

COMMISSION OF INQUIRY INTO MONEY LAUNDERING IN BRITISH COLUMBIA

The Honourable Austin F. Cullen, Commissioner

FINAL WRITTEN SUBMISSIONS OF KASH HEED

Introduction

1. Mr. Heed was a member of government for one term from 2009 to 2013. During his time in government, he was the Solicitor General (“SG”) for approximately 10 months (June 2009 to April 2010).
2. During his time in government, Mr. Heed did not have the gaming portfolio; he did not have firsthand knowledge of money laundering in casinos (pg. 7); and he does not remember there being any discussions about money laundering (pg. 30).
3. Given the point in time when Mr. Heed was in government and his role when there, Mr. Heed’s participation in these proceedings should have been unnecessary. In fact, on January 23, 2020, Mr. Heed was interviewed by Commission Counsel and was told it was not likely that he would be called as a witness.
4. Mr. Heed’s evidence became necessary, however, when Mr. Pinnock gave evidence on November 5 and 6 about a lunch he had with Mr. Heed in 2009. Mr. Pinnock alleged that Mr. Heed made certain statements during that lunch while a sitting minister. Mr. Pinnock also said that he had surreptitiously recorded conversations with Mr. Heed in 2018, which he said “confirmed” and “expanded upon” the 2009 statements.
5. Not surprisingly, a number of the allegations Mr. Pinnock made about Mr. Heed (and Mr. Coleman) generated considerable media attention.
6. Mr. Heed obtained limited participant standing so that he could cross-examine Mr. Pinnock. That cross-examination occurred on November 17 during an extra sitting of the Commission. The cross-examination lasted nearly 2.5 hours.
7. Mr. Heed then gave evidence on April 30, 2021 and was questioned by Commission Counsel, Mr. Martland, Q.C. He was not cross-examined at length.

8. Mr. Heed explained that he did not have any firsthand knowledge with which to make the alleged statements in 2009 (or at any point during his time in office from 2009-2013) and that he did not make those statements.
9. Mr. Heed also explained the context for and the content of his comments in the 2018 recordings. Mr. Martland, Q.C. did not ask Mr. Heed about the portions of the transcripts that contain his personal opinions after leaving office and that have no relevance to the Commission (pg. 19-20).
10. This submission addresses whether Mr. Heed said what Mr. Pinnock alleges in 2009 while a sitting minister, and whether the 2018 recordings “confirm” and “expand” upon those alleged comments.
11. It is respectfully submitted that a review of Mr. Pinnock’s November 5-6 testimony, his cross-examination on November 17, 2020, and Mr. Heed’s evidence on April 30, 2021,¹ clearly demonstrates that Mr. Pinnock’s evidence about the alleged 2009 conversation (and the 2018 recordings) was, at best, mistaken, and, more likely, untruthful. Mr. Pinnock proved himself to be unreliable, inconsistent, and not credible.

Mr. Heed’s Policing Background

12. In his evidence, Mr. Heed drew a distinction between his understanding of what constitutes “proceeds of crime” issues and what constitutes “money laundering” issues. He said that proceeds of crime issues relate to criminals using illegally gotten money to acquire things or for engaging in certain activities (pg. 6-7; see also pg. 69). This is to be distinguished from money laundering issues, which involve using specific activities to clean money—the specific goal is to take proceeds of crime and launder that money into some type of quasi-legitimated funds and then do whatever with them (pg. 7) (see also pg. 69). His evidence must be considered in light of that distinction.

¹ Page references to Mr. Heed’s testimony are to the April 30, 2021 transcript. Page references to Mr. Pinnock’s testimony are, unless stated otherwise, to the transcript of his cross-examination on November 17, 2020.

VPD and WVPD

13. Mr. Heed was a member of the Vancouver Police Department (“VPD”) from 1979 to 2007 (pg. 2-3).
14. In 2007, Mr. Heed was appointed Chief Constable of the West Vancouver Police Department (“WVPD”) and held that position until 2009 before he entered politics (pg. 3).
15. One of the roles held by Mr. Heed during his tenure with the VPD was command of the VPD drug section.
16. At the time, the drug section was dealing with a multitude of issues related to drugs. While the policing of gaming fell within the mandate of the drug section at that time, gaming did not receive much attention and was not a priority in the drug section (there were only two positions assigned to it) (pg. 4).
17. The casinos in Vancouver at that time were small and the focus of policing of gaming by the VPD was illegal gaming rooms. The VPD received pressure from legal casinos to shut illegal gaming rooms down. The process was largely complaint driven (pg. 4-5).
18. During Mr. Heed’s tenure with the VPD, the VPD had no involvement in proceeds of crime investigations, with the exception of the secondment of one VPD member, Brad Desmarais, to the Integrated Proceeds of Crime Unit (“IPOC”) (pg. 7).
19. While at the WVPD, issues of money laundering and proceeds of crime were never brought to the forefront while he was Chief Constable (pg. 5).
20. The VPD drug section’s focus was disrupting the drug trade at the street level in order to maintain community safety. The drug section had a “grow busters” unit that was focused on shutting grow operations down. The VPD experienced success in reducing the number of grow operations in Vancouver, but this led to the spread of grow operations to other parts of the Metro Vancouver area (pg. 8-9).
21. During his time in the police, issues relating to money laundering and proceeds of crime were never really brought to his attention, though proceeds of crime were a bit of a concern (pg. 10-11). However, the resources and expertise were not there (pg. 11-12). They did not have the expertise within to look into proceeds of crime

- (pg. 12). The multitude of activity that was going on was with the CRA, which made sure that they had the ability and authorization to make the seizures (pg. 8-9, 13).
22. Mr. Heed was aware of FINTRAC during his tenure with the VPD. But he did not make use of it (pg. 13).
 23. Mr. Heed understood that FINTRAC would accept intelligence from any source, package it together and send it to local law enforcement, who would decide whether to investigate (pg. 14-15). Mr. Heed never personally sought information from FINTRAC. He does not know if his staff did, but they might have (pg. 14).
 24. In one example given, Mr. Heed noted that the concern being dealt with at a casino was ensuring there was no violent activity in the casino (pg. 16).
 25. Mr. Heed recalls that loan sharking and proceeds of crime at casinos (distinguished from money laundering) was discussed at meetings of the BC Association of Chiefs of Police that Mr. Heed attended while with the WVPD (pg. 16-18). Mr. Heed does not recall any action items coming out of that discussion (pg. 18).
 26. Mr. Heed was never a member of IIGET or the RCMP (pg. 78).

