Information	
<p style="text-align: right;"> <a href="#">Add Internal Notes</a> <a href="#">Note to Designated Filer</a> </p>	
In-house Lobbyists	
Lobbyist	Contributions
<b>Bridgitte Anderson</b> Subscribes to a Code of Conduct: <b>No</b> Former Public Office Holder in BC: <b>Yes</b>	Lobbied or plans to lobby a member of the Legislative Assembly, including a Minister or Premier, on behalf of this organization, on or after 2020-09-21: <b>No</b>
<b>Austin Nairn</b> Subscribes to a Code of Conduct: <b>No</b> Former Public Office Holder in BC: <b>No</b>	Lobbied or plans to lobby a member of the Legislative Assembly, including a Minister or Premier, on behalf of this organization, on or after 2020-09-21: <b>No</b>
<b>David van Hemmen</b> Subscribes to a Code of Conduct: <b>No</b> Former Public Office Holder in BC: <b>No</b>	Lobbied or plans to lobby a member of the Legislative Assembly, including a Minister or Premier, on behalf of this organization, on or after 2020-09-21: <b>No</b>

[7] However, the GVBV's Registration Return under "BC Ministries/Provincial Entities" field indicated that it intended to lobby "Member(s) of the BC Legislative Assembly and the Office of the Premier."

Public Agencies and Members of the BC Legislative Assembly Information

Add Internal Notes
Note to Designated Filer

Ministries/Provincial Entities:	<p>Advanced Education and Skills Training, Agriculture, Food and Fisheries, Attorney General and Minister responsible for Housing, BC Assessment Authority, Children and Family Development, Community, Sport and Cultural Development, Energy, Mines and Low Carbon Innovation, Environment and Climate Change Strategy, Finance, Forests, Lands, Natural Resource Operations, and Rural Development, Health, Indigenous Relations and Reconciliation, Jobs, Economic Recovery and Innovation, Labour, Member(s) of the BC Legislative Assembly, Mental Health and Addictions, Minister of State for Child Care, Municipal Affairs, Office of the Premier, Public Safety and Solicitor General, Tourism, Arts, Culture and Sport, Transportation and</p>
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[8] On the same date, the ORL staff asked the designated filer to confirm the following information:

- Did the GVBT in-house lobbyists lobby or plan to lobby a member of the Legislative Assembly, including a Minister or Premier on behalf of this organization, on or after September 21, 2020?
- Did the GVBT recently lobby (within the preceding month or so) or have plans to lobby (within the following 3 months or so) all the Ministries and Provincial Entities it listed in its Registration Return?
- Did the GVBT lobby a senior public office holder since May 4, 2020?

[9] In an email dated January 14, 2022, the designated filer responded to the ORL's questions. The designated filer stated it did not have any specific plans to lobby senior public officer holders (SPOHs), but circumstances may arise, within its membership, where it may need to lobby government, therefore, it should change its "Registration Summary - In-house lobbyist - Contributions" field to "Yes."

[10] The designated filer pointed out that its "...organization is somewhat unique, in that our members are comprised of so many sectors and face multiple issues." It did not have plans to lobby "Minister, Premiers office or MLAs, it is possible that issues will arise from our membership that will cause us to interact with government." It stated "out of prudence" it listed all the ministries and public entities which it "could possibly interact with."

[11] The designated filer did ask what forms of communication with government would require an update to its Registration Return. The designated filer indicated they were new to their role as President and CEO of the GVBT and noted that they would work with ORL staff to ensure they were complying with the LTA.

[12] In a telephone conversation with the designated filer, on January 14, 2022, the ORL informed the designated filer that their Registration Return was sent back to correct the following information:

- In-house lobbyists “Contribution field from “No” to “Yes.”
- The Ministries/Provincial Entities to reflect only those recently lobbied (within the last month or so) or that they have plans to lobby (within the next 3 months or so).

[13] In a January 20, 2022, email, the designated filer provided a list of correspondence and calendar entries to the ORL. They indicated that they had a better understanding of its obligations under the LTA after speaking with the ORL. The designated filer sought guidance on next steps, specifically how they should go about updating their Registration Return.

[14] The designated filer also sought guidance on whether GVBT needed to update its Registration Return when it sent “...letters that simply request a meeting, whether or not the meeting occurred,” or whether an “...introductory meeting where no specific requests were made regarding any government policy.”

[15] On January 20, 2022, the ORL responded to GVBT’s questions. It explained that a meeting must be arranged for the purpose of lobbying. The meeting is not arranged until:

- the meeting is accepted by a SPOH, or their staff and some of the meeting details are confirmed; or
- the correspondence extends beyond setting up a meeting; in other words, it contains requests that constitute lobbying.

[16] Under these circumstances, a Monthly Return is required listing GVBT’s lobbying activity. The ORL included a link to the office’s *Getting Started* guidance document to assist the designated filer. It informed the designated filer that they had to submit any outstanding lobbying activity reports by February 4, 2022.

[17] In a separate email that same day, the designated filer acknowledged that the GVBT would be in full compliance with the LTA by the February 4, 2022 deadline.

[18] On February 1, 2022, the designated filer submitted Monthly Returns for its lobbying activities dating back to May 6, 2020. The majority of those Monthly Returns were submitted late, contrary to s. 4.1 of the LTA.

[19] The designated filer corrected the lobbyists “Contribution field from “No” to “Yes.”

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## PRELIMINARY MATTERS

### Transition period

[20] The *Lobbyist Registration Act* (LRA) was amended by the *Lobbyists Registration Amendment Act* effective May 4, 2020. Along with several changes to the Act itself, the title of the act was changed to the *Lobbyists Transparency Act*.

