

DETERMINATION DECISION 25-04

The Truck Loggers Association

William Brash

Date: March 13, 2025

SUMMARY: The designated filer for the Truck Loggers Association (TLA) was found to have contravened sections 3(3) and 4.1 of the *Lobbyists Transparency Act* (LTA). The designated filer received an administrative penalty totalling \$4,500 for the contraventions.

Statutes considered: *Lobbyists Transparency Act*, SBC 2001, c. 42.

Authorities considered: Investigation Report 18-04, Decision 23-04, Determination Decision 23-06, Determination Decision 24-02.

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 and its regulations. If the Registrar or their 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 TLA, 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 issues for consideration are:

- (a) whether the designated filer contravened s. 3(3) of the LTA by filing the TLA's Registration Return later than the legislated deadline;
- (b) whether the designated filer contravened s. 4.1 of the LTA by not filing the TLA's Monthly Return(s) within 15 days of the following month; and
- (c) if the designated filer did not comply with the requirements of the LTA, what, if any, administrative penalty is appropriate in the circumstances?

RELEVANT SECTIONS OF THE LTA

[5] **Interpretation**

s. 1(1) "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;

s. 1(4) An individual is not an in-house lobbyist if the following apply:

- (a) the individual is an employee, director or officer of an organization that has fewer than 6 employees;
- (b) the lobbying by the individual, either alone or together with other individuals in the organization, on behalf of the organization or an affiliate of the organization,
 - (i) totals fewer than 50 hours in the preceding 12-month period, or
 - (ii) meets the prescribed criteria,unless the primary purpose of the organization is
 - (iii) to represent the interests of its members, or
 - (iv) to promote or oppose issues,and the lobbying by the individual is for that purpose.

[6] **Requirement to file a registration return**

3(3) The designated filer of an organization must file with the registrar, within 10 days of the date the organization first has an in-house lobbyist, a registration return in the prescribed form and manner and containing the information required by s. 4.

[7] **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.

[8] **Form and content of monthly return**

4.2 In this section:

"senior public office holder" means an individual who

- (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.

[9] **Power to investigate**

s. 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 investigate.

(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,

[10] **Hearing and administrative penalty**

s. 7.2 (1) If after an investigation under s. 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.

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(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 an administrative penalty of not more than \$25 000, and
- (c) must give to the person notice
 - (i) of the registrar's determination that the person has not complied with a prescribed provision of this Act or the regulations and the reason for the decision,
 - (ii) if a penalty is imposed, of the amount, the reason for the amount and the date by which the penalty must be paid, and
 - (iii) respecting how the person may request reconsideration, under section 7.3, of the determination of non-compliance or the imposition or amount of the penalty.

BACKGROUND***Transition Period***

[11] Due to the COVID-19 pandemic, the Registrar introduced a transition period for lobbyists to meet their new reporting requirements under the amended legislation. The amendments came into force on May 4, 2020; however, the transition period gave lobbyists until September 15, 2020, to complete and make any necessary changes to existing Registration Returns or to meet any requirements to file a new Registration Return.

[12] If a consultant lobbyist or an organization 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 into any compliance issues that may have arisen from May 4, 2020, to September 15, 2020.

[13] This Determination Decision considers two potential contraventions under the LTA.

Registration Return

[14] On March 17, 2023, the TLA contacted the ORL to inform it that it wished to re-register with the ORL. During that phone call, the designated filer stated the TLA had been lobbying since the inception of the LTA, May 4, 2020. The organization's deadline to submit their Registration Return would have been September 15, 2020, after taking into consideration the transition period. The designated filer did not submit the TLA's Registration Return until March 17, 2023.

[15] On March 17, 2023, the ORL provided the designated filer with instructions on how to bring the TLA into compliance with the LTA, by filing outstanding Lobbying Activity Reports for any lobbying of senior public office holders from May 4, 2020, onwards, by no later than March 31, 2023. On March 30, 2023, the designated filer requested an extension to register that was then granted by ORL staff. The deadline was extended to April 11, 2023.