Mr. Heed's Time in Government

27. Mr. Heed served one term as a Member of the British Columbia Legislative Assembly for Vancouver-Fraserview from May 2009 to 2013. He did not stand for re-election. He had no public role in government after that date (pg. 20-21).
28. For ten months during his term in office, Mr. Heed was the Minister of Public Safety and SG. He was SG from June 10, 2009 - April 9, 2010 and from May 4, 2010 - May 5, 2010 (pg. 20-21).
29. At the time of Mr. Heed's appointment as Solicitor General in June 2009, Kevin Begg was the Assistant Deputy Minister ("ADM") of police services. (Pg. 22). In his role as ADM of police services, Mr. Begg was initially responsible for briefing Mr. Heed in relation to police services issues. This role was later taken over by Mr. Morhart (pg. 22-23).

30. Mr. Heed had a difficult relationship with the RCMP. Mr. Heed understood that the RCMP did not like having him in the Solicitor General role in part because he held the RCMP to account on the provincial policing budget and wanted vacancies filled (see pgs. 23-26).
31. To the best of Mr. Heed's recollection and understanding, responsibility for gaming was not within his portfolio when Mr. Heed was Solicitor-General (pg. 29). His ministerial assistant did not have any direct responsibilities for gaming (pg. 76-77).
32. Mr. Heed was shown a document by counsel for the province which showed that the *Gaming Control Act* was under the ministry of Housing and Social Development. Mr. Heed did not have responsibility for that ministry (pg. 74-75). Mr. Heed never submitted an annual report on behalf of the Gaming and Policy Enforcement Branch to the legislature (pg. 76). He did not receive any briefings from GPEB (pg. 76). He didn't receive any briefing from BCLC while SG (pg. 76). He did not issue any service letters or mandate letters to BCLC during that period (pg. 76).
33. While SG, Mr. Heed had several priorities on both the policing and emergency management sides. On the policing side, the government had run on a gangs and guns 10-point platform and his job was to implement those particular points (pg. 27). He had other issues to deal with regarding some drug policy issues (pg. 28). He had the RCMP contract to deal with (pg. 28). He had to ensure that there was accountable, efficient, and effective policing in B.C. He had domestic violence, distracted driving and drunk driving issues to deal with. And he had the 2010 Olympic Security portfolio to deal with. On the emergency management side, the province had just been through an incredible number of forest fires in the Okanagan. There were deaths due to avalanches. There was flooding in the Cowichan Valley. In short, there were a multitude of issues that occupied his time and that were a priority (pg. 28).
34. Aside from what is set out below, Mr. Heed's evidence was: the issue of revenue from casinos was not discussed or addressed while he was in cabinet (pg. 29); he does not remember anything about the topic of money laundering in casinos coming up while he was SG (pg. 30); he did not have any awareness while SG

that money laundering in casinos was an emerging problem (pg. 30); he did not have firsthand knowledge of money laundering in casinos while in government (pg. 7) and does not remember discussions about money laundering while he was in government (pg. 30).

35. While SG, the issue of money laundering was never brought to Mr. Heed's attention in any formal document or formal briefing or even in discussion amongst the government ministers (pg. 27). He was not given briefing notes or materials that related to casinos, gaming or gaming enforcement-type issues when he was SG (pg. 30).
36. Mr. Heed did not speak about gaming enforcement issues with Minister Rich Coleman (pg. 38; see also below).
37. Aside from what is set out below, Mr. Heed did not discuss the issue of cash in casinos with any other cabinet colleagues when SG, including the premier (pg. 40).
38. Ms. Yamamoto, who was an MLA and Mr. Pinnock's girlfriend at the time, raised gaming issues more broadly in caucus, and Mr. Coleman said that that was not the time and place to do it (pg. 40-41).
39. Mr. Heed has no knowledge of any government officials, elected or unelected, turning a blind eye to money laundering activity (pg. 44).

Media scrum in November 2009

40. To the best of Mr. Heed's recollection, the first time that a gaming issue was raised with Mr. Heed while he was in government was when a reporter scrummed him about the comments made by Mr. Pinnock in the media to the Public Eye (pg. 31-32; 34).
41. Mr. Heed had no idea that this was an issue and he was not aware of it as an issue. He responded a little curtly to the reporter (pg. 32). Mr. Pinnock said Mr. Heed reacted with displeasure at his comments and he watched Mr. Heed say that that's that individual's opinion and he's entitled to his opinion but not his own set of facts (pg. 14). The RCMP's media spokesperson also discounted Mr. Pinnock's comments as inaccurate (pg. 14).

42. Following the scrum, Mr. Heed asked a ministerial assistant about what IIGET was because he did not know (pg. 32-33). Mr. Heed was told that it was an integrated gaming enforcement team that was no longer in existence and that GPEB was taking over the responsibilities (pg. 33). He had to ask what GPEB was because he did not know that either (pg. 33). During this exchange, Mr. Heed was told nothing about who disbanded IIGET or why.
43. IIGET was disbanded before Mr. Heed entered politics and he had no involvement in the decision to disband IIGET (pg. 33). Mr. Heed did not learn who disbanded IIGET until recently (pg. 38). Mr. Holland confirmed that none of the discussions about disbanding or expanding IIGET involved Mr. Heed (Dec 2; pg. 201) and Mr. Heed had no role or participation in any of those discussions (201-202).

Mr. Heed's Lunch Meeting with Mr. Pinnock in November 2009

44. After the scrum, Ms. Yamamoto, who sat next to Mr. Heed in caucus and was Mr. Pinnock's partner, suggested that Mr. Heed and Mr. Pinnock have lunch (pg. 34-35).
45. Mr. Heed and Mr. Pinnock had known each other for a long time (Pinnock; pg. 12). Their relationship was a social connection, not a work connection (pg. 46-47).
46. They met. Mr. Pinnock was candid that he did not recall if their visit in November 2009 was over coffee or lunch and that he did not even recall if it was in Victoria or Vancouver (pg. 15). In contrast, Mr. Heed recalled meeting at the Hotel Grande (which is where he stayed while in Victoria) (pg. 35-36; 47-48).
47. At the time of the lunch, Mr. Heed had been a member of government for mere months. Mr. Pinnock acknowledged that Mr. Heed did not have the gaming portfolio (pg. 13).
48. Mr. Heed said the lunch only lasted 40 minutes (pg. 48). Both Mr. Heed and Mr. Pinnock agree that their lunch mostly involved catching up and discussing personal issues (Heed at pg. 48; Mr. Heed says 35 of 40 minutes; Mr. Pinnock agreed that most of the time was spent catching up (pg. 16)).