[21] The ORL introduced a transition period from May 4, 2020 – September 15, 2020 due to the pandemic. Any changes to an existing Registration Return, or any requirement to file a new Registration Return, were due no later than September 15, 2020. If an organization or a consultant lobbyist met this requirement, no further action would be taken with any compliance issues that arose between May 4, 2020 – September 15, 2020.<sup>1</sup>

[22] On the other hand, if an organization or a consultant lobbyist failed to update their Registration Return, or to file a new Registration Return on or before September 15, 2020, the ORL would consider whether to initiate a compliance investigation for any compliance issues that may have arisen from May 4, 2020 – September 15, 2020.

### Correction of error in the Notice of Investigation

[23] An error was discovered in the notice of investigation emailed to the designated filer on April 22, 2022. I cited ss 4.2(a) to (d) of the LTA on page 4 in paragraph 4, when the correct citing should read ss 4.2(2)(a) to (d) of the LTA. The designated filer was given an opportunity to make an additional submission, based on this correction, by October 7, 2022. The designated filer did not submit any further comments.

## INVESTIGATION

[24] The ORL commenced an investigation under s. 7.1 of the LTA to determine whether the designated filer was late in submitting its Monthly Returns under s. 4.1 of the LTA with information about its lobbying activity required under ss. 4.2(2)(a) to (d) of the LTA and whether the GVBT entered inaccurate information into its Monthly Return submitted under s. 4.1 of the LTA with changes to information in its Registration Return required under s. 4.2(2)(e)(i) of the LTA.

[25] The LTA requires that a new Registration Return filed under s. 3 of the LTA, provide the information found in s. 4 of the LTA.

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<sup>1</sup> Office of the Registrar of Lobbyists, April 2020, Volume 10, Issue 2. Influencing BC, Important dates to Remember. <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=366>



[26] Once an organization or consultant lobbyist has an Active Registration Return (filed under s. 3), s. 4.1 of the LTA requires an organization or a consultant lobbyist to file Monthly Returns that are due no later than 15 days after the end of every month, beginning with the month in which the Registration Return was submitted under s. 3 of the LTA.

[27] Section 4.2(2) of the LTA identifies the form and content of a Monthly Return, in other words, the information an organization or consultant lobbyist must report in a Monthly Return.

[28] If a consultant lobbyist or an organization lobbies a SPOH, it is required to submit a Monthly Return with information about its lobbying activity or activities. The information it is required to report in the Monthly Return is found in ss. 4.2(2)(a) to (d) of the LTA. This includes details about specific dates that meetings took place, the subjects discussed, and which SPOHs and individual lobbyists were involved.

[29] Sections 4.2(2)(e) through 4.2(h) identify information that must be submitted by the consultant lobbyist or an organization in the form of a Monthly Return if there are changes to the information in the consultant lobbyist or an organization's Registration Return.

[30] On April 22, 2022, the designated filer was notified under s. 7.2(1)(a) of the LTA about the alleged contraventions. I invited the designated filer to respond in writing with any information or documentation pertinent to the alleged contravention and any potential penalty.

[31] In a phone conversation on April 27, 2022, the designated filer pointed out that they did not realize the ORL would open an investigation. The designated filer understood there was a grace period introduced by the ORL after the amendments to the LRA.

[32] I explained to the designated filer that GVBT did not correct their Registration Return until January 11, 2022, long after the transition period expired. As a result, the ORL opened an investigation. I referred the designated filer to the ORL guidance document for investigations.

[33] On May 10, 2022, the designated filer responded to the s. 7.2(1)(a) notification letter. The designated filer explained that the GVBT is a diverse non-profit organization that lobbies government on behalf of its 5,000+ members on many different issues affecting businesses that represent different sectors of the business community.

[34] The designated filer explained that they were new to the board when the amendments to the LRA occurred. During the pandemic, the GVBT was confronted with increased member support coupled with staff turnover in key positions. Staff turnover impacted GVBT's organizational knowledge with regard to their requirements under the LTA.

[35] After being notified by the ORL on January 11, 2022, the designated filer cleared up any misunderstanding, with the assistance of the ORL, by adding and correcting information in their

Registration Return. The designated filer informed me that the GVBT has implemented “...policy and procedures to ensure compliance and necessary education of the legal requirements.” The designated filer brought the GVBT’s Registration Return into compliance with the LTA approximately three weeks after being notified by the ORL.

[36] The designated filer stated that the GVBT takes their obligations under the LTA seriously. They were aware of the amendments and believed they were in full compliance with the LTA. The designated filer felt GVBT’s good faith effort to work with the ORL in meeting its obligations under LTA would be considered part of the educational process, which would exclude it from future investigations. The designated filer stated that the late filings were not deliberate. They are in full support of the need for lobbying activities to be transparent “...to ensure a fair and equitable democratic system.” The designated filer stated they have not had any previous contraventions.

[37] The designated filer submitted that these circumstances, in their entirety, should weigh in favour of no penalty or a minimal penalty.

## **DISCUSSION AND FINDINGS**

### **Limitation period to impose a penalty**

[38] Section 7.2(3) requires the ORL not to impose a penalty if more than two (2) years has elapsed since the contravention took place. For the purpose of the LTA, a contravention *continues* until the day the designated filer complies with their reporting requirements. For example, Table 3, below, shows how the designated filer was required to submit a Monthly Return to report their lobbying activity identified in numbers 2 through 12 no later than July 15, 2020. The designated filer did not submit a Monthly Return for this activity until February 1, 2022. At the time of writing this decision, more than two years have elapsed since these Monthly Returns should have been reported (July 15, 2020). However, the designated filer *continued* to contravene the LTA by neglecting to meet their lawful obligations under s. 4.1 of the LTA until February 1, 2022. It is from this date (February 1, 2022) that the designated filer fulfilled their obligation under the LTA that the two (2) year limitation period begins.

