

COMMISSION OF INQUIRY INTO MONEY LAUNDERING IN BRITISH COLUMBIA

The Honourable Mr. Austin F. Cullen, Commissioner

**Submissions of Cheryl Wenezenki-Yolland in Response to the Closing
Submissions of HMQBC on the Gaming Sector**

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1. Ms. Wenezenki-Yolland provides the Commission with the following submissions for the purpose of clarifying certain matters raised in the closing submissions of the Province of British Columbia (the “Province”) regarding the gaming sector.

Re: Para. 136 of the Province’s submissions – Minister De Jong’s awareness of the need for additional AML steps prior to August 2015

2. At para. 136 of their closing submissions, the Province submits as follows:

136. Minister de Jong testified that his awareness that additional steps were required to address money laundering arose at this time. He acknowledged that “[p]erhaps it should have occurred sooner” but remarked that such an awareness did not arise “on the strength of the information [he] was receiving from GPEB [and BCLC]”. That is, prior to August 2015, Minister de Jong had considered that the AML strategy developed by the Province was in place and being pursued.

3. To the degree that the above paragraph could be taken to suggest that Minister de Jong was unaware that additional AML steps were needed prior to August 2015, it does not accord with the evidence before the Commission. Minister de Jong was certainly aware, prior to August 2015, that additional steps were required to address the money laundering concern. The three-phase AML strategy was under development from the time Minister de Jong assumed the gaming portfolio in 2013 and he was regularly briefed on that work, including the potential steps that would form part of Phase 3.¹ Minister de Jong testified as follows:

... I should say that at no point was I left with the impression that officials believed phases 1 and 2 were going to be sufficient in and of themselves. At no point did I ever garner the impression that officials thought there wasn't ultimately a need to continue on to phase 3 and that that work was ongoing at the time, ...²

4. While Minister de Jong’s testimony was often vague about what he was told and when, he did acknowledge being made aware of the following areas of additional

¹ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 16, line 3 – pg. 18, line 17

² [Transcript M. de Jong, Apr. 23, 2021](#), pg. 48, line 3-10

work/concern prior to August 2015:

- the recommendations of the Malysh report;³
- the development of regulatory tools to address source of wealth and source of funds under Phase 3;⁴
- enhanced customer due diligence in response to changes in federal legislation;⁵
- the need for more active police involvement;⁶ and
- risks around proceeds of crime in casinos.⁷

5. In the passages from Minister de Jong's testimony quoted by the Province at para. 136 of their submissions, the Minister was speaking specifically to the question of law enforcement involvement in casinos, rather than the AML strategy generally. The exchange reads as follows:

Q: You've been fair in -- most fair in recognizing that law enforcement have lots of priorities. And we've heard the expression "guns and drugs" or something similar to that. There's IHIT and there's many pressing priorities, but it seemed to take quite a bit of time before law enforcement became focused on these large cash transactions coming into casinos. Did you -- and I'm not being critical -- did you make any efforts to try to get law enforcement engaged sooner to deal with these -- the increasing amount of cash coming into casinos?

A: As I indicated, my awareness the moment at which I drew the conclusion that -- with the assistance of advice from others, that additional steps were required, including an increased police presence, occurred in 2015. Perhaps it should have occurred sooner. It didn't on the strength of information I was receiving from GPEB, BC Lottery Corporation. And at that point I took -- I took the steps necessary, I thought, and appropriate to provoke that additional or amplified engagement. And that is the answer that I can -- have provided and can provide.⁸

6. Ms. Wenezenki-Yolland agrees with the Province that the August 2015 Spreadsheet amplified the concern among senior government officials and triggered the acceleration of the government's response. However, Phase 3 of the AML strategy was already being

³ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 20, line 15 – pg. 21, line 5

⁴ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 22, line 2 – pg. 23, line 9

⁵ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 24, line 18 – pg. 25, line 22

⁶ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 65, line 7-21; pg. 127, line 17 – pg. 128, line 2

⁷ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 143, line 12 – pg. 144, line 7

⁸ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 118, line 10 – pg. 119, line 9

developed by GPEB precisely because of a recognition that additional steps were required to address the money laundering concern. This work was being done with the full knowledge and support of the Minister well before the summer of 2015, as reflected in his annual mandate letters.

