

**PROCEEDINGS AT HEARING
OF
MARCH 1, 2021**

COMMISSIONER AUSTIN F. CULLEN

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1

March 1, 2021

2

(Via Videoconference)

3

(PROCEEDINGS COMMENCED AT 9:30 A.M.)

4

THE REGISTRAR: Good morning. The hearing is now

5

resumed. Mr. Commissioner.

6

THE COMMISSIONER: Yes. Thank you, Madam Registrar.

7

Yes, Mr. Martland.

8

MR. MARTLAND: Thank you, Mr. Commissioner. Today we

9

have the witness Melvin Chizawsky, an RCMP

10

corporal. But before we begin his evidence,

11

Mr. DelBigio had asked to address you at the

12

outset, and so I'm going to invite him to do

13

that, please.

14

THE COMMISSIONER: Yes, thank you.

15

Yes, Mr. DelBigio.

16

MR. DELBIGIO: Thank you, Mr. Commissioner. And

17

thank you, Mr. Martland, for the courtesy.

18

Mr. Commissioner, before this witness begins

19

his testimony, I wish to express concern about

20

the testimony -- well, I should be a bit -- I

21

don't know what his testimony will be. I'm

22

concerned with respect to the affidavit, which I

23

anticipate will be tendered by Mr. Martland

24

through this witness.

25

Now, I'm fully cognizant that in the

1 commission's introductory statement the
2 commission indicated that this process must be
3 fair, open, transparent and thorough, and that
4 inquiries are about providing information to the
5 people of British Columbia. And I'm also
6 cognizant that in Mr. Commissioner's interim
7 report, the report referred to issues to be
8 investigated and that's the -- the report
9 acknowledged that there's a power to compel
10 documents through witnesses and the
11 investigation process will be guide by the
12 counsel -- the teams that have been created.

13 Now, I am aware also that throughout these
14 proceedings, particularly in the casino sector,
15 commission's lawyers have asked witnesses about
16 my client and about E-Pirate. So, for example,
17 November the 4th, Ms. Latimer asked
18 Mr. Tottenham about the E-Pirate investigation
19 and AML unit and Mr. Jin and cash and the
20 resourcing of E-Pirate, and again on
21 November 5th. On November the 10th Mr. McFee
22 asked Mr. Tottenham about E-Pirate. On
23 November the 12th Ms. Latimer asked Mr. Vander
24 Graaf about Mr. Jin and organized crime.

25 Now, I'm also cognizant and aware that --

1 and acknowledge that your ruling of --
2 number 26, Mr. Commissioner. And at
3 paragraph 44 you indicated that the -- Mr. Jin
4 did not advance an argument about actual
5 unfairness. And at paragraph 55 the commission
6 indicated Mr. Jin has been linked to alleged
7 money laundering through media reports and the
8 testimony of numerous witnesses.

9 At paragraph 56 in ruling number 26,
10 Mr. Commissioner wrote "the Commission would be
11 abdicating its responsibilities" if it did not
12 consider and receive evidence of Mr. Jin's
13 involvement in alleged money laundering
14 activity.

15 And at paragraph 64, referring to the *Krever*
16 case in the Supreme Court of Canada, the ruling
17 indicated what is -- that there could be
18 findings of misconduct.

19 MR. MARTLAND: It's terribly bad form to interrupt
20 counsel, and I don't want to add to the list of
21 unfairness issues that are being identified.
22 I've been passed a note, though, that we have a
23 technical difficulty. Apparently the commission
24 website is not working, and I think that might
25 mean that we're speaking on the Zoom call to

1 those here, but I think there's at least a few
2 participants and maybe some others who usually
3 watch through the livestream. So our IT
4 coordinators asked if we might stand down.

5 I do apologize because it's terribly bad
6 form to interrupt learned counsel, as I just
7 did.

8 MR. DELBIGIO: Thank you, Mr. Martland. And I --
9 thank you very much. I will stop talking.

10 MR. MARTLAND: Well, I'm sorry to do that. And maybe
11 if we -- and it may be best to suggest
12 10 minutes, anticipating it may take a bit of
13 time or at least until we're ready to start,
14 please.

15 THE COMMISSIONER: All right. Well, we'll take
16 10 minutes, and if we're able to fix the issue
17 within that time, we'll resume then. If not,
18 we'll take what additional time we require. All
19 right. Thank you.

20 THE REGISTRAR: This hearing is stood down for
21 10 minutes.

22 **(PROCEEDINGS ADJOURNED AT 9:34 A.M.)**

23 **(PROCEEDINGS RECONVENED AT 9:45 A.M.)**

24 THE REGISTRAR: Thank you for waiting. The hearing
25 is resumed. Mr. Commissioner.

1 THE COMMISSIONER: Yes. Thank you, Madam Registrar.
2 And just for the benefit of those who were
3 unable to connect earlier, prior to calling the
4 next witness, Mr. DelBigio has asked to address
5 me on behalf of his client Mr. Jin, and we were
6 in the process of that at this point.

7 Yes, Mr. DelBigio.

8 MR. DELBIGIO: Thank you, Mr. Commissioner.
9 Finally -- and Mr. Commissioner, just before
10 that break I was referring to the commission's
11 ruling number 26. And at paragraph 70 the
12 ruling states that inquiry into Mr. Jin gives
13 the commission a window into the methods and
14 techniques of money laundering.

15 But what also needs to be taken into account
16 by way of context, as I express my concern about
17 this witness, is the term of reference number 3,
18 which guides this commission. And that is that
19 if the Commissioner has reasonable grounds to
20 believe that any information obtained during the
21 inquiry may be useful in the investigation or
22 prosecution of an offence under the *Criminal*
23 *Code*, the commission must forward that
24 information to the appropriate authorities.

25 And so the context in which witnesses are

1 being -- summons are being issued,
2 investigations are being conducted, interviews
3 are being conducted is both the terms of
4 reference, which includes this mandatory term of
5 the -- that it must -- information must be
6 forwarded, but also this inquiry into Mr. Jin
7 and money laundering.

8 My concern is that the affidavit that I
9 anticipate this witness is going to put forward
10 is from civil forfeiture proceedings which are
11 still before the court. This commission has
12 heard from Mr. Tawtel the ways in which the
13 Civil Forfeiture Office receives information
14 from the police and uses that information in
15 order to advance the objectives of the Civil
16 Forfeiture Office, and Mr. Tawtel addressed this
17 commission with respect to the importance that
18 he attaches to his task.

19 The affidavit refers to the E-Pirate
20 investigative materials, some of them. I don't
21 know what information the commission is aware of
22 from investigations, and I don't know if or what
23 information the commission might send to the
24 police through the operation of term number 3.
25 My concern is that the commission lawyers have

1 information that I don't have.

2 I was advised that the commission has
3 received the E-Pirate report and the E-National
4 reports to Crown, but they were received on
5 undertakings and that I don't have access to
6 them. I don't know who required an undertaking
7 or who provided the reports to the commission or
8 why an undertaking was given, but I have asked
9 for and I do not have those reports, even though
10 the context is very clearly that E-Pirate is
11 relevant to this commission, Mr. Jin is relevant
12 to this commission and Mr. Jin's commission --
13 connection to E-Pirate is relevant to this
14 commission. Mr. Commissioner's lawyers have
15 made that very clear. Mr. Paul Jin is in the
16 cross hairs, if you will.

17 So in that way my concern is about the
18 ability for me to fully conduct a
19 cross-examination of this witness. My concern
20 is about my ability to provide another point of
21 view. And this commission has seen lawyers such
22 as Mr. Smart, Mr. Butcher and others skillfully
23 use documents at their disposal to offer a
24 different perspective.

25 Because of -- and we will be hearing, I

1 anticipate, through this witness about E-Pirate
2 and about Mr. Jin, and all I have is an
3 affidavit which is still before the courts. It
4 includes a witness statement from client which
5 has not been -- the admissibility of which has
6 not yet been adjudicated upon. And there's the
7 concern -- there's always an ongoing concern
8 with -- about term number 3. Information must
9 be referred to the police.

10 Now, Mr. Commissioner, I'm further guided
11 by the Attorney General's remarks that on a
12 November 29th, 2018, when E-Pirate was stayed,
13 the Attorney General said there's an urgent need
14 to find out what happened. And on the 25th of
15 February 2020 the Attorney General said:

16 "Prosecutions and arrests are simply not
17 happening to the degree and scope of the
18 problem. This is a public inquiry into
19 criminal activity."

20 I will attempt -- and indeed, then, it was the
21 Attorney General or the government that included
22 the terms of reference which are provided to
23 you, Mr. Commissioner.

24 I will attempt to conduct a
25 cross-examination with the information that I

1 inquiry into money laundering in the Province of
2 British Columbia. It's not an inquiry where the
3 terms of reference name Mr. Jin. It's not an
4 inquiry focusing on Mr. Jin per se. It is
5 rather a focus on a breadth of many issues that
6 include the responsive agencies to information
7 about activities that they had. So to the
8 extent there's money moving through casinos and
9 onwards, et cetera, that's a topic that may or
10 may not engage Mr. Jin, but the response of the
11 agencies is clearly part of the mandate that the
12 commission is looking at.

13 The commission, as with any commission of
14 inquiry, doesn't make findings of criminal fault
15 or civil liability or for that matter adjudicate
16 an in rem proceeding against property. The
17 E-Pirate case is a case that's been prominent in
18 the public discourse around money laundering in
19 the province and would seem to have an obvious
20 relevant and potentially the facts of the
21 investigation.

22 And we have this affidavit, it's an
23 affidavit that an understand is publicly
24 available, the affidavit we're leading today,
25 which we expect the evidence, which will track

1 what's in the affidavit, will offer useful
2 insights about what is understood or alleged to
3 be some of the typologies involved in money
4 laundering. The evidence may offer useful
5 insights about how these investigations go: are
6 they big or small, easy or hard, simple or
7 complex. The evidence may give some basis to
8 think about the interplay between the criminal,
9 police investigations prosecution side of the
10 equation. And on the other hand the civil
11 forfeiture or other responses and avenues.

12 There is a flexibility to our process
13 that's set out in section 14 of the *Public*
14 *Inquiry Act*. And I haven't heard the complaint
15 to be that the evidence today can't be received,
16 but rather, as I hear it, that the main
17 complaint -- and I took Mr. DelBigio at the end
18 of the submission effectively to ask to have the
19 complaints and the concerns noted. I'll say
20 that from commission counsel's point of view we
21 have absolutely noted those concerns and will be
22 mindful of them.

23 Mr. DelBigio is, I appreciate, in a difficult
24 position. There's no question he's highly
25 regarded senior counsel and there's no

1 suggestion that he's done anything that's fallen
2 short in any respect, but his client has not
3 fulfilled some of the duties on him as a
4 participant, including describing and
5 identifying the types of documents. Much short
6 of providing documents, identifying the sorts of
7 documents he has. That's a basic requirement
8 for all participants. And so to the extent that
9 we're in a situation where Mr. DelBigio doesn't
10 have full access to materials, some of that
11 arises for that reason, which in no sense is a
12 criticism of him as counsel.

13 But with that said, the evidence today
14 really stems from the corporal's affidavit,
15 which was filed in court. I believe the date
16 stamp is August of 2020. It's been circulated
17 to all participants on February that 8th. That
18 includes Mr. DelBigio and Mr. Jin, and that's
19 the evidence we're leading. Further questions
20 about background materials or the E-Pirate
21 Report to Crown, et cetera, is not part of what
22 any of the participants have unless they have it
23 through some other means. That -- for whatever
24 it's worth, that includes me as the lawyer
25 leading the evidence. I don't -- haven't read

1 that myself, although I think Mr. DelBigio's
2 right to say that there are some commission
3 lawyers who have received that on undertakings.

4 So I don't -- all of that is to say I hear
5 it to be a situation where a whole series of
6 concerns have been articulated and noted, but I
7 don't hear at the end of that a particular
8 application or request or suggestion or anything
9 that would need to stop us from moving into the
10 evidence at this juncture.

11 THE COMMISSIONER: All right. Mr. DelBigio?

12 MR. DELBIGIO: Yes. Thank you. Mr. Commissioner, I
13 wish to express the concerns that I did at the
14 outset and really what I'm going to then do
15 is -- because I don't know precisely the
16 evidence that is going to be led, but I might
17 raise further concerns and more particular
18 concerns depending upon how the day unfolds.
19 Thank you.

20 THE COMMISSIONER: All right. Thank you,
21 Mr. DelBigio. I think, then, what the prudent
22 thing to do is simply proceed and deal with any
23 issues that may arise during the course of the
24 day when and if those issues do arise.

25 Yes, Mr. Martland

1 MR. MARTLAND: Thank you, Mr. Commissioner. We have
2 RCMP Corporal Melvin Chizawsky testifying.

3 **MELVIN CHIZAWSKY, a**
4 **witness called for the**
5 **commission, sworn.**

6 THE REGISTRAR: Please state your full name and spell
7 your first name and last name for the record.

8 THE WITNESS: My name is Melvin Chizawsky. Chizawsky
9 is spelled C-h-i-z-a-w-s-k-y, first name Melvin,
10 M-e-l-v-i-n.

11 THE REGISTRAR: Thank you.

12 MR. MARTLAND: Mr. Commissioner, just as we begin. I
13 think there's a slight echo. It may be that
14 another lawyer -- because I know Mr. -- Corporal
15 Chizawsky is at the Department of Justice
16 offices in Vancouver. So if there's another
17 person in that room who has their mic on, if
18 they could please mute it, and then we'll just
19 have the one mic and hopefully that avoids the
20 echo. Thank you.

21 **EXAMINATION BY MR. MARTLAND:**

22 Q Corporal, you serve with the Royal Canadian
23 Mounted Police. Your rank is obviously
24 corporal. And in particular you serve with
25 FSOC, which refers to the Federal Serious and

1 Organized Crime Section; is that correct, sir?

2 A Yes, it is.

3 Q All right. And do you work -- I take it you
4 work at the "E" Division headquarters. Is that
5 in Surrey at the Green Timbers address?

6 A It is.

7 Q You've served as a member since 1990?

8 A I have, yes.

9 MR. MARTLAND: All right. Madam Registrar, the one
10 document that I expect I'll be referring to
11 through today, I'll call it the affidavit. And
12 if we could please have that displayed on the
13 screen.

14 Q Corporal, you'll recognize this to be an
15 affidavit that you swore. We see in the top of
16 it sworn on February 4th of 2021. And indeed
17 the style of cause or at least the heading
18 indicates "Commission of Inquiring Into Money
19 Laundering" in relation to this proceeding; is
20 that correct?

21 A That's correct.

22 MR. MARTLAND: All right. Mr. Commissioner, I'll ask
23 that be marked as the next exhibit.

24 THE COMMISSIONER: Very well. That will be 663,
25 Madam Registrar?

1 THE REGISTRAR: Yes, exhibit 663.

2 THE COMMISSIONER: Thank you.

3 **EXHIBIT 663: Affidavit of Corporal Melvin**
4 **Chizawsky sworn February 4, 2021**

5 MR. MARTLAND:

6 Q And the affidavit is admirably short and
7 succinct. We can see there in the second
8 paragraph that you refer to being an affiant in
9 a BC Supreme Court action, and you refer to
10 having made an affidavit in that proceeding on
11 February 28th of 2020, and in turn that
12 affidavit from the Supreme Court proceeding is
13 attached as exhibit A to this one-page
14 affidavit. Do I have that about right?

15 A That's correct.

16 Q Okay. And then you go on to say you adopt the
17 statements you make in that affidavit. That's
18 accurate?

19 A That is correct.

20 MR. MARTLAND: Okay. So let's flip to page 2,
21 please, Madam Registrar.

22 Q And here we see this affidavit, and I'll be
23 referring to this I expect as the affidavit in
24 eliciting your evidence today. Maybe if we
25 could go a little bit up on the screen display,

1 and we see there at the top the stamp showing
2 it's exhibit A to the February of 2021
3 affidavit. There's a court stamp on the left
4 side indicating August of 2020, and then on the
5 right side of the affidavit under your name 28th
6 of February 2020. Is that right?

7 A That's correct, yes.

8 Q Okay. And then this affidavit, just so we know
9 in terms of what these documents are, you see
10 under -- the centred title to it refers to
11 "civil forfeiture action in rem against" and
12 then a list of a number of items of property.

13 A Yes.

14 Q Okay. And then later -- lower down it indicates
15 "between the Director of Civil Forfeiture" as
16 plaintiff, and then as defendants "owners and
17 others interested in" and then listing off a
18 number of these properties, some of these being
19 real properties, condominiums or what have you,
20 and others being items, whether that's currency,
21 money that was seized or other personal property?

22 A Yes.

23 MR. MARTLAND: Okay. So now that we have sort of
24 situated what this affidavit is, Madam
25 Registrar, if we would please go to -- it should

1 be page 44 of the PDF.

2 Q And you'll recognize that as being your CV,
3 Corporal Chizawsky; is that right?

4 A It is my CV, yes.

5 Q Okay. And so I'll leave that on display and ask
6 a few questions about your background. We see
7 there reference to FSOC, Federal Serious
8 Organized Crime, with the Financial Integrity
9 Investigations Branch from 2015 to present.
10 That's accurate?

11 A That is accurate, yes.

12 Q Okay. And it then identifies some of the work
13 you've done, including as affidavit writer for
14 search warrants, production orders and field
15 investigator, listing off some other duties
16 there.

17 A Yes.

18 Q Prior to that CFSEU, the Combined Forces Special
19 Enforcement Unit of British Columbia, dealing
20 with proceeds of crime investigations and the
21 note there is that the run of time is 2006
22 through to 2015 with CFSEU?

23 A Yes.

24 Q Was some part of that with the IPOC, the
25 Integrated Proceeds of Crime Unit?

1 A I did not work with the Integrated Proceeds of
2 Crime Unit. I was seconded to the Federal
3 Serious Organized Crime Unit back in
4 September 11th, 2015.

5 Q Okay. And during the course of your work with
6 CFSEU you were doing proceeds of crime
7 investigations work, including, I take it,
8 investigations as well as affidavit-focused
9 work; is that fair?

10 A That is correct, yes.

11 Q We see below that CFSEU quick response
12 investigations from '04 to '06, field
13 investigator for drug investigations?

14 A Yes.

15 Q And below that with the Langley RCMP detachment
16 from '91 through to 2004 in a range of different
17 positions.

18 A Yes.

19 MR. MARTLAND: And if we flip over one page, please,
20 Madam Registrar, I won't review all of these,
21 but we have a list of professional education
22 within RCMP that you've completed, courses on
23 financial crime, production orders, search
24 warrant drafting, human source management and
25 money laundering, among other things?

1 A That's correct, yes.

2 MR. MARTLAND: If we go back, please, to PDF page 3,
3 Madam Registrar.

4 Q And we see here under "affiant experience" this
5 is in the civil forfeiture affidavit where
6 you've summarized your background with the RCMP.
7 Paragraph 3, if we look at that:

8 "The FSOC section I am attached to is a
9 specialized unit dedicated full-time with
10 a mandate to investigate organized crime
11 groups involved in international money
12 laundering and international drug
13 trafficking activities."