49. Mr. Heed said that near the end of the lunch, Mr. Pinnock said that he wanted to fill Mr. Heed in on a few things related to gaming because he thought Mr. Heed had been dismissive and negative about him to the reporter during the scrum (pg. 48).
50. Mr. Heed said this portion of the discussion took up maybe the last five minutes of their lunch. Mr. Pinnock accepted that the discussion as it related to the issue of gaming was a fairly brief discussion and they didn't get "didn't get into much detail on that theme" (pg. 15-16).
51. Mr. Heed said Mr. Pinnock's tone changed at this point in the conversation and Mr. Heed got a bit defensive as a result of his comments (pg. 48).
52. Mr. Heed says that Mr. Pinnock went on for about five minutes and talked about how he was more or less poorly treated by the RCMP with respect to his position in the gaming enforcement team. Mr. Heed described Mr. Pinnock as going on for "almost five minutes straight talking about the disdain that he had for the RCMP" (pg. 49). Mr. Heed says that Mr. Pinnock talked about how the positions were not filled and who he reported to. He said that he laid these issues out in a report (pg. 51). Mr. Heed has no idea what Mr. Pinnock was referring to and he has never seen it (pg. 52-53). Mr. Pinnock did not say anything else of substance on the gaming issue (pg. 49).
53. Mr. Heed said he asked Mr. Pinnock two questions in response. First, Mr. Heed asked where the 13 positions had gone (pg. 49). Second, he asked what gaming had to do with auto crime because to Mr. Heed's understanding was that Mr. Pinnock's supervisor, Mr. Holland, was in charge of IMPACT, which is the auto crimes area of policing (pg. 50-51).
54. The lunch ended with Mr. Heed saying that gaming was not in his ministry and that it was Mr. Coleman's portfolio, but that he would look into the concerns and see if he could do anything about them (pg. 50).
55. Mr. Martland asked Mr. Heed a series of questions based on the allegations made by Mr. Pinnock. Mr. Heed's evidence about the lunch in 2009 was that he:
 - a. did not say anything to Mr. Pinnock about members of government knowing what was going on in casinos and turning a blind eye to it (pg. 53);
 - b. did not make a comment to the effect that the police had failed to take steps to deal with money laundering activity in casinos (pg. 54);

- c. did not make a comment or say that Mr. Coleman knew what was going on inside the casinos (pg. 54);
 - d. did not say, by way of explaining or commenting about why someone might ignore problems or crime, it's all about the money, in other words the revenue to government (pg. 54);
 - e. did not make a comment to the effect that Mr. Coleman was largely responsible for this and that senior Mounties were complicit in it (pg. 54);
 - f. did not say that he agreed that Mr. Coleman had created this situation and had tacit support of senior Mounties (pg. 54-55);
 - g. did not say there appears to be an issue of organized crime and cash in casinos (pg. 55);
 - h. did not say something to Mr. Pinnock about senior police officers being puppets for Coleman (pg. 55).²
56. In response to a further question from Mr. Martland, Mr. Heed said that he was not, while the SG, aware of money laundering in casinos and it was never brought to his attention (pg. 55).
57. The only other time Mr. Heed saw Mr. Pinnock while he was in government was when Mr. Heed and his then wife and Mr. Pinnock and Ms. Yamamoto had dinner during the Olympics (February 2010). They did not discuss anything related to these issues (pg. 57).

EVENTS AFTER LUNCH WITH PINNOCK

58. Following his lunch with Mr. Pinnock, Mr. Heed had a brief conversation with the Attorney General about general issues relating to civil forfeiture because they had had some success in getting some vehicles from some of the gangsters and in trying to ensure that any proceeds of crime that were taken from them while they were stopped by police or checked by police (pg. 39-40). Mr. Heed said that in the back of his mind he was thinking whether they could look at civil forfeiture as a possibility in gaming / casinos. It was never brought to his attention by anyone that this was a priority to deal with (pg. 39-40).
59. Following his lunch with Mr. Pinnock in November 2009, Mr. Heed also made further inquiries about IIGET to David Morhart (who was, Mr. Heed recalls,

² Mr. Pinnock's evidence about the lunch is examined in detail below. It is inconsistent, unreliable, and not credible.

accompanied by Mr. Begg) about the positions assigned to IIGET. Mr. Heed was in part concerned about provincial police positions disappearing and wanted to utilize those positions if possible for priorities such as domestic violence. Mr. Heed wanted to know what happened to the 13 positions assigned to IIGET. He was told that the positions were gone, that it occurred before he joined government, and that Mr. Coleman had agreed to have 10 positions created within GPEB for the enforcement of gaming issues (pg. 41-42).

60. Following his lunch with Mr. Pinnock, Mr. Heed also spoke to Gary Bass and Al MacIntyre of the RCMP about proceeds of crime and loan sharking in casinos. This may have been in late 2009 or early 2010. Mr. Heed was told that the RCMP did not have the resources to address these issues (pg. 43). He was not told they were a priority issue (pg. 43). Mr. Heed understood that such activity was something occurring in jurisdictions policed by the RCMP as opposed to provincial police or municipal departments (pg. 43-44).
61. Mr. Heed did not talk to Mr. Coleman about these issues (pg. 77).
62. Mr. Heed said that he is confident that if the issue had been a significant issue or a priority, the RCMP would have put resources on it (pg. 44). This is based on his experience as a police officer (pg. 72).

Mr. Heed's Activities After Leaving Office

63. After leaving office in 2013, Mr. Heed had no direct involvement in internal work conducted by the Ministry of the Attorney General or the Province or in decision making regarding matters within the purview of the Ministry of the Attorney General or the province (pg. 77-78).
64. Mr. Heed formed a consulting company that provided, in part, consulting services advising companies on drug policies (pg. 44-45).
65. From 2016-2017, Mr. Heed hosted a radio talk show from Monday to Thursday each week (from 9am-12pm) discussing topical issues like politics, policing, and gang issues. He continued to advocate publicly on policing, drug policy, gangs and guns, and police reforms. Through this work he expressed and formed opinions on a broad range of topics and issues (pg. 45).

66. Mr. Heed also taught criminology and criminal justice at three colleges and universities (pg. 45).

Mr. Heed's interactions with Mr. Pinnock after leaving office

67. After leaving office, Mr. Heed recalls Mr. Pinnock and Ms. Yamamoto giving a guest lecture on undercover operations to the class Mr. Heed was teaching criminology at SFU in 2013 (pg. 57-58). Other than that, Mr. Heed did not speak again with Mr. Pinnock until the three conversations that Mr. Pinnock recorded 2018 (pg. 57-58). These conversations are examined below.

Mr. Pinnock's evidence was unreliable, inconsistent, and not credible

68. The following submissions examine certain key examples of the problems with Mr. Pinnock's testimony. It is by no means exhaustive.