### **Monthly Return - lobbying activity – SPOH**

[39] When it was brought to the attention of the designated filer that GVBT may not be in compliance with its responsibilities under the LTA, the designated filer worked with the ORL to remedy the situation. It took approximately three (3) weeks for the designated filer to correct the GVBT’s Registration Return. I understand that the GVBT believed that this would weigh in favour of no investigation; however, the ORL did not suggest that bringing their Registration Return into compliance with the LTA would prevent any future compliance investigations. Still the designated filer’s response to correct their Registration Return remains relevant as it is something that will be taken into consideration when deciding on any administrative penalty.

[40] On January 20, 2022, the designated filer did ask for guidance on what types of activity would be considered lobbying. After clarifying this point, the designated filer submitted, on February 2, 2022, Monthly Returns for previously unreported lobbying activity it conducted from June 4, 2020 to December 9, 2022. The ORL was not aware of the GVBT's unreported lobbying activity.

[41] On April 6, 2022, I examined the GVBT's Monthly Returns for its lobbying activity. It had lobbied on 48 occasions from May 6, 2020 to February 25, 2022, requiring it to submit 20 Monthly Returns. The majority of these Monthly Returns were late (see table below).

**Table 1. GVBT Monthly Returns with Lobbying Activity**

Lobbying activities	Late Y = Yes N = No	Lobbying Activity date	Monthly Return Due Date <sup>2</sup>	Submitted Monthly Return
1	Y	<b>2020-05-06</b>	2020-06-15	<b>2020-09-15</b>
2	Y	<b>2020-06-04</b>	2020-07-15	<b>2022-02-01</b>
3	Y	<b>2020-06-05</b>	2020-07-15	<b>2020-09-15</b>
4	Y	<b>2020-06-05</b>	2020-07-15	<b>2020-09-15</b>
5	Y	<b>2020-06-05</b>	2020-07-15	<b>2022-02-01</b>
6	Y	<b>2020-06-07</b>	2020-07-15	<b>2020-09-15</b>
7	Y	<b>2020-06-09</b>	2020-07-15	<b>2020-09-15</b>
8	Y	<b>2020-06-09</b>	2020-07-15	<b>2022-02-01</b>
9	Y	<b>2020-06-22</b>	2020-07-15	<b>2020-09-15</b>
10	Y	<b>2020-06-22</b>	2020-07-15	<b>2022-02-01</b>
11	Y	<b>2020-06-23</b>	2020-07-15	<b>2020-09-15</b>
12	Y	<b>2020-06-26</b>	2020-07-15	<b>2022-02-01</b>
13	Y	<b>2020-07-14</b>	2020-08-15	<b>2020-09-15</b>
14	Y	<b>2020-07-20</b>	2020-08-15	<b>2020-09-15</b>
15	Y	<b>2020-07-20</b>	2020-08-15	<b>2022-02-01</b>
16	Y	<b>2020-07-21</b>	2020-08-15	<b>2020-09-15</b>
17	N	<b>2020-08-20</b>	2020-09-15	<b>2020-09-15</b>
18	Y	<b>2020-09-10</b>	2020-10-15	<b>2022-02-01</b>
19	Y	<b>2020-09-15</b>	2020-10-15	<b>2022-02-01</b>

<sup>2</sup> Note: Monthly Returns are separated by a blank row

20	Y	<b>2020-10-28</b>	2020-11-15	<b>2022-02-01</b>
21	Y	<b>2020-12-14</b>	2021-01-15	<b>2022-02-01</b>
22	Y	<b>2021-01-15</b>	2021-02-15	<b>2022-02-01</b>
23	Y	<b>2021-02-02</b>	2021-03-15	<b>2022-02-01</b>
24	Y	<b>2021-02-05</b>	2021-03-15	<b>2022-02-02</b>
25	Y	<b>2021-02-09</b>	2021-03-15	<b>2022-02-02</b>
26	Y	<b>2021-02-19</b>	2021-03-15	<b>2022-02-02</b>
27	Y	<b>2021-03-01</b>	2021-04-15	<b>2022-02-02</b>
28	Y	<b>2021-03-03</b>	2021-04-15	<b>2022-02-02</b>
29	Y	<b>2021-03-11</b>	2021-04-15	<b>2022-02-02</b>
30	Y	<b>2021-05-06</b>	2021-06-15	<b>2022-02-02</b>
31	Y	<b>2021-05-28</b>	2021-06-15	<b>2022-02-02</b>
32	Y	<b>2021-06-04</b>	2021-07-15	<b>2022-02-02</b>
33	Y	<b>2021-06-15</b>	2021-07-15	<b>2022-02-02</b>
34	Y	<b>2021-06-21</b>	2021-07-15	<b>2022-02-02</b>
35	Y	<b>2021-07-23</b>	2021-08-15	<b>2022-02-02</b>
36	Y	<b>2021-08-18</b>	2021-09-15	<b>2022-02-02</b>
37	Y	<b>2021-09-08</b>	2021-10-15	<b>2022-02-02</b>
38	Y	<b>2021-09-21</b>	2021-10-15	<b>2022-02-02</b>
39	Y	<b>2021-10-15</b>	2021-11-15	<b>2022-02-02</b>
40	N	<b>2021-11-03</b>	2021-12-15	<b>2021-12-15</b>
41	N	<b>2021-11-03</b>	2021-12-15	<b>2021-12-15</b>
42	Y	<b>2021-12-09</b>	2022-01-15	<b>2022-02-01</b>
43	N	<b>2022-01-11</b>	2022-02-15	<b>2022-02-02</b>
44	N	<b>2022-01-24</b>	2022-02-15	<b>2022-02-14</b>
45	N	<b>2022-01-25</b>	2022-02-15	<b>2022-02-11</b>
46	N	<b>2022-01-31</b>	2022-02-15	<b>2022-02-14</b>

