

July 19, 2021

Via Email (Wanda.Gorsuch@gov.bc.ca)

BC Farm Industry Review Board
2975 Jutland Rd.
Victoria, BC V8T 5J9

Attention: Wanda Gorsuch, Manager, Issues and Planning

Dear Sirs/Madams:

**Re: *BC Farm Industry Review Board: Notice of Supervisory Review –
Vegetable Marketing Commission, Allegations of Bad Faith and
Unlawful Conduct***

We write on behalf of Messrs. Newell and Lodder respecting the invitation of the BCFIRB to provide submissions regarding the panels proposed to consider the extant applications of Prokam, CFP, and MPL, respectively.

As addressed in part in the correspondence of counsel for the Commission, Messrs. Newell and Lodder adopt the submissions of counsel for the Commission dated July 19, 2021. The proposed waiver is insufficient to address the full import of the extant allegations that Prokam and MPL have made. In particular, a waiver of any and all reasonable apprehension of bias objections does not address the existing allegations of actual bias and the Commissioners' legitimate concerns that Prokam or CFP will simply repeat or extend the baseless allegations made in the existing notices of civil claim in response to any decision they perceive to be against their economic interests. To address those issues, Prokam and CFP should be required to (a) expressly acknowledge that such members (including Messrs. Newell and Lodder) are serving on such panels as a matter of necessity, waiving any allegations of actual or ostensible disqualifying bias so as to enable the consideration of their applications; and (b) to provide a satisfactory release with respect to any and all claims thereon.

Yours truly,

McEwan Partners

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JKM/WES/rp

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