

2010-00432

Registry file number:
Police file number:



CANADA
PROVINCE OF BRITISH COLUMBIA
CITY OF SURREY

INFORMATION / APPLICATION FOR:

Production Orders
Pursuant to Section 487.012 of the *Criminal Code*

and

Search Warrants
Pursuant to Section 21 of the *Offence Act*

and

In the Matter of an Application for an Order to Seal the Material in Support of and
Resulting from this Application
Pursuant to Section 487.3 of the *Criminal Code*

This is the information / application of:

Constable Beverley Dew

a member of the Royal Canadian Mounted Police, Peace Officer, of the City of Surrey, British Columbia, hereinafter called the "Informant", taken before me, the undersigned Justice or Judge in and for the Province of British Columbia.

The Informant has reasonable grounds to believe, and does believe that the following offences have been , or are suspected to have been committed during and since the election campaign period of April 14, 2009 to May 12, 2009:

Count 1

On or about May 5, 2009 to May 7, 2009, at Richmond and elsewhere in the province of British Columbia, Barinder Sall published and caused to be delivered

election advertising without identifying the name of the sponsor or the name of the financial agent, contrary to section 231(1) and section 264 of the Election Act.

Count 2

On or about May 5, 2009 to May 7, 2009, at Richmond and elsewhere in the province of British Columbia, Dinesh Khanna and North American Mailing Services Ltd. published and delivered election advertising without identifying the name of the sponsor or the name of the financial agent, contrary to section 231(1) and section 264 of the Election Act.

Count 3

On or about May 5, 2009, at Richmond, Vancouver and elsewhere in the province of British Columbia, Barinder Sall passed a payment from person or persons unknown to North American Mailing Services for the production and mailing of political advertisements, contrary to section 186 and section 263 of the Election Act.

Count 4

On or about May 5, 2009, at Richmond, Vancouver and elsewhere in the province of British Columbia, Barinder Sall, an agent of the campaign to elect Kash Heed in the Vancouver-Fraserview riding during the 2009 general provincial election, accepted cheques other than through a financial agent, and delivered the cheques to North American Mailing Services for the purpose of publication and mailing of political advertising, contrary to section 187 and section 263 of the Election Act.

Count 5

On or about May 8, 2009 to May 11, 2009, at Vancouver, Richmond and elsewhere in the province of British Columbia, Barinder Sall, by fabricating a false story and personating a fictitious person, impeded or obstructed Gregory Macdonald, an official performing duties and exercising powers given to him under the Election Act, contrary to section 265 of the Election Act.

Count 6

On or about June 14, 2009 to June 16, 2009, at Vancouver, Richmond and elsewhere in the province of British Columbia, Dinesh Khanna and Barinder Sall, by fabricating a false story and telling the false story, impeded or obstructed Constable Kimberly Stark and Staff Sergeant Bud Bishop of the RCMP, officials performing duties and exercising powers given to them under the Election Act, contrary to section 265 of the Election Act.

Count 7

On or about May 8, 2009 to June 16, 2009, at Vancouver, Richmond and elsewhere in the province of British Columbia, Barinder Sall, falsely

misrepresented the sponsors of election advertising, misled Elections BC as to the true identity of the sponsors of election advertising, falsely identified himself as "Jag" to Elections BC, and perpetuated the false persona of "Jag" during an RCMP investigation, contrary to section 266 of the Election Act.

Count 8

On or about June 14, 2009 to June 16, 2009, at Vancouver, Richmond and elsewhere in the province of British Columbia, Dinesh Khanna and Barinder Sall, by fabricating a false story and telling the false story to the police during the course of an investigation, wilfully attempted to obstruct, pervert or defeat the course of justice, contrary to section 139(2) of the Criminal Code.

Count 9

On or about July 14, 2009 to July 16, 2009, at Vancouver, Richmond and elsewhere in the province of British Columbia, Barinder Sall, by fabricating a false story and counselling Dinesh Khanna to communicate this false story to the police during the course of an investigation, wilfully attempted to obstruct, pervert or defeat the course of justice, contrary to section 139(2) of the Criminal Code.

Count 10

On or about June 14, 2009 to June 16, 2009, at Vancouver and elsewhere in the province of British Columbia, Dinesh Khanna and Barinder Sall, fabricated a false story and agreed to have Dinesh Khanna communicate this false story to the police during the course of an investigation, contrary to section 139(2) and section 465 of the Criminal Code.

Count 11

On or about May 5, 2009, at Richmond, Vancouver and elsewhere in the province of British Columbia, Barinder Sall made payment for an election expense without making payment from the property of the campaign to elect Kash Heed, contrary to section 193(4) and section 263 of the Election Act.

Count 12

On or about October 28, 2009, at Vancouver and elsewhere in the province of British Columbia, Satpal Johl published a misleading report filed under Part 10 of the Election Act, contrary to section 266 of the Election Act.

Count 13

On or about April 31, 2009, at Vancouver and elsewhere in the province of British Columbia, Kash Heed, a candidate in the 2009 BC provincial election, published a misleading report filed under Part 10 of the Election Act, contrary to section 266 of the Election Act.

Count 14

On or about April 31, 2009, at Vancouver and elsewhere in the province of British Columbia, Barinder Sall was a party to the offence of publishing a misleading report filed under Part 10 of the Election Act, contrary to section 266 of the Election Act.

Count15

On or about May 7, 2009, at Richmond in the province of British Columbia, persons unknown did fraudulently personate Kenneth Fung with intent to gain advantage for Kash Heed to wit sponsored election advertising in support of Kash Heed contrary to Section 403 of the Criminal Code.

("the Offences")

and that the following documents or data will afford evidence with respect to the commission of the Offences:

Records of advertising made on behalf of the promotion of Kash Heed as an election candidate, made between April 14, 2009 and May 12, 2009, including:

traffic logs, billing system printouts, advertising contracts, job orders, and advertising scripts,

and copies of cheques (front and back) from payments relating to the above.

("the Documents").

and that the Documents, or some part of them are in the possession or control of:

George Lee, President, of Fairchild Radio Group, located at 2090-4151 Hazelbridge Way Richmond BC.

and

Kay Lai, Sales Manager, of CHMB AM1320 Mainstream Broadcasting Corporation, located at 100-1200 West 73rd Ave Vancouver BC.

MY GROUNDS FOR BELIEF ARE AS FOLLOWS:

Introduction of Affiant

1. I, Constable Beverley Dew, a Peace Officer in the Province of British Columbia, MAKE OATH AND SAY THAT:

2. I am a member of the Royal Canadian Mounted Police ("RCMP") and a Peace Officer and have been so since 2001. I am attached to the "E" Division Commercial Crime Section ("CCS") and have been so for approximately 3 years. As part of my duties, I am responsible for enforcing the provisions of the Criminal Code.