47	N	<b>2022-02-17</b>	2022-03-15	<b>2022-03-09</b>
48	N	<b>2022-02-25</b>	2022-03-15	<b>2022-03-09</b>

[42] During the transition period between May 4, 2020 to September 15, 2020, the GVBT lobbied on 19 separate occasions. The designated filer submitted one (1) Monthly Return on time for lobbying it conducted on August 20, 2020, number 17 in the above table. The designated filer submitted three (3) Monthly Returns late, but within the transition period. These three (3) late Monthly Returns consisted of ten (10) separate occasions where the GVBT lobbied SPOHs, numbers 1, 3, 4, 6, 7, 9, 11, 13, 14, and 16 in the table (see table 2 below). As mentioned earlier, the submission of late Monthly Returns for lobbying activity that occurred during the transition period, but submitted prior to the end of the transition period, would be exempt from investigations.

**Table 2. Submitted late, but prior to the expiration of the transition period.**

Lobbying activities	Late Y = Yes N = No	Lobbying Activity date	Monthly Return Due Date	Submitted Monthly Return
1	Y	<b>2020-05-06</b>	2020-06-15	<b>2020-09-15</b>
3	Y	<b>2020-06-05</b>	2020-07-15	<b>2020-09-15</b>
4	Y	<b>2020-06-05</b>	2020-07-15	<b>2020-09-15</b>
6	Y	<b>2020-06-07</b>	2020-07-15	<b>2020-09-15</b>
7	Y	<b>2020-06-09</b>	2020-07-15	<b>2020-09-15</b>
9	Y	<b>2020-06-22</b>	2020-07-15	<b>2020-09-15</b>
11	Y	<b>2020-06-23</b>	2020-07-15	<b>2020-09-15</b>
13	Y	<b>2020-07-14</b>	2020-08-15	<b>2020-09-15</b>
14	Y	<b>2020-07-20</b>	2020-08-15	<b>2020-09-15</b>
16	Y	<b>2020-07-21</b>	2020-08-15	<b>2020-09-15</b>

[43] The designated filer, however, did fail to submit three (3) Monthly Returns for eight (8) instances of lobbying (numbers 2, 5, 8, 10, 12, 15, 18 and 19) it conducted during the transition period, which were reported *after* the transition period expired on September 15, 2020. Since these late Monthly Returns were submitted after the expiration of the transition period they will form part of this investigation.

**Table 3. Submitted late, after the expiration of the transition period.**

Lobbying activities	Late Y = Yes N = No	Lobbying Activity date	Monthly Return Due Date	Submitted Monthly Return
2	Y	<b>2020-06-04</b>	2020-07-15	<b>2022-02-01</b>
5	Y	<b>2020-06-05</b>	2020-07-15	<b>2022-02-01</b>
8	Y	<b>2020-06-09</b>	2020-07-15	<b>2022-02-01</b>
10	Y	<b>2020-06-22</b>	2020-07-15	<b>2022-02-01</b>
12	Y	<b>2020-06-26</b>	2020-07-15	<b>2022-02-01</b>
15	Y	<b>2020-07-20</b>	2020-08-15	<b>2022-02-01</b>
18	Y	<b>2020-09-10</b>	2020-10-15	<b>2022-02-01</b>
19	Y	<b>2020-09-15</b>	2020-10-15	<b>2022-02-01</b>

[44] After the transition period ended (September 15, 2020), between October 28, 2020 and February 25, 2022, the GVBT lobbied on 29 separate occasions requiring it to submit 15 Monthly Returns. The designated filer submitted twelve (12) of those Monthly Returns late, failing to report 21 lobbying activities.

**Table 4. Late Monthly Returns after the transition period.**

Lobbying activities	Late Y = Yes N = No	Lobbying Activity date	Monthly Return Due Date	Submitted Monthly Return
20	Y	<b>2020-10-28</b>	2020-11-15	<b>2022-02-01</b>
21	Y	<b>2020-12-14</b>	2021-01-15	<b>2022-02-01</b>
22	Y	<b>2021-01-15</b>	2021-02-15	<b>2022-02-01</b>
23	Y	<b>2021-02-02</b>	2021-03-15	<b>2022-02-01</b>
24	Y	<b>2021-02-05</b>	2021-03-15	<b>2022-02-02</b>
25	Y	<b>2021-02-09</b>	2021-03-15	<b>2022-02-02</b>
26	Y	<b>2021-02-19</b>	2021-03-15	<b>2022-02-02</b>
27	Y	<b>2021-03-01</b>	2021-04-15	<b>2022-02-02</b>
28	Y	<b>2021-03-03</b>	2021-04-15	<b>2022-02-02</b>
29	Y	<b>2021-03-11</b>	2021-04-15	<b>2022-02-02</b>
30	Y	<b>2021-05-06</b>	2021-06-15	<b>2022-02-02</b>

31	Y	<b>2021-05-28</b>	2021-06-15	<b>2022-02-02</b>
32	Y	<b>2021-06-04</b>	2021-07-15	<b>2022-02-02</b>
33	Y	<b>2021-06-15</b>	2021-07-15	<b>2022-02-02</b>
34	Y	<b>2021-06-21</b>	2021-07-15	<b>2022-02-02</b>
35	Y	<b>2021-07-23</b>	2021-08-15	<b>2022-02-02</b>
36	Y	<b>2021-08-18</b>	2021-09-15	<b>2022-02-02</b>
37	Y	<b>2021-09-08</b>	2021-10-15	<b>2022-02-02</b>
38	Y	<b>2021-09-21</b>	2021-10-15	<b>2022-02-02</b>
39	Y	<b>2021-10-15</b>	2021-11-15	<b>2022-02-02</b>
42	Y	<b>2021-12-09</b>	2022-01-15	<b>2022-02-01</b>

[45] For the purpose of this investigation, the designated filer submitted a total of 15 Monthly Returns late, failing to report 29 lobbying activities from July 15, 2020 to January 15, 2022.