Re: Para. 154 of the Province's submissions – Ms. Wenezenki-Yolland's satisfaction with BCLC's steps

7. With respect to paragraph 154 of the Province's submission, it should be made clear that although Ms. Wenezenki-Yolland was satisfied that BCLC was taking additional steps regarding source of wealth and source of funds, that does not mean she was satisfied with those steps.

8. Ms. Wenezenki-Yolland's evidence was that she shared GPEB's concern that the steps taken by BCLC regarding source of wealth and source of funds were not adequate and she brought this concern directly to the Minister's attention.⁹

Re: Paras. 155, 181-182 of the Province's submissions – joint briefing note expectation

9. The Province's submissions at paras. 155, 181, and 182 may leave the impression that the expectation for GPEB and BCLC to work collaboratively to resolve issues and to provide joint briefing notes had its origin in Ms. Wenezenki-Yolland. Ms. Wenezenki-Yolland's uncontradicted evidence was that this was an expectation that emanated from the Minister himself and was a standard expectation in government where bodies shared overlapping responsibilities.

10. As Associate Deputy Minister, Ms. Wenezenki-Yolland would have conveyed the Minister's expectations about briefing notes to Mr. Mazure. That does not mean she was the

⁹ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 176-180

source of those expectations. Mr. Mazure acknowledged that he did not know whether the expectation of joint briefing notes came from Ms. Wenezenki-Yolland herself or whether it was an expectation Ms. Wenezenki-Yolland was communicating on behalf of the Deputy Minister or Minister.¹⁰

11. Ms. Wenezenki-Yolland's evidence was that Minister de Jong communicated a consistent message that GPEB and BCLC were to work collaboratively on solutions. While he was prepared to be consulted on broad policy issues, he did not want to interfere in the statutory roles of either body,¹¹ nor did he want to have to choose between conflicting viewpoints of subject-matter experts.¹²

12. The Commission heard similar evidence from Minister de Jong himself, who testified that his expectation was for GPEB and BCLC to work together and to be "rowing in the same direction." He testified that because he lacked expertise on these issues and was often "the least qualified person in the room" he did not consider himself well-equipped to probe or challenge either party where there were differences of opinion. Accordingly, he said he preferred to hear from the parties together rather than independently.¹³

13. The Minister's expectation of a collaborative approach between GPEB and BCLC is reflected in the language of his annual mandate letters to BCLC.¹⁴ John Mazure testified that he was not discouraged from raising issues with the Minister. Rather, "... the very nature of the *Gaming Control Act* itself assumes that these two entities are going to work together. They're both Crown agencies, and so that was kind of the expectation."¹⁵

14. According to the evidence of Ms. Wenezenki-Yolland, the Minister's preference for hearing from the parties together rather than independently was reflected in the way the Minister expected to receive briefing notes. Ms. Wenezenki-Yolland provided the following comprehensive explanation regarding this issue in her affidavit:

¹⁰ [Transcript J. Mazure, Feb. 11, 2021](#), pg. 232, line 16 – pg. 233, line 4

¹¹ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 121-122

¹² [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 182, 184

¹³ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 39, line 3 – pg. 41, line 16; pg. 82, line 20 – pg. 83, line 2

¹⁴ [Ex. 890](#), [Ex. 891](#), [Ex. 892](#), [Ex. 893](#)

¹⁵ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 26, lines 3-18

185. There was a pre-existing practice in place in Gaming before it came to the Ministry of Finance that BCLC and GPEB would present joint briefing notes on issues where they had shared accountability. Joint briefings are a normal practice in government for ministerial briefings where there is more than one body with responsibility.

186. When I first joined the Ministry of Finance, Mr. Scott and Mr. Graydon chose to provide joint briefing notes on such issues. They did so without any request from me for joint briefing notes.

187. That practice continued under Minister de Jong. However, this practice did not apply to very many briefing documents. It did not apply to the September 2015 briefing note, for example. For briefings on things like mandate letters, there was an expectation of a joint briefing note. Likewise, for Issues Notes relating to communications issues, it was important to have both perspectives on a single briefing note to ensure that the Minister's messaging to the public was consistent.

188. If GPEB were to provide the Minister with a one-sided perspective, we would inevitably be asked, "What does BCLC say about this?" The intent of joint briefing notes was to provide the Minister with both perspectives on an issue to allow for full consideration of viewpoints.