Information and Belief

3. It is in the course of my duties that I have come to have personal knowledge of the facts hereafter stated except where the same are stated to be based upon information and I believe them to be true except where otherwise stated.
4. On occasion within this Information / Application I will provide my interpretation of witness statements or documents, or I will insert a commentary if I need to draw a conclusion to support my reasons for belief. These interpretations, commentaries and conclusions will be enclosed in square brackets.

Prior Authorizations Sought

5. There have been no instances in this investigation in which an application has been made under Section 487.012 of the Criminal Code in relation to a production order to the Fairchild Radio Group.
6. There have been no instances in this investigation in which an application has been made under Section 21 of the Offence Act in relation to a search of the Fairchild Radio Group.
7. There have been no instances in this investigation in which an application has been made under Section 487.012 of the Criminal Code in relation to a production order to CHMB AM1320 Mainstream Broadcasting Corporation.

8. There have been no instances in this investigation in which an application has been made under Section 21 of the Offence Act in relation to a search of CHMB AM1320 Mainstream Broadcasting Corporation.
9. On January 14, 2010, regarding the offences Possession of Property Obtained by Crime contrary to section 354(1) of the *Criminal Code* and Obstructing Justice contrary to section 139(2) of the *Criminal Code*:
 - a. Cst. Kimberly Stark ("Cst. Stark") applied for a Production Order pursuant to section 487.012 of the *Criminal Code* for telephone records of Jag Singh, 778-990-4694 (July 16, 2009 – January 14, 2010), Barinder Sall, 604-720-1829 (April 14, 2009 – May 12, 2009 and July 14, 2009 – July 23, 2009), North American Mailing, 604-233-6245 (April 14, 2009 – May 12, 2009 and July 14, 2009 – July 23, 2009) and records relating to IMEI number 3560 2802 5022 311 (July 16, 2009 – January 14, 2010) and SIM number 89302720400072145373 (July 16, 2009 – January 14, 2010) from Rogers Communications Inc. This was granted, in part, by JJP A. Brown;
 - i) JJP A. Brown removed the offence of Obstructing Justice and denied granting the information for Barinder Sall, 604-720-1829 and North American Mailing, 604-233-6245;
 - ii) Cst. Stark received the records of Jag Singh, 778-990-4694 and IMEI and SIM records via email from Cpl. Koppang on January 26, 2010 and the original copies were picked up from Rogers on February 1, 2010.
 - b. Cst. Stark applied for a Production Order pursuant to section 487.012 of the *Criminal Code* for telephone records of North American Mailing, 604-928-6245 (April 14, 2009 – May 12, 2009 and July 14, 2009 – July 23, 2009), Parmjit Barinder Sall, 604-325-9272 (May 6, 2009 – May 12, 2009) and Elections BC 250-952-6164 (May 7, 2009 – May 12, 2009) from

TELUS Communications Company. This Production Order was denied in full by JJP A. Brown;

- c. Cst. Stark applied for a Search Warrant pursuant to section 487 of the *Criminal Code* for all data relating to IMEI 356028025022311 from Research In Motion LTD. which was granted, in part, by JJP A. Brown;
 - i) JJP A. Brown removed the offence of Obstructing Justice but granted all the information Cst. Stark requested based on the offence of Possession of Property Obtained by Crime;
 - ii) These records were emailed to Cst. Stark by Cpl. Koppang on January 25, 2010;
 - iii) These records were received in hard copy on January 26, 2010 date via courier.

10. On January 29, 2010, regarding the offences Possession of Property Obtained by Crime contrary to section 345(1) of the *Criminal Code* and Obstructing Justice contrary to section 139(2) of the *Criminal Code*, Cst. Stark applied for a Production Order pursuant to section 487.012 of the *Criminal Code*. Cst. Stark also applied for a Search Warrant pursuant to section 21 of the Offence Act of British Columbia regarding the offence of Failing to Identify an Election Sponsor contrary to section 231 of the Election Act of British Columbia for:
 - a. Rogers Communications Inc. for the telephone records of Barinder Sall, 604-720-1829 (April 14, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009 and October 20, 2009 – October 28, 2009), North American Mailing, 604-233-6245 (April 14, 2009 – May 12, 2009 and July 14, 2009 – August 13, 2009), Dinesh Khanna, 640-961-0706 (April 14, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009 and October 20, 2009 – October 28, 2009), Amit Khanna, 604-773-2554 (April 14, 2009 – May 12, 2009, July

14, 2009 – August 13, 2009, September 9, 2009 – September 12, 2009 and October 20, 2009 – October 28, 2009), Bradley MacAulay, 778-997-4744 (April 14, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009, September 6, 2009 – September 12, 2009 and October 20, 2009 – October 28, 2009), and IMEI data for 980041000927770, 355256020837554 and 359614021851337 (April 14, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009 and October 20, 2009 – October 28, 2009) and SIM data for 89302720400067812946, 89302720304087953344 and 89302720400024280062 (April 14, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009 and October 20, 2009 – October 28, 2009). These were granted in full by Judge P. Gulbransen;

- i) All of the records for Barinder Sall, 604-720-1829 Cst. Stark received February 22, 2010 from Cpl. Koppang via email.

- b. TELUS Communications Company for the telephone records of North American Mailing, 604-928-6245 (April 14, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009 and October 20, 2009 – October 28, 2009), Parmjit Barinder Sall, 604-325-9272 (May 6, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009 and October 20, 2009 – October 28, 2009), and Elections BC, 250-952-6164 (May 7, 2009 – May 12, 2009). The telephone records that were originally denied on January 14, 2010. These were granted in full by Judge P. Gulbransen;
 - i) Production order data received via courier package on February 17, 2010;
 - ii) Search Warrant data received February 22, 2010.

- c. Research in Motion LTD. for the records relating to 604-720-1829 (Barinder Sall) (April 14, 2009 – May 12, 2009, July 14, 2009 – August 13, 2009 and October 20, 2009 – October 28, 2009), and all PIN, browser and

email logs for PIN numbers 25804EDF, 21142371, 207C173E and 20962CE5. This was granted in full by Judge P. Gulbransen;

- i) The *Criminal Code* Search warrant was endorsed in Ontario, however the Offence Act Search Warrant was not endorsed in Ontario because the Justice of the Peace stated there was no provision within their provincial act to do so.

11. On January 29, 2010, regarding the offence of Identification of the Sponsor of Election Advertising contrary to section 231 of the Election Act of British Columbia:

a. Cst. Stark applied for a Search Warrant pursuant to section 21 of the Offence Act of British Columbia for all data relating to IMEI 356028025022311 from Research in Motion. This was granted in full by Judge P. Gulbransen;

- i) this offence act search warrant was not endorsed in Ontario because the Justice of the Peace stated there was no provision within their provincial act to do so.

b. Cst. Stark applied for a Search Warrant pursuant to section 21 of the Offence Act of British Columbia for the telephone records of Jag Singh, 778-990-4694 (July 16, 2009 – January 14, 2010), and data relating to IMEI number 356028025022311 (July 16, 2009 – January 14, 2010) and SIM number 89302720400072145373 (July 16, 2009 – January 14, 2010) from Rogers Communications Inc. This was granted in full by Judge P. Gulbransen;

- i) Cst. Stark received these records via email from Cpl. Koppang on January 26, 2010 (per production order), originals seized February 1, 2010.

