



**OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER  
PROVINCE OF NEW BRUNSWICK**

**REPORT TO THE SPEAKER  
OF THE  
LEGISLATIVE ASSEMBLY OF NEW BRUNSWICK  
OF THE  
INVESTIGATION**

**BY THE HON. PATRICK A.A. RYAN, Q.C.  
CONFLICT OF INTEREST COMMISSIONER**

**INTO ALLEGATIONS BY MR. BRUCE FITCH,  
MLA FOR RIVERVIEW  
OF VIOLATIONS OF THE *MEMBERS' CONFLICT OF INTEREST ACT*  
BY MINISTER RICHARD MILES, MLA FOR FREDERICTON-SILVERWOOD  
AND MINISTER OF ENVIRONMENT**

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Report to the Speaker  
of the  
Legislative Assembly of New Brunswick  
of the  
Investigation  
by the Hon. Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner

Into Allegations by Mr. Bruce Fitch, MLA  
for Riverview  
of Violations of the *Members' Conflict of Interest Act*  
by Minister Richard Miles, MLA for Fredericton-Silverwood  
and Minister of Environment

## **Introduction**

[1] On March 23, 2010, Bruce Fitch, the Member of the Legislative Assembly for Riverview in the Province of New Brunswick requested by way of affidavit that the Commissioner investigate an alleged breach of the *Members' Conflict of Interest Act*, S.N.B. 1999, c.M-7.01 by the Honourable Richard (Rick) Miles, Member for Fredericton-Silverwood who was appointed a member of the Executive Council, as Minister of Environment on July 24, 2009 and as a member of the Board of Management effective January 14, 2010.

[2] The allegation of a breach of the *Act* concerns an appointment made by the Minister of Environment to the Board of the Fredericton Region Solid Waste Commission (the Commission) at a time when Elmtree Environmental Ltd. (Elmtree), a company controlled by his father, Brian D. Miles, was in litigation over the renewal of a lease between the father's company as tenant and the Fredericton Region Solid Waste Commission as landlord. The appointee, P. Lorrie Yerxa, Fredericton lawyer was new to the Board. At about the same time three others, Phillip E. Jensen, Pierre Theriault and H.E. Hartley, were reappointed.

## **The Act, Alleged Breach And The Response**

### **The Act**

[3] Section 36 of the *Members' Conflict of Interest Act* provides that any person may request in writing that the Commissioner investigate an alleged breach of the

*Act* by a Member of the Legislative Assembly. The request must be made in the form of an affidavit and set out the grounds and the nature of the alleged breach. Upon receiving the request for an investigation the Commissioner may conduct an investigation with or without conducting an inquiry under s. 37. Exhibit 1 ss. 36, 37.

### **The Alleged Breach**

[4] On March 23, 2010 Mr. Fitch, then a member of the Opposition, swore that he believed that Minister Miles had a conflict of interest. He alleged that the Minister had a personal familial interest in Elmtree Environmental Ltd., a company owned by the Minister's father, Brian D. Miles, that Fredericton lawyer P. Lorrie Yerxa appointed by the Minister to the Fredericton Region Solid Waste Commission had a business relationship with the Minister's father Brian D. Miles and quit the Commission because of a conflict of interest, that the Waste Commission and Elmtree had been in litigation over the renewal of their lease since 2008, and that the Minister should have recognized that his appointment to the Executive Council put him in a conflict of interest from which he should have removed himself in all dealings between Elmtree Environmental Ltd. and the Fredericton Region Solid Waste Commission. Exhibit 2 Affidavit of MLA Fitch.

[5] In his affidavit calling for an investigation, Mr. Fitch referred to a letter delivered to the Conflict of Interest Commissioner on February 3, 2010. The document was a copy of a letter dated January 21, 2010 from David L.E. Peterson, counsel to the Fredericton Region Solid Waste Commission, addressed to Premier Shawn Graham and calling upon him to review the Minister's appointments and satisfy himself that the integrity of the appointment process was respected. The letter also repeated a motion on January 19, 2010 of the Fredericton Region Solid Waste Commission referring to a possible undeclared conflict of interest by Mr. Yerxa whose son was an employee of Elmtree Environmental Ltd. Exhibit 3. The letter was responded to by Premier Graham. Exhibit 4.