14 And you go on to say that you've been involved
15 directly or indirectly in 21 large scale 6 to
16 12-month long investigations dealing with
17 trafficking, money laundering and proceeds.
18 That's an accurate description of your
19 background?

20 A It is.

21 Q Okay. Now, before we move into reviewing the
22 evidence that you've set out in the affidavit
23 today, just to situate this, as I read from the
24 start the affidavit that we have on screen is
25 the affidavit in a civil forfeiture action, an

1 action against property; is that right?

2 A That's correct.

3 Q Okay. What is the status, to your knowledge, of
4 that action?

5 A As far as I know, it's still before the
6 BC Supreme Court. And my last update was from
7 the Director of Civil Forfeiture that they are
8 having meetings, and that's it. So I'm not sure
9 where it is --

10 Q Okay. It remains underway or outstanding at
11 this point.

12 A That's correct, yes.

13 Q At least to your understanding.

14 A Yes.

15 Q All right. With respect to any criminal
16 charges, because some of this involved an
17 investigation, I know you summarized this at the
18 very end of your affidavit, but could you please
19 tell the Commissioner about whether there were
20 criminal charges that arose from the
21 investigation and then basically what occurred
22 with them.

23 A With respect to project E-Pirate, there were two
24 people and one company charged with criminal
25 offences. In respect to Mr. Jin as a result of

1 a stay of proceedings that happened in November
2 2018, those criminal charges or recommendations
3 for criminal charges were not considered and the
4 file was stayed at that point.

5 Q Okay. So a stay of proceedings meaning that it
6 didn't proceed to a trial or conviction or
7 anything like that? Is that your understanding?

8 A That is my understanding, yes.

9 Q All right. What I'd like to start by asking
10 about, corporal, is your -- if you could maybe
11 at a high level give a sense of your involvement
12 personally in the E-Pirate investigation as to
13 when you first became involved and then through
14 the course of your involvement, if you wore
15 different hats, what roles or hats did you wear.

16 A Back in September of 2015 I was seconded from
17 CFSEU to the FSOC Unit to be part of the large
18 money laundering investigation that had just
19 assumed the name of Project E-Pirate. So I came
20 over as an investigator and my job at that time
21 was to be assigned a variety of investigational
22 tasks by the primary investigator and make my
23 reports directly to them. And they would take
24 those reports and then use that information to
25 advance the investigation.

1 So about four weeks later I was involved in
2 a large-scale search warrant that had taken
3 place in the city of Richmond where at least
4 10 search warrants were executed. And I was
5 assigned as exhibit officer at one particular
6 search site, a money service business called
7 Silver International Investment Limited. So on
8 that particular day I was part of a team of
9 investigators, and I was the primary exhibit
10 officer to seize the exhibits from that
11 particular business that were listed on the
12 search warrants and take them in as part of our
13 evidence gathering process.

14 After that I was involved in the search of
15 vehicles about two weeks later looking for
16 further evidence that -- to substantiate the
17 allegations of money laundering and proceeds of
18 crime against the named individuals that were on
19 the search warrants.

20 Over the next few months one of my roles I
21 had been assigned was to go through the
22 exhibits, sort them -- sort the exhibits and
23 identify which exhibits or documents or things
24 that could be attached as evidence. And a lot
25 have them had been lodged into our exhibit

1 E-Pirate. So I wasn't specifically involved in
2 the Mr. Jin investigation at all. I was
3 involved in another portion of an investigation
4 involving another subject that had surfaced in
5 the Kelowna area of the province where charges
6 were eventually laid of drug trafficking.

7 From the project -- from our perspective
8 what I did was I gathered the evidence of his
9 involvement in our file and his interactions
10 with the money service business. And what he
11 was doing with the operator of that business and
12 the totality of the moneys that we could see
13 from the ledgers that were seized as to the
14 amount of money he had obtained for his use and
15 his role in that other file.

16 Q All right. And then with respect to the sort of
17 carrying on to this affidavit is February of
18 2020. As time marches on do you continue in the
19 same capacity or does the nature of your
20 involvement shift over time?

21 A As -- well, as I sort of complete that
22 investigation into the other subject that was --
23 we had under investigation, the primary
24 investigator on this particular file, Sergeant
25 Melanie Paddon, had indicated that she was going

1 to retirement. And she actually did retire, and
2 I was one of the last -- I'm going to say
3 survivors of project E-Pirate, so I was assigned
4 as the lead investigation, the third lead
5 investigator for this particular file.

6 By the time that this happened the Reports
7 to Crown had been written and had been disclosed
8 to the provincial prosecutor or the federal
9 prosecutor. And so at that point my job was to
10 sort of make sure that these things were
11 disclosed to the right people at the right
12 times.

13 Q Okay. You mentioned three -- you were the third
14 primary investigator. Was Melanie Paddon one of
15 the first two?

16 A She was the one that led the financial
17 investigation.

18 Q Okay.

19 A Project E-Pirate.

20 Q All right.

21 A And then the first one was Sergeant Glen Atkins.

22 Q Glen Adkins or Atkins?

23 A Atkins. That's A-t-k-i-n-s.

24 Q Thank you.

25 A He was the group 6 team leader that led the

1 investigation from early 2015 until about
2 September -- or actually October 2015 where his
3 team of investigators were taking a look at the
4 money service business and the people attending
5 it.

6 Q Okay. We will spend a little time going over
7 what you have in the affidavit, but I wonder if
8 you could give us a high-level overview of
9 what -- the conduct that the investigation
10 uncovered. How would you describe in a general
11 way what that conduct was? What was going on
12 here?

13 A Well, as a result of a complaint from the
14 British Columbia Lottery Corporation about one
15 particular individual attending at or near
16 casinos, River Rock Casinos and others within
17 the Lower Mainland, they were very concerned
18 about this person's ability to have access to
19 large sums of money to gamblers who were then
20 subsequently attending the inside of the casino
21 and depositing that money and making it
22 available for play within the system.

23 So the task of the group 6 led by Sergeant
24 Glen Atkins was to, like, monitor the activities
25 of the identified person and to see what his

1 ability is or lifestyle was to obtain these
2 large sums of money to try to identify, you
3 know, the sourcing of the money and how he's
4 disbursing it to various people, mainly the
5 gamblers.

6 So this is where Mr. Paul Jin comes into
7 play was he was the subject of that complaint
8 and that team focused on his lifestyle, and
9 Mr. Jin led them to the money service business
10 that became the subject of this investigation.

11 Q Okay. You referred to Project E-Pirate, and I'd
12 just like to slow down and be a literary critic
13 for a nanosecond here. To break that down into
14 three parts, first of all, in general terms what
15 is a project within the RCMP? What does it mean
16 for something to be a project or not?

17 A A project involves multiple units, multiple
18 levels of investigational techniques. It
19 involves many people or many units, surveillance
20 units, investigative units, analytical units.
21 It will involve -- a command triangle is the
22 term that we use for major case management. So
23 it will have a monitoring officer; it will have
24 a team leader; it will have an affiant
25 identified; it will have a file coordinator

1 identified. And that team of people generate
2 the speed, flow and direction of a file, and
3 that's based on the information that's gathered
4 from the investigators from the field.

5 They will also dictate a lot of the tasking
6 that goes out for the gathering of information
7 to gather the evidence as required to
8 substantiate the belief that something is
9 happening. So really a project is a large
10 number of investigators using multiple resources
11 and multiple techniques to gather information.
12 And that's surveillance, undercover. Part 6
13 informations or wiretap investigations is a
14 common term.

15 Q All right. This is well up the ladder from the
16 shoplifting at the 7-Eleven.

17 A Yes.

18 Q This is a serious investigation.

19 A Yes. It's far removed from your front-line
20 police officers who deal with, let's say,
21 domestic investigations or motor vehicle
22 accidents or things that they can handle either
23 by themselves or with the cooperation of one or
24 two other officers.

25 Q And dealing with project E-Pirate, was the

1 A In this particular case its by chance.

2 Q All right. You don't have actual boat pirates?

3 A No, not at all.

4 Q Okay. So that's very useful. Let me -- again,
5 to get a sense -- appreciating this is simply
6 from your understanding as you came into the
7 team working on project E-Pirate, who did you
8 understand to be the driving forces behind this
9 investigation and this project and all of the
10 work that ultimately was put into it?

11 A When I first joined the team, Sergeant Melanie
12 Paddon was the lead investigator for the
13 financial investigative side. And then the
14 other component of the file was Sergeant Glen
15 Atkins and his team of investigators generating
16 the field investigative work with their contact
17 with BCLC, with their surveillance observations
18 and the work that they were doing to strengthen
19 the financial side of the house.

20 MR. MARTLAND: Okay. Madam Registrar, if we could
21 please bring up the affidavit again, and I'll go
22 to PDF page -- why don't I go to page 3 where I
23 was the last time, please.

24 Q Corporal, as I do this, I will have some parts
25 where I'm a little slower, other parts where I'm

1 fairly quick flipping through pages. If there's
2 something you'd like to address or refer us to,
3 you can absolutely request that the registrar
4 display a particular page if that's at all
5 useful to you, sir.

6 A Okay.

7 Q You'll see just in terms of the heading that we
8 see on the page here, there's a subheading of
9 "Affiant Experience." We've reviewed a little
10 bit of that. If we go over to the next page,
11 please, doing this fairly quickly, you make
12 reference at the top to your belief, drawing on
13 training and experience as an officer, that drug
14 trafficking is generally a cash-based business.
15 And you make reference to it not being unusual
16 that there might be large quantities of currency
17 that are not sort of processed until the way a
18 bank might process, not grouped in bundles of a
19 hundred bills of the same denomination, not
20 faced in the same direction, not securely
21 wrapped with white paper bands?

22 A That's correct.

23 Q All right. When you draw a contrast to, say,
24 we're seeing -- at least in your experience in
25 drug trafficking situations seeing money that's

1 not held in the conventional way, what is your
2 basis for saying that's the conventional way of
3 storing or handling large amounts of currency?

4 A I've been involved -- I've been involved in
5 obtaining large sums of money, like 200,000,
6 \$300,000, \$400,000 from chartered banks for use
7 of police operations, and the way they give us
8 the money is very coordinated and organized.
9 And they use a money wrapper, paper wrap which
10 each paper wrap has 100 bills of the same
11 denomination and they're easy to count and
12 they're -- from a perspective of a customer, I
13 can easily determine the value of the totality
14 of the bundles of money coming to me.

15 Q Okay.

16 A Yep.

17 Q You're drawing on -- I take it those are let's
18 say an undercover project or what might be
19 called the controlled delivery, something like
20 that, where there's money being authorized to be
21 used for the police investigation?

22 A That is correct.

23 Q Have you also had training from, let's say, the
24 Bank of Canada or any other sources?

25 A Yeah, I've attended Bank of Canada training

1 where they talk about, you know, how they secure
2 money, how they teach their large money
3 operators like casinos how to properly bundle
4 the money for reception by a financial
5 institution. And I was given training materials
6 so I could reference in my experience as well.

7 Q All right. Paragraph 7 of the affidavit on
8 screen we see, again drawing on your experience
9 and training, your belief is it's not uncommon
10 for \$20 bill denominations to account for the
11 majority of drug funds seized or observed by
12 police officers?

13 A Yeah, that's correct. Largely -- in a lot of
14 the investigations I've been involved in where
15 money has been seized, the majority of the bills
16 are \$20 bills and less so 50s and even less so
17 100s. But the majority being all 20s.

18 Q Okay. And in terms of the amount -- some of the
19 volume or amount of dollars, dollar bills,
20 \$20 bills, what have you that you see people
21 holding in some of these investigations, how
22 does that differ in your experience from
23 everyday citizens and the extent to which
24 they're holding large amounts of currency?

25 A Well, I just think about myself and all my

1 colleagues and all my friends that I interact
2 with, it's very rare for anybody to have more
3 than, let's say, \$100 in their wallets. Most of
4 us are cashless and we use a lot of electronic
5 funds or electronic devices, debit cards, to do
6 the majority of our transactions. And then with
7 respect to the people I have under investigation
8 for drug trafficking, I find the opposite is
9 true, that they deal a lot in cash business in
10 terms of the cash on hand for themselves and
11 also using cash as their transactions for either
12 the buying of drugs or maybe even being paid for
13 the sale of their drugs. And I'm doing this
14 from a drug trafficking perspective.

15 MR. MARTLAND: All right. Madam Registrar, if we
16 could go to page 8 of the PDF, please, which is
17 page 7 of the civil forfeiture affidavit.

18 Q You make reference here to the affidavit being
19 made in relation to, and then you list off a
20 number of things and used what lawyers call
21 "defined terms" in quotations and capitalized
22 letters. And the first of those is Jones Road
23 property in Richmond, the second the Chelsea
24 Court property in West Vancouver, and then,
25 third, a little over \$4.8 million in currency.

1 Do I have that right?

2 A That's correct.

3 Q Okay. And then below that we see there's a
4 little more detail in terms of -- it's not all
5 Canadian currency, although you note there that
6 the majority of the Canadian -- the 4.3 million
7 Canadian in the first bullet is \$20 bills?

8 A Yes.

9 Q But also some other currencies and then obtained
10 from a number of locations that we see there.

11 A Yes.

12 Q And that continues onto the next page. And for
13 a little excitement under (d) we see a Porsche
14 911 is the vehicle, casino chips and a number of
15 personal property items?

16 A Yes.

17 Q You reference to the defendant Paul King Jin at
18 paragraph 23 with an address, I take it, in
19 Richmond.

20 A That is, yes, a condo apartment in Richmond.

21 Q And then what continues -- and in addition to
22 that there were a number of other names that are
23 in the police report as people that were
24 involved in some capacity or at least their
25 names came about in the course of this

1 investigation.

2 A Yes.

3 Q If we go over, please, to PDF page 10. At the
4 bottom of that page reading paragraph 32 just to
5 touch on it, reference to Mr. Jin having a
6 criminal record but not --

7 MR. MARTLAND: We're getting a little background
8 noise. And I was pausing to see if it was an
9 objection, Mr. Commissioner, but I shouldn't be
10 jumpy, I guess.

11 Q Paragraph 32 we see reference to a criminal
12 record involving assault and sexual assault, but
13 I take it not a record that included financial
14 or fraud-type offences?

15 A Mr. Martland, we have a fire alarm going off
16 right now.

17 MR. MARTLAND: Well, we're not going to keep you
18 through that. Let's stand down.

19 Mr. Commissioner, why don't we take the
20 morning break, and we'll simply see where we
21 stand after that.

22 THE COMMISSIONER: 15 minutes, then. Thank you.

23 THE REGISTRAR: This hearing is adjourned for a
24 15-minute recess until 10:45 a.m.

25 **(WITNESS STOOD DOWN)**

1 **(PROCEEDINGS ADJOURNED AT 10:29 A.M.)**

2 **(PROCEEDINGS RECONVENED AT 10:44 A.M.)**

3 THE REGISTRAR: Thank you for waiting. The hearing
4 is resumed. Mr. Commissioner.

5 THE COMMISSIONER: Thank you, Madam Registrar.

6 **MELVIN CHIZAWSKY, a**
7 **witness for the**
8 **commission, recalled.**

9 THE COMMISSIONER: Yes, Mr. Martland.

10 MR. MARTLAND: Thank you, Mr. Commissioner.

11 **EXAMINATION BY MR. MARTLAND (continuing):**

12 Q Corporal, we -- I was asking you some questions
13 using the affidavit and I'll continue to work my
14 way through that. Why don't I go a little bit
15 down to the bottom of the page on display there.
16 Paragraph 33 you see there's a heading just
17 above it, "The Investigation E-Pirate," and then
18 reference to receiving a report.

19 First of all, just to summarize it, in 2012
20 that Mr. Jin had been banned by BCL -- or been
21 banned, rather, from all BC gaming
22 establishments due to large suspicious currency
23 transactions. And that's information that the
24 police obtained -- or at least learned of from a
25 letter from BCLC, the lottery corporation?

- 1 A I'm having trouble hearing you.
- 2 Q Oh, sorry.
- 3 A I have to go to the headset.
- 4 Q Well, it was a very bad question, so that gives
5 me a chance to try and make it a little more
6 comprehensible. Corporal, I'll keep speaking,
7 and once you can hear me clearly, just let me
8 know that. Is it any better now?
- 9 A Mr. Martland, can you just talk a few seconds.
- 10 Q Yes. Certainly I will. Where I'm at is --
- 11 A We're going to try a different headset for me.
- 12 MR. MARTLAND: Sure. All right. Mr. Commissioner,
13 in the interest of giving an audio feed so the
14 witness can fix his headset and maybe for your
15 and everyone's benefit, I'll be working my way
16 through this affidavit.
- 17 THE WITNESS: That's better.
- 18 MR. MARTLAND:
- 19 Q Is that better? Can you hear me okay?
- 20 A Oh, yeah, that's a lot better. The laptop
21 speaker here was less than substandard.
- 22 Q All right. I'm glad we're afoot, then. That's
23 great.
- 24 A Yes.
- 25 Q So I'm looking at the description that's here at

1 paragraph 33.

2 A Yes.

3 Q And there's a reference to the RCMP, I take it,
4 through a letter from BCLC, the lottery
5 corporation, learning about Mr. Jin having been
6 banned first for one year and after that for a
7 five-year period from BC casinos.

8 A Yes.

9 Q Is that right?

10 A That's correct.

11 Q Okay. And then that he'd been identified as
12 being involved in cash deliveries to high-stake
13 gamblers at casinos. Do you see that near the
14 near the bottom of that page?

15 A I do, yes.

16 Q And then reference again to -- at the bottom of
17 the page between 2012 and 2015 140 casino
18 transactions totalling \$23.5 million, at least
19 according to this report, involved Mr. Jin and
20 associates?

21 A Yes.

22 Q What was your understanding of where that number
23 came from or what the source of that information
24 was?

25 A The source of that information comes from BCLC

1 submitting their Suspicious Transaction Reports
2 directly to FINTRAC and also they carbon copied
3 the IPOC unit of the day.

4 Q Okay.

5 A If not, the federal policing unit.

6 Q Okay. And then we have actually marked as --
7 you've marked as an exhibit to your affidavit a
8 copy of that BCLC letter. I don't think I need
9 to go to it, but that's included within the
10 materials here?

11 A Yes, it is.

12 Q Okay. And then you've got reference at
13 paragraph 34 to starting the investigation.
14 FSOC starts the investigation into Mr. Jin's
15 involvement in laundering proceeds of crime and
16 loan sharking named E-Pirate?

17 A Yes.

18 Q And what do you take the term "loan sharking" to
19 mean? How are you using that term?

20 A Loan sharking is a general definition of a
21 person who supplies money namely to people who
22 are addicted to gambling and they borrow money
23 from the person supplying them the money, and
24 the interest rates normally attributed to the
25 loan is substantially higher rates than they

1 could get anywhere else. So the "loan shark" is
2 a term that's defined in the gambling industry
3 where basically a gambler borrows money from a
4 person who has access to money. And then they
5 agree upon themselves between the person
6 supplying the money and the person borrowing it
7 the agreed upon interest rate and of course a
8 defined period of time in which to repay the
9 money back to that person.