12. On March 24, 2010 regarding the offence of obstruction of justice contrary to Section 139(2) of the Criminal Code and the offence of failure to identify the sponsor of election advertising contrary to Section 231 of the Election Act:
 - a. Cst. Beverley Dew applied for a warrant to search the premises of North American Mailing Services Ltd. located at 106 and 112 – 11782 River Road Richmond BC. This was granted by Judge P. Gulbransen;
 - i) The search of North American Mailing Services Ltd. located at 106 and 112 – 11782 River Road Richmond BC was executed on March 25, 2010.

13. On March 29, 2010 regarding the offence of obstruction of justice contrary to Section 139(2) of the Criminal Code and the offence of failure to identify the sponsor of election advertising contrary to Section 231 of the Election Act:
 - a. Cst Beverley Dew applied for a warrant to search the premises of 1012 E 51st Ave Vancouver BC. This was granted by Judge P. Gulbransen on March 30, 2010 [Form 3 – Offence Act] and March 31, 2010 [Form 5 – Criminal Code.]
 - i) The search of 1012 E 51st Ave Vancouver BC was executed on March 31, 2010.

 - b. Cst Beverley Dew applied for a warrant to search the premises of 2-3331 Viking Way Richmond BC. This was granted by Judge P. Gulbransen this was granted on March 31, 2010.
 - i) The search of 2-3331 Viking Way Richmond BC was executed on March 31, 2010.

 - c. Cst Beverley Dew applied for a warrant to search the vehicle of Sandeep Dhami bearing BC plate 566TGG Vehicle Identification Number

WBAPK7C53AA457726. This was granted by Judge P. Gulbransen on March 30, 2010 [Form 3 – Offence Act] and March 31, 2010 [Form 5 – Criminal Code.]

i) The search of the vehicle of Sandeep Dhami bearing BC plate 566TGG Vehicle Identification Number WBAPK7C53AA457726 was executed on March 31, 2010.

d. Cst Beverley Dew applied for a warrant to search the vehicle of Sandeep Dhami bearing BC plate 105GSK Vehicle Identification Number 1G3NF12E1YC408391. This was granted by Judge P. Gulbransen on March 30, 2010 [Form 3 – Offence Act] and March 31, 2010 [Form 5 – Criminal Code.]

i) The search of the vehicle of Sandeep Dhami bearing BC plate 105GSK Vehicle Identification Number 1G3NF12E1YC408391 was executed on March 31, 2010.

14. On April 8, 2010 regarding the offence of obstruction of justice contrary to Section 139(2) of the Criminal Code, the offence of failure to identify the sponsor of election advertising contrary to Section 264 of the Election Act, the offence of filing a false or misleading report contrary to Section 266 of the Election Act, the offence of incurring election expenses over the limit for candidates of \$70,000 contrary to Section 217 of the Election Act and the offence of incurring election expenses without written authorization contrary to Section 263 of the Election Act:

a. Cst Beverley Dew applied for a production order for the Royal Bank to produce records relating to North American Mailing Services Ltd Account Tr# 04960-003 Acc#100-207-0. This was granted by Judge P. Gulbransen on April 10, 2010.

- i) The production order was served on April 12, 2010 and records were received on April 15, 2010.
 - b. Cst Beverley Dew applied for a warrant to search the Royal Bank located at 1055 West Georgia Street Vancouver BC to locate records relating to North American Mailing Services Ltd Account Tr# 04960-003 Acc#100-207-0. This was granted by Judge P. Gulbransen on April 10, 2010.
 - i) The search warrant was executed on April 15, 2010.
- 15. On April 22, 2010 regarding, the offence of failure to identify the sponsor of election advertising contrary to Section 231(1) and 264 of the Election Act, the offence of passing payment from person(s) unknown for the production and mailing of political advertisements contrary to Section 186 and Section 263 of the Election Act, the offence of accepting cheques other than through a financial agent for the purpose of publication and mailing of political advertising contrary to Section 187 and Section 263 of the Election Act, the offence of obstructing the investigation contrary to Section 265 of the Election Act, the offence of making a false or misleading statement contrary to Section 266 of the Election Act, the offence of obstruction of justice contrary to Section 139(2) of the Criminal Code, the offence of making payment for an election expense without making payment from the property of the campaign contrary to Section 193(4) and Section 263 of the Election Act:
 - a. Cst Beverley Dew applied for a production order for the Royal Bank to produce account information relating to the account(s) belonging to North American Mailing Services Ltd and the account(s) belonging to Dinesh Khanna held at the Royal Bank for the period of April 14, 2009 through to May 20, 2009. This was granted by Judge P. Gulbransen on April 22, 2010.

- i) The production order was served on April 22, 2010 and records were received on April 28, 2010.
 - b. Cst Beverley Dew applied for a warrant to search the Royal Bank located at 1055 West Georgia Street Vancouver BC to locate records pertaining to the account information for the account(s) belonging to North American Mailing Services Ltd and the account(s) belonging to Dinesh Khanna held at the Royal Bank for the period of April 14, 2009 through to May 20, 2009. This was granted by Judge P. Gulbransen on April 22, 2010.
 - i) The warrant to search was executed on April 28, 2010.
- 16. On May 3, 2010 regarding the offence of publishing and delivering election advertising without advertising the name of the sponsor contrary to section 231(1) and 264 of the Election Act, regarding the offence of passing payments from persons unknown to North American Mailing for the production and distribution of political advertisements contrary to section 186 and 263 of the Election Act, regarding the offence of accepting cheques other than through a financial agent for the purpose of political advertising contrary to section 187 and 263 of the Election Act, regarding the offence of impeding / obstructing an investigation of the Election Act contrary to section 265 of the Election Act, regarding the offence of misrepresenting sponsors of election advertising and misleading Elections BC and RCMP contrary to section 266 of the Election Act, regarding the offence of obstructing an investigation contrary to section 139(2) of the Criminal Code, regarding the offence of conspiring to obstruct an investigation contrary to section 465 and 139(2) of the Criminal Code, regarding the offence of making payment of election expense from other than the property of the campaign contrary to section 193(4) and 263 of the Election Act and regarding the offence of filing a misleading report contrary to section 266 of the Election Act.

- a. Cst Beverley Dew applied for a production order for the Royal Bank to produce records relating to North American Mailing Services Ltd accounts 04960-4002846 and 04960-1004399 and records relating to Dinesh Khanna's account 06840-5066139. This was granted by Judge P. Gulbransen on May 3, 2010.
 - i) The production order was served on May 3, 2010 and records were received on May 7, 2010.