**Table 5. Total Late submissions.**

Lobbying activities	Late Y = Yes N = No	Lobbying Activity date	Monthly Return Due Date	Submitted Monthly Return
2	Y	<b>2020-06-04</b>	2020-07-15	<b>2022-02-01</b>
5	Y	<b>2020-06-05</b>	2020-07-15	<b>2022-02-01</b>
8	Y	<b>2020-06-09</b>	2020-07-15	<b>2022-02-01</b>
10	Y	<b>2020-06-22</b>	2020-07-15	<b>2022-02-01</b>
12	Y	<b>2020-06-26</b>	2020-07-15	<b>2022-02-01</b>
15	Y	<b>2020-07-20</b>	2020-08-15	<b>2022-02-01</b>
18	Y	<b>2020-09-10</b>	2020-10-15	<b>2022-02-01</b>
19	Y	<b>2020-09-15</b>	2020-10-15	<b>2022-02-01</b>
20	Y	<b>2020-10-28</b>	2020-11-15	<b>2022-02-01</b>
21	Y	<b>2020-12-14</b>	2021-01-15	<b>2022-02-01</b>

22	Y	<b>2021-01-15</b>	2021-02-15	<b>2022-02-01</b>
23	Y	<b>2021-02-02</b>	2021-03-15	<b>2022-02-01</b>
24	Y	<b>2021-02-05</b>	2021-03-15	<b>2022-02-02</b>
25	Y	<b>2021-02-09</b>	2021-03-15	<b>2022-02-02</b>
26	Y	<b>2021-02-19</b>	2021-03-15	<b>2022-02-02</b>
27	Y	<b>2021-03-01</b>	2021-04-15	<b>2022-02-02</b>
28	Y	<b>2021-03-03</b>	2021-04-15	<b>2022-02-02</b>
29	Y	<b>2021-03-11</b>	2021-04-15	<b>2022-02-02</b>
30	Y	<b>2021-05-06</b>	2021-06-15	<b>2022-02-02</b>
31	Y	<b>2021-05-28</b>	2021-06-15	<b>2022-02-02</b>
32	Y	<b>2021-06-04</b>	2021-07-15	<b>2022-02-02</b>
33	Y	<b>2021-06-15</b>	2021-07-15	<b>2022-02-02</b>
34	Y	<b>2021-06-21</b>	2021-07-15	<b>2022-02-02</b>
35	Y	<b>2021-07-23</b>	2021-08-15	<b>2022-02-02</b>
36	Y	<b>2021-08-18</b>	2021-09-15	<b>2022-02-02</b>
37	Y	<b>2021-09-08</b>	2021-10-15	<b>2022-02-02</b>
38	Y	<b>2021-09-21</b>	2021-10-15	<b>2022-02-02</b>
39	Y	<b>2021-10-15</b>	2021-11-15	<b>2022-02-02</b>
42	Y	<b>2021-12-09</b>	2022-01-15	<b>2022-02-01</b>

## Finding

[46] I find that the designated filer contravened s. 4.1 of the LTA when they failed to submit their 15 Monthly Returns (consisting of 29 lobbying activities) within the timeline set out under the LTA.

### Monthly Return: changes to Registration Return – inaccurate information

[47] When there is a change to the information in an organization's Registration Return (s. 4.2(2)(e)(i) of the LTA), the designated filer must submit a Monthly Return (s. 4.1 of the LTA) to update its Registration Return with the new information.



[48] On January 11, 2022, the designated filer submitted a Monthly Return updating its Registration Return with information about a Provincial Entity they had lobbied or intended to lobby. The information in the January 11, 2022 update is not at issue in this investigation.

[49] When reviewing the GVBT's Registration Return, the ORL noticed an inconsistency. The GVBT's Registration Return under "BC Ministries/Provincial Entities" field indicated that it intended to lobby "Member(s) of the BC Legislative Assembly and the Office of the Premier." However, in the "in-house lobbyists section - Contributions" field the designated filer entered "No" indicating that its in-house lobbyists did not lobby or plan to lobby a member of the Legislative Assembly, including a Minister or Office of the Premier.

[50] In reviewing the GVBT's Registration Return updates, it was determined that the designated filer had submitted a Monthly Return on February 26, 2021 to update GVBT's Registration Return. In the Monthly Return, the designated filer entered "No" in the "Lobbying Details – Contributions" field, when the correct response should have been "Yes" to indicate that its in-house lobbyists did lobby or intended to lobby a Member of the Legislative Assembly, including a Minister or Premier, on behalf of the organization. The designated filer submitted a Monthly Return to update their Registration Return with inaccurate information. The designated filer certified this information to be true under s. 5(1) of the LTA.

### **Finding**

[51] The designated filer submitted a Monthly Return on February 26, 2021, under s. 4.1 of the LTA, with changes to the information in their Registration Return. I find that the designated filer submitted its Monthly Return, as required under ss. 4.1 and 4.2(2)(e)(i) of the LTA, with inaccurate information. The designated filer certified this information to be true under s. 5(1) of the LTA.

