

**PROCEEDINGS AT HEARING
OF
NOVEMBER 17, 2020 – SESSION 2**

COMMISSIONER AUSTIN F. CULLEN

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November 17, 2020

(Via Videoconference)

(PROCEEDINGS COMMENCED AT 2:30 P.M.)

THE REGISTRAR: Good afternoon. The hearing is now resumed, Mr. Commissioner.

THE COMMISSIONER: Thank you, Madam Registrar. Yes.

MR. MCGOWAN: Yes, Mr. Commissioner. We have reconvened today for Mr. Senkpiel's examination of Mr. Pinnock.

Just prior to moving on to that, there's one matter I wish to address. Pursuant to your ruling number 16 regarding the standing of Mr. Heed, what was exhibits 163 and 164 entered on November 6th are to become exhibits for identification for now. Subject to arguments to follow about the admissibility of these exhibits. And I'm going to propose they be marked as exhibits D and E for identification at this stage.

THE COMMISSIONER: Very well. I will make that order.

THE REGISTRAR: That's exhibit D and E for identification.

EXHIBIT D FOR IDENTIFICATION: Transcript of recording - July 10, 2018

1 **EXHIBIT E FOR IDENTIFICATION: Transcript of**
2 **recording - September 7, 2018**

3 THE COMMISSIONER: Madam Registrar, I think
4 Mr. Pinnock should be reaffirmed.

5 THE REGISTRAR: Yes.

6 THE COMMISSIONER: Given the lapse of time.

7 **FRED PINNOCK, a witness**
8 **for the commission,**
9 **affirmed.**

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

12 THE WITNESS: Frederick Howard Pinnock. My first
13 name is spelled F-r-e-d-e-r-i-c-k. My surname
14 is spelled P-i-n-n-o-c-k.

15 THE REGISTRAR: Thank you.

16 THE COMMISSIONER: Yes, Mr. Senkpiel.

17 MR. SENKPIEL: Thank you, Mr. Commissioner. Just a
18 few housekeeping matters from my end, all
19 interrelated. The first is because I'm new to
20 this process, I understand that it is okay if I
21 refer to the documents I'm going to put to the
22 witness using a listing of 1 to 11. Madam
23 Registrar apparently knows what that will mean.

24 The second point is that document 11 on
25 that list is a transcript of a third recording

1 made by Mr. Pinnock of a conversation with my
2 client, Mr. Heed, that will be --

3 THE COMMISSION: I just want to interrupt you for a
4 second, Mr. Senkpiel. Is that number 11 or
5 number 10?

6 MR. SENKPIEL: Forgive me, it's number 10.

7 THE COMMISSIONER: All right. Thank you, go ahead.

8 MR. SENKPIEL: So document number 10 is a third
9 recording. It will I suspect at the end of my
10 examination be marked for identification along
11 with what were exhibits 163 and 164, and I think
12 Mr. McGowan just said they're now D and E. And
13 we'll deal with the issues of admissibility and
14 any necessary redactions in the same way that we
15 will deal with it for D and E.

16 And the third point also relates to that
17 document which is -- it's one that came to light
18 recently. I had to ask for it. It was provided
19 after a bit of a fuss, and a transcript was
20 produced by commission counsel, only very
21 recently. I have indicated to commission
22 counsel that I have concerns with the accuracy
23 of certain portions of that transcript. I don't
24 know that they are particularly material, but
25 attempts to get an updated or a modified

1 transcript or an edited transcript, we didn't
2 have enough time, so I think the understanding
3 is that I will do my cross on the basis of the
4 transcript we have, and the alternative
5 interpretation or the alternative version that I
6 say the recording actually provides for and
7 we'll just proceed in that way just because of
8 the mechanics of the situation we find ourselves
9 in and try to not have this derail the hearings
10 more than they already have. But it does bring
11 this point up, and I told commission counsel
12 this earlier, which is the third tape which has
13 now come to light has added a bit of time on my
14 cross and it's not time I expected to need when
15 I made my application. So I'm still hopeful
16 I'll be under 90 minutes, but there's a chance,
17 depending how things unfold, that we might run a
18 little bit long because of those circumstances.
19 So I just wanted to flag that upfront.

20 THE COMMISSIONER: All right. Certainly I'll be
21 receptive to that in light of what you've told
22 me, Mr. Senkpiel.

23 MR. MCGOWAN: Yes. Mr. Commissioner, perhaps I'll
24 just interject to say that to the extent there
25 was any fuss about producing a copy of that

1 recording, that was not a fuss with commission
2 counsel. With respect to the transcript that
3 was produced, it was not produced by commission
4 counsel; it was produced at the request of
5 commission counsel by a professional transcript
6 company. And to the extent my friend has
7 concerns about the accuracy of that, I certainly
8 invite him to alert us and deal with it as he
9 sees fit during his examination of the witness.

10 THE COMMISSIONER: Thank you.

11 MR. SENKPIEL: Yes, Mr. Commissioner. I didn't mean
12 to suggest that the fuss was on commission
13 counsel's end and I have alerted them to the
14 concerns I have with the accuracy. But we'll
15 deal with that in due course and this is
16 something I've attempted to deal with in advance
17 of today.

18 Mr. Pinnock -- and actually, Madam
19 Registrar, I should ask, I can see seven video
20 boxes at the moment. Is that normal or is there
21 a way to limit it to just Mr. Commissioner and
22 Mr. Pinnock?

23 MR. MCGOWAN: I think, Mr. Senkpiel, most of us work
24 with two monitors with the speaker view on one
25 monitor and the boxes on the other. But you can

1 pin participants by right clicking and pinning
2 them to a screen. There's also a different view
3 you can go to, a speaker view, which will show
4 the speaker large and then small boxes of other
5 people, which might be the best for you in the
6 circumstances. Top right corner of your screen
7 you can switch views from speaker to gallery.

8 MR. SENKPIEL: Thank you, Mr. McGowan.

9 **EXAMINATION BY MR. SENKPIEL:**

10 Q Mr. Pinnock, on November 6th, commission counsel
11 put to you that you told the Commissioner about
12 a 2009 conversation you had with Minister Heed
13 where he made comments to you about his
14 knowledge and the knowledge of another
15 government official regarding organized crime in
16 casinos. He asked you if you recall giving that
17 evidence and you answered yes. Do you recall
18 that?

19 A Yes.

20 Q In the 10 days since you testified, am I correct
21 to say that you have not written to commission
22 counsel to advise either that you want to
23 retract any of your -- you've not written to
24 advise that you want to retract any of your
25 testimony about that 2009 conversation with

1 Mr. Heed; is that correct?

2 A Not at all.

3 Q And I think I know the answer to this, but I
4 don't suppose you are willing to admit now to
5 the Commissioner that your testimony about what
6 Mr. Heed allegedly told you in 2009 was either
7 A, mistaken, or B, not truthful?

8 A Neither is the case.

9 Q It was worth a shot. You believe yourself, sir,
10 to be a man of personal and professional
11 integrity and to possess knowledge, experience
12 and skills as an investigator?

13 A Yes, I do.

14 Q On November 5 during your cross-examination
15 there was a technical glitch that resulted in a
16 short break. Do you recall that?

17 A I believe I do.

18 Q During that break and while under
19 cross-examination you had an opportunity to
20 speak with your lawyer?

21 A Yes.

22 Q And during that break your lawyer reminded you
23 of the need for clarity on two points?

24 A He did.

25 Q One point had to do with the interaction with

1 Mr. Coleman that you say took place in 2010
2 where you say he tried to crush your hand and
3 that it was the first and only time that's ever
4 happened to you in your life.

5 A That's correct.

6 Q You actually think that the minister
7 deliberately attempted to injure you by --
8 through that handshake; correct?

9 A I think he was trying to send me a message. It
10 was that intense.

11 Q You thought the minister was deliberately
12 attempting to injure you through that handshake;
13 correct?

14 A I thought he was trying to send me a message.

15 Q You thought that the minister was deliberately
16 attempting to injure you; correct?

17 A Define "injury."

18 Q All right. Can I ask Madam Registrar to please
19 turn up the document at tab 4. And I'm going to
20 be referring the witness to page 8. And I don't
21 think the witness had numbered his pages, but
22 it's page 8.

23 Do you see that, Mr. Pinnock?

24 A I see the page, yes.

25 Q Now, under the heading "Epilogue" you write a

1 number of things, and the place I want to go to
2 is actually on page 10. I've just oriented us
3 under the heading "epilogue." And do you see
4 the paragraph that begins "in 2010"?

5 A Yes, I to.

6 Q And it says:

7 "In 2010 I attended a BC liberal event."
8 And this I should put for context is a document
9 you created in 2019 and updated two or three
10 times.

11 A Yes, I updated it twice. And I do see the
12 reference to a deliberate attempt to injure me.

13 Q Just allow me to read it.

14 A I wrote that.

15 Q Just allow me to read it, please.

16 A Certainly.

17 Q "In 2010 I attended a BC liberal event as
18 a supporter and extended my hand to Rich
19 Coleman. He grabbed my fingers and tried
20 to crush them. After thousands of
21 handshakes over the course of my life, I
22 have experienced this one deliberate
23 attempt to injure me. I have concluded
24 that Mr. Coleman's act of physical
25 aggression towards me related directly to

1 my statements around organized crime,
2 organized criminal activity within casinos
3 and my unwillingness to placate him."

4 You wrote that?

5 A I did.

6 Q It's a belief you held?

7 A It is.

8 MR. SENKPIEL: Madam Registrar, I'm done with the
9 document for the moment, please.

10 Q I take it having a minister deliberately attempt
11 to injure you through a handshake is the kind of
12 occurrence that is indelibly etched in your
13 memory?

14 A Yes, I remember it well.

15 Q And the other point that you came back after the
16 break to address was one to do with Mr. Heed and
17 you said that your lawyer had advised you that
18 you didn't respond adequately to counsel for the
19 Government of Canada when he was canvassing your
20 recollection of your 2009 conversation with
21 Mr. Heed. Do you recall that?

22 A I believe I do.

23 Q Earlier you had told counsel for Canada that you
24 do remember having that 2009 conversation with
25 Mr. Heed; correct?

1 A Yes.

2 Q And so after that break with your lawyer, you
3 added this:

4 "Kash Heed confirmed everything that he
5 said during that encounter in 2009, and he
6 expanded on it in greater detail in my
7 audio recorded conversation held with him
8 on the 10th of July 2018, 11 years later."

9 That's what you added?

10 A I think my math was off. It was nine years
11 later.

12 Q The math --

13 A But yes, that is correct.

14 Q And it's a thought you maintain or it's a
15 sentiment you maintain?

16 A Yes.

17 Q Now, you were candid, I think, throughout your
18 testimony that you don't have any notes or
19 recordings of the 2009 conversation with
20 Mr. Heed.

21 A That's correct.

22 Q In fact you don't have notes or recordings of
23 effectively anything in the years preceding
24 2011, say?

25 A That's right.

1 Q But notwithstanding the fact that you don't have
2 notes or recordings, you believe that certain
3 events -- and we've just talked about the
4 handshake -- you believe that certain events and
5 conversations in that time period have indelibly
6 etched themselves into your memory such that you
7 feel that recollection is not an issue?

8 A Yes.

9 Q Handshakes one of those events?

10 A Yes.

11 Q And the conversation you had with Mr. Heed where
12 you alleged that a sitting minister told you
13 that four senior RCMP officers were playing a
14 game and were puppets for Mr. Coleman would
15 similarly fit within that category of
16 conversations that are indelibly etched in your
17 memory?

18 A That's correct.

19 Q Now, I want to deal quickly with a bit of
20 context for that 2009 visit with Mr. Heed. He
21 was a friend of yours?