- b. Cst Beverley Dew applied for a warrant to search the Royal Bank located at 1055 West Georgia Street Vancouver BC to locate records relating to North American Mailing Services Ltd accounts 04960-4002846 and 04960-1004399 and records relating to Dinesh Khanna's account 06840-5066139. This was granted by Judge P. Gulbransen on May 3, 2010.
 - i) The search warrant was executed on May 7, 2010.

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Abbreviations and Definitions

Police Related Definitions

17. The Canadian Police Information Centre ("CPIC") is a national computer system that receives data from all municipal and provincial police departments in Canada, including the RCMP. The system maintains information such as the criminal record files of subjects, current charges, parolees, individuals on probation, individuals on observation, and outstanding warrants for arrest. CPIC also allows access to motor vehicle and driver licence registration data banks which are maintained by the respective provincial and territorial governments in Canada.
18. British Columbia Online databases ("BC Online"), contains data and information respecting land title registration, property tax assessment, and corporate filing records of companies.
19. PRIME refers to the database of police operational records ("PRIME");
20. Surveillance is conducted by a team of police officers. The observations of those members are reported to a member of the team who is assigned the task of preparing a written report. Members of the surveillance team are required to read the report and confirm the accuracy of the information. When reference is made to a surveillance report within my Affidavit I believe that report to be accurate.
21. Open Source Information means data available to the public via the internet located through publicly available search engines.

22. Special "O" Section (Special "O") is a unit within the RCMP that is mandated with providing surveillance to other investigative units. When Special "O" is used for surveillance, a member of the investigative unit is often assigned as a rider. The rider is used to provide file knowledge and direction to the surveillance team. A member of Special "O" is assigned to complete a surveillance report in the same manner as detailed in the above paragraph. Within my Affidavit when reference is made to a surveillance report written by Special "O", I believe that report to be accurate.
23. Tamara Wong ("Wong"), a public servant, and Briana Wood ("Wood"), a civilian member, with the RCMP Special 'I' Section. As part of their duties they obtain telephone subscriber information on a daily basis from employees at various telephone companies, such as Telus Communications Co., all subsidiaries and partnerships within which Telus Communications Co. has controlling interest, Rogers Communications Inc., and others. They contact these telephone companies regularly and believe the information obtained from them is accurate. Within my Affidavit when reference is made to telephone subscriber information provided by Wong or Wood I believe the information to be accurate.
24. Ken Schulz has been employed with the RCMP since 1995 as criminal intelligence analyst. Since 2002, he has been assigned to the Commercial Crime section to work as the analyst on various files. His duties to this investigation included link association analysis, which included dialled number recorder analysis, as well as event flow analysis.
25. The above noted previously sought authorizations resulted in numerous phone records being received. These records included subscriber information, dialled call history, received call history, IMEI identification, SIM identification, duration of calls, cell tower usage and location of cell towers when available. This

information was compiled into a master list of calls by Ken Schulz of the Commercial Crime analytical support unit. The information was then analyzed by investigators. Within my Affidavit when reference is made to "Telephone Records," it is the data received from the previous authorizations that I am referring to and I believe the information to be accurate.

Elections BC Related Definitions

26. On March 18, 2010 I read the glossary pulled from the Elections BC website and make use of the following definitions:
- a. Elections BC is the usual name for the Office of the Chief Electoral Officer, a non-partisan Office of the Legislature responsible for administering the provincial Election Act. Elections BC administers the electoral process in BC. This includes provincial general elections and by-elections, provincial referendums, and initiative and recall petitions and votes;
 - b. An Electoral District is a geographic area defined in the Electoral Districts Act that is represented in the Legislative Assembly by a single Member of the Legislative Assembly ("MLA"). Electoral districts are also known as constituencies or ridings;
 - c. An Official Agent is a person appointed by a candidate to serve as their representative during an election. A person can be appointed as both the financial agent and the official agent of the same candidate.
 - d. Election Advertising is advertising used during the period beginning 60 days before a campaign period and ending at the end of the campaign period to promote or oppose, directly or indirectly, a registered political party or the election of a candidate, including an advertising message that

takes a position on an issue with which a registered political party or candidate is associated;

- e. Election Advertising Sponsor is a person or organization, other than a registered political party, registered constituency association, or candidate, who conducts election advertising.

Phone Related Definitions

27. Mobile technology is integral to the investigation described in this affidavit. In *R. vs Pal*, [2007] B.C.J. No.2194 (OL), 2007 BCSC 1495 at paragraphs 94-99, the trial judge described the way in which mobile technology operates as follows:

- a. Cellular telephones operate using “wireless” technology by the use of radio waves. There are three basic components that operated in conjunction with one another to permit the wireless communication: a handset, cell sites, which are located at various places across the country and a switch, which is basically a large computer. When a user places a call using his handset, the handset interacts with the cell site by radio frequency. The cell site then relays information to the switch, which processes the call and causes it to be sent either to a conventional telephone via a land line or to a cellular telephone via a cell site. It is the same process, although in reverse, when a cellular telephone receives a call;
- b. The switch verifies the legitimacy of the handset , processes the outgoing and incoming calls, routes them to the appropriate landline or mobility carrier, records information identifying the cell site used during the call and generates a report of each call;

- c. Most cell sites are divided into three sectors, each of which broadcast radio waves through an arc of approximately 120 degrees. There are some sites known as Omni cell sites that are not sectorized and cover 360 degrees;
 - d. The report that is generated for each completed cellular telephone call records, amongst other information, the number of the cell site and the sector of the site that was utilized during the call;
 - e. Generally speaking, the cell site that provides the strongest signal to the handset will be employed in processing the call. This is usually the one that is closest to the handset. However, there are a number of factors that can affect which site is used, including the topography of the area, the presence of buildings or other structures and whether the stronger site is "busy";
 - f. There is not a precise dividing line between the sectors. Radio waves can be distorted to some degree by reflection. Some "bleeding" across the lines dividing the sectors can occur. Nor is there a precisely shaped circle representing the range of the site.
28. I read an email from Omaye to Cst. Stark dated February 24, 2010. Attached to this correspondence was an email from Mak describing the mobile technology found on the Roger's network. Mak provided the following information:
- a. In Roger's cellular telephone record entries referring to cell towers the numbers preceding the last digit identifies the cell tower and the last digit indicates the sector;
 - b. Most urban cell sites on the Rogers/Fido network are sectorized. Rogers/Fido network usually consist of three sectors. The sectors are

labelled 1, 2 and 3 for GSM 850 MHZ frequency and 7, 8 and 9 for GSM 1900 MHZ frequency. Sectors 4, 5 and 6 are for UMTS. Sectors 1, 7 & 4 covers roughly the same area, sectors 2, 8 & 5 covers roughly the same area and sectors 3, 9 & 6 covers roughly the same area;

