

**PROCEEDINGS AT HEARING
OF
NOVEMBER 6, 2020**

COMMISSIONER AUSTIN F. CULLEN

INDEX OF PROCEEDINGS

Witness	Description	Page
	Proceedings commenced at 9:30 a.m.	1
Fred Pinnock (for the commission)	Colloquy	1
	Examination by Ms. Hughes	2
	Examination by Mr. McGowan	16
	Order re redactions of exhibits 163 and 164	19
	Submissions for BCLC by Mr. Smart re redactions of exhibits 163 and 164	22
	Discussion re redactions of exhibits 163 and 164	23
	Order re redactions of exhibits 163 and 164	26
	Discussion re exhibits	27
	Proceedings adjourned at 10:02 a.m.	28
	Proceedings reconvened at 10:08 a.m.	28
Tom Robertson (for the commission)	Examination by Mr. McCleery	29
	Examination by Ms. Stratton	76
	Examination by Ms. Gardner	78
	Proceedings adjourned at 11:23 a.m.	84
	Proceedings reconvened at 11:37 a.m.	84
Tom Robertson (for the commission)	Examination by Mr. Smart	85
	Examination by Ms. Harmer	100
	Examination by Mr. McFee	103
	Colloquy	111
	Proceedings adjourned at 12:12 p.m. to November 9, 2020	112

INDEX OF EXHIBITS FOR IDENTIFICATION

Letter	Description	Page
---------------	--------------------	-------------

No exhibits for identification marked.

INDEX OF EXHIBITS

No.	Description	Page
------------	--------------------	-------------

163	Transcript of a phone call between Heed and Pinnock on July 10,2018	27
164	Redacted transcript of a lunch meeting between Heed and Pinnock on September 7, 2018	27
165	Email from Donald Smith, Re: IIGET File 05-661 Loansharking Investigation - February 25, 2005	76

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
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November 6, 2020

(Via Videoconference)

(PROCEEDINGS COMMENCED AT 9:30 A.M.)

FRED PINNOCK, a witness
for the commission,
recalled.

THE REGISTRAR: Good morning. The hearing is now
resumed, Mr. Commissioner.

THE COMMISSIONER: Thank you, Madam Registrar.

Yes, I just wanted to ensure that

Mr. McGowan is with the commission.

THE REGISTRAR: Mr. McGowan is joining shortly,
Mr. Commissioner.

THE COMMISSIONER: All right. I would prefer to
await his presence before we get started with
you, Ms. Hughes.

THE REGISTRAR: Mr. Commissioner, Mr. McGowan has
just joined in, so we can proceed.

THE COMMISSIONER: Thank you. All right. Thank you.

Mr. McGowan, is there anything to deal with
before we proceed with Ms. Hughes's examination
of Mr. Pinnock?

MR. MCGOWAN: No, Mr. McGowan -- or no,
Mr. Commissioner. Sorry. And I apologize for
the delay.

1 THE COMMISSIONER: No, that's fine, Mr. McGowan.

2 MR. MCGOWAN: Technical issues at this end.

3 THE COMMISSIONER: They do crop up from time to time.

4 All right. Thank you. Ms. Hughes.

5 MS. HUGHES: Thank you, Mr. Commissioner.

6 **EXAMINATION BY MS. HUGHES:**

7 Q Mr. Pinnock, can you hear me?

8 A I can. Good morning.

9 Q Excellent. Thank you. I'm counsel for the
10 Gaming Policy Enforcement Branch, and I have
11 just a few questions for you arising out of the
12 evidence you gave yesterday. First, one of the
13 challenges you described in your evidence was
14 staffing challenges, and indeed staffing
15 challenges from the perspective filling the RCMP
16 positions within IIGET. Do you recall giving
17 that evidence?

18 A Yes.

19 Q I think you'll agree indeed there was a
20 significant staff turnover in the 2005, 2006
21 time frame?

22 A Yes, there was.

23 Q And in fact only two RCMP members were with
24 IIGET from its inception in 2004; is that right?

25 A I don't know who started the unit, who was there

1 first, but that may be true.

2 Q Fair to say it was a very small number of the
3 12 spots that were allocated for RCMP members.
4 There was only a handful of individuals in those
5 spots from the beginning of IIGET in 2004 and
6 through the time that you were there; isn't that
7 right?

8 A Yes. I'm trying to think of -- yes, there were
9 a couple at least, I guess, who spent the entire
10 duration with the unit, yes.

11 Q All right. And indeed at one point in and
12 around 2006 some vacancies in the RCMP positions
13 were deliberately held open, weren't they?

14 A I believe for budgetary reasons, to save money
15 for operations, yes.

16 Q That's right. Those positions were held open in
17 order to free up resources for the internet
18 gaming investigation that you spoke of
19 yesterday?

20 A That was probably one of the reasons, yes.

21 Q Yes. Okay. Turning, then, Mr. Pinnock, to just
22 deal briefly with the different types of
23 investigations you spoke of yesterday that IIGET
24 was conducting. And I think we'll just start
25 with this: as you indicated, IIGET's

1 objectives, what it was going to do, in effect,
2 that was set by the consultative board, weren't
3 they?

4 A Yes.

5 Q And the consultative board set three different
6 objectives for IIGET? They were education,
7 intelligence and enforcement?

8 A That's right, yes.

9 Q And when it came to the enforcement objective,
10 there were different responsibilities assigned
11 to the GPEB members and the RCMP members of
12 IIGET; isn't that right?

13 A Yes.

14 Q And that was because those different members,
15 the RCMP and the GPEB members, they had
16 different powers, didn't they?

17 A That's correct.

18 Q The RCMP members could do more in terms of the
19 types of crime they could investigate than the
20 GPEB members could; right?

21 A Yes. We were full police officers recognized by
22 the province.

23 Q That's right. And the GPEB members weren't,
24 were they?

25 A They were province Special Constables --

1 Q Right.

2 A -- with --

3 Q And so they weren't -- sorry, go ahead.

4 A With limited authorities. Yes.

5 Q Right. They weren't equipped to handle, for
6 example, dangerous individuals or dangerous
7 situations?

8 A That's correct.

9 Q And so if a need arose for undercover work or
10 mobile surveillance or arrests, seizures, that
11 type of thing, they would refer that work to the
12 RCMP members of the team; right?

13 A Yes. That was clearly their responsibility.

14 Q Right. And the different powers or abilities of
15 the RCMP and the GPEB members within IIGET, that
16 was reflected in the three-tiered approach that
17 IIGET adopted to its enforcement
18 responsibilities; right?

19 A That's fair to say.

20 Q And I think, as you described yesterday, those
21 three tiers of enforcement were street level
22 enforcement. Is that the first one?

23 A I think both the lower and middle tiers
24 constituted street-level enforcement.

25 Q All right. Okay. And so, now, in some of the

1 documents we've seen, you'll agree, though, that
2 the tiers are broken down into three separate
3 tiers?

4 A That's correct, yes.

5 Q And indeed in the business case you prepared in
6 2007 you broke it down into three tiers, didn't
7 you?

8 A I believe I did.

9 Q And you called the first tier street-level
10 enforcement; right?

11 A I may have.

12 Q Okay. And then --

13 A No problem -- no problem saying that.

14 Q Okay. Well, perhaps if it helps, I can take you
15 to a document to refresh your memory on this.
16 Is that something we should probably do, then, I
17 think?

18 A I accept your reference to that. I've got no
19 argument.

20 Q Right. Okay. So we have the three tiers.
21 Street-level enforcement is the first tier. And
22 that included things like poker and licensed
23 premises and unlicensed lotteries, raffles or
24 bingos; right?

25 A That was -- was that -- forgive me, was that the

1 lowest level?

2 Q Yes.

3 A Okay. My recollection is the work done by GPEB
4 was the lowest level. Yes. Yes. Poker games
5 in legal premises and lotteries and things of
6 that nature, yes.

7 Q Yes.

8 A Correct.

9 Q And then in the mid-level it was worked on by
10 the RCMP and that was things like common gaming
11 houses, illegal slot machines or a little -- I
12 think the formal name is illegal video gaming
13 machines; that's right?

14 A That's right, yes.

15 Q Yes. And you also included pyramid schemes and
16 animal fights in that category?

17 A Yes.

18 Q And then the third level also done by the RCMP
19 was the high-level investigations?

20 A Yes.

21 Q And that's where you put internet gaming,
22 distribution of video lottery terminals and
23 bookmaking; right?

24 A That's correct.

25 Q Right. Okay. And that level of investigation

1 included the high-level internet gaming
2 investigation that occupied all of IIGET's time
3 in around 2006?

4 A That's right, yes.

5 Q And it was that investigation that indeed led
6 IIGET's consultative board to instruct IIGET to
7 focus on mid-level targets going forward; right?

8 A That's right, yes.

9 Q Yes. Okay. Turning now to the IIGET -- sorry,
10 the effectiveness review of IIGET that was
11 prepared by Catherine Tait and published in
12 November of 2007. You're familiar with that
13 document?

14 A I am.

15 Q And indeed it came out, it was published before
16 you went on medical leave in December of 2007?

17 A I don't know if it was. If you say so, I accept
18 that.

19 Q All right. Well, I don't think that's a fact
20 that's in dispute.

21 MS. HUGHES: The report can be found, just for the
22 record, Mr. Commissioner, at appendix C of the
23 IIGET overview report and on the cover is dated
24 November 16th, 2007.

25 THE COMMISSIONER: Okay. Thank you.

1 MR. HUGHES:

2 Q And you've had an opportunity to review the Tait
3 report; right?

4 A Some time ago, yes.

5 Q Yes. Right. Back in 2007?

6 A Yeah.

7 Q Yeah. And you understand that one of the
8 recommendations that was made in that report was
9 that IIGET's MOU be extended for a year at the
10 current levels until additional information
11 could be available to make a determination about
12 its future?

13 A Yes, that's correct.

14 Q And you know that that did in fact occur,
15 IIGET's mandate was extended for a year; right?

16 A Yes.

17 Q Yes. And then you went on medical leave in
18 December of 2007?

19 A Yes.

20 Q And so you don't have any first-hand knowledge
21 in terms of what happened with IIGET's MOU after
22 that point, do you?

23 A I don't have first-hand knowledge, no.

24 Q Okay. Now, in your evidence yesterday,
25 Mr. Pinnock, you spoke of the relationship

1 yesterday to be saying that the relationship
2 between the GPEB members and the RCMP members
3 was basically never healthy and that tension
4 existed throughout the entire time you were
5 there. Did I misunderstand that evidence?

6 A I think the relationship that was tension filled
7 was between me and the -- primarily the Deputy
8 Director of GPEB Joe Schalk. The relationships
9 elsewhere within the two units were cordial and
10 friendly. It was the program tensions that
11 Mr. Schalk and I experienced that I was
12 referring to.

13 Q Okay. And indeed your relationship with Joe did
14 begin -- sorry, Mr. Schalk, did begin to
15 improve, didn't it, over the course of your time
16 there?

17 A We did our best every day to get along, but we
18 were struggling to find a mutually acceptable --

19 Q Right.

20 A -- division of roles and responsibilities. Many
21 days were spent working on that relationship.

22 MS. HUGHES: Madam Registrar, if I could please have
23 exhibit 156 put up before the witness, please.

24 And so, Mr. Pinnock, you should see before
25 you a document that you were taken to in your

1 evidence in direct, and this is a memorandum you
2 drafted to your superior within E Division; is
3 that right

4 A That's correct.

5 Q Dated March 14th, 2007?

6 A Yes.

7 Q And in this memorandum you're reporting to your
8 superior on the status of IIGET; isn't that
9 right?

10 A Yes.

11 Q And you understood that in these reports you
12 needed to be accurate and truthful in what you
13 were reporting up?

14 A Of course.

15 Q Yes.

16 MS. HUGHES: So if you could turn to page 3 of that
17 document, please, Madam Registrar.

18 Q And in the bottom of the unredacted portion,
19 you're referencing an individual. You reference
20 Joe, and I take it that means Joe Schalk?

21 A Yes.

22 Q Yes. And at the very last line there you report
23 to your superiors:

24 "Larry Vander Graaf mediated a discussion
25 between Joe and me and the relationship

1 began to improve immediately."

2 Do you see that?

3 A Yes, I do.

4 Q Yes. And you recall writing that?

5 A No -- there's no doubt that I did write it.

6 Q Yes. And it accurately reflected your view at
7 that time; right?

8 A Yes, it did.

9 Q Okay. Thank you.

10 MS. HUGHES: No more need for the document, Madam
11 Registrar. Thank you.

12 Q I'd like to now ask you a couple of questions,
13 Mr. Pinnock, about the business plans you
14 prepared for IIGET. You recall giving evidence
15 yesterday of two different business plans that
16 you prepared, one, as I understood your
17 evidence, seeking to expand the scope of IIGET
18 and one seeking additional resourcing; is that
19 right?

20 A That's right.

21 Q Yes. And both of those plans proposed
22 significant changes to IIGET; isn't that right?

23 A Yes.

24 Q And neither of them proposed to continue IIGET
25 in the form in which it existed at the time,

1 i.e. in the form it existed in 2007?