Mr. Pinnock's two November 5 'clarifications'

69. Mr. Pinnock's two November 5 'clarifications' are a useful place to begin a review of the problems with his evidence.
70. During Mr. Pinnock's testimony on November 5, there was a technical glitch that led to a break. During that break, Mr. Pinnock spoke to his lawyer. Mr. Pinnock testified that his lawyer told him that he needed to provide clarity on two points (pg. 7).
71. The first thing that had to be clarified was the incident in 2010 where Mr. Pinnock says that Mr. Coleman tried to crush his hand (pg. 8). The second point that had to be clarified was that apparently Mr. Pinnock had not responded adequately to counsel for Canada when he was canvassing Mr. Pinnock's recollection of the 2009 conversation with Mr. Heed (pg. 10). As such, Mr. Pinnock added that "Kash Heed confirmed everything that he said during that encounter in 2009, and he expanded on it in greater detail in my audio recorded conversation held with him on the 10th of July 2018, [9] years later" (pg. 11). He reconfirmed this under cross-examination (pg. 11).
72. Not surprisingly, Mr. Pinnock's testimony about Mr. Coleman and Mr. Heed generated many headlines, which Mr. Pinnock acknowledged seeing (pg. 23).

73. Mr. Pinnock did not seek to clarify or correct his evidence from November 5-6.

The Coleman Handshake

74. With respect to the first clarification, it was put to Mr. Pinnock under cross-examination on November 17, 2020 that he thought Mr. Coleman had “*deliberately tried to injure him*” with the handshake. Mr. Pinnock would not agree at first, saying instead that he thought Mr. Coleman was trying to send him a message. The proposition was put to him two more times. On the third attempt, Mr. Pinnock responded with “define injury” (pg. 8).
75. Mr. Pinnock was then taken to what was referred to during his November 17 cross-examination as his “personal will-say” statement. That document was one he prepared in 2019 and made changes to twice in 2019 and 2020, inserting new information (pg. 9; pg. 17). No one requested that he create the personal will-say (pg. 17). The purpose of the will-say was to set out his observations, recollections and conclusions about the events that he thought might be relevant to the inquiry (pg. 17). In it, he was trying to be truthful (pg. 17).
76. The will-say has a narrative quality with headings like “Prologue”, “the Game”, and “Epilogue” (pg. 17-18). Similarly, Mr. Pinnock stated in it “under oath I say” before setting out various recollections.
77. After he asked to have “injury” defined, Mr. Pinnock was taken to a section of the will-say under the heading “Epilogue” where he had written that: “In 2010 I attended a BC liberal event and extended my hand to Rich Coleman. He grabbed my fingers and tried to crush them. After thousands of handshakes over the course of my life, I have experienced this one deliberate attempt to injure me. I have concluded that Mr. Coleman’s act of physical aggression towards me related directly to my statements around organized crime, organizational criminal activity within casinos and my unwillingness to placate him.” Only after this passage was put to him did he admit that it was a belief he held (pg. 9-10).
78. As will be detailed further below, there appears to be no small amount of animosity held by Mr. Pinnock against certain members of the RCMP and Mr. Coleman,

which may explain the source of some of his less than reliable testimony and hyperbole.

Mr. Pinnock's evidence about the 2009 lunch, the 2018 recordings, and the 2019 personal will-say

79. As noted, Mr. Pinnock testified on November 5 that the 2018 recordings confirmed and expanded upon what Mr. Heed allegedly said in 2009. As the Commissioner noted in Ruling 16 at para. 20, the critical issue with respect to the tapes is whether they either corroborate or undermine Mr. Pinnock's evidence of the contested 2009 conversation. For the reasons set out below, they undermine his evidence about the 2009 conversation.
80. Mr. Heed spoke to Mr. Pinnock on the telephone on July 10, 2018 (pg. 61) (Ex. 163). This conversation took place after Mr. Pinnock gave his news story to Global TV after the release of the German Report (pg. 63). Mr. Heed called him, in part, because he was concerned about his health and wellbeing. (pg. 63).
81. Mr. Heed had lunch with Mr. Pinnock on September 7, 2018 at the Cactus Club (pg. 61) (Ex. 164).
82. Mr. Heed spoke to Mr. Pinnock on the telephone on December 31, 2018 (pg. 62) (Ex. 269). This conversation took place on new years so that Mr. Heed could let Mr. Pinnock know about the potential opportunity to get involved with the W5 report (pg. 66-67).
83. Each of these conversations took place after Mr. Heed had left public office (five years after); after Mr. Heed had spent time as a radio show host dealing with public issues and after doing a lot of commentary in the media about police reforms, gang crime, and drug policy; after the German Report had been released; after Mr. Pinnock had given an interview to Global TV; and after Mr. Heed had made public comments about whether there should be an inquiry in BC about money laundering (pg. 62).
84. These conversations were secretly recorded by Mr. Pinnock.

85. Mr. Heed first learnt about the recordings from Mr. Pinnock the day before Mr. Heed was first interviewed by Commission Counsel on January 23, 2020 (pg. 58-60; Pinnock pg. 61).
86. In response to a question from Mr. Martland, Mr. Heed said that he viewed these recordings as an absolute breach of trust by someone he thought was a long-time friend and associate in policing (pg. 59). He said that Mr. Pinnock ought to have known what could or would be the ramifications of his actions and of recording a conversation when you come from a police background, especially on another former police officer (Pg. 64).
87. Mr. Heed drew a clear distinction between what took place in the conversation in 2009 while he was serving in government and personal opinions set out in the 2018 recordings when he was a regular citizen and had no obligations or responsibilities (pg. 64).
88. Except as noted below, the topics discussed in 2018 were personal opinions expressed at that time under the understanding that there were no surreptitious recordings going on (pg. 62-65). Those were personal opinions well after the fact (pg. 65) .They are not based on any firsthand knowledge or experience from his time in policing or in government. These were personal opinions about stuff that he had heard mostly through media sources (pg. 65). They were private conversations and never should have been made public.
89. Commission Counsel's submission on the transcripts motion correctly states that the recordings contain "significant portions that involve discussions about people and cases and situations that are not related to the mandate of the commission, nor the topics and issues being addressed through evidence in this inquiry" and that contain "abundant discussion of third parties that is gossip, catching up, or shooting the breeze about various cases and situations, most of them widely reported in the media" (see paras 2 and 14).
90. Mr. Heed agreed with Mr. Smart that these conversations involved statements based on speculation and hyperbole (pg. 68).
91. Except as noted below, the statements in these recordings were Mr. Heed's personal opinions, said in private with an expectation of privacy, he did not know

they were being recorded, he did not intend for them to become public, and they were not based on firsthand knowledge. Mr. Holland, for example, never provided him a basis for these opinions (Dec. 2, pg. 205-208).