### **ADMINISTRATIVE PENALTY**

[52] Section 7.2(2) of the LTA provides that if, after giving a person under investigation a reasonable opportunity to be heard respecting an alleged contravention, the Registrar determines that the person has not complied with a prescribed provision of the Act or the regulation, the Registrar must inform the person of the Registrar's determination that there has been a contravention and may impose an administrative penalty of not more than \$25,000. If the ORL considers it to be in the public interest, considering the gravity of the contravention and the number of previous contraventions or administrative penalties imposed, if any, it may impose a prohibition on lobbying and on filing or on having a Registration Return filed in respect of the person, for a period of not more than 2 years. Such person must be given notice of the contravention determination. If a monetary administrative penalty is imposed, the notice must include "the amount, the reason for the amount, and the date by which the penalty must be paid" and if an administrative penalty of prohibition is imposed, the notice must include "the reason for the prohibition and the start date and end date of the prohibition."

[53] Section 7.2 of the LTA confers discretion on the Registrar to impose administrative penalties. To provide a measure of structure in the exercise of that discretion, the ORL has published a *Registrar of Lobbyists: Guide to Investigations* guidance document (guide to investigations) to advise members of the public and those engaged in lobbying about what will guide the ORL in exercising its duties under the LTA and its Regulation. As the guide to investigations makes clear, its purpose is to structure discretion. It does not restrict discretion. It is not law. I have considered that guidance in the exercise of my delegated discretion to determine a penalty based on the facts before me.

[54] I should state at the outset that I have considered and rejected the view that this might be a case where “no penalty” is appropriate. The LTA and its predecessors have been in place from April of 2010. The designated filer should be aware of their obligations under the LTA.

[55] The guide to investigations first sets out a general financial range for particular infractions (depending on whether it is a first, second or third infraction). Second, it provides a list of factors that will be considered in determining the amount of the administrative penalty. Finally, it includes a clear statement that the guide “does not fetter the ORL’s ability to conclude that no administrative penalty is appropriate in the circumstances, or to fashion a remedy on either side of the range set out in the general policy, in special circumstances.”

[56] The penalty range for late filing of a Monthly Return containing an organization’s lobbying activity is between \$100 - \$5,000 for a first contravention. The penalty for entering information into a Monthly Return that is not accurate is \$1,000 to \$7,500 for a first contravention.

[57] In determining the appropriate administrative penalty within that range, I have taken the following factors into account:

- Previous enforcement actions for contraventions by this person;
- The gravity and magnitude of the contravention;
- Whether the contravention was deliberate;
- Whether the registrant derived any economic benefit from the contravention;
- Any efforts made by the registrant to report or correct the contravention;
- Whether a penalty is necessary for specific and general deterrence; and
- Any other factors that, in the opinion of the registrar or their delegate, are relevant to the administrative penalty.

[58] I have considered these factors and the submissions made by the designated filer.

**Monthly Returns s. 4.1 - lobbying activity - SPOH**

[59] On January 11, 2022, the designated filer submitted a Monthly Return. In reviewing GVBV's Registration Return, the ORL discovered a contradiction in the GVBV's Registration Return.

[60] On January 11, 2022, the ORL contacted the designated filer pointing out a potential error in the GVBV's Registration Return. The designated filer engaged the ORL in a discussion about its lobbying activities, as a result of these discussions the designated filer submitted late Monthly Returns with its previously unreported lobbying. The ORL had no prior knowledge of this activity. In this case, the designated filer brought their unreported lobbying to the attention of the ORL. This is a circumstance that weighs in favour of a penalty in the lower end of the range of penalties.

[61] It is important that a designated filer work with the ORL when any errors are identified in a Registration Return. Whether these errors are discovered by the designated filer or brought to the attention of the designated filer by the ORL. Working with the ORL can quickly rectify any errors and help the designated filer meet their obligations under the LTA. The goal of the LTA is to promote transparency, to provide the public with accurate and timely information about who is lobbying government and the purpose of the lobbying.

[62] The designated filer worked with the ORL to submit its Monthly Returns to update its lobbying activity. The designated filer accomplished this task in approximately three (3) weeks. This is a circumstance that favours a penalty at the lower end of the range.

[63] I acknowledge the designated filer was new to their position, that the organization was going through structural changes, that the demand from its members increased during the pandemic and that the pandemic brought about staffing challenges which affected its collective knowledge. The designated filer was under the impression that they had met their obligations under the LTA. I understand that it was not until the designated filer spoke with the ORL that they fully understood the definition of lobbying. I must point out that the onus is on the designated filer to know what activity meets the definition of lobbying and when they are required to submit a Monthly Return. If they are unsure, they can contact the ORL for guidance, which is what happened in this case, albeit late. These are facts that weigh in favour of a penalty in the low to mid range of the scale.

[64] In response to the ORL's inquiry, the designated filer updated the GVBV's Registration Return on February 2, 2022. The designated filer submitted 15 late Monthly Returns from July 15, 2020 to January 15, 2022 for lobbying activity (29 previously unreported lobbying activities) it conducted from July 4, 2020 to December 9, 2021. Since all of these late Monthly Returns were brought to the ORL's attention at the same time it is reasonable to treat them as first

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contravention rather than 15 separate contraventions.<sup>3</sup> This means that the maximum penalty would not exceed \$5,000 for a first contravention. Treating each late Monthly Return as a separate contravention would lead to an unreasonable and punitive penalty, which would frustrate the purpose of the LTA to promote compliance and transparency.

[65] However, even though this will be treated as a first contravention, the number of late Monthly Returns is an aggravating factor in determining an appropriate penalty. The fact that the designated filer failed to submit these Monthly Returns is a serious contravention. It defeats the LTA's goal of transparency by undermining the public's ability to know who is attempting to influence government at any point in time. The number of late Monthly Returns (15) warrants a penalty in the higher end of the range.

[66] I am not aware of any previous contraventions or warnings for late filing of a Monthly Return under the LTA by the GVB. This is a circumstance that weighs in favour of a penalty at the lower end of the range.

[67] There is no information before me which would indicate that this contravention was deliberate, nor is there evidence that would suggest the GVB obtained any economic benefit for failing to file their Monthly Returns on time. These are circumstances that weigh in favour of a penalty at the lower end of the range.