2 A That's correct.

3 Q And so other than -- we'll step back for a
4 moment. You from time to time, or did usually,
5 attend the IIGET consultative board meetings?

6 A I attended them all while I was attached to that
7 unit, yes.

8 Q Yes. GPEB also had representatives that
9 attended those meetings?

10 A Yes.

11 Q But other than what may have been communicated
12 at consultative board meetings, you have no
13 first-hand knowledge of any of GPEB's internal
14 discussions about renewing IIGET's MOU, do you?

15 A I don't.

16 Q No. And similarly, you have no first-hand
17 knowledge of any briefings or discussions that
18 might have been had at higher levels of
19 government about renewing the IIGET MOU, do you?

20 A I don't, know.

21 Q No. And so, Mr. Pinnock, you left IIGET on
22 medical leave in December of 2007?

23 A Yes.

24 Q And you never returned to active duty after that
25 time?

1 A That's correct. I retired months later.

2 Q You retired in September of 2008?

3 A Yes.

4 Q And you have not worked in policing since then,
5 have you?

6 A That's correct.

7 Q You've never worked in the gaming industry?

8 A Never.

9 Q And so your first-hand knowledge about the
10 matters relevant to this inquiry ends when you
11 went on medical leave in December of 2007;
12 right?

13 A That's right, yes. Other than discussions with
14 the people still associated with the unit.

15 Q Right. So from December 2007 onwards your
16 knowledge is based on what you've heard or been
17 told by others or what you've gleaned from
18 public sources; is that right?

19 A That's right, yes.

20 MS. HUGHES: Okay. Thank you, Mr. Commissioner. I
21 have no further questions for this witness.

22 THE COMMISSIONER: Thank you. Just going back in
23 reverse order. Ms. Mainville, anything arising?

24 MS. PEDDLE: I can speak for Ms. Mainville. Nothing
25 arising. Thank you.

1 THE COMMISSIONER: Thank you. Ms. Harmer?

2 MS. HARMER: Nothing arising. Thank you.

3 THE COMMISSIONER: Thank you. Mr. Smart?

4 MR. SMART: Nothing, thank you, Mr. Commissioner.

5 THE COMMISSIONER: Thank you. Mr. Simonneaux?

6 MR. SIMONNEAUX: No, nothing. Thank you,

7 Mr. Commissioner.

8 THE COMMISSIONER: Mr. McGowan.

9 MR. MCGOWAN: Yes, Mr. Commissioner. One thing I
10 would like to -- feel I ought to canvass in
11 re-examination.

12 **EXAMINATION BY MR. MCGOWAN:**

13 Q Mr. Pinnock, yesterday you told the Commissioner
14 about a 2009 conversation you had with Minister
15 Heed where he made comments to you about his
16 knowledge and the knowledge of another
17 government official regarding organized crime in
18 casinos. Do you recall that?

19 A Yes.

20 Q Okay. And when questioned by counsel for Canada
21 about whether all you had to rely on to recount
22 this conversation was your memory, you advised
23 the Commissioner about conversations you had in
24 2018 with Mr. Heed. Do you recall that?

25 A Yes.

1 Q And I gather what you were communicating was
2 that to some extent you were relying on
3 information communicated to you in those
4 conversations to confirm some of what you told
5 the Commissioner?

6 A Would you ask that question again, please. I'm
7 sorry.

8 Q I took it from your evidence that you were
9 suggesting that some of what was communicated to
10 you in 2018 confirms information you had
11 received in 2009?

12 A That's right, yes.

13 Q Okay. And you, again, reference those
14 conversations in response to questions asked for
15 counsel for the British Columbia Lottery
16 Corporation?

17 A That's right, yes.

18 Q Those two conversations occurred in 2018, the
19 two that you were referring to in response to
20 questions from Mr. Smart?

21 A Yes, the two audio recorded conversations.

22 Q Yes. One was on July 10th, 2018. That was a
23 telephone call?

24 A It was, yes.

25 Q And that was the date of it?

1 A It was.

2 Q The second conversation was on September 7th,
3 2018?

4 A That's right.

5 Q That was a lunch at a restaurant?

6 A It was.

7 Q You recorded each of these two conversations?

8 A I did.

9 Q Did Mr. Heed know you were recording them?

10 A No. There were surreptitiously recorded.

11 Q How did you record them?

12 A With a handheld digital recording device I
13 concealed.

14 Q And what was your purpose in recording those
15 conversations?

16 A I wanted to secure and preserve any evidence
17 relating to these matters. Given the fact that
18 memories fade, people die, brain injuries occur,
19 I wanted to solidify it and lock it down in the
20 event something like this commission, wherever
21 it struck.

22 Q Okay. You've recently provided copies of those
23 recordings to the commission?

24 A Yes.

25 Q And the commission has just very recently had

1 transcripts produced of those and provided you a
2 copy of those?

3 A That's right, yes.

4 MR. MCGOWAN: Mr. Commissioner, my plan is to seek to
5 enter these recordings as the next two exhibits.
6 I will say that commission counsel -- for the
7 benefit of participants, commission counsel has
8 applied to have one brief portion of the
9 September 28th recording redacted. You directed
10 that commission counsel's application in that
11 regard ought to be heard in camera. In
12 anticipation of the possibility that you may
13 grant that order, we have provided copies
14 redacted in the manner sought to the hearings
15 staff. I'll say just perhaps before I go any
16 further, I understand that some participants
17 perhaps, Mr. Heed and Mr. Pinnock, may wish to
18 apply to you to have certain other information
19 redacted from the copy of the exhibits in the
20 event they are entered, and I'll address that
21 after you rule on commission counsel's
22 application.

23 THE COMMISSIONER: All right. Thank you. Yes. I
24 did receive an application from commission
25 counsel to proceed in camera and *ex parte* all

1 the participants and to seek redactions of a
2 portion of the transcript of the recorded
3 conversation relating to the September 7th, 2018
4 lunch between Mr. Heed and Mr. Pinnock.

5 I have granted the application to proceed in
6 camera and *ex parte*. And having reviewed the
7 written application of commission counsel, I'm
8 satisfied that it is appropriate to make the
9 redactions of that portion of the transcript
10 anticipated to be filed at this hearing on
11 today's date as outlined by commission counsel
12 and in accordance with a version of the
13 transcript which has been -- in which the
14 redactions have been proposed by commission
15 counsel.

16 I further am satisfied that it's appropriate
17 to make the following order. that all
18 participants, all participants' counsel. Counsel
19 for the witness Mr. Pinnock, Mr. Pinnock's -- I'm
20 sorry, Mr. Pinnock himself and Kash Heed be
21 prohibited from disclosing the information
22 contained in the redacted portion of the
23 transcript without an order made by a court or by
24 the Commissioner pursuant to section 15(1) of the
25 *Public Inquiry Act*.

1 So to put it shortly, the transcripts can be
2 admitted as evidence in this hearing, but subject
3 to my ruling that they will be redacted in
4 accordance with the proposed redactions submitted
5 by commission counsel and subject to the ruling
6 that none of the parties I've indicated can
7 disclose the information without further order of
8 this commission or order of the court. Is
9 that --

10 MR. MCGOWAN: Thank you, Mr. Commissioner. I will
11 say for the benefit of participants' counsel who
12 are on, a copy of the redacted transcript, if it
13 isn't already in your inboxes, will be there
14 imminently.

15 Mr. Commissioner, as I indicated, I
16 understand there's a possibility that
17 Mr. Pinnock and Mr. Heed and perhaps
18 participants may seek to have further redactions
19 applied to the copy of the exhibits that will be
20 made available to the public on our website. To
21 accommodate this, I propose that you direct that
22 the exhibits not be posted or otherwise made
23 available to the public until further direction
24 by you. And I further suggest that you direct
25 that any participant or individual who seeks to

1 counsel should make an effort to try to notify
2 those individuals who are named. If we're going
3 to have a 5 o'clock deadline on Monday -- it's
4 Friday morning -- that those individuals be
5 named or contacted, at least, so they have an
6 opportunity to make submissions to you. The
7 opinions expressed in that are critical. They
8 are disparaging of people. And so not to have
9 an opportunity to make representations to you
10 puts their reputations at risk in my respectful
11 submission.

12 THE COMMISSIONER: All right. Thank you. I think
13 that's a thoughtful submission, Mr. Smart.
14 Certainly commission counsel has been alive to
15 that concern with respect to the redactions
16 which they propose be made and which I have
17 made, so there is a portion of the transcript
18 which would fall within the ambit of your
19 comments that has in fact been redacted at this
20 point, but I think it's fair to say that there
21 perhaps are other parties who might have an
22 interest in applying for redactions above and
23 beyond those which have been caught by the
24 reactions made thus far, and I think your point
25 is relatively -- is well taken.

1 Mr. McGowan, are commission counsel in a
2 position to alert others not covered by the
3 current redaction and which may or may not be
4 covered by redactions sought by other
5 participants and/or Mr. Pinnock or Mr. Heed? Of
6 course we don't know that until the other
7 participants have made their application for
8 redactions. So it may be that we need to do this
9 in a two-step process, but what I'm really asking
10 for submissions on, Mr. McGowan, is what steps
11 you think can be taken to give effect to
12 Mr. Smart's concerns which he has raised with
13 respect to the issue of others who may be subject
14 to critical comments in portions of the
15 transcript not necessarily to be redacted.

16 MR. MCGOWAN: Yes, Mr. Commissioner. Commission
17 counsel can certainly take steps to attempt to
18 notify those individuals Mr. Smart is speaking
19 of to the extent they are identified with
20 sufficient particularity in the transcript such
21 that we can identify who they are, and in a
22 number of cases I think they are. Perhaps,
23 though, if that's the process we are going to
24 undertake, more time than what I had proposed
25 will be required.

1 THE COMMISSIONER: But I think it really comes down
2 to a two-step process, doesn't it? Because we
3 don't know yet who the other participants or who
4 the participants will -- or what redactions, if
5 any, the participants will seek. Nor do we know
6 what redactions Mr. Heed and Mr. Pinnock will
7 seek. So we need to know that before we can
8 know who else needs to be notified, it seems to
9 me.

10 MR. MCGOWAN: Yes. I guess there are two options.
11 One is a two-stage process. Of course it may be
12 that the submissions of the participant aren't
13 sufficiently persuasive to convince you that
14 there ought to be a reduction, but couple with a
15 submission by an individual whose interests are
16 at stake, you may be persuaded. And if that's
17 the case, I wonder whether you should have all
18 the submissions before you at once to consider
19 proposed redactions. I think both are viable
20 options, though.

21 THE COMMISSIONER: All right. Well, I'll think what
22 I'll do is I'll direct that -- how long do you
23 think it would take to ...

24 MR. MCGOWAN: Maybe the counsel for some of the
25 participants are in a position to assist us in

1 making some of the notifications that are
2 necessary. I would hope that we could -- to the
3 extent we can identify contact information, I
4 would think by the end of the day Monday.

5 THE COMMISSIONER: All right. All right. Well,
6 let's do it in two stages, then. I prefer that
7 method. Let's see what Mr. Heed, Mr. Pinnock
8 and the other participants seek by way of
9 redaction and their reasoning for it. And if
10 there are still those left whose reputations may
11 be put at risk by allowing the transcripts to be
12 exhibited without further redactions, they may,
13 then, make additional submissions. Does that
14 make sense?

15 MR. MCGOWAN: Yes, Mr. Commissioner.

16 THE COMMISSIONER: Okay. All right. I'll make that
17 order, then. I think the submissions by those
18 people I've identified, the participants
19 Mr. Heed and Mr. Pinnock, will need to be made
20 by 5 o'clock Monday. I think the additional
21 parties who may be interested in bringing these
22 applications should be notified immediately of
23 the prospect that their names may be made public
24 and entitled to make submissions on the issue.
25 And then come Tuesday morning, I can make such

1 further order as may be necessary to enable them
2 to make submissions should it be required. All
3 right?

4 MR. MCGOWAN: Yes. Thank you.

5 THE COMMISSIONER: I don't know how clear that is,
6 but I'm sure somebody can translate it into a
7 coherent order. Okay.

8 MR. MCGOWAN: Thank you, Mr. Commissioner. With that
9 attended to, I'll ask that the two transcripts
10 be marked as the next two exhibits, first the
11 July 10th, 2018 conversation, and then the
12 September 7th, 202018 conversation.

13 THE COMMISSIONER: Very well, those would be the next
14 two exhibits consecutively.

15 THE REGISTRAR: Yes, the next number is 163,
16 Mr. Commissioner. So the transcript on
17 July 10th, 2018, will be 163.

18 THE COMMISSIONER: Thank you.

19 THE REGISTRAR: And the transcript on September 7th,
20 2018, would be 164.

21 THE COMMISSIONER: Thank you.

22 **EXHIBIT 163: Transcript of a phone call between**
23 **Heed and Pinnock on July 10,2018**

24 **EXHIBIT 164: Redacted transcript of a lunch**
25 **meeting between Heed and Pinnock on September 7,**

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2018

MR. MCGOWAN: Those are my questions,
Mr. Commissioner.

THE COMMISSIONER: All right. Thank you. All right.
Mr. Pinnock, you are excused from further
evidence. Thank you.

(WITNESS EXCUSED)

MR. MCGOWAN: I wonder if we should stand down for
five minutes to allow the hearing staff to
prepare for Officer Robertson, who is next.

THE COMMISSIONER: We will do that. Thank you.

THE REGISTRAR: This hearing is stood down for five
minutes until 10:07 a.m.

(PROCEEDINGS ADJOURNED AT 10:02 A.M.)

(PROCEEDINGS RECONVENED AT 10:08 A.M.)

THE REGISTRAR: Thank you for waiting. The hearing
is now resumed, Mr. Commissioner.

THE COMMISSIONER: Thank you. Yes. Thank you.
Mr. McCleery, do you have conduct of this
witness?

MR. MCCLEERY: I do, Mr. Commissioner.

THE COMMISSIONER: Thank you.

MR. MCCLEERY: Madam Registrar, the next witness is
Mr. Tom Robertson, and I understand that he
prefers to affirm.

1 Q That began in about 2008?

2 A Yes, it did.

3 Q Can you give us a brief overview of your career
4 in the RCMP and the different assignments and
5 postings that you held?

6 A Yes. I joined the RCMP in 1978 and I was posted
7 to Langley, where I spent some time in general
8 duty. Then I went to Whistler and I was in
9 general duty. And then Coquitlam, where I
10 starred off in general duty and then spent a
11 considerable amount of time in plain clothes
12 investigating break-ins, robberies and murders.
13 From there I went to Surrey back into general
14 duty where I was a supervisor, and then back
15 into plain clothes in Maple Ridge.

16 And then to the Major Crime Unit, which was
17 essentially a fly-in unit. We covered all of
18 British Columbia. And from there I went to the
19 Anti-Corruption Unit, which was in Vancouver.
20 From there I went back to Major Crime into a
21 position -- it was a project position with the
22 Asian gangs, the East Indian murders that were
23 going on, so there was a one-year project on
24 that. And then following that I went into the
25 IHIT position.

1 After approximately one year in IHIT, I was
2 asked to go in charge of the Integrated Illegal
3 Gaming Enforcement Team. That was the brand new
4 unit. And so I went there in October --
5 September, October of 2004, spent one year
6 there, and then after a year I was transferred
7 up to Kelowna subdivision where, I was in charge
8 of the Major Crime Unit, and I spent the
9 remainder of my career there.

10 Q Thank you. During those approximately 30 years,
11 did you have any significant involvement in
12 money laundering or proceeds of crime
13 investigations?

14 A No, I did not.

15 Q And you mentioned a period of time spent as
16 officer-in-charge of the Integrated Illegal
17 Gaming Enforcement Team. When did you take on
18 that role?

19 A It was late September of 2004.

20 Q And you mentioned you were in that position for
21 approximately one year?

22 A Yes.

23 Q And am I correct that you were in command of --
24 I'll call it IIGET when it first became
25 operational; is that right?

1 A Yes. I believe the unit was actually started in
2 2003, or the concept. There was a sergeant who
3 was ahead of me. The unit was not operational
4 then. He secured some equipment, looked after a
5 couple of staffing positions, but essentially
6 the unit was not operational until September
7 2004. One of the first things that happened
8 after I staffed it was there was a training
9 course in Ontario regarding illegal gaming.

10 Q And how many officers were in the unit at the
11 time that you took it over?

12 A 10.

13 Q And were there other staff members or personnel
14 assigned to the unit?

15 A One secretarial position in Burnaby. The 10
16 positions were scattered throughout the province
17 in four different offices, and the unit
18 eventually became 12.

19 Q And during the year that you were responsible
20 for IIGET, was there any -- was there
21 significant turnover in the officers assigned to
22 the unit?

23 A No. There was one immediate position that was
24 transferred out of province, and that was filled
25 within a month or two. For the majority of my

1 time there there was 12 positions and they were
2 all full.

3 Q And when you were -- first took on or became the
4 candidate to take on the role of leading this
5 unit was there a competition that you had
6 applied for or were you approached and offered
7 the role?

8 A I was approached and offered the role.

9 Q Do you know how you were identified as a
10 candidate for the position?

11 A No, I do not.

12 Q What was your understanding of why the unit had
13 been created?

14 A Gaming was fairly new in British Columbia.
15 There was some legalized gaming through licences
16 or through the casinos or bingo halls, and I --
17 my understanding is there was an increase or an
18 observation that there was some illegal gaming
19 activities, such as illegal bingos that weren't
20 licensed, illegal common gaming houses or
21 unlicensed gaming houses where there was card
22 playing going on, and there was some video
23 lottery terminals at unlicensed venues.

24 Q And I understand that IIGET was overseen by a
25 consultative board at that time?

1 A Yes, it was.

2 Q And can you describe the role of that
3 consultative board in IIGET.

4 A I had a direct line supervisor within Major
5 Crime, but on a -- I would say quarterly basis,
6 I would report to the consultative board
7 basically on the financial spending of the unit,
8 on the investigations in general of the unit.
9 Not getting into specifics of the active
10 investigations, but giving some details as to
11 statistical information on what had occurred on
12 the unit in the past quarter as well as
13 initiatives that we were doing as far as
14 education and that sort of thing. Training.

15 Q And did the consultative board provide direction
16 as to the type of investigations IIGET should be
17 focusing on?

18 A No, they did not.

19 Q And do you recall what the composition of the
20 consultative board was at that time?

21 A There was a member of the RCMP, a member of the
22 police services, a member of Vancouver city
23 police, a position with BC Lottery Corporation
24 and usually the consultative board meeting was
25 attended by myself and a director from Gaming

1 Policy Enforcement Branch. I recall it was
2 usually Joe Schalk.

3 Q And can you tell us what your understanding of
4 IIGET's mandate was at the time you joined the
5 unit.

6 A It focused on illegal gaming throughout the
7 province. That would encompass, as I've
8 mentioned before, the common gaming houses, the
9 illegal, unlicensed bingos or raffles, loan
10 sharking, money laundering, common gaming
11 houses. But the -- my understanding of the
12 concentration and my belief was that we would
13 focus initially on the VLTs and the common
14 gaming houses that was occurring for a number of
15 reasons.

16 Q I'll ask you about those reasons later on, but
17 for now is it -- was it your understanding that
18 the mandate of IIGET included the investigation
19 of illegal activity in legal casinos?

20 A Yes.

21 Q And that would extend to loan sharking and money
22 laundering in legal casinos, at least --

23 A Yes. Yes, it would.

24 MR. McCLEERY: Madam Registrar, I wonder if we might
25 see exhibit 155. For reference that's document

1 ID Canada 000103.

2 Q Mr. Robertson, do you see a document on your
3 screen?

4 A Yes, I do.

5 Q Can you make that out?

6 A Yes, I can.

7 Q Okay. Is this a document that you recognize?

8 A I recognize it. I'm not the author of it, and
9 my understanding is it was put together prior to
10 my going in charge of IIGET, but I do recognize
11 it, and when I created the mandate for -- or the
12 operational mandate for IIGET, it was based
13 partially on this Backgrounder document.

14 Q So this is something you would have seen prior
15 to or around the time that you joined IIGET; is
16 that right?

17 A Yes.

18 Q And do you know who did write the Backgrounder?

19 A I'm not sure, no.

20 Q Okay. I wonder if I can direct you to
21 paragraph 2 of this document. Which says:

22 "The Integrated Illegal Gaming Enforcement
23 Team's mandate is to ensure integrity of
24 public legalized gaming in British
25 Columbia through an integrated approach

1 that includes the RCMP, and the Provincial
2 Gaming Policy and Enforcement Branch
3 (GPEB). IIGET is in place to preserve the
4 integrity of legalized gaming in province
5 of British Columbia through the
6 enforcement of *Criminal Code of Canada* and
7 other statutes."

8 Is that -- have I read that correctly?

9 A Yes, you have.

10 Q And is that consistent with your understanding
11 of IIGET's mandate at the time?

12 A Yes, it is.

13 Q Okay. I wonder if I might take you now to
14 paragraph 4, which says:

15 "Roles and responsibilities of RCMP:
16 Enforce *Criminal Code*; investigate
17 unlawful activities in legal venues;
18 investigate illegal gambling; collect and
19 produce intelligence; recommend charges to
20 Crown Counsel; produce 'Report to Crown
21 Counsel'; participate in prosecutions."

22 Have read that one correctly as well?

23 A Yes, you have.

24 Q Is that consistent with your understanding of
25 what the RCMP of IIGET were supposed to be doing

1 as part of the unit?

2 A Yes, it is.

3 MR. McCLEERY: Thank you. Madam Registrar, I don't
4 need that document any further. As it's already
5 an exhibit, I won't ask that it be marked again.

6 And, Madam Registrar, I wonder if we might
7 see exhibit 151. And that is document -- Canada
8 000101.

9 Q Do you see that document, Mr. Robertson?

10 A Yes, I do.

11 Q Okay. Is this a document that you recognize?

12 A I do. I'd like to just scroll through to the
13 narrative portion so I'm certain as to which
14 document it is.

15 MR. McCLEERY: Madam Registrar, I think -- I believe
16 that's page 11. There are a number of cover
17 pages. Oh, sorry. Perhaps page 10 would be the
18 beginning of it.

19 THE WITNESS: Yes, I recognize it.

20 MR. McCLEERY:

21 Q And is this something you would have reviewed
22 around the time you took command of IIGET?

23 A Yes, it is.

24 Q And can you just tell us what the purpose of
25 this document would have been, if you're aware?

1 A It lays out the reasons for the creation of
2 IIGET and what it's responsible for.

3 Q And do you know who the audience for this
4 document would have been?

5 A That I'm not sure, no.

6 MR. McCLEERY: Madam Registrar, I wonder if we might
7 jump ahead one page to page 11.

8 Q And, Mr. Robertson, I'll direct your attention
9 to the paragraph at the very top of this page,
10 which says:

11 "Investigators with the IIGET unit are
12 responsible, as with all members of the
13 RCMP, with enforcement of all aspects of
14 the *Criminal Code*. The specific mandate
15 is enforcement of Part VII of the *Criminal*
16 *Code* as it relates to Illegal Gaming.
17 IIGET members will investigate activity
18 unlawful in legal venues, such as loan
19 sharking, threatening, intimidation and
20 money laundering. Investigating illegal
21 gambling in common gaming houses where
22 among other things poker game or video
23 machines are being played."

24 Have I read that one correctly as well?

25 A Yes, you have.

1 Q And is that consistent with your understanding
2 of IIGET's mandate at the time that you were --

3 A Yeah. Yes, it is.

4 Q Thank you.

5 MR. McCLEERY: Madam Registrar, I wonder if we might
6 see exhibit 150, which is document
7 Canada 000087.

8 Q All right. Mr. Robertson, you see that
9 document?

10 A Yes, I do.

11 Q And is this a document you're familiar with?

12 A Yes. I authored it.

13 Q Okay. And it's dated November 10th, 2004;
14 correct?

15 A Yes, it is.

16 Q And can you tell us the purpose of this
17 document.

18 A Being a brand new unit, it it's sort of
19 advertising to the RCMP and other police forces
20 what our -- the existence of this unit, what we
21 were going to look at and how to contact us.

22 Q And it appears the recipients of this were all
23 members of E Division detachments and
24 operational units. Am I correct this would have
25 been distributed to essentially all RCMP members

1 in British Columbia?

2 A Yes. It would have gone out to the detachments
3 with the expectation that it be shared with all
4 members of that detachment or unit.

5 MR. McCLEERY: Thank you. Madam Registrar, again,
6 this has already been marked as an exhibit, so I
7 won't ask that it be marked again. I wonder if
8 we can move forward to exhibit 154, which is
9 document Canada 000074.

10 Q All right. And, Mr. Robertson, you're welcome
11 to ask Madam Registrar to jump ahead if that
12 would be helpful, but is this a document that
13 you recognize?

14 A Yes, it is.

15 Q Okay. And, Madam Registrar, can we see page 2
16 of that document. And it appears, again -- at
17 the bottom right-hand corner of the page it says
18 the document was prepared by yourself. Am I
19 correct that you authored this document?

20 A Yes, I did.

21 Q And can you tell us what the purpose of this
22 document would have been.

23 A This would have been, I believe, the first
24 consultative board member that I participated
25 in. So it was in preparation of that

1 consultative board meeting, bringing the
2 consultative board up to speed on what was
3 occurring within the unit, and my understanding
4 is Joe Schalk was also part of the authoring of
5 this document. I was the author, but he was
6 part of it. And we both presented it to the
7 consultative board member in November.

8 Q Actually, since you've raised Mr. Schalk's name.

9 MR. McCLEERY: Madam Registrar, can we go to the last
10 page of this document, page 9.

11 Q And we see here -- am I correct that Mr. Schalk
12 has signed this document as well along with
13 yourself?

14 A Yes.

15 Q And was it your understanding that he was in
16 agreement with the contents at the time?

17 A Yes, he was.

18 Q And, Madam Registrar, I apologize for jumping
19 around. Can we go back to page 3. We see here
20 that the title of this page is "IIGET
21 Mandate/Objectives." Am I correct that part of
22 the purpose of this document was to communicate
23 to the consultative board the mandate and
24 objectives of the unit?

25 A Yes, it was.

1 and complaints from the Public, Law
2 Enforcement Agencies and our Regulatory
3 Enforcement Partners. While it is
4 recognized that the investigations of
5 Internet Gaming, the Resale of Lottery
6 tickets, Money Laundering and Proceeds of
7 Crimes investigations is important to this
8 overall objective, these offences tend to
9 be a greater drain on resources and
10 require investigators to have a greater
11 skill set and more experience. It is
12 anticipated and can be expected that IIGET
13 investigators will gain this skill set
14 over this 18-month period from their
15 experience and training."

16 Have I read that one correctly?

17 A Yes, you have.

18 Q I'll ask you first, at the beginning of this
19 paragraph there's an indication that one of the
20 measures of success for IIGET would be the -- an
21 increase in the gaming licence requests received
22 by GPEB. Can you briefly explain why that would
23 be an indicator of success for IIGET?

24 A I guess for two reasons. As I recall, there was
25 an NHL strike at the time, and liquor

1 establishments were trying to bring people in
2 that normally watched hockey games in their
3 facility. They were taking part in Texas
4 Hold'em tournaments that were unlicensed. Part
5 of what we were doing was to enforce that aspect
6 of the illegal gaming and to encourage them to
7 be licensed. So that was one area that we
8 thought GPEB may see an increase in the number
9 of licences.

10 Also if we were taking some enforcement
11 action against some illegal gaming such as
12 illegal bingos, illegal raffles, at the same time
13 as taking enforcement action, we would be
14 encouraging those groups to obtain licences. And
15 so therefore for those two reasons it was
16 anticipated that GPEB may see an increase in the
17 amount of licences being requested.

18 Q Thank you. Then around the middle of the
19 paragraph there's an indication that IIGET will
20 concentrate its efforts on certain types of
21 offences, including possession of video lottery
22 terminals, and distribution of VLTs and common
23 gaming houses. Was it your decision to focus
24 IIGET's activities on those types of offences
25 initially?

1 A I believe there was in a document the same
2 philosophy. But primarily yes, it was my
3 thoughts that we should concentrate on those
4 offences for a couple of reasons.

5 Q Do you want to tell us what those reasons are.

6 A Sure. None of the investigators on the unit,
7 including myself, had any -- we all had policing
8 experience, but none of us had experience
9 investigating illegal gaming. None of us had
10 experience in money laundry or proceeds of
11 crime. There was the sergeant who came on
12 shortly after I took over the unit who did, but
13 throughout the province we had very little
14 knowledge with respect to illegal gaming or
15 money laundering or loan sharking.

16 My understanding is that to investigate and
17 prosecute someone for money laundering or illegal
18 gaming was a fairly complex investigation, it
19 would tie up a number of resources for a longer
20 period of time than an offence such as a coffee
21 shop that had some illegal video lottery
22 terminals or a common gaming house that was
23 running a weekly Texas Hold'em. Because we were
24 a brand new unit, I wanted -- and we'd gone out
25 to the public and to RCMP detachments. If a

1 detachment or a member of a detachment contacted
2 us, I wanted us to be available to assist as we'd
3 advertised to assist him in the investigation or
4 take on the investigation.

5 If we got tied up in a fairly complex, large
6 investigation, we may not be able to do that, and
7 that may not encourage further calls from the
8 public or from RCMP members throughout the
9 province.

10 My understanding also is that there had been
11 very few prosecutions with regards to illegal
12 gaming and very few prosecutors had any
13 experience prosecuting these cases as a result.
14 So my thought was to work on smaller projects
15 that took a couple of days to a week. And if a
16 mistake was made, we'd learn from that mistake
17 and it wouldn't cost, if we had made a mistake on
18 the investigation, possibly a several-month
19 investigation that was both time consuming and
20 expensive.

21 The final comment I'll make is my belief is
22 that the consultative board wanted to see some
23 results. So if we were able to take on some
24 projects that were a couple of days to a week,
25 have some success, that would look better for the

1 unit than if I merely went to the consultative
2 board saying that we were still working on the
3 same project as we were working on the last time
4 that we'd met.

5 Q And then moving towards the end of the
6 paragraph, there's an indication that:

7 "It is anticipated and can be expected
8 that IIGET investigators will gain this
9 skill set over the 18-month period from
10 their experience and training."

11 Am I correct that the expectation was after
12 18 months or so the unit would have the
13 experience and the skill set to move on to more
14 complex investigations, such as money laundering
15 or proceeds of crime investigations?

16 A I'm not sure I meant that by the paragraph. We
17 certainly would have probably been in a better
18 position to take on those types of
19 investigations, but it's more meant, again, that
20 for the first 18 months, the consultative board
21 could anticipate that we would be focusing our
22 efforts on the VLTs, the common gaming houses,
23 the unlicensed gaming.

24 Q Did you have an expectation that after those
25 18 months the unit would move on to more complex

1 or challenging or intensive projects, or had you
2 not considered what might happen after that
3 point?

4 A I hadn't considered that.

5 Q Did you have a view as to whether IIGET would
6 ever be in a position to take on money
7 laundering investigations?

8 A My view from my little knowledge of money
9 laundering and loan sharking was if we did take
10 on a project such as that, we would probably
11 need assistance from other units within the RCMP
12 for their expertise as well as manpower.

13 Q Is it fair to say, then, that though money
14 laundering and loan sharking were part of
15 IIGET's mandate, it was your view that the unit
16 wasn't set up to take on those types of
17 investigations on its own?

18 A That's correct.

19 Q And you mentioned the lack of prosecutorial
20 experience with these types of offences earlier.
21 I'll take you now quickly, if I can, to PDF
22 page 5 of the document, Madam Registrar.

23 And I think that's PDF page 6. Although I
24 think its document page 5. If we could move up
25 one page, please. Thank you.

1 Here Mr. Robertson we see there's a
2 highlighted heading in there "Objective 3:
3 Enforcement." And if we can move down about --
4 just a little more than halfway down the
5 following paragraph, it says:

6 "It is also hoped that a relationship
7 between the IIGET investigators and a
8 Provincial Crown Prosecutor can be modeled
9 after the OPP's Illegal Gambling Units
10 relationship with their crown. The
11 various gaming offences are foreign to the
12 majority of prosecutors and having one
13 with an interest in this field for
14 investigators and prosecuting crowns of
15 the jurisdiction to liaise and consult
16 with would be beneficial. If such a Crown
17 is identified it is the intention of IIGET
18 to fund his or her related training at the
19 OPP's related course as geared for
20 prosecutors."

21 Here this I take it is a reference to what you've
22 just said about prosecutors having limited
23 experience with these types of offences?

24 A That's correct.

25 Q And this suggests that it would be helpful for

1 IIGET to develop a relationship with a Crown
2 prosecutor who might sort of, I guess, develop
3 expertise with those types of offences?

4 A Yes, it was.

5 Q And did this ever happen during your tenure?

6 A We had looked at it. We had canvassed some
7 Crown. We hadn't identified a specific Crown
8 counsel, but right around the term -- the end of
9 my tenure there I believe they had looked at a
10 couple of Crowns or approached some of the
11 crowns, offering training in that.

12 Q And do you know if this relationship was ever
13 developed with the Crown prosecutor and IIGET?

14 A I do not.

15 MR. McCLEERY: Madam Registrar, I think we can move
16 on from this document now.

17 Q Mr. Robertson, at the time -- some of the
18 documents we've looked at make references to the
19 Gaming Policy and Enforcement Branch, or GPEB.
20 At the time you took on command of IIGET, what
21 was your understanding of the intended
22 relationship between IIGET and GPEB?

23 A In all four offices of IIGET, we were housed
24 within the office of GPEB. My understanding was
25 that we would liaise at each office with the

1 Director of GPEB in that particular office and
2 hopefully share whatever information we could
3 about illegal gaming. Because they'd been
4 investigating gaming a lot longer than any of us
5 within IIGET, and they also -- the majority of
6 information on illegal gaming at that time was
7 coming from either patrons or casino staff that
8 may be shared with gaming policy enforcement
9 investigators when they were at the casino,
10 speaking to staff. Some of the staff, a dealer
11 may hear about an illegal card game that was
12 going on, pass that information on. So it was
13 hoped that they would pass that information on
14 to IIGET and that IIGET would follow that
15 information up.

16 At the same time, if there was an incident
17 at the casino that required some assistance, they
18 may have normally called the RCMP of
19 jurisdiction, but they could count on us or the
20 RCMP of jurisdiction to assist.

21 Q And is that how things proceeded? Is that how
22 the relationship looked as you moved forward
23 into your tenure with IIGET?

24 A Yes, it was.

25 Q Was there any tension that you can recall

1 between IIGET and GPEB at that time?

2 A No, there was not. No.

3 Q Did you have a good working relationship with
4 the leadership of the GPEB investigations unit?

5 A Yes. I primarily -- myself primarily dealt with
6 Joe Schalk, the director in the Lower Mainland
7 office. I also had contact with the other three
8 Directors in the regional offices, and I --
9 there was a Corporal from my unit at each of
10 those other offices, and I never received any
11 feedback that was negative. And I never
12 experienced any negative feedback with them.

13 Q Thank you. You've given evidence that IIGET's
14 mandate included illegal activities in legal
15 gaming venues but that it wasn't a focus of
16 IIGET's activities at that time. During your
17 tenure were there any investigations or
18 operations involving IIGET members in legal
19 gaming venues?

20 A I can only recall, after reviewing some of the
21 documents for this hearing, one instance. I
22 mean, there is illegal activity that occurs at
23 the casinos, such as thefts of money, thefts of
24 a wallet, thefts of tickets. However, the GPEB
25 investigators were -- would normally look after

1 that and continue to look after that type of
2 illegal activity within the legalized venues.

3 The incident I do recall was at the River
4 Rock Casino, and that was in the spring of 2005
5 where there was -- a security guard at that
6 casino believed there was a loan shark active in
7 that casino.

8 Q And can you describe for us the actions taken
9 by -- or how that came to IIGET's attention and
10 the actions taken by the IIGET members?

11 A The sergeant on my unit, Chuck McDonald, brought
12 it to my attention in the morning. And I
13 directed the corporal on my unit with the
14 sergeant's assistance to take over that
15 investigation.

16 Q And do you recall -- do you know what actions
17 they took and how the investigation proceeded
18 and what the outcome was?

19 A I checked my notes. The only notes I have is
20 the assignment of that investigation to the
21 corporal. My recollection is that some
22 documents -- I don't know if it was just loose
23 papers or a book, but some documents listing a
24 bunch of names were seized by the security
25 officer. Those were eventually turned over to

1 River Rock Casino this week."

2 Can you tell us what A/N would stand for in this
3 context?

4 A The above noted.

5 Q "Richmond Det. initially attended and we
6 and our partners, Gaming Policy
7 Enforcement Branch were later contacted
8 and became involved. I have since then
9 decided that our unit would take
10 responsibility for this investigation. My
11 decision appears to have possibly ruffled
12 some feathers with the representative of
13 Great Canadian Casinos and does not have
14 the full agreement of Larry Vanderdegraff
15 [sic], Director of GPEB. Their opinion of
16 the IIGET MOU is that does that not fall
17 under our mandate.

18 The MOU reads that the parties
19 entered into the MOU to a) 'Ensure the
20 integrity of public gaming in BC by the
21 creation of an IIGET.' Also in my
22 Mandate/Objectives booklet presented to
23 the Board on November 29/04 I spoke or
24 Money Laundering and Proceeds of Crime
25 Investigations (page 6) however Larry is

1 of the opinion that this pertains to such
2 activities in illegal venues, not in legal
3 venues such the River Rock.

4 I have not discussed with Richmond
5 Det. and will first wait clarification
6 from yourself on your view. I obviously
7 feel that loan sharking within any venue
8 compromising the integrity of gaming."

9 Have I read that correctly?

10 A Yes, you have.

11 Q And just first you say:

12 "Ultimately my mandate/booklet."

13 Is that the document that we looked at just a few
14 minutes ago?

15 A Yes, it is.

16 Q Okay. And do you recall who this email was sent
17 to?

18 A It was sent to Chief Superintendent Al
19 Macintyre.

20 Q And you seem to clearly express the view here,
21 as we discussed before, that money laundering
22 and loan sharking in legal venues was part of
23 IIGET's mandate; is that right?

24 A That's correct.

25 Q And you indicate that your decision, to quote

1 you here, "appears to have possibly ruffled some
2 feathers with the representative of Great
3 Canadian Casinos." Do you recall who that
4 representative was?

5 A No, I don't.

6 Q And do you recall how you came to believe that
7 you may have ruffled some feathers at Great
8 Canadian?

9 A No, I don't. I believe it was from -- and this
10 is just going from my memory. I believe when my
11 investigators went to the casino, there was some
12 pushback as far as our getting involved. I
13 don't exactly -- I recall that Larry Vander
14 Graaf had a differing opinion to myself, but I
15 don't recall exactly what his issue was or what
16 the casino person's -- the term "ruffled," I'm
17 not sure exactly what that pertained to.

18 Q Okay. You go on to say that your decision does
19 not have the full agreement of Mr. Vander Graaf
20 and "their opinion of the IIGET MOU is that does
21 that not fall under our mandate." And then in
22 the second paragraph you say:

23 "Larry is of the opinion that this
24 pertains to such activities in illegal
25 venues, not in legal venues such the River

1 Rock."

2 And I suggest that what you're saying here is
3 that Mr. Vander Graaf did not believe that money
4 laundering and proceeds of crime investigations
5 in legal casinos was part of IIGET's mandate. Do
6 you recall him expressing that belief to you?

7 A I don't specifically recall him expressing that,
8 but that's clearly what I said at the time.
9 That would have been within a day -- or the same
10 day as him expressing whatever he did express
11 exactly to me. So that is my understanding, is
12 that he didn't feel that was within the IIGET
13 mandate.

14 Q And do you recall if it was -- if Mr. Vander
15 Graaf expressed the belief to you that GPEB
16 should be handing money laundering proceeds of
17 crime investigations in legal casinos?

18 A That would be what I'm inferring from the
19 comments. If it's not us, then it would be
20 GPEB.

21 Q And you indicated earlier you did not believe
22 that IIGET in itself had the capacity to take on
23 money laundering investigations without outside
24 assistance; is that correct?

25 A That's correct.

1 Q Did you form a view as to whether GPEB had the
2 capacity to undertake money laundering
3 investigations?

4 A I did not believe they did.

5 Q So would you agree with me, then, that if
6 IIGET -- if this was not within IIGET's mandate
7 and GPEB did not have the capacity, that there
8 would have been essentially no police unit with
9 the mandate and capacity to deal with money
10 laundering investigations in legal casinos?

11 A Well, it was my belief that Gaming Policy
12 Enforcement Branch investigators didn't have the
13 capacity. That may not have been their opinion.
14 And as I said, this was days into that
15 investigation. My view was that if this was
16 going to develop into something that we couldn't
17 handle, then I would have gone to my supervisor
18 asking for either people with more expertise
19 than us in that field or for more manpower if it
20 was needed.

21 MR. McCLEERY: And I wonder if we can, Madam
22 Registrar, scroll up to the top of this
23 document.

24 Q And at the top I take it what we see, we see a
25 response from a Donald Smith. Do you recall who

1 Donald -- or what position Donald Smith held at
2 that time?

3 A I don't really. He was not my direct line
4 supervisor, but -- I'm not sure.

5 Q Okay. Actually, if we look this appears to be a
6 signature line that suggests he may have been
7 the NCO in charge of the Operations Secretariat
8 Section of the Criminal Operations Branch. Does
9 that seem like it likely may have been the case?

10 A Yeah, it does. I'm not sure exactly what that
11 section was.

12 Q Fair enough. In any event, Mr. Smith writes:
13 "Attached is an extract from the MOU (copy
14 attached), and to me it indicates that
15 this may be a matter for the Consultative
16 Board to decide as per section 5.2."

17 Do you recall this issue of whether IIGET's
18 mandate would have included an investigation or
19 operation like this ever being addressed by the
20 consultative board?

21 A I don't.

22 Q And do you recall any further discussion or
23 resolution of this question around -- a dispute
24 about IIGET's mandate being resolved during your
25 tenure?

1 A It never became another issue, although I don't
2 recall any further investigation such as this.
3 However, my belief was that there was some
4 agreement that it did fall within IIGET's
5 mandate and that IIGET would be responsible for
6 these types of investigation.

7 Q You don't -- do you recall any direction
8 received from within government that legal
9 venues would be the exclusive jurisdiction of
10 GPEB?

11 A No, I do not.

12 Q And did you ever give any direction to your
13 officers or indicate at a meeting that the
14 minister's office had -- or the government had
15 issued such a direction?

16 A Sorry, can you repeat that.

17 Q Did you ever give any direction to your officers
18 that legal venues would be the exclusive
19 jurisdiction of GPEB?

20 A No, I did not.

21 Q And were you ever told by anyone in government
22 or within the RCMP that an RCMP presence in
23 legal casinos would present a bad image and
24 shake public confidence in the expansion of
25 legal gaming in British Columbia?

1 A There was some -- I do recall some discussion.
2 I'm not sure exactly who with. Ontario
3 Provincial Police, they provided us their
4 training, and we were sort of modelling our
5 investigative unit after them. They had a
6 specific dedicated prosecutor, which we were
7 looking at doing. They had had some police
8 officers, uniformed police officers, within the
9 casino. I do recall there was some discussion
10 about that. At that time whether -- it was
11 never really considered. It was discussed but
12 at that time it was never really considered to
13 have a dedicated presence in the casinos.

14 I don't recall it being turned down because
15 of -- their presence would deter patrons from
16 coming in. It was more a manpower -- I believe
17 a manpower and necessity issue.

18 Q So I take it, then, you never received a
19 direction that IIGET members should not be
20 present in casinos because of the concern about
21 the public perception about legalized gaming in
22 BC?

23 A I don't think GPEB investigators wanted us just
24 going into the casino for no reason and asking
25 questions and that sort of thing. That was sort

1 of their venue, and the relationship we had with
2 them was that if we -- they had a better
3 relationship with the casino workers and the
4 casino itself. So if we needed some information
5 or wanted to find some information out, we would
6 go to the GPEB investigator who looked after
7 that casino or that venue and ask him to find
8 out for us, or could we attend with him to have
9 a look at whatever we needed to look at. And
10 there was never any pushback that I recall
11 regarding that relationship.

12 Q And you've indicated that this one operation
13 we've been discussing was the only one that you
14 can recall where IIGET members were active
15 inside of a legal venue during your tenure;
16 that's right?

17 A Yes, it is.

18 Q Are you able to -- and I appreciate you've given
19 evidence that this was not the focus of IIGET's
20 operations at the time. Is there a reason why
21 this -- or can you explain why this only
22 happened the one time during your tenure?

23 A Well, it's the only time I recall. And if you'd
24 asked prior to me seeing some of this
25 documentation and refreshing my memory, I

1 wouldn't have recalled this incident either. So
2 I'm not saying it's the only time, but it's the
3 only time I can now recall. There certainly
4 wasn't a number of incidents where we attended
5 casinos for such activities.

6 We would rely on information that we were
7 receiving to direct our investigations, such as
8 if a member of the police services in British
9 Columbia or a member of the public had a
10 complaint or had some information or GPEB
11 surfaced some information about an illegal site,
12 then we would focus our investigation on that,
13 and I do recall that occurring quite frequently,
14 as opposed to information coming in about
15 illegal activities within a legalized venue.

16 So there was more information coming in
17 regarding illegal activities at illegal venues
18 than there was about illegal activities going on
19 in legalized venues.

20 Q Thank you. Do you recall ever during your
21 tenure as Officer in Charge of IIGET receiving
22 disclosures from FINTRAC?

23 A No.

24 Q And you've indicated that you left IIGET after
25 about a year; is that correct?

1 A Yes.

2 Q What was your -- I think you mentioned this
3 earlier. What was your next assignment?

4 A I was transferred to the Kelowna subdivision
5 office or the Southeast District Major Crime
6 Unit where I was in charge of that unit in
7 Kelowna.

8 Q And who succeeded you as officer in charge of
9 IIGET?

10 A Fred Pinnock.

11 Q Did you speak or meet with Mr. Pinnock sort of
12 around the time of that transition?

13 A Yes, I did meet with him once in Kelowna. My
14 recollection is he was required to attend court
15 in Vernon and contacted me, asking if we could
16 get together while he was travelling to or from
17 Vernon and just discuss some things regarding
18 IIGET, which we did.

19 Q And can you give us a basic overview of what you
20 may have discussed with Mr. Pinnock.

21 A Yes. It would have been in September or October
22 of 2005. He was asking about the consultative
23 board. We had -- he was looking at focusing the
24 unit's attention on an illegal internet gaming
25 site. I was aware of that site. We'd received

1 some information and we were sort of just
2 monitoring it for intelligence purposes. Again,
3 I didn't feel that we had the resources, or if
4 we did, it would have tied up our entire unit to
5 investigate that, and it would have been a
6 long-term investigation.

7 I recall telling Fred that I believe the
8 consultative board and the experience of the
9 investigators, it was better that we focused or
10 that he focused the unit on short-term projects
11 such as the VLT's common gaming houses. But
12 we -- our opinions differed there.

13 Q And do you recall if you discussed IIGET's
14 mandate with Mr. Pinnock?

15 A No, I don't recall discussing it. No.

16 Q And do you recall if you ever told Mr. Pinnock
17 that IIGET's mandate did not include the
18 investigation of money laundering and loan
19 sharking in legal casinos?

20 A No, I wouldn't have told him that because it was
21 within our mandate.

22 Q So that would have been inconsistent with your
23 understanding of the mandate; is that fair to
24 say?

25 A Yes. Yes, it would.

1 Q I wonder if I might fast forward just a few
2 years to discuss briefly your experience with
3 GPEB.

4 A Okay.

5 Q You indicated that you worked with GPEB for nine
6 years beginning in 2008?

7 A Yes. At the Kelowna office.

8 Q Okay. And at the Kelowna office are there
9 particular casinos that you were responsible
10 for?

11 A Yes. The Kelowna casino, the Vernon casino, the
12 Salmon Arm and Kamloops.

13 Q And can you give us a brief overview of your
14 responsibilities as a GPEB investigator during
15 that period of time?

16 A We conducted interviews and background
17 investigations on anyone registering to be a
18 casino employee. So that would go to our
19 Victoria registration office, and if they saw a
20 potential problem they would forward to us to
21 follow up. So we would liaise with police of
22 jurisdiction on previous incidents, previous
23 files that that individual had been involved in
24 and it would end with -- usually with an
25 interview of that individual, and then our

1 report to the director in charge of
2 registration. And he would make the decision
3 whether that person was registered or not.

4 Other activities, such as complaints within
5 the casino, such as someone had their wallet
6 stolen, someone was missing their wallet, a slot
7 machine ticket had been stolen, was missing,
8 credits were being played by a different person.
9 Those were primary -- the primary focus of our
10 investigations within the casinos, and then in
11 addition we would look after other venues, such
12 as the legions that were holding a meat draw or
13 that sort of thing.

14 Q Were investigations of large and/or suspicious
15 cash transactions something that occupied much,
16 if any, of your time?

17 A I can only recall one incident where I was
18 called to a casino regarding some suspicious
19 buy-ins.

20 Q Can you describe that incident for us.

21 A Yeah. Our office was right downtown Kelowna,
22 and this was a call from -- I believe the
23 surveillance manager at the Kelowna casino. And
24 he instructed me that someone had come in and
25 bought in for -- the figure of \$2,000 or \$2,400

1 in \$20 bills, which was for that casino or
2 really for any casino in the Okanagan was a
3 little abnormal, not the amount, but for it to
4 be in 20s. Primarily the patrons of the casinos
5 were buying in for hundreds of dollars, tens of
6 dollars, not thousands and definitely not
7 thousands in 20s.

8 As a result of that call I immediately went
9 down to the casino. I was there in about
10 10 minutes. The patron was pointed out to me
11 and I had a conversation with him regarding his
12 buy-in.

13 Q And do you recall is substance of that
14 conversation?

15 A I asked him about the origins of the cash. He
16 instructed me that he either owned or managed a
17 local pizza restaurant, and that he was using
18 that money. My recollection is he didn't want
19 to identify the pizza location. And just his
20 manners and some of his answers, I didn't
21 believe him. I told him that I didn't believe
22 him and I shared that with the casino security,
23 that I didn't believe his answers. I suspected
24 that it was from illegal activities that he
25 gained those \$20 bills.

1 Q And do you recall what took place after you
2 advised the casino staff that you didn't believe
3 his explanation?

4 A They informed him of that and asked him to leave
5 and paid him back his money in \$20 bills.

6 Q So they did not -- he was not permitted to
7 gamble with that money; is that correct?

8 A That's correct.

9 Q And you've mentioned that the fact that this
10 money was in \$20 bills stood out to you. Can
11 you tell us about the significance you would
12 attach to the money being in \$20 bills.

13 A Normally if someone came into the casino with
14 that much money it would be in larger
15 denominations. My understanding, although I'd
16 never worked proceeds of crime or drugs, was
17 that people involved in illegal drug activity
18 often had a lot of small denomination bills that
19 were a problem to them. That's my
20 understanding. One of the reasons banks don't
21 accept large quantities of \$20 bills unless you
22 can advise where the -- where they originated
23 from.