189. It was not my policy that GPEB and BCLC were required to provide joint briefing notes. It was, rather, both the normal practice in government and the expectation of the Minister that where an issue touched on an area of overlapping responsibility, a single briefing package would be provided to the Minister that conveyed all significant information on the topic that incorporated the perspectives of both parties.

190. I never directed that disagreements between BCLC and GPEB should be downplayed for the purpose of preparing a joint briefing note. I do not recall hearing concerns that the practice of joint briefing notes was diluting differences of opinion. When I was told by Mr. Mazure that GPEB and BCLC had differences of opinion, I directed that both sides set out their respective positions and rationales so that the Minister could weigh the different perspectives.

191. If any concern unique to BCLC or GPEB was not adequately expressed in a joint briefing note, there would usually be an opportunity to raise such issues verbally at telephone and in-person briefings with me and with the Minister. I always encouraged my staff to speak freely both to me and to the Minister and Deputy Minister.

192. I had many briefings with the Minister because I had many program responsibilities. As a general practice, I did not have briefings with the Minister regarding gaming without Mr. Mazure (or someone acting for him) in attendance. At these briefings, my practice was to ask Mr. Mazure, as the policy lead, to present the briefing to the Minister. If Mr. Mazure felt that any concerns had not been adequately

reflected in a joint briefing note, he was always at liberty to convey this information to the Minister at the in-person briefings.

193. Mr. Mazure and I had many briefings with the Minister at which BCLC was not in attendance, but the converse was not the case. I had very few meetings between BCLC and the Minister at which GPEB was not present. I believe the only such meetings would have related to financial matters, such as the annual visits to Treasury Board. Those briefings would have been attended by the ADM of Corporate Service rather than the ADM for GPEB.¹⁶

15. If the Province disagreed with any of the above evidence, they had an opportunity to challenge Ms. Wenezenki-Yolland on these issues in cross-examination. They did not do so.

16. Before the Commission, Ms. Wenezenki-Yolland testified that if concerns were ever raised to her that the joint briefing note expectation might result in perspectives being diluted or omitted, she would have directed GPEB “to include both perspectives and both points of views” and that “at no time would that have been acceptable to just leave responses out.”¹⁷ She recalled giving a direction along those lines to Mr. Mazure when he expressed doubt about obtaining BCLC’s agreement on the “source of funds” issue following the MNP Report:

Q: In light of this briefing at exhibit GG, did you seek ministerial approval for a directive addressing source of funds at this stage?

A: Well, yes. John talked to me about it, and based on some of the continuing dialogue with BCLC and this information, I agreed to support him in taking forward a ministerial directive in regards to source of funds. He did express to me at the time, you know, that BCLC wasn't going to agree, and I knew that, and I said that's fine; we'll just make sure that everybody's position is documented and it's all there for the minister to make that decision...¹⁸

17. Ms. Wenezenki-Yolland’s evidence is corroborated by the January 13, 2017 email of John Mazure to Len Meilleur and Michele Jaggi-Smith regarding the briefing note in response to the MNP report, in which Mr. Mazure wrote, “[Ms. Wenezenki-Yolland] is supportive of getting the response up to the minister asap. I indicated GPEB and BCLC do

¹⁶ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 185-193

¹⁷ [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 75, line 21 – pg. 76, line 13

¹⁸ [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 86, lines 5-17

not agree on the responses to the MNP report generally - she would still like one BN which shows BCLC's response and rationale and similarly GPEB's response and rationale ..."¹⁹

18. The significance attributed to the practice of joint briefing notes in the submissions of the Province is, with respect, overstated. The reality within government is that the communication reduced to writing reflects only a fraction of the actual communication, much of which occurs verbally. Mr. Mazure had multiple opportunities to raise his concerns directly with the Minister, both in the presence of BCLC representatives and in their absence. Mr. Mazure agreed there was no expectation of consensus during oral briefings with the Minister and that he was able to speak freely.²⁰

Re: Para. 164 of the Province's submissions – the Minister's awareness of the "source of funds" tension

19. The evidence before the Commission demonstrates that the concerns Mr. Mazure had with BCLC being "intransigent" were raised beyond the Associate Deputy Minister to both the Deputy Minister and the Minister.