10 Q Okay.

11 A And -- yep.

12 Q Carry on.

13 A And normally that -- the interest rate, if
14 you -- from what I've been told by chartered
15 accountants is that if you take that interest
16 rate and you put it over a period of a year, it
17 would be well into probably the criminal
18 interest rate, more than 6 percent per annum.
19 However, that has -- when we know what the
20 interest rate is, then the chartered accountants
21 can do their -- they can do their mathematical
22 computations on what the actual criminal -- or
23 what the interest could be for one year.

24 Q All right. And you've described your
25 understanding about what the criminal interest

1 rate is. I won't take you into that area, but
2 let me return to paragraph 34. And you make
3 reference to in the course of E-Pirate
4 observations of Mr. Jin frequenting Silver
5 International at a place called the Pacific
6 Business Centre on Cooney Road in Richmond?

7 A Yes.

8 Q And then he -- and Ms. Wei is his wife; is that
9 right?

10 A Ms. Wei is his wife, yes.

11 Q And other individuals frequently arrived with
12 airline-style luggage and/or boxes and leave
13 with smaller boutique style bags or empty handed
14 out of the Silver International address. Is
15 that a summary really of observations?

16 A That would be the general overview of what the
17 investigators were seeing, yes.

18 Q Okay. And then paragraph 36, following up with
19 that:

20 "As a result of surveillance, a number of
21 individuals - including Mr. Jin and
22 Ms. Wei - were identified as being
23 customers of Silver International."

24 Observations about movement of cash, primarily
25 in suitcases, boutique bags, cardboard boxes.

1 And then often clients would pick up or drop off
2 money to the employees of Silver International
3 in the parkade.

4 A Yes.

5 Q All right. Paragraph 37, again summarizing, I
6 take it, Mr. Jin observed travelling between
7 Silver International and the Jones Road
8 property, the Water Cube, which operates as a
9 massage -- or operated as a massage parlour, and
10 5199 Brighthouse Way with suitcases, boxes and
11 bags.

12 A That's correct, yes.

13 Q And then at the bottom there. Based on
14 surveillance, investigators suspected Mr. Jin
15 had established a you be licensed gaming house
16 at an address on No. 4 Road, Richmond, which was
17 confirmed by the subsequent execution of a
18 search warrant in mid-October 2015?

19 A Yes.

20 Q All of that, I take it, is that a summary of
21 what follows in much greater detail in the
22 outline in this affidavit?

23 A That's correct. It's a general summary.

24 Q All right. Okay. I suppose this relates to the
25 operation of an apparent casino-type facility.

1 On the next page, paragraph 39, there's some
2 certification letters from GPEB, the Gaming
3 Policy Enforcement Branch, to the effect that
4 neither Mr. Jin nor Ms. Wei have -- or have ever
5 been registered as service providers under the
6 *Gaming Control Act*?

7 A That's correct, yes.

8 Q Okay. And then what follows starting at
9 paragraph 40, the heading just above is
10 "Surveillance During the Investigation" and then
11 quite methodically paragraph by paragraph a
12 summary of observations of surveillance?

13 A That is correct, yes.

14 Q Could you explain to the Commissioner, please,
15 at a general level what -- how police
16 surveillance -- I don't need you to be to
17 professor here, but tell us about how the RCMP
18 surveillance program was used in this case and
19 how it operates in terms of who's doing what,
20 what the roles are and what kinds of reports or
21 observations are generated from it?

22 A For surveillance to happen on anybody there has
23 to be an indication by the primary investigator
24 that a person that they want to be put under
25 surveillance has to be under some criminal

1 activity or supported criminal activity. So
2 what will happen is the primary investigator
3 will inform the supervisor of the surveillance
4 team of the objectives of what has to be learned
5 on that particular day.

6 So, for example, it could be a person who
7 might be suspected of, let's say, transporting
8 drugs from location A to location B or maybe
9 transporting money from location A to
10 location B. And then the surveillance team,
11 their objective is to record all the relevant
12 observations that would sort of give evidentiary
13 value to the police that something criminal is
14 happening.

15 So as the team is gathered, they are
16 briefed by the team supervisor, sometimes called
17 the road boss on some reports, about the
18 objectives that are to be achieved by the entire
19 team. And there's always a start location of
20 where the observations are going to be commenced
21 and then there's an end location.

22 As the surveillance is happening throughout
23 the time period, if the person is identified,
24 they'll refer to him as a "target" just for
25 simplicity's sake. Instead of repeating his

1 name multiple times throughout the day, they'll
2 give him a target number like T1 or T2 versus
3 having -- like I said, having to repeat his
4 name.

5 Now, as this person, the target, you know,
6 departs from wherever he's starting from and
7 enters into a vehicle, they record the licence
8 plate of the vehicle that he is observed to be
9 driving or maybe he's going into as a passenger.
10 They also describe the driver of that vehicle,
11 and if they can identify the driver, he will be
12 given a name, and if the driver is not
13 identified, then he'll be identified as "unknown
14 male," which in the reports you'll see in quotes
15 as UM. And if it's a female, it's unknown
16 female or UF.

17 So as the person interacts with different
18 people throughout the day, the team will either
19 recognize the people that person is interacting
20 with and that person's name will be attached as
21 the target met Mr. Joe or Ms. Smith or it will
22 be unknown male number 1 or unknown male
23 number 2 or so forth.

24 The types of vehicles that are operated are
25 described both by licence plate and also by

1 description from ICBC's database as well.

2 Addresses that they attend for either short
3 period of time or long periods of time, the
4 address is recorded on the surveillance report.
5 And then a description of the place that they
6 were attended is also noted as well because that
7 could be important the day after or later on in
8 the investigation.

9 Q That's very useful. And to state the obvious,
10 the members, the team who are involved in the
11 surveillance team are surreptitious or hidden.
12 Whatever they're driving or wearing or moving
13 around, it's designed that they're not
14 identified as police officers?

15 A That's right. They're all driving unmarked
16 police vehicles and they're all in civilian
17 clothing to blend in with the background of the
18 day-to-day movement of people in the
19 neighbourhoods or commercial areas that they're
20 conducting their work in.

21 Q Okay. And then in terms of the reports that are
22 generated, I think we've got probably some
23 hundreds of pages of reports from the
24 surveillance that are appended to your
25 affidavit; is that right?

1 A That's correct.

2 Q And I don't need to go through them, but I think
3 they among other things they may include
4 individual members of the team, I suppose,
5 signing off with respect to some observation or
6 notes about a particular licence plate or
7 location or what have you?

8 A Yeah, that's right. So every observation that's
9 noted on the report has to be substantiated by a
10 member of the surveillance team that actually
11 saw that event happen. And not only do we have
12 to make sure it's accurate, but they also make
13 notes in their notebook that that's also what
14 they saw. It's sort of like a two-note system
15 here.

16 Q What happens generically when, to use the TV
17 language, the cover is blown. When the
18 police -- when the person who's a target or some
19 of the people clue in that this is the police
20 following them around?

21 A What happens in a case like that, as soon as the
22 team leader, surveillance supervisor realizes
23 that the target has identified them as police
24 officers, they will generally just break off the
25 surveillance.

1 Q Okay. In this case there's a long list of dates
2 about surveillance. Was there ever a moment
3 where the -- it was felt by the police that they
4 were identified or the person, any of the
5 targets realized they were under surveillance?

6 A Well, when I reviewed all the surveillance
7 reports I could not identify any notes to that
8 effect that the team had been identified as
9 conducting surveillance on the target, no.

10 Q Okay. If that were to occur, would it be your
11 expectation from other files that there would be
12 notes about that concern?

13 A Yes. What will happen is as soon as that's
14 identified by the team leader, they would make a
15 note in the attachment or on the sort of
16 surveillance report that they were identified
17 and then the surveillance was terminated at that
18 point.

19 Q Okay. I don't propose to spend a lot of time on
20 them, but just to maybe give an example, why
21 don't we use the one on screen, paragraph 40.
22 First of all, you start by saying:

23 "I am informed by reading a surveillance
24 report --"

25 And the date there is for August 16 of 2015.

1 Corporal, you were never out of as a driver or
2 foot or whatever they use as terms; you weren't
3 ever part of the surveillance?

4 A I was not part of the surveillance team during
5 this investigation. That was done primarily by
6 group 6 and that was Sergeant Glen Atkins' team
7 that generated the bulk of those reports.

8 Q So you're -- when you summarize this I take it
9 you're drawing on the reports that you've read
10 about what other officers observed?

11 A That's correct. I'm reading the report.

12 Q Okay. And then the observation here records
13 that Mr. Jin observed handling -- handling,
14 sorry, a boutique bag to a male, who's later
15 identified. And that male goes to the Edgewater
16 Casino and used the contents to conduct a
17 \$50,000 buy-in all in \$20 bills.

18 A Yes. Yes.

19 Q And then, as I say, the surveillance report is
20 appended as an exhibit to your affidavit.

21 A Yes.

22 Q Okay. And then just the next one, 41, we see
23 reference to large suitcases that are moved
24 between the Water Cube, Silver International, a
25 restaurant, the Jones Road property. That's

1 some flavour of the observations that day?

2 A Yes.

3 Q And we can sort of click on a few pages.

4 MR. MARTLAND: Madam Registrar, if you could scroll,
5 let's say, just sort of page by page to page --
6 if we can just go down about two more pages.

7 Q We just see as a registrar does this, witness,
8 you'll agree you see a list of dates with each
9 one being a summary of what the surveillance
10 report said about that day?

11 A That's correct, yes.

12 Q In general terms what kinds of observations were
13 made of relevance to the investigation from
14 surveillance?

15 A Well, most important in this particular
16 information was the fact that Mr. Jin was
17 attending a money service business. And then he
18 was always leaving the majority of time with
19 bags or suitcases when they were observing him,
20 and then attending the Jones Road property,
21 which was where his mom and dad lived. And then
22 attending the Water Cube or -- shortly after
23 attending the Jones Road property he would then
24 have smaller shopping bags, or boutique bags as
25 referenced in the surveillance report, and then

1 making drop offs to other individuals who then
2 took those bags and then went elsewhere.

3 Q And you make reference to him attending a money
4 service business. Which -- what money service
5 business are you referring to?

6 A The money service business that was under
7 investigation was Silver International
8 Investment Limited, on the third floor of the
9 tower.

10 Q Okay. I think I referred to something called
11 the Pacific Business Centre earlier. Is that
12 the location you're referring to?

13 A That is correct, yes.

14 Q In the course -- to your understanding about the
15 surveillance of Mr. Jin, were there observations
16 about him going to work in the conventional
17 sense of going to some place for a shift or what
18 have you?

19 A During the entire time of -- that he was under
20 surveillance, the members did not note any
21 office locations or physical work locations
22 where one would be -- sort of believe that he
23 was actually staying there for the day and
24 conducting some sort of work, no.

25 MR. MARTLAND: Okay. Madam Registrar, if we could go

1 to page 19 of the PDF, please. Thank you.

2 Q Corporal Chizawsky, under the first -- under --
3 just above paragraph 65 there's reference to the
4 search warrant executions. You described
5 earlier a whole series of warrants that were
6 timed to be done on the same date or close to
7 it?

8 A Yes.

9 Q And that's what's described there, paragraph 65
10 and onwards?

11 A That's correct, yes.

12 Q Okay. And going down a little bit, dealing
13 first with the search warrant execution at the
14 business location of Silver International on
15 October 15, 2015. Paragraph 66, if you have a
16 look there, there's reference in the second line
17 to a secure office, numerous ledgers, cellular
18 phones, original handwritten notes,
19 calculations. And then there's something
20 about -- with "XB" written in the top left.
21 Those have been defined as an XB notes. And
22 I'll maybe just ask you now, what is XB?

23 A At the time when we seized all these ledgers we
24 didn't have an understanding of what XB was
25 until later on when one of our investigators,

1 who's quite familiar in the Cantonese Mandarin
2 languages, and he's familiar with Mr. Jin, he
3 actually knew his nickname. And unfortunately
4 I'm going to -- I'm not going to really make a
5 good pronunciation of the Cantonese or Mandarin
6 language, but Xiao Bao. And I know I
7 mispronounced it, but as we investigated the
8 ledgers and we investigated CCTV and we put the
9 ledgers and the nickname and the notation
10 together, we knew with lots of confidence that
11 XB belonged to a specific person, and that
12 person we believed was Mr. Jin.

13 Q Okay. There's been reference to some money
14 that's taken or seized from the Silver
15 International address, over \$2 million in
16 Canadian currency?

17 A Yes.

18 Q Daily transaction documents or logs?

19 A Yes.

20 Q Paragraph 67, if we go down a little, please.
21 You've described previously serving as the
22 exhibit officer, and then reference to the
23 internal video security system or CCTV recording
24 the actions of employees and customers. And
25 then the description is about a two-week block

1 of time from September 29 to October 15?

2 A Yes.

3 Q From an investigative point of view was it
4 important and were there things learned from
5 having that video footage?

6 A It was actually very important that we had the
7 internal CCTV for that particular business. It
8 gives a huge understanding of how that business
9 was operated both from an employee perspective
10 and both from people visiting that office and
11 obtaining money from the various safes or the
12 two safes that were on site.

13 So in this particular case we had our people
14 of interest that were under investigation.
15 Mr. Jin was just one of those people, and what
16 we would do is correlate the activity that we
17 see inside the office and try and correspond it
18 to the ledgers that were used daily by the
19 employees.

20 Those ledgers were very important to us in
21 terms of the amount of money coming into Silver
22 International and the amount of money leaving
23 Silver International. And as a result of us
24 reviewing the CCTV, we could see that they were
25 basically two types of customers. There's one

1 customer -- one type is customer is your general
2 consumer that would come into the office, and
3 just like any other money service business
4 that's registered and doing things in compliance
5 with FINTRAC regulations. They would properly
6 identify themselves using a driver's licence or
7 some other form of identification, and then
8 they -- that transaction would be recorded and
9 then of course they would receive their money
10 and they would depart the office.

11 So for that normal consumer, this amount of
12 time they would spend in the office would be
13 about anywhere from 5 to 15 minutes.

14 Then there's the other type of person that
15 entered the office in which, let's say, they
16 were depositing money in suitcases. The amount
17 of time that they would spend in the office
18 would be probably two minutes at the most, maybe
19 less, maybe up to five. They would take those
20 suitcases, walk directly into the back part of
21 the office or the secure office, just drop the
22 suitcase or the boxes, and they would depart
23 within seconds and exit the office.

24 Then what we would see is we would see the
25 employees empty the contents of the suitcase or

1 the box or the bag and they would display the
2 bundles of money on the floor. In general, if
3 they were \$20 bills, each bundle of money would
4 be equivalent to about \$10,000. And so from an
5 observation perspective we could actually look
6 at the floor and have a good general count or
7 idea of what amount of money was received by
8 Silver International just by counting the
9 bundles themselves.

10 And then we would take a look at the ledger
11 for that particular day and we would see an
12 equivalent amount or something very close to
13 what we sort of estimated of the money to be
14 received.

15 Q So I take it at one level, among other things,
16 that gives you some way to cross reference or
17 maybe corroborate what is in the ledgers in
18 terms of the amount of money, date and so forth?

19 A Yes. As well as, you know, when you take a look
20 at the internal CTV you get to see who the
21 employee is and actually who the office manager
22 is, or who the boss is, I guess is the other
23 term we could use.

24 Q Okay.

25 A So by the interaction of the employees to the

1 supervisor, you could see who was in charge and
2 who's really just an employee.

3 Q And in the CCTV, as you've described it, it's
4 showing the activities going on inside the
5 business premises of Silver International.
6 That's what it's displaying?

7 A That is what it's displaying. And they were
8 seven or eight camera angles that captured that
9 particular office.

10 Q Okay. If we go down to the top of page 19 --
11 well, actually, we see there at the top of it,
12 exhibit 35 to the civil forfeiture affidavit is
13 a copy of photographs of some items seized from
14 Silver International.

15 MR. MARTLAND: And just to give a sense of it, Madam
16 Registrar, if we could please go to PDF
17 page 447. And I will try to do this, Madam
18 Registrar, using PDF pages first as exhibit
19 numbers, but we'll see how far I get.

20 Q So, Corporal, you'll see that as this is from
21 within exhibit 35. You were the exhibits
22 officer. I don't expect you can tell us from
23 observing the exact bills that those are the
24 ones, but could you comment on what's on display
25 there.

1 A What's on display there is blocks of money, all
2 \$5 bills. They were found in a cardboard box
3 that was stashed underneath the coffee table
4 when we executed the search warrants.

5 Q Okay. And then over to the next page, please,
6 448. Another display of money from the same
7 exhibit?

8 A Yeah. That would be a sample of how the 20
9 dollars were put together -- or the stacks of
10 \$20 bills were stacked together inside from one
11 of the safes.

12 Q Okay. And then you were present for the search
13 warrant execution at Silver International. Were
14 you present -- there were a number of other
15 warrants that very same day. Were you present
16 for any of those warrant executions?

17 A I was not.

18 Q Okay. You have summarized them in your
19 affidavit. I take it that's reliant on what
20 other officers reported and you learned about?

21 A That is correct. I would have to read the
22 reports to get a summary of the actions of what
23 had taken place at those other different sites,
24 yes.

25 MR. MARTLAND: Okay. So I'll do these I hope fairly

1 efficiently. Madam Registrar, page 21 of the
2 PDF, please.

3 Q At the top of that page, search warrant
4 execution at the address on No. 4 Road. Three
5 lines down you'll see the description is it's
6 unoccupied, three rooms with gaming tables on
7 the main floor, casino chip trays, generic
8 gaming chips not associated with a licensed
9 casinos, card shoes, used and new playing cards,
10 baccarat table limit signs and some other items.
11 That's, I take it, a summary of the fruits of
12 the search warrant execution at No. 4 Road?

13 A Yes, it was.

14 MR. MARTLAND: If we could go to PDF page 530.

15 Q And I'll show some photos that are from
16 exhibit 37, the photos from that. Is that one
17 of the photos showing this No. 4 Road location?

18 A That is correct. That is one of the baccarat
19 tables that was found on site.

20 MR. MARTLAND: Okay. 532, please.

21 THE WITNESS: And another table that was found on
22 site as well.

23 MR. MARTLAND:

24 Q And then just for the next page, please, same
25 location but a -- well, same property but a

1 different part of the place.

2 A I'm going to say yes.

3 Q Okay. It's from that exhibit 37, and I know
4 that you weren't there, but I take it if it's
5 from that exhibit, it's a photo that should be a
6 photo from that warrant execution?

7 A It would be, yes.

8 MR. MARTLAND: If we could go back to PDF page 21,
9 please.

10 From the lower on the page reference to the
11 Jones Road warrant execution. And we see at the
12 bottom there exhibit 39. A little lower down,
13 please. Exhibit of copy of photographs of some
14 of the items seized from the Jones Road
15 property.