24 So as I say, this was abnormal. Normally
25 the patrons at the casinos that I dealt with,

1 we're talking \$20 bills, two or three of them, up
2 to \$100, maybe \$200. But there weren't really a
3 lot of big players, I'll call them, at the
4 Okanagan casinos in comparison to the Lower
5 Mainland.

6 Q And you mentioned that you interviewed or at
7 least spoke with this patron; is that correct?

8 A That's correct.

9 Q And was it common for you to speak with patrons
10 at casinos?

11 A Yes, it was.

12 Q Were you ever directed that you should not be
13 speaking with patrons?

14 A No, I was not.

15 Q And did you feel that speaking with this patron
16 or others put you in any kind of danger?

17 A No. No, I did not.

18 Q And you said that you -- after speaking with the
19 patron you advised the casino staff that you
20 didn't believe his explanation; is that correct?

21 A That's correct.

22 Q Did you direct them not to accept the buy-in, or
23 was that a decision that they made based on the
24 information you provided to them?

25 A That was a decision they made. I did not feel

1 that I had any evidence to proceed with my
2 investigation or with an investigation. I just
3 shared with them what my feeling was and it was
4 their decision to not allow him to gamble in
5 their casino, and they returned the funds in the
6 same denominations as he bought in with.

7 Q And do you recall who the service provider
8 responsible for that casino was at that time?

9 A I'm not sure.

10 Q And do you recall roughly what year that would
11 have taken place?

12 A 2015, 2014.

13 Q Thank you. Do you recall if there were BCLC
14 investigators present in the casinos you were
15 responsible for during your time with GPEB?

16 A Yes, I do. They had offices located there. Or
17 at some of the venues.

18 Q And so if I can go back one moment. I believe
19 you said this incident that we were talking
20 about with the patron with the \$20 bills, that
21 was at the Kelowna casino; is that correct?

22 A That's correct.

23 Q And you indicated that the -- sorry, just to get
24 back where we were. There were BCLC
25 investigators present at these casinos?

1 A Yes, there were.

2 Q And did you have a sense of what it was they
3 were doing with their time at the casinos?

4 A Their time, I believe, was spent more ensuring
5 policy was adhered to. They would sometimes
6 initiate some of the investigations that then we
7 would take over. Not so much their
8 investigators, but they also had auditors that
9 were at the casinos. They would conduct audits
10 on the policies and procedures by casino workers
11 ensuring those were adhered to.

12 Q And do you recall if BCLC -- recall BCLC banning
13 casino patrons during your tenure with GPEB?

14 A Yes, I do.

15 Q And do you recall what types of behaviours might
16 have resulted in bans at the casinos you worked
17 at?

18 A Usually it was -- the most common one was thefts
19 of tickets or moneys from the other patrons.
20 Also causing disturbance or causing damage
21 within the casino. How they treated the casino
22 employees, such as a dealer or other patrons.
23 That was normally the reason for them barring or
24 banning a patron for a set period of time.

25 Q And did you have any concerns about -- or

1 develop any concerns about BCLC decision-making
2 with respect to the banning of casino patrons?

3 A Yes, I did. Over a period of time I felt that
4 there was some inconsistency in the length of
5 time that a patron was barred. And I
6 highlighted that in a memo which I sent to the
7 Director of GPEB, Larry Vander Graaf. My
8 feeling was that a patron was being treated
9 differently depending on the amount of money
10 that he was gambling on a regular basis.

11 Q And that was based on -- that concern was based
12 on what you'd observed of bans and patron
13 activity within the casinos you were assigned
14 to; correct?

15 A That's correct.

16 Q And you wouldn't have any knowledge of what was
17 taking place in, say, casinos in the Lower
18 Mainland with respect to those activities; is
19 that fair?

20 A No, I do not -- or I did not, no.

21 Q And do you recall if anything came of this
22 communication that you sent to Mr. Vander Graaf?

23 A My belief is that he forwarded it to the
24 minister. I'm not sure which minister it was at
25 the time or to his supervisor, and -- but I

1 never received a response or anything from it.

2 MR. McCLEERY: Thank you very much, Mr. Robertson.

3 Mr. Commissioner, those are my questions for
4 this witness.

5 My apologies, Mr. Commissioner. I just
6 realized that I forget to ask that the last
7 document that I referred to, that's Canada's
8 000094. Be marked as an exhibit.

9 THE COMMISSIONER: Thank you, Mr. McCleery. We will
10 mark that as an exhibit.

11 **EXHIBIT 165: Email from Donald Smith, Re: IIGET**
12 **File 05-661 Loansharking Investigation -**
13 **February 25, 2005**

14 THE COMMISSIONER: And I'll call on Ms. Stratton for
15 the province, who has been allocated 20 minutes.

16 THE REGISTRAR: Sorry, Mr. Commissioner, I just want
17 to confirm that document will be exhibit 165.

18 THE COMMISSIONER: Thank you. Yes, Ms. Stratton.

19 MS. STRATTON: Thank you.

20 **EXAMINATION BY MS. STRATTON:**

21 Q Mr. Robertson, can you hear me okay?

22 A Yes, I can.

23 Q In your experience as a GPEB investigator in
24 Kelowna, did you have any opportunity to speak
25 to your colleagues in the Lower Mainland office

1 about their work in Lower Mainland casinos?

2 A Yes, I did.

3 Q And based on these conversations is it your
4 understanding that the investigators based in
5 the Lower Mainland dealt with a significantly
6 larger volume of large cash buy-ins than you did
7 in Kelowna?

8 A Yes, it was.

9 Q Is it your understanding that the Lower Mainland
10 investigators were often dealing with buy-ins in
11 the range of hundreds of thousands of dollars?
12 Is that fair to say?

13 A Yes, that's correct.

14 Q And you said earlier that that one large cash
15 buy-in you dealt with was \$2,000 in 20s?

16 A In -- 2,000, 2,400, in that range, yes.

17 Q And will you also agree with me that based on
18 your conversations with your colleagues in the
19 Lower Mainland that the Lower Mainland
20 investigators also dealt with a larger volume of
21 suspicious cash transactions that than you did
22 in Kelowna?

23 A That's correct.

24 MS. STRATTON: Thank you. Those are all my questions.

25 THE COMMISSIONER: Thank you, Ms. Stratton.

1 Ms. Gardner for Canada, who's been allocated
2 10 minutes.

3 MS. GARDNER: Thank you, Mr. Commissioner.

4 **EXAMINATION BY MS. GARDNER:**

5 Q Now, Mr. Robertson, I believe you testified
6 earlier today that when you joined IIGET in 2004
7 the focus initially was on staffing the unit;
8 correct?

9 A Yes, it was.

10 Q And by approximately December 2004 the unit was
11 staffed?

12 A December or January was fully staffed, yes.

13 Q And there was little turnover during your
14 tenure?

15 A That's correct.

16 Q And one of the other focuses when you first
17 joined IIGET was to have the members trained in
18 investigating illegal gaming; correct?

19 A Yes, it was.

20 Q And the members who had joined the unit took
21 this training close to the end of 2004?

22 A Yes. I attended along with nine other
23 investigators to Ontario and took the two-week
24 training course. And then when the other two --
25 when the other two investigators were assigned

1 to the unit, I ensured that they went on the
2 same course.

3 Q After the unit was staffed and trained, the unit
4 went on during your tenure to successfully take
5 down a number of illegal gaming operations,
6 correct?

7 A Yes, it did.

8 Q Including common gaming houses?

9 A Yes.

10 Q And at the time you left the unit, a number of
11 other illegal gaming targets were being actively
12 investigated at that time; correct?

13 A That's correct.

14 Q Now, in response to some questions from
15 commission counsel Mr. McCleery earlier today,
16 you spoke a bit about how the focus of IIGET
17 during your time was to focus on smaller
18 projects to build experience of the members;
19 correct?

20 A Yes.

21 Q And you weren't focusing IIGET on money
22 laundering or proceeds of crime investigations
23 because you believed those to be more complex
24 and resource intensive investigations; is that
25 right?

1 A That's correct.

2 Q Do you have an understanding of what some of the
3 complexities of investigating money laundering
4 or proceeds of crime investigations might be?

5 A To identify the source of the funds and the
6 criminal activity that created those sources of
7 funds is, I guess in general, my primary
8 understanding.

9 Q Do you have an understanding of what some of the
10 investigative steps might be that would need to
11 be taken in order to acquire that evidence?

12 A How to follow, I guess -- and I'll call it the
13 trail of money -- back to where it originated
14 from through either [indiscernible], wiretap,
15 interviews, records. Yeah.

16 Q Fair to say that those steps can take a
17 considerable amount of time and resources?

18 A Yes, I believe so.

19 Q And in order for IIGET or for police more
20 generally, perhaps, to seize cash as a part of
21 one of these investigations, you would first
22 need to establish that the cash was obtained
23 illegally or was in fact proceeds of crime;
24 correct?

25 A Yes.

1 Q And in your role with IIGET or as an RCMP member
2 more generally, is it fair to say that you would
3 generally share information about ongoing
4 investigations or steps that you might be taking
5 on a need-to-know basis only?

6 A That's correct.

7 Q So if you were taking actions to acquire
8 evidence for an investigation, for example, you
9 generally wouldn't share that information beyond
10 those who needed to know for the purpose of the
11 investigation itself; correct?

12 A That's correct.

13 Q Similarly, if you were taking steps to assess
14 whether a full investigation was warranted, you
15 also wouldn't be sharing information about those
16 steps unless sharing that information was
17 necessary; correct?

18 A Yes.

19 Q So is it fair to say that if you were
20 investigating illegal activity in a casino, for
21 example, you wouldn't inform the casino
22 necessarily of the investigative steps you were
23 taking unless sharing that information was
24 necessary for the investigation; correct?

25 A That's correct.

1 Q And during your time at IIGET, is it accurate
2 that you became aware of other suspicious or
3 illegal activities that may have been occurring
4 in legal gaming venues?

5 A Other activities -- are we talking money
6 laundering or loan sharking or ...

7 Q Yes. Yeah. Any of those.

8 A No.

9 Q Is it true that you spoke to Mr. Vander Graaf on
10 one occasion regarding GPEB's response to
11 certain illegal activities that were happening
12 within legal venues?

13 A I worked in the same office as Mr. Vander Graaf,
14 so I spoke with him quite frequently. As to
15 specific conversations I had with him, I don't
16 recall the specifics of those conversations.
17 I -- from the previous email that I've referred
18 to, I obviously had a conversation with him
19 regarding the loan sharking file at the River
20 Rock. I don't recall that conversation
21 specifically, but I obviously had one. And
22 my -- from my email I would say that we differed
23 on IIGET's response to that investigation.

24 Q And you spoke earlier about your perception that
25 GPEB lacked the capacity likely to take on money

1 laundrying or proceeds of crimes investigations
2 in casinos. Do you recall that evidence?

3 A Yes, I do.

4 Q And it's your understanding, then, that GPEB
5 investigators, for example, don't carry weapons?

6 A That's correct.

7 Q And wouldn't be able to apply for and execute
8 warrants, for example?

9 A They could lay the information, but it
10 was -- usually the police of jurisdiction would
11 assist the GPEB investigator. And they also
12 could not conduct physical surveillance.

13 Q And the RCMP members of IIGET would be able to
14 take those steps; correct?

15 A That's correct.

16 Q And I believe you also spoke earlier about you
17 were receiving information that you were using
18 to direct IIGET's investigations. And you were
19 receiving information primarily about activities
20 in illegal venues; correct?

21 A Yes, I was.

22 Q So during your tenure GPEB wasn't referring --
23 wasn't referring information regarding illegal
24 activities in legal venues to IIGET; is that
25 correct?

1 A That's correct.

2 Q And it was your understanding, as I believe you
3 said earlier, that Mr. Vander Graaf and --
4 didn't believe that those illegal activities
5 occurring in that context were part of IIGET's
6 mandate; correct?

7 A Correct. At least in this one incident he
8 didn't believe that it was within IIGET's
9 mandate.

10 MS. GARDNER: Those are my questions. Thank you,
11 Mr. Commissioner.

12 THE COMMISSIONER: Thank you, Ms. Gardner.

13 I think, Mr. Smart, before we turn to you,
14 we will take the break. So we'll adjourn for
15 15 minutes.

16 THE REGISTRAR: This hearing is adjourned for a
17 15-minute recess until 11:38 a.m.

18 **(WITNESS STOOD DOWN)**

19 **(PROCEEDINGS ADJOURNED AT 11:23 A.M.)**

20 **(PROCEEDINGS RECONVENED AT 11:37 A.M.)**

21 **TOM ROBERTSON, a witness**
22 **for the commission,**
23 **recalled.**

24 THE REGISTRAR: Thank you for waiting. The hearing
25 is now resumed, Mr. Commissioner.

1 THE COMMISSIONER: I'm sorry, I was muted. Thank
2 you, Madam Registrar.

3 Yes. Mr. Smart.

4 MR. SMART: Thank you.

5 **EXAMINATION BY MR. SMART:**

6 Q Mr. Robertson, just -- the background to the
7 formation of the Integrated Illegal Gaming
8 Enforcement Team which you headed for a period
9 of time, do you recall it was in circumstances
10 where there was a significant expansion of
11 gaming in British Columbia?

12 A Whether that was the creation of it or not, that
13 I don't know. There was at that time, though,
14 yes, an increase in gaming venues.

15 Q Yes. I'm going to suggest that there were new
16 casinos that were being opened and slot machines
17 were being -- playing slot machines in casinos
18 was being deal legalized?

19 A Yes. Yes.

20 Q And from your police experience it wouldn't be
21 surprising that with an expansion of casinos
22 there would be an expansion of criminal activity
23 in those casinos?

24 A That's correct, yeah.

25 Q This has been -- and sorry. So let me go back

1 to IIGET is formed. And it -- to your
2 recollection was it -- it was funded by police
3 services with a contribution from the BC Lottery
4 Corporation?

5 A That's my understanding, yes.

6 MR. SMART: Yes. This has been displayed before, but
7 I -- at the risk of being a bit redundant, I'd
8 like to have exhibit 155 put on the screen
9 again, please. Displayed.

10 Q AND just before I take you to that -- and just
11 leave it on the screen, please -- as I
12 understand your evidence, BC Lottery Corporation
13 wasn't in a position legally or with resources
14 or legal authority to investigate money
15 laundering and loan sharking in its casinos, was
16 it?

17 A That's correct. Yeah.

18 Q And GPEB didn't have the resources to
19 investigate on its own money laundering, loan
20 sharking or other serious criminal offences
21 occurring in legal gaming sites?

22 A I don't believe so, no.

23 Q No. So if we look at this, this Backgrounder,
24 which you said, I think, is consistent with the
25 document you prepared in November of 2004, sort

1 of setting out for RCMP detachments in British
2 Columbia the mandate of IIGET. This is -- this
3 Backgrounder is consistent with your
4 understanding of the role and responsibilities
5 of IIGET?

6 A Yes, it is.

7 Q So just -- I'll take the second paragraph.

8 "The Integrated Illegal Gaming Enforcement
9 Team's mandate is to ensure the integrity
10 of legalized gaming in British Columbia."
11 And I'll just pause there. So there's no doubt
12 that was the understanding of the mandate. It
13 wasn't just illegal gaming; it was ensure the
14 integrity of public legalized gaming.

15 A Yes.

16 Q I'm accurate about that? Yes.

17 A Yes, you are.

18 Q Yes.

19 "In British Columbia through an
20 integrated --"

21 And I underline "integrated."

22 "-- approach that includes the RCMP and
23 the Provincial Gaming Policy and
24 Enforcement Branch (GPEB)."

25 So it was this integrated or combined efforts or

1 approach of the RCMP and GPEB that was to ensure
2 the integrity of public legalized gaming in
3 British Columbia?

4 A Yes, it was.

5 Q Yes.

6 "IIGET is in place to preserve the
7 integrity of the legalized gaming in the
8 Province of British Columbia through the
9 enforcement of the *Criminal Code of Canada*
10 and other statutes. A memorandum of
11 understanding between the team's
12 integrated members was signed in 2003,
13 outlining the unit's mandate, roles and
14 responsibility and governance. Roles and
15 responsibilities of RCMP --"

16 Are -- it doesn't say the word; it's a colon:

17 "-- enforce *Criminal Code*; investigate
18 unlawful activities in legal venues;
19 investigate illegal gambling; collect and
20 produce intelligence; recommend charges to
21 Crown Counsel; produce 'Report to Crown
22 Counsel'; participate in prosecutions."

23 That was your understanding of the role of the
24 RCMP with respect to this IIGET team?

25 A Yes, it was.

1 Q And a Report to Crown counsel is the fruits of
2 the investigation are put together into a report
3 so Crown counsel can determine whether or not to
4 proceed with charges?

5 A That's correct.

6 Q Yes. And participate in prosecutions, which
7 would be to come and give evidence as required?

8 A Yes. Yep.

9 Q Yeah. And probably assist the prosecutors in
10 terms of what assistance they needed in
11 presenting the case?

12 A That's correct.

13 Q Yes. And I'm just -- I'm going to carry on with
14 this, but you've mentioned about -- one document
15 about trying to have a dedicated Crown counsel
16 to assist money laundering prosecutions. Do you
17 agree with me one of the difficulties is money
18 laundering often arises in the context of a drug
19 investigation?

20 A That's my understanding, yes. Just -- the
21 concept of having a dedicated prosecutor was not
22 just for money laundering. It was for all
23 illegal gaming.

24 Q Yes. Yes. Thank you for correcting me. But
25 what I was going to highlight is one of the

1 difficulties is drug prosecutions are usually
2 prosecuted by the Public Prosecution Service of
3 Canada?

4 A Yes.

5 Q And money laundering itself is a *Criminal Code*
6 offence that's usually prosecuted by the public
7 prosecution service, the Crown counsel of
8 British Columbia?

9 A That's my understanding, yes.

10 Q So there would be one or the other. If they're
11 going to do money laundering in connection with
12 a predicate crime, if it's drug trafficking,
13 there's going to have to be some sharing of
14 responsibility or transfer of responsibility
15 from one to the other?

16 A That I'm not sure of.

17 Q Okay. Anyway, I digressed here. We've settled
18 the roles and responsibilities of the RCMP as
19 you understood it. The roles and
20 responsibilities of the Gaming Policy and
21 Enforcement Branch.

22 "Enforce the '*Gaming Control Act*'; enforce
23 terms and conditions of registration and
24 certifications; receive complaints;
25 investigate regulatory violations; produce

1 'Report to Crown Counsel' on regulatory
2 offences."

3 And regulatory offences would be the *Gaming*
4 *Control Act*, those kinds of regulations?

5 A Yes, it would.

6 Q Yes. Whereas the RCMP would be preparing
7 Reports to Crown Counsel in relation to *Criminal*
8 *Code* offences?

9 A Yes. Although the investigators of Gaming
10 Policy Enforcement Branch would prepare and I
11 did during my tenure at GPEB prepare Report to
12 Crown Counsel for more minor *Criminal Code*
13 offences.

14 Q Yes. Because you were a Special Constable under
15 the *Police Act* when you were an investigator
16 with GPEB?

17 A That's correct.

18 Q So I'll just carry on.

19 "... on regulatory offences in conjunction
20 with police; impose sanctions; assist
21 police in the investigation and
22 prosecution of unlawful activity in legal
23 venues, and illegal gaming; collect and
24 produce intelligence; participate in
25 prosecutions."

1 My sense from reading that is the role in terms
2 of what I'll call the more serious *Criminal Code*
3 investigations, like money laundering and loan
4 sharking, in legal gaming sites, the role of GPEB
5 was primarily to assist the RCMP?

6 A That's correct.

7 MR. SMART: All right. I'll just -- you can take
8 that down. Thank you, Madam Registrar.

9 Q Do you know in 2009, Mr. Robertson, after you
10 had left, that this -- IIGET was disbanded, and
11 essentially there was no dedicated police agency
12 to focus on serious criminal offences that were
13 occurring in casinos?

14 A That's correct.

15 Q There was essentially a gap in the ability to
16 properly investigate and prosecute money
17 laundering, loan sharking and other serious
18 criminal offences in casinos. Am I accurate
19 with that?

20 A Well, it would fall to the RCMP, and perhaps
21 another specialized unit within the RCMP, if
22 they were given information regarding that
23 activity.

24 Q Yes.

25 A There is, you know, proceeds of crime sections

1 within the RCMP and Major Crime units. I
2 imagine if there was no IIGET that it would fall
3 within the RCMP, other specialized units to
4 conduct the investigation.

5 Q But my sense with IIGET is you actually had
6 the -- GPEB with its ability to gather
7 information and provide it to the RCMP and
8 assist the RCMP. The two of you -- the two
9 groups were integrated, and that was a very
10 favourable position to have those two, the RCMP
11 and GPEB, working together to deal with serious
12 offences in legalized gaming sites as well as
13 illegal gaming. Do you agree with that?

14 A Yes, I do. I believe that they had a repository
15 for information -- and I'm talking GPEB. So
16 GPEB, if they received information about illegal
17 activity, they would bring it to IIGET, who was
18 within the RCMP, part of the RCMP. So prior to
19 that there may be -- the information either
20 wouldn't get passed along or may get passed
21 along to the wrong department.

22 Q Yes. So we've heard some evidence, more of it,
23 Mr. Robertson, in relation to the period of time
24 2009, '10, '11, '12, '13, '14, '15, and in
25 particular River Rock, but what we've heard is

1 that the service providers would provide
2 Section 86 Reports to GPEB. Was that consistent
3 with your -- what occurred when you were in
4 Kelowna?

5 A Yes, it was.

6 Q Yes. And that the GPEB investigators would --
7 they may request -- I think it's Section 86(1),
8 further a supplemental report from the service
9 providers?

10 A That's correct.

11 Q And they would also be usually provided
12 additional information from the BCLC
13 investigators in relation to the Section 86
14 Reports?

15 A That's correct.

16 Q And your understanding is that BCLC investigators
17 would file Suspicious Transaction Reports with
18 FINTRAC and would also file reports with -- in
19 addition to GPEB, police authorities?

20 A That's my understanding, yes.

21 Q Yes. And when you were with GPEB, when you
22 received the information from BCLC investigators
23 and from the service providers as a Special
24 Constable you had access to additional
25 information such as CPIC and PRIME?

1 A Yes, we did.

2 Q And I just -- I'm not sure I always get the
3 acronym, CPIC. That stands for what
4 organization?

5 A Canadian Police Information Centre, I believe.

6 Q Okay. And PRIME?

7 A PRIME is -- PRIME -- GPEB investigator did not
8 have access to PRIME. PRIME was a recording of
9 files, an electronic recording of files.

10 Q So -- but you had the CPIC information, and you
11 may have others, but you would then -- you might
12 conduct an investigation yourself as a GPEB
13 investigator?

14 A Yes.

15 Q But more often you would forward the information
16 that you would receive from the service
17 provider, from BCLC, perhaps from CPIC and
18 prepare your own report and forward that to
19 higher up in the GPEB organization?

20 A I can't recall ever doing that. I'm not saying
21 it didn't happen. But I can't recall -- I
22 recall receiving information following up with
23 those routines and either preparing a Report to
24 Crown Counsel or conducting and concluding my
25 investigation. I'm not sure what you're meaning

1 about forwarding up, though. I mean, my reports
2 were viewed by my immediate supervisor.

3 Q All right. What did you understand -- and what
4 did you understand would occur with the reports
5 that went to your supervisor?

6 A He would either approve of my closing of the
7 file, my Report to Crown Counsel, or direct me
8 to conduct some further followup.

9 Q It may have been different in Kelowna. We've
10 heard some evidence is that essentially GPEB and
11 BCLC were forwarding reports to the police,
12 police -- I guess RCMP or whatever police was in
13 the jurisdiction, of more serious criminal
14 offences in casinos, like money laundering or
15 loan sharking, in the hopes that the police
16 would conduct the kind of investigation that was
17 necessary to investigate those kinds of offence.
18 Was that something --

19 A Yes.

20 Q -- you did?

21 A Not that I did, but I can -- I don't disagree
22 with that.

23 Q Yes. So with IIGET would it be, then, that when
24 you were there the hopes was that GPEB would be
25 able to provide that kind of information and

1 assistance to the RCMP to investigate serious
2 criminal offences in legal gaming sites?

3 A It was hoped that GPEB investigators would
4 forward that information to IIGET.

5 Q Yes.

6 A And that information would either be followed up
7 on by IIGET investigators or forwarded to the
8 appropriate RCMP unit.

9 Q So they would have direct contact with the RCMP
10 because you'd be working in essentially the same
11 building?

12 A Yes, we were. Yes.

13 Q If I can put it this way: they'd certainly have
14 the attention of the RCMP?

15 A Yes, they did.

16 Q Yeah. And as we've just discussed and you've
17 given evidence, IIGET eventually was disbanded.
18 My sense from some of your evidence is there was
19 a strain between GPEB's expectations of IIGET's
20 role -- I'm sorry, GPEB's expectation of what
21 the RCMP's role in legalized gaming sites was to
22 be; is that fair?

23 A No, I wouldn't say there was a strain.

24 Q Yes.

25 A We did talk about that one incident where Larry

1 Vander Graaf and I had a differing of opinions
2 on one matter, but I would say the working
3 relationship between IIGET, at least when I was
4 there, and GPEB at all four offices within the
5 province was excellent.

6 Q What went wrong with IIGET, then, from your --
7 how did it end up this unit that was put
8 together -- this integrated unit that was
9 supposed to assist to try to protect the
10 integrity of gaming in public legalized sites
11 ends up folding. What do you think went wrong?

12 A I don't know. I wasn't -- I was never consulted
13 prior to it being disbanded, and I don't know
14 why it was disbanded. I don't know what the
15 reasoning was.

16 Q Did you have -- was it communicated to you that
17 investigating offences in legal gaming sites --
18 sorry, let me start again. I'm sorry.

19 Was it communicated to you by GPEB that
20 investigating serious criminal offences in legal
21 gaming sites was GPEB's responsibility?

22 A No. No, it was not.

23 Q Okay. Who did you report -- who were your
24 supervisors when you were with GPEB? I
25 appreciate you were there nine years, but over

1 that period of time.

2 A My -- the entire time in Kelowna was Barry
3 Halpenny.

4 Q Yes.

5 A He was the regional director in Kelowna, so he
6 was my direct line supervisor. And for the
7 majority of times, seven or eight years, Larry
8 Vander Graaf was in charge and -- until Len
9 Meilleur took over his position.

10 Q And Mr. Vander Graaf was somebody that you were
11 communicating with with the RCMP?

12 A Yes. I did have some communication with him. I
13 mean, I worked in the same office as him --

14 Q Yes.

15 A -- when I was at IIGET, and I did have some
16 conversations with him when I was an
17 investigator with GPEB.

18 Q You -- the incident you described in Kelowna
19 with the 2,000 or \$2,400 in \$20 bills was that
20 considered a larger cash transaction in -- at
21 that casino?

22 A I wouldn't call it a "larger cash transaction."
23 It was larger than the norm, I would think, but
24 the fact that it was all in \$20 bills was out of
25 the norm for that casino.

1 Q Okay. So a larger cash transaction in \$20
2 bills?

3 A Yes.

4 Q Okay. And you -- as you've told, you didn't
5 have any hesitation as a GPEB member in
6 investigating that?

7 A No, I did not.

8 MR. SMART: Those are my questions, Mr. Robertson.
9 Thank you.

10 THE WITNESS: Thank you.

11 THE COMMISSIONER: Thank you, Mr. Smart.

12 Ms. Harmer for Great Canadian Gaming
13 Corporation, who's been allocated 10 minutes.

14 MS. HARMER: Thank you, Mr. Commissioner.

15 **EXAMINATION BY MS. HARMER:**

16 Q Mr. Robertson, my name is Melanie Harmer. I'm
17 one of the lawyers for the Great Canadian Gaming
18 Corporation.

19 A Yes.

20 Q Are you able to hear me okay?

21 A Yes, I am.

22 Q Okay. If at any time you have difficulties,
23 please do let me know.

24 A Okay.

25 Q In your evidence today you recalled only one

1 incident where IIGET got involved in an
2 investigation at a legal casino; is that right?

3 A My immediate recollection, yes.

4 Q Okay. And you don't recall any other incidents
5 at this time?

6 A No. I'm not saying there weren't, but I don't
7 recall any specific other incidents.

8 Q Fair enough. It was a long time ago.

9 I understand that your evidence was that a
10 loan shark at the River Rock Casino was brought
11 to IIGET's attention, and it was brought to
12 IIGET's attention by a casino employee. Did I
13 understand that correctly?

14 A I'm not sure how it came to our attention. The
15 sergeant on my unit brought it to my attention.
16 I'm not sure whether he was -- I believe he may
17 have been contacted by the Richmond detachment,
18 but I'm not sure if it came from the Richmond
19 detachment, another GPEB investigator or the
20 casino itself.

21 Q You gave some evidence that the casino security
22 employee was able to provide IIGET with a list
23 of -- maybe people of interest, I could say. Is
24 that right?

25 A Yeah, there was documents or a booklet or a

1 notebook that they had seized, and I believe
2 they'd either turned it over to the RCMP in
3 Richmond or they ended up turning it over to one
4 of my IIGET investigators.

5 Q And that was provided by a casino employee,
6 employed by the Great Canadian Gaming
7 Corporation; is that right?

8 A I believe so, yes.

9 Q You were shown an email during your testimony
10 that referred to ruffling the feathers at Great
11 Canadian. Do you recall that?

12 A Yes, I do.

13 Q And I think your evidence was that you don't
14 recall who at Great Canadian you were
15 specifically referring to.

16 A No, I don't.

17 Q And you have no recollection now about why you
18 referred to feathers being ruffled?

19 A My limited recollection is that it was comments
20 made by the investigators when they went to the
21 casino, but I don't recall who it was or exactly
22 what was said.

23 Q So you don't recall very much about what that
24 email was about?

25 A No, I don't.

1 Q Mr. Robertson, you spent many years as a member
2 of the RCMP and an investigator with GPEB. And
3 your evidence a bit earlier was that in order to
4 seize cash you need to establish that the cash
5 was obtained illegally. Do I have that right?

6 A Yes.

7 Q And that it would take a complex investigation
8 to establish that, and I think your evidence was
9 to the effect that this was beyond the
10 capabilities of IIGET without extra assistance
11 and beyond the capabilities of GPEB.

12 A I believe so, yes.

13 Q And you'd agree sort of as a general proposition
14 that a casino patron bringing in a large amount
15 of cash, that's not enough on its own to prove
16 that the cash is proceeds of crime?

17 A That's correct.

18 MS. HARMER: Mr. Robertson, I have no further
19 questions. Thank you for your time.

20 THE WITNESS: Thank you.

21 THE COMMISSIONER: Thank you, Ms. Harmer.

22 Now I will ask Mr. McFee on behalf of
23 Mr. Lightbody.

24 **EXAMINATION BY MR. McFEE:**

25 Q Yes. Mr. Robertson, I'd understood in your

1 answers to commission counsel's questions that
2 in your many years with the RCMP you did not
3 have any significant involvement in money
4 laundering or proceeds of crime investigations.

5 A That's correct.

6 Q And do I take it from that and your many years
7 with the RCMP you didn't receive any training
8 that focused on money laundering or proceeds of
9 crime?

10 A That's correct.

11 Q You did go on this two-week training course,
12 however, with the OPP in Ontario?

13 A Yes, I did.

14 Q And was there any training at that time about
15 money laundering or identifying the proceeds of
16 crime?

17 A If there was, it was minimal. The majority was
18 on common gaming houses, illegal VLT, video
19 lottery terminals, that type of -- cheating.
20 That type of thing.

21 Q Right. And so when you joined GPEB in December
22 of 2008 as a casino investigator, were you
23 provided with any training to equip you for the
24 new role with GPEB?

25 A I had received -- there is a training -- a

1 one-week training seminar that's held in Vegas
2 and I had already received that training when I
3 was at IIGET. That -- my understanding is
4 that's the only training that's offered to GPEB
5 investigators, and I had already received that
6 training. That training does not involve
7 anything regarding money laundering or loan
8 sharking.

9 Q And during your nine years with GPEB were you
10 ever provided with training to gain
11 certification as an anti-money laundering
12 specialist?

13 A No, I was not.

14 Q And during your years with GPEB were you aware
15 that most of the BCLC investigators that were
16 your colleagues had received such training?

17 A I don't know.

18 Q You weren't aware of that?

19 A That they'd received training with respect to
20 it?

21 Q Yes. And received certification as anti-money
22 laundering specialists?

23 A No, I did not.

24 Q And just going back briefly to this Kelowna
25 incident that you referred to where a player

1 brought in \$20 bills in the neighbourhood of --
2 total neighbourhood of \$2,000.

3 A Yes.

4 Q And you were notified, and you went to the
5 casino quite quickly by the sounds out of it. I
6 took you 10 minutes to get there?

7 A That's correct.

8 Q And so I take it that when you saw that type of
9 a suspicious transaction you felt it was
10 important to go and interview the patron?

11 A Yeah. It was out of the norm to the point that
12 the casino recognized it was out of the norm and
13 they contacted me, and as a result, I mean, I
14 was -- it was during the day. I was at the
15 office, which was, you know, a five-minute walk
16 to the casino, so I went down and -- to follow
17 up on that.

18 Q And the followup, as I understood it, was to
19 ascertain the patron's source of funds.

20 A That's correct.

21 Q And I take it you felt that the ability to
22 interview the patron was useful in pursuing that
23 goal?

24 A Yes, I did.

25 Q And did you receive assistance from the service

1 providers to enable you to conduct that
2 interview?

3 A They provided me a room that I had privacy with
4 the patron. They pointed him out, and that's
5 the extent of their assistance.

6 Q And as you told Mr. McCleery, it was the service
7 provider that decided to have the player leave
8 the premises?

9 A That's correct.

10 Q Now, in your years with GPEB, did you understand
11 that you had the ability to exclude patrons from
12 casino premises?

13 A No, I did not.

14 Q So you would have to -- if you felt that was
15 appropriate, you'd have to make a recommendation
16 to the service provider and then they'd act on
17 it, hopefully?

18 A Yeah. We didn't have control over whether a
19 patron was allowed in the casino or not.

20 Q And in answer to Mr. McCleery's questions you
21 referred to the banning of certain patrons in --
22 from the casinos?

23 A That's correct.

24 Q And who would actually effect the banning, as
25 you recall it?

1 A If a patron was to be banned, the decision was
2 made by BCLC, BC Lottery Corporation, and they
3 were supposed to inform in writing and serve the
4 patron with a document. It was then a GPEB job
5 to charge an individual if he was found in a
6 gaming facility after being barred.

7 Quite often what we found was when a patron
8 was identified as being in a casino and he was
9 barred, we found that he hadn't been served
10 properly with those documentations, which limited
11 us being able to charge him. So we would then
12 ensure that BC lottery served him the documents
13 so that any further events where he entered a
14 gaming facility, he could be charged.

15 Q Now, you've been taken through the various
16 materials about the mandate of IIGET. And as I
17 read some of those materials, they referred to
18 IIGET's mandate being primarily under Part VII
19 of the *Criminal Code*. Was that your
20 understanding?

21 A That's correct.

22 Q And that's disorderly houses, gaming and
23 betting?

24 A Yes.

25 Q But the proceeds of crime and money laundering

1 is under section 462 and that's Part XII of the
2 *Criminal Code*. Does that match with your
3 recollection?

4 A I believe so, yes.

5 Q So in that context, how did you feel that money
6 laundering fell within IIGET's mandate? Was it
7 a sideline or not a main focus?

8 A No, I think it was within the mandate. It was,
9 I guess, my decision based on, as I've testified
10 to, the experience and the complexity of the
11 investigation that we would focus on the video
12 lottery terminals that were illegal on common
13 gaming houses. And the information that we were
14 receiving was more in line with those offences
15 than it was with money laundering or proceeds of
16 crime.

17 Q Did you understand that IIGET's primary focus
18 was to be was on the Part VII of the *Criminal*
19 *Code* offences?

20 A I believe both fell within the mandate. I don't
21 know if there was priority given to one over the
22 other, other than my establishment of the
23 priorities based on, as I said, the expertise
24 and the complexity of the investigations.

25 Q And I take it there were, to your knowledge,

1 other units, specialized units within the RCMP
2 that had greater experience in specialization
3 with respect to proceeds of crime?

4 A That's correct.

5 Q And that would in large part be the Integrated
6 Proceeds of Crime units?

7 A Yes, it was.

8 Q And in your one year with IIGET did you have any
9 interaction with the Integrated Proceeds of
10 Crime Units with respect to gaming in British
11 Columbia?

12 A Just that one incident at the River Rock. I
13 believe our investigators met with them
14 regarding that investigation. I don't recall if
15 they offered any assistance or guidance, but I
16 do believe that our investigators did contact
17 the investigators from that unit with respect to
18 that investigation.

19 Q And that was the only incident that you recall
20 in your year with IIGET?

21 A That's correct.

22 MR. McFEE: Those are my questions. Thank you.

23 THE WITNESS: Thank you.

24 THE COMMISSIONER: Thank you, Mr. McFee. Now,
25 Ms. Peddle on behalf of Mr. Kroeker.

1 MS. PEDDLE: Given the evidence this morning, we have
2 no questions.

3 THE COMMISSIONER: Thank you, Ms. Peddle.

4 Anything arising, Ms. Harmer?

5 MS. HARMER: No, thank you, Mr. Commissioner.

6 THE COMMISSIONER: Mr. Smart?

7 MR. SMART: No, thank you.

8 THE COMMISSIONER: Ms. Gardner?

9 MS. GARDNER: Nothing arising, thank you.

10 THE COMMISSIONER: Ms. Stratton?

11 MS. STRATTON: Nothing arising, thank you.

12 THE COMMISSIONER: Mr. McCleery?

13 MR. MCCLEERY: Nothing Arising, Mr. Commissioner.

14 THE COMMISSIONER: All right. Thank you. Yes,
15 Mr. McGowan, does that bring us to the end of
16 the evidence for today, or is there anything
17 further to be dealt with?

18 MR. MCGOWAN: No, Mr. Commissioner, that brings us to
19 the end of the witnesses for this week.

20 THE COMMISSIONER: All right. Thank you. We will
21 adjourn, then, until Monday morning at 9:30.

22 Thank you, Mr. Robertson. You are excused
23 from further testimony.

24 THE WITNESS: Thank you very much.

25 **(WITNESS EXCUSED)**

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THE REGISTRAR: This hearing is adjourned until
9:30 a.m. on November 9th, 2020. Thank you.
(PROCEEDINGS ADJOURNED AT 12:12 P.M. TO NOVEMBER 9, 2020)