[68] I now turn to the question of the gravity and magnitude of these contraventions.

[69] I have examined past Investigation Reports to determine a reasonable penalty for this contravention. The requirement to submit Monthly Returns did not exist in the LRA so there are no previous investigation reports to refer to. In the absence of Monthly Returns, I have looked to investigations that dealt with late filing of a Registration Return or failing to update Registration Returns, although different, they provide some guidance on penalties for this contravention.

[70] In Investigation Report 15-02, a consultant lobbyist filed his Registration Return 10 months late. He lobbied on one occasion during this period. The lobbyist had no previous contraventions. There was no evidence that the lobbyist gained an economic benefit or that the contravention was deliberate. The lobbyist received an administrative penalty of \$1,200.

[71] In Investigation Report 17-05, the designated filer failed to file their Registration Return within 30 days of the expiration of their previous return, contrary to s. 3(3)(b) of the LRA. The organization's Registration Return was about to expire. The ORL reminded the organization that if it continued to lobby it must submit a Registration Return. The designated filer was 14 months late submitting their Registration Return. The organization noted that the error

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<sup>3</sup> This is consistent with how the investigator treated multiple contraventions occurring over a number of years in Investigation Report 20-02 (see paragraph 38).

resulted from an internal miscommunication. There was no evidence that the organization received an economic benefit or that the contravention was deliberate. It is not clear from the Investigation Report whether the organization lobbied during this period. The designated filer was assessed an administrative penalty of \$1,500.

[72] In Investigation Report 19-05, the designated filer failed to update their organization's Registration Return within 30 days of adding a new in-house lobbyist contrary to s. 4(2) of the LRA. The error occurred due to employee oversight. The in-house lobbyist was slowly integrated into the role of lobbyist, but failed to inform the designated filer when they had actually started lobbying. The lobbyist did lobby while not registered, however, the designated filer pointed out that the subject matter of the lobbying was disclosed. This contravention occurred over a period of 17 months. The organization reported the error to the ORL and immediately made the appropriate correction. The contravention was not deliberate and there was no economic gain. The designated filer was assessed a penalty of \$1,250.

[73] I have also taken into consideration Investigation Report 20-02, where a consultant lobbyist entered inaccurate information, failing to identify their position as a former public office holder, into their Registration Return. Although this investigation addresses a different category of contravention, one circumstance bears some similarity: the fact that the Registration Return was absent an important detail. In Investigation Report 20-02, the lobbyist was a former public office holder and in this investigation GVBT failed to identify its lobbying activity.

[74] In Investigation Report 20-02, there was at minimum a perception that a former public office holder may have some undue influence over decision-makers that a normal lobbyist would not. In this case, failing to identify lobbying activity leaves the public in the dark about an organization's attempts to influence government. Both these incidents undermine transparency and the public's faith in the Registry.

[75] In Investigation Report 20-02, the lobbyist misunderstood the meaning of former public office holder, believing they did not fall within the scope of the definition. The lobbyist failed to enter their position as a former public office holder in 13 Registration Returns. The thirteen (13) Registration Returns spanned a six (6) year period.

[76] When this error was brought to the attention of the lobbyist, the lobbyist corrected their Registration Returns within two (2) days. The lobbyist noted that their intention was not to mislead the ORL. The investigator concluded that the contravention resulted from a misunderstanding of the definition of former public office holder. The investigation found no evidence that the contravention was deliberate, nor was there an economic benefit resulting from the contravention. The lobbyist was issued a penalty of \$3,500.

[77] As I said earlier, although I have treated this as a first contravention, I will take into consideration the number of late Monthly Returns in determining an appropriate penalty. The

magnitude of the contravention here is far more serious than those in Investigation Reports 15-02, 17-05 and 19-05. Two of the Monthly Returns were 18 and 19 months late exceeding that in Investigation Report 19-05. The GVBT lobbied continuously (29 separate lobbying activities) through June of 2020 to December of 2021, failing to submit 15 Monthly Returns on time. The lobbying activity that occurred during this period is far in excess of that in Investigation Reports 15-02 and 19-05. These are circumstances that weigh in favour of a penalty higher than that in Investigation Reports 15-02, 17-05 and 19-05.

[78] The fact that the designated filer failed to submit 15 Monthly Returns is similar in nature to the lobbyist in Investigation Report 20-02 failing to identify their position as a former public office holder in 13 Registration Returns – both severely undermine the goal of transparency. This again is a circumstance that favours a moderate penalty. However, I note that the period over which the contravention in Investigation Report 20-02 spanned is much longer than that in this case. I believe this is a factor that favours a penalty lower than that in Investigation Report 20-02.

[79] The contravention in this case is clear. A penalty is necessary for both specific and general deterrence. In terms of specific deterrence, this investigation, the ensuing administrative penalty and the publication of the outcome of this investigation, will encourage the designated filer to check that they have met their obligations under the LTA. In considering general deterrence, the publication of this report and recognition that the ORL will issue administrative penalties to those who contravene the LTA will remind all designated filers of their legal obligations to be diligent in filing Monthly Returns on time.

[80] For the reasons discussed above, this contravention warrants a penalty meaningfully higher than \$1,500, but less than \$3,500. I find that the designated filer failed to submit 15 Monthly Returns on time in contravention of s. 4.1 of the LTA. I impose an administrative penalty of **\$3,000** for this contravention.

#### **Monthly Return s. 4.1 of the LTA - changes to Registration Return – inaccurate information**

[81] On January 11, 2022, the designated filer submitted a Monthly Return. As I mentioned above the contents of the January 11, 2022 Monthly Return submission is not at issue in this investigation. The ORL reviewed the GVBT's Registration Return and discovered an error.

