

IN THE MATTER OF AN INQUIRY INTO THE  
CONDUCT OF THE HONOURABLE MICHEL  
DÉZIEL, JUDGE OF THE SUPERIOR COURT OF  
QUÉBEC

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**AMENDED NOTICE OF ALLEGATIONS**

(Pursuant to section 64 of the *Judges Act*, R.S.C., 1985, c. J-1, subsection 5(2) of the *Canadian Judicial Council Inquiries and Investigations By-laws*, SOR/2002-371, and the Canadian Judicial Council *Policy on Inquiry Committees*.)

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TO: **Me André Gauthier, Ad. E.**  
**Cain Lamarre Casgrain Wells**  
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**A. BACKGROUND**

1. On April 4, 2014, a Review Panel consisting of three judges, including two members of the Canadian Judicial Council, decided that an Inquiry Committee should be constituted regarding the conduct of the Honourable Michel Déziel, Judge of the Superior Court of Québec.
2. Notice is hereby given to Justice Déziel of the allegations that will be the subject of the inquiry.
3. None of the following alleged facts have been proven before the Inquiry Committee.
4. At the hearing, in accordance with the requirements of the *Canadian Judicial Council Inquiries and Investigations By-laws*, the Canadian Judicial Council *Policy on Inquiry Committees* and the Canadian Judicial Council *Policy on Independent Counsel*, the Independent Counsel will present before the Inquiry Committee all the evidence relevant to the allegations against Justice Déziel.

## **B. ALLEGATIONS**

### **(1) That Justice Déziel asked Mr Gilles Cloutier to convert \$30,000 into contributions of \$750.**

5. On May 2, 2013, Mr Gilles Cloutier testified before the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry.
6. Mr Cloutier stated the following:
  - a) In 1997, Justice Déziel, who was then a lawyer, told Mr Cloutier that he required his services and asked him to come to his office for a meeting;
  - b) In October 1997, Mr Cloutier went to Me Déziel's office, and Me Déziel gave him an envelope containing \$30,000 in \$100 bills;
  - c) Me Déziel told Mr Cloutier that this money was given to him by the Dessau engineering firm;
  - d) Me Déziel asked Mr Cloutier to convert this money into cheques in the amount of \$750 payable to the *Action civique de Blainville* party;
  - e) Approximately a week later, Mr Cloutier gave Me Déziel cheques in the amount of \$750 totalizing \$30,000.
7. The request made by Me Déziel to Mr Cloutier to convert \$30,000 into contributions of \$750, if substantiated, would contravene sections 610, 611 and 637 of An Act Respecting Elections and Referendums in Municipalities and could well support (1) the finding that Justice Déziel "has become incapacitated or disabled from the due execution of the office of judge" by reason of having been found guilty of misconduct, within the meaning of subsection 65(2) of the *Judges Act*, and (2) a recommendation for removal from office.

### **(2) That Justice Déziel acted as an intermediary for the purpose of receiving illegal contributions to a political party.**

8. On June 19, 2013, Justice Déziel sent a letter to the Executive Director and Senior General Counsel of the Canadian Judicial Council, in which he submitted his comments to the Vice-Chairperson of the Judicial Conduct Committee, the Honourable Edmond Blanchard.
9. In his letter, Justice Déziel denied the allegations made by Mr Cloutier stated in allegation (1) above.
10. However, Justice Déziel acknowledged the following facts:

- a) In 1997, Justice Déziel was a lawyer and held the title of chief organizer of the *Action civique de Blainville* party for the municipal election;
- b) The Dessau engineering firm contributed to funding the electoral campaign of the *Action civique de Blainville* party, then led by Mr Pierre Gingras, who had been the mayor of Blainville since 1993;
- c) The amount of this funding was agreed between Mr Rosaire Sauriol, of the Dessau engineering firm, and Mr Gingras;
- d) Justice Déziel agreed to act as an intermediary by transferring to Mr Monette a sum of between \$30,000 and \$40,000 received from Mr Sauriol.

11. In a letter dated January 14, 2014 that he sent to members of the Inquiry Committee, Justice Déziel specified the following:

- a) He does not believe that the *Action civique de Blainville* party disclosed that it had received the funds from the Dessau engineering firm;
- b) In 1997, personal contributions were limited to \$750 and only individuals qualified as electors could contribute; corporations were excluded from making such contributions.

12. Having acted as an intermediary between Mr Sauriol and Mr Monette, for the purpose of receiving contributions to a political party that he knew were illegal, would contravene sections 610, 611, 612 and 637 of An Act Respecting Elections and Referendums in Municipalities and could well support (1) the finding that Justice Déziel “has become incapacitated or disabled from the due execution of the office of judge” by reason of having been found guilty of misconduct, within the meaning of subsection 65(2) of the *Judges Act*, and (2) a recommendation for removal from office.

Signed in Québec on January 26, 2015.

Signed by "Suzanne Gagné"

Me Suzanne Gagné, Ad. E.  
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Independent Counsel

**CANADIAN JUDICIAL COUNCIL**

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**CJC FILE NO.: 13-0065**

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**AMENDED NOTICE OF ALLEGATIONS**

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**Me Suzanne Gagné                      2595-01**

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