

Reply to: Ravi R. Hira, Q.C.  
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Our File No.: 7111-001

August 19, 2022

**VIA EMAIL: Wanda.Gorsuch@gov.bc.ca**

Wanda Gorsuch  
Manager, Issues and Planning  
B.C. Farm Industry Review Board  
780 Blanshard Street  
Victoria, BC V8W 2H1

**Attention: Wanda Gorsuch, Manager, Issues and Planning**

Dear Sirs/Mesdames:

**Re: Supervisory Review re Vegetable Marketing Commission Allegations of Bad Faith and Unlawful Activity**

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We write in response to Chair, Peter Donkers' August 17, 2022 letter/order.

On behalf of Mr. Andre Solymosi, we adopt the position proffered by Mr. McEwan, QC on behalf of the Commissioners.

Regarding the Prokam Petition for judicial review, we respectfully submit that it is procedurally flawed. First, there are no supporting Affidavits attesting to the facts set out in the Petition. Second, it would be very difficult to find a person who could attest to the "facts" alleged in Part 2 of the Petition. Third, the Petition is premature as these proceedings are not at an end. We also note the irony of the complaints of essentially improper conduct by the Panel and Hearing Counsel raised in the Petition which complaints arise from Prokam's failure to adduce any evidence of misfeasance in public office in the course of the 17 days of hearing and argument before the Panel.

Finally, despite the August 12, 2022 letter from counsel for Prokam, as noted by Chair Donkers, no application for a stay of proceedings has been filed. Proceedings are not stayed by a letter from counsel.

Respectfully, the process before the BCFIRB/Panel must be finalized be it on the original Terms of Reference or on additional or modified Terms of Reference before any judicial review can be entertained by the Supreme Court of British Columbia.

Yours very truly,

**HIRA ROWAN LLP**

Per:



**Ravi R. Hira, Q.C.**

RRH/mn

cc: B.C. Farm Industry Review Board, via email: firb@gov.bc.ca  
cc: Rose-Mary Basham, QC, via email: rmbasham@bashamlaw.ca  
cc: Claire E. Hunter, QC, via email: chunter@litigationchambers.com  
cc: J. Kenneth McEwan, QC, via email: kmcewan@mcewanpartners.com  
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