16 Q And within exhibit 39, if we could go to PDF
17 557, please. That is, I take it, photos of
18 money seized from the Jones Road property?

19 A Yes. That was money found inside a suitcase
20 that was inside a closet in one of the bedrooms.

21 Q Okay. 560.

22 A That's bundles of money, hundreds, that were
23 found on site inside of Jones Road.

24 Q Okay. And then 572 is my last of those photos.
25 There's a whole bunch of suitcases?

1 A Yes. Those were suitcases that were found
2 inside the Jones Road apartment. The majority
3 of them were found in one small bedroom and then
4 some of the other suitcases were probably found
5 throughout different parts of the condo
6 apartment.

7 MR. MARTLAND: Okay. If we could go back to the PDF
8 page 22 now.

9 Q Just to touch on it. At the top of the page
10 there's reference to A search warrant execution
11 at the Water Cube same day date of October 15,
12 2015. The next subheading refers to
13 5131 Brighthouse Way, same date. In that case the
14 description a few lines down is assorted gaming
15 tables, generic gaming chips, new and used
16 playing cards. A similar set of observations as
17 the --

18 A Yes.

19 Q Okay. I don't think I need to go to those
20 photos. On the next page, search warrant at
21 5199 Brighthouse Way. And then we see here on the
22 indented bullets or points numerous documents,
23 including promissory notes, a document entitled
24 "The Baccarat Business Plan For Richmond Private
25 Club House," which includes a photograph of the

1 No. 4 Road property. And then a little lower
2 down photocopies of some of the XB notes. Those
3 are all items that were found during the
4 5199 Brighthouse Way search warrant execution?

5 A Yes.

6 Q At the bottom of that page, reference to 4 -- a
7 little over \$4.3 million.

8 MR. MARTLAND: Just a little lower, Madam Registrar.
9 Thank you.

10 Q A little over \$4.3 million -- Canadian dollars
11 found inside a gun safe in the master bedroom.

12 A Yes.

13 Q The majority of that in \$20 bills?

14 A Yes.

15 Q If we go over to the next page in the middle of
16 the page, you'll see paragraph 84 talks about
17 exhibit 45, a copy of some of the photos of
18 items seized during the search warrant execution
19 at 5199 Brighthouse. And if I could -- I'll keep
20 a sticky, so to speak, on that page, and then
21 flip over within exhibit 45 to page 639, please.

22 That's some of the \$20 bundles that were
23 seized from that property?

24 A That's correct, yes.

25 Q And next page, 654.

1 A More of the same.

2 Q All right. And that's \$100 bills at 654 but
3 from the same property?

4 A Yes.

5 MR. MARTLAND: If we could go back to -- I'm keeping
6 Madam Registrar busy today. If we could go back
7 to PDF page 24, please.

8 Q In the indented italicized language in
9 paragraph 85, reference to one of the promissory
10 notes as indicating:

11 "On April 18 2015 ... Mr. Xu and Liu Hai
12 Yan have borrowed 250,000 Canadian dollars
13 exactly from Paul King Jin and ought to
14 repay the funds on or before May 25, 2015,
15 and have placed a residence located at ...
16 Dunbar St, Vancouver ... as collateral.
17 The borrowed fund is for purchasing
18 materials and interior and exterior
19 renovation purposes."

20 From your point of view, what did you understand
21 this document to be and how does it fit in with
22 the investigation?

23 A Well, one of the things about this investigation
24 was the use of what we call the promissory notes
25 in which this particular person and this other

1 person, it might be a spouse, have put into
2 writing that they have borrowed \$250,000 from
3 Mr. Jin. And they placed their residence as
4 collateral to secure the \$250,000.

5 Now, it doesn't say what the interest rate
6 is, but the funds have to be repaid by May 25th.
7 This promissory note can be used as a method
8 to -- if the money is not repaid by, I'm going
9 to say, May 25th or shortly thereafter, this
10 note can be used in civil proceedings as a lien
11 against the property. And we found multiple
12 versions of the promissory note with multiple
13 people and various amounts, sometimes with an
14 interest rate attached, sometimes not.

15 Q And it talks about in the last line the language
16 is to the effect that the borrowed fund is for
17 purchasing materials and interior and exterior
18 renovation purposes. Whether for this example
19 or for others, did you form a view about whether
20 there were -- was this borrowing for
21 renovations?

22 A No. From our investigation, we could not
23 determine if any of the money that was
24 associated to these promissory notes was used
25 for any type of interior or exterior renovations

1 or purchase of materials to accomplish those
2 tasks for those properties.

3 Q Did the investigation point you towards what the
4 money was in this or other circumstances, what
5 kind of use it was being used for?

6 A It's our belief that the majority of the money
7 that was noted on these promissory notes was
8 used by a person noted on the notes for the
9 purposes of gambling.

10 Q And then in the next paragraph there's a
11 reference to, I suppose -- sorry, it's just up a
12 little bit to paragraph 86. Having covered that
13 promissory note, there's something drawing from
14 the surveillance report about Mr. Jin providing
15 \$50,000 in Canadian currency to the other person
16 on April 16?

17 A Yes. Yep.

18 Q Okay. On the next page there's a reference to
19 Ms. Wei, which is Mr. Jin's or was Mr. Jin's
20 spouse being -- sorry, being -- yes, arrested on
21 the same date as a warrant executions, April --
22 sorry, October 15, 2015?

23 A Yes.

24 Q We can see that. And then in the context of her
25 interview with the police, if we go to bullet

1 point (c), comments attributed to her to the
2 effect:

3 "That everyone knew 'Silver Investment'
4 exchanged money, and sometimes
5 Renminbi ... could be given to them and
6 they would give Canadian money."

7 A Yes, that's correct.

8 Q Okay. Under (e):

9 "Silver International would give them a
10 bank account in China in RMB and they
11 would do a bank-to-bank transfer to get
12 the RMB to Silver International, then
13 Silver International would give them
14 Canadian."

15 That's --

16 A That was her understanding, yes.

17 Q I'll come back to some of that in a bit. Just
18 to complete this review of the warrant
19 executions on the next page just above
20 paragraph 89, there's reference to a different
21 Brighthouse Way address, 5177?

22 A Yes.

23 Q And lower down reference to a search warrant on
24 a Toyota?

25 A Yes.

1 Q And then on page 26, paragraph 93. A quote in
2 there. There we go. On February 24, 2016,
3 Mr. Jin was arrested.

4 And I'll just pause to say that -- if you
5 could just help us understand a little bit about
6 the timing. The warrant execution dates and the
7 arrest of Ms. Wei was October 15, 2015. Then
8 this is an arrest that takes place February 24,
9 2016?

10 A Yes. So on October 15th, 2015, Mr. Jin was not
11 found anywhere where the police could locate
12 him. So it was our understanding at that time
13 that he might have been out of the country, and
14 it was unknown if he was ever going to return or
15 will return back to Canada. So back --

16 Q Okay.

17 A Yeah.

18 Q And I don't think we need to go on the great
19 side trail there, but I take it -- was he
20 arrested in Canada or was there some other
21 process?

22 A He was arrested on Brighthouse Way.

23 Q Okay.

24 A Yes.

25 Q And so there's reference in paragraph 93, as I

1 say, to February in 2016 that he's arrested for
2 possession of proceeds of property obtained by
3 crime, laundering proceeds of crime, keeping a
4 gaming or betting house and betting, pool
5 selling and bookmaking; given charter of rights
6 and police warnings in Cantonese. And then you
7 took a statement from him?

8 A Yes, I did.

9 MR. MARTLAND: Okay. And I'd like to turn to that
10 statement. First of all, it's appended as
11 exhibit 50, the transcript of the statement.

12 Madam Registrar, if we could go to
13 exhibit 50. There we are. So that's page 886
14 of the PDF.

15 Q Corporal, we see there the location, Richmond
16 RCMP detachment. We see that the time is about
17 1:22 in the afternoon of February 24, 2016. And
18 at the bottom of the page we see this is a
19 107-page interview transcript?

20 A Yes, it is.

21 Q All right. And this is you engaging with
22 Mr. Jin; is that right?

23 A It is, yes.

24 Q Is this -- has he been given some right to
25 counsel or access to counsel when you have this

1 discussion with him?

2 A Yes. I had rechartered him and rewarned him and
3 gave him also another secondary warning so that
4 in the event that any other officer had placed
5 undo influence on him to cooperate with police
6 and I reassured him that he does not have to
7 cooperate.

8 MR. MARTLAND: Okay. Madam Registrar, as I move
9 through this document, I'm afraid I've not
10 perfected my PDF page conversions. So at the
11 bottom of the page that's on display we'll see
12 that it says page 1 of 107. So if page 1 is the
13 same as page 886, I guess I have to add 885 to
14 every page number. I'll try and do this and it
15 may involve a bit of jumping around.

16 But if we go to page 4 of the interview
17 statements, so down by three pages, please.

18 Thank you.

19 Q Line 96. Mr. Jin makes a comment to the effect:

20 "I don't have any problem with my
21 customers no because I businessperson you
22 know that that's it right? I borrow money
23 from the people, they give it to me, I
24 borrow (laugh) make profit, I have no
25 problem."

1 Maybe without reading from this in any great
2 detail, you conducted this lengthy interview.
3 What was the general manner of what Mr. Jin had
4 to say about what he was doing?

5 A Mr. Jin according to this interview was -- it
6 was my understanding that he obtains money from
7 overseas, and then he also loans out money to
8 people that need it. In this particular case it
9 would be mainly gamblers.

10 So there's two different ways he sort of
11 described as he was obtaining the money. The
12 first way is the simplest. That is there would
13 be -- I'm going to say people in China that
14 would like to come to Vancouver to gamble.
15 There's -- China does have outflow money
16 restrictions on the amount of currency you can
17 remove from the country. So to -- one of the
18 ways to get around this particular barrier from
19 China to Canada is to ensure that the Chinese
20 RMB stays within the Chinese borders and that
21 the equivalent amount of money would be
22 available here in Canada.

23 And one of the sources of money for Mr. Jin
24 would be Silver International. And they had a
25 steady supply of Canadian currency for people to

1 borrow from. So in this particular case, so
2 this scenario that I'm describing now is, let's
3 say, I'm a gambler in China and I want to come
4 to Vancouver to gamble and I need \$200,000
5 Canadian. I would deposit the equivalent of
6 \$200,000 Canadian in my Chinese bank accounts
7 under the control of, let's say, Silver
8 International. Once Silver identifies that
9 there's \$200,000 Canadian under their control in
10 their Chinese bank accounts, Mr. Jin would be
11 notified that the transfer is being complete,
12 and then the equivalent amount of Canadian
13 currency would be then given to Mr. Jin. So
14 when the traveler came from China he could then
15 give him the equivalent amount of money. And
16 that's version number one.

17 So the other way Mr. Jin would loan out
18 money is that he would have his own supply of
19 money, and then he could loan out that money to
20 gamblers locally or maybe travellers that come
21 into Canada, again with the caveat that he has
22 to be paid back within a certain period of time.
23 And Mr. Jin did say that the majority of people
24 did repay him within that specified period of
25 time, whatever they agreed upon. And then if he

1 did have any problems with, you know, money
2 being given back to him as a result of the
3 agreements that they came to, either the
4 promissory notes or otherwise, then he would,
5 you know, use the civil court to his advantage
6 and go after their properties.

7 Q Did he make a comment in the course of your
8 interview about how that worked? Was it
9 successful going to court if he needed to?

10 A He -- I'm just doing this from memory. From
11 what I recall he had a good success rate going
12 through the civil court system because he used
13 the promissory notes to his advantage, and those
14 promissory notes more than often would be
15 notarize by either a lawyer or by a notary
16 public to give them some sort of validity to
17 them.

18 Q All right. With respect to the gamblers that
19 Mr. Jin was loaning money to to the extent these
20 are people involved in gambling, do you know
21 whether they -- whether the police determined
22 the nationality or residence of those gamblers?

23 A Most of the gamblers -- I'm going to sort of
24 take that back. They were all of Chinese
25 origin. So they either were mainland residents

1 of they were residents of Richmond.

2 Q Okay. Mainland residents meaning Lower
3 Mainland?

4 A Sorry, mainland China.

5 Q Mainland Chinese. No, I know there's different
6 meanings there.

7 A Yes.

8 Q Okay. All right. In terms of these
9 descriptions about what the police understood
10 that Mr. Jin was doing with lending activity, am
11 I right to say that these -- this sort of
12 reflects what was learned from the investigation
13 but these were matters that were never approved
14 in a trial, for example? Is that fair?

15 A I'm not sure if -- what the question is. Could
16 you rephrase that just a bit.

17 Q Sure. Sure. I'm just trying to understand when
18 you describe, for example, these two different
19 mechanisms that are used for lending and what
20 you understood, what I want to do is step back
21 and ask is the basis -- is it fair to say that
22 this is based on the police investigation but
23 that there's not been, for example, a trial with
24 evidence led and cross-examination or
25 challenging of that evidence?

- 1 A That's correct.
- 2 Q Okay.
- 3 A Yep.
- 4 Q In this case to some extent, though -- we've got
5 it here on display -- Mr. Jin's interview
6 transcript, some of this is his own description?
- 7 A That's correct.
- 8 Q What sorts of business activities besides the
9 lending was it your understanding that Mr. Jin
10 was involved in?
- 11 A We understood that he was one of the primary
12 operators of the Water Cube, which is a massage
13 business in Richmond.
- 14 Q Okay.
- 15 A And other than that, that's about it.
- 16 Q And was there some -- did he describe
17 involvement with, I think, restaurants or some
18 other types of businesses in Vancouver or
19 Toronto?
- 20 A Yeah. He described earlier on in his life that
21 he was involved in the restaurant and massage
22 business in Toronto and then he continued on
23 with that type of entrepreneurship when he came
24 into the Richmond area.
- 25 Q Okay. Did he describe working or conducting

1 activities across borders in other parts,
2 anywhere else in the world besides --

3 A Yeah, he did describe that one of the ways he
4 identified a prospective people to lend money to
5 was travelling to Macau and travelling -- or
6 going to their casinos and then identifying the
7 different types of people that would be
8 interested in travelling to Vancouver to gamble
9 within the Lower Mainland, like River Rock
10 Casino or elsewhere.

11 MR. MARTLAND: Okay. Why don't we go, please, Madam
12 Registrar, to page 19. And maybe 904 PDF, if my
13 math's right. That's a big if. Yeah, that
14 should be the right page.

15 Q There's a question there at line 472 and in the
16 transcript here we see MC. And, sir, that's you
17 asking the question?

18 A Yes.

19 Q "How do the Canadian casinos compare to
20 let's say Hong Kong, or Macao?"

21 Answer:

22 "Here you don't give credit, you is here
23 is [sic] why we have to borrow the money
24 to the customer, you know."

25 And then a bit lower down, page -- sorry,

1 line 484, Mr. Jin says:

2 "My name is money. I call the (laughs)
3 they give money right. Credit you know, I
4 collect million, two million they deal
5 right away."

6 What did you understand him to be describing
7 there?

8 A He was sort of making reference to that when he
9 would attend a casino, let's say in Macao, the
10 Macau casino would recognize him as a high
11 roller or somebody that they could trust that
12 they could give him credit, let's say, up to
13 \$2 million, and then he could gamble that
14 \$2 million away and then the casino themselves
15 would be repaid shortly thereafter. So that's
16 what I understood that to be, that he could walk
17 into a casino and he would be given credit to
18 gamble with.

19 Q Okay. Did he say anything about whether he used
20 that to gamble personally versus sort of passing
21 it on to others?

22 A He did make mention that he did have credit with
23 a casino in the Las Vegas area in Nevada and
24 that he allowed his friends to go down into Las
25 Vegas to gamble on his credit.

1 shown up and put red paint on the front of
2 a house saying pay back."

3 He says:

4 "Oh, no, it wasn't me in the house."

5 And he says something to the effect:

6 "You get it wrong. Very, very wrong.

7 It's wrong. People know me, you know."

8 He's saying, line 1052:

9 "I just do business."

10 1055:

11 "Yeah, because otherwise I don't know.

12 The loan shark, right."

13 Can you help us understand what that exchange is
14 about, first of all in terms of what he's saying
15 about -- to your understanding what the comment
16 was about extortion or threats?

17 A Well, that is in reference to we were aware of a
18 complaint that had been generated as a result of
19 a person borrowing money from him and they're
20 alleging that people have shown up at nighttime
21 wanting repayment. And so I was trying to
22 illicit out of him was he responsible for
23 sending people to that home to get that money
24 repaid, you know, right then and there or
25 shortly thereafter. So --

1 Q And on that he denies involvement in that.

2 A That's right, yeah.

3 Q Okay. And then I think this might be the first
4 use of the term "loan shark" coming from Mr. Jin
5 at line 1055.

6 A Yes.

7 Q Do you know what's being conveyed -- to your
8 understanding what that was talking about?

9 A That I really don't -- he's the one that brought
10 that term up.

11 MR. MARTLAND: Let me go, please, to page 48 of 107.
12 Thank you, Madam Registrar. I should have done
13 my conversions, but I failed in that.

14 Q Let's start around page 11 -- sorry, line 1199.
15 You ask a question to the effect of:

16 "Q you're loaning money to a person who's
17 attending a government casino --"

18 I'll just read out your questions:

19 "-- and win, lose or draw doesn't
20 matter ...

21 You know that customer is going to
22 pay you back."

23 He says:

24 "A Yeah.

25 Q And then he can pay you back here in

1 MR. MARTLAND: Okay. If we could go to the next
2 page, please, Madam Registrar.

3 Q And just to understand what this refers to. So
4 line 1240, the question you ask or the statement
5 at least:

6 "Q from Silver International they also
7 have account -- accounting system that
8 they know that you borrowed money from
9 them and then -- "

10 And he says:

11 "A I didn't borrow money. I didn't
12 borrow money.

13 Q Okay. So --

14 A I never borrow money from them.

15 Q Okay.

16 A I never borrowed money from them.

17 Q Okay.

18 A I give them the money for China, you
19 know. They give me the money from
20 here. I didn't borrow money."

21 So what -- that sort of seems to be a pretty
22 clear or even strong assertion that he's not the
23 one borrowing. But what do you understand that
24 to describe?

25 A That solidifies our belief on the underground

1 Chinese banking system or some people might
2 refer to it as a hawala or something like that.
3 So in essence what he has reenforced here is
4 that the international gambler prior to coming
5 to Canada has to deposit money into bank
6 accounts controlled by, let's say, in this
7 particular case, Silver International. Once
8 Silver International verifies that they received
9 the amount of RMB in their accounts that they
10 have controlled, then they can release the
11 equivalent amount of money here in Canada to
12 Mr. Jin. So he is correct. He is not borrowing
13 money from China. What he's doing is ensuring
14 that Silver International in this particular
15 case does have money for him to give to the
16 international traveller.