Monthly Returns

[16] After the designated filer submitted its Registration Return on March 17, 2023, they then submitted Monthly Returns required under s. 4.1 with the information required under s. 4.2 of LTA to the ORL on April 14, 2023. The TLA's Lobbying Activity Reports show that it lobbied senior public office holders on the following dates: May 28, 2020, June 24, 2020, July 8, 2020, September 3, 2020, December 14, 2020, March 3, 2021, June 21, 2021, August 20, 2021, November 1, 2021, November 18, 2021, April 6, 2022, October 19, 2022, and December 14, 2022.

[17] The TLA also lobbied a senior public office holder on March 29, 2023. The designated filer submitted a Monthly Return for this lobbying activity on October 19, 2023. It was required to submit a Monthly Return no later than April 15, 2023.

[18] Under s. 4.1 of the LTA, a designated filer who has filed a Registration Return under s. 3 of the LTA, must file a Monthly Return no later than 15 days after the end of every month it has lobbied senior public office holders. The Monthly Return must include the information cited in s. 4.2(2)(a) to (d) of the LTA.

[19] As mentioned, a designated filer is required to submit Monthly Returns under s. 4.1 with the information required under section 4.2 of the LTA after it has submitted a Registration Return under s. 3(3) of the LTA. The TLA's lobbying activities went unreported in some cases for several months due to delays in filing a Registration Return followed by a delay in filing Monthly Returns.

INVESTIGATION

[20] The ORL commenced an investigation under s. 7.1 of the LTA to determine whether the designated filer had complied with ss. 3(3) and 4.1 of the LTA.

[21] On May 7, 2024, I provided the designated filer with formal notice under s. 7.2(1)(a) of the LTA, outlining the basis for the allegation that the TLA had contravened ss. 3(3) and 4.1 of the LTA. I asked the designated filer to respond in writing to the alleged contraventions and to provide any information or documentation pertinent to the contraventions and any potential penalties.

[22] On June 12, 2024, I returned a phone call to respond to the designated filer's question about whether the TLA was required to register since he declared the organization has four or fewer employees and lobbies less than 12 hours a month. I requested that he state this information in his response to the formal notice issued under s. 7.2(1)(a) of the LTA.

[23] Section 1(4) of the LTA outlines circumstances where an organization would be exempt from the registration requirements:

(4) An individual is not an in-house lobbyist if the following apply:

(a) the individual is an employee, director or officer of an organization that has fewer than 6 employees;

(b) the lobbying by the individual, either alone or together with other individuals in the organization, on behalf of the organization or an affiliate of the organization,

i. totals fewer than 50 hours in the preceding 12-month period, or

ii. meets the prescribed criteria,

unless the primary purpose of the organization is

iii. to represent the interests of its members, or

iv. to promote or oppose issues,

and the lobbying by the individual is for that purpose

[24] On June 13, 2024, I emailed the designated filer to provide him with my preliminary view that the TLA does not meet s. 1(4)(b)(iii) of the above criteria. Specifically, the TLA's purpose is to represent the interests of its members or promote and oppose issues, and it is lobbying for those purposes. I found numerous references to the TLA's purpose and advocacy efforts on its website, which I outlined in my email.

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[25] An example of one of these references from the TLA website: “The TLA advocates on our members' behalf so that our collective voice informs policy makers of key issues that affect our membership. Membership provides you with the opportunity to stay informed about forestry issues, by making valuable business contacts, and by being a part of influencing government and public policy issues, which help to protect and enhance the sustainability of the forest industry in BC.”

[26] Another, from the advocacy section of the member handbook on the website, states: “We support our members and the forest industry through advocacy. We lobby government to ensure legislative changes support our forest contractors. We also connect with all levels of government, community decision makers and licensees, to make sure the interest of timber harvesting contractors and their importance to the industry is understood.”

