

<b>Section:</b>	<b>Cannabis Licensing Board</b>	<b>Effective Date:</b>	<b>April 15, 2019</b>
<b>Number:</b>	<b>CB-2019-02</b>	<b>Last Revised:</b>	
<b>Item:</b>	<b>Conflict of Interest</b>	<b>Reference:</b>	

## STATEMENT OF POLICY

This policy describes conflict of interest situations and appropriate responses by members of the Cannabis Licensing Board.

## AUTHORITY

*Cannabis Control and Regulation Act s. 20*

## RATIONALE

Board members may find themselves in conflict of interest situations. In order to maintain public confidence in the integrity of the Cannabis Licensing Board and its decision-making process this policy:

- clarifies those types of activities that may constitute a conflict of interest;
- establishes clear parameters to minimize the possibility of conflicts arising between board members' official duties and responsibilities and their personal and private interests; and
- provides the means to resolve such conflicts in the public interest.

## DEFINITIONS

### **Conflict of interest:**

Actual or perceived Conflict of Interest means a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

**Family member:** a mother, father, sister, brother (or alternately step parent or foster parent), spouse, son, daughter, stepchild or ward of the board member, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grandparent, grandchild, and any relative who permanently resides in the board member's household or with whom the board member permanently resides.

**Spouse:** a person who is married to the board member or who lives with the board member in a common-law relationship.

## PROVISIONS

### **Role of Chair**

- The Chair is responsible for administering the policy, for issuing instructions as necessary for implementation and for regularly promoting the policy to ensure Board members are aware of their obligations.

- The Chair is responsible for receiving disclosure statements from Board members and for issuing decisions related to Board members' disclosures.
- The Chair is responsible to disclose of any perceived or actual conflict involving themselves. In that situation the Chair should refer the decision to a Vice Chair and/or Acting Chair.

### **Board Members**

- All Board members are responsible for conducting themselves in a manner that maintains and fosters public trust.
- No conflict should exist or appear to exist between the private or personal interests of Board members and their official duties.
- The Chair, or any member of the Board, may bring an inquiry about possible Conflict of Interest to the attention of another Board member.
- Board members have a duty to disclose to the Chair any situation in which they are involved which may pose a conflict of interest and to provide information as required.
- In order that honesty and impartiality may be beyond doubt, Board members should not place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or seek in any way to gain special treatment from them.
- Board members should not have financial interests that could conflict in any manner with the discharge of their official duties.
- Board members should exercise care in the management of their private affairs so as not to benefit, or appear to benefit, from the use of information acquired during the course of their official duties, when such information is not generally available to the public.

### **Dealing and Working with Others**

- Board members may not improperly receive a benefit or confer a benefit on others. In particular, Board members may not:
  - participate in decisions where it may reasonably be perceived that there is opportunity to improperly benefit the interests, financial or otherwise, of themselves or others;
  - use their position to improperly influence a decision made by another person to benefit a financial interest of themselves or others;
  - share information gained in their Board capacity that is not available to the general public to improperly benefit an interest of themselves or others.

## **Use of government equipment, facilities or property**

- Board members are prohibited from using government equipment, facilities or property to further their own interests.

## **Employment**

- Board members are permitted to engage in any activity, including employment, unless doing so:
  - causes an conflict of interest; or
  - is performed in such a way as to appear to be an official act, or to represent a Yukon Government opinion or policy; or
  - interferes with regular duties.

## **Investment and management of private assets**

- If a Board member participates in decisions or actions that may affect his/her business or financial interest or that of a family member, the Board member is required to disclose that interest to the Chair.

## **Accepting gifts**

- Board members should not accept fees, gifts or other benefits that are connected with the performance of their Board duties.

## ***Disclosure and Resolution Process***

- Board members have a duty to disclose to the Chair in writing any situation in which they:
  - may be in a position to improperly derive personal benefit or confer preferential benefits on others as a result of their position on the board; and/or
  - may be in a position of conflict or be perceived to be in a position of conflict with the interest of the government arising from any of their outside activities.
- Board members who are in doubt about their rights and responsibilities under the policy are encouraged to seek clarification from the Chair.
- Upon receiving a Board member's written disclosure, the Chair shall discuss the matter with them to determine whether a conflict exists and if so, to attempt to achieve resolution. Should the matter not be mutually resolved, the Chair shall provide the Board member with written advice and the Board member shall abide by the advice given.
- A copy of the Chair's response, agreed upon resolution or the Chair's written advice will be forwarded to the Cannabis Licensing Board Secretariat for retention, under confidential cover, in the Board member's file.

- Board members who fail to observe this policy or to follow the agreed upon resolution or advice provided subsequent to disclosure will have the matter referred to the Minister.

***Applicant declares a conflict***

- If an applicant declares a conflict of interest with a board member, the Chair shall require the applicant to disclose that situation in writing.
- Upon receiving an applicant's written disclosure, the Chair shall discuss the matter with the applicant to determine whether a conflict exists and if so, to attempt to achieve resolution.
- If the resolution is not achieved, the Chair shall ask the board member in question to recuse themselves from reviewing the application and taking part in the decision to grant or not grant a licence.
- If an applicant declares a conflict of interest with the Chair, the Vice-Chair shall require the applicant to disclose that situation in writing.
- Upon receiving an applicant's written disclosure, the Vice-Chair shall discuss the matter with the applicant to determine whether a conflict exists and if so, to attempt to achieve resolution.
- If the resolution is not achieved, the Vice-Chair shall ask the Chair to recuse themselves from reviewing the application and taking part in the decision to grant or not grant a licence.

**RELATED FORMS**

**RELATED POLICIES & DIRECTIVES**

Approved by:



David Sloan  
Chair



Date: