

**PROCEEDINGS AT HEARING
OF
MARCH 31, 2021**

COMMISSIONER AUSTIN F. CULLEN

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March 31, 2021

(Via Videoconference)

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

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

THE COMMISSIONER: Thank you, Madam Registrar. Yes, Mr. McCleery.

MR. McCLEERY: Good morning, Mr. Commissioner. I expect that today's session will be very brief as today is one of the rare days in the commission's hearing schedule which we have no witnesses scheduled to give oral evidence. I can also advise that we have no witnesses scheduled for tomorrow, and so we'll propose after today's session we adjourn until after the long weekend.

By way of explanation, we set aside time in the commission's hearing schedule this week, including today and tomorrow, for two purposes. The first of those was to permit participants an opportunity to examine witnesses who are giving evidence by affidavit. As you are aware, in several sectors commission counsel introduced the evidence of a number of witnesses either partially or entirely by affidavit. Our

1 practice in those cases has been to circulate
2 these affidavits to participants with standing
3 in the relevant sector prior to their
4 introduction, and where commission counsel does
5 not intend to examine the affiant orally invite
6 participants to give notice if they would like
7 an opportunity to examine these witnesses on
8 their affidavits.

9 Today and tomorrow were set aside in part to
10 permit participants to examine 13 witnesses on
11 affidavits connected to the gaming, luxury goods
12 and real estate sectors. The three real estate
13 affidavits have already been marked as exhibits,
14 and I'll seek to introduce the gaming and luxury
15 goods affidavits momentarily. No participants
16 have sought an opportunity to examine any of
17 these affiants and so from commission counsel's
18 point of view we have managed to forward a
19 significant body of evidence in these sectors
20 without the need for hearing time.

21 The second use to which commission counsel
22 hoped to put hearing time this week was to
23 permit Mr. Jin's counsel an opportunity to
24 examine witnesses that have already been called
25 in the commission's proceedings. We understand

1 that counsel for Mr. Jin indicated some time ago
2 that he might wish to ask for certain witnesses
3 to be recalled. Commission counsel has made
4 efforts to facilitate the use of time this week
5 for Mr. Jin's counsel to have witnesses recalled
6 so that he can examine them. Two days this week
7 were offered to Mr. DelBigio. Those offers were
8 made on March 10th and March 22nd. Mr. DelBigio
9 has not requested any witnesses be recalled.

10 We've advised Mr. DelBigio that we expect
11 that after this week there will be very limited
12 hearing time available if he does seek to have
13 any witnesses recalled. As I say, we were
14 unable to make use of the extra time this week
15 for that purpose.

16 THE COMMISSIONER: Thank you.

17 MR. McCLEERY: And with that lengthy preamble,
18 Mr. Commissioner, I have a collection of
19 documents I will be asking to have marked as
20 exhibits now. Madam Registrar has been provided
21 with these proposed exhibits and I believe she
22 has prepared a list that can be displayed on the
23 screen in front of us.

24 THE COMMISSIONER: Yes. Thank you.

25 MR. McCLEERY: So to begin with, Mr. Commissioner,

1 I'll ask that the two overview reports, the
2 first titled "Luxury Goods," the second titled
3 "Motor Vehicle Sales Authority of
4 British Columbia" be marked as the next two
5 exhibits. I understand those to be 774 and 775.

6 THE COMMISSIONER: Yes, very well. I will direct
7 that those two exhibits be marked 774 and 775
8 respectively.

9 THE REGISTRAR: Yes.

10 **EXHIBIT 774: Overview report titled "Luxury**
11 **Goods"**

12 **EXHIBIT 775: Overview report titled "Motor**
13 **Vehicle Sales Authority of British Columbia"**

14 MR. McCLEERY: And then the next group,
15 Mr. Commissioner, are the four luxury goods
16 sector affidavits. Those are the affidavits of
17 Beatrice Sturtevant, Marko Goluzza, Norman
18 Shields and Ms. Michelle Lee. I'll ask those be
19 marked as next four exhibits and those will be
20 number 776 to 779, I believe.

21 THE COMMISSIONER: Yes, very well. I will make that
22 direction as well.

23 THE REGISTRAR: Yes. Exhibit 776 to 779.

24 **EXHIBIT 776: Affidavit number 1 of Beatrice**
25 **Sturtevant made on March 22, 2021**

1 **EXHIBIT 777: Affidavit number 1 of Marko Goluz**
2 **made on March 25, 2021**

3 **EXHIBIT 778: Affidavit number 1 of Norman**
4 **Shields made on March 26, 2021**

5 **EXHIBIT 779: Affidavit number 1 of Michelle Lee**
6 **made on March 22, 2021**

7 MR. McCLEERY: And finally, Mr. Commissioner, we have
8 six additional gaming sector affidavits. Those
9 are the third affidavit of Darryl Tottenham;
10 first affidavit of Anna Fitzgerald; the first
11 affidavit of Robin Jomha; the second affidavit
12 of Robert Kroeker; the second affidavit of Cathy
13 Cuglietta; and the first affidavit of Richard
14 Block. I'll ask that those be marked as the
15 next six exhibits which I believe will be 780 to
16 785.

17 THE COMMISSIONER: Very well. I will make that
18 direction as well.

19 THE REGISTRAR: 780 to 785.

20 **EXHIBIT 780: Affidavit number 3 of Daryl**
21 **Tottenham sworn on February 11, 2021**

22 **EXHIBIT 781: Affidavit number 1 of Anna**
23 **Fitzgerald made on March 3, 2021**

24 **EXHIBIT 782: Affidavit number 1 of Robin Jomha**
25 **made on March 24, 2021**

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**EXHIBIT 783: Affidavit number 2 of Robert
Kroeker made on March 1, 2021**

**EXHIBIT 784: Affidavit no. 2 of Cathy Cuglietta
sworn on March 8, 2021**

**EXHIBIT 785: Affidavit number 1 of Richard
Block affirmed on March 9, 2021**

MR. McCLEERY: With that, Mr. Commissioner, we've
reached the end of the matters we intended to
address today, and I propose that we adjourn to
Tuesday morning.

THE COMMISSIONER: All right. Thank you,
Mr. McCleery. We'll adjourn then to Tuesday the
6th of April at 9:30.

THE REGISTRAR: The hearing is now adjourned until
April 6th, 2021, at 9:30 a.m. Thank you.

THE COMMISSIONER: Thank you.

(PROCEEDINGS ADJOURNED AT 9:34 A.M. TO APRIL 6, 2021)