



**LOBBYIST REGISTRAR'S
REPORT
ACTION REQUIRED**

**Report on an Inquiry into Lobbying by a Former Senior
Public Office Holder**

Date:	July 2, 2014
To:	City Council
From:	Lobbyist Registrar
Wards:	All
Reference Number:	

SUMMARY

This is an inquiry into whether Kevin Mark Maloney (Mark Maloney), a former senior public office holder, breached Chapter 140 of the Toronto Municipal Code (the Lobbying By-law) by:

- Placing a public office holder in a conflict of interest, in breach of § 140-45B;
- Lobbying during the one year post-employment period, in breach of § 140-9A; or
- Lobbying about a procurement process when not permitted to do so, in breach of § 140-41A.

The Registrar determined that Mr. Maloney had breached all of the above provisions.

While registered as a consultant lobbyist, Mr. Maloney was employed by a member of Council to work on the same issue for which he was registered. Mr. Maloney did not advise the councillor of his lobbyist registration. His conflicting roles as a registered consultant lobbyist and staff of a member of Council, working on the same issues in both capacities, placed the councillor in an apparent conflict of interest, contrary to § 140-45B.

Mr. Maloney breached both §§ 140-9A and 140-41A by communicating with a City employee who was not the designated point of contact about a procurement process during the “blackout period”. Mr. Maloney did not advise the City employee that he was a former senior public office holder or that he was a registered consultant lobbyist. When his employment with the councillor ended, Mr. Maloney was prohibited as a former senior public office holder from lobbying for 12 months by § 140-9A. As a registered

lobbyist, he was prohibited from communicating with the City employee about the procurement during the “blackout period” by § 140-41A.

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. City Council receive the findings in the attached report.

Financial Impact

This report has no financial impact.

DECISION HISTORY

The Toronto Municipal Code, Lobbying, § 3-7B, provides that the Lobbyist Registrar reports directly to Council on investigations and inquiries conducted by her.

CONTACT

Linda L. Gehrke, Lobbyist Registrar

lgehrke@toronto.ca; Tel. 416-338-5858; Fax: 416-338-5859

Stephen Littlejohn, Inquiries and Investigations Counsel

slittle@toronto.ca; Tel.: 416-338-6620; Fax: 416-338-5859

SIGNATURE

Linda L. Gehrke, Lobbyist Registrar

ATTACHMENTS

Report to Council on an Inquiry into Lobbying by a Former Senior Public Office Holder