

Commission of Inquiry into Money Laundering in British Columbia

Application for Participant Status – Ruling #35

Ruling of the Honourable Austin Cullen, Commissioner

Issued July 21, 2021

A. INTRODUCTION AND BACKGROUND

[1] This ruling addresses an application for leave to participate in the Commission of Inquiry into Money Laundering in British Columbia (“Inquiry” or “Commission”) under s. 11(4) of the *Public Inquiry Act*, S.B.C. 2007, c. 9 [*PIA*] brought by David Drover.

[2] The deadline to seek participant status was September 6, 2019. Mr. Drover has not sought an extension of time in which to bring this application. In the interests of the efficient and effective conduct of the Inquiry, I order an extension of time for Mr. Drover to bring this application pursuant to Rule 5 of the Commission’s *Rules of Practice and Procedure*.

B. SUBMISSIONS OF MR. DROVER

[3] Mr. Drover has, over the course of the Inquiry, written to the Commission in a format akin to making submissions on matters that bear similarity to the present application. While I consider it unnecessary, given the issue before me, to address the entirety of Mr. Drover’s explanation of what he says is relevant procedural history, I have attempted to do so in a concise way below.

[4] The thrust of Mr. Drover’s submissions in support of his application for participant status is that he possesses evidence related to money laundering in British Columbia, namely involving “RCMP and wealthy [businesspeople] and politicians in Canada and the US and internationally.” Namely, Mr. Drover suggests that he has information that a mining company based out of Alberta, of which he was a former shareholder, was for a number of years involved in an international money laundering scheme.

[5] Mr. Drover submits that, given his knowledge of this international money laundering scheme, he was contacted by law enforcement to assist police. He says that his knowledge of this scheme, and his work with the Royal Canadian Mounted Police (RCMP), are both matters that should be in evidence before the Commission.

[6] Since working for the police, Mr. Drover submits that two events have occurred that have relevance to his application for standing.

[7] First, Mr. Drover submits that the mining company at issue has undertaken a series of frivolous actions, including by way of lawsuits and professional complaints, to discredit and pin criminal acts on him, including allegations of “criminal extortion, criminal harassment, stalking, impersonating an RCMP Officer, and fraud.”

[8] Second, Mr. Drover says that he retained counsel to address matters related to his filing of complaints against members of the RCMP, made as a result of events that took place during his time assisting police. That lawyer, Mr. Drover submits, is now in a conflict of interest given their current role as Commission counsel.

[9] In support of his application, Mr. Drover provided an affidavit sworn in a related matter in the British Columbia Supreme Court, in which he makes similar allegations against his former counsel, and a June 2017 disciplinary decision of The Association of Professional Engineers and Geoscientists of Alberta (“APEGA”) of which he was the subject.

C. LAW

[10] I reviewed the mandate of the Commission and the relevant law in respect of applications to participate in Ruling #1. The statutory provisions that govern applications for participant status are ss. 11(4)(a)-(c) of the *PIA*. Those sections read as follows:

11(4) On receiving an application under subsection (3), a commission may accept the applicant as a participant after considering all of the following:

(a) whether, and to what extent, the person's interests may be affected by the findings of the commission;

(b) whether the person's participation would further the conduct of the inquiry;

(c) whether the person's participation would contribute to the fairness of the inquiry.

[11] The relevant considerations in determining whether to grant participant status include (Ruling #1 at para. 11):

- a. the nature and extent of the applicant's rights or interest;
- b. why standing is necessary to protect or advance the applicant's rights or interest;
- c. whether the applicant faces the possibility of adverse comment or criticism with respect to its conduct;
- d. how the applicant intends to participate, and how this approach will assist the Commission in fulfilling its mandate;
- e. whether and how the applicant's participation will contribute to the thoroughness and fairness of process;
- f. whether the applicant has expertise and experience relevant to the Commission's work;
- g. whether and to what extent the applicant's perspective or interest overlaps or duplicates other applicants'; and
- h. whether the applicant may participate in another capacity — for example, as a witness who may testify — instead of being granted formal standing.

[12] The Commission relies on the submissions of applicants to assess whether their rights and interests might be affected over the course of the Commission process. Consideration of whether an applicant's participation will contribute to the fairness of the process requires attention to the non-exhaustive list of factors outlined in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817.

D. ANALYSIS AND CONCLUSION

[13] Mr. Drover does not suggest that the Commission's findings will affect his interests, as an individual applicant. Neither his submissions nor his affidavit address the issue of how his various complaints or disputes with the RCMP bear any connection to money laundering in British Columbia. Mr. Drover does not face the possibility of adverse comment or criticism with respect to his conduct. His name has not come up in the course of the lengthy hearings of the Commission, which are nearing completion at

this point. In my view, standing is unnecessary to protect or advance any identified interest. This weighs against granting participant status.

[14] Further, while Mr. Drover's submissions with respect to an international money laundering scheme have, on their face, relevance to the Commission's Terms of Reference, he has provided no substantive evidence in favour of those allegations. Instead, Mr. Drover has provided submissions on what he alleges is a campaign by various people against him. This weighs against granting participant status.

[15] Lastly, Mr. Drover's submissions regarding his disputes with RCMP over his assistance and subsequent retaining of counsel are unconnected to the Commission's mandate. They are matters between Mr. Drover and those parties, to be resolved outside of the Inquiry process.

[16] It is a matter of some concern to me that the Applicant has been the subject of a disciplinary hearing before a Hearing Panel convened pursuant to the Alberta *Engineering and Geoscience Professions Act*, R.S.A. 2000, c. E-11. Although Mr. Drover rejects the legitimacy of that hearing process, beyond making generalized allegations, Mr. Drover has not provided any persuasive foundation for his allegations concerning the legitimacy of that hearing process.

[17] In its decision,¹ the Hearing Panel noted that Mr. Drover made reckless and speculative allegations against the parties "with the express intent of damaging" them in a manner that "was clearly unprofessional" (p. 1).

[18] The Panel found, at p. 2:

...when various agencies refused to accept Mr. Drover's allegations, he made serious allegations against these agencies, alleging cover-ups and complicity in fraudulent activity without any objective facts to support his suspicions and allegations.

¹ Regarding the Conduct of David Drover, Case No. 16-010-FH (16 June 2017), <https://www.apega.ca/docs/default-source/pdfs/discipline-decisions/discipline/16-010-fh.pdf?sfvrsn=96d65776_2>

[19] The Hearing Panel also found, at p. 2, that “where anyone did not agree with Mr. Drover’s allegations, they became, in his view part of a large conspiracy to cover up fraudulent and illegal activities.”

[20] In the result, on the basis of the totality of the evidence put before it, the Hearing Panel found that Mr. Drover was “ungovernable.”

[21] In my view, applying the criteria set out above in paras. 10-12 inclusive, the participation of Mr. Drover is manifestly unlikely to further the conduct of the Inquiry or contribute to its fairness. In my view, Mr. Drover’s participation in this hearing is likely to deflect it from dealing with the significant issues set out in the Commission’s Terms of Reference and cause it to become embroiled in matters that are entirely extraneous to its purpose. In all the circumstances, I am thus not satisfied that Mr. Drover meets the criteria for participant status and accordingly, I dismiss his application.

A handwritten signature in cursive script, appearing to read "Cullen".

Commissioner Austin F. Cullen