17 So there's no electronic accounting between
18 the two countries; there's no electronic funds
19 transfers; there's just people checking their
20 bank accounts on either side to ensure that they
21 have sufficient funds to give to a person who
22 requests the money. So in this particular case
23 it will be Mr. Jin knowing that he has somebody
24 coming over from China, they've made a deposit
25 of RMB into the identified accounts under

1 control of Silver International. Silver
2 International verifies that the funds are in
3 their system and under their control. And
4 Silver International in Canada, in Richmond, has
5 an equivalent in Canadian funds available to
6 give to Mr. Jin.

7 MR. DELBIGIO: Mr. Commissioner, may I just interject
8 for a moment, please.

9 THE COMMISSIONER: Yes, of course, Mr. DelBigio.

10 MR. DELBIGIO: It's important for anybody who is
11 listening to this to understand a distinction
12 between a transcript that all can read for
13 themselves and the words that are on that
14 transcript, and somebody one day will have to
15 decide whether that is -- what that might stand
16 for. But for this witness to interpret and
17 ascribe to Mr. Jin certain things that are not
18 on the transcript is, I submit, improper,
19 because whether his interpretation is fanciful
20 or imaginative or anything else is impossible to
21 test based upon the information I have.

22 And so this is an example of the problem
23 rearing -- that I earlier alluded to rearing its
24 head. This is what purports to be a transcript.
25 I don't have a tape. I don't have an ability to

1 know whether this is accurately transcribed or
2 not, and -- but this witness, I submit, should
3 not be interpreting word -- or attempting to
4 fill in blanks. It's impossible to test that
5 information. It's impossible to know whether
6 that is accurate or inaccurate. And if this
7 witness is simply telling the commission what he
8 believed was going on, that's one thing, but it
9 should not be attributed to my client.

10 THE COMMISSIONER: All right. Thank you,
11 Mr. DelBigio.

12 Mr. Martland?

13 MR. MARTLAND: Mr. Commissioner, I'm happy to try to
14 frame questions in a way that isn't eliciting or
15 intending to have the witness speculate about
16 the meaning of words spoken. I quite agree with
17 Mr. DelBigio, the transcript is in evidence and
18 it's before us to be read, so that's really
19 there on its own already.

20 The witness was there in this room, I take
21 it, for some length of time having a discussion
22 and I was trying to be efficient on a few fronts
23 in asking him about the substance of what was
24 discussed, but I don't mind trying to stick to
25 the transcript more if that's of assistance.

1 THE COMMISSIONER: All right. As I understand it,
2 the witness was essentially giving his working
3 theory of what was afoot. Whether or not that
4 is merited by what Mr. Jin said or not is
5 something for, I guess, argument and decision
6 later in the game.

7 MR. DELBIGIO: Thank you.

8 MR. MARTLAND: Thank you. So Corporal -- and, Madam
9 Registrar, perhaps I can try to take us to
10 page 57 of the -- that should be seven pages
11 down, I guess, roughly. 943 or -4. One more.
12 There we are. Line 1426 at the bottom of that
13 page, please.

14 Q This is speaking about Canadian banks. Your
15 question there:

16 "Q So they know you as a customer and
17 whereas the Canadian banks can't do
18 the same thing."

19 He says:

20 "No, no, too much working right.

21 Q Yeah, too many -- lots of rules and
22 regulations.

23 A Yeah, yeah."

24 I take it there's a contrast that's being drawn
25 there. Maybe it's a bit better a little above

1 that around lines 1420 and so forth, a contrast
2 between a Canadian bank and banks in China.

3 A I'd have to reread before and during a little
4 bit after to get into the context of --

5 Q Okay.

6 A -- what I was trying to learn at that point.

7 Q You know, I'm not going to worry about that,
8 because I don't think that's a very efficient
9 way for me to ask a question.

10 Let's go to page 64. So down by about
11 seven pages from there, please. That's great.

12 So your question line 1579:

13 "Q Yeah, so you get money from Silver --

14 A Yes."

15 Or he says:

16 "A Yeah.

17 Q -- and you take it to Jones Road and
18 then you break it down into smaller
19 amounts for customers because that's
20 what they're going to borrow from you.
21 And then you take the money in small
22 bags because it's convenient, and then
23 you give it to the customer who's
24 borrowing from you because you -- you
25 know that person, it's not like you're

1 giving it to a stranger."

2 The answer is:

3 "A No, no, no, all the time I know the
4 people."

5 And I'd just like to pause and say you obviously
6 have this question and answer; that's part of
7 your interview of Mr. Jin?

8 A Yes.

9 Q Was there anything through the investigation
10 that suggested anything different than that he
11 knew the people he was lending it to?

12 A No. We never discovered that.

13 Q And then you continue, 1587:

14 "Q And these people, then they use the
15 money for whatever reason.

16 A Yeah.

17 Q Gambling is one reason, paying off
18 debts is another reason. For whatever
19 reason --

20 A Yeah.

21 Q -- you loan the money and then --

22 A Yeah.

23 Q -- it's their responsibility to pay it
24 back.

25 A Yeah."

1 That's the exchange you had there?

2 A Yes.

3 Q If we could go down, please, by six pages from
4 there. So this should be page 70. There we
5 are. That's great. At the top of that page you
6 ask a question to the effect that there are a
7 lot of cars -- basically putting it to him
8 there's a number of cars he drives around but
9 they're not in his name.

10 And then he in answering that at line 1740
11 gives an explanation about:

12 "Myself sometime in danger. Know me I'm a
13 loan shark, I'm a loan shark. I have
14 money, you know, you know, right."

15 Do you see that at line 1740?

16 A Yes, I do.

17 Q And that's Mr. Jin's words saying "you know me,
18 I'm a loan shark"?

19 A Yes.

20 MR. MARTLAND: If we could go, please, to page 79, so
21 nine pages down from there. 964, I think.
22 That's great.

23 Q Line 1958 you ask about the No. 4 Road and you,
24 I guess, put to him that it was a gambling
25 casino. 1960 he says:

1 involved in -- or was involved in this industry
2 where he did loan out money. And, you know,
3 part of our problem as police forces is sourcing
4 that money. Where does it come from; is it
5 illegal; was it obtained from sources that could
6 be of a criminal element. Like, we just don't
7 know. So what we do know was that he did have
8 access to large sums of money and that he did
9 obtain it from one particular place.

10 MR. MARTLAND: Madam Registrar, I don't think I need
11 to have the interview statement displayed any
12 further.

13 Mr. Commissioner, I'm about to move into a
14 last set of questions reviewing some portion of
15 the affidavit, but I wonder for me to do that
16 most efficiently, if I could suggest a short
17 break for me to review my notes and I think that
18 will make sure we stay on schedule today.

19 THE COMMISSIONER: I think that's a good idea,
20 Mr. Martland. And I'm mindful of those working
21 behind the scenes too who may need the short
22 break. So we'll take 10 minutes. Is that
23 sufficient?

24 MR. MARTLAND: Thank you. Yes.

25 THE REGISTRAR: The hearing is adjourned for a

1 10-minute recess until 12:05 p.m.

2 **(WITNESS STOOD DOWN)**

3 **(PROCEEDINGS ADJOURNED AT 11:55 A.M.)**

4 **(PROCEEDINGS RECONVENED AT 12:04 P.M.)**

5 THE REGISTRAR: Thank you for waiting. The hearing
6 is resumed. Mr. Commissioner.

7 THE COMMISSIONER: Thank you, Madam Registrar.

8 **MELVIN CHIZAWSKY, a**
9 **witness for the**
10 **commission, recalled.**

11 THE COMMISSIONER: Yes, Mr. Martland.

12 MR. MARTLAND: Thank you, Mr. Commissioner. For my
13 last questions I'll be working through the last
14 portion of the affidavit, the exhibit which
15 we've marked exhibit as exhibit 663. And if we
16 could please bring up that document, Madam
17 Registrar and go to PDF page 31.

18 **EXAMINATION BY MR. MARTLAND (continuing):**

19 Q There's a heading there "Analysis of Ledgers
20 Seized" and then in turn, Corporal, you refer to
21 analytical -- an analytical report created by
22 Ms. To, who is an analyst. Is she an analyst
23 with the RCMP?

24 A She's an analyst with the RCMP, yes.

25 Q All right.

1 A And she has a degree in accounting.

2 Q And her report is -- I think there might be two
3 of them, but it's appended -- this notation is
4 exhibit 53 to the affidavit?

5 A Yes.

6 Q And I take it what we have here is a summary of
7 some of the findings from her report in this
8 paragraph?

9 A That is correct, yes.

10 Q It describes that from -- if you look at
11 paragraph 99, second line based on looking at
12 the Silver International ledgers from June 1st,
13 2015 to October 15, 2015, a period of 137 days,
14 there were amounts in the debit column totalling
15 just over \$83 million in the credit column for
16 just over \$81 million. It goes on to say this
17 would represent an annualized figure of just
18 over \$221 million in debits and just over
19 \$217 million in credits.

20 A Yes.

21 Q That's the kind of volume of money that is
22 described with respect to Silver?

23 A It is, yes.

24 Q In the next paragraph -- and maybe I'll divert
25 for just a moment. You make reference -- I

1 asked you earlier on about the notation of XB,
2 and XB notes was referred to in your affidavit.
3 You said there was an officer who was familiar
4 through other investigations with Mr. Jin. Is
5 that the officer that you've described here?

6 A Yes. Corporal Steven Ly.

7 Q Okay. And then you have that description about
8 believing that the XB refers to Mr. Jin and why.
9 And based on the notations of XB and those names
10 in the Silver ledgers, what is drawn as a
11 conclusion there, as I read it, is from the same
12 period of time he deposited \$101,000 but
13 withdrew just under \$27 million from Jin
14 international?

15 A That is correct, yes.

16 THE COMMISSIONER: I think you said Jin international.

17 MR. MARTLAND: I did. Sorry.

18 THE COMMISSIONER: I think you meant Silver
19 International.

20 MR. MARTLAND: Yes, I meant to say "withdrew that
21 amount from Silver International."

22 Q So in terms of the -- this is based on the
23 Silver ledgers and these notes are references to
24 XB. But based on those ledgers the conclusion
25 that's been drawn is that Mr. Jin withdrew about

1 87 -- sorry, about \$27 million in that period of
2 time from Silver International?

3 A That's right.

4 Q The next paragraph deals with the Jones Road
5 ledgers. And I'll skip ahead down to the next
6 page, paragraph 103:

7 "In many cases the amount recorded in the
8 Jones Road ledgers was equivalent to the
9 amount attributed to XB recorded in the
10 Silver ledgers."

11 A Yes.

12 Q Could you help us understand what that describes
13 and what the import or meaning of it is that
14 these would match up?

15 A When we take a look at the ledgers of the
16 amounts associated to the annotation XB, and
17 then see similar figures in the Jones Road
18 ledgers as being received in that apartment. So
19 that was our correlation of money being
20 transferred from Silver into the Jones Road.

21 Q Okay. And then what follows in paragraph 105
22 and on are a number of particular details about
23 these -- some of these ledgers that were seized
24 and then analyzed. Is that a fair summary?

25 A Yeah, that's right.

1 Q Let me go ahead to page 37 of the PDF, please.
2 And that -- these are -- we've got an
3 alphabetized bullet all the way up to V, and
4 then the next paragraph at the bottom there is
5 106. You swore in the affidavit:

6 "I am informed by reading the report of
7 Ms. To regarding ledgers from --"

8 Two addresses on Brighthouse Way.

9 "... and believe that from June 11, 2015,
10 to October 8, 2015, the total 'revenue'
11 indicated on the ledgers was [just over
12 \$67 million]. After deducting --"

13 And there's quotes around some of these words:

14 "-- 'operating expenditures,' 'actual
15 disbursements,' 'payment of 15%,'

16 'percentage taken' and 'other

17 'expenditures,' Ms. To concluded the net
18 profit of the gaming houses for --"

19 That period was \$32.7 million.

20 A Yes.

21 Q All right. Next page, paragraph 107, you have a
22 heading of "The Summary of Money Movements."

23 You describe in the first sentence that you
24 believe Mr. Jin was moving money from Silver
25 International to the Jones Road property for

1 repackaging, money then moved to Water Cube for
2 pickup or delivered to people at locations who
3 then converted it to casino chips at casinos in
4 BC?

5 A Yes.

6 Q Observations made in the later stages of large
7 duffel bags, suitcases taken into 5199 Brighthouse
8 suggest Mr. Jin was accumulating large
9 quantities of cash at his new residence?

10 A Yes.

11 Q And then paragraph 109, a safe at that address
12 had something in the -- over \$4 million inside
13 it.

14 A Yes.

15 Q Paragraph 110:

16 "The Silver ledgers and Burquitlam records
17 were a record of the Canadian currency
18 Mr. Jin took away from Silver International."

19 A Yes.

20 Q And paragraph 112:

21 "As shown in the analysis of the --"
22 And it's misspelled.

23 "-- 'Daily Transaction' ledgers from
24 June 1, 2015, to October 15, 2015, Mr. Jin
25 was able to move approximately --"

1 And it's just shy of \$27 million.

2 "... by using Silver International."

3 A That's correct, yes.

4 Q The next paragraph, 114 you say:

5 "I believe Mr. Jin's use of Silver
6 International's cash resources to
7 distribute monies to local and
8 international gamblers --"

9 That they did use them to distribute to these
10 gamblers at an agreed upon exchange rate, loaned
11 some of these moneys from Silver International
12 to local and international gamblers. And then
13 there's reference to the promissory notes.

14 And down a few lines:

15 "The security/collateral that was often
16 used was the borrower's personal
17 residence."

18 A Yes.

19 Q "Upon non-repayment of the borrowed
20 monies, Mr. Jin and/or Ms. Wei would
21 commence civil action against the borrower
22 and the collateral."

23 A That's correct, yes.

24 Q Did you -- what was your source for that comment
25 about using civil action?

1 A We checked the BC civil database for ongoing
2 litigation between Mr. Jin and others and
3 Ms. Wei and others, and we could see that there
4 was actions taken against a variety of people.
5 And then we also reviewed several RCMP reports
6 where people would then make a complaint that
7 Mr. Jin was in fact using the civil court
8 process to collect moneys that were lent to
9 someone in the family and that the house was
10 being attacked in terms of they would have to
11 sell their property to repay the loan. So using
12 police reports and the civil database, that gave
13 us that impression.

14 Q Okay. I'll go to paragraph -- page 41 of the
15 PDF, please. Paragraph 121 under the heading of
16 "Promissory Notes":

17 "A batch of Chinese and English documents
18 called Promissory Notes ... in hardcopy
19 and electronic format were seized from the
20 various properties associated to Ms. Wei
21 and Mr. Jin was the search warrants were
22 executed. These documents listed loans
23 allegedly loaned by various parties to
24 Mr. Jin or Ms. Wei during the period
25 of --"

1 This is a different period than we've been --
2 some of these others. From December 24, 2012,
3 through August 21, 2015, in the cumulative
4 amount of 26 million. Just over 26 million.

5 A Yes.

6 Q And then you make reference in the next
7 paragraph to being informed by reading court
8 records that between 2013 and 2015 they filed 24
9 actions against persons or companies who were
10 quote/unquote borrowers?

11 A Yes.

12 MR. MARTLAND: All right. So I think we can take
13 down the affidavit at that point. Thank you,
14 Madam Registrar.

15 Q In addition to -- maybe I can ask you this
16 question. Were there other businesses who
17 were -- that were used or associated to the
18 pattern of conduct that you have described in
19 this affidavit on the E-Pirate investigation.
20 For example, travel agencies or other money
21 exchange-type businesses?

22 A Well, we know that there was a travel agency
23 that was operated by the owners of Silver
24 International and we did see the owner of Silver
25 International and her husband and also employees

1 of Silver International transit back and forth
2 between both companies. So the travel agency
3 did have an operating database with access to
4 allow people to purchase airline tickets through
5 them.

6 Q Did the police know where the cash that was at
7 Silver International came from, what its origin
8 was?

9 A When we recovered the CCTV from Silver
10 International, a team of investigators was
11 tasked with trying to identify as many people as
12 possible entering into Silver International and
13 making deposits either in suitcases, bags or
14 otherwise. And we did see one significant video
15 that happened early on in October where
16 \$1.4 million was brought in a large suitcase and
17 then displayed on the floor. One of the
18 investigators did identify that particular
19 person to be associated with other criminal
20 activities in the Lower Mainland.

21 Q And do you know -- I appreciate that's a bit of
22 a general description but quite a significant
23 amount of money. You say other criminal
24 activity. Do you know what sort of criminal
25 activity? Was it drug activity?

1 A Yeah, it was mainly related to drug trafficking
2 activity. And that person was under
3 investigation I believe by Vancouver Police
4 Department at that time.

5 Q Okay. Was Silver International registered as a
6 money -- to your knowledge registered as a money
7 service business under FINTRAC at any point?

8 A It only became registered as a money service
9 business in December of 2015 after Ms. Qin had
10 made proper application, but prior to that, that
11 particular business was not registered as a
12 money service business.

13 Q Okay. And you described that being a
14 registration that took place in -- I think you
15 said December 2015?

16 A Yes.

17 Q The warrant execution dates that we were going
18 over were October 2015?

19 A That's correct.

20 Q So is it the case that FINTRAC, to your
21 understanding, processed a registration after
22 this set of search warrant executions?

23 A Yes, they did.

24 MR. MARTLAND: Corporal, thank you.

25 I have no further questions,

1 Mr. Commissioner.

2 THE COMMISSIONER: Thank you, Mr. Martland. I'll now
3 call on the province, Ms. Friesen, who has been
4 allocated 10 minutes.

5 MS. FRIESEN: Yes. Thank you, Mr. Commissioner.

6 **EXAMINATION BY MS. FRIESEN:**

7 Q Corporal Chizawsky, can you hear me okay?

8 A Yes, I can.

9 Q Thank you. I have a few questions for you
10 regarding surveillance, the surveillance
11 referred to in your affidavit, and I'll be
12 referring to paragraphs 116 and 117 of your
13 affidavit or what is exhibit A of your
14 affidavit, which is the body of your former
15 affidavit.

16 If you like, if you have a copy in front of
17 you, you can refer to that.

18 At paragraph 116 of that affidavit you
19 state that:

20 "During the ... E-Pirate investigation,
21 Mr. Jin was the target of surveillance
22 teams on 40 different days between
23 April 16, 2015, and February 24, 2016."

24 Does that -- is that an accurate summary of that
25 paragraph?

1 A Yes, it would be.

2 Q And in paragraph 117 you state that:

3 "During the course of the E-Pirate
4 investigation, Ms. Wei was observed by
5 surveillance teams on 20 different days
6 between April 26, 2015, and October 1,
7 2015."

8 Is that accurate?

9 A That is correct, yes.

10 Q And you've appended as exhibits a number of the
11 surveillance master notes as Mr. Martland took
12 you through relating to this surveillance. And
13 based on my review, sometimes there are
14 approximately five hours of active surveillance
15 recorded, but it could be longer. It could be
16 as long as nine hours or so of active
17 surveillance that I noted in the attached
18 exhibits. Does that seem typical in your
19 experience for this kind of operation?