[6] Also addressed separately was the status of Phillip E. Jensen who was reappointed to the Commission even though he no longer resided in the district which he purported to represent.

### **The Response By The Minister**

[7] Minister Miles replied by way of affidavit with attachments. He denied that any decisions made by him created a conflict of interest or a perceived conflict of interest. Under oath he denied that he had an interest in Elmtree Environmental

Ltd. and denied that his appointment as Minister of Environment put him in a conflict of interest. He swore that he had no knowledge that Elmtree and the Fredericton Region Solid Waste Commission's problems caused a legal dispute between them in or about April, 2008, that his father had numerous businesses and he was unaware of any litigation between Elmtree and Fredericton Region Solid Waste Commission until he read about it in a newspaper, the Daily Gleaner, on or about January 8, 2010 and that P. Lorrie Yerxa was appointed by him following the procedure for ministerial appointments flowing through the Minister of Local Government, the Honourable Bernard LeBlanc.

[8] The Minister responded in his affidavit that his counsel Allen Miles had advised him that Mr. Yerxa and Brian D. Miles had no business or solicitor-client relationship and that Mr. Yerxa did not resign as a result of any such relationship.

[9] The Minister denies that he made any appointment or decision that would have affected the litigation between Elmtree, and the Fredericton Region Solid Waste Commission, Gordon Wilson and John Bigger.

[10] As to the whole affidavit of MLA Fitch and the Peterson letter of January 21, 2010 Minister Miles' affidavit recounts:

- a) The Minister of Local Government, not him, initiated the appointment process.
- b) P. Lorrie Yerxa's name was the only one presented to him.
- c) He knew that P. Lorrie Yerxa's son was an employee of Brian D. Miles' company Elmtree but did not see that as a conflict with his father's company.
- d) Brian D. Miles owns numerous companies and employs numerous people in various industries; the Minister testifies in his affidavit that he does not know the majority of the employees and has never made any decision or had any interest involving Brian D. Miles' companies.
- e) Under the *Act* he filed a chart of Brian D. Miles' companies with his disclosure statement upon his appointment as Minister.
- f) The Minister sets out in his affidavit that his lawyer, Allen Miles says he never received a certain letter of August 3, 2005 from Brian D. Miles to the waste commission showing

copies to P. Lorrie Yerxa and to Allen Miles at their respective law firms and the Minister states in his affidavit that he had no knowledge of the August 3, 2005 letter until it was produced by Mr. Peterson; that P. Lorrie Yerxa told Allen Miles he had nothing to do with the litigation with Elmtree Environmental Ltd. nor had other dealings with Elmtree; that Allen Miles spoke to Brian D. Miles who says he never discussed the issue with P. Lorrie Yerxa but chose Mr. Eugene Mockler as his counsel for the litigation; that except for Mr. Mockler, Allen Miles has been counsel to Brian D. Miles for more than 19 years.

- g) The Minister further states that he appointed P. Lorrie Yerxa and reappointed Phillip E. Jensen, Pierre Theriault and H.E. Hartley according to the process controlled by his colleague the Minister of Local Government.
- h) The Minister comments on the January 21, 2010 Peterson letter to Premier Graham as follows: the Phillip E. Jensen appointment was approved by the Minister of Local Government and made by him as Minister of Environment according to policy; on November 17, 2009 a motion was made to allow Mr. Jensen to continue in office and he was elected Chairperson; with respect to the Peterson letter of January 21, 2010 the Minister denies the allegation attributed to him about the Jensen appointment “I could appoint whomever I wanted regardless of where they live and that this appointment stands”; the Minister swears that subsequently he held that Mr. Jensen remain until the matter was resolved or another person is appointed through the process; and that Mr. Jensen subsequently became a property owner in the local service district but resigned from the Commission of his own accord.
- i) By letter dated January 8, 2010 the Minister requested that Premier Graham designate another Minister to act in his place with respect to the Fredericton Region Solid Waste Commission because of the possible existence of a conflict of interest, a potential conflict of interest or the appearance of a conflict of interest.