20. Mr. Mazure agreed that the less-than-satisfactory response from BCLC to his August 7, 2015 letter was the reason the Minister chose to make explicit reference to the August 7th letter in the Minister's October 1, 2015 letter to BCLC. Mr. Mazure's testimony was as follows:

Q: Did you ask the Minister to write this letter or issue the directive because you did not get the response you had hoped for from your August 7th, 2015 letter?

A: I'm trying to think of the timing on this now. I believe so, yes. I mean, I think once the -- and if I didn't say it -- I actually recall Ms. Wenezenki-Yolland saying, you know, that it will be useful if you could endorse what Mr. Mazure is -- you know, if you

¹⁹ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), Ex. JJ; See also [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 202-210

²⁰ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 142, lines 9-14

agree, like ... And so this was trying to, I guess, for lack of better terms, drive home the point.²¹

21. Mr. Mazure testified that he subsequently advised the Minister on multiple occasions about his concern that BCLC was not adequately addressing the source of funds issue, including during briefings on the annual mandate letter, during briefings on JIGIT, and during briefings on the MNP report.²²

22. Mr. Mazure was asked directly whether the Minister was aware of his dissatisfaction with BCLC's response on this issue. The exchange was as follows:

Q: And would it be -- can you say, though, was it made clear to the Minister that BCLC was not taking the action that you at least believed they should take in response to his letter of October 2015?

A: **Yes.** And I think that made its way into mandate letters. ... [emphasis added]²³

23. Ms. Wenezenki-Yolland's evidence was that the adequacy of BCLC's response to the source of funds issue was front and center during the October 13, 2016 briefing with the Minister, attended by Mr. Mazure, Ms. Mentzelopoulos, Bud Smith, and Jim Lightbody.²⁴

24. Mr. Mazure also had an opportunity to address these concerns directly with the Minister in the absence of BCLC during the October 12, 2016 pre-briefing, which is documented in Ms. Wenezenki-Yolland's calendar. A similar pre-briefing occurred with the Deputy Minister on October 7, 2016.²⁵

25. The Minister's awareness that the source of funds issue remained an ongoing area of concern for GPEB is reflected in his 2017/2018 Mandate Letter (issued in December 2016)

²¹ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 131, lines 6-17; See also: [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 149-150; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 57, line 16 – pg. 58, line 14

²² [Transcript J. Mazure, Feb. 5, 2021](#), pg. 132, line 1 – pg. 133, line 9

²³ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 133, lines 17-23

²⁴ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 176-181; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 78, line 4 – pg. 81, line 10

²⁵ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 174 - 175 and Ex. A; [Transcript J. Mazure, Feb. 11, 2021](#), pg. 209, line 16 – pg. 210, line 12

in which he instructed BCLC to enhance its AML best practices “with appropriate consideration of evaluating source of funds prior to cash acceptance within a risk-based framework.”²⁶ This direction would not have been included in the Mandate Letter if GPEB were not continuing to raise the issue with the Minister as an area where further work was required. As Minister de Jong testified, “the mandate letters did not develop out of the ether.”²⁷ They were the result of briefings provided to the Minister at which the topics to be covered in the mandate letters were discussed.²⁸

Re: Paras. 175-176 of the Province’s submissions – briefing from Mr. Scott

26. Together, paragraphs 175 and 176 of the Province’s submissions could be taken to suggest that Ms. Wenezenki-Yolland received from Mr. Scott information different in content or tone from that provided to the Minister.

27. Ms. Wenezenki-Yolland received from Mr. Scott information and briefings similar (in some cases, identical) to those provided to Minister de Jong. The message she received in her initial briefings was, “that the Province had appropriate AML policies and procedures in place, had just completed a comprehensive review of these procedures, and was already making further improvements based on the recommendations of that review.”²⁹

Re: Paras. 179-180 of the Province’s submissions – briefing the Minister

28. Paragraphs 179-180 of the Province’s submissions do not fully reflect Ms. Wenezenki-Yolland’s evidence before the Commission.

