



## Office of the Conflict of Interest Commissioner

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February 25, 2013

Hon. Michel Samson, MLA  
Richmond  
Richmond Industrial Mall  
P.O. Box 57  
Louisdale, NS B0E 1V0

Dear Hon. Mr. Samson:

Following receipt of your February 21, 2013 letter and our lengthy meeting today during which you provided very complete information relative to the issues raised in your letter and particularly concerning your residence, your claims under the House of Assembly Act, and your present living circumstances, I will deal with the questions you submitted.

The first question is, "Where is my primary residence?" While I do not think I have any jurisdiction under the Conflict of Interest Act to make determinations or hold inquiries in that regard, I am able to say that ever since you were first elected, your annual Disclosure Statements, given under oath, state that your primary residence is located in Arichat.

At our meeting you indicated that your extended family live in the Arichat area and in other parts of Richmond County and you take part in many extended family events as they arise as well as taking part in regular sports events throughout the winter and summer. You are currently, and have been throughout your legislative years, an Associate in the Boudrot Rodgers Law firm located in Cape Breton which services the Richmond County area as part of its regular activities. Further you have indicated to me two very significant additional things in determining your primary residence.

The first is your determined intention to return to the Arichat area to live and work if you should be defeated or resign. The second is the political reality that if you determined Halifax to be your permanent residence, you would lose significant support in the county and give another local candidate a significant edge in any election for obvious reasons.

On all the items we discussed, I accept that you do consider your Arichat property as your home and permanent residence, that you do get back there for many occasions to serve your constituents, attend functions and take part in social activities while you are in Halifax attending to the duties of House Leader, party meetings and the multitude of matters raised by your constituents. Your Arichat home is not rented out and is where you reside when in the area.

I would add that the amount claimed, \$1499 this year, is the maximum allowed and the maximum claimed in previous was the amount allowed under the House of Assembly Act for each of the previous years and there is no evidence whatsoever of any intention to disobey the established rules.

We did discuss your rental of a house in Halifax, the rent and fixed expenses and the amount claimed for reimbursement amounts to approximately one-half of the total costs. As well you made me aware that your wife works in the Halifax area.

Recognizing that some parts of this letter may reach the public, I want to point out my reasons behind my approach.

It is very important to understand that we have, had, and will have, members elected to our Legislature from rural areas. They are required to work in two areas, their constituency and Halifax for Legislature and constituency matters. To do so they must leave their home and area for both short and extended periods of time. Recognizing this the House Rules provide for certain reimbursements to offset the extra costs involved. To be perfectly clear, yes, these reimbursement claims must be honest and made only when warranted. However it is vitally important that our elected members of our Legislature are not open to public denouncement on the whim of a media member who, without first pursuing the necessary facts, raises a suspicion which is akin to serious issues in one or more other jurisdictions, knowing it will be scandal and embarrassment to the person involved.

We need the best members we can get and we must not put in their way a fear of baseless scandal and embarrassment brought on by immature and sensational oriented reporting. Our elected members give up a great deal to serve the people of this Province and should not be dishonoured to the public in any way without a sound basis of facts to support the matter or claim being made.

I am not using a “kill the messenger” approach but rather the approach that the “messenger bring the correct message”. Otherwise, over time, we will have fewer capable and desirable people offering to represent the public in a constituency to the detriment and loss of the whole Province.

The second question is, “Does my wife enjoy a personal benefit as a result of my living allowance for my leased premises in Halifax?” Again, my jurisdiction comes into question but if I do have any jurisdiction, my answer is decidedly, no.

It appears this question stems from the fact that she works in the Halifax area and therefore receives a “personal benefit” from the reimbursement. That is not a personal benefit to her as contemplated by the House of Assembly Rules and Regulations and there is no merit to any suggestion that your wife is receiving a personal benefit arising in the circumstances here. Further, where she works is not necessarily a valuable consideration in determining your primary residence. You are the member and the determination of primary residence is based mainly on you.

Your third question is, "Is there any conflict in the rental agreement I have signed with Metro Harbour Link for my leased premises in Halifax?" Certainly this question is within my jurisdiction and again, based upon the facts you have provided, I can advise you that no conflict of interest exists. The rental from a company largely doing business in the Arichat area whose major owner is a personal friend does not constitute a conflict of interest where no evidence exists of any special favours sought or received from the Government of Nova Scotia in return for the lease from the time the lease was entered to the present day. Also the monthly rental for the property is in line with rentals for similar properties in similar areas in Halifax with no special favour or advantage to you.

Should you have any further questions, do not hesitate to contact this office.

Yours truly,

A handwritten signature in black ink, appearing to read 'D. Merlin Nunn'.

D. Merlin Nunn  
Commissioner

DMN:glS



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**Michel P. Samson, MLA**  
**Richmond**

February 21<sup>st</sup>, 2013

Hon. D. Merlin Nunn  
Conflict of Interest Commissioner  
1724 Granville Street  
P.O. Box 1617  
Halifax, NS  
B3J 1X5

Dear Justice Nunn:

*Justice Nunn:*

On Wednesday, February 20<sup>th</sup>, 2013, I was interviewed by a reporter who raised questions regarding my accommodation expenses as the MLA for Richmond. More specifically, the questions were surrounding the following issues:

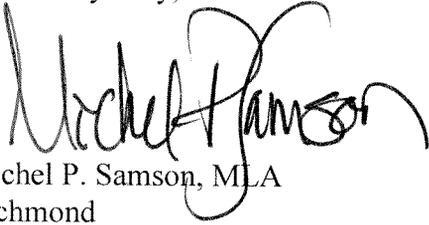
1. Where is my primary residence?
2. Does my spouse enjoy a personal benefit as a result of my living allowance for my leased premises in Halifax?
3. Is there any conflict in the rental agreement I have signed with Metro Harbour Link Realty for my leased premises in Halifax?