22 A Yes.

23 Q You had known each other for quite some time?

24 A Yes.

25 Q You had not seen each other for 10 plus years?

- 1 A That may be accurate, yes.
- 2 Q And you may have had your now wife, then
- 3 girlfriend, reach out to him because she was, I
- 4 think, a caucus friend of his.
- 5 A Yes. Now, I don't understand the reference to
- 6 asking her to reach out to him. Please explain.
- 7 Q I think your evidence was you're not quite sure
- 8 how the visit came about, but one possibility is
- 9 that your now wife had set it up?
- 10 A That is a possibility, yes.
- 11 Q And at the time of this visit with Mr. Heed in
- 12 2009, he had only been in government for a
- 13 matter of mere months; correct?
- 14 A Yes. May till November.
- 15 Q Sorry, I didn't hear you?
- 16 A Yes, May until November.
- 17 Q Correct. And Mr. Heed at this time -- I don't
- 18 think at any time -- was not responsible for the
- 19 gambling portfolio?
- 20 A That's correct.
- 21 Q Mr. Coleman was?
- 22 A Yes. He maintained responsibility for -- to --
- 23 over the course of a number of years regardless
- 24 of his portfolio.
- 25 Q Right. And your visit came about because a

1 couple of weeks before you met with Mr. Heed,
2 you had gone public with your concerns about
3 casinos and money laundering to the media in an
4 interview with the Public Eye?

5 A That is correct.

6 Q And following your interview, Mr. Heed was
7 apparently scrummed by the media?

8 A That is correct.

9 Q And he was asked about your interview and the
10 opinions you had expressed, and according to you
11 he reacted with displeasure to your comments to
12 the Public Eye; correct?

13 A Yes. I saw it on TV.

14 Q Right. And you watched that reaction of
15 displeasure on TV?

16 A I did.

17 Q And you saw or heard Mr. Heed say that that's
18 that individual's opinion and he's entitled to
19 his opinion but not his own set of facts?

20 A I remember that, yes.

21 Q And after Mr. Heed made his public statement the
22 RCMP's media spokesperson for E Division
23 discounted your comments as inaccurate?

24 A He did.

25 Q You were candid that you do not recall whether

1 it was a visit over lunch of coffee?

2 A That's true, yes.

3 Q And you were even candid that you don't recall
4 if it was even in Victoria or not; correct?

5 A Yes. I was probably in Victoria or in
6 Vancouver. I can't remember which.

7 Q And we've covered this and forgive the
8 repetition, but you're candid that you have no
9 notes and no recording of that visit?

10 A That's right.

11 Q This is one of the conversations you had with
12 Mr. Heed that you haven't recorded?

13 A It is.

14 Q And you testified that it was at least in
15 relation to the issues expressed by you to the
16 Public Eye a fairly brief discussion in which
17 you didn't get into much detail on that theme;
18 correct?

19 A Can you ask that question again, sir.

20 Q Sorry, I garbled that a slight bit.

21 You testified that the discussion when you
22 met Mr. Heed as it related to the issue of
23 casinos and money laundering was a fairly brief
24 discussion and you didn't get into much detail
25 on that feed.

1 A That sounds right, yes.

2 Q And in fact will you agree with me that most of
3 the time was spent catching up?

4 A Yes, I believe that's the case.

5 Q Talking about --

6 A I have to provide some additional context. I
7 was absolutely gobsmacked by what Kash Heed told
8 me that day. I was expecting hostility. The
9 opposite was the case. He said in effect --

10 Q Sorry, Mr. Pinnock, I'm going to cut you off
11 because I haven't asked you a question and I'm
12 going to give you an opportunity to tell me what
13 you recall him saying. But just so that that we
14 can make sure this is clear, you were absolutely
15 gobsmacked by what you allege a sitting minister
16 told you in that fairly brief discussion?

17 A I was.

18 Q This is one of those conversations that. To use
19 your words, were indelibly etched into your
20 memory?

21 A Yes.

22 Q All right. Now, I want to test your memory, if
23 you wouldn't mind. We've just -- or earlier we
24 looked at a document which you drafted first in
25 2019; correct?

1 A Yes.

2 Q And I'm going to call it your personal will-say
3 statement because I don't know what else to call
4 it, but it's a document you created and you
5 created it without anyone requesting that you
6 create it; is that right?

7 A That's right.

8 Q And you sat down to write that out for the first
9 time in 2019?

10 A Yes. That's correct.

11 Q I think earlier you said you modified it twice
12 and you modified it in 2020 twice; correct?

13 A Yes. Upon -- inserting new information, yes.

14 Q And the purpose of that personal will-say
15 statement was to set out your observations,
16 recollections and conclusions about the events
17 you thought might be relevant to this inquiry?

18 A Yes.

19 Q And in that personal will-say statement you
20 sought to both tell your story and to do so
21 truthfully?

22 A I certainly did.

23 Q In fact there's a sort of narrative quality to
24 that personal will-say statement. You've got
25 headings like "Prologue," "the Game" and

1 "Epilogue"; right?

2 A Yes.

3 Q And you've got one heading says "Under Oath I
4 Say," and then you set out a bunch of
5 recollections and observations and conclusions?

6 A Yes.

7 Q You candidly acknowledge in that personal
8 will-say statement that you don't have any
9 records about the events you write about?

10 A I believe that's the case, yes.

11 Q The personal will-say is where you make the
12 reference to notwithstanding the absence of
13 records, you -- there are certain events that
14 are indelibly etched in your memory. That's
15 where you write that; correct?

16 A That's right, yes.

17 Q And in response to questions from commission
18 counsel you said that the personal will-say is
19 the first time you put pen to paper to write
20 down what you recall occurring during the
21 conversation with Mr. Heed in 2009?

22 A I would say that's correct, yes.

23 Q And commission counsel suggested to you that the
24 personal will-say statement contains a summary
25 of the conversation you say you had in 2009;

1 correct?

2 A Yes.

3 Q And you said that's right. And commission
4 counsel asked you if you could tell the
5 Commissioner the exact words that you spoke to
6 Mr. Heed and the words that he spoke to you
7 during that conversation, and you responded by
8 saying I paraphrased that in my will-say, if you
9 don't mind, I'll take a look. Do you recall
10 that?

11 A Yes.

12 Q I'm going to suggest to you that it wasn't a
13 summary of what you said and what he said and it
14 wasn't a paraphrase of what you said and what he
15 said, it was actually a recollection that you
16 put in quotation marks to record what you
17 thought the exact words were. Will you agree
18 with that?

19 A No. It was -- I applied those quotations marks
20 in error. Those were the words in effect that
21 were used. I can't say that they were verbatim,
22 but it's a very close version and I did my best.
23 I recall the conversation very well, just not
24 where it occurred or what date it was. Wrote no
25 notes, didn't record it. But I was so surprised

1 with what he told me that I won't soon forgot
2 it.

3 Q You were gobsmacked?

4 A Yes.

5 Q Actually, I think your comment was you were
6 absolutely gobsmacked?

7 A Yes.

8 Q Now, Madam Registrar, could you please turn up
9 tab 4, page 9.

10 Mr. Pinnock, you see the italicized
11 passages and then the first non-italicized bits.
12 There's a couple days after the interview, being
13 your Public Eye interview, you said:

14 "Members of the media scrum then MPSSG
15 Kash Heed in the halls of the BC
16 legislature."

17 You then set out the things we've already been
18 over. And then do you see the paragraph at the
19 bottom that says:

20 "Kash Heed and I know each other well from
21 our years"?

22 A Yes.

23 Q All right. Madam Registrar, could you please
24 scroll so we can see that whole bit. Thank you.

25 "Kash Heed and I know each other well from

1 our years spent in policing in Greater
2 Vancouver. In November 2009 Kash Heed and
3 I met to discuss what had been said in his
4 interview and his and my interviews. He
5 said 'of course you're right, Freddy, but
6 I can't say that publicly.' When I,
7 Pinnock, said that I was totally convinced
8 that Rich Coleman knows all about the
9 organized crime going on in our casinos,
10 Mr. Heed said, 'There's no doubt about it,
11 but it's all about the money. You know
12 that. What's the BCLC generating in
13 casinos, 2 billion a year? Wayne Holland
14 says Fred was right.'"

15 That's what you wrote?

16 A Yes.

17 Q Where is the reference to four senior RCMP
18 members by name who were complicit and who were
19 participating in a game as puppets for Coleman?

20 A It doesn't appear there.

21 Q Why not?

22 A It was nine years earlier, and I forgot to
23 include it.

24 Q Sir, you're now said twice that you were
25 absolutely gobsmacked and you admitted this was

1 a conversation that was indelibly etched in your
2 memory. Where are the words "puppets for
3 Coleman"?

4 A They don't appear there.

5 Q Mr. Heed didn't say those words to you in 2009,
6 did he?

7 A Yes, I believe he did.

8 Q What's the basis of that belief?

9 A Because over the course of the period 2009 to
10 2013, I probably interacted with Kash on eight
11 or ten occasions, most of them in a social
12 environment, and it was almost like a broken
13 record, the reference to Rich Coleman's wilful
14 blindness and the manipulation of senior police
15 officers in BC. So that's my best answer.

16 MR. SENKPIEL: Madam Registrar, could you please drop
17 this document.

18 Q Mr. Pinnock, you are aware that you generated
19 quite a number of media reports about your
20 testimony which fairly prominently referred to
21 the deliberate attempt at injury with the
22 handshake and Mr. Kash Heed saying to you
23 allegedly that these senior RCMP members which
24 you said he named were playing a game as puppets
25 for Coleman. You saw these media reports?

1 A I've seen them.

2 Q You said you were absolutely gobsmacked and
3 these comments were indelibly etched into your
4 memory and now you're telling us that A, the
5 quotation marks you use in this personal
6 will-say statement were a mistake; they were
7 actually just -- this was just intended as a
8 summary, and B, you forget those comments. Is
9 that your evidence?

10 A I've never forgotten those comments. I just
11 didn't remember to include them in my drafting.

12 Q When you sat down to write this personal
13 will-say you meant to capture conversations as
14 accurately as you could?

15 A I'm an imperfect man. This was a refrain
16 repeated by Kash in conversations with me on I
17 would estimate seven occasions within the eight
18 or 10 interactions I had with him over the
19 course of that four-plus year period.

20 Q All right. I don't have the reference at
21 hand --

22 A It was like a broken record, sir. And I knew
23 when I hit the record button during our first
24 recorded conversation in 2018 I knew what he was
25 going to say. He had said it so often to me.

1 That was a drafting error.

2 Q All right. Let's leave the drafting error. I
3 don't agree with you. I think you have no
4 recollection of what Kash Heed said to you in
5 2009, but you say that the 2018 recordings,
6 there's now three of them, include Kash Heed
7 confirming everything he said to you in 2009 and
8 then some; correct?

9 A Particularly I think in the July 10th, 2018
10 recorded conversation, yes.

11 Q And you think the July 10th, 2018 recording is
12 an example of Mr. Heed being a broken record
13 about the puppets for Coleman comment.

14 A If they contained elements of his earlier
15 disclosure to me, disclosures to me and it
16 perhaps wasn't exhaustive, but it contained
17 elements of what he had said before.

18 Q Now, you've just given evidence that you had
19 conversations, broken record conversations -- I
20 can't remember what you said -- six times, eight
21 times, between 2009 and 2018; is that right?

22 A Yes, I'd say approximately six. It came up
23 almost every time I bumped into Kash.

24 Q All right. Now, will you agree with me that
25 when you were giving testimony on November 5 and

1 6 you didn't refer to any of those
2 conversations?

3 A I can't recall, sir.

4 Q And just so we can leave this issue, you'll
5 agree with me that your personal will-say
6 statement which was intended to set out your
7 recollection does not include Mr. Heed referring
8 to four officers being complicit with
9 Mr. Coleman?

10 A I didn't include that in my drafting when I was
11 attempting to do my best depicting my
12 conversation with Kash which was in person in
13 November 2009.

14 Q All right. And in fact it was a drafting you
15 say must have been occurred at least three times
16 because there were three drafts; right?