29. Ms. Wenezenki-Yolland did not testify that she could not remember whether she

²⁶ [Ex. 893](#)

²⁷ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 76, lines 14-15

²⁸ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 16, line 3 – pg. 17, line 10; pg. 133, line 17 – pg. 134, line 21

²⁹ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 22-23; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 9, line 22 – pg. 10, line 12

briefed the Minister in 2014 about SCTs and money laundering concerns. Rather, she testified that during that time she briefed the Deputy Minister about those issues during her regular meetings with the DM and that, as a result, those “issues would have been elevated.” When asked about briefings with the Minister in 2014, she testified that although she could not recall the specifics of those briefings, there would have been ongoing briefings with the Minister during that time. Consistent with her practice, she would have allowed Mr. Mazure to lead those briefings.³⁰

30. This evidence was corroborated by Mr. Mazure who testified that he and Ms. Wenezenki-Yolland, “would have kept [Minister de Jong] in the loop” on AML issues.³¹ Mr. Mazure elaborated that, “... [A]nything that I thought to myself, he needs to know about it; there's been a change here or -- we would have let him know that.”³² Mr. Mazure said further, “[M]inisters don't like to be surprised, so we let him know if there was something changing and what it was, and what we were doing to respond to it,”³³ and, “[W]e would have briefed [Minister de Jong] if anything significant was happening there.”³⁴ Ms. Wenezenki-Yolland testified, “I do not recall at any point denying a request for a meeting with the minister from GPEB.”³⁵

31. Ms. Wenezenki-Yolland was unable to be more specific about briefings during that time period because the Province was unable to produce her calendar prior to October 2015 (with the exception of the month of December 2013).³⁶ Ms. Wenezenki-Yolland also does not have access to the full complement of briefing materials prepared for the Minister during that time.

32. Paragraph 180 of the Province’s submissions concludes as follows:

... At this time, there was media coverage regarding suspicious cash transactions and Mr. Mazure briefed Ms. Wenezenki-Yolland on the issue. She described this as a

³⁰ [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 159, line 21 – pg. 160, line 21; pg. 146, line 21 – pg. 147, line 21; [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), para. 192

³¹ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 16, lines 3-4

³² [Transcript J. Mazure, Feb. 5, 2021](#), pg. 17, lines 15-18

³³ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 18, lines 2-5

³⁴ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 18, lines 16-17

³⁵ [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 161, lines 6-8

³⁶ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), para. 6

“warning flag” for her; but clarified that the issue of suspicious cash in BC gaming facilities did not crystallize due to GPEB’s work on AML initiatives.

33. Two points of clarification are required. First, the “warning flag” that Ms. Wenezenki-Yolland described in 2014 was not the media reporting, *per se*, but rather the opinion from Internal Audit that the increase in SCTs was real, rather than merely the result of better training, enhanced reporting requirements, or an increase in international visitors.³⁷

34. Second, it was not Ms. Wenezenki-Yolland’s evidence that the *issue* of suspicious cash in casinos did not crystallize (in 2014) due to GPEB’s work on AML initiatives. Rather, she testified that GPEB was busy working on a number of initiatives to address this issue in 2014. Ms. Wenezenki-Yolland used the word “crystallize” to describe the confluence of events in the summer of 2015 that triggered the accelerated implementation of the Phase 3 proposals that GPEB had already been working on. She testified as follows:

... And what would have been happening in 2014 is that GPEB was undertaking a significant amount of work in regards to suspicious cash transactions. They were undertaking -- they were having the Malyshev review was underway, they were gathering information, and I was aware that that was underway in 2014. They were looking -- BCLC was implementing additional customer due diligence that only went into place in February of 2014. So there was a whole lot of activities underway in regard to anti-money laundering. The crystallizing -- the point in August when I came back is that there was a convergence of a whole number of issues that made -- that triggered a need to accelerate bringing forward the work that GPEB had already been working on.³⁸

35. Well before the August 27, 2015 briefing from Mr. Meilleur, Ms. Wenezenki-Yolland had been urging Mr. Mazure to commit to a timeline for bringing forward these Phase 3 recommendations to the Minister.³⁹

³⁷ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 83-87; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 162, line 19 – pg. 163, line 14

³⁸ [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 163, line 23 – pg. 164, line 13

³⁹ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 101-102; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 40, line 23 – pg. 42, line 1; pg. 42, line 21 – pg. 44, line 22

Re: Para. 184 of the Province's submissions – the issues and proposed solutions were elevated to the Minister

36. As discussed earlier in these submissions, the evidence before the Commission establishes that GPEB elevated its concerns, not only to the GM and Associate DM, but also to the Deputy Ministers and Minister de Jong himself. This was confirmed both in the testimony of John Mazure and in Ms. Wenezenki-Yolland's testimony, as canvassed above.