- j) The Minister sets out in his affidavit that he met with the Conflict of Interest Commissioner prior to his letter to Premier Graham of January 8, 2010.
- k) On January 8, 2010 Premier Graham appointed the Honourable Rick Doucet to act in his place.
- l) On February 2, 2010 Premier Graham replied to Mr. Peterson's letter of January 21, 2010 that the matter has been resolved with Mr. Yerxa's resignation and the appointment of Minister Doucet.
- m) On January 27, 2010 P. Lorrie Yerxa resigned. According to Allen Miles he resigned because of work at his law office and because of the false accusations against him, politics and restrictions on him as a board member. Exhibit 5 the Miles Affidavit.

### **Intervening Act**

[11] After the commencement of the investigation into the allegation of a breach of the *Act*, several witnesses were interviewed but before its completion the Minister of Environment was defeated in the general election of September 27, 2010. The pivotal question is whether there is jurisdiction to continue the investigation. In a prelude to determining the answer to that question, I will set forth the material information collected to the date of the election.

### **Background To The Litigation**

[12] The litigation over the wording of the lease between Elmtree Environmental Ltd. and the Fredericton Region Solid Waste Commission has been ongoing for some time. The contractual relationship began in 1994. The Fredericton Region Solid Waste Commission has a large landfill location near the eastern outskirts of Fredericton and granted a 10-year lease to Elmtree Environmental Ltd. on November 1, 1994 to establish a hydrocarbon contaminated soil remediation facility on the premises. There was a right to renew for five years.

[13] The ongoing dispute between the parties concerns the question of a further right to renew. The Commission denies that there is any right to a further renewal and made its position clear to Mr. Brian Miles at Elmtree years in advance. Elmtree claims that on or about September 23, 2005 the Commission advised that it would not grant any further extension of the lease beyond the year 2009. Elmtree disputes the clarity of the Commission's position and relies upon the

wording of the leasing documents; hence, the litigation filed with the Court of Queen's Bench on April 10, 2008. Joined as defendants in the action against the Commission are Gordon Wilson, General Manager and Chief Executive Officer and John Bigger, Chairperson of the Board and the Executive Committee.

[14] According to paragraph 20 of the Notice of Action against the Commission dated April 10, 2008 Elmtree alleges that if it is required to relocate, it will cost in the order of \$6,000,000 to \$8,000,000 consisting of the surrender of its equipment, facilities and leasehold improvements, the purchase of new plant equipment and facilities plus an uncalculated loss of revenue. By amendment February 3, 2009 Elmtree claims, among other things, a perpetual right of renewal, and general and special damages.

### **The Conflict At Issue**

[15] The *Members' Conflict of Interest Act* does not define a conflict of interest but prohibits certain acts of the member. Section 4 of the legislation stipulates the following:

4 A member shall not make a decision or participate in making a decision in the execution of his or her office if the member knows or reasonably should know that in the making of the decision there is the opportunity to further the member's private interest or to further another person's private interest.

[16] The operative words here are fourfold: (1) the member knows... (2) the member reasonably should know... (3) the opportunity to further the member's private interest... (4) the opportunity to further another person's private interest.

### **The Clean Environment Act**

[17] The *Clean Environment Act* (R.S.N.B. 1973, c. C-6) provides that the appointments be made by the Minister of Environment. The responsibility is his alone.

1 "Minister" means the Minister of Environment and includes any person designated by the Minister to act on the Minister's behalf;

15.4(1) The membership of a regional solid waste commission shall be as follows: ...

(b) not more than four members representing the participating unincorporated areas, ... appointed by the Minister;...

**15.4(2)** The term of office of a member of a regional solid waste commission is three years.

**15.4(4)** A member of a regional solid waste commission may be reappointed, but no person shall serve more than three consecutive three-year terms as a member.

### **The Appointment Process**

[18] According to the Department of Environment Deputy Minister, Bonny Hoyt-Hallett, the procedure for appointments in place at the time in question was initiated in the Department of Local Government where the Minister of Local Government advanced, on separate occasions, the names of three candidates for reappointment and one new name, all of whom were supposed to be from participating unincorporated areas. The names advanced from the Department of Local Government by the Honourable Bernard LeBlanc to the Minister of Environment for reappointment on October 22, 2009 were Phillip E. Jensen, Exhibit 6 letter of appointment, Pierre Theriault and H.E. Hartley. On October 1, 2009 the new name advanced was that of P. Lorrie Yerxa, a lawyer Exhibit 7 letter of appointment. The candidates were supposed to have been from unincorporated local districts and their names and qualifications vetted by personnel in the Department of Local Government. Mr. Jensen says he has been a friend of Brian D. Miles for a long time.