17 A Yes.

18 Q And you added new information but at no point
19 you caught the absence of the thing that
20 absolutely gobsmacked you?

21 A That's correct.

22 Q You'll agree that the personal will-say
23 statement does not include Mr. Heed referring to
24 the four offices that you say he said were
25 complicit by name?

1 A Will you please repeat that question.

2 Q Yeah, it wasn't a great question. You'll agree
3 with me that the personal will-say statement
4 does not include a reference to Mr. Heed saying
5 the names of the four officers that were
6 complicit with Mr. Coleman?

7 A Are you referring to the 2009 meeting only, or
8 throughout the document?

9 Q Talking about 2009.

10 A It doesn't contain that reference, no.

11 Q All right. Now, I should say in fairness to
12 you, I'm going to deal with what was said in
13 2018 and Mr. Heed will give evidence about what
14 he said in 2018 and he's got an explanation for
15 what his personal opinions are and things like
16 that. But we're focused on the allegations you
17 have made about what you say a sitting minister
18 of government said to you in 2009. All right?

19 A Yes.

20 Q Now, you will agree with me -- and this is
21 obvious, but we need to cover it off -- that
22 Mr. Heed did not, according to your personal
23 will-say statement, refer to the four officers
24 as playing a game?

25 A In the 2009 conversation?

1 Q Yes.

2 A I can't recall a reference to a game from that
3 conversation.

4 Q And of course we've been over this, but the
5 personal will-say statement makes no reference
6 to puppets for Coleman in relation to the 2009
7 conversation?

8 A No. What I will say is that in most of the
9 conversations that Kash and I had concerning his
10 description of Mr. Coleman's wilful blindness
11 and the involvement of the senior Mounties or
12 the senior Mounties being manipulated, he would
13 describe it as either puppets for Coleman or
14 wrapped around Coleman's fingers. Those are the
15 two descriptors that he would use.

16 Q These are in the conversations that you didn't
17 provide any testimony about on November 5 and 6
18 and this phrase "wrapped around Coleman's
19 fingers" a new one. Will you agree with that?

20 A It may be. I don't remember.

21 Q All right. The personal will-say statement does
22 contain references to things you didn't testify
23 to on November 5 and 6. For example, you were
24 asked by commission counsel about what Mr. Heed
25 allegedly said about revenue and you said he

1 said it was all about the money without getting
2 into any greater detail. Do you remember saying
3 that?

4 A I could well have. Now, typically he would say
5 that twice in our conversations. It's all about
6 the money; it's all about the money.

7 Q Now, the will-say is not up, but you'll recall
8 that you made reference to him allegedly saying,
9 what's BCL generating, 2 billion a year?

10 A Yes.

11 Q I'm going to suggest to you that you didn't
12 make -- or you didn't give testimony about
13 Mr. Heed saying that in 2009 on November 5 and 6
14 because you knew that the 2 billion number is
15 wildly inaccurate.

16 A That's not true, sir.

17 Q I'm going to suggest to you you were aware that
18 the actual numbers is about \$700 million less in
19 the '08, 09 period so you left that out of your
20 testimony?

21 A That is absolutely hogwash, sir.

22 Q The other thing that you didn't provide
23 testimony about was the reference to Wayne
24 Holland or Wayne says Fred was right. You left
25 that out of your testimony on November 5 and 6.

1 Even though it's in each of the three drafts of
2 the personal will-say?

3 A It didn't come out.

4 Q Another mistake?

5 A Well --

6 MR. JAFFE: Mr. Commissioner, it's Paul Jaffe here,
7 Mr. Pinnock's lawyer. I hesitate to interrupt
8 my friend, but if I might raise this concern
9 with you regarding the last few questions.
10 There's a concern. It's been put to the witness
11 that he didn't testify about various things as
12 though he's a party in these proceedings and has
13 some sort of case to make. He has no standing,
14 he's been called as a witness and he answers the
15 questions he's asked. If he's not asked how
16 many times he spoke with Kash Heed after 2009,
17 then he doesn't give that evidence. My friend
18 is suggesting that somehow my client is not
19 credible for not having given evidence which my
20 friend is now suggesting he should have given.

21 THE COMMISSIONER: Mr. Jaffe.

22 MR. JAFFE: Yes.

23 THE COMMISSIONER: I think you're getting well ahead
24 of yourself. This isn't the time to argue
25 issues of reliability or credibility. It's open

1 for Mr. Senkpiel to cross-examine your client
2 based on the record that existed at the time he
3 testified and based on the record that now
4 exists in the wake of his testimony.

5 MR. JAFFE: I appreciate that, Mr. Commissioner. I
6 was just looking for some guidance with respect
7 to the fairness of the questions being put to
8 him. The second point I wish to make while my
9 mic is unmuted is that Mr. Pinnock was about to
10 describe why he was gobsmacked; he was then cut
11 off in his answer and then it was put back to
12 him later on a false proposition that he was
13 gobsmacked because he hadn't named those --
14 because of the mention of those four other
15 officers that Kash Heed had mentioned. Well,
16 first of all, that misstates what Fred Pinnock's
17 evidence was going to be, but he was cut off and
18 wasn't able to explain what he meant by
19 gobsmacked. And my friend did say we'll come
20 right back to that so that you can complete your
21 answer and he hasn't been able to complete his
22 answer yet.

23 THE COMMISSIONER: Thank you, Mr. Jaffe.

24 MR. SENKPIEL: Mr. Commissioner, I have no intention
25 of being unfair to the witness.

1 Q So, Mr. Pinnock, there's three things we'll deal
2 with. Let's deal with the last one first. What
3 was the rest of the answer I apparently cut you
4 off about why you were gobsmacked about Mr. Heed
5 telling you puppets for Coleman in 2009?

6 A I was expecting the Kash to be hostile to me
7 based on his demeanour when interviewed by the
8 media in the hallways of the legislature
9 building. I was very surprised with his warm
10 and collegial greeting and interaction with me
11 when we had this conversation in person where he
12 says, in effect, of course you're right, Freddy,
13 but I can't say that publicly.

14 "When I, Fred Pinnock, said that I was
15 totally convinced that Rich Coleman and it
16 was all about the organized crime going on
17 our casinos, Kash Heed said, there's no
18 doubt about it, but it's all about the
19 money, you know that. What's BCLC
20 generating in casinos, 2 billion a year?"

21 Perhaps he didn't know. I don't know. But I
22 remember him using that phrase.

23 MR. MCGOWAN: Mr. Commissioner, I'm just going to
24 interject. I wonder whether you might inquire
25 whether the witness is reading from something.

1 It appears to me that he may be, and if so, then
2 in my submission you should know what it is, and
3 there should be a decision about whether or not
4 that's appropriate.

5 THE COMMISSIONER: I take it that's from your
6 will-say, Mr. Pinnock?

7 THE WITNESS: I've written a page and a half of notes
8 to prepare for my evidence today,
9 Mr. Commissioner, the points that I wanted to
10 ensure weren't dropped or forgotten that I
11 thought might be of assistance to you.

12 THE COMMISSIONER: Okay. Thank you. But please
13 don't refer to them unless you seek leave to do
14 so.

15 THE WITNESS: Thank you.

16 MR. SENKPIEL:

17 Q Mr. Pinnock, is there anything else you would
18 like to add about the gobsmacked thing that I
19 apparently interrupted you about?

20 A No, other than to say I am still astonished that
21 he said that to me while he was the Solicitor
22 General and Minister of Public Safety for the
23 Province of British Columbia and having
24 succeeded Rich Coleman in that role.

25 Q It would be a truly remarkable thing for a

1 sitting minister to tell you?

2 A It was remarkable.

3 Q One you wouldn't forget?

4 A I have not forgotten it.

5 Q Now, the second thing your counsel raised was
6 apparently you're not a participant -- and you
7 don't need to exhaust your recollection. But
8 will you agree with me on a number of occasions
9 in your testimony in November 5, you were asked
10 by Mr. McGowan whether or not you could recall
11 anything else that may be relevant to our
12 mandate that occurred during your fall 2009
13 conversation with Mr. Heed?

14 A I don't remember the question.

15 Q Will you agree with me he asked you to advise
16 whether you could recall anything else?

17 A I don't remember that question either. I'm
18 sorry.

19 Q All right. Well, we need not take it to you,
20 but the proposition is that he did say that on a
21 number of occasions and you purported to exhaust
22 your recollection on a number of occasions.

23 The second thing I need to address that
24 your counsel raised was apparently the
25 inappropriate proposition about speaking to him

1 in the interim and you're not needing to address
2 that.

3 Madam Registrar, could you please turn up
4 tab 1, page 128. This is the transcript of
5 Mr. Pinnock on November 5. And we're going to
6 start at line -- sorry, Madam Registrar.
7 Page 128 of the transcript, so I'm on 126.
8 There we go. Line number 9.

9 "Q Did you speak about the issue -- you
10 told us you had a subsequent
11 conversation -- conversation or
12 conversations quite recently, 2018,
13 with Minister Heed where you say he
14 communicated again about the issue
15 you've spoken about earlier and
16 confirmed some things. Subsequent to
17 2009 until those 2018 conversations
18 did you and Minister Heed -- well, let
19 me ask you this: subsequent to 2009
20 during the period he was still in
21 government, did you have any further
22 conversations with Minister Heed about
23 the issues of organized crime or cash
24 in British Columbia casinos.

25 A No, I don't believe so."

1 You were asked that question or those questions
2 and you gave that answer?

3 A I'm disappointed in myself for saying that. I
4 guess I didn't understand the question or my
5 stress level was so high I was not grasping the
6 spirit of the question. Of course I had
7 numerous conversations with Kash Heed between
8 2009 and 2013 before he left government about
9 this very matter.

10 MR. SENKPIEL: Mr. Jaffe, are there any other aspects
11 of my questioning that you think I need to
12 address before we move on?

13 MR. JAFFE: Thank you for asking, but is there a
14 portion of the transcript which refers to what
15 it was that Mr. Pinnock was giving evidence
16 about, which was Kash Heed's references to
17 Coleman and what was happening in Victoria? I
18 think that's what Mr. Pinnock has been
19 testifying about the conversation since 2009,
20 and you've taken him to something that's
21 specific to organized crime and cash in the
22 casinos. I think Mr. Pinnock's evidence was
23 about the discussions he had with Kash
24 concerning the political interference, and you
25 haven't taken him to that and I was wondering if

1 you were going to do that. Thank you.

2 MR. MCGOWAN: Mr. Commissioner, I'm going to suggest
3 that counsel direct their comments to the
4 Commissioner, not to each other, and I'm further
5 going to suggest that Mr. Jaffe turn on his
6 video if he wishes to address the commission.

7 THE COMMISSIONER: Fair enough.

8 MR. SENKPIEL: Madam Registrar, could you please drop
9 that document.

10 Q Mr. Pinnock, I'm going to suggest to you that
11 you're alleged memory of 2009 is mistaken. You
12 don't actually recall Mr. Heed telling you the
13 things that you testified he said to you.

14 A That's your position of course, and it's
15 incorrect.

16 Q I'm going to suggest to you that when you sat
17 down to write your personal will-say in 2019 you
18 allowed other sources of information to infect
19 that memory. Will you agree with that?

20 A I would not agree with that.

21 Q Will you agree with me that one of the things
22 that you had made reference to in 2019 when you
23 drafted your will-say statement was the
24 interview, the transcript of the interview of --
25 with the Public Eye?

1 A I did review them for inclusion in my will-say,
2 yes.

3 Q And you were asked by commission counsel on
4 November 5 whether in creating the three
5 personal will-says whether you drew on anything
6 and you said -- anything other than your memory,
7 and you said:

8 "Yes. I did retrieve online the contents
9 of my interview in the Public Eye. I
10 can't recall anything else being used for
11 reference."

