



BC Farm Industry Review Board

October 20, 2023

File: 44200-60\AREV

DELIVERED BY EMAIL

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Dear All:

RE: RULING ON RECOMMENDATION OF HEARING COUNSEL FOR NEXT STEPS IN PHASE II OF ALLEGATIONS OF BAD FAITH AND UNLAWFUL ACTIVITY SUPERVISORY REVIEW

This decision is in response to Hearing Counsel's letter of October 12, 2023 in respect of "Phase II" of the ongoing supervisory review to investigate allegations of bad faith and unlawful activity advanced by Prokam Enterprises Ltd. ("Prokam") against members and staff of the BC Vegetable Marketing Commission ("Supervisory Review").

In his October 12 letter, Hearing Counsel advises that he has completed his additional investigations undertaken pursuant to my June 12, 2023 decision. He notes that there are some outstanding disputed facts about the history of Prokam's farming and marketing of storage crops, but is of the view that there is no benefit from attempting to resolve those disputed facts at this stage. Rather, he recommends that Phase II continue forward as was proposed in my June 12, 2023 decision, subject to an amendment to allow Prokam or any other party to make application to adduce additional evidence.


No participants responded to Hearing Counsel's recommendations.

I agree that it is appropriate to proceed with Phase II as Hearing Counsel has proposed, and therefore make the following order:

- a. All participants will have the opportunity to provide me with written submissions on the following issues:

- i. what conclusions or inferences should be drawn from the findings in the Phase I Decision with respect to Prokam's motivations for advancing allegations of bad faith and unlawful conduct against Mr. Guichon and Mr. Solymosi, and
 - ii. in light of any findings that might be made concerning Prokam's motivations, what, if any, orders or directions does the panel have the authority to make in furtherance of restoring orderly marketing and trust and confidence in the BC regulated vegetable industry.
- b. The order of submissions (and potentially evidence) will be as follows:
- i. Hearing counsel shall provide his submission on or before October 27, 2023;
 - ii. Any party wishing to do so may apply to adduce additional evidence on or before November 8, 2023;
 - iii. If the Panel grants leave to any party to adduce additional evidence, that evidence shall be provided on or before November 22, 2023;
 - iv. The non-complainant participants shall provide their submissions in response to Hearing Counsel's submissions on or before December 1, 2023;
 - v. Prokam shall provide its submissions in response to Hearing Counsel's and the non-complainant participants' submissions by December 15, 2023; and
 - vi. Hearing Counsel shall provide his reply submissions by December 29, 2023.
- c. Written submissions shall be no longer than 25 pages in length, including all appendices, and will be in 12 point Arial font with 1.5 line spacing. Hearing counsel reply shall be no longer than 10 pages in length. I grant liberty to apply if additional pages are required.

Regards,



Peter Donkers
Chair

cc: Mark Underhill, K.C.
Kate Phipps
Nazeer Mitha, K.C.
BCFIRB web site