As the MLA for Richmond, I want to ensure transparency and the integrity of our legislative system. I am requesting that you review this matter and render a decision as to whether there has been any violation of the Conflict of Interest Act as applies to Members of the Nova Scotia Legislative Assembly.

I have also discussed this with the Leader of the Official Opposition and made him aware of the details in this matter. He has indicated his support in my request for a review and is hopeful for a timely decision in order to ensure transparency and public confidence.

I would be happy to meet with you at your earliest convenience in order to review this matter and provide you with any additional documents you or your office may require.

Yours very truly,

A handwritten signature in black ink, reading "Michel P. Samson". The signature is written in a cursive, flowing style with a large initial "M".

Michel P. Samson, MLA  
Richmond

# MLA makes unprecedented request for own expense review

**Michel Samson, MLA for Richmond, made request after CBC investigation**

CBC News Posted: Feb 21, 2013 11:11 PM AT | Last Updated: Feb 21, 2013 11:45 PM AT  7

A Nova Scotia MLA has taken the unprecedented step of asking for a formal review of his MLA living expenses.

Michel Samson, the Liberal MLA for Richmond, made the request after a CBC investigation raised questions about the house he rents in Halifax.

MLA's from outside Halifax are given an allowance to rent accommodation in the city.

Under the rules it can't be a principle residence and the rental arrangement can't benefit the member or any associated persons.

For the past six years Samson and his wife have rented a house in south end Halifax. His wife lives and works in Halifax. Samson also owns a house in Richmond County.

"I represent Richmond, I live in Richmond and I have to commute to Halifax and stay in Halifax as part of my responsibilities here in the city," he said.

The house that Samson rents is owned by Edgar Samson, a well-known businessman in Arichat who is not related to MLA Samson. Samson describes Edgar Samson as a "close friend" who has donated to both, his election campaigns in 2006 and 2009 and to the Liberal party of Nova Scotia.

Edgar Samson has also made smaller donations in those same elections to the Progressive Conservative Candidate John Greene who ran against Samson in those elections.

Samson said just after the election in 2006 he and his wife decided they wanted to move out of the Halifax apartment. He said Edgar Samson told him he was interested in buying an investment property in the city.

Edgar Samson set up a company, Metro Harbour Link Realty, purchased the home in Halifax and rented it to Samson and his wife.

"When Mr. Samson indicated he was interested in purchasing an investment property would we be interested in renting if it was an appropriate venue. We entered into an agreement as tenants with a landlord. It just happens that in this case the landlord is from Cape Breton rather than renting from a landlord in Halifax which I've done since 1998," he said.

Edgar Samson owns several properties in Cape Breton but the south end home is the only property he owns in Halifax.

The MLA bills taxpayers the maximum allowable rental allowance, \$1,470 dollars per month. That money goes directly to his friend's company.

Samson argues that's the same living expense claim he has always made since he was first elected as an MLA.

"That is the same amount that I would have been claiming since 1998 as a rural member living here in Halifax, it's something that was paid to landlords in Halifax when I was renting at other places, so that is the reality of what we're able to claim," he said.

Samson said the \$1,470 living allowance doesn't even cover his full rent. He said he and his wife pay Edgar Samson about \$2,500 per month plus utilities, fair market value for a house in south end Halifax.

## Samson says he hasn't broken rules

Samson said this is not a special deal to benefit a friend and campaign donor. He said doesn't believe he's broken any rules.

"I've been very blessed at having many supporters who have been generous in my campaigns. Mr. Samson is just one of them and at the end of the day he made an investment decision that brings risk with it and we made a decision to enter into a rental agreement which will continue as long as we see fit to remain there,' he said.

At the time of the CBC interview, he said he had not disclosed to the Speaker's Office the rental agreement.

"No I haven't because I have never had to disclose with the Speaker's Office when I have entered into a rental agreement at any other property. I've never inquired who owns the property, I've rented from companies and I really have no idea who owned those companies," said Samson.

Following the interview with the CBC, Samson met with his party's leader Stephen McNeil. After meeting with McNeil, Samson had a meeting with senior staff in the Speaker's Office, the office responsible for overseeing MLA expenses.

Samson then sent letters to both Conflict of Interest Commissioner Merlin Nunn, a retired Supreme Court Justice, and Speaker of the House Gordie Gosse asking for formal review of his own expenses.

"I want to ensure transparency and the integrity of our legislative system. I am requesting that you review this matter and render a decision as to whether there has been any violation of the Conflict of Interest Act as applies to Members of the Nova Scotia Legislative Assembly," Samson stated in a letter to Nunn.

Gosse said he hopes to complete that review as soon as possible.

## MLA Samson expense review request



### Letter to Conflict of Interest Commissioner

2 documents

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