12 Do you recall giving that answer?

13 A I'm sure I did if it's in the transcript.

14 Q And was it correct?

15 A Right now -- I did do a lot of online research
16 in an effort to deliver a complete document for
17 the benefit of this commission. Offhand I can't
18 remember all the sources that I used to develop
19 my document, but I'm sure there were more than
20 that one interview.

21 Q Mr. Pinnock, if at any point you want a quick
22 break, I can't give permission for it, but I'm
23 sure Mr. Commissioner will listen to the
24 request. So just let us know.

25 I'm going to suggest to you that you when

1 trying to recollect what was said to you in
2 2009 by Mr. Heed, you referred to something you
3 had told a reporter before meeting with
4 Mr. Heed.

5 A No, sir. I'm telling you the truth. I meant
6 that solemn affirmation. I remember the
7 conversation with Kash. And I remember feeling
8 astonished with what he disclosed to me.

9 Q I'm going to suggest to you that when you sat
10 down to write your will-say in 2009 you had in
11 front of you the interview you gave to the
12 Public Eye; correct?

13 A Well, yes, that was all included within the
14 documents. I did use it, yes.

15 Q And the things you said to the Public Eye -- and
16 I won't show you a document unless you tell me
17 you want to, in fairness, but I'm just going to
18 ask you if these are the things that you
19 referenced -- you made reference to the RCMP
20 playing ostrich and demonstrating wilful
21 blindness?

22 A I believe I did say that, yes.

23 Q You made reference to the RCMP senior managers
24 need to vision being willing to say and do
25 anything to ensure they were awarded the 20-year

1 provincial servicing agreement?

2 A Yes.

3 Q You were of the impression that government was
4 more concerned about the appearance of doing
5 something rather than meaningful results?

6 A Yes.

7 Q And you said:

8 "It seemed the way to remain in favour
9 with government was simply to maintain a
10 statistical check-the-box type radar gun
11 level of enforcement and not meaningful
12 targeting that would disrupt criminal
13 activity."

14 A I did, yes.

15 Q And you said, and I emphasize this:

16 "It was a very awkward marriage between
17 the police and a government which
18 benefitted from gambling revenue."

19 A Yes.

20 Q Revenue was something you referenced in that
21 interview. Revenue was something that was at
22 the top of your mind; correct?

23 A It was one element of my message to the
24 reporter.

25 Q I'm going to suggest to you that the thoughts

1 you attribute to Mr. Heed in 2009 in your
2 personal will-say statement about complicity,
3 remaining in favour with the government and
4 benefitting from revenue are actually the things
5 that you had said to the Public Eye.

6 A Sir, the conversation with Kash Heed happened as
7 I described it. I'm sorry that I omitted in my
8 will-say the reference to the four senior police
9 officers that I remember Kash referring to. I
10 remember the feeling of being astonished by what
11 Kash had disclosed to me in November of 2009.

12 Q I'm not sure you're being responsive to my
13 question. My question or the proposition I put
14 to you was that the statements you attributed to
15 Mr. Heed in 2009 were actually statements that
16 you had made to the Public Eye.

17 A No. That's incorrect.

18 Q Now, I'm going to, just so we can put this in
19 context, have Madam Registrar please turn up
20 tab 1, page 123 of the transcript, which will be
21 around 121 of the PDF.

22 THE REGISTRAR: Sorry, did you say page 123.

23 MR. SENKPIEL: 123 of the transcript.

24 THE REGISTRAR: Yes, yes.

25 MR. SENKPIEL: I can't see it, Madam Registrar, but

1 that may be my --

2 THE REGISTRAR: Tab 1 of the transcript; right?

3 MR. SENKPIEL: Correct.

4 THE REGISTRAR: Yes.

5 MR. SENKPIEL: Madam Registrar, actually can we go
6 back one page to the bottom of 122. Just the
7 question at the bottom of 122 and the questions
8 at line 123.

9 Q Mr. Pinnock, you were asked:

10 "Q Did Minister Heed tell you whether he
11 understood there to be an issue of
12 organized crime and cash in casinos,
13 "he" Minister Heed?

14 And over on the page your answer was"

15 "A Yes, we did, I believe, yeah.

16 Q Did he address with you what, if
17 anything, was being done to combat
18 that issue?

19 A No."

20 And then you say:

21 "A Because it's all about revenue
22 generation.

23 Q Sorry, you say it's all about revenue
24 generation. Is this your assessment
25 or are you recounting something that

1 MR. SENKPIEL: I just wanted the document off the
2 screen, Mr. McGowan.

3 Q Mr. Pinnock, please finish.

4 A Ask the question for me again, please.

5 Q I don't remember what it was.

6 A If I could help. Kash's references to what
7 drove the really -- what I considered to have
8 been a disgraceful state of affairs in casinos
9 in BC at the time, his phrasing was typically,
10 and on that first occasion in '09, "it's all
11 about the money." And that was quite typical of
12 any discussions we had between '09 and 2013 on
13 this theme.

14 He continues in later conversations that I
15 recorded, he makes a reference to that
16 periodically.

17 Q I'm going to suggest to you that he makes one
18 reference to it in the December 2018 recording
19 that you didn't provide to commission. That's
20 the only time he makes that reference and I'm
21 going to take you to it and I'm going to put it
22 in context. I'm going to suggest it's not
23 something that he routinely said to you.

24 A Oh, he did, sir. And he often said it twice.

25 Q I'm going to suggest to you that when you

1 attributed to Mr. Heed saying it was all a game
2 in 2009, that was also a phrase that you used,
3 not him. Will you agree with that proposition?

4 A Forgive me, in the 2009 sort of paraphrase
5 effort of that conversation I had with him, I
6 don't remember having used that phrase, "it's
7 all a game," but I may have.

8 Q Just to be clear, you didn't use it in the
9 will-say statement but you did testify that he
10 said it's all a game, they're puppets for
11 Coleman. And my suggestion to you, again, is
12 that that is a phrase that you used with
13 Mr. Heed, not one that he has ever used with
14 you. Do you agree?

15 A I don't remember, sir.

16 MR. SENKPIEL: Madam Registrar, could we please
17 turn -- and just so I'm clear, when the
18 transcripts go up, only the participants can see
19 it, the public can't see it, is that right
20 Mr. Martin [sic]?

21 Madam Registrar, can we please turn to
22 tab 9. Page 63.

23 Q Line 12, Mr. Pinnock, you say -- and this is a
24 recording of the September 2018 conversation you
25 had with Mr. Heed, you say:

1 " Yeah, you mentioned, yeah. Well, it
2 wouldn't have sat well with the director
3 level of GPEB if the government was any
4 way tainted with an investigation because
5 it's all a game. It's about keeping old
6 Mounties employed, you know, and not
7 ruffling feathers."

8 And then on and on it goes. And then over to
9 page 65, please, Madam Registrar. At the top
10 Mr. Heed says:

11 " As a whole, it's all management by fear.
12 You say "yeah."

13 Mr. Heed:

14 " That's all it is."

15 Mr. Pinnock:

16 " Yeah, yeah, so it's you know, it's all a
17 cozy game you play nice.

18 Mr. Heed interjects with "yeah" and you say:

19 " MR. PINNOCK: Because somebody is going
20 to beet you up if you don't and you cave
21 and you abandon your principles and, you
22 know, get nice contracts with government
23 after."

24 Mr. Heed says "unbelievable." Do you see that,
25 sir?

1 A I do.

2 Q I'm doing to suggest to you any references to
3 it's all a game are references made by you and
4 in this last instance is one in which Mr. Heed
5 responded with "unbelievable." Do you agree?

6 A I've used the term "it's all a game" or the
7 phrase "it's all a game" on many occasions with
8 respect to the casino situation and the
9 relationships between certain entities around
10 the gaming portfolio.

11 Q And in fact your will-say statement has a
12 heading called "The Game"; correct?

13 A It does. It does, yeah.

14 Q So my proposition to you, sir, is Mr. Heed never
15 referred to four senior RCMP officers being
16 involved in a game? Do you agree?

17 A He may not have used that phrase.

18 Q And in 2009 I'm going to suggest to you that the
19 notion of casinos -- forgive me, Madam
20 Registrar, could you please drop the document.

21 I'm going to suggest to you that in 2009 it
22 wasn't news that casinos generated a lot of
23 revenue for the government. Will you agree with
24 that?

25 A Yes.

1 Q And it wasn't news in 2009 that governments
2 liked the revenue it is being generated by
3 casinos.

4 A That is correct. I'm sure.

5 Q In fact -- and I don't know that we have this in
6 the tab, but the German report states:

7 "In 1998 a scholarly article referred to
8 the 'desperate neediness of government
9 which are now tied to gambling because of
10 the enormous revenues it derives from
11 gambling,' noting 'it is perhaps the most
12 heavily addicted party in the gambling
13 arena.' In BC, the net income which the
14 province receives from BCLC is greater
15 than what it receives from the fuel tax,
16 BC Hydro, the liquor distribution branch,
17 or royalties from forestry and natural
18 gas. ... An architect of Canada's modern
19 constitution, Dr. J. Peter Meekison noted
20 in a 2000 report for the Province of
21 British Columbia that government 'has gone
22 from being primarily a regulator of gaming
23 to being both a regulator and chief
24 promotor.'"

25 So the proposition is your statement to the

1 Public Eye in 2009, this was about revenue
2 generation or Mr. German's report saying just
3 that in 2018 or this reference to 1998. It was
4 no surprise that casinos were about revenue
5 generation for the province; correct?

6 A Yes.

7 Q That kind of a statement wouldn't be
8 particularly remarkable if said to you in 2009?

9 A I would agree with that.

10 Q It wouldn't even be controversial, would it?

11 A No. My concern was not confined to government
12 generating revenue and the business aspects of
13 it. My principal concern throughout the many
14 years I've been associated with this matter is
15 the absence of real police officers in those
16 environments. That was my principal complaint.
17 I've never had an issue with the model per se.
18 But the absence of capable badge-carrying law
19 enforcement officers in those environments
20 troubled me, and I think -- I think that
21 government had it get away from them and it
22 allowed for the gangster presence to escalate
23 and enterprise crimes like money laundering,
24 loan sharking, et cetera, to flourish. That was
25 my principal concern.

1 minister?

2 A That's untrue, sir. He told me he couldn't say
3 what he -- his public voice was different from
4 his candid delivery to me, and he made reference
5 to the wilful blindness on the part of Rich
6 Coleman, the revenues being generated by
7 government and the senior Mounties looking the
8 other way.

9 Q Specifically the senior Mounties being puppets
10 for Coleman?

11 A Puppets or wrapped around his finger, I can't
12 remember which term he used on this occasion.

13 Q You're not sure if he actually said "puppets for
14 Coleman"?

15 A I don't know whether he said that or had them
16 wrapped around his finger on that occasion.

17 Q All right. Because you testified on November 5
18 that he -- you believe he said "puppets for
19 Coleman"?

20 A It could have been one, could have been the
21 other; I'm not sure.

22 Q And you've testified today that this is
23 something that gobsmailed you and left an
24 indelible memory?

25 A Well, his candour was astonishing.

1 Q So the candour was astonishing, what actually
2 said when being candid wasn't memorable?

3 A It was memorable.

4 Q All right. So what did he say?

5 A He said -- and forgive me, I'm under a bit of
6 stress right now, so I probably I'm not firing
7 on all cylinders, but I'll do my best.

8 Of course you're right, Freddy, but you
9 know I can't say that publicly. We -- what's BC
10 lottery generating per year, 2 billion?

11 And there were a couple of other elements of
12 that that -- because of my current stress level
13 have alluded me.

14 Q Would you like to take a break, sir?

15 THE COMMISSIONER: I was going to ask that.

16 MR. SENKPIEL: Sorry, Mr. Commissioner.

17 THE COMMISSIONER: Do you want to take a break,

18 Mr. Pinnock.

19 THE WITNESS: I'm fine, thank you very much. I don't
20 know that my stress level is going to dissipate
21 any time soon. So I'm prepared to go ahead.