92. Mr. Heed's evidence was that none of the statements made by Mr. Heed in 2018 were statements he made to Mr. Pinnock in 2009 (pg. 66). None of the 2018 statements were either confirmation of or expansions on the 2009 lunch conversation.
93. Mr. Pinnock was candid that he has no notes or recordings of the 2009 conversation with Mr. Heed (pg. 11). In fact, he has no notes of anything preceding 2011 (pg. 11).
94. Despite this, he said certain things were indelibly etched in his memory such that he feels recollection is not an issue (pg. 12).
95. The Coleman handshake was one such thing (pg. 12; 16).
96. The comments he alleges Mr. Heed made in 2009 are another (pg. 12).
97. Mr. Pinnock volunteered that: "I have to provide some additional context. I was absolutely gobsmacked by what Kash Heed told me that day. I was expecting hostility. The opposite was the case. ..." (pg. 16). He confirmed that he was "absolutely gobsmacked by what ... a sitting minister" told him in that brief discussion (pg. 16). One of the things he said Mr. Heed told him was that four RCMP officers by name were involved in a game and were "puppets for Coleman".
98. Mr. Pinnock's evidence and memory were then tested at length.
99. Mr. Pinnock was taken to his personal will-say which was the first time he put pen to paper to write down what he recalled occurring during the conversation with Mr. Heed in 2009 (pg. 18).
100. This will-say was created *after* the release of the German Report; it was created after Mr. Heed had been a radio host; after Mr. Heed had commented on the potential of a public inquiry; after Mr. Pinnock had given his Global TV interview; and after each of the three recorded conversations in 2018.
101. Mr. McGowan suggested to Mr. Pinnock that the will-say was a "summary" and Mr. Pinnock agreed (pg. 19), even though Mr. Pinnock used quotation marks to identify the alleged statements of Mr. Heed (pg. 19). Mr. Pinnock said "I applied

those quotation marks in error. Those were the words in effect that were used. I can't say that they were verbatim, but it's a very close version and I did my best" (pg. 19).

102. Mr. Pinnock said "I recall that conversation very well, just not where it occurred or what date it was. Wrote no notes, didn't record it. But I was so surprised with what he told me that I won't soon forget it" (pg. 19-20). He was absolutely gobsmacked. (pg. 19-20). Later, he admitted that it was a "remarkable" thing for a sitting minister to say (pg. 33). He said, "I have not forgotten it" (pg. 33).
103. The personal will-say dealing with the 2009 meeting with Mr. Heed was then read to Mr. Pinnock.
104. Mr. Pinnock was asked: "Where is the reference to four senior RCMP members by name who were complicit and who were participating in a game as puppets for Coleman" (pg. 21).
105. Mr. Pinnock responded: "It doesn't appear there."
106. Indeed, there is no reference in the will-say to the four officers by name or to them playing a game or to them being puppets for Coleman (pg. 26-27).
107. Asked why not, he said, "It was nine years earlier, and I forgot to include it" (pg. 21).
108. Pressed later, he said, "I've never forgotten those comments. I just didn't remember to include them in my drafting" (pg. 23). Later, he referred to this omission as a "drafting error" (pg. 24). This drafting error must have occurred three times given that there were three drafts (pg. 25). In each subsequent draft he added new information but at no point caught the absence of something that absolutely gobsmacked him (pg. 25).
109. Pressed again later given that the will-say was his attempt to capture the conversations as accurately as he could, he responded: "I'm an imperfect man" (pg. 23).
110. It was suggested to Mr. Pinnock that Mr. Heed did not say those words to him in 2009 and he responded: "Yes, I believe he did" (pg. 22).
111. Mr. Pinnock was asked to explain the basis of this belief.

112. In response, he came up with a new allegation that over the period of 2009 to 2013 (the period Mr. Heed was in government) he “probably interacted with Kash on eight or ten occasions, most of them in a social environment, and it was almost like a broken record, the reference to Rich Coleman’s wilful blindness and the manipulation of senior police officers in B.C. So that’s my best answer” (pg. 22). He repeated this evidence a second time (pg. 23).
113. The problem with this being his “best answer” is that it is a fabrication on the spot.
114. Mr. Pinnock made no reference to any of those alleged *additional conversations* between 2009 and 2013 in his testimony on November 5 and 6. Later, following a series of objections from his counsel, Mr. Pinnock was taken to his November 5 testimony where he was expressly asked by Commission Counsel whether subsequent to the 2009 conversation and during the period that Mr. Heed was still in government he had had any further conversations with Mr. Heed about organized crime or cash in BC casinos (pg. 34). On November 5, Mr. Pinnock’s response was: “No, I don’t believe so” (pg. 34). No mention of these conversations is found in his personal will-say either.
115. When that passage was put to him under cross-examination, Mr. Pinnock responded: “I am disappointed in myself for saying that. I guess I didn’t understand the question or my stress level was so high I was not grasping the spirit of the question. Of course I had numerous conversations with Kash Heed between 2009 and 2013 before he left government about this very matter” (pg. 35).
116. When pressed in cross-examination about those alleged additional conversations, Mr. Pinnock said: “What I will say is that in most of the conversations that Kash and I had concerning his description of Mr. Coleman’s wilful blindness and the involvement of the senior Mounties or the senior Mounties being manipulated, he would describe it as either puppets for Coleman or wrapped around Coleman’s fingers. Those are the two descriptors that he would use” (pg. 27).
117. Like the alleged additional conversations while Mr. Heed was in office, the phrase “wrapped around Coleman’s fingers” was also brand new and seemingly made up on the spot.

118. The cross-examination then turned from what Mr. Pinnock alleged was said in 2009 but that was not in the personal will-say, to things he recorded as having been said in the personal will-say, but did not testify to in November. The personal will-say, for example, says that Mr. Heed attributed \$2 billion in revenue to gaming in the 2009 conversation. That number, it turns out, is not at all accurate, and it was suggested that was the reason why Mr. Pinnock did not testify to it (see pg. 28-29).
119. Mr. Pinnock's counsel objected on the basis that Mr. Pinnock was not required to answer questions that he was not asked. As such, it was put to Mr. Pinnock that he had in fact been asked a number of times on November 5 and 6 whether there was anything else he wished to add that might be relevant to the mandate (pg. 33) Mr. Pinnock purported to exhaust his recollection on those occasions.
120. Finally, given a concern raised by his counsel that Mr. Pinnock had not been cut off from explaining why he was gobsmacked, Mr. Pinnock was asked to finish and he proceeded to read from a text that was far more consistent with the personal will-say language (including the \$2 billion reference) than with his November 5 and 6 testimony (pg. 31). At this point, Mr. McGowan interjected about whether Mr. Pinnock was reading from something and Mr. Pinnock said "I've written a page and a half of notes to prepare for my evidence today ... the points that I wanted to ensure weren't dropped or forgotten that I thought might be of assistance to you."
121. It was then suggested that Mr. Pinnock's memory about 2009 was mistaken and that he had allowed other things to infect his memory of the 2009 lunch, including his interviews and the 2018 recordings. He would not agree (pg. 36).
122. Mr. Pinnock was then taken through a series of his statements to reporters, one of which preceded the lunch in 2009, and the other of which preceded the first call with Mr. Heed in 2018.
123. He was then taken to the Public Eye interview he gave (pg. 36) *before* he met Mr. Heed for lunch in 2009 in which:
- i. He made reference to the RCMP "playing ostrich" and "demonstrating wilful blindness" relative to what was going on in Casinos."