- c. Azimuth on a cell site refers to the direction / degree which the cell sector faces. True north being zero degree. Typical azimuths on the Rogers network in BC are 40, 160 and 280 degrees. These azimuths refer to the center of each sector. Different cities or provinces may have its own standard azimuths;
 - d. Not all cell sites will have the same typical or standard azimuths, even within the same city. Some situations may call for a non-standard azimuth to optimize cell coverage;
 - e. A cellular phone constantly searches for the best signal. When a call is initiated, the cellular phone will use the cell site/sector that is providing the best signal. In most cases, it would be the cell site/sector that is closest to the cellular phone. Cell signal works best by line of sight, meaning the signal from a cell site to the cellular phone is in an unobstructed straight line. However, signal can also reach the cellular phone by bouncing and penetrating thru objects such as walls and /or windows of a building.
29. Bruce Funk ("Funk") was employed at BC TEL/TELUS for 31 years and retired in January 2001 from the position of Security Technical Services Investigator/Manager. Since his retirement from BC Tel / Telus, Funk has been contracted by Municipal Police Forces throughout BC, the RCMP in British Columbia and Alberta, Provincial and Federal Crown Counsel, District Attorney's Office in Buffalo, New York, Corporations as well as private law firms to analyse cellular telephone records and provide expert testimony in court. Funk was hired

by the RCMP to conduct test calls from designated locations to determine what cell towers were engaged. I have read emails from Funk dated March 6, 2010 and March 15, 2010. I have summarized Funk's findings into tables and have attached them to this affidavit as Exhibit "C."

30. A Blackberry is a line of wireless mobile devices developed by Canadian company Research in Motion ("RIM"). This device has the ability to make and receive telephone calls as well as run third party applications such as address book, calendar and to-do lists. In addition the device can send and receive email. Each Blackberry device is assigned a specific PIN number which allows the devices to communicate with one another directly using the Blackberry Messenger application.
31. I read a report written by Cst. Stark and learned that on January 27, 2010, Cst. Stark spoke with Jeff Lynch ("Lynch") of RIM who provided the following information:
 - a. A PIN refers to a Personal Identification Number, which every Blackberry Device has, is individual to a Blackberry Device. PIN to PIN messaging refers to messages sent from Blackberry Device to Blackberry Device, where RIM facilitates the transfer of the message;
 - b. RIM may have access to some email content from the Blackberry Internet service. Blackberry Devices come with an Internet web browser, and RIM may have access to some browser history;
 - c. RIM can provide PIN to PIN logs, email content and Internet Browser logs;
 - d. RIM can provide a list of subscriber information that includes the telephone number, any email addresses, the PIN number, the IMEI number and the "SIM swap history";

- e. Lynch explained that the "SIM swap history" is a list of SIM numbers that have been used with a device that has accessed the RIM infrastructure.
32. On December 10, 2009, Cst. Stark was provided the following definitions from Christine Omaye ("Omaye") at Rogers Corporate Security:
- a. Global System for Mobile Communication ("GSM"): a GSM mobile device is a cellular handset that uses GSM technology;
 - b. International Mobile station Equipment Identity ("IMEI"): an equipment identification number, similar to a serial number that is used to uniquely identify a mobile phone;
 - c. Subscriber Identity Module ("SIM"): a 'smart' card inserted into a mobile telephone containing all subscriber-related data.
33. Within the Telephone Records long distance records are listed in minute form because they are charged by the minute. In my experience reference of a 1 minute in the duration column of the records indicates that the call was between 1 sec and 60 sec in duration.

General Definitions

34. Unless otherwise stated, all locations stated are in the Province of British Columbia and all vehicle license plate numbers are British Columbia registered license plates.
35. All references within my Affidavit to the:
- a. The NDP refers to the New Democratic Party of British Columbia ("NDP");
 - b. The Liberals refers to the British Columbia Liberal Party ("Liberals");

- c. The 2009 Election refers to the 2009 provincial general election in British Columbia held on May 12, 2009 (the “2009 Election”);
- d. Rogers refers to the telephone provider Rogers Communications Inc. (“Rogers”);
- e. Telus refers to the telephone provider Telus Communications Company (“Telus”);
- f. Mailouts refer to bulk advertising facilitated through a mail service to Canada Post.

36. For the sake of clarity when I refer to cell phones and landlines the following abbreviations will be used:

Phone Number:	Abbreviation:	Subscriber Information Provided by Briana Wood or Tamara Wong
604-720-1829	Barinder Sall’s Cellular .	Barinder Sall 3158 54 Ave Vancouver, BC Rogers Communications Inc.
604-325-9272	Barinder Sall’s Residential Telephone	Parmjit Barinder Sall 1012 51st Ave E Vancouver BC Telus Communications Co.
604-928-6245	North American’s Cellular	North American Mailing (Cellular) 112-11782 River Road Richmond BC
604-233-6245	North American’s Landline	North American Mailing (Landline) 112-11782 River Road Richmond BC Rogers Communications Inc.
604-435-7272	Khanna’s Residential Telephone	*Open Source Information* R.Khanna 5335 Taunton St Vancouver BC
604-961-0706	Dinesh Khanna’s Cellular	Dinesh Khanna (Cellular) Windemere Secondary School 5335 Taunton Street Vancouver BC Rogers Communications Inc.
604-773-2554	Amit Khanna’s Cellular.	Amit Khanna (Cellular) 5335 Taunton St Vancouver BC Rogers Communications Inc.

604-775-2246	Constituency Office Landline	BC Province of Legislative Assembly 3158 54 Ave Vancouver Telus Communications Co (Landline)
778-990-4694	Stolen Device	Jag Singh 6516 Fraser Street Vancouver BC Rogers Communications Inc. Prepaid

37. For the sake of clarity when I refer to vehicles the following abbreviations will be used:

Plate	Abbreviation:	Registered Owner & Drivers License Information Sourced from CPIC Queries
445HFC	White North American Van	Dinesh Khanna 5335 Taunton Street Vancouver BC
725MGE	Amit Khanna's Accura	Amit Khanna 5335 Taunton Street Vancouver BC
566TGG	Sandeep Dhami's BMW	Sandeep Dhami 1012 51 Ave E Vancouver BC
105GSK	Sandeep Dhami's Alero	Sandeep Dhami 1012 51 Ave E Vancouver BC

38. For the sake of clarity when I refer to addresses the following abbreviations will be used:

Address:	Abbreviation:
5335 Taunton Street Vancouver BC.	Khanna Residence
1012 East 51 Street Vancouver BC.	Barinder Sall Residence
112-11782 River Road Richmond BC	North American Mailing
3158 East 54 Ave Vancouver BC	Kash Heed's Constituency Office
#2 - 3331 Viking Way Richmond BC	Barinder Sall's Business