22 THE COMMISSIONER: All right. Thank you.

23 MR. SENKPIEL:

24 Q We earlier talked about the clarifications that
25 you made after speaking to your counsel while on

1 break while under cross-examination. One of
2 them was --

3 MR. JAFFE: Excuse me, Mr. Commissioner. I again
4 hesitate to interrupt my friend. I appreciate
5 his interest in throwing a little muck at me
6 here. He wasn't under cross-examination. That
7 had never been clarified. He's not a party. He
8 was called as a witness. Mr. Commissioner,
9 you've already ruled that this is not an
10 adversarial proceeding. There was no caution
11 given to the witness. For my friend to repeat
12 this suggestion that we were somehow being
13 unethical as though Mr. Pinnock was under
14 cross-examination and was bound over, that was
15 news to us when he came back and there was some
16 caution then given. But this is about the third
17 time my friend has thrown that little bit of
18 muck in my direction, and I would ask that he
19 kindly refrain from doing that.

20 THE COMMISSIONER: Thank you, Mr. Jaffe. I think
21 you're correct that Mr. Pinnock was not
22 cautioned about speaking to anyone during the
23 source of his examination.

24 MR. SENKPIEL:

25 Q What you said, sir, when you came back from that

1 break was:

2 "Kash Heed confirmed everything that he
3 said during that encounter in 2009, and he
4 expanded on it in greater detail in my
5 audio recorded conversation held with him
6 on the 10th of July 2018."

7 Do you recall saying that?

8 A Yes.

9 Q You said in response to a question from Canada
10 that you remember having that conversation in
11 2009 and that led to your decision to audio
12 record your conversation with Mr. Heed on the
13 10th of July 2018, and you said:

14 "I wanted him to repeat to me the essence
15 of what he told me in 2009. I wanted to
16 secure and preserve that evidence, that's
17 what I did."

18 Do you recall giving that answer?

19 A Yes.

20 Q Now, when you said that the 2018 recording or
21 recordings -- and let's just refer to all three
22 of them -- confirmed everything he said to you
23 in 2009, what did you mean by the word
24 "confirmed"?

25 A There was -- it was consistent with my

1 understanding of his messaging from 2009 and
2 numerous other interactions that I had had with
3 him after that until 2013.

4 Q But that's all it was. It was consistent with
5 your understanding of what he had said to you in
6 2009?

7 A It was consistent with his messaging to me.

8 Q All right. But you don't mean to say that 2018
9 involved you suggesting to him, you remember
10 when you told me, Kash, A, B, C or D in 2009,
11 and then he confirmed it. That wasn't anything
12 that took place in those recordings; correct?

13 A There is a reference on page 11 of the 31st of
14 December 2018 recording where he -- I knew taken
15 back to the fact that we had discussed this nine
16 years earlier and he said yeah.

17 Q That's the third tape; right?

18 A It is, yes.

19 Q And that's a tape that you said in your
20 testimony while under oath that there was
21 nothing said that would be of assistance to this
22 commission?

23 A I hadn't listened to that tape for so long, I
24 had not felt that it would -- back when that
25 conversation occurred, I didn't feel that there

1 was anything of significant value in it. I
2 didn't -- listen to it again until last week,
3 and my counsel and I agreed that there may be
4 and it was submitted.

5 Q I'm surprised by that answer, sir, because I
6 asked you whether or not there were any places
7 in any of the three recordings where Mr. Heed
8 confirmed having had a discussion with you in
9 2009, and the first one you come up with is a
10 specific page reference to a transcript that you
11 say didn't have anything of assistance to the
12 commission.

13 A I thought it was -- it would be useful to the
14 commission to identify that page reference. I
15 read the transcript and thought okay, there's
16 something of value possibly here.

17 Q All right. And in your formal will-say, this
18 isn't your personal will-say, but the formal
19 will-say created by the commission that
20 references in the revision two documents or
21 references the documents and says:

22 "Two audio recordings of Heed and Pinnock
23 in conversation. The third is of no
24 evidentiary value."

25 Do you recall seeing that?

1 2018. He was a participant in scores of
2 high-level meeting relating to public
3 safety during that period."

4 You spoke to Mr. Heed for the first time in
5 those recorded calls after he had called you to
6 essentially congratulate you for giving that
7 public interview?

8 A That's right. He called me and I wanted to get
9 this conversation recorded, so I went to my home
10 and called him back.

11 Q You didn't know he was going to call you?

12 A No.

13 Q Did you record any of the conversations you had
14 with excess of 100 other people that
15 communicated with you?

16 A No, because I remembered the very relevant
17 conversation with Kash Heed I had had in 2009.

18 Q And you have said this, and I don't think it's
19 controversial, but each of those three
20 conversations you recorded surreptitiously?

21 A Yes.

22 Q And you gave your Global TV interview shortly
23 after the release of the Peter German report
24 called "Dirty Money"; correct?

25 A That is correct.

1 A I did say that.

2 Q You were asked what motivation of the people in
3 authority was again and you said:

4 "To maximize revenues for the four
5 governmental duties."

6 A Yes.

7 Q You say:

8 "My peers and other experienced law
9 enforced shared we were all in agreement
10 that this is going on."

11 A Yes.

12 Q And again you were referring to '05 to '08?

13 A And subsequent to that, too, yes.

14 Q Sir, you were referring to '05 and '08, your
15 peers were peers you had while you were actually
16 in a position of authority which ceased in 2008;
17 correct?

18 A Yes.

19 Q And you say:

20 "I think the significant overarching
21 concern of senior management within the
22 RCMP at that time was we're just a couple
23 years away from renewal of the contract;
24 we do not want to annoy our liberal
25 masters here in BC."

1 A Yes.

2 Q Asked why you doing your job would be annoying
3 to the liberals you said:

4 "Because it would disrupt the flow of
5 revenues, John, that's what drove
6 everything. That makes sense to you, I
7 hope."

8 A I said that, yes.

9 Q Asked when you might name names, you said:

10 "Well, I think the public needs, the
11 taxpayers and citizens of British Columbia
12 need a public inquiry. I very much look
13 forward to receiving a subpoena to give
14 evidence."

15 A Yes.

16 Q That is the interview you gave before Mr. Heed
17 picked up the telephone to basically express his
18 support for what you had done and offer
19 assistance to you?

20 A Yes, he said he'd back me 100 percent.

21 Q Well, I'm not sure he said that, sir, but he did
22 offer support should you need it; correct?

23 A I believe he said, I will back you 100 percent.

24 Q Those discussions in 2018 were long after
25 Mr. Heed was out of politics?

1 A Yes. He left politics in 2013.

2 Q And you'll agree with me that Mr. Heed in 2009
3 as a sitting minister is a very different
4 Mr. Heed from the 2018 version when he's long
5 retired from governmental life?

6 A Yes, I think it was a nine-year passage of time.

7 Q And you'll agree with me that the discussions or
8 most of the discussions were between two
9 longtime friends that were essentially shooting
10 the breeze. Now, I used a different turn of
11 phrase in my application, but you were
12 essentially talking about all manner of things
13 in catching up?

14 A And you're referring to the July conversation,
15 are you?

16 Q Yes.

17 A Yes. That is correct.

18 Q But in fact that's the nature of all three of
19 the conversations. You talk quite extensively
20 about matters that are personal and private and
21 that involve personal opinions of both of you
22 that, whatever anyone might think about them,
23 are your personal opinions; correct?

24 A Yes.

25 Q And the discussions between the two of you where

1 you're both expressing strong personal opinions
2 about current events and about the government
3 and about politics and about the German report?

4 A I don't remember hearing any of my thoughts
5 about the German report with Kash. I could
6 have. But the rest of your proposition makes
7 sense.

8 Q I think you agreed earlier that you're a skilled
9 investigator.

10 A I believe I am.

11 Q You know how to record conversations and you
12 know how to prompt people to divulge
13 information?

14 A Well, I know how to record conversations.

15 Q Mr. Smart asked you when he was questioning you
16 -- and I now appreciate that that may not be
17 cross-examination, but he was questioning you
18 and he said:

19 "You could have asked Mr. Heed, couldn't
20 you, I'd very much like to meet with you
21 and I'd like to get your best recollection
22 of events that happened many years ago."

23 You could have asked him that, and your answer
24 was:

25 "It was an option."

1 A M'mm-hmm, yes.

2 Q You understood when Mr. Heed phoned and you
3 spoke to him on each of those three occasions
4 that you could have prompted him or asked him
5 expressly to confirm what he had said you stated
6 in 2009?

7 A I could have.

8 Q You didn't do that, though, did you, aside from
9 this one page 11, transcript 3 thing you raised
10 earlier?

11 A No. We had had so many similar discussions in
12 the years following that 2009 meeting that it
13 was repeated behaviour on the part of Kash Heed.

14 Q Why didn't you come out and just do it
15 expressly?

16 A I don't know. I just didn't.

17 Q Sorry, I didn't hear that last bit.

18 A I don't know. I just did not do that.

19 Q Did you think to do it?

20 A That was a while back. I don't remember
21 thinking that or not thinking it.

22 Q I'm going to suggest that was an option you
23 employed with someone with two other people.
24 You spoke to a retired RCMP superintendent, who
25 I'm going to leave his name out, and you said

1 that when you spoke to him about IIGET in 2005
2 he told you certain things and then you said:

3 "When I later reminded Mr. [So-and-so] of
4 that conversation he did recall a
5 conversation. However, he did not
6 remember speaking those exact words."

7 You set that out in your personal will-say?

8 A I believe I did.

9 Q And that conversation with that retired police
10 officer was one you had following your Global TV
11 interview?

12 A Yes.

13 Q You knew, and in fact you put it into practice,
14 that you could ask people expressly whether or
15 not they would confirm having said something to
16 you earlier in time?

17 A Yes.

18 Q You could have said, Mr. Heed, I have to ask
19 you; I was absolutely gobsmacked by something I
20 recall you saying in 2009; can you confirm that
21 you did in fact say that?

22 A I could have asked that but didn't.

23 Q I'm going to suggest to you that the reason you
24 didn't do that is because you knew what the
25 answer was going to be and the answer was going

1 to be no, I didn't say those things to you.

2 A You're totally incorrect.

3 Q You did a similar thing with another gentleman
4 Mr. M which you reference in your personal
5 will-say statement, and you say:

6 "Mr. M recently checked his notebooks at
7 my request, advised that while he
8 remembers the meeting clearly, he has no
9 record of the young man's name. We both
10 vividly recall him saying X."

11 You did that with Mr. M?

12 A I did.

13 Q And in the case of Mr. Heed, you were talking to
14 a close friend who has strong personal opinions
15 about things, who had called to offer his
16 support and encouragement to you. There was no
17 reason you couldn't have asked him outright;
18 correct?

19 A That's what I chose to do that day, sir.

20 Q Now, I want to talk about the puppets for
21 Coleman comment, which I think your evidence is
22 now, I'm not sure if he said that or may have
23 said the wrapped around the finger alternative.

24 You said on November 5 that Mr. Heed told
25 you that senior members of the RCMP were

1 complicit with Mr. Coleman in the money
2 laundering problem in casinos and you said he
3 told you the names of those four senior members
4 of the RCMP and that they were playing a game
5 and that they were puppets for Coleman. Is your
6 evidence now that you're not sure if he said
7 that?

8 A I don't know whether he used the term "playing a
9 game," but he described how Rich Coleman was
10 responsible for the problems in casinos, and he
11 had senior RCMP members who he manipulated or he
12 had them either wrapped around his finger or
13 they were his puppets.

14 Q I'm going to suggest that when you gave that
15 testimony on November 5 you were actually
16 recalling something that you thought had been
17 said in the July 2018 conversation?

