

Reply Attention of: Robert J. McDonell
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FARRIS

File No: 332958-0007

May 25, 2023

BY EMAIL

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

Attention: Wanda Gorsuch, Manager, Issues and Planning

Dear Madame:

Re: Supervisory Review – Allegations of Bad Faith and Unlawful Activity – Phase 2

I write to respond to the letters of Mr. Mitha of April 26, 2023 and May 19, 2023.

I have no submission to make in regard to the date by which Mr. Mitha may conclude his proposed investigations.

In the final paragraph on page 2 of Mr. Mitha's letter of April 26, 2023, it appears that his proposed investigations or discussions with other designated storage crop agencies are conditional upon the outcome of his discussions with Prokam and Okanagan Grown Produce Ltd. In my view, Mr. Mitha should speak to other designated storage crop agencies and their growers to obtain information as to their concerns and suggestions as to ensuring orderly marketing if there is future participation of, or dealings with, any of Prokam, CFP or their principals in the BC regulated vegetable industry. This information will provide a full context of the interests to be served in restoring orderly marketing, trust and confidence in the BC regulated vegetable industry as contemplated by the Amended Final Terms of Reference.

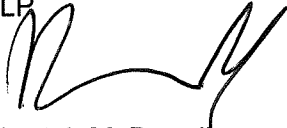
I would propose that Mr. Mitha add to his proposed investigation a discussion with a representative of BC Fresh and, if it would assist, I would be pleased to identify growers who may also provide information to Mr. Mitha responsive to the Amended Final Terms of Reference. In addition to the individuals against whom the unsubstantiated allegations were levied (and the VMC), it was the agencies and growers who experienced the challenges to orderly marketing arising from Prokam's conduct. Their present and future interests should be considered in Phase 2.

Thank you for your consideration to the above.

Yours truly,

FARRIS LLP

Per:



Robert J. McDonell

RJM/lis

cc: Naz Mitha, K.C., Mitha Law Group
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