20 A Yes, it is. Sometimes there's only a day shift
21 in which you get about five to six hours of
22 actual physical surveillance. And sometimes
23 you'll get a little bit longer depending on
24 what's happening before that particular
25 surveillance team. Or it could involve two

1 different surveillance shifts. Team number 1
2 does the day shift and then team number 2 does
3 the evening shift. And then you get to -- for
4 that total day you would get a combined
5 surveillance time of 8, 9, 10 hours or even
6 longer.

7 Q Okay. Thank you. And for the officers who are
8 responding to the surveillance team, are their
9 days longer than what's recorded on the active
10 surveillance -- as active surveillance hours?
11 So, for example, are they attending to other
12 duties both before and after the active
13 surveillance?

14 A For this particular file those members are
15 specifically assigned to be surveillance
16 officers, so they would be the designated
17 surveillance team to accomplish the goals for
18 that particular shift.

19 Q Okay. And you described the two levels or two
20 modes of recording. They would write -- they
21 would record the master surveillance notes as
22 well as record in their own personal notes the
23 events of the -- or their account of the
24 surveillance. Is that time that they spend
25 before and after their -- or after their shift

1 doing that work?

2 A That would be part of their operational duties
3 is to ensure that their own personal notes
4 reflect what's accurately -- what's written on
5 the actual master notes as well. So they both
6 have to match.

7 Q Okay. And for an operation of this size, the
8 surveillance team is made up of a number of
9 people, not just one or two?

10 A The minimum number of people assigned for a
11 particular team would be at least six and up to
12 eight.

13 Q Okay. Thank you. I want to turn now to
14 paragraph 57 of your affidavit. And you state
15 in paragraph 57 that the surveillance report for
16 September 25, 2015, indicated -- and just to
17 paraphrase that, it indicates that Mr. Jin gave
18 a white plastic bag to an unknown female and
19 bundles of Canadian currency could be seen
20 through the thin plastic bag. And then that
21 female was observed to provide that plastic bag
22 to a driver of a vehicle who then proceeded to
23 River Rock Casino. Did I summarize that
24 accurately?

25 A Yes, you did.

1 Q Thank you. And so this paragraph is describing
2 the events that's outlined in the surveillance
3 notes that are appended as exhibit 26; correct?

4 A Yes.

5 Q And if -- I'd like to turn to exhibit 26, if I
6 could, and it would be page -- in particular I'd
7 like to look at page 255 of the affidavit.

8 A Okay. I'm looking at it right now. Page 255 on
9 the PDF file?

10 Q Yes. Now, it's page 255 of the actual document.
11 It's the handwritten number at the bottom of the
12 page.

13 A Okay. And sorry, what exhibit number is that,
14 please?

15 Q That's exhibit 26.

16 A 26. Okay. I'm there right now.

17 Q Okay. So at the top of the page it says:

18 "U/M #2 --"

19 And you've indicated earlier in your evidence
20 that stands for unidentified male number 2; is
21 that correct?

22 A That's correct.

23 Q It says:

24 "U/M #2 was observed via closed-circuit
25 surveillance video cashing in for \$99,900

1 with stacks of Canadian currency of

2 \$55,000 in --"

3 \$20s bills.

4 A Yes.

5 Q \$17,000 in \$50 bills and \$434,000 in \$100 bills.

6 Is that accurate?

7 A Yes, it is.

8 Q And, now, the unidentified male number 2, that's

9 the driver of the vehicle who received that

10 plastic white bag from the unidentified female

11 that we discussed earlier?

12 A Yes.

13 Q Thank you. And below that note you'll look at

14 the notation below that. It makes a reference

15 to PRIME in the note underneath. And does this

16 note indicate that the officer looked that

17 patron up on PRIME?

18 A Yes, that would indicate to me as a reader that

19 they accessed the PRIME database to see if they

20 could learn anymore information about that

21 particular person.

22 Q Okay. And that note indicates that -- what that

23 officer noted was that there were multiple STRs

24 relating to that individual; is that correct?

25 A Yes.

1 Q Okay. And then below that there's another note
2 that states this patron was then -- this is at
3 1400 hours, that patron was then sitting down at
4 the high-limit baccarat table in the VIP
5 section; is that correct?

6 A Yes.

7 Q Thank you. And I understand your evidence is
8 that you did not work for IPOC during the period
9 in which you were with CFSEU.

10 A That's correct. I did not.

11 Q So you would not be privy to any communications
12 between IPOC and the Gaming Policy and
13 Enforcement Branch regarding large cash
14 transaction in casinos, would you?

15 A No, I would not.

16 MS. FRIESEN: Thank you. Those are my questions.

17 THE COMMISSIONER: All right. Thank you,

18 Ms. Friesen.

19 I'll now call on Mr. Smart on behalf of the
20 BC Lottery Corporation who has been allocated
21 15 minutes

22 MR. SMART: Thank you.

23 **EXAMINATION BY MR. SMART:**

24 Q Corporal, I appreciate you became involved in
25 this investigation near the conclusion of the

1 surveillance. I guess you were brought on
2 probably in particular to help with warrants?

3 A I was brought on just as an investigator and to
4 assist in the warrant execution, yes.

5 Q All right. Were you surprised by the results of
6 the warrant, what was discovered, the large
7 amounts of cash, the ledgers, the surveillance
8 at Silver International? Did that surprise you?

9 A When I was the exhibit officer, it was -- yes,
10 it was.

11 Q Yeah. Do you know of any reason -- leave aside
12 resources and priorities for a moment. Do you
13 know any reason why this investigation, the kind
14 of investigation that was done in 2015 couldn't
15 have been conducted in 2012 or 2013?

16 A Well, I'm not in a position to give an opinion
17 as to why it wasn't done in 2012 or '13 or '14.
18 I just -- no, I wasn't part of that
19 decision-making process.

20 Q You were a member of CFSEU at that time?

21 A Yes.

22 Q Yes. I mean, it certainly would have -- from
23 your police experience you can appreciate given
24 what you discovered in 2015 that it would have
25 been of benefit to, for example, BCLC and for

1 paragraph 33 of exhibit 663. I'm sorry,
2 paragraph 33 is page 9. Thank you. And I'll
3 scroll down to the bottom. Thank you.

4 Q You've been directed to this before, but I'll
5 just -- I want to highlight this, please.

6 "In 2015 the RCMP received a report from
7 the British Columbia Lottery
8 Corporation ... that on September 25,
9 2012, Mr. Jin had been banned for one year
10 from all BC gaming establishments due to
11 large suspicious currency transactions at
12 BC casinos. On November 5, 2012, BCLC
13 extended Mr. Jin's ban for an additional
14 five years."

15 So BCLC had already banned Mr. Jin from its
16 casinos for almost three years prior to this
17 E-Pirate investigation; correct?

18 A Yeah, that's correct. Yes.

19 Q And you carry on. You say:

20 "Mr. Jin had been identified by BCLC as
21 being involved in cash deliveries to
22 high-stakes gamblers at casinos in the
23 Lower Mainland. Between June 27, 2012,
24 and June 24, 2015, there were 140 casino
25 transactions totalling --"

1 In excess of \$23 million.

2 "... that related to casino activity
3 involving Mr. Jin and his associates."

4 Those transactions -- the 140 casino
5 transactions, those were provided -- where did
6 you get that information from?

7 A Those came from the Suspicious Transaction
8 Reports that were reported to FINTRAC and then
9 FINTRAC gave us those numbers as well.

10 Q All right. Were you aware that BCLC was also
11 providing the Suspicious Transaction Reports to
12 law enforcement?

13 A I was -- at that time in 2015?

14 Q Yes.

15 A I was not aware of that, that there was a direct
16 relationship between the reporting direct to the
17 RCMP. I was under the impression in those days
18 that all casino STRs or LCTs would be reported
19 directly to FINTRAC and then FINTRAC would
20 report them to us.

21 Q But you now know that in fact BCLC was also
22 providing these Suspicious Transaction Reports
23 to law enforcement?

24 A I do now, yes.

25 Q And you appreciate, Corporal, that BCLC was

1 doing that to try to get law enforcement engaged
2 to investigate these suspicious cash
3 transactions?

4 A That would be from my perspective one way to get
5 the senior management of the RCMP to identify a
6 problem that should be addressed in one form or
7 another, yes.

8 Q Yes. Did you go back -- I appreciate you became
9 involved in September of 2015. Did you go back
10 and look at some of the documentary history that
11 had been put together by the RCMP in relation to
12 Mr. Jin in particular?

13 A I was only able to review executive summaries
14 written by different members of the team
15 involving, you know, what they learned from
16 reading various reports.

17 Q Yes.

18 A But I did not take a look at their source
19 reports, no.

20 Q So in addition to the supplying the Suspicious
21 Cash -- or Suspicious Transaction Reports to law
22 enforcement, were you aware that in April of
23 2014 that BCLC had requested a meeting with
24 CFSEU to discuss investigating Mr. Jin and his
25 associates?

1 A Until it was brought to my attention recently, I
2 was unaware that such a meeting had taken place.

3 Q Okay. Were you aware that they -- and sorry,
4 this meeting actually occurred at RCMP
5 headquarters in Surrey at Green Timbers?

6 A I was unaware that that meeting had taken place,
7 but that's what I've since learned.

8 Q Yes.

9 A Is that -- yes.

10 Q And what BCLC was requesting is trying to get
11 CFSEU to come out and spend two weeks doing
12 surveillance at River Rock. You know that now?

13 A Oh, no, that's -- this is the first time I've
14 heard of CFSEU being asked to do something.

15 Q Okay. Were you aware that in June of 2014 that
16 Great Canadian and BCLC actually hosted a
17 meeting with CFSEU at River Rock, gave them a
18 tour of the facilities and a PowerPoint
19 presentation requesting they conduct an
20 investigation?

21 A I was totally unaware of that.

22 Q And even to today?

23 A Even today I never knew that that had taken
24 place.

25 Q All right. And this comes -- I'll just tell you

1 it comes from evidence from Daryl Tottenham who
2 was an investigator with BCLC, has given this
3 evidence to the commission.

4 A I believe that those meetings did take place,
5 but unfortunately I was not part of the
6 investigation team or part of the management
7 team that would receive a request to even go to
8 casinos and learn about the issues that were
9 taking place at that time.

10 Q What I was asking -- you've explained that.

11 A Yeah.

12 Q Whether or not -- from reviewing the documentary
13 evidence when you became involved, you saw
14 records to indicate that that occurred?

15 A Not the CFSEU one. And then once it was brought
16 to my attention that the April meeting had taken
17 place, I took a look into our database and did
18 find some cursory notes that a meeting was held.

19 Q Okay. Were you aware that in July of 2014 BCLC
20 provided CFSEU with a list of their top 10
21 casino cash facilitators and their analysis of
22 the STRs for Jin? Were you aware of that when
23 you went back and looked?

24 A No, I was not aware of that connection. No.

25 Q Okay. Were you aware that in February of 2015

1 that BCLC met with FSOC, the organization that
2 you became a part of in regards to Jin and
3 discussing dropoffs near casinos and requesting
4 police investigation? Were you aware of that?

5 A I do remember reading members' notes. I believe
6 it was Sergeant Glen Atkins, yes.

7 Q Your affidavit indicates that in April E-Pirate
8 project got underway. BCLC provided information
9 to investigators. You're aware of that to the
10 extent that they were able to do so to assist
11 the investigation?

12 A Yes. I read several reports from multiple
13 members about receiving direct reports from BCLC
14 and the STRs and the people involved and they
15 were providing as much assistance as they could
16 to the investigative team at that time.

17 Q Yes. I noticed in the surveillance that you
18 have in your affidavit that there is -- May 7th
19 there's -- your affidavit speaks for itself, but
20 you've got surveillance at the beginning of May,
21 including May 7th, and then there's nothing more
22 in your affidavit until June 4th. There's a gap
23 there. And the reason I wanted to ask you about
24 that is did you become aware that in May FSOC
25 was concerned about whether they had sufficient

1 resources to continue with the investigation,
2 were considering terminating it after a month or
3 so?

4 A No, I was totally unaware that those
5 conversations were taking place, like I said,
6 Mr. Smart, until recently, and -- yeah, sorry.

7 Q Are you aware of that now?

8 A As we are speaking, yes.

9 Q All right. And you're aware that BCLC got asked
10 to put a PowerPoint presentation together to
11 give to the RCMP to -- I guess to show to more
12 senior management why continuing the
13 investigation was important? Are you aware of
14 that now?

15 A I am aware of that now.

16 Q Okay. And as -- and the -- in fact the
17 investigation of course did continue with the
18 results that you've told the commission about
19 after that PowerPoint presentation that was
20 prepared by BCLC. Have I got that right?

21 A I think so, yes.

22 Q Yeah. At no time during this investigation did
23 anybody from BCLC suggest to you or to your
24 knowledge any investigator to back off the
25 investigation because BCLC was concerned it

1 might affect revenue?

2 A That I'm totally unaware of.

3 Q That never happened to you?

4 A I don't recall seeing any notes to that effect.

5 Not at all.

6 Q No. So Mr. Martland's taken you through some of
7 the results of your -- of the investigation, and
8 I'll just refer you to some of the paragraphs of
9 your affidavit.

10 MR. SMART: I'll -- if we could go to -- back,
11 please, Madam Registrar, to paragraph 22 at
12 page 7.

13 Q And as you've highlighted, what was found was
14 4 -- just under \$5 million in Canadian currency.
15 4.3 of that, was that found at the Brighthouse Way
16 location?

17 A Yes, it was.

18 Q And I'm just trying to make sure we understand
19 this. There's a number of locations that are
20 mentioned. Were there two -- what you describe
21 as illegal gaming houses in operation?

22 A Sorry, two illegal gaming houses? Yes.

23 Q All right.

24 A Yep.

25 Q And if I can take you to -- so I'm sorry, the

1 one where the 4.3 was found, was that an illegal
2 gaming house or was that simply a residence with
3 a safe in it?

4 A No, that was a private residence with a safe in
5 it.

6 Q Yes. And I see from your affidavit that it was
7 Mr. Jin, his wife, his parents and his niece
8 seemed to be directly involved with the --
9 whatever business Mr. Jin was operating?

10 A Yeah. We believed they were operating as a
11 business, working cooperatively together.

12 Q Yeah. A family business?

13 A Yes.

14 Q Yes. And then over the page, 8, I just want to
15 ask you this. At (e) -- I'll skip the Porsche
16 and I'll move to the casino chips. Were you
17 able to determine -- I gather some of these
18 casino chips were simply chips used in the
19 illegal gaming facilities. Were there casino
20 chips that had come from legal gaming sites?

21 A Yes. We did discover bags of chips from River
22 Rock Casino at Silver International, and I
23 believe at one of the other search warrant
24 locations as well. But the casino chips that we
25 see there were the generic ones that people can

1 buy in bulk.

2 Q Yes. So what was the -- are you able to tell us
3 approximately the total cash value of the legal
4 gaming chips that came from BC -- River Rock?

5 A At that time the only thing I can remember off
6 the top of my head without digging into my notes
7 is at least \$50,000 in casino chips.

8 Q All right. Let me take you to it. I'm a little
9 bit limited in time, so I want to just jump
10 ahead to paragraph 85. You got asked about the
11 promissory note.

12 MR. SMART: Thank you. That's page ... Thank you,
13 Madam Registrar.

14 Q And what that states is the borrowed funds is
15 for purchasing materials and interior and
16 exterior renovation purposes. And you can find
17 nothing in the investigation to support that
18 that money was used for that purpose. Am I
19 accurate?

20 A That is correct, yes.

21 Q Yeah. And what you found, you referred to later
22 in your affidavit, is that ...

23 MR. SMART: I'm jumping around here, Madam Registrar,
24 but paragraph 121.

25 Q What you found was that:

1 "A batch of Chinese and English documents
2 called Promissory Notes --"

3 And I'll just jump down.

4 "These documents listed loans allegedly
5 owed by various parties to Mr. Jin [and
6 his wife] during the period of
7 December 24, 2012, through August 21,
8 2015, in the cumulative amount of --"
9 \$26,000,000. You reviewed court records between
10 January 2013 and August 2015, Mr. Jin and his
11 wife filed 24 actions between persons and/or
12 companies that were borrowers and in a number of
13 cases also filed certificates of pending
14 litigation and/or mortgages against real
15 property.

16 You know from your investigation and from
17 what you've learned about money laundering that
18 putting -- filing liens or mortgages on property
19 and then -- is a way of laundering proceeds,
20 isn't it?

21 A That is correct, yes.

22 Q For example, if a building -- if a property's
23 sold and the liens are paid off, then presumably
24 at some point the money comes out of a lawyer's
25 trust account and it looks pretty clean.

1 A It would look very clean, yes.

2 Q Yes. Lastly I want to go back to, please --
3 just to understand the extent of what you
4 learned from this investigation and the searches
5 that were done. Mr. Martland took you to some
6 of this. Much of this. If I take you to
7 paragraph 99, which is the ledgers.

8 MR. SMART: Thank you, Madam Registrar.

9 Q And I just want to try to understand. This
10 Silver International, were you able to determine
11 the beneficial owners of that company?

12 A From what we could determine -- the beneficial
13 owner of the company?

14 Q Yes.

15 A Would be the husband and wife team that were
16 operating it, yes.

17 Q And who is that?

18 A That would be Ms. Qin, Q-i-n, and her husband
19 Jian, J-i-a-n, Zhu, Z-h-u.

20 Q All right. And those are two persons that were
21 charged originally?

22 A They were -- yes, they were.

23 Q All right. And what the video surveillance
24 showed you -- these suitcases and other
25 containers coming in, people going into the back

1 room, leaving the -- whatever they brought, the
2 money that was in those containers, the money
3 being brought out of the containers, displayed
4 on the floor, captured on the video and the
5 people leaving in a matter of a minute or two?

6 Is that --

7 A Yes.

8 Q Okay. Not the way one normally conducts their
9 business if they're bringing lawful money into a
10 business, is it?

11 A No, no. In fact it's almost the exact opposite.

12 Q Yes.

13 A If you were -- just as any other consumer
14 walking into any type of financial institution
15 and even if you did have a legitimate sum of
16 money in the hundreds of thousands, you would
17 not be allowed to walk away from the branch
18 until it was properly accounted for.

19 Q What you've set out at paragraph 99 is that
20 there's approximately 80 -- during these
21 137 days there was approximately \$83 million
22 that was in the "debit" column and 81 million in
23 the credit column. So that is -- what?
24 \$83 million came in in cash?

25 A Yes. So the "debit" column was the amount of

1 cash entering into Silver International and the
2 "credit" column is the amount of cash leaving
3 it.

4 Q Are you able to determine because you had the
5 video of the cash that went into the back room
6 how much of that was simply cash that came in
7 containers were dumped on the floor, counted and
8 people left?

9 A Could we count -- could we actually count the
10 money being dumped on the floor and then --
11 sorry. Can you just rephrase that.

12 Q Yeah. I'm trying to get your -- as you said,
13 that the way this money was being deposited at
14 Silver International was hardly similar to what
15 one would expect from a lawful transaction.

16 A Yes.

17 Q So I'm trying to get a sense. Of the
18 83 million, are you able to give us a percentage
19 of that was money that went into the back room
20 and people left in a minute or two?