18 A No, sir. I could remember being gobsmacked by
19 Kash and the disclosures that he made in
20 November of 2009.

21 Q I'm going to suggest that you had a
22 recollection -- and I'm going to show you why I
23 think it's an incorrect recollection of what he
24 said in 2018, and that that recollection
25 infected what you recall about 2009. Do you

1 agree?

2 A No.

3 MR. SENKPIEL: Madam Registrar, could you please turn
4 up the personal will-say statement, tab 4,
5 page 11.

6 MR. MCGOWAN: If my friend is able I wonder if he
7 might just identify for the record which of the
8 three versions is being addressed so that we've
9 got that as part of the record.

10 MR. SENKPIEL: Yes, it's the August 2020 version.
11 Madam Registrar, page 13 should confirm that.

12 MR. MCGOWAN: Thank you.

13 MR. SENKPIEL: Yes, I think they're all consistent on
14 this point, Mr. McGowan, but that's the August
15 2020.

16 Q At the top of page 11 you are setting out bullet
17 points of what you recall about your audio
18 recorded conversation with Mr. Heed in July
19 2018; correct?

20 A I believe so.

21 Q All right. And, Madam Registrar, can you just
22 go up to the bottom of the proceeding page just
23 so we can confirm that.

24 Does that assist you, Mr. Pinnock?

25 A I'm sure it is. So please proceed.

1 Q I'd be grateful if you could read before the
2 bullet points to confirm that you are recounting
3 what took place in that July 2018 conversation.

4 A Yes.

5 Q All right. Now, the top paragraph on page 11,
6 the second -- or the first full sentence says:

7 "He apparently explained to Mr. --"

8 So-and-so. And I'm not going to use his name,
9 but a member of government; correct?

10 A Yes.

11 Q "-- that Dr. German had been assistant
12 commissioner for the RCMP responsible for
13 the Lower Mainland when he and former
14 senior RCMP officers --"

15 And he names three by name.

16 "-- ,puppets for Coleman, got rid of
17 IIGET."

18 Do you see that?

19 A I do.

20 Q That's what you recalled him saying to you in
21 July 2018?

22 A Yes.

23 Q I'm going to suggest that that is the
24 recollection that you allowed to dictate your
25 testimony on November 5 when you said that a

1 similar thought was said on -- in 2009.

2 A No, sir. I remember the essence of what Kash
3 told me in November of 2009.

4 Q The way this bullet point is drafted suggests
5 that the puppets for Coleman comment, as it is
6 between those two commas, is a general reference
7 to those four individuals. Will you agree with
8 that?

9 A Yes.

10 Q And then there's the words "got rid of IIGET."
11 I'm going to suggest to you you actually
12 incorrectly summarized what that comment was
13 about. And I'm going to take you to it and it
14 is, Madam Registrar, at tab 8, page 6.

15 Line 4:

16 "MR. HEED: So your name has come up many,
17 many times with people that we've had
18 conversations with and they -- you know,
19 finally you did come out and you said
20 exactly what is going on.

21 MR. PINNOCK: M'mm-hmm.

22 MR. HEED: Now [minister's name], you
23 know, [minister] and I have been friends
24 for years and I actually -- when he hired
25 Peter German to do his thing, I phoned him

1 and gave him shit.

2 MR. PINNOCK: M'mm-hmm.

3 MR. HEED: Peter German was the assistant
4 commissioner of LND when the decision was
5 made and he was part of that decision
6 making. It was for [three individuals
7 names] and German that were part of the
8 decision making were puppets for Coleman
9 to pull IIGET."

10 Do you see that?

11 A I do, yeah.

12 Q The puppets for Coleman comment in this context
13 is a reference to those three individuals being
14 puppets for the purposes of pulling IIGET. Will
15 you agree with that characterization?

16 A Let me just read the passage for a moment,
17 please.

18 Q Please.

19 A Yes, that's fair.

20 Q This comment by Mr. Heed was not confirming
21 something he said to you in 2009. He's telling
22 you about something he said to another minister
23 at a time period which must have been in 2017 or
24 later. Will you agree with that?

25 A Yes.

1 Q And he's telling you about something he told
2 that minister about a decision that was made
3 before he became a minister of government. Will
4 you agree with that?

5 A I'm not sure when that decision to discontinue
6 IIGET was made. It was in 2009. It may have
7 proceeded Kash's appointment, and successful
8 campaign where he became an MLA.

9 Q I've seen different references but it was either
10 March or April of 2009. So either a month or
11 two before he was actually elected to
12 government?

13 A Very good. Okay.

14 Q All right. So here we have Mr. Heed relaying to
15 you a conversation in 2017 or 2018 to another
16 minister in which he refers to three individuals
17 being puppets for Coleman in relation to the
18 decision to disband IIGET, which took place
19 before he was even a [indiscernible]?

20 A Yes.

21 Q Will you agree with me that is very different
22 than what you testified to on November 5?

23 A It does seem to be discrepant, yes.

24 Q I'm going to suggest to you that you allowed an
25 incorrect reading of this passage or an

1 wanted to solidify it and lock it down in
2 the event something like this commission,
3 wherever it struck."

4 Do you recall saying that?

5 A I do, yes.

6 Q You'll agree with me memories do fade, including
7 yours?

8 A Yes.

9 Q And you'll agree with me that the reason you
10 wanted to solidify it was because you did not
11 have a solid recollection of what was actually
12 said in 2009.

13 A No. Sir, this is bigger than me. It's bigger
14 than Kash Heed. It's bigger than Rich Coleman.
15 I wanted that information available regardless
16 of what happened to one or more of us men who
17 are in our mid-60s. I wanted that information
18 to be of some use and some service, nothing
19 more.

20 Q I want to turn to the third tape, which was a
21 conversation that occurred on December -- in
22 December 2018; correct?

23 A That's right, yes.

24 Q And that conversation took place after, like all
25 three of the conversations, took place after the

1 German report had been released?

2 A Yes.

3 Q And the German report said things like this in
4 its executive summary:

5 "The unique governance of gaming in BC
6 allows the provincial government to reap
7 huge revenue from casino gambling, making
8 it the largest revenue stream for
9 government outside of taxes. The ability
10 to fund needed government programs focused
11 on social welfare, education and health.
12 Out of gaming revenue is a bonus to
13 government which has over time become an
14 budgetary expectation."

15 And:

16 "The evolution of gaming from a criminal
17 enterprise to a source of provincial
18 funding is an interesting development."

19 You spoke to Mr. Heed in 2018 after those kinds
20 of statements had been made public by
21 Mr. German?

22 A That's correct.

23 Q And you spoke to Mr. Heed after you had said
24 very similar things in your Global TV interview?

25 A I did, yes.

1 Q Now, in the December conversation, Mr. Heed was
2 actually trying to assist you by putting you in
3 touch with someone who might be doing an
4 investigative report of some sort; correct?

5 A In December of 2018, that's correct.

6 Q Yes. He was actually looking for a way to
7 potentially provide you a media platform. Will
8 you agree with that?

9 A Yes.

10 Q Now, Madam Registrar, could you please turn up
11 tab 10, page -- in my notes 12, but Mr. Pinnock
12 said 11. No, sorry, tab 10, page 11. Actually,
13 tab 10, page 10. And at the bottom, line 25,
14 just to put it in context, Mr. Heed is the one
15 speaking he says:

16 "Yeah, well, let me see, thing about it.
17 I think this is the investigative piece
18 we've been wanting and looking for that
19 nobody has been able to put together on
20 this, and I think this will vindicate Kate
21 people and show, first of all, like,
22 there's a few reasons that this happened,
23 but being the big reason is it's the
24 money. All about money."

25 Q Mr. Heed said that to you in December 2018?

1 A He did.

2 Q Not a particularly startling revelation at that
3 time?

4 A No.

5 Q And I should note for Mr. Commissioner and then
6 commission counsel, I've indicated where I think
7 that this transcript contains some inaccuracies.
8 We'll solve that, but I don't think for present
9 purposes it matters much. I think that the
10 actual last line is "it's all about the money,"
11 which is the phrase you've attributed to him
12 saying in 2009. And the --

13 A And on several occasions after that as well. As
14 in this case, it was often repeated. "It's the
15 money" or "all about the money" in succession.
16 This is -- this is -- was fairly typical of
17 Kash's delivery and explanations in those
18 conversations. And that triggered me in the
19 next line to recall the conversation that had
20 been held nine years earlier.

21 Q All right. Well, let's talk about that because
22 I think this is inaccurately transcribed as
23 well. But the way this transcript reads you
24 say:

25 "We even talked about that nine years ago

1 when I [indiscernible] public."

2 And Mr. Heed is recorded as saying "yeah." Is
3 that the exchange you say was the one instance
4 of potentially confirming something he said in
5 2009?

6 A Yes.

7 Q But you'll agree with me that notwithstanding
8 that you had done it twice with two other people
9 where you tried to confirm recollections of
10 things they'd said earlier, the closest you
11 actually come to putting to Mr. Heed something
12 you say he said in 2009 is to say that you and
13 he discussed it being all about the money in
14 2009?

15 A That's right.

16 Q You don't say, do you remember when you told me
17 it was all about the money in 2009?

18 A I didn't use those words, no.

19 Q You could have?

20 A Could have said a lot of things.

21 Q I don't accept this. But even if Mr. Heed had
22 told you it's all about the money in 2009, I
23 think your evidence is that that wouldn't have
24 been a revelatory comment. Would you agree?

25 A I would agree with that.

1 Q So the only thing that we have in any of these
2 three transcripts that looks in any way like
3 something that's confirmatory of what you say
4 took place in 2009 is a statement about you and
5 he discussing something that isn't particularly
6 revelatory. Would you agree with that?

7 A Yes. That was my reason for saying that. We've
8 talked about this nine years ago when we
9 connected in person for that discussion. And he
10 said it's all about the money back then. And I
11 confirmed we talked about that nine years
12 earlier.

13 Q All right. Now, we'll deal with this when we
14 have a proper transcript, but I'm just going to
15 put this proposition to you because I'm
16 obligated to you by the laws of evidence, but my
17 listening of the tape suggests that Mr. Heed
18 actually says "yeah" two or three times at
19 various points as you are interjecting with the
20 we've even talked or you and I have talked or
21 talked about that in 2009. And my suggestion to
22 you is Mr. Heed was not confirming to you that
23 he had told you in 2009 that it was all about
24 the money.

25 A I'd welcome a chance to listen to that recording

1 irrelevant to anything to do with this
2 commission, but I need it for the point I'm
3 making, which is you say:

4 "Sure, I'm a lumpy old guy with a limp but
5 still giving her. I'm still in the gym
6 about five days a week and --"

7 Mr. Heed interjects "yeah." You've not asked
8 him to respond to anything at that point?

9 A That's correct.

10 Q You continue:

11 "Life is good, Kash. I mean, I go back
12 and forth between [REDACTED] and [REDACTED]
13 based on a weekly basis. We have a place
14 up in [REDACTED] [REDACTED] a lake. It's
15 just sensational and --"

16 He interjects with "fantastic."

17 "MR. PINNOCK: Yeah, I've got to send you
18 a photo of from our deck. It's just so
19 life extending and peaceful."

20 And:

21 "What is Naomi doing now?"

22 He asks.

23 "MR. PINNOCK: Well, she, as you know,
24 took advantage of the bridge income
25 thing."

1 He interjects with "yeah." You then say:

2 "After the electoral outcome of 15 months
3 ago --"

4 You're finishing your thought, and he says
5 "yeah." You then say:

6 "And she is. She has completely invested
7 herself because you know she's a worker."

8 Mr. Heed says "yeah."

9 "MR. PINNOCK: She has this
10 place operating like a top --"

11 MR. JAFFE: If I might, Mr. Commissioner. It's Paul
12 Jaffe again. I'm wondering if my friend is
13 going to continue reading in personal
14 information that, among other things, is giving
15 away locations of residence and other things
16 which should be redacted, and I think he's well
17 aware of that. I'm just wondering why he's
18 doing this. He skipped over the names of
19 officers and other things which he knows
20 shouldn't be public. I'm just wondering why
21 he's going into the other personal information
22 that he should know shouldn't be public. Thank
23 you.