[82] On the same day, the ORL contacted the designated filer pointing out the error. In its Registration Return, under the In-house Lobbyists section in the "Contributions" field, GVBT entered "No" to the question it lobbied or plans to lobby a member of the Legislative Assembly, including a Minister or Premier on behalf of the organization. This contradicts what GVBT specified when it submitted they intended to lobby Member(s) of the BC Legislative Assembly and the Office of the Premier under the Public Agencies and Members of the BC Legislative Assembly Information section in the "Ministries/Provincial Entities" field.

[83] Upon further investigation it was discovered the designated filer had submitted a Monthly Return on February 26, 2021 updating its Registration Return with the incorrect information. Entering inaccurate information into a Registration Return undermines the veracity of the Registry, because it frustrates the public's access to useful and reliable information.

[84] The GVBT has no previous contraventions for entering inaccurate information under the LTA. This is a fact that favours a penalty at the lower end of the range.

[85] There is no information before me which would indicate that this contravention was deliberate, nor was there evidence that would suggest the GVBT obtained any economic benefit by entering inaccurate information in their Monthly Return. These are circumstances which favour a lower penalty.

[86] The designated filer did not point out this error to the ORL; it was the ORL that discovered this contravention. This is a circumstance weighs in favour of a penalty in the low to medium range.

[87] As I said above, it is important that a designated filer work with the ORL when any errors are identified in a Registration Return. The designated filer in this case communicated with the ORL to correct the information in their Registration Return. The designated filer accomplished this task in approximately three (3) weeks. This is a circumstance that favours a penalty at the lower end of the range.

[88] I now turn to the question of the gravity and magnitude of this contravention. The purpose of the LTA is to promote transparency in lobbying by requiring designated filers to disclose accurate, current and complete information in their Registration Returns. This is a solemn legal obligation. It reflects the legislative intent that while an organization has a right to lobby, the public also has a right to know that the information in the Registration Return is accurate. Transparency is undermined or obscured when the public is provided with inaccurate information. This information went unreported for almost one year. In addition, it was not the GVBT that brought this error to the attention of the ORL, it was the ORL that discovered it. I recognized there were challenges confronting the designated filer when they assumed responsibility for the organization and how difficult this must have been during a pandemic; however, this does not absolve the designated filer of their responsibilities under the LTA. These are circumstances that warrant a penalty in the mid range of the scale.

[89] I have considered previous investigation reports for guidance on arriving at a suitable administrative penalty.

[90] In Investigation Report 14-12, a consultant lobbyist entered an incorrect start date for their Registration Return. There was no information that indicated the lobbyist received an economic benefit or that the contravention was deliberate. The lobbyist received an

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administrative penalty of \$1,000 for entering inaccurate information into their Registration Return.

[91] In Investigations Report 15-11 a consultant lobbyist submitted their Registration Return late. Furthermore, the consultant lobbyist entered an inaccurate start date into their Registration Return. The consultant lobbyist had no previous contraventions. It was found that the contravention was not deliberate, nor did the consultant lobbyist receive an economic benefit. The consultant lobbyist received an administrative penalty of \$1,000.

[92] For certainty, s. 5.1 of the LTA requires designated filers to certify that the information they have submitted is true “to the best of the individual’s knowledge and belief.” In my view, one of the purposes of this section is to give pause and encourage a review of the Monthly Return to consider what has been entered into the Monthly Return and to make required corrections to any errors that may exist before submitting the Monthly Return to the ORL.

[93] The contravention in this case is clear. A penalty in this case is necessary for both specific and general deterrence. As I stated above, in terms of specific deterrence, this investigation, the ensuing administrative penalty and the publication of the outcome of this investigation, will encourage the designated filer to check that they have met their obligations under the LTA prior to submitting future Monthly Returns updating information in their return. In considering general deterrence, the publication of this report and recognition that the ORL will issue administrative penalties to those who contravene the LTA will remind all designated filers of their legal obligations to be diligent in keeping their registrations accurate and current.

[94] The designated filer submitted a Monthly Return under s. 4.1 of the LTA, with changes required under s. s. 4.2(2)(e)(i) of the LTA. The designated filer had an opportunity to review the information in their Monthly Return to ensure it was accurate. If there was any doubt, the designated filer could have reviewed the ORL guidance documents. If at that point there was still doubt about the accuracy of the entry, they could have contacted the ORL to discuss it with ORL staff. In this case the designated filer submitted inaccurate information in their Monthly Return when they entered “No” in the “Lobbying Details – Contributions” field when the correct response was “Yes” and certified the information was correct under s. 5(1) of the LTA. I find that the designated filer submitted inaccurate information in their Monthly Return. After taking the above circumstances into consideration, I impose a minimum penalty of **\$1,000** for this contravention.

## CONCLUSION

1. The notice of alleged contravention has been substantiated.
2. I impose an administrative monetary penalty of **\$3,000** for failing to submit Monthly Returns under s. s. 4.1 of the LTA identifying the GVBT’s lobbying activity on time and a penalty of **\$1,000** for failing to submit the correct information in their Monthly Return. The total amount of administrative monetary penalties is **\$4,000**.



3. The designated filer must pay this penalty no later than **March 22, 2023**.
4. If the designated filer requests reconsideration under s. 7.3 of the LTA, they are to do so within 30 days (**March 10, 2023**) of receiving this decision by providing a letter in writing directed to the Registrar of Lobbyists at the following address, setting out the grounds on which reconsideration is requested:

Office of the Registrar of Lobbyists for British Columbia  
PO Box 9038, Stn. Prov. Govt.  
Victoria, BC V8W 9A4  
Email: info@bcorl.ca

Date: February 8, 2023

Sincerely,

ORIGINAL SIGNED BY

Tim Mots  
Investigator