[27] Another reference reads: “Have a Voice... With Government and other Key Stakeholders The TLA advocates on our members' behalf so that our collective voice informs policy makers of key issues that affect our members. Membership provides you with the opportunity to stay informed on forestry issues and be part of influencing government and public policy issues, which helps to ensure a productive and sustainable forest industry in BC.”

[28] On July 2, 2024, the designated filer responded to the s. 7.2(1)(a) notice. The designated filer provided the following explanations regarding the alleged contraventions.

[29] In his email of July 2, 2024, the designated filer stated that he is of the view “the TLA meets a couple of the criteria for non-profit associations in terms of being exempt. We have only 4.5 employees and definitely do less than 50 hours of direct lobbying (by any definition) with senior government personnel for any particular year. In addition, all of our board members are volunteers and receive no remuneration for their services (we do have a policy in place for reimbursement of potential travel expenses but in the 4 years being with the association nobody has availed themselves to this opportunity).” They additionally stated: “However, as you clearly point out, the debate would center around our activities related to any advocacy within the forest sector and whether that is considered formal lobbying.”

[30] The designated filer does admit that “the TLA definitely has interactions with MLA's and some senior Ministry personnel. For example, we have bi-annual Caucus gatherings/lunches with the main political parties in BC. However, I would characterize these as basically information sessions whereby we inform them about the importance of the contracting community to BC's forest sector and the current state of affairs in our business. Any advocacy is in the form of promoting a strong forest sector for all concerned.”

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[31] The designated filer goes on to state who the TLA represents and suggests that their main advocacy and lobby efforts are directed towards forest tenure holders mainly represented by the Council of Forest Industries (COFI). He states that it is government and COFI that “deal directly with each other and easily fall within the realm of lobbying activities.” He also mentions how the TLA has been invited by government and recognizes these invites would not be defined as lobbying.

[32] Finally, the designated filer admits that he should have reported two lobbying activities that occurred on March 29, 2023, and November 22, 2023, and mentions a caucus session that occurred on May 24, 2024 and states he is not sure if this meeting qualifies as a lobbying activity.

DISCUSSION AND FINDINGS***Is the in-house lobbyist exempt from registering under s. 1(4)?***

[33] It is my view that the designated filer is required to register. As described above in detail with examples from the TLA website, the TLA does not meet all the criteria listed in s. 1(4), particularly subsections (iii) to represent the interests of its members, and (iv) to promote or oppose issues. Rather, the TLA represents over 500 organizations in an attempt to advocate for BC’s forest sector. It is my view that the TLA’s primary purpose is to represent the interests of its members regarding BC’s forest sector. Therefore, I find the designated filer of the TLA was required to register its lobbying activities.

Registration Return, s. 3(3) of the LTA

[34] As previously noted, the designated filer stated the TLA had been lobbying since amendments to the LTA came into force on May 4, 2020. The organization’s deadline to submit their Registration Return would have been May 14, 2020. The designated filer did not submit the TLA’s Registration Return until March 17, 2023. Based on the circumstances, it appears that the designated filer contravened s. 3(3) of the LTA when they failed to submit the TLA’s Registration Return on time.

[35] I find the TLA contravened s. 3(3) of the LTA when they did not submit a Registration Return by the legislated deadline.

Monthly Returns

[36] If an in-house lobbyist lobbies a senior public office holder, the designated filer is required to submit a Lobbying Activity Report as part of the Monthly Return requirement set out under s. 4.1 of the LTA, with details set out in s. 4.2(a) to (d) of the LTA about their lobbying activity.

[37] The Registry contains details submitted in a Monthly Return about the organization's lobbying activities with both public office holders and senior public office holders. Lobbying Activity Reports consist of the dates in which senior public office holders were lobbied, what was discussed and the in-house lobbyists that were involved in the lobbying activity.

[38] The TLA was required to file a Lobbying Activity Report identifying their lobbying activity no later than 15 days after the end of the month in which it lobbied senior public office holders.