24 MR. SENKPIEL: Mr. Commissioner, I think I've
25 explained that I'm doing this so that we can see

1 what Mr. Heed's speech patterns are. I don't
2 need to reference personal details. I'll take
3 out locations and things like that. I'm happy
4 to do that.

5 THE COMMISSIONER: Yeah, I think that's the point,
6 Mr. Senkpiel. The -- I understand why you're
7 doing it, but I think it's important not to
8 disclose information that is likely to be
9 redacted for privacy reasons.

10 MR. SENKPIEL: I understand. I apologize for the
11 [indiscernible] location reference.

12 Q Line 4 you say:

13 "She has completely invested herself
14 because you know, she's a worker."

15 Mr. Heed, "yeah."

16 "MR. PINNOCK: She has this place
17 operating like a top with more details,
18 biking, looking good."

19 He interrupts, says "yeah." You say:

20 "And she's rested."

21 A few more things.

22 He jumps in with a thought. You say:

23 "By no means no."

24 He says "yeah." You say:

25 "She did her thing."

1 He says "yeah." You say:

2 "She did her thing, and, frankly, I'm very
3 happy she's not looking at that."

4 He says "yeah, yeah."

5 Will you agree with me that this is a pretty
6 illustrative example of how Mr. Heed talks?

7 A It is.

8 Q All right. I apologize for how tedious that
9 was. But that needed to be done.

10 I think I've put this proposition to you,
11 but I need to make sure. You knew that if you
12 asked Mr. Heed to confirm what you say he said
13 to you in 2009 he would deny it?

14 A No. I'm sure that he would confirm it.

15 Q You know that he's not confirming it. That's
16 the reason I'm here, sir.

17 A Yes. But if I had -- if I had asked him that
18 question before all this happened, I'm sure that
19 he would have confirmed that we'd had that
20 conversation earlier, in '09.

21 Q I want to talk about the motivations you have
22 for the things you've done about this issue over
23 time, and I should say for your benefit I am not
24 going to, because my instructions are to try to
25 avoid making reference to people you know and

1 have referred to. I'm instructed to not make
2 express reference to things you have said in
3 those recordings unless I have to. And so I'm
4 going to put propositions to you which are
5 intended to avoid doing that. And so to the
6 extent it seems like I'm being a bit general,
7 that's the reason. Mr. Heed doesn't want anyone
8 else being brought into the things that are the
9 result of your choices.

10 So the ruling on your application for
11 standing as a participant in this commission
12 states at paragraph 30:

13 "At oral hearing, Mr. Pinnock further
14 submitted that his personal privacy and
15 reputational interests are at stake in
16 these proceedings. Mr. Pinnock submits
17 that he was right and that others within
18 the RCMP BCLC government and GPEB knew or
19 were willfully blind about this. In that
20 sense, he submits his reputational
21 interest may be engaged as the inquiry may
22 vindicate him."

23 Did you read that when it was released?

24 A I don't remember it, but I accept that that is
25 representative of the way I felt.

1 Q You were bothered when the Peter German report
2 came out in 2018 and you hadn't been consulted
3 in the creation of it; correct?

4 A I was curious as to why I wasn't interviewed.
5 Not particularly bothered, to be honest.

6 Q I'm going to suggest you were ultimately
7 disappointed that he chose not to interview you.

8 A I was more curious. I think I could have added
9 something of value to that exercise.

10 Q Are you refusing with the characterization of
11 being disappointed?

12 A I don't remember feeling particularly
13 disappointed. I was surprised.

14 MR. SENKPIEL: All right. Madam Registrar tab 4,
15 please, page 12.

16 Q Sorry. The paragraph [indiscernible]. Sorry,
17 Mr. Pinnock, just bear with me. I'm getting a
18 message that -- Mr. Commissioner, Mr. McGowan
19 has asked me to give you an indication of how
20 long I'm going to be. I suspect I'm 10,
21 15 minutes tops. I apologize if I've gone over.
22 I've lost track of time.

23 THE COMMISSIONER: All right.

24 MR. SENKPIEL: At the top of this -- let me just find
25 it. Sorry, Madam Registrar, the page up,

1 please, the bottom of the page up. Sorry, bear
2 with me, please. This of course happens after
3 I've given the time estimate. My note is wrong,
4 so I will come back to that.

5 MR. MCGOWAN: Mr. Commissioner, I'll invite my friend
6 to take the time he needs. My note to him was
7 not an attempt to move along, just to provide
8 you the information you needed to decide whether
9 a break might be in order.

10 MR. SENKPIEL: Perhaps a short break and I can find
11 my proper note.

12 THE COMMISSIONER: I'm sorry, I was muted. We'll
13 take 10 minutes. Thank you.

14 THE REGISTRAR: The hearing is adjourned for a
15 10-minute recess until 4:27 p.m.

16 **(WITNESS STOOD DOWN)**

17 **(PROCEEDINGS ADJOURNED AT 4:17 P.M.)**

18 **(PROCEEDINGS RECONVENED AT 4:26 P.M.)**

19 **FRED PINNOCK, a witness**
20 **for the commission,**
21 **recalled.**

22 THE REGISTRAR: Thank you for waiting. This hearing
23 is now resumed.

24 MR. SENKPIEL: Mr. Pinnock, I apologize for that
25 errant note of mine.

1 Madam Registrar, at tab 3, please, page 9.

2 Q Mr. Pinnock, this is a different version of your
3 personal will-say. I'm not sure which one it
4 is. It doesn't have a date, but I think it's
5 another one in 2020. And you write:

6 "In June 2018."

7 Do you see that?

8 A I do and I see the reference to my
9 disappointment. Perhaps at that time I felt
10 that. I no longer feel that way, but ...

11 Q All right. But you were disappointed that he
12 chose not to interview you and you believe that
13 the absence of in part your observations and
14 comments diminished his conclusions and
15 recommendations?

16 A Yes.

17 Q Did you tell -- Madam Registrar, thank you.
18 Please drop that document.

19 Did you tell Mr. Heed at some point, sir,
20 that one of the things you do for therapy is to
21 write?

22 A I don't remember doing that -- saying that. I
23 do enjoy the writing process.

24 Q Do you remember telling Mr. Heed that as part of
25 your therapy you had written -- at the time you

- 1 told him three chapters of a book.
- 2 A I probably did. Because I have.
- 3 Q And how many chapters have you written now?
- 4 A I'm co-writing a TV series or a draft TV series,
5 so the book has been abandoned for now.
- 6 Q I'm not sure that answers my question. How many
7 chapters of the book did you write before you
8 abandoned it?
- 9 A Oh, three or four.
- 10 Q And this was a book about your experiences in
11 the RCMP?
- 12 A It's -- no. It's a fictionalized piece of work
13 about undercover and basically murder and mayhem
14 on the streets of Vancouver. It's total
15 fiction.
- 16 Q Would you agree with me that you're angry with
17 what was done to you or what you say was done to
18 you in the later part of your career?
- 19 A I'm no longer angry, sir. I was pretty hurt and
20 angry back in '07, '08.
- 21 Q You thought that the review audit process about
22 your performance had been weaponized against
23 you?
- 24 A Yes.
- 25 Q You told Mr. Heed in one of your conversations

1 that you were so effing beat up when you left
2 that looking at your old notebooks and looking
3 at that stack of big black notebooks "it was
4 killing me."

5 "I said I should be calling out that
6 material and I should be suing these guys
7 for doing this to me. It was so draining
8 and so energy sucking."

9 Do you recall saying that?

10 A I do.

11 Q Would you agree with me that you had or have
12 quite a lot of animosity towards at least some
13 members of the BC liberals or former members of
14 the BC liberals?

15 A I would not agree with that, no.

16 Q Did you not have animosity because of the way
17 you thought in particular Mr. Coleman had
18 treated your now wife in caucus?

19 A Animosity? I wouldn't say so. When I heard
20 about it, it bothered me. But I've said hello
21 to him since. You know, the interactions have
22 been very abrupt, but ...

23 Q One of the interactions was what you say was his
24 attempt to deliberately injure you by way of
25 handshake?

1 A Yes.

2 Q And did you tell Minister Heed that on one of
3 your calls:

4 "Well, you know what --"

5 And this was in response to Mr. Heed suggesting
6 how you might have responded, and you said:

7 "Well, your know what, it wouldn't have
8 been a different outcome. If it hadn't
9 been like a fundraiser I wouldn't have let
10 him get away with it. But I just thought
11 okay, maybe we'll chat one day. I don't
12 know."

13 A I said that.

14 Q Did you explain that?

15 A I did.

16 Q And would you agree with me that one of the
17 reasons why you didn't want the third tape to be
18 disclosed is because it contains reference to
19 details of events that you say caused hurt to
20 someone that's near and dear to your heart?

21 A I think I know what you're referring to, but
22 could you ask that question once again, please.

23 Q Yes. Forgive me. I'm not quite sure how to do
24 what I'm trying to do, but I'm trying to
25 avoid detail. The suggestion I want to put --

1 A I know the event you're referring to.

2 Q And would you agree with me that you would
3 rather not be public?

4 A Yes.

5 Q All right. And would you agree with me that
6 you -- whether it's animosity or resentment, you
7 are unhappy with the way you believe one or more
8 members of the liberals have behaved?

9 A Yes, I'm disappointed.

10 Q All right. You took issue with Mr. German's
11 assertion that, for example, BC casinos were
12 unwittingly serving as laundromats; correct?

13 A Yes.

14 Q You thought that this went beyond simple head in
15 the sand ostrich -- whatever your phrasing was
16 -- wilful blindness. You thought this was
17 intentional?

18 A Yes.

19 Q You want people to conclude that people behaved
20 intentionally when Mr. German has concluded that
21 it wasn't intentional?

22 A I'm not sure he still is of that opinion. I've
23 heard enough things from people in the business
24 that suggest to me that, you know, they weren't
25 doing everything they could to ensure that

1 public safety was a major consideration in the
2 management of those businesses.

3 Q In fact, you want the conclusion to be much more
4 stark. You want to say:

5 "I have concluded that now retired senior
6 RCMP officers, British Columbia Lottery
7 Corporation personnel, former ADMs within
8 the provincial government and Rich Coleman
9 from the BC liberals have, through their
10 actions, inactions and wilful blindness,
11 facilitated the money laundering and
12 fentanyl crisis."

13 A I've said that, yes.

14 Q My suggestion to you, sir, is that you have
15 misremembered, whether unintentional or
16 intentionality, what took place in the
17 conversation with Ms. Heed in 2009 in part
18 because you have a desire to -- in part because
19 you have a desire to have people conclude that
20 the BC liberals and others are responsible for
21 these horrendous things?

22 A First of all, I'm not misrepresenting one
23 syllable of my evidence. I want to make that
24 clear. I don't have a hate-on for anybody or
25 anything. I do think the public needs this

1 information out there. I'm happy to cooperate.
2 I am committed to doing the very best I can to
3 provide the information at my disposal. I am
4 not perfect. My evidence delivery today has
5 been less than perfect, I concede that, but,
6 sir, I've done my best to tell the truth to you
7 today about what happened in November of 2009.
8 The meeting happened. I've done my best to
9 characterize the conversation accurately, and
10 assist the Commissioner in that information.
11 There's not been one untruthful thing that I've
12 said today and never would.

13 Q I'm going to suggest to you that you do not,
14 sitting here -- and I appreciate that's a bit of
15 a tricky concept given we're on Zoom -- you do
16 not have a present recollection of that
17 conversation with Mr. Heed in 2009?

18 A I do. And I remember -- I remember feeling such
19 relief when he made those disclosures to me.
20 Relief was one of the emotions. Surprise. I'm
21 still surprised.

