



CFP Marketing Corporation

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June 4, 2021

**BY EMAIL** (wanda.gorsuch@gov.bc.ca; firb@gov.bc.ca)

BC Farm Industry Review Board  
1<sup>st</sup> Floor, Blanshard Street  
Victoria, BC V8W 2H1

**Attention: Wanda Gorsuch**

Dear Ms. Gorsuch:

**Re: CFP's Submissions in response to May 26, 2021 notice of supervisory review**

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CFP Marketing Corporation ("CFP") is a stakeholder affected by the Commission's request that BCFIRB issue directions to relieve the Commission from its obligation to consider CFP's agency license application. We write to deliver CFP's further submissions on that point. CFP seeks participatory rights only to the extent that the BCFIRB is contemplating making orders affecting it.

The BCFIRB has CFP's counsel's letter of May 27, 2021, which responds to the Commission's request insofar as it affects both Prokam Enterprises Ltd. and CFP. CFP relies on those submissions, including in particular pages 4 and 5.

We write separately to stress the lengths to which CFP has gone to ensure that there is appropriate separation and independence in its governance. CFP's independent directors, whose resumes are enclosed, have for many months now been contributing time and energy trying to get a new venture off the ground that we believe will be of great benefit to the vegetable industry.

We participated in good faith in the last supervisory review, offering insights gained from years as leaders in the agricultural sector in both the meeting and written materials. The independent directors have helped to shape CFP's vision to serve producers in the lower mainland, overseeing CFP's extensive efforts to try to have its application heard. We have now done even more work to help craft an application that is responsive to Amending Order #54.

When such extensive efforts are made to involve independent directors, the BCFIRB should take them seriously. The Commission's proposed direction invites BCFIRB to disregard those efforts to achieve independence by treating CFP and Prokam as one and the same.

3693 Tolmie Road,  
Abbotsford, BC V3G 2T9

This would not be fair. It would also not be in keeping with sound marketing policy to discourage senior, knowledgeable members of the agricultural sector from stepping in to assist businesses in navigating the unique challenges of such a highly regulated industry. Nor should new businesses like CFP be discouraged from seeking to draw on such expertise and leadership. That is the message it would send for CFP's application to be placed on hold on the basis that a shareholder has made allegations about a now-former Commissioner and the Commission's General Manager.

The unfairness is aggravated by the fact that CFP lost its chance to obtain relief from BCFIRB or the Court in reliance on what Commission counsel advised was the Commission's preparedness to consider CFP's application. For completeness, we enclose the emails exchanged between counsel on that point. One thing that is especially frustrating is that this issue would never have arisen for CFP if not for the Commission having taken nearly five months to develop its new rules for agency applications (11 days of which were spent under a direction of the Supervisory Panel not to make orders pending release of the Panel's decision). This, despite the Supervisory Panel having expressed the view at the time it lifted the moratorium that there was already an adequate basis for the Commission to begin its review and consideration of new agency applications.

Over the past two years, BCFIRB has repeatedly said (in some form or another) that it is not sound marketing policy for the industry to be kept in stasis indefinitely. That is what the Commission's proposed direction would entail. It is not necessary. It is not good policy. There is no good reason for CFP's application not to be processed immediately. If the BCFIRB accepts that the Commission is unable to make a decision, or is otherwise inclined to permit the Commission not to do so, then we ask the BCFIRB to make the decision itself.

Yours truly,

CFP Marketing Corporation

Per:



Robin Smith, Chair

Encl. Resume of Alistair WM Johnston and Robin Smith.  
Emails between Mr. Hrabinsky and Ms. Hunter dated November 5, 10, 13.  
Dismissal order of the BCFIRB in respect of Appeal N1905.