[39] In this case, the designated filer submitted its Registration Return on March 17, 2023 and it provided Lobbying Activity Reports required under s. 4.1 with details set out in s. 4.2(a) to (d) of the of LTA on April 14, 2023.

[40] The TLA's Lobbying Activity Reports showed that it had lobbied senior public office holders on the following dates:

May 28, 2020,
June 24, 2020,
July 8, 2020,
September 3, 2020,
December 14, 2020,
March 3, 2021,
June 21, 2021,
August 20, 2021,
November 1, 2021,
November 18, 2021,
April 6, 2022,
October 19, 2022,
December 14, 2022, and
March 29, 2023.

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[41] The requirement to file Monthly Returns is central to the transparency in lobbying purpose of the LTA. Section 4.1 of the LTA states that the date of filing a Monthly Return is counted from when a Registration Return is filed:

4.1 A designated filer who has filed a Registration Return under s. 3 must file with the registrar a Monthly Return, in the prescribed form and manner and containing the information required under s. 4.2(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.

[42] In cases where the Registration Return is filed late, it would offend the purpose of the LTA to say that a lobbyist could be engaged in lobbying activity for an extended period and would not be required to file a Monthly Return until they have filed a Registration Return. Any interpretation of the requirement in s. 4.1 must be consistent with the LTA's overall purpose of transparency and the timely reporting of lobbying activities.

[43] As previously stated, the Lobbying Activity Reports convey that the TLA lobbied senior public office holders on 13 occasions between May 28, 2020, and December 14, 2022, and the filing of all Lobbying Activity Reports was delayed. The table below illustrates the delayed reporting.

Lobby Activity	Lobby Activity Date	Date Monthly Return Submitted	Months Delayed
1	28-May-20	14-Apr-23	29
2	24-Jun-20	14-Apr-23	29
3	08-Jul-20	14-Apr-23	29
4	03-Sep-20	14-Apr-23	28
5	14-Dec-20	14-Apr-23	25
6	03-Mar-21	14-Apr-23	22
7	21-Jun-21	14-Apr-23	19
8	20-Aug-21	14-Apr-23	17
9	01-Nov-21	14-Apr-23	14
10	18-Nov-21	14-Apr-23	14
11	06-Apr-22	14-Apr-23	9
12	19-Oct-22	14-Apr-23	3
13	14-Dec-22	14-Apr-23	1

[44] Regarding the lobbying activity that took place on March 29, 2023, I find the designated filer contravened s. 4.1 of the LTA when they failed to submit information as required in the

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Monthly Return by April 15, 2023 within the timelines set out in s. 4.1 of the LTA. This Lobbying Activity Report submitted as a Monthly Return on October 19, 2023 was filed after April 15, 2023, which constitutes a clear contravention of s. 4.1.

ADMINISTRATIVE PENALTY

[45] 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 and may impose a prohibition on lobbying if it is in the public interest.

[46] Such person must be given notice of the contravention determination and, if a penalty is imposed, "the amount, the reason for the amount, and the date by which the penalty must be paid."

[47] 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 guidance document, *Registrar of Lobbyists: Guide to Investigations* (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 the regulations. As the Guide makes clear, its purpose is to structure discretion. It does not fetter discretion. It is not law. I have followed that guidance in the exercise of my delegated discretion to determine a penalty based on the facts before me.

[48] The guide to investigations first sets out a general financial range for a particular contravention of the LTA (depending on whether it is a first, second or third contravention). Second, it provides a list of factors that will be considered in determining the amount of administrative penalty.

[49] 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

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- Any other factors that, in the opinion of the Registrar or their delegate, are relevant to the administrative penalty.

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

Registration Returns s. 3(3) of the LTA

[51] Based on the date of their May 4, 2020, lobbying activity, and taking the transition period into consideration, the designated filer was required to file a Registration Return by May 14, 2020. The designated filer filed the Registration Return on March 17, 2023, approximately 34 months late.