- ii. He made reference to the RCMP senior managers in “E” Division being “willing to say and do anything” to ensure that they were awarded the 20-year Provincial Policing Servicing Agreement which was up for renewal in 2010.
- iii. He stated that he was of the impression that “government was more concerned about the appearance of doing something, rather than meaningful results.”
- iv. He said “It seemed the way to remain in favour with government was simply to maintain a statistical, ‘check the box’ type, radar gun level of enforcement, and not meaningful targeting that would disrupt significant criminal activity.”
- v. “It was a very awkward marriage between the police and a government which benefitted from gambling revenue.”

124. The thoughts about complicity, remaining in favour with government, and revenue were *his* opinions. Mr. Pinnock admitted that revenue was something he referenced in that interview and was top of his mind. He said “It was one element of my message to the reporter” (pg. 39).

125. He was then taken to his testimony on November 5/6 when he first responded to a question by saying that Mr. Heed said, “Because it’s all about *revenue generation*.” Asked whether this was his assessment or something that occurred in the conversation, Mr. Pinnock changed what he said to “I believe he told me *it’s all about the money*” (pg. 41-42). Despite Mr. Pinnock saying Mr. Heed’s typical message was “it’s all about the money” (pg. 42-43), Mr. Pinnock’s first response was to use a different phrase, and one that was generally consistent with his messaging to the reporter.

126. In fact, the only time Mr. Heed refers to “it’s about the money” in any of the three recordings is in the December 2018 transcript, in which he is seemingly telling Mr. Pinnock something as if for the first time. Of note, this is also the transcript that Mr. Pinnock did not produce to Commission Counsel saying it had no evidentiary relevance (Mr. Heed had to request it). This is addressed further below.

127. The cross-examination then turned to looking at other phrases attributed by Mr. Pinnock to Mr. Heed in 2009 such as “it’s all a game”.
128. Mr. Pinnock was taken to the September 2018 transcript where it was *Mr. Pinnock* who used the game language twice in the context of saying that it was all about nice contracts with the government and keeping Mounties employed and not ruffling feathers (pg. 44-46). Mr. Pinnock admitted that he used phrases like that on many occasions with respect to the casino situation and the relationships between certain entities around the gaming portfolio (pg. 46). In fact, his personal will-say, which seemingly attempts to achieve a certain narrative quality, had a heading entitled “The Game” (pg. 46). Mr. Heed does not make any references to “a game” in the transcripts.
129. It was then suggested to Mr. Pinnock that Mr. Heed never referred to four senior RCMP officers being involved in a game (pg. 46). Mr. Pinnock’s response: “He may not have used that phrase.”
130. Further examples were then looked at.
131. Mr. Pinnock’s Global TV interview in 2018 after the German Report was released said that RCMP knew about these issues in the period *2005 to 2008*, which is before Mr. Heed was elected. Mr. Pinnock was asked by the interviewer why he thought that and he said, “I think we all know why. Any interruption in the flow of dirty money into casinos would not be in the best interest of the BC Liberals” (pg. 58). He said corruption can come in the form of government looking the other way (pg. 58-59) and that the motivation was “To maximize revenues for the four governmental duties” (pg. 59). He said his peers were all in agreement that this was going on (pg. 59). Mr. Pinnock made these statements before Mr. Heed called him in July 2018 to check up on his well-being and health. Mr. Pinnock had not spoken to Mr. Heed since 2013 (when he gave a guest lecture at SFU to Mr. Heed’s class) when he gave this interview.
132. Mr. Pinnock was then pressed again about whether Mr. Heed said “puppets for Coleman” in the 2009 conversation and he answered: “Puppets or wrapped around his finger, I can’t remember which term he used on this occasion” (pg. 50).

He said it could have been one, could have been the other, he wasn't sure (pg. 50).

133. Given the many changes to his evidence, Mr. Pinnock was then pressed to say what Mr. Heed had actually said in 2009. Mr. Pinnock started to describe a conversation that sounded similar to that articulated in the personal will-say (and that was in the notes he had prepare for his cross-examination and referred to earlier) (pg. 51). However, before he finished, he said, "forgive me, I'm under a bit of stress right now, so I probably I'm not firing on all cylinders, but I'll do my best. ... And there were a couple of other elements of that that --- because of my current stress level have alluded me." Counsel asked him if he wanted to take a break. He said: "I'm fine, thank you very much. I don't know that my stress level is going to dissipate any time soon. So I'm prepared to go ahead" (pg. 51).
134. The cross-examination then turned to an examination of Mr. Pinnock's claim that Mr. Heed had "confirmed everything he had said in 2009 in 2018 in the recorded conversations" (pg. 53) and that he had "expanded" on it.
135. Asked what he meant by confirmed, Mr. Pinnock first said that it "was consistent with my understanding of his messaging from 2009 and numerous other interactions that I had had with him after that until 2013" (pg. 54). This response is telling. Pressed on this phrasing, he then modified it to say, "It was consistent with his messaging to me."
136. For the reasons set out below, this is not correct.
137. Mr. Smart had previously asked Mr. Pinnock why he did not ask Mr. Heed outright what his recollection was in 2009 (pg. 62). Mr. Pinnock said it was an option (pg. 62). It was an option that he did not employ.
138. Mr. Pinnock understood that he could have asked Mr. Heed expressly to confirm what was said in 2009 (pg. 63). Mr. Pinnock said: "I Just didn't" (pg. 63; see also pg. 64).
139. Indeed, Mr. Pinnock, an experienced investigator, had done that very thing with two other people. In his personal will-say, Mr. Pinnock recorded one individual as not having remembered speaking the exact words suggested by Mr. Pinnock (pg.

64) (see also pg. 65). Therefore, Mr. Pinnock asked others expressly whether or not they would confirm having said something to him previously (pg. 64).

140. Mr. Pinnock says that he recorded the first conversation with Mr. Heed because he said he wanted to “solidify it and lock it down in the event something like this commission, wherever it struck” (pg. 73).
141. If Mr. Pinnock’s evidence was true that Mr. Heed had made the alleged statements in 2009 and then repeated them like a broken record in 8 or 10 conversations over the rest of Mr. Heed’s time in office; if it was true that Mr. Pinnock was right that “if I had asked him that question before all this happened, I’m sure that he would have confirmed that we’d had that conversation earlier, in ‘09” (pg. 83); and if Mr. Heed did not know he was being recorded (he did not), there is no good explanation for why an experienced investigator who had sought confirmations from others did not ask Mr. Heed for confirmation expressly. He did not ask because he knew he would not receive any such confirmation.