[19] Mr. Jensen resigned after it was raised at a Commission meeting that he did not live in the unincorporated district that he was appointed to represent. Mr. Yerxa resigned shortly after he was accused personally of having a conflict of interest. A complaint was filed by the Commission's lawyer with the Law Society of New Brunswick relating to the alleged conflict of interest. The allegation of conflict of interest concerned a claim that Mr. Yerxa had been the solicitor for Brian D. Miles, Chief Executive Officer and owner of the plaintiff Elmtree Environmental Ltd. (and father of the Minister, Rick Miles) as evidenced by a letter to the Waste Commission by Brian D. Miles on which Mr. Yerxa was copied at his law firm dated 03 August, 2005, Exhibit 8; and that Mr. Yerxa is the father of Peter Yerxa a heavy equipment operator and long time employee of the plaintiff Elmtree Environmental Ltd. A further letter from Brian Miles to the Waste Commission on which Mr. Yerxa was again copied dated October 21, 2005 came to light, Exhibit 9.

## **The Appointment And Reappointments**

[20] Two of the reappointed remained on the Waste Commission. Mr. Jensen resigned February 1<sup>st</sup>, 2010 because he no longer lived in the district for which he had originally been appointed. Exhibit 10, resignation.

[21] Mr. Yerxa resigned January 27, 2010 because, as he said, at his age and stage in life he did not need the hassle and the motion at the Commission meeting on January 19, 2010 to complain to the Law Society that he was in a conflict of interest was unpleasant, plus after talking to his wife, an independent friend and another lawyer, he came to the conclusion that the best thing to do was to resign. Exhibit 11, resignation.

[22] He said that he was satisfied that the Law Society found that there was no conduct on his part that deserved sanction. However on July 19, 2010 the Law Society issued a warning or caution to him when participating in non-practice activities. Exhibit 12, ss. 50, 51 *Law Society Act.*

[23] At about this time Denyse Smart, Associate Executive Director of Policy Planning and Legislative Affairs, was in the process of assisting in the implementation of a shared services policy between the Departments of Environment and Local Government, including a pilot project revamping the procedure on appointments of persons to agencies, boards and commissions.

[24] On January 14, 2010 a number of days before Mr. Yerxa resigned his appointment, the Honourable Minister Rick Doucet, by Order-in-Council 2010-26, took over the rights, powers, duties, functions, responsibilities and authority of Minister Miles pertaining to the Fredericton Region Solid Waste Commission. Exhibit 13, Royal Gazette.

[25] Deputy Minister Hoyt-Hallett acknowledged that the Department of Environment was aware of the ongoing litigation between Elmtree and the Waste Commission. She also acknowledged that, despite the litigation, the Department in the name of the interim Minister (Doucet), had given a five-year Approval to Operate (I-7057) a bioremediation facility to Elmtree Environmental Ltd. on June 23, 2010 effective June 25, 2010 at the Fredericton Region Solid Waste Commission, Allison Blvd, Fredericton. Elmtree also has sites at Moncton and Bathurst that fall under the jurisdiction of the Department of Environment for appointments to commissions and approvals to operate.

## **Waste Commission Meeting**

[26] The meetings of the Fredericton Region Solid Waste Commission are recorded. Mr. Yerxa came across as defensive and combative. On December 15, 2010 when asked about whether he did legal work for Brian Miles and whether any family members worked for Elmtree the following exchange occurred:

Greg Doucet: So you never had done any legal work for Brian Miles or any affiliates of his company?

Mr. Yerxa: Not with regards to this legal action, no.

Greg Doucet: So you have answered yes then you have done legal action?

Mr. Yerxa: The answer is no, I have not done anything as far as this legal action is concerned.

Greg Doucet: I didn't ask you about legal action Sir?

Mr. Yerxa: Well everything else which is privileged information is none of your business.

Greg Doucet: Okay.

Greg Doucet: And you don't have any family members that work for Elmtree or any of its affiliates?

Mr. Yerxa: That Sir is none of your business either.

Greg Doucet: It is if it is a conflict of interest Sir.

Mr. Yerxa: If it's a conflict of interest I have an obligation to disclose it to the Minister.

Greg Doucet: Right.