[52] The failure to file a Registration Return in a timely manner undermines the LTA's goal of transparency because it prevents the public from knowing who is attempting to influence government at any point in time. The designated filer is required to disclose accurate, current, and complete information about the organization's lobbying activities. The 10-day time limit is not optional or arbitrary, it is connected to the public's right to know the information set out in s. 4 of the LTA and to have it in a timely manner. In this case, the public was unaware of information they had a legal right to know for almost 34 months.

[53] In light of the lack of transparency and considering the length of time between the due date and the date the Registration Return was filed, I consider this contravention to be serious, weighing in favour of a higher penalty.

[54] I considered and rejected the idea that this is a circumstance where no penalty is appropriate. The provision on Registration Returns in the LTA and its predecessor the LRA have been in place since April 2010. Designated filers are responsible for their obligations under the statute. A penalty in this circumstance is appropriate for the purpose of encouraging the designated filer to take their obligations under the LTA seriously and to remind all designated filers of their legal obligations in keeping registrations current and accurate.

[55] I do not find this was a deliberate contravention. I find, based on the evidence, particularly that the TLA had questions about whether an exception applied, that they were not clear about their obligations. I do not have any evidence in front of me that the TLA benefited monetarily from this contravention. This also weighs in favour of a lower penalty.

[56] There are no previous contraventions or warnings under the LTA or the LRA for the TLA. I consider this to be a factor that weighs in favour of a lower penalty.

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[57] However, an additional factor that bears considering here is the knock-on or compounding effect that filing the Registration Return 34 months late has had. It has meant that all of the TLA's Lobbying Activity Reports were delayed and therefore kept out of view from the public for a lengthy period of time. I find this to be very serious and in direct contradiction of the LTA's intention. In my view, this supports a penalty on the higher end of the scale.

[58] The TLA did make efforts to work with ORL staff to correct its registration after being informed about its obligations under the LTA by ORL staff. This weighs in favour of a lower penalty.

[59] The suggested penalty found in the guide to investigations for registering late is between \$100 and \$5,000 for the first instance of non-compliance. I have considered the following previous decisions in assessing an appropriate penalty.

[60] In Determination Decision (DD 24-02), the organization filed their Registration Return approximately two years, four months late, lobbying on 43 separate occasions while unregistered. That was a significant amount of unreported lobbying. However, the designated filer did report the contravention to the ORL and worked quickly to meet their obligations under the LTA. A penalty of \$3,500 was imposed.

[61] Determination Decision (DD 23-04) involves significant late reporting on a level comparable to this case. The designated filer was fined \$4,000 for filing their Registration Return 16 months late. The fine was compounded by the fact that the public was not aware the organization was lobbying on 10 separate occasions for almost 16 months. The designated filer also worked with the ORL to correct the late filings.

[62] In this case, the designated filer's Registration Return was 34 months late, which meant the public was not aware of the lobbying that occurred on numerous occasions between May 2020 and December 2022.

[63] Given the circumstances outlined above, it is my view that a reasonable penalty would be \$4,000 for the TLA's contravention of s. 3(3) of the LTA. This accounts for the lateness of the Registration Return, which meant the Monthly Returns were delayed by default. This also reflects the fact that at least 13 instances of lobbying went unregistered for months, if not years. The LTA requires that Monthly Returns only need to be filed once a Registration Return is entered, even if it is late. Therefore, in this case, the failure to file the Registration Return is a much more serious contravention than the failure to file a Monthly Return, given the fact that the requirement to file Monthly Returns is not triggered until the Registration Return is filed.

Section 4.1

[64] Based on the date of their March 17, 2023, filing of a Registration Return, the designated filer was required to submit a Lobbying Activity Report for the March 29, 2023 lobbying activity by April 15, 2023. The designated filer filed the Lobbying Activity Report on October 19, 2023.

[65] While the designated filer did not file the other 13 Lobbying Activity Reports late, meaning they were filed within 15 days in the month proceeding the filing of the Registration Return, the delayed filing of the Registration Return had a direct impact on the TLA's lack of timely reporting.