The July 2018 Transcript does not confirm 2009

142. Mr. Pinnock said “It was like a broken record, sir. I knew when I hit the record button during our first recorded conversation in 2018 I knew what he was going to say. He had said it so often to me” (pg. 23). This evidence ties into his evidence that the 2018 conversations confirmed and expanded upon what was said by Mr. Heed in 2009. He said that this confirmation was particularly the case with the July 10th, 2018 transcript, (pg. 24), not the December transcript.
143. On November 5, Mr. Pinnock said that Mr. Heed told him that senior members of the RCMP were complicit with Mr. Coleman in the money laundering problem in casinos and that he told him the names of the four senior members of the RCMP and that they were *playing a game* and that *they were puppets for Coleman* (pg. 66).
144. Putting aside the problems with this evidence which are addressed above, does the July 2018 transcript “confirm or expand” upon this alleged comment in 2009?
145. No.

146. In July 2018, Mr. Heed did make a reference to “puppets to Coleman” but it was a very specific reference that could not have been made in 2009.
147. Mr. Pinnock misremembered the July statement when he recorded it in his personal will-say, despite having access to the tape.
148. Mr. Pinnock’s will-say purported to recount Mr. Heed’s July 2018 puppets comment as: “He apparently explained to [a member of government] that Dr. German had been assistant commissioner for the RCMP responsible for the Lower Mainland when he and former senior RCMP officers, puppets for Coleman, got rid of IIGET” (pg. 68). Mr. Pinnock agreed his note suggested that the reference to puppets for Coleman was a general reference to those four individual being puppets for Coleman (pg. 69)
149. The transcript is different. What Mr. Heed actually said was: “you know, [minister] and I have been friends for years and I actually – when he hired Peter German to do his thing, I phoned him and gave him shit. ... Peter German was the assistant commissioner of LND when the decision was made and he was part of that decision making. It was [three individual names] and German that were part of the decision-making, were puppets for Coleman, to pull IIGET.” (pg. 70) (see July transcript, pg. 6)
150. Mr. Pinnock accepted that the reference in the transcript was to the officers being puppets for Mr. Coleman in relation *to pulling* IIGET (pg. 70).
151. Mr. Heed was telling Mr. Pinnock, in 2018, about a conversation he had in 2017 with a minister of government, about a decision that was made *before* Mr. Heed entered government and that Mr. Heed had no firsthand knowledge about. Mr. Pinnock agreed (pg. 70-71). Mr. Heed was not confirming a statement made by him in 2009 to Mr. Pinnock.
152. It was then put to Mr. Pinnock: “Will you agree with me that is very different than what you testified to on November 5?”
153. Mr. Pinnock’s response: “It does seem to be discrepant, yes” (pg. 71).
154. When pressed that he did not remember what Mr. Heed said in 2009, Mr. Pinnock said: “I remember the essence of what Kash told me in November of 2009” (pg. 69; see also pg. 72). This, of course, sounds a lot like his first answer about the

meaning of “confirmed” when he said “my understanding of his messaging from 2009 and numerous other interactions that I had had with him after that until 2013” (pg. 54).

155. It was put to him that Mr. Heed neither confirmed the 2009 comments in 2018 or even repeated the essence of them in 2018.

156. Mr. Pinnock’s response was: “I’d have to go back through those transcripts to be certain, certain in my response to you” (pg. 72).

157. Mr. Pinnock went on to agree that memories do fade, including his own (pg. 73).

December Transcript (Exhibit 269)

158. Under cross-examination, Mr. Pinnock was asked whether there was any place in the transcript that “confirmed” the alleged 2009 discussion. His response was not to point to the July 2018 transcript as he had previously, but to refer to a brief portion of the December 2018 transcript.

159. This portion of the December 2018 transcript was referenced by the Commissioner as of potential relevance to whether or not 2009 occurred as alleged by Mr. Pinnock.

160. The December 2018 transcript does not confirm the alleged 2009 conversation for the following reasons.

161. The December 2018 transcript was one that Mr. Pinnock had not provided to the Commission, saying that it had no “evidentiary value.” In fact, Mr. Heed had to ask for it and a transcript was generated. Asked about this, Mr. Pinnock again admitted that he’s not perfect and that he erred. He said when the conversation occurred, “I thought oh, well, it’s nothing particularly noteworthy that was discussed there, but the other two are more valuable (pg. 56).

162. Further, the portion of the recording referred to is very difficult to hear and this gave rise to a problem with the first transcript prepared by the court reporter. This issue was flagged by counsel for Mr. Heed at the start of Mr. Pinnock’s cross-examination, noting that the version used was likely not accurate, and that the court reporter had been asked to prepare a corrected transcript.

163. Commission counsel sent a note that said:

Please note that, following concerns raised by counsel for Mr. Heed as to the accuracy of the transcripts, we asked Reportex, the transcription service, to review for accuracy, and they made changes and set out the changes as follows:

Page 11, line 24-25: "I don't know how much time you've" has been added.

Page 12, line 1: "There's a few reasons that this happened" was left as spoken.

Page 12, line 3: "Oh, yeah." was added.

Page 12, line 4: "It's all about money." was added.

Page 12, line 5: "We've even talked about that nine years ago when I [indiscernible] public." was changed to "We've -- you and I talked about that nine years ago when I went --"

Page 12, line 10 "Yeah." was added.

Page 12, line 11 "Yeah." was added.

164. The corrected transcript states:

MR. HEED: Yeah, well, that -- let me see. Well, think about it. I think this is the investigative piece we've been wanting and looking for that nobody's been able to put together on this, and I think this will vindicate people --

MR. PINNOCK: M'mm-hmm.

MR. HEED: -- and show -- first of all, again -- I don't know how much you've [indiscernible]. There's a few reasons that this happened, but being -- the big reason is it's the money.

MR. PINNOCK: Oh, yeah.

MR. HEED: It's all about money.

MR. PINNOCK: We've -- you and I talked about that nine years ago when I went --

MR. HEED: Yeah.

MR. PINNOCK: -- public.

MR. HEED: Yeah.

MR. PINNOCK: Yeah.

MR. HEED: Yeah.