Summary

39. On May 12, 2009, a general election was held in the Province of British Columbia (BC), with the campaign date beginning on April 14, 2009. During the election

campaign, three unauthorized pamphlets were produced, critical of the NDP, and were distributed in the Vancouver - Fraserview electoral district in contravention of Section 231 of the BC Election Act. Elections BC began an investigation into the unauthorized pamphlets by inquiring about their origin with Dinesh Khanna the owner of a mail service which had delivered the pamphlets to the post office. Dinesh Khanna allegedly directed a friend named "Jag" to respond to Election BC inquiries. The only conversation that Elections BC officials had with "Jag" coincided with a telephone call to Elections BC from the residence of the Official Agent of the Liberal candidate in the Vancouver - Fraserview riding, Barinder Sall. Elections BC referred the Election Act offences to the RCMP for investigation when they were unable to locate the original client. Dinesh Khanna's account of events to the RCMP differed significantly from that provided by "Jag" to Elections BC. When police investigators persisted Dinesh Khanna provided a contact telephone number for "Jag." Investigation revealed the telephone number provided for "Jag" was registered to a stolen device activated the same day it was provided to police, in the name Jag Singh with a non-existent address. A statement from Amit Khanna has identified Barinder Sall as having possession of the Stolen Device. A second statement from Dinesh Khanna was provided in which he admitted that Barinder Sall had brought the pamphlets to him for distribution. That Barinder Sall had told him the story to give to police and that Barinder Sall had given him the phone number to provide for Jag. Electronic versions of the unauthorized pamphlets were located during a search of Barinder Sall's residence. Further examination of these electronic versions has revealed that there is microscopic print which lists sponsor information. Follow up with the sponsors listed has shown that the sponsors have no knowledge of the Pamphlets and were asked by the Kash Heed Campaign office to become third party advertising sponsors. According to the Election Act third party advertising sponsors are supposed to be independent of

candidates and their agents. Barinder Sall has made contact with witnesses in regards to this investigation both before and after police contact.

Details of the Investigation

40. On May 12, 2009, a general election was held in the Province of BC with a campaign period of April 14, 2009 until the date of the election.
41. The electoral district of Vancouver-Fraserview is located in Vancouver, BC. I have read the Statement of Votes for the 39th Provincial General Election presented to the Legislative Assembly of BC by the Chief Electoral Officer on January 15, 2010 and determined the candidates and their affiliation in the Vancouver-Fraserview electoral district were as follows:
- | | | |
|------|--------------------|--------------------|
| i) | Jodie Joanna Emery | Green Party of BC; |
| ii) | Kash P Heed | BC Liberal Party; |
| iii) | Andrew Stevano | BC Refed; |
| iv) | Gabriel Yiu | BC NDP. |
42. Elections BC is a non-partisan Office of the Legislature responsible for administering the electoral process in BC. This includes provincial general elections and by-elections, provincial referendums and recall and initiative petitions and votes. Elections BC is responsible for administering the *Election Act*.
43. Dirk Ryneveld ("Ryneveld"), Legal Counsel to the Chief Electoral Officer made a report of unauthorized election advertising to the RCMP Commercial Crime Section on June 15, 2009. I read a letter written by Ryneveld and given to Cst. Stark and learned:

- a. The alleged violation contravened Section 231 of the of the B.C. Election Act; and
- b. Section 231 of the Act requires election advertising to identify the name of the sponsor, indicate that the sponsor is registered under the Act, and provide a telephone number or mailing address at which the sponsor may be contacted regarding the advertising.

44. In accordance with the terms of a Memorandum of Understanding ("MOU") Elections BC initially referred a report to the police services of jurisdiction, Vancouver Police Department. The Vancouver Police Department deferred the matter to the Royal Canadian Mounted Police ("RCMP") for investigation.

Incomplete Authorization Statement Contrary to Sec 231 EA
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45. I have examined three pamphlets given to Cst. Stark on June 15, 2009 by Ryneveld. Copies of these pamphlets are attached to this affidavit and marked as Exhibit 'A'. I made the following observations regarding each these pamphlets:
- a. One pamphlet is printed on letter sized white paper in six frames front and back. The text is written in black font in English. The large caption "NDP Negative Destructive Painful" is prominent on the front and the back. The NDP were said to not care about the economy, jobs, small business and seniors. The NDP's real plan was said to be the legalization of drugs, legalization of prostitution, the raising of crippling new taxes including a death tax, the creation of deficits that would leave generations with unbearable debt. It was predicted that BC will go bankrupt. The reader was asked if they knew that NDP promises could add \$3 to the cost of BC beer. Images appearing in two frames are of wallets being pickpocketed.

Other images include a tombstone, drugs and money on a table, an elderly male and bottles of beer ("White Pamphlet");

- b. One pamphlet is printed on letter sized yellow paper in six frames front and back. The text is written in black font in English & Chinese. The large caption "NDP: Weak on Crime" is prominent on the front. References in English are made to the NDP lacking experience in addressing crime. One of the frames asks whether the reader would call a florist to fix a clogged drain, a leaking roof or a broken down car and then answers the questions by stating "Of course not. You'd call a professional. So why would anyone trust a florist to stop crime?" Images appearing on the pamphlet are crime themed including drive by shootings, burglary, home invasion, crime scene tape and a gunman wearing a balaclava ("Yellow Pamphlet");

[NDP Vancouver - Fraserview electoral district candidate Gabriel Yiu is a florist.]

- c. One pamphlet is printed on letter sized blue paper in six frames. The text is written in black font in Chinese. Images appear on the pamphlet are of drug use, firearms, prostitution, empty pockets, a coffin, beggars, an on strike sign and a Chinese gate. There is an facial image of Betty Tung Sze Yan who was found murdered in Richmond on April 16, 2009 ("Blue Pamphlet").

46. When I refer to the White Pamphlet, the Blue Pamphlet and the Yellow Pamphlet collectively I will refer to them as "the Pamphlets."

47. Printed in English on all three Pamphlets in smaller font was: "Authorized. Registered Sponsor Under The Election Act". This is an incomplete authorization statement and constitutes a violation under section 231 of the *Election Act*.

48. I read reports written by Cpl. Lai-Shan Ng ("Cpl. NG") dated January 7, 2010 and February 18, 2010 and determined the following:
- a. Cpl. NG can read traditional Chinese writing and can speak the Cantonese language;
 - b. Cpl. Ng examined the Blue Pamphlet and Yellow Pamphlet and recognized the non English text as traditional Chinese writing;
 - c. Cpl. NG was able to determine by reading Chinese text on the Blue Pamphlet and the Yellow Pamphlet that they were election advertising critical of the NDP;
 - d. Cpl. NG's translation of the Chinese text contained within the Blue and Yellow Pamphlets is the basis for my description of the Chinese content.
49. The actual statements made on the Pamphlets about the NDP is not a violation of the *Election Act*.