Mr. Yerxa: And I would do that if that were necessary.

[27] Mr. Yerxa says his manner was dictated by his profession. He said he also felt obligated to inform himself in order to fulfill his job as a board member.

## **Jurisdiction**

[28] On September 27, 2010 the Graham government fell and was replaced by the Alward government. The change also included a loss by the member for Fredericton-Silverwood, the Honourable Richard Miles, the subject of the request

for an investigation by the member for Riverview, MLA Bruce Fitch. As a result of the general election and the defeat of the Minister of Environment, the central question also changed from whether there was a breach of the *Act* to whether there is any jurisdiction to continue the investigation with or without an inquiry.

[29] A reading of the *Members' Conflict of Interest Act* does not specify any power in the Commissioner to continue an investigation after a member or member of the Executive Council is defeated in an election; there is no statutory authority conferring any power to continue with or without the consent of the person who has requested the investigation; neither can the person, the subject of the investigation, empower the Commissioner to continue with the investigation; nor can the two parties consent and give the Commissioner authority to continue. Without statutory authority I am of the opinion that the matter must end without resolving the allegation of a breach.

[30] The Definition section of the *Members' Conflict of Interest Act* defines the word "member":

1 In this Act

"member" means a member of the Legislative Assembly and includes a member of the Executive Council;

[31] The member for Fredericton-Silverwood ceased to be a Member of the Legislative Assembly of New Brunswick when Writs of Election were issued on August 26, 2010 by the Chief Electoral Officer, Michael P. Quinn for the 55 electoral districts in accordance with an Order of the Lieutenant-Governor in Council, but continued as a member of the Executive Council until the new government of Premier Alward was sworn in on October 12, 2010.

[32] The former member is entitled to various benefits and was subject to the *Members' Conflict of Interest Act* because he held a portfolio on the Executive Council. This changed when he was defeated.

[33] The first reference to a "former member" appears in s. 16(1) prohibiting the Executive Council or a member of the Executive Council from knowingly awarding or approving a contract, grant or benefit to a "former member" until twelve months after the former member ceased to hold office. Some exceptions apply. S. 17 completes the circle, no "former member" may accept a contract or such benefits until after twelve months. Some exceptions may apply.

[34] In addition the “former member” is prohibited from making representations on his or her own behalf or on behalf of any other person with respect to a contract or benefit. Some exceptions may apply.

[35] Under s. 21 a “former” member’s records are to be destroyed 12 months after the person ceases to be a member or a member of the Executive Council unless an inquiry is being conducted or criminal charges are pending.

[36] Under ss. 29, 30 the Commissioner may give advice to a “former” member respecting his or her obligations under the *Act*.

[37] Other than the sections referring to former members, there are no references, direct or indirect, that give the Commissioner the authority to pursue an investigation and inquiry into an allegation of conflict of interest or a breach of the *Members’ Conflict of Interest Act*.

[38] In further support of my opinion that I have no jurisdiction to continue with the investigation and the matter must otherwise remain unresolved is s. 41 “Recommended sanctions”:

[39] Where the Commissioner finds that a member has breached s. 41 for example the Commissioner may recommend

(a) that the member be reprimanded,

(b) that the Assembly impose a penalty on a member in an amount recommended by the Commissioner,

(c) that the member’s right to sit and vote in the Assembly be suspended for a specified period or until the fulfillment of a condition,  
or

(d) that the member be expelled from membership in the Assembly and the member’s seat be declared vacant.

[40] It is obvious from the wording of s. 41 and the specific references elsewhere to “former members” that the intention of the legislature in the drafting of the *Act* limited the sanctions to persons who remained under the jurisdiction of the legislature and of the Legislative Assembly.

[41] The listed sanctions (c) and (d) are inappropriate. The former member is no longer in the legislature and subject to its jurisdiction except where specifically referred to in the *Act*.

## Precedents

[42] Two decisions of the Integrity Commissioner of Ontario are reported where former members were pursued after having left office. At the time, the Ontario legislation did not give jurisdiction to continue an investigation against a former member. In the November 28, 2003 case against Ernie Eves, Tony Clement, James Flaherty and Brian Coburn, the Integrity Commissioner said:

I have no jurisdiction to deal with complaints against former members, except in circumstances where there is consent or perhaps, other circumstances which are not present here.