165. The recording should be consulted to get a sense of how this exchange actually unfolded.
166. This is the only time Mr. Heed uses the phrase “it’s all about money” in any of the three transcripts. His language appears to suggest that he is explaining it to Mr. Pinnock as if for the first time: “and show – first of all, again – I don’t know how much you’ve ... There’s a few reasons that this happened, but being ...” This is not the explanation of someone repeating a phrase he had allegedly repeated like a broken record.
167. Moreover, there is a more fundamental problem with this passage and it is something that both Mr. Heed and Mr. Pinnock were consistent on, and which reveals why the corrections to the transcript are telling. Mr. Heed’s “yeahs” are not confirmations.
168. Mr. Heed and Mr. Pinnock both gave similar evidence about how Mr. Heed speaks when talking to Mr. Pinnock (and others). It was put to Mr. Pinnock that one of Mr. Heed’s speech patterns involves him regularly jumping in mid-thought when Mr. Pinnock is saying something to him with a “yeah” or multiple “yeahs”. It was put to him that Mr. Heed was effectively saying “yeah” almost nonstop in their conversation (pg 79). Mr. Pinnock was taken through an example of Mr. Heed saying “yeah” repeatedly to a bunch of things Mr. Heed could not have known to be true (pg. 79-83), such that the “yeah” cannot be said to be “confirmatory”. Mr. Pinnock agreed that this was a pretty illustrative example of how Mr. Heed talks (pg. 83). Mr. Heed similarly testified that when he says “yeah” in this way it is not him confirming what is being said. It usually means he isn’t paying that much attention and it is a way to move a conversation along.

169. In any event, and putting aside the above issues, this passage is not Mr. Heed confirming that he said anything in 2009. What Mr. Pinnock suggests is that “we’ve – you and I talked about that” (pg. 77). He doesn’t say “you remember when you told me it was all about the money in 2009?” He doesn’t say Mr. Heed said it. He simply says they discussed it. The 2009 lunch followed on from the interview Mr. Pinnock gave when he made comments about revenue, as noted above. The phrase “it’s all about the money” is one of many phrases that Mr. Pinnock alleges Mr. Heed said in 2009. The December 2018 transcript cannot be said to be confirmation of the 2009 lunch or an “expansion” of it.
170. Towards the end of his cross-examination, Mr. Pinnock said: “I’m not misrepresenting one syllable of my evidence. I want to make that clear. I don’t have a hate-on for anybody or anything. I do think the public needs this information out there. I’m happy to cooperate. I am committed to doing the very best I can to provide the information at my disposal. I am not perfect. My evidence delivery today has been less than perfect, I concede that, but, sir, I’ve done the best to tell the trust to you today about what happened in November of 2009. The meeting happened. I’ve done my best to characterize the conversation accurately, and assist the Commissioner in that information. There’s not been one untruthful thing that I’ve said today and never would” (pg. 93).
171. It is respectfully submitted that Mr. Pinnock’s evidence is not reliable, consistent, or credible.

Mr. Pinnock’s axe to grind

172. There are a number of places in Mr. Pinnock’s evidence that may shed some light on why his evidence is so problematic.
173. For example, it is clear that Mr. Pinnock holds a negative view of certain former members of government (Mr. Coleman, namely) and the RCMP.
174. He admitted that he was pretty hurt and angry in 2007 and 2008, but said that he was no longer angry (pg. 88). He thought that the review process had been *weaponized* against him (pg. 88). In one of the recordings, he said to Mr. Heed: “I was so fucking beaten up when I left, looking at my old notebooks. ... and looking

- at that stack of big black notebooks, it was killing me. I said, I should be calling out that material ... and I should be suing these guys for doing this to me, but it was so draining and so energy-sucking” (see pg. 89).
175. With respect to Mr. Coleman, he said he was bothered by how Mr. Coleman had treated his wife (pg. 89). But he would not admit to having animosity towards him (pg. 89).
176. He also thought Mr. Coleman had intentionally tried to assault him with a handshake. He told Mr. Heed about this that “if it hadn’t been like a fundraiser I wouldn’t have let him get away with it. But I just thought okay, maybe we’ll chat one day” (pg. 90).
177. Without referencing specifics in order to protect others’ privacy, it was put to Mr. Pinnock that whether it was animosity or resentment, he was unhappy with the way he believed that one or more members of the Liberals have behaved vis a vis someone close to him. He admitted he was disappointed (pg. 91).
178. Not only did he have strong feelings about certain individuals, but he had strong feelings about his role (or lack thereof) in the issues relating to money laundering.
179. Mr. Pinnock was bothered when the German report came out and he had not been consulted (pg. 85). Like with the Coleman handshake proposition put to him early in his cross-examination, when this was put to him he tried to deflect saying he was *curious* as to why he was not interviewed, but not bothered (pg. 85). He was taken to a version of his personal will-say where he said that he was *disappointed* that he was not interviewed (pg. 87).
180. Mr. Pinnock took issue with Mr. German’s conclusion that BC casinos were *unwittingly* serving as laundromats (pg. 91). He thought their conduct was intentional (pg. 91). In fact, he wrote the following: “I have concluded that now retired senior RCMP officers, British Columbia Lottery Corporation personnel, former ADMs within the provincial government and Rich Coleman from the BC Liberals have, through their actions, inactions and wilful blindness, facilitated the money laundering and fentanyl crisis” (pg. 92).

181. In the Global TV interview, he said he would not name names at that time, but that he was very much looking forward to being subpoenaed so that he could give evidence at a public inquiry (pg. 60).
182. He sat down in 2019 to draft (and redraft) his personal will-say unprompted.
183. Mr. Pinnock then sought but did not get standing at this inquiry. The ruling on his standing stated that Mr. Pinnock said “that he was right and that others within the RCMP, BLCLC, government, and GPEB knew or were willfully blind about this. In that sense, he submits his reputational interest may be engaged as the inquiry may vindicate him” (pg. 84). Mr. Pinnock accepted that was representative of the way he felt (pg. 84).
184. It is submitted that it is clear that Mr. Pinnock feels like he has been wronged; that he feels that he is right and others are wrong and corrupt; and that this inquiry would provide him a platform to vindicate himself after so many years of difficulty.
185. It is submitted that Mr. Pinnock knew that he would not be able to prove himself right, others wrong, and to vindicate himself if was just him on the stand repeating his familiar refrain. And so, whether intentionally or unintentionally (it is hard to see his evidence as just being mistaken), he told a story about a lunch in 2009 in which Mr. Heed, a sitting minister, allegedly said that Mr. Pinnock was right, and then claimed that surreptitious recordings he made of private conversations with a friend confirmed (and expanded upon) just that.
186. The problem is that Mr. Heed could not have and did not say those things in 2009, and the 2018 recordings provide no such confirmation.

Conclusion

187. It is submitted that given the time period that Mr. Heed was in government, the roles he had while in government, the short duration of his time in government and as SG, his lack of knowledge of issues relating to money laundering in casinos while in government, and his lack of any knowledge that either money laundering or proceeds of crime were issues let alone priority issues, it cannot be said that he failed to take steps in response to such problems.

188. Similarly, Mr. Heed did not make unfounded allegations about government officials and law enforcement officers (including that they failed to intervene in serious criminal activity they knew to be occurring within gaming facilities in BC) to Mr. Pinnock in 2009. To the extent Mr. Heed expressed personal opinions that were not based on any firsthand knowledge in private conversations he did not know were being surreptitiously recorded in 2018, long after he left public life, those opinions are irrelevant to the Commission's mandate and should not have been made public.

DATED: September 28, 2021



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