Statement of Nola Western – Elections BC
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50. On July 23, 2009, Cst. Stark took an audio statement from Nola Western ("Western"), Executive Director of Electoral Finance and Corporate Administration with Elections BC. I have read a copy of the transcribed statement and a report called a "Note to File" written by Western which detailed her actions between May 5, 2009 and May 7, 2009. From the statement and the "Note to File" I learned:
- a. On May 5, 2009, she received a complaint from Nikki Hill ("Hill") of the NDP regarding unauthorized election advertising. A quantity of White

Pamphlets and Blue Pamphlets had been received for distribution at Canada Post;

- b. Western confirmed the Pamphlets were considered election advertising and did not meet the requirements of the Act because:
 - i) The Pamphlets did not identify the sponsor;
 - ii) There was no way to determine if the sponsor was registered under the Act.
- c. Western believed whoever prepared the White Pamphlet and Blue Pamphlet knew there were rules under the Election Act due to the incomplete authorization statement on the Pamphlets;
- d. Western stated this looked like a well organized, well funded distribution of unauthorized election advertising;
- e. Western made contact with Canada Post in attempts to stop the delivery of the White Pamphlet and Blue Pamphlet;
- f. On May 6, 2009, Western was notified by Hill that some of the White Pamphlets and Blue Pamphlets had been delivered in many areas of Vancouver [As will be set out later the deliveries were confined primarily to the Vancouver - Fraserview electoral district] and there were more at Canada Post for distribution; and
- g. Canada Post was able to stop further distribution after May 6, 2009.

Pamphlets Delivered in Envelopes

51. I have reviewed two envelopes containing all three Pamphlets which were received from Gabriel Yiu who received them from constituents who had received them:
- a. One letter was addressed to the Siu Family, 2913 E 43 Ave Vancouver – this envelope was stamped but not postmarked;
 - b. The other letter was addressed to George Jung, 6652 Arlington St Vancouver – this envelope was stamped and appears to have been postmarked on May 11, 2009.

Anti – Liberal Flyer

52. On October 26, 2009 Cst. Stark contacted Western and learned that there had been a complaint about an Anti – Liberal flyer. I reviewed an email from Western from which I learned the following:
- a. On May 7, 2009, [the day after the White and Blue Pamphlets had been rejected]; the campaign manager for Kash Heed, Barinder Sall, made a complaint by email to Elections BC about an anti-Liberal flyer being sent to the Vancouver-Fraserview electoral district (the “Anti-Liberal Flyer”) [This complaint was lodged via email. Barinder Sall never spoke to anyone at Elections BC via telephone regarding this complaint.];
 - b. The Anti-Liberal Flyer did not have an authorization statement identifying a sponsor;

- c. The Anti-Liberal Flyer was posted on poles and was hand delivered, but was not believed to have been distributed by Canada Post;
 - d. The distributor of the Anti-Liberal Flyer was not determined.
53. I have read the original message sent from Barinder Sall to Nola Western on May 7, 2009 and determined that:
- a. The email address from which Barinder Sall sent the email to Nola Western was, bsall@empir.ca;
 - b. That the email ends with: Barinder Sall, Campaign Manager, Kash Heed Candidate for Vancouver Fraserview, 604-325-2200.
54. Refer to attached Exhibit 'B' for a copy of the Anti-Liberal Flyer.

Statement of Greg Macdonald – Elections BC
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55. On June 23, 2009, Cst. Stark took an audio statement from Greg Macdonald ("Macdonald"), Senior Electoral Finance Reviewer with Elections BC. I read a copy of the transcribed statement and a report called a "Note to File" written by Macdonald, which details his actions between May 5, 2009 and May 11, 2009. From the Note to File and the statement of Macdonald, I learned the following:
- a. Macdonald had contact with Rhys Williams ("Williams") of Canada Post to determine the sponsor of the Pamphlets. Williams stated the Pamphlets were taken to Canada Post by "Dinesh" of North American Mailing Services LTD. ("North American Mailing"), with the English version being sponsored by "Vancouver's Family for Small Business" and the Chinese version for "Eric Kwon";

- b. Macdonald checked the list of registered sponsors and found that neither Vancouver Family for Small Business nor Eric Kwon were registered with Elections BC or Elections Canada;
- c. On May 7, 2009 at approximately 11:00 a.m. Greg Macdonald called the North American Mailing LTD. business phone number and spoke with Dinesh Khanna. Dinesh Khanna stated Canada Post has stopped the ad and there was nothing to worry about. Dinesh Khanna told Greg Macdonald that he was presently out of the office and asked that he call him back in a couple of hours;
- d. On May 7, 2009 at approximately 3:30 p.m. Greg Macdonald called North American Mailing LTD. business phone number and spoke with Dinesh Khanna. Greg Macdonald told Dinesh Khanna that despite Canada Post's efforts some of the Pamphlets were delivered. Greg Macdonald explained it was important for him to speak directly with the sponsors of the Pamphlets. Dinesh Khanna "seemed convinced" his clients were registered. Greg Macdonald informed Dinesh Khanna that Eric Kwon and the Vancouver Family of Small business were not registered with Election BC. Greg Macdonald requested that Dinesh Khanna have his client contact him. Dinesh Khanna said he would notify them. Macdonald's impression was that Dinesh Khanna was trying to skirt the issue and wasn't forward about providing the contact information;
- e. On May 8, 2009 at 9:00 A.M. Greg Macdonald checked his voice mail and recovered a message to call "Jag" at North American Mailing LTD, 604-928-6245. "Jag's" message stated he had the names of the clients and their election advertising sponsor registration forms. Greg Macdonald returned "Jag's" call, but didn't leave a message when the answering

machine picked up. Greg Macdonald called North American Mailing LTD. 15 minutes later. Dinesh Khanna answered the call stating that "Jag" was out of the office but Dinesh would have "Jag" call him. Greg Macdonald left a voice message for "Jag" to call him at 2:30 P.M. since he had not heard from "Jag";

56. I reviewed the Telephone Records for May 7, 2009 and learned that at 5:06 p.m. the North American Mailing Cellular called Elections BC for 125 seconds. This would account for the message left.
57. In regards to the statement on June 23, 2009 provided by Macdonald he went on to say that:
 - a. On Monday May 11, 2009 at 8:45 a.m., Greg Macdonald checked his voice mail and found that he had a message from "Jag". The message had been received some time since he had left work on the previous Friday. In the message "Jag" was expressing concern about a newspaper article in the Vancouver Sun, stating "We took it to Canada Post to get approval; left it with them to say whether or not they're going to send it out or not. They said no to us, so we took it back and they sent it. We didn't do anything".
58. On March 17, 2010 I read a report written by Cpl. Lisa Thoms ("Cpl. Thoms") which detailed her analysis of the Telephone Records for May 11, 2009. From this report I learned:
 - a. Between 8:10 a.m. and 8:28 a.m. Barinder Sall's Residential Telephone called Elections BC on the number 250-387-5305 four times. The duration for each of these calls were one minute or less.

[This would account for the message left for Macdonald by "Jag".]

