

January 30, 2022

Nazeer T. Mitha, QC  
D/ 604-283-8559

By Email

nmitha@mithalawgroup.ca  
Our file 1041.001

BC Farm Industry Review Board  
1st Floor, 780 Blanshard Street  
Victoria BC V8W 2H1

Attention: Wanda Gorsuch

Dear Sirs and Mesdames:

**Re: Supervisory Review – Evidence of Mr. Brian Meyer**

Please bring this letter to the attention of Chair Donkers.

I write concerning the evidence of Mr. Brian Meyer, who I interviewed on December 8, 2021. We have been informed by Mr. Meyer that he has been experiencing serious health issues, including open heart surgery in 2019, followed by a diagnosis of stage 4 metastatic cancer for which he is receiving ongoing treatment. As a result, Mr. Meyer has advised us that he is unable to appear as a witness in the hearing.

Accordingly, we have commissioned the enclosed affidavit of Mr. Meyer, commissioned on January 28, 2022 (“Meyer Affidavit”), which I seek to have admitted as evidence in this Supervisory Review.

Rules 24 and 25 provide as follows:

24. The Review Panel may receive any evidence considered helpful in fulfilling the Terms of Reference in the Supervisory Review. The strict rules of evidence used in a court of law to determine admissibility of evidence will not apply.

25. Witnesses who testify will give their evidence under oath or upon affirmation. However, the Review Panel is entitled to receive relevant evidence at the Oral Hearing even where no oath or affirmation has been given after affording all counsel and participants [the opportunity] to make submissions.

In light of these Rules, it is my position that the Meyer Affidavit should be admitted, and the lack of an opportunity for the participants to cross-examine Mr. Meyer on his evidence should go to the question of weight.

With respect to a fair process for dealing with this application, I have already advised the participants that I am concerned about the time we have available in the oral hearing, particularly in light of the volume of documents that are now involved. As a result, I propose that this application be dealt with by way of written submissions. Specifically, I propose that any participant who wishes to provide written submissions do so by 8:00 am on Tuesday, February 1, 2022, and that any such submissions be limited to three (3) pages or less. For clarity, I will not be providing further submissions on this application.

Yours very truly,  
Mitha Law Group

Per:



Nazeer T. Mitha, QC \*  
\* Law Corporation

NTM/emv

Enclosure

cc. chunter@litigationchambers.com  
cc. randrosoff@litigationchambers.com  
cc. acalvert@litigationchambers.com  
cc. rmbasham@bashamlaw.ca  
cc. emma.irving@dentons.com  
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cc. wstransky@mcewanpartners.com  
cc. dean.dalke@dlapiper.com  
cc. patti.allen@dlapiper.com  
cc. munderhill@arvayfinlay.ca  
cc. khipps@arvayfinlay.ca  
cc. rhrabinsky@ahb-law.com  
cc. FIRB@gov.bc.ca

## Certificate of Commissioner for Oaths

The undersigned commissioner for oaths certifies that the enclosed affidavit of Brian Meyer was commissioned utilizing videoconferencing technology following the process directed by the Law Society of British Columbia for the remote commissioning of affidavits, as detailed in the notices issued by the British Columbia Courts effective March 27, 2020. The undersigned is satisfied that the process was necessary because it was unsafe, for medical reasons, for the deponent of the affidavit and a commissioner to be physically present together.

DATED at Vancouver, British Columbia this 28th day of January, 2022.



Commissioner for Oaths in and for the Province  
of British Columbia

**Erin S. White**  
barrister & solicitor  
MITHA LAW GROUP  
543 Granville Street, Suite 920  
Vancouver, BC V6C 1X8  
604 283 8560

**BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD****IN THE MATTER OF THE NATURAL PRODUCTS MARKETING (BC) ACT AND  
ALLEGATIONS OF BAD FAITH AND UNLAWFUL ACTIVITY****Affidavit**

I, Brian Meyer, unemployed, of 6108 Sayward Road, Duncan, British Columbia, V9L 5K1, AFFIRM THAT:

