

August 12, 2022

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 in reply to your invitation of July 28, 2022, to provide submissions on Hearing Counsel's recent recommendations arising from BCFIRB's findings to date in the BC Farm Industry Review Board (BCFIRB) Allegations of Bad Faith and Unlawful Activity Review (Supervisory Review).

As a threshold issue, the concerns raised in BCFIRB's decision of July 14, 2022, may warrant the establishment of a new Terms of Reference, rather than being undertaken as an extension of the current process.

Doing so may, in our view, provide three primary benefits:

- (1) it will identify the core and subsidiary issues raised by BCFIRB's concerns and ensure that, like in the investigation of the allegations against the Commission Members and Mr. Solymosi, Hearing Counsel is able to identify potential witnesses, obtain any further relevant documents, and otherwise proceed in a focused and thorough manner;¹
- (2) it may more readily permit BCFIRB and, if appropriate, Prokam and MPL (and Bajwa Farms if included) to anticipate and address procedural issues which may arise from the proposed investigation; and

¹ See Gareth Jones, *Conducting Administrative, Oversight & Ombudsman Investigations* (Aurora, ON: Canada Law Book, 2009) at p. 29-31 and 97-98.

(3) with reference to the submissions of counsel for Mr. Solymosi in its letter of July 29, 2022, it will demarcate that process from the one leading to the July 14 reasons.

The Commissioners have no further submissions, but offer, the above for consideration.

Thank you for your attention to this matter.

Yours truly,

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