- b. Cell tower analysis is consistent with Barinder Sall's Cellular being in the vicinity of the Barinder Sall Residence at this time.
59. In regards to the information provided within the statement of Macdonald on June 23, 2009 he went on to say that:
- a. Shortly after listening to the message from "Jag", Macdonald received a call from "Jag". "Jag" said:
 - i) North American Mailing had received calls from the media and were worried about their reputation because they do mailings like this for "everyone";
 - ii) "Jag" was unable to find any contact information of the person responsible for the mailings because he had been busy and needed to sort through paperwork;
 - iii) "Jag" described the client as a Chinese male, who was not a regular customer, that wished the mailings to go to Richmond, Surrey-Newton and Vancouver [As set out later, the mailings were sent only to the Vancouver - Fraserview Electoral District];
 - iv) "Jag" said they wanted payment up front via bank draft or cash but the client came in with three cheques, which made him suspicious about getting paid [As set out later, Dinesh Khanna said he received a cash payment for the mail out];
 - v) "Jag" thought they still had the client's information or possibly a cheque for \$340;
 - vi) "Jag" said the client came and took back the purchase order;

vii) "Jag" stated he would get the information for him in a couple of days; Macdonald never heard back from "Jag";

b. North American Mailing wasn't technically broadcasting or transmitting the Pamphlets to the public and therefore was not required by the Election Act to provide information to Elections BC investigators so they stopped phoning them.

60. Macdonald's Note to File states that he received the voice mail from "Jag" at 8:45 a.m. and then spoke to "Jag". There is a 5 minute discrepancy between this time and the time indicated on the Telephone Records.

[I believe Macdonald was incorrect on his note to file as to the exact time he received "Jag's" voice mail message.]

61. I have reviewed email correspondence between Elections BC and Cst. Stark which states that 250-952-6164 is Macdonald's direct phone line at Elections BC.

62. On March 17, 2010 I reviewed the Telephone Records and learned that:

a. On May 11, 2009 at 8:36 a.m. Telephone Records show that North American's Cellular called Barinder Sall's Cellular for 155 seconds.

i) Cell tower usage states that Barinder Sall's Cellular was in the vicinity of the Barinder Sall Residence at the time.

ii) North American's Cellular was in the vicinity of the Khanna Residence at the same time;

b. On May 11, 2009 at 8:40 a.m. Telephone Records show that Barinder Sall's Residential Phone called Elections BC at 250-952-6164 for 12 minutes.

[Because this call is a long distance landline call the 12 minute reference indicates that the duration of this call was within the range of 11 minutes and 1 second in length to 12 minutes in length. Consequently the call would have ended within the range of 8:51:01 a.m. to 8:51:59 a.m.];

63. On March 17, 2010 I reviewed the Telephone Records for May 11, 2009. At 8:51:50 a.m. Barinder Sall's Cellular called the North American Cellular for 128 seconds.
- a. Cell tower usage shows that Barinder Sall's Cellular was in the vicinity of the Barinder Sall Residence at that time.
 - b. North American's Cellular was in the vicinity of the Khanna Residence at the same time.

[I believe that Barinder Sall contacted Macdonald posing as "Jag" and that he contacted Dinesh Khanna before and after the call to Macdonald.]

North American Mailing

64. On June 18, 2009, Cst. Stark attended the office of the City of Richmond where she spoke with Victor Duarte ("Duarte"), Business Licence Inspector for the City of Richmond. Duarte provided Cst. Stark with information regarding North American Mailing which I reviewed and learned that;
- a. North American holds a business license as a mailing and sorting company located at 112-11782 River Road, Richmond, BC, V6X 1Z7;
 - b. The principal and emergency contact listed on the business license is Dinesh Khanna;

[Based on this information, I believe "Dinesh" referred to by Williams to be Dinesh Khanna.]

65. Both telephone numbers provided to Macdonald, 604-233-6245 and 604-928-6245, are contact telephone numbers for North American Mailing.

Statement of Dinesh Khanna – President of North American Mailing

66. I read a report dated July 14, 2009 by Cst. Stark and learned that she and Staff Sergeant Bud Bishop ("S/Sgt. Bishop") attended North American Mailing to speak with Dinesh Khanna. Cst. Stark gave Dinesh Khanna a letter which briefly explained the nature of their investigation and requested disclosure of any related documentation from North American. The letter also explained that North American Mailing was not a subject of interest in the investigations and any information obtained from North American Mailing would not be used in any proceedings against North American Mailing or its employees. This clause was intended to provide Dinesh Khanna with assurance that the documents and information he provided would not be used against North American Mailing or its employees. Dinesh Khanna wished to read the letter and said he would get back to Cst. Stark. Dinesh Khanna said "Jag" no longer worked at North American Mailing and that "Jag" was just a friend helping him during the election time.
67. On March 17, 2010 I read a report written by Cpl. Koppang which detailed his analysis of the Telephone Records for July 14, 2009. From this report I learned:
- a. After Cst. Stark dropped off the request for information letter at 10:00 a.m. North American's Cellular was in contact with telephones registered to Amit Khanna, Eileen Frew [the wife of Keith Frew], Chander Walia, and Barinder Sall.

[I believe that Keith Frew is using a telephone registered to his wife Eileen Frew of the same address.]

68. On July 15, 2009, S/Sgt. Bishop and Cst. Stark attended North American Mailing and obtained an audio statement from Dinesh Khanna. [Since the initial statement Dinesh Khanna has admitted to lying and provided a second statement to police which will follow.] I read a transcript of the statement. Dinesh Khanna said:
 - a. On May 4, 2009, Dinesh Khanna received a call from a man who wanted to do a mail out. The man asked the price, was given a quote over the telephone and stated he would be in the next day. He told the man they accepted cash or certified cheque.
69. On March 17, 2010 I read a report written by Cpl. Robert Finnie ("Cpl. Finnie") which detailed his analysis of the Telephone Records for May 4, 2009. From this report I learned:
 - a. The North American Cellular was utilized to communicate with telephones registered to Barinder Sall, Regina Tsui, Eileen Frew [the wife of Keith Frew] and Amit Khanna on this date.
70. On March 22, 2010 I reviewed the Telephone Records and noted that to date there are no phone records that register an Eric Kwon calling the North American Cellular however there are numerous unidentified calls.
71. In regards to the statement on July 15, 2009 provided by Dinesh Khanna he went on to say that:
 - a. On May 5, 2009, this man, known only as "Eric", brought boxes of two different pamphlets [the White Pamphlet and the Blue Pamphlet] and gave

Dinesh Khanna a sheet of paper with the information of where they were to be mailed. Dinesh Khanna did not know Eric's last name [As will be set out in the Affidavit Canada Post employee William Wildstar stated that Dinesh Khanna told him that his client's name was "Eric Kwon."];

- b. Eric paid \$4000 in cash, both in Canadian one hundred and twenty dollar bills, because he could not get a certified cheque that quickly [As set out earlier, "Jag" said the client came in with three cheques to pay for the mail out];
 - c. The