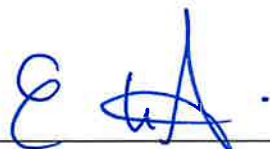
1. I was the general manager of the Island Vegetable Cooperative Association (“IVCA”), and as such have personal knowledge of the facts and matters hereinafter deposed to save and except where stated to be based upon information and belief, and where so stated I verily believe such facts and matters to be true.
2. I was the general manager of IVCA from April 1, 2017 until March 23, 2018, and then again from June 25, 2018 until March 8, 2019.
3. I suffer from a serious illness and am undergoing treatment and, as a result, am unable for health reasons to provide oral testimony during the upcoming hearing. Instead, I affirm this Affidavit to provide my evidence in this matter.
4. On December 8, 2021, I was interviewed by Nazeer Mitha, QC. Attached to this Affidavit as Exhibit “A” is a copy of my Interview Report that was emailed to me by Mr. Mitha’s office. I confirm that the responses I provided to Mr. Mitha during my interview were true and accurate.
5. For clarity, my evidence is as follows.
6. Concerning the allegation that, to some degree, Murray Driediger directed the weekly pricing calls, this is incorrect. Mr. Driediger did not direct the weekly pricing calls. Instead,

on behalf of BCFresh, Mr. Driediger provided information (as did all the other agencies on our weekly pricing meeting - it was a group effort).

7. Concerning any evidence that I have about Mr. Solymosi's investigation of IVCA, Prokam and Thomas Fresh, my evidence is as follows:
  - a. I had telephone conversations with Mr. Solymosi asking for assistance. I was unhappy with the way I felt Prokam was trying to take over IVCA. I felt I was losing control of IVCA and I did not know how to deal with what I felt was Prokam's inappropriate conduct concerning IVCA.
  - b. I felt Prokam was trying to inappropriately control IVCA and cause IVCA to fail to follow the rules.
  - c. I felt that Prokam was trying to use IVCA as its own personal agency and skirt the rules.
  - d. I felt in particular that what Prokam was doing with pricing was inappropriate. Prokam was undercutting the pricing set by the Commission.
  - e. Prior to approaching the Commission, I approached Mr. Dhillon to address my concerns and I was told by Prokam and Mr. Dhillon's brother in law (who worked at IVCA) that it was none of my business and I was to do as I was told.
  - f. As a result of my concerns about Prokam's conduct and my inability to have them addressed, I approached Mr. Solymosi and provided information to Mr. Solymosi. Mr. Solymosi then sought more information which was provided, and Mr. Solymosi set up a meeting with Terry Michell, Alf Krause and myself.
8. Concerning the November 7, 2017 agency managers meeting, I advised the agency managers of my difficulties with Prokam and there was a general discussion about the rules

being followed. There was some discussion about the fact that the Commission should enforce its own rules and orders.

- 9. To the best of my recollection, I did not have any discussion with Prokam about planting Kennebec potatoes.
- 10. I am not aware why IVCA withdrew its appeals. I had nothing to do with that decision.
- 11. Regarding the email I sent to Mr. Solymosi on January 31, 2018, I sent this email based on a vote of the directors of IVCA.
- 12. Based on my observations, I do not think there is any inappropriate conduct as between BCFresh and the Commission or that the Commission is trying to protect BCFresh’s market position.
- 13. I confirm that I am not physically present before the commissioner at the time of affirming this Affidavit. I confirm, however, that I am being linked to the commissioner utilizing videoconferencing technology. I also confirm that, in affirming this Affidavit, I have shown my government-issued photo identification to the commissioner, and that I have a paper copy of this Affidavit in front of me, and that I have reviewed each page of this Affidavit.

AFFIRMED BEFORE ME at Vancouver, British Columbia, on 28/Jan/2022  
  
A Commissioner for taking Affidavits within British Columbia

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Brian Meyer

**Erin S. White**  
barrister & solicitor  
MITHA LAW GROUP  
543 Granville Street, Suite 920  
Vancouver, BC V6C 1X8  
604 283 8560

*EW.*

## Interview Report

December 22, 2021

Date: December 8, 2021

Time: 3:00pm – 3:30pm


Location: Telephone Conference

**Attendees:**

Brian Meyer

BC Farm Industry Review Board  
Nazeer Mitha, Q.C.