[66] By submitting the delayed Lobbying Activity Reports, the TLA undermined one of the fundamental tenets of the LTA, which is to promote transparency in lobbying communications. The public's ability to know who is lobbying whom, as well as the purpose of the lobbying activity is an important element in meeting the public's expectation of transparency under the LTA. For up to 34 months, the public did not know the TLA was lobbying senior public office holders.

[67] 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 this organization meet their obligations under the LTA. For this reason, I reject the idea that this is a circumstance where no penalty is appropriate.

[68] The designated filer stated that their late filing was not intentional. As I do not have information before me to suggest that they took steps to avoid filing a Monthly Return, I accept that their actions were not deliberate. I consider this to be a factor that weighs in favour of a lower penalty.

[69] I am not aware of any previous contraventions or warnings under the LTA or the LRA for the TLA. I consider this to be a factor that weighs in favour of a lower penalty.

[70] I have no information that leads me to believe the TLA derived an economic benefit as a result of this contravention. I consider this to be a neutral factor.

[71] The suggested penalty found in the guide to investigations for registering late is between \$100 and \$5000 for the first instance of non-compliance. I have considered the following decisions to assist me in determining an appropriate penalty.

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[72] I have examined past Determination Decisions in considering a reasonable penalty for this contravention. A number of Determination Decisions (DD) have been decided since the amendments to the legislation. I have found two with similar circumstances to this decision.

[73] In IR 18-04, a consultant lobbyist was fined \$500 under the LRA for filing a Registration Return four months late. The investigator accepted that the failure to register on time was a result of a misunderstanding of the LRA and when the lobbyist was made aware of their obligations under the legislation, they registered immediately.

[74] In DD 23-06, the designated filer submitted a Registration Return three months late, contrary to section 3(3) of the LTA. He received an administrative penalty of \$650 for contravening s. 3(3) of the LTA. Although DD 23-06 addressed a Registration Return, not a Monthly Return, as is the case here, it resembles the circumstances in this decision because it deals with the late submission of a Registration Return. Failing to register on time or failing to submit a Registration Return or Monthly Return deprives the public of timely information about an organization's lobbying intentions or activities. It undermines the purpose of the LTA, which is to promote transparency, to understand who is lobbying public office holders at any given time and for what reason.

[75] As noted, this case presents a unique circumstance in which the late filing of its Registration Return has had a direct impact on the TLA's lack of timely reporting of its lobbying activities and in my view, this cannot go without comment. I cannot emphasize enough the importance of reporting lobbying activity in accordance with the provisions of the LTA. However, as I have already considered, the knock-on effect this has had under section 3(3), a higher penalty here would not be appropriate.

[76] I have taken this and the other facts into consideration in arriving at a penalty for this contravention. Since I have issued a higher penalty for a first contravention of s. 3(3) of the LTA, a penalty of \$500 for contravening s. 4.1 of the LTA is reasonable.

CONCLUSION

1. Under s. 7.2(2) of the LTA, I find that:

- i. The designated filer contravened s. 3(3) of the LTA when it failed to submit a Registration Return within 10 days of lobbying conducted by an in-house lobbyist.
- ii. The designated filer contravened s.4.1 of the LTA when it failed to file a Monthly Return for lobbying senior public office holders within 15 days of the following month.

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2. I impose the following administrative penalties for the reasons set out above:

- i. \$4,000 for contravening s. 3(3) of the LTA; and
- ii. \$500 for contravening s.4.1 of the LTA.

The total amount of administrative penalties is **\$4,500**

3. The designated filer must pay the amount for the penalties no later than **April 24, 2025.**

4. If the designated filer requests reconsideration under s. 7.3 of the LTA, they are to do so within 30 days 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: March 13, 2025

ORIGINAL SIGNED BY

Laine Coopsie, Investigator and
Delegate of the Registrar of Lobbyists