

October 26, 1998

DELIVERED BY FAX

Linley Duignan
Barristers & Solicitors
P.O. Box 2040
200 - 2548 Clearbrook Road
Abbotsford, BC V2T 3T8
Attention: Mr. R.A. Wattie

Blake, Cassels & Graydon
Barristers & Solicitors
Suite 2600, Three Bentall Centre
595 Burrard Street
P.O. Box 49314
Vancouver, BC V7X 1L3
Attention: Ms. Maria Morellato

Dear Sirs/Mesdames:

**RE: AN APPEAL BY BRADNER MUSHROOM FARM LTD. FROM A
SEPTEMBER 30, 1998 DECISION OF THE BRITISH COLUMBIA
MUSHROOM MARKETING BOARD CONCERNING THE TRANSFER
OF PRODUCT BETWEEN AGENCIES**

The following decision with respect to the disclosure of information is forwarded at the instruction of the British Columbia Marketing Board (BCMB) hearing panel.

The panel reviewed the following written submissions:

- October 8, 1998 letter from Mr. Tony Wattie;
- October 9, 1998 letter from Ms. Maria Morellato;
- October 13, 1998 letter from Mr. Wattie (with attachments dated June 4, 1998 and September 7, 1998); and
- October 14, 1998 letter from Ms. Morellato.

In view of the issues identified during the October 8, 1998 pre-hearing conference, the panel is not satisfied that the information requested is relevant to the subject appeal, namely whether the British Columbia Mushroom Marketing Board (Mushroom Board) was wrong in refusing to exercise its discretion to allow Bradner Mushroom Farm Ltd. to transfer its production.

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The panel is not satisfied that the disclosure sought relating to overproduction of mushrooms in British Columbia will assist in determining the issues on appeal. Accordingly, the panel declines to issue an order directing the disclosure of the information sought from the Mushroom Board.

If a person, marketing board or commission is aggrieved or dissatisfied by an order or referral of the BCMB under section 9(1) of the *Natural Products Marketing (BC) Act*, they may appeal on a question of law to the Supreme Court if the appeal is commenced within 30 days of being served with a copy of the order or referral.

Yours truly,

(Original signed by):

Jim Collins
Manager
Dispute Resolution Services

cc: Mr. Stein Gudmundseth
McAlpine Gudmundseth Mickelson

Mr. David Critchley
Cherrington Minten Easingwood Kearl Critchley