21 A That I never thought of. I never thought of
22 looking at the CCTV that way and breaking it
23 down into the percentage of people going
24 directly to the back room making the deposit of
25 money and then leaving. I can't even quantify

1 that at this point in time.

2 Q Okay.

3 A I would say the majority of people did do it.

4 Q Go in the back room?

5 A Go in the back room, make their deposit and then
6 leave.

7 Q And you, I think -- as I understand your
8 evidence, you -- other than one transaction of
9 other a million dollars, it was difficult to
10 determine the source of that money that went
11 into the back room.

12 A We tried our best to identify all the people
13 bringing money in in large quantities and
14 exiting in a short period of time.

15 Q All right. And just, then, to -- you've taken
16 that 137 days in paragraph 99 and calculated it
17 out on an annualized figure. It would have been
18 \$221 million that came into Silver
19 International?

20 A Yes. If circumstances are present and my
21 chartered accountant was accurately doing her
22 job, those -- that would be an accurate
23 reflection.

24 Q Okay. And at paragraph 100 you then state that
25 in that same period Mr. Jin withdrew almost

1 \$27 million dollars from Silver International?

2 A Yep. Yes.

3 Q And that's aside from -- I won't take you to
4 this, but the millions of dollars that were
5 generated from the illegal gaming sites, this is
6 different, isn't it?

7 A It's different.

8 Q Yeah. Of this almost \$27 million what you saw
9 is that he would take that money, he'd take it
10 to Jones Road?

11 A He would take the majority of it to Jones Road.

12 Q Yeah.

13 A And it's our understanding from our
14 investigation that it would be then broken down
15 into smaller amounts and then given out to
16 whomever needed the funds for that day or that
17 week.

18 Q Yes. And it appears that most of those funds
19 were given to customers, again, in bags or
20 smaller containers?

21 A Yes. Shoebboxes, gift bags.

22 Q Yeah. And that occurred mainly away from
23 casinos at restaurants, parking lots, those
24 kinds of locations?

25 A That's right. Away from the casino atmosphere,

1 yes. The property.

2 Q Just let me go back to paragraph 106.

3 MR. SMART: And I'll stop, Mr. Martland, shortly.

4 Q At paragraph 106 you -- the analysis done by the
5 analyst indicates that the net profit for that
6 137 days from the illegal gaming site was
7 \$32 million?

8 A Oh, yes. That was her calculations after she
9 took into account all the principals of
10 accounting she has to, yes.

11 Q And obviously calculated over a year it's
12 significantly more?

13 A It will be, yes.

14 Q And were you able to -- did you make any effort
15 or were you able to analyze and determine how
16 much of the net profit -- how much of the gross
17 revenue was the proceeds of crime?

18 A From the actual casino houses?

19 Q Yeah, from the illegal casino houses. We can --
20 we know there's large cash transactions at
21 casino -- legal casinos. But at the illegal
22 casinos do you know what extent of the revenue
23 that came into those casinos was the proceeds of
24 crime or may have come from Silver International?

25 A See, with respect to the underground casinos or

1 illegal casinos, there was actually no cash
2 involved at the actual sites. It was just a
3 value attached to a gambler.

4 Q I see.

5 A They would come in with a credit attached to
6 them, and then they would gamble that -- this is
7 what we've learned. They would gamble that in
8 that particular establishment. And should they,
9 let's say, come in with \$100,000 credit and they
10 all lose it after, let's say, a few hours of
11 play. Well, then they owe \$100,000 to the
12 gaming facility at the illegal casino.

13 Q I see.

14 A And they would have to make payments.

15 Q I see. And it would help if you had property on
16 Dunbar street or somewhere else as a guarantee
17 of your debt?

18 A That's right. And that's what our theory was,
19 the promissory notes were used to secure the
20 properties in case the gambler for whatever
21 reason cannot repay their outstanding debt.

22 Q And just my last question. In your affidavit in
23 the exhibits there's a number of individuals
24 named. Did you determine that -- some of those
25 people that were individuals who had gambled at

1 legal gaming sites in large amounts of money?

2 A Oh, could you make reference to --

3 Q I'm just -- without any particular person. But
4 I'm just wondering if you saw a correlation
5 between -- we've heard about individuals that
6 gambled hundreds of thousands of dollars and
7 generally lost it at legal gaming sites. Were
8 you able to correlate the names of the people
9 that were found in the ledgers as people that
10 also gambled -- sorry, the ledgers of illegal
11 gaming sites, were you able to correlate whether
12 some of these people gambled at legal gaming
13 sites?

14 A Yes.

15 Q And what did you find?

16 A We found that they gambled at both places. It
17 was a small number of people that we could
18 actually identify. And we did interview them,
19 and they did admit to not only gambling at the
20 legal sites, such as River Rock or Edgewater,
21 but they also went to the illegal sites on No. 4
22 Road and gambled there as well.

23 MR. SMART: All right. Those are my questions,
24 Corporal. Thank you.

25 THE COMMISSIONER: Thank you, Mr. Smart.

1 I'll now call on Mr. Usher on behalf of the
2 Society of Notaries Public of British Columbia,
3 who has been allocated 10 minutes

4 MR. USHER: Thank you, Mr. Commissioner. Having
5 heard the testimony of the witness, I have no
6 questions.

7 THE COMMISSIONER: Thank you, Mr. Usher.

8 And now Mr. DelBigio on behalf of Mr. Jin,
9 who has been allocated 30 minutes.

10 THE WITNESS: May I ask for a five-minute break?

11 THE COMMISSIONER: Yes, of course. We'll take five
12 minutes.

13 THE REGISTRAR: This hearing is adjourned for five
14 minutes until 1:00 p.m.

15 **(WITNESS STOOD DOWN)**

16 **(PROCEEDINGS ADJOURNED AT 12:55 P.M.)**

17 **(PROCEEDINGS RECONVENED AT 1:00 P.M.)**

18 THE REGISTRAR: Thank you for waiting. The hearing
19 is resumed. Mr. Commissioner.

20 THE COMMISSIONER: Thank you, Madam Registrar.

21 **MELVIN CHIZAWSKY, a**
22 **witness for the**
23 **commission, recalled.**

24 THE COMMISSIONER: Yes, Mr. DelBigio.

25 MR. DELBIGIO: Thank you.

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EXAMINATION BY MR. DELBIGIO:

Q Officer, can you hear me okay?

A Yes.

Q It was obvious to you that Mr. Jin's first language is not English; right?

A It was not his first language, no.

Q And was his first language Mandarin or Cantonese?

A I don't know.

Q And there were some documents that were found that were --

A Yes.

Q -- written in Chinese; right? Were they written in simplified or traditional Chinese?

A A combination of both.

Q And prior to testifying today, what documents have you reviewed?

A What documents have I reviewed? My affidavit.

Q Anything else?

A And I took a look at a report called "Economic and Social Consequences of Money Laundering."

Q Where did you get that report?

A It was provided to me by the Department of Justice. Apparently it was the BCLC report.

THE COMMISSIONER: I'm sorry, just going to interrupt

1 for a second. It's sound as though we're having
2 a bit of a delay such that, at least to me, when
3 Mr. DelBigio is asking his questions you're
4 beginning your answers, so it may be that
5 Mr. DelBigio is a bit delayed. So if you could
6 just take a moment to ensure that -- if you just
7 take a moment when he finishes from your
8 perspective, that will enable me to hear both
9 question and answer. I'm sorry to interrupt.
10 But thank you.

11 MR. DELBIGIO:

12 Q Officer, when did you last review the E-Pirate
13 file?

14 A Oh, it's been a while since I've reviewed it.

15 Q Now, you have been asked various questions about
16 E-Pirate and what a project is. I'm just going
17 ask you some more questions about that; okay?

18 A Yes, sir.

19 Q What was the start date and the finish date of
20 E-Pirate?

21 A Well, I can tell you the end day of E-Pirate was
22 on November 18th, 2018. The actual start date
23 would be in April of 2015. The actual -- but I
24 don't know an exact date.

25 Q And how many police officers participated in

1 E-Pirate?

2 A At the height there was well over 2- to 300
3 officers involved.

4 Q And how many different agencies were involved?

5 A Multiple police agencies. And other government
6 agencies, so ...

7 Q What agencies -- what police agencies and what
8 other agencies?

9 A There was the Canada Revenue Agency, FINTRAC,
10 BCLC, GPEB were also involved in providing
11 information. Vancouver Police Department and
12 RCMP units.

13 Q And were there any foreign police -- foreign law
14 enforcement agencies?

15 A We did actually make --

16 MS. STRACHAN: Mr. Commissioner. I'm sorry to
17 interrupt. It's Deborah Strachan, and I am here
18 with Corporal Chizawsky as counsel. And I'm
19 going to -- I'm going to object to the line of
20 questioning that it appears Mr. DelBigio is
21 engaging in or starting to engage in. The
22 Corporal's testimony today should be restricted,
23 in my respectful submission, to the four corners
24 of his affidavit and the limited purpose for
25 which Mr. Jin has been granted participant

1 status. It is not so that Mr. Jin's counsel,
2 Mr. DelBigio, can engage in a wide-ranging
3 examination of the investigation at large.

4 Thank you. And I'm sorry to have to
5 interject.

6 THE COMMISSIONER: Thank you. Mr. DelBigio.

7 MR. DELBIGIO: Thank you. Mr. Commissioner, the --
8 there is nothing more central than E-Pirate and
9 Mr. Jin. The way in which this inquiry had been
10 conducted is that the two are intertwined. My
11 friend Mr. Martland asked about E-Pirate and
12 what it is, what is a project and these sorts of
13 things. And I am fully, I submit -- it is
14 entirely relevant and proper for me to be able
15 to elaborate upon that. I am not confined to
16 the questions and answers that have already been
17 put to the witness, and I think it's relevant
18 for this given that -- relevant for this
19 commission to understand the scope of E-Pirate
20 because then I will tie that into where E-Pirate
21 went as it relates to my client.

22 THE COMMISSIONER: Okay. Well, as I see it, your
23 client's involvement is relevant to the
24 commission in so far as it provides evidence of
25 the extent, evolution, growth and methods of

1 money laundering. His complicity of money
2 laundering itself isn't at issue. This
3 commission has no mandate to make any sort of
4 criminal or civil determination of either
5 liability or complicity and is not pursuing an
6 investigation into the actual provenance of the
7 funds that are the subject of E-Pirate. So I
8 just think it's important that that be borne in
9 mind during the course of your cross-examination
10 of this witness that really Mr. Jin's
11 involvement is somewhat limited.

12 Mr. Martland I see you're on screen. Did
13 you have any submissions you wish to make.

14 MR. MARTLAND: No, Mr. Commissioner. I didn't
15 object. I didn't perceive that question, the
16 last question, to cross a line, but I'm paying
17 attention if there's a line that we're going to
18 cross.

19 THE COMMISSIONER: Okay. So just to conclude what I
20 was saying, Mr. DelBigio, I think you can carry
21 on, but bear in mind that your client's
22 involvement with this commission is really
23 relevant insofar as it casts light on the
24 mandate of the commission, which is the growth,
25 the extent and the methods of money laundering

1 in British Columbia. But it doesn't engage his
2 either complicity or -- criminal complicity or
3 civil liability in any fashion.

4 So I'll just leave it at that, but if you
5 could just conduct your examination accordingly.

6 MR. DELBIGIO: Thank you. And I will pursue this a
7 little bit, but I will be brief with respect to
8 it. And then --

9 Q Officer, there were warrants that were executed
10 in numerous locations, search warrants? I
11 believe the officer might be gone.

12 THE COMMISSIONER: No, I think he's muted.

13 THE WITNESS: Yes, there were.

14 MR. DELBIGIO:

15 Q Production orders?

16 A Yes.

17 Q I don't care where they were, but approximately
18 how many production orders?

19 A That I can't give a quantitative figure on.

20 Q Okay.

21 A As that portion of the investigation was done by
22 another member of the team.

23 Q Eventually a package of materials was sent to
24 Crown counsel for charge -- a recommendation of
25 charge approval?

- 1 A Yes, there was.
- 2 Q And the result -- and how much material was
3 there? If you were to -- was it a hard drive or
4 was it a stack of paper?
- 5 A It was a hard drive of material.
- 6 Q How much data?
- 7 A That I don't know offhand.
- 8 Q Lots?
- 9 A It was lots, yes.
- 10 Q Yeah. Were there wiretaps in this case?
- 11 A Not for this particular person, no. Not for
12 Mr. Jin.
- 13 Q Who was the Crown who received the disclosure
14 package?
- 15 A It was Ms. Maggie Loda.
- 16 Q So it was senior Crown?
- 17 A Yes.
- 18 Q And you had discussions with her? I'm not
19 asking what the discussions were, but you had
20 discussions with her with respect to the
21 materials you presented?
- 22 A I know that the command triangle of the day did
23 have discussions with the Crown prosecutor, yes.
- 24 Q Who was the command triangle?
- 25 A That would be Inspector Bruce Ward, Staff

- 1 Sergeant Steve Weather, Sergeant Melanie Paddon.
- 2 Q And from the time that the package was first
- 3 delivered to Crown until the time you learned
- 4 there would be no charges, how much time was
- 5 that approximately?
- 6 A I think about eight months or less.
- 7 Q Okay. And meetings with the police occurred
- 8 during that time period?
- 9 A Meetings with who?
- 10 Q Meetings between Crown and the police?
- 11 A A couple of meetings did take place, yes.
- 12 Q The result of an extensive package of materials
- 13 being sent to senior Crown and after numerous
- 14 meetings with Crown and police and there was no
- 15 charge approved against Mr. Jin; correct?
- 16 A When a stay of proceedings was entered on
- 17 November 18th again Ms. Qin and Mr. Zhu and
- 18 against Silver International, the file basically
- 19 ceased at that point and there was no further
- 20 review of the documents as far as I know.
- 21 Q Now, there's been a little bit of discussion in
- 22 this commission about E-National, and some
- 23 people being arrested. Do you know anything
- 24 about that?
- 25 A That was a file done by the Combined Forces

1 Special Enforcement Unit and I have no knowledge
2 of what that file involves or what the fruits of
3 it are.

4 Q Okay. Now, after there was no charge against
5 Mr. Jin, eventually a referral was made to civil
6 forfeiture; right?

7 A Yes, there was.

8 Q And did you make that referral?

9 A I made it in conjunction with the command
10 triangle of that day which was Staff Sergeant
11 Dave Gray and myself.

12 Q Sorry, go ahead. I didn't mean to cut you off.

13 A No, no. When the stay of proceedings was
14 entered, we had to absorb the results of that
15 recommendation by senior Crown counsel not to
16 proceed with any further court involvement, and
17 we had to think about the consequences of what
18 would happen if we did something or if we did
19 nothing.

20 Q Do you know why there was a stay entered?

21 A I cannot discuss that with confidence because --
22 I'm just going to let Ms. Strachan --

23 Q I will not pursue it if there's an objection.

24 MS. STRACHAN: There is an objection.

25 THE COMMISSIONER: All right. Thank you.

1 MR. DELBIGIO:

2 Q Did you send to the Director of Civil Forfeiture
3 essentially the same materials you sent to
4 Crown?

5 A We sent probably about 50 percent of it that was
6 substantiating our belief that a money
7 laundering offence was taking place, yes.

8 Q And did you provide the E-Pirate material to the
9 commission or did somebody else?

10 A Somebody else did. It had to come through our
11 file coordinator, though, prior to being
12 disclosed to the commission.

13 Q You've dealt with the civil -- you've referred
14 other files to the Director of Civil Forfeiture,
15 have you?

16 A I have, yes.

17 Q You understand that -- you understand that that
18 is a tool of law enforcement; right?

19 A It is our tool of last resort.

20 Q Okay. And you understand that the materials
21 that you receive from your investigations can
22 under circumstances be referred or given to the
23 Director for the Director's own use in a file;
24 right?

25 A What we do know is when we do gather evidence

1 for a criminal investigation it's strictly for
2 the criminal process. Now, if at the end of the
3 day there are no charges recommended or pursued
4 or they're dropped for whatever reason, then we
5 still have that evidence on file and we have to
6 make a determination of whether it's releasable
7 to the Director or not.

8 Q Okay. Mr. Martland asked you near the beginning
9 of your testimony about the status of the civil
10 forfeiture file, and I didn't quite get your
11 answer. But you said you spoke to the Director
12 and -- what? The file is not yet resolved?

13 A To me it's still ongoing. The Director doesn't
14 really report to us as to how the status is
15 going. Other than if I make a phone call to him
16 and say, you know, what is the status of the
17 ongoing litigation, and they would just say it's
18 just ongoing.

19 Q And when you say the Director you mean
20 Mr. Tawtel; right?

21 A I would speak to Mr. Tawtel. He's my point of
22 contact.

23 Q Okay. The same person who has testified in
24 these proceedings?

25 A I understand he did give testimony, yes.

1 Q You prepared -- the affidavit which is now
2 before this commission you prepared as part of
3 the civil forfeiture proceedings; correct?
4 A Yes.
5 Q And did you prepare that with the assistance of
6 lawyers from the Attorney General's office?
7 A Yes, I did have assistance from one of their
8 litigation lawyers.
9 Q Okay. From the Attorney General's office?
10 A Yes.
11 Q Who was that?
12 A Unfortunately I cannot remember her name.
13 Q Okay. Now, you might not be aware of the terms
14 of reference of this commission, but I'll
15 just -- bear with me and I'll read something to
16 you and then I'll ask you a question about it;
17 okay?
18 Term number 4(3), and I'll just read it to
19 you. It says:
20 "If the commissioner has reasonable
21 grounds to believe that any information
22 obtained during the inquiry may be useful
23 in the investigation or prosecution of an
24 offence under the *Criminal Code*, the
25 commissioner must forward that information

1 to the appropriate authorities."

2 Okay. Now, here's my question. If the
3 Commissioner through that mandate were to
4 refer -- forward materials to you, you could in
5 your discretion -- you could, as you have done
6 before, forward those materials to the Director
7 for consideration of civil forfeiture; right?

8 MS. STRACHAN: Well, Mr. Commissioner, I'm sorry to
9 interrupt again. Once again, Mr. DelBigio's
10 line of examination is moving into asking this
11 witness to say what he might do in future if
12 something was to happen. And that, in my
13 respectful submission, does move out of the
14 bounds of why this witness has been called.
15 Thank you.

16 THE COMMISSIONER: Okay. I think the question is not
17 what he might do in future but whether or not he
18 would be able to do it. Am I right,
19 Mr. DelBigio?

20 MR. DELBIGIO: Yes. And as Mr. Martland said when he
21 was explaining this witness. Part of the
22 relevance was the interplay between the
23 investigation and civil forfeiture.

24 THE COMMISSIONER: Okay. Well, I mean, I think if
25 you're not asking him specifically what he would

1 do if confronted with that but rather what he
2 has a capacity to do, I think that's fine.

3 MR. DELBIGIO: Thank you.

4 Q It would be open to you, officer, within your
5 capacity to forward materials to the Director of
6 Civil Forfeiture; right? Just as you have done
7 before?