[43] In the Eves et al case, the complaints against Mr. Eves and Mr. Clement were withdrawn. In addition, Mr. Clement was defeated in the election as was Mr. Coburn. The Commissioner continued with the complaint against Mr. Flaherty who had been re-elected and found him in breach of the *Act*.

[44] The second Ontario decision dated May 6, 2002 was also against Ernie Eves, then a former member. He was a member at the time of the alleged breach but not when the complaint was filed. The Integrity Commissioner assumed jurisdiction when Mr. Eves took no serious objection to the Commissioner continuing and he found that there was no merit to the complaint which was a very predictable conclusion. Mr. Eves, as Minister of Finance, had introduced a Bill providing for an actuarially computed payment of a lump sum for pension purposes available to 61 Members of the Legislative Assembly. He was alleged to be in conflict because he would personally benefit as being one of the 61. As a benefit common to a significant group there was no preference to Mr. Eves, therefore, no conflict of interest.

[45] At any rate, the Ontario Integrity Commissioner took it upon himself to assume jurisdiction and to decide the issue without direct or indirect authority under the then legislation but with the tacit consent of the former member. The Ontario legislation has since been amended to provide the Commissioner with jurisdiction over former members.

[46] A New Brunswick conflict of interest case decided on June 5, 2003 by my predecessor, the late Hon. Stuart G. Stratton, Q.C. has some relevance. In it Bernard Richard, the leader of the Official Opposition, alleged that Michael (Tanker) Malley was involved in sending out a letter seeking donations for the Miramichi-Bay du Vin Riding Association that also linked the donations to the

candidate and future government support. Before the investigation was completed an election was called.

[47] Commissioner Stratton held as follows:

I would first record that although the issue has not been raised before me, I have given consideration to the question of my jurisdiction to investigate and report with respect to this particular complaint at this particular time. The Act does not contain any specific provisions dealing with cases such as the present one where an election has been called before my investigation and Report have been concluded. In this respect, it is a well recognized principle that when the Legislative Assembly is dissolved, the Members cease to be Members. This notwithstanding I have concluded that I do have the necessary jurisdiction to conclude my investigation and make my Report to the Speaker. I have come to this conclusion because the alleged misconduct in this case occurred while Mr. Malley was a Member and he was also a Member when I received the two requests to enquire into his alleged misconduct. In this respect, I refer as well to section 2 of the Act which provides that a re-elected Member of the Assembly is deemed to have been a Member for the period between dissolution of the House and re-election. Thus, if Mr. Malley is re-elected there can be no question as to my jurisdiction.

[48] I agree with Commissioner Stratton's opinion that he would have jurisdiction if Mr. Malley was re-elected but not otherwise.

[49] Four provinces and one federal branch of government provide for disciplinary proceedings against former members: Nova Scotia, Quebec, Ontario, Manitoba and the Senate.

[50] Under Saskatchewan legislation the Commissioner

...may comment with respect to the conduct of:

(a) former members of the Assembly;...

[51] In Alberta the legislation provides that disciplinary action may be taken against a former Minister.

[52] In conclusion, I lay my report before the Assembly with the finding that the investigation of an allegation of a breach of the *Members Conflict of Interest Act*

by Richard Miles commenced on March 23, 2010 be discontinued for want of jurisdiction.

[53] I recommend that the *Members' Conflict of Interest Act* be amended to provide that a former defeated member who is under investigation as a result of an allegation of having committed a breach of the *Members' Conflict of Interest Act* be accorded the right to promptly and unilaterally request that the investigation continue notwithstanding that he or she is no longer a Member of the Legislative Assembly of New Brunswick.

[54] The former member should have the right to request that the investigation and any inquiry continue. He or she does so in peril of the Commissioner's report to the Legislative Assembly from which, in my opinion, there is no appeal. The Legislative Assembly has the final word.

Dated at the City of Fredericton this 14th day of, February 2012.

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The Hon. Patrick A.A. Ryan, Q.C.

Pursuant to s. 40 of the *Members' Conflict of Interest Act*, I met with Richard Miles on February 14, 2012 to inform him of the particulars of my report and to give him the opportunity to make representations before completing my report. No representations were made.

The *ratio decidendi* of my report has not changed.

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The Hon. Patrick A.A. Ryan, Q.C.