**This is Exhibit "A" referred to in the Affidavit of Brian Meyer sworn before me at Vancouver, this 28<sup>th</sup> day of January, 2022.**



**A Commissioner for taking Affidavits  
within British Columbia**

The following resulted from issues and questions raised and answered.

1. Mr. Meyer was the general manager of the Island Vegetable Cooperative Association ("IVCA") from approximately March 2017 until about June 2018.
2. Concerning the allegation that to some degree Murray Driediger directed the weekly pricing calls, Mr. Meyer's response was that Mr. Driediger did not direct the weekly pricing calls. On behalf of BC Fresh he provided information.
3. Concerning any evidence Mr. Meyer has about Mr. Solymosi's investigation, of IVCA Prokam and Thomas Fresh, Mr. Meyer states as follows:
  - a. Mr. Meyer went to the Commission (Mr. Solymosi) for assistance. Mr. Meyer was unhappy with the way he felt Prokam was trying to 'take over' IVCA. Mr. Meyer felt he was losing control of IVCA and did not know how to deal with what he felt was Prokam's inappropriate conduct concerning IVCA.
  - b. Mr. Meyer felt Prokam was trying to inappropriately control IVCA and causing IVCA to fail to follow the rules.
  - c. Mr. Meyer felt that Prokam was trying to use IVCA as its own personal agency and skirt the rules.
  - d. Mr. Meyer felt in particular that what Prokam was doing with pricing was inappropriate. Prokam was undercutting the pricing set by the Commission.

- e. Prior to approaching the Commission, Mr. Meyer approached Mr. Dhillon to address his concerns and was told by Prokam and Mr. Dhillon's brother in law (who worked at IVCA) that it was 'none of his business' and he was to do as he was told.
  - f. As a result of his concerns about Prokam's conduct and his inability to have them addressed, he approached Mr. Solymosi and provided information to Mr. Solymosi. Mr. Solymosi then sought more information which was provided.
4. Concerning the November 7, 2017 Agency managers meeting, Mr. Meyer stated he advised the agency managers of his difficulties with Prokam and there was a general discussion about the rules being followed. There was some discussion about the fact that the Commission should enforce its own rules and orders.
  5. Mr. Meyer stated that he did not advise Prokam to plan Kennebec potatoes.
  6. Mr. Meyer is not aware why IVCA withdrew its appeals. He had nothing to do with that decision.
  7. Concerning dealing with Prokam going forward, Mr. Meyer does not recall any verbal conversations with Mr. Solymosi. Regarding the email Mr. Meyer sent to Mr. Solymosi on January 31, 2018, he sent this email on Mr. Terry Mitchell's direction.
  8. Based on his observations, Mr. Meyer does not think there is any inappropriate conduct as between BC Fresh and the Commission or that the Commission is trying to protect BC Fresh's market position.



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Commissioner for Oaths in and for the Province  
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2. I was the general manager of IVCA from April 1, 2017 until March 23, 2018, and then again from June 25, 2018 until March 8, 2019.
3. I suffer from a serious illness and am undergoing treatment and, as a result, am unable for health reasons to provide oral testimony during the upcoming hearing. Instead, I affirm this Affidavit to provide my evidence in this matter.
4. On December 8, 2021, I was interviewed by Nazeer Mitha, QC. Attached to this Affidavit as Exhibit "A" is a copy of my Interview Report that was emailed to me by Mr. Mitha's office. I confirm that the responses I provided to Mr. Mitha during my interview were true and accurate.
5. For clarity, my evidence is as follows.
6. Concerning the allegation that, to some degree, Murray Driediger directed the weekly pricing calls, this is incorrect. Mr. Driediger did not direct the weekly pricing calls. Instead,



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A Commissioner for taking Affidavits within British Columbia

*Brian Meyer*  
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