8 A Not -- at my decision-making level I do not have
9 the authority at this point in time to take any
10 material from the commission and do anything
11 with it.

12 Q Somebody else --

13 A Authority otherwise. I just don't have it.

14 Q Who has that authority?

15 A That would be at the discretion of the senior
16 commander of our unit and in conjunction with
17 his other line officers as to what they would
18 like to do with it.

19 Q During Mr. Martland's questioning of you, you
20 said that you were told by -- you spoke to
21 chartered accountants about interest rates and
22 interest rate calculations. Do you recall?

23 A Yes.

24 Q And that's nowhere in the materials that are in
25 your affidavit; right? That's just outside of

1 that affidavit?

2 A That is part of my knowledge that I've learned
3 as part of this investigation, yes.

4 Q Okay. Who did you talk to?

5 A I talked to Ms. Elise To, who is a certified
6 accountant. And I've talked to a member of the
7 CRA investigation team about criminal interest
8 rates. And at this point in time in terms of my
9 education level it's a little bit above as to
10 how they calculate it and the reason behind it.

11 Q Now, there have been some questions about your
12 affidavit at paragraph 66 that refers to XB.

13 A Yes.

14 Q In the -- sir, in the interests of time I'm not
15 going to show that to you, but if you need it
16 please let me know because then we'll get it up
17 on the screen; okay?

18 Where in the interview of Mr. Jin did you
19 ask him about nicknames or XB?

20 A I did not ask him that.

21 Q And so the evidence before the commission today
22 with respect to XB is you saying that some other
23 officer somehow has that information; correct?

24 A Yes. And we also take into account the review
25 of the CCTV and the ledgers, and we take a look

1 at, you know, when particular people come in and
2 the annotations are made on the ledgers to make
3 that correspondence as well.

4 Q But you'd never even asked Mr. Jin whether he is
5 XB?

6 A That would be a notation made by the people
7 doing the ledgers.

8 Q Okay. I'm saying that you never asked him that
9 when you were conducting an interview of him.

10 A That is correct. I did not ask him, no.

11 Q And by the way, that interview, you were
12 speaking in English; right?

13 A Yes.

14 Q And you told the commission that you had given
15 Mr. Jin some sort of -- I'm just looking for my
16 notes -- confirmed charter rights or something
17 like that?

18 A Yes, I rechartered, rewarned him and I gave him
19 a police cautionary as well.

20 Q Is that on the statement?

21 A That's on the statement, yes.

22 Q Where is that on the statement?

23 A That I'd have to bring it up and take a look.

24 MR. DELBIGIO: Can the statement be brought up,
25 please.

1 THE REGISTRAR: Sorry, can you be specific --

2 THE WITNESS: It's exhibit 50.

3 MR. MARTLAND: Exhibit 50. Thank you.

4 THE REGISTRAR: And which page?

5 MR. DELBIGIO:

6 Q Could it be at the beginning, officer?

7 A It would be right at the beginning right after
8 our -- I enter into the room and we have settled
9 down. So it will be in the first 10 pages.

10 THE REGISTRAR: So I'll scroll slowly.

11 THE WITNESS: Okay. I think we see -- you can stop
12 scrolling. I think just go to page 1 again --
13 or sorry, up six pages. And if we can just keep
14 scrolling slowly down. Right there. Line 40.

15 MR. DELBIGIO:

16 Q I'll just read that to you, line 40:

17 "You're detained with respect to multiple
18 counts."

19 And then the offences are referred to. Is
20 that -- that's where you're saying that?

21 A That's where I'm saying it, yes.

22 MR. DELBIGIO: Okay. Madam Registrar, can you just
23 scroll down a little bit further.

24 Q And -- but you never mention charter of rights
25 there, do you?

1 A Like my interview with him, I would agree, yes.

2 Q If anybody was wanting to know whether he spoke
3 with an accent or the pauses or what was left --
4 what is not transcribed, really the tape is the
5 best evidence, isn't it?

6 A The tape is always the best evidence.

7 Q And -- okay. I will at a different time perhaps
8 have to pursue the issue of that.

9 Now, you were asked questions about the
10 interview and it was line 477.

11 MR. DELBIGIO: And I wonder if we can go to that,
12 please. And it was page 19, I believe. That's
13 of the statement itself.

14 THE REGISTRAR: Sorry, the statement earlier?

15 MR. DELBIGIO: Yeah. Thank you.

16 MR. MARTLAND: It's probably about 905, Madam
17 Registrar, of the PDF.

18 MR. DELBIGIO:

19 Q Now, Mr. Martland asked you some questions about
20 this page. And you offered the interpretation
21 that Mr. Jin described travelling to Macao and
22 identifying people that might come to Vancouver
23 and gamble. Do you remember being asked those
24 questions by Mr. Martland and offering that
25 interpretation?

1 A Yes.

2 Q Let's just have a look at this page. And tell
3 the Commissioner, please, where Mr. Jin in the
4 English that you say he speaks told you that he
5 travelled to Macao and identified people that
6 might come to Vancouver and gamble?

7 A It's not on this particular page, no.

8 Q What page is that on?

9 MR. MARTLAND: It may be the page before that
10 Mr. DelBigio is directing the witness to. There
11 we are. Page 19.

12 MR. DELBIGIO:

13 Q Where does he say, I travelled to Macao; I
14 identified people that might come to Vancouver
15 and gamble?

16 A I'd have to do a word search for the word
17 "Macao" and take a look for it.

18 Q But when you were asked those questions and gave
19 those answers, these were the pages that you
20 were referred to?

21 A Correct.

22 Q There's the word -- look at line 472. There's
23 Macao.

24 A Yeah.

25 Q And also at 481; right?

1 A Yes.

2 Q And so, again, where is it that Mr. Jin there
3 says, I travelled to Macao and identified people
4 that might come to Vancouver and gamble?

5 A That would be later on in the statement.

6 Q And are you --

7 MR. MARTLAND: I think Ms. Strachan is muted, but I
8 overheard her through another mic, I think,
9 going to page 18 or suggesting that.

10 MS. STRACHAN: Yes.

11 MR. DELBIGIO:

12 Q On page 18. Officer, Ms. Strachan has assisted
13 you and Ms. Strachan says on page 18 Mr. Jin
14 says that he described travelling to Macao and
15 identifying people that might come to Vancouver
16 and gamble. And what line number is that,
17 please, sir?

18 A I see line 463.

19 Q "I go there, fly all the time, right, you
20 know. Yeah, that's why."

21 So you interpret those words in the way that
22 I've been asking about; is that right?

23 A That's just part of the information I learned
24 from Mr. Jin when I was talking to him, yes.

25 Q Okay. Well, we can in the interest of time we

1 can all search the transcript at a different
2 time.

3 Now, paragraph 101 of the affidavit, and
4 that is page 31 of 1098. And I wonder if the
5 witness could be shown that, please. Do you see
6 where -- and, officer, it says:

7 "Several documents appear to be records of
8 bookkeeping were located at the Jones Road
9 property."

10 A Yes. Yes.

11 Q And is this first-hand information or is this
12 information that was provided to you?

13 A This was interpreted information from the
14 documents that were found within the Jones Road
15 residence.

16 Q And did you go to the Jones Road residence?

17 A No, I did not.

18 Q And when you say "appeared to be records of
19 bookkeeping," that's -- what? Somebody else
20 told you that?

21 A That would be somebody else telling me that.

22 Q And the reason I ask, officer, is because at
23 your affidavit, your civil forfeiture affidavit
24 at paragraph 1 -- and maybe we can just go to
25 that, and that's on the electronic page 2 of

1 1098 -- you say that you have personal matter --
2 knowledge of matters deposed to except where
3 stated to be upon information and belief.

4 And so that affidavit -- the paragraph that
5 I was referring to a moment ago doesn't say it's
6 stated beyond -- does not state that it is based
7 upon information and belief, does it? That was
8 101.

9 A Yep.

10 Q We can go back to paragraph 101.

11 A Yep.

12 Q It doesn't say, I am advised by so and so that,
13 does it?

14 A No. It does not say that, no. It does not
15 reference the source of -- person I got that
16 knowledge from. No, it does not.

17 Q And the way in which it's written suggests that
18 this is your own knowledge; right?

19 A You can read it that way, yes.

20 Q So you'll agree that the affidavit is misleading
21 in that regard, isn't it?

22 A I'm not going to say misleading. Those are --
23 that's my belief when I reviewed those
24 documents. So what I failed to do was say the
25 documents translated by somebody told me this.

1 Q What you failed to do is do what you said you
2 were going to do in paragraph 1; right?

3 A I'm going to say you're probably pointing out a
4 flaw, yes.

5 Q You were asked questions by Mr. Martland --

6 MR. DELBIGIO: And now, Madam Registrar, I'm at the
7 statement, Mr. Jin's statement, which is -- I
8 don't have the electronic page number, but it's
9 lines 1581 through 1586 of the statement,
10 please. 1581 through 1586. Just a little bit
11 further. Thank you very much.

12 Q Now, officer, you'll see here that in the
13 statement -- and you were asked some questions
14 about customers who were borrowing, and the
15 answer about, I know the people. Do you see
16 that?

17 A Yes, I do.

18 Q And you were asked the question -- you were
19 asked the question, is there anything in the
20 investigation to show he didn't know the people,
21 and you answered no. Do you remember being
22 asked that question and giving that answer?

23 A I don't remember saying it, but I'm going to
24 defer to your notes, yes.

25 Q You'll agree with me that unless I were to have

1 the investigative materials, it would be
2 virtually impossible for me to test your answer
3 in that regard; right?

4 MS. STRACHAN: Well, that's asking the corporal to
5 speculate.

6 MR. DELBIGIO: Okay.

7 Q Well, you based your information -- you based
8 your answer on the materials that were -- that
9 you are privy to through the investigation;
10 right?

11 A That's correct, yes.

12 Q And your answer is not based upon the
13 information set out in the affidavit which is
14 before this commission; right?

15 A It's based upon materials that are not before
16 this commission. I have information that as a
17 result of the investigation -- I like to think I
18 put most of it in this affidavit in describing
19 this particular typology.

20 Q I see. You were asked -- you were asked
21 questions by Mr. Martland about the analysis and
22 the ledgers. Do you recall that general line of
23 questions and answers?

24 A Yes.

25 Q And that was done by -- that analysis is done by

1 somebody else. It's not you; right?

2 A Right. It's not me, no.

3 Q And that information is based upon -- is done by
4 an accountant and you're not an accountant;
5 right?

6 A That is correct.

7 Q And that information is based upon what? A
8 bunch of information that was presented to the
9 accountant; right?

10 A The accountant is part of our investigative
11 team, yes.

12 Q And the only way of -- you would be -- you
13 wouldn't be the right person to ask questions
14 about with respect to the accuracy of those --
15 that analysis because you did not do the
16 analysis; right?

17 A That's correct. I would expect that she would
18 be called to the stand to testify on her ability
19 to interpret the documents and give meaning to
20 them from an accounting perspective. That was
21 my expectation.

22 Q You testified that you reviewed RCMP reports
23 that people complained about Mr. Jin using the
24 civil courts?

25 A Yes, there's a couple of police reports. Yes.

1 Q Were those part of E-Pirate or something else?

2 A They were part of our investigation, yes.

3 Q No charges there?

4 A No charges at all, no.

5 Q Right. You testified -- Mr. Martland asked you
6 about the source of the money into Silver?

7 A Yes.

8 Q And you testified that you saw one person
9 associated with drugs -- and this is me
10 paraphrasing. You saw one person associated
11 with drugs bring in -- you gave a more precise
12 answer but around a million dollars?

13 A Yeah, just over 1.4 million. Yes.

14 Q Okay. And -- but that was the only person that
15 you were able to identify; right?

16 A No, they were over people identified but that's
17 the one that sticks out in my mind right now.
18 It was the largest deposit.

19 MR. DELBIGIO: Okay. Mr. Commissioner, I'm just
20 scrolling through my notes, if I may.

21 THE COMMISSIONER: Yes, that's fine.

22 MR. DELBIGIO: Madam Registrar, I'm at the witness'
23 affidavit page 34. On the electronic it's
24 page 35 of 1098. And in fairness to the
25 witness, perhaps we can go to the beginning of

1 that affidavit -- I'm sorry, not the beginning
2 of the affidavit, the beginning of the
3 paragraph, which is paragraph 105.

4 Q Do you see that, sir?

5 "Of note are the following entries."

6 A Yes.

7 Q And these are entries from what? Ledgers seized
8 from some location; right?

9 A It will be, yeah -- from the Jones Road
10 locations and/or Burquitlam and/or Silver
11 International. The purpose was to try to
12 correlate notes to surveillance.

13 Q Those so-called Jones Road ledgers, are those in
14 English or a different language?

15 A No, they're in a different language.

16 Q And did you review those ledgers or is this
17 information from somebody else?

18 A Information from a translator.

19 Q So once again, when I earlier referred you to
20 paragraph 1 of your affidavit where it talks
21 about things that are in your personal belief
22 versus information given to you by somebody
23 else, you remember that paragraph I took you to;
24 right?

25 A Oh, yes. Yes, I do.

1 Q And this is another instance of that sort of
2 inaccuracy again; right?

3 A Well, inaccurate that I didn't tell the reader
4 exactly who I received that information from.

5 Q Right.

6 A But the information is there.

7 Q Yeah. And subparagraph (k) it says:

8 "The Silver ledgers have an entry of XB."
9 Were those Silver ledgers -- did you review
10 those or did somebody else review those

11 A Oh, I reviewed all the Silver ledgers and
12 looking for the acronyms XB or any variation of
13 it.

14 Q Were those ledgers in English or a different
15 language?

16 A They were written in another language.

17 Q What's that other language?

18 A It would be Chinese.

19 Q And how is your Chinese?

20 A It's very poor these days.

21 Q Right. So, again, this is through -- what? An
22 interpreter or something?

23 A No, not the word XB. Those are alpha characters
24 written on the ledgers. So it wasn't a
25 Chinese -- I'm not sure what to call it. But it

1 wasn't calligraphy where I had to translate it
2 into the word XB. Those are actual
3 alphanumeric -- or alpha characters written as
4 XB.

5 MR. DELBIGIO: Okay. Again, Mr. Commissioner, I'm
6 just scrolling to see if I can abridge my
7 questions.

8 Q You prepared this affidavit for purposes of
9 litigation; right?

10 A I did, yes.

11 Q The litigation was you were in this instance put
12 a restraint -- a preservation order against the
13 properties in question; right? Or the civil --
14 for the civil forfeiture?

15 A Yes, for the civil forfeiture side. The interim
16 preservation order, yes.

17 Q To take the property -- to freeze the property
18 in the hope that it will one day -- in your hope
19 that it will be taken away; right?

20 A After litigation.

21 Q Yes. But I guess -- the point is, I guess,
22 this. This is -- and this was prepared for
23 the -- and that litigation was being conducted
24 by the Attorney General's lawyers; right?

25 A Yes.

1 Q And who was the Attorney General at the time
2 that you prepared this affidavit? Do you know?

3 A Not off the top of my head. I do not know.

4 Q Okay. And with respect to the surveillance and
5 all you were asked about, really whether the
6 surveillance was accurate or inaccurate or
7 something in between really it's just the
8 surveillance officers who would have to be asked
9 about that; right?

10 A Yep. If there's a key point on the surveillance
11 report that was critical to the defence of a
12 person, then that police officer would have to
13 be called to testify to give -- you know,
14 testify to his accuracy of his notes.

15 MR. DELBIGIO: Thank you. Now, Mr. Commissioner, I
16 have received a communication which suggests
17 that my time is up. And I'll -- I respect the
18 author of the communication, and so -- I do have
19 an issue I would like to raise, but I will say
20 that those are my questions for this officer at
21 this time.

22 THE COMMISSIONER: All right. Thank you,
23 Mr. DelBigio. Did you want to raise the issue
24 now or at the conclusion?

25 MR. DELBIGIO: At the conclusion, please.

1 THE COMMISSIONER: All right. So I'm sorry, I've
2 lost my cheat sheet.

3 MR. MARTLAND: I think, Mr. Commissioner, working
4 backwards through the counsel who had questions,
5 it would be Mr. Smart, then Ms. Friesen and then
6 me to see if we had any questions arising.

7 THE COMMISSIONER: Thank you. Mr. Smart.

8 MR. SMART: Nothing. Thank you, Mr. Commissioner.

9 THE COMMISSIONER: Thank you. Ms. Friesen?

10 MS. FRIESEN: No. Thank you, Mr. Commissioner.

11 THE COMMISSIONER: And Mr. Martland.

12 MR. MARTLAND: Likewise. Thank you.

13 THE COMMISSIONER: All right. Thank you. Yes,
14 Mr. DelBigio.

15 MR. DELBIGIO: Thank you, Mr. Commissioner. I'll be
16 guided by you with respect to procedure. And so
17 really what I have is more of a question than I
18 will say anything else, and it relates
19 specifically to -- we have heard testimony that
20 a tape would be the best evidence with respect
21 to understanding that interview, and the -- I
22 have been advised that these materials were
23 received by someone or some agency and than an
24 undertaking was given by your lawyers.

25 And I would like to ask about how to best

1 explore having your lawyers relieve themselves
2 from the undertaking so that this witness -- so
3 that this commission can have the tape of the
4 interview so that it can understand the language
5 issues, if any, and the pauses, if any, and have
6 the best evidence available for understanding
7 what that interview was. And I guess really I'm
8 seeking the Commissioner's guidance on this with
9 respect to how best to pursue that.

10 THE COMMISSIONER: All right. I think probably the
11 best way to pursue that, Mr. DelBigio, is just
12 communicating directly with commission counsel.

13 MR. DELBIGIO: Thank you.

14 THE COMMISSIONER: And if -- obviously if it comes to
15 it, you can always bring an application.

16 MR. DELBIGIO: Thank you very much.

17 THE COMMISSIONER: All right. So that being the
18 case, then, I think we will now adjourn until
19 tomorrow morning -- at 8:30 I think it is,
20 Mr. Martland; is that correct?

21 MR. MARTLAND: Yes, I think the witness can be
22 excused and we'll follow up with Mr. DelBigio on
23 the question.

24 THE COMMISSIONER: Yes.

25 MR. MARTLAND: We have an early -- making sure I'm

1 getting my dates right, but we start at 8:30
2 tomorrow morning.

3 THE COMMISSIONER: And my apologies, Corporal
4 Chizawsky. Thank you for the time you've taken
5 to share your involvement in the matters before
6 the commission. It has been helpful. You are
7 now excused from further testimony, subject, I
8 suppose, possibly to being recalled at some
9 point, but that will remain unknown at this
10 stage in the game.

11 **(WITNESS EXCUSED)**

12 THE COMMISSIONER: Tomorrow morning 9:30 [sic].

13 THE REGISTRAR: The hearing is now adjourned until
14 March 2nd, 2021 at 8:30 a.m. Thank you.

15 **(PROCEEDINGS ADJOURNED AT 1:47 P.M. TO MARCH 2,**
16 **2021)**

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