22 Q I might suggest to you that what you've done is
23 you have filled in details of that conversation
24 by referring to things you said before it and
25 things that were said long after it but don't

1 actually reflect what your testimony is. Do you
2 agree or disagree?

3 A I disagree.

4 Q Now at the beginning I asked you if there was
5 any chance you were willing to admit to the
6 Commissioner today that your testimony about
7 that 2009 conversation was either, A, mistaken
8 or B, untruthful, and you said no. Would you
9 like to change your answer?

10 A Not for a second.

11 MR. SENKPIEL: Those are my questions,
12 Mr. Commissioner.

13 THE COMMISSIONER: Thank you, Ms. Senkpiel.

14 I think it is late, but I think in the
15 interest of completeness and in hopes of
16 concluding with Mr. Pinnock, there were a number
17 of counsel who examined Mr. Pinnock at the close
18 of hearings on November the 6th, and I think
19 they should be entitled to determine whether
20 they wish to conduct a further examination in
21 light of what has transpired today. So I'll
22 start with Ms. Hughes for the province

23 MS. HARLINGTON: Thank you, Mr. Commissioner. It's
24 Ms. Harlington in place of Ms. Hughes for the
25 province. We have no further questions for this

1 witness on re-exam. Thank you.

2 THE COMMISSIONER: Thank you, Ms. Harlingten.

3 Ms. Mainville?

4 MS. PEDDLE: It's Carly Peddle for Ms. Mainville. We
5 have no questions. Thank you.

6 THE COMMISSIONER: Thank you, Ms. Peddle.

7 Ms. Harmer and/or Mr. Skwarok.

8 MS. HARMER: Mr. Commissioner, it's Ms. Harmer here.
9 We have no further questions.

10 THE COMMISSIONER: Thank you. Mr. Smart.

11 MR. SMART: No further questions, Mr. Commissioner.
12 Thank you.

13 THE COMMISSIONER: Thank you. And Mr. Simonneaux for
14 Canada or whoever else is on for Canada.

15 MR. SIMONNEAUX: No further questions, thank you,
16 Mr. Commissioner.

17 THE COMMISSIONER: Thank you. Mr. McGowan?

18 MR. MCGOWAN: Yes, Mr. Commissioner. Just a couple
19 of questions.

20 **EXAMINATION BY MR. MCGOWAN:**

21 Q I recognize it's late, Mr. Pinnock, so I won't
22 keep you much longer.

23 You initially communicated to the
24 commission that you had a recording of a
25 conversation between you and Mr. Heed; correct?

1 A I don't remember whether I referred to one or
2 more, to be honest.

3 Q You initially produced two recordings between --
4 of a conversation between you and Mr. Heed?

5 A Yes.

6 Q And through the commission and through your
7 counsel communicated that there was ultimately
8 communicated that there was a third recording
9 but that recording was irrelevant to our
10 mandate?

11 A That was my sense, yes.

12 Q Okay. You were provided with a copy of a
13 summary of evidence you might give that was
14 prepared by the commission and provided that for
15 your review prior to giving evidence?

16 A Yes.

17 Q And you provided some responsive comments to
18 that?

19 A Yes, I believe I made a number of revisions.

20 MR. MCGOWAN: If we could pull the document
21 containing those revisions, please, Madam
22 Registrar. We'll go to the bottom of it.

23 Q And on the summary commission counsel had
24 provided to you there was a list of records that
25 might be put to you or introduced through you?

- 1 A Yes.
- 2 Q And one of the records that was listed was a
3 conversation between you and Mr. Heed, a
4 recording of a conversation?
- 5 A Okay. Sounds good.
- 6 Q We can go to it if you have any uncertainty.
- 7 A There's no need. If you're reading that, it
8 probably was said.
- 9 Q And this is your revision to that at the bottom.
10 Am I correct about that?
- 11 A Yes.
- 12 Q It says:
- 13 "Documents, two audio recordings of Heed
14 and Pinnock in conversation. The third is
15 of no evidentiary value."
- 16 A That was my conclusion.
- 17 Q And --
- 18 A Sorry, Mr. McGowan. That was my feeling about
19 that recording, but when I was reintroduced to
20 it recently, I had a different sense.
- 21 Q Okay. The third -- when you refer to "the
22 third" there, are you referring to the
23 December 31st, 2018 recording of a conversation
24 between you and Mr. Heed?
- 25 A I am.

1 Q And do you continue to hold the view that that
2 is of no evidentiary value?

3 A No, I think that reference on page 11 where I do
4 assert that Kash and I had had a conversation
5 about that nine years earlier, to me that
6 makes -- that does present some value, but I'm
7 not legally trained.

8 MR. MCGOWAN: Mr. Commissioner, in my view, it does
9 have some evidentiary value. I'm going to ask
10 that that recording be marked for identification
11 as exhibit F, and that it be subject to the same
12 process with respect to submissions by
13 participants regarding admissibility and the
14 extent to which it is admissible at this stage
15 given the evidence of this witness.

16 THE COMMISSIONER: All right. Thank you,
17 Mr. McGowan. Do you have further questions of
18 Mr. Pinnock?

19 MR. MCGOWAN: I do not.

20 THE COMMISSIONER: I'm sorry, I didn't hear.

21 MR. MCGOWAN: I do not.

22 THE COMMISSIONER: Thank you.

23 **EXHIBIT F FOR IDENTIFICATION: Transcript of**
24 **telephone recording - December 31, 2018**

25 THE COMMISSIONER: Thank you, Mr. Pinnock, you are

1 excused from further testimony.

2 THE WITNESS: Thank you.

3 **(WITNESS EXCUSED)**

4 MR. MCGOWAN: Mr. Commissioner, if you could indicate
5 whether you're content to have the transcript
6 marked as exhibit F for identification.

7 THE COMMISSIONER: I'm sorry, I thought I had. But
8 yes, I'm quite content to do that. Thank you.

9 We're now at the stage where I think at
10 least in part, this part of the process was
11 designed to explore the admissibility of two,
12 now three transcripts, and the question becomes
13 when and how I receive submissions with respect
14 to that, and what the scope of those submissions
15 should be at this stage in the process. As I
16 see it, at least at this stage, at least the
17 first two transcripts and conceivably the third,
18 which has just been marked, have some portions
19 of it that are on their face relevant to and
20 probative of issues before the commission and
21 some portions of which are, again, on their face
22 of no relevance to any issue before the
23 commission, but whose probative value in light
24 of evidence that we may subsequently hear from
25 Mr. Heed may be at issue, so what I'm going to

1 suggest or direct that counsel do who wish to
2 address the issue of admissibility is that they
3 focus on those portions of the exhibit that at
4 this stage on their face have some materiality
5 and probative value to the issues that fall
6 within the mandate of the commission. It's open
7 to you to make other submissions as well, but I
8 would expect that I would defer -- I'm likely to
9 defer a decision on those until such time as I
10 have a more full evidentiary context to
11 determine whether or not they're admissible or
12 inadmissible. And what I have in mind is the
13 proposed evidence of Mr. Heed.

14 So I think, Mr. McGowan, if you can
15 indicate when you think submissions can be made
16 by in light of what I just indicated would be
17 appropriate.

18 MR. MCGOWAN: I would anticipate that -- we had
19 originally contemplated a deadline for all
20 participants and those making submissions by the
21 end of the day tomorrow, but given the lateness
22 of the hour and the addition of the third
23 transcript, perhaps the end of the day Thursday
24 or if anyone feels that's unduly restrictive, it
25 would be open to you to consider something

1 longer. These documents have been before the
2 commission for a period of time. It is a public
3 inquiry and we do seek as much as possible to
4 put out as part of the public record those
5 portions that are ultimately ruled admissible at
6 this stage and not subject to restriction for
7 any other reason.

8 THE COMMISSIONER: Thank you. Mr. Senkpiel, what's
9 your submission on that?

10 MR. SENKPIEL: My only comment is my hope would be
11 that through dialogue between commission counsel
12 and Mr. Heed and Mr. Pinnock and anyone else
13 that may have things to say we can come to
14 agreement on most of the things that can be kept
15 out or at least most of the things that need to
16 be kept in, and that we can come to you with
17 either something that we're all in agreement
18 with or very narrow areas of disagreement. I'm
19 starting from the premise that we keep
20 everything out unless it's relevant to your
21 mandate. Openness dictates the other extreme,
22 and we're probably going to end up somewhere in
23 the middle where certain things for context are
24 important, the yeah, yeah, yeah, stuff like
25 that. But my hope is that we can avoid a long

1 argument and simply come to you,
2 Mr. Commissioner, with something that's more or
3 less agreed upon.

4 THE COMMISSIONER: All right. Do you think the time
5 frame suggested by Mr. McGowan is a reasonable
6 one?

7 MR. SENKPIEL: I would ask for end of the day Friday
8 or end of the day Monday, but I'm mindful that
9 there are members of the media that probably
10 want these things sooner, but I think in the
11 circumstances, given the way this has unfolded,
12 a bit of patience is not a bad thing on their
13 part and we can make sure that we do this in as
14 fairly a way as possible given the number of
15 people that are involved.

16 THE COMMISSIONER: All right. I will direct that
17 submissions be made no later than the end of the
18 day Friday. However, if counsel are able to
19 agree on those portions of the recordings -- the
20 transcripts of the recordings that can be
21 admitted before then, then I would expect that
22 those -- that agreement be brought to me as soon
23 as they're arrived at.

24 And I do emphasize that while I may be
25 ruling on the admissibility of portions of the

1 transcripts, I'm unlikely to be ruling on the
2 inadmissibility of some portions of the
3 transcripts. I think there clearly is some
4 things in those transcripts which are purely a
5 matter of privacy and personal and can and
6 should be excised from the transcript. There
7 are other things that may not at this point
8 represent relevant or probative evidence to the
9 commission's mandate, but may assume that
10 probative value in light of subsequent evidence.
11 So I'm not minded to rule anything of that
12 nature inadmissible before I had a chance to
13 consider the full evidentiary context. I hope
14 that's sufficiently clear to people. All right?

15 MR. SENKPIEL: Yes, Mr. Commissioner, I should say,
16 Madam Registrar and commission counsel have been
17 incredibly accommodating trying to facilitate
18 this somewhat unintended or unanticipated
19 portion of this hearing for which I'm grateful
20 and I should say that commission counsel has
21 provided me proposed -- or provided everybody
22 with proposed redactions and so we'll be able to
23 work with that I suspect fairly promptly to come
24 to some kind of agreement.

25 THE COMMISSIONER: All right. Thank you. I'm

1 grateful for that and I think it's important
2 given the public nature of this inquiry and the
3 need for some expedition, but I think
4 realistically given all that's transpired,
5 Friday is the date by which. All right.

6 THE REGISTRAR: Sorry, Mr. Commissioner, I just want
7 to clarify on the record. Mr. Pinnock's summary
8 version is marked for exhibit F for
9 identification and the third --

10 THE COMMISSIONER: No, no. I'm sorry, Madam
11 Registrar. The third transcript.

12 THE REGISTRAR: The third transcript. All right. So
13 the December 31st, 2018.

14 THE COMMISSIONER: Yes. That's marked as F for
15 identification.

16 THE REGISTRAR: Thank you.

17 THE COMMISSIONER: All right. Thank you.

18 Mr. McGowan, is there anything further to
19 deal with at this stage in that process?

20 MR. MCGOWAN: No, Mr. Commissioner. I think at this
21 point we can adjourn until tomorrow morning.

22 THE COMMISSIONER: Thank you. Tomorrow morning at
23 9:30.

24 THE REGISTRAR: This hearing is adjourned until
25 November 18th, 2020, at 9:30 a.m. Thank you.

1 **(PROCEEDINGS ADJOURNED AT 4:50 P.M. TO NOVEMBER 18,**
2 **2020)**
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