37. Specific instances of the Minister being briefed about AML issues in 2015 and 2016 include, but are not limited to, the following:

- briefing about Mr. Desmarais's January 2015 presentation;⁴⁰
- briefing about the upcoming Exploring Common Ground workshop in May 2015;⁴¹
- briefing about the August 2015 Spreadsheet and RCMP investigation in September 2015;⁴²
- briefing in anticipation of the MNP Review in April 2016;⁴³
- briefing about the results of the MNP Review in October 2016;⁴⁴
- briefings about the trend in SCTs in 2016;⁴⁵
- briefings in preparation for the annual BCLC mandate letters;⁴⁶

38. Ms. Wenezenki-Yolland twice facilitated the bringing forward of draft ministerial directives. In the first instance, Minister de Jong declined to issue a directive – opting instead to issue a letter that became the subject of differing interpretations.⁴⁷ In the second

⁴⁰ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), para. 99; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 139, line 14 – pg. 143, line 19

⁴¹ [Ex. 550](#); [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 101-102, Ex. O

⁴² [Transcript M. de Jong, Apr. 23, 2021](#), pg. 66, line 13 – pg. 68, line 14; pg. 132, line 21 – pg. 136, line 15

⁴³ [Transcript J. Mazure, Feb. 11, 2021](#), pg. 204, line 22 – pg. 205, line 6

⁴⁴ [Ex. 555](#); [Transcript J. Mazure, Feb. 5, 2021](#), pg. 137, line 15 - pg. 138, line 6

⁴⁵ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 116, line 14 – pg. 117, line 12

⁴⁶ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 15, line 20 - pg. 18, line 5; [Transcript M. de Jong, Apr. 23, 2021](#), pg. 76, lines 14-15

⁴⁷ [Transcript J. Mazure, Feb. 5, 2021](#), pg. 129, lines 21-22; [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 138-140

instance, the proposed directive was sidelined due to the pending election.⁴⁸

39. Ms. Wenezenki-Yolland attempted twice to get the *Gaming Control Act* onto the Province's legislative agenda for significant revision, only to be told that it was not a government priority.⁴⁹

40. If there was a lack of intervention from the Ministerial level, it was not because the issues and proposed actions were not brought to the Minister's attention. Rather, it was because the Minister considered himself to be, by his own description, "the least qualified person in the room"⁵⁰ and, although he was prepared to give direction of a general nature, he expected BCLC and GPEB, as the subject-matter experts, to work together to iron out the specifics.⁵¹

41. If the Commission wishes to understand why there was not more direct intervention from the Minister to resolve the tension between GPEB and BCLC, the following evidence from Ms. Wenezenki-Yolland is, perhaps, instructive:

I recall multiple instances in which Minister de Jong sent disagreeing parties away to hammer out their differences. In one instance, BCLC was planning to renegotiate their standard Operating Service Agreement ("OSA") with service providers. They had done considerable work on what the new OSA would entail, but some of the service providers were not in agreement with BCLC's direction. At a meeting between the Minister, BCLC, and the service providers, the Minister heard the competing viewpoints, but rather than siding with either party, directed the parties to go away and come back with a solution. His approach with GPEB and BCLC was similar.⁵²

42. It should also be remembered that both BCLC and GPEB had statutory authority that the Minister had to respect. Ms. Wenezenki-Yolland's evidence was that the Minister was cautious about over-stepping the mandates of these two statutory bodies.⁵³

⁴⁸ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 202-210; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 87, line 2 – pg. 88, line 7

⁴⁹ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 221-226; [Transcript C. Wenezenki-Yolland, Apr. 27, 2021](#), pg. 92, line 1 – pg. 94, line 5

⁵⁰ [Transcript M. de Jong, Apr. 23, 2021](#), pg. 39, line 3 – pg. 41, line 16

⁵¹ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), para. 182

⁵² [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), para. 184

⁵³ [Ex. 922](#) (Affidavit No. 1 of C. Wenezenki-Yolland), paras. 24, 121, 140

43. Ms. Wenezenki-Yolland trusts that the above submissions are of assistance in clarifying these issues for the Commission.

RESPECTFULLY SUBMITTED THIS 12TH DAY OF OCTOBER, 2021

A handwritten signature in black ink, appearing to read 'C. Massey', written over a horizontal line.

Christopher A. Massey
Counsel for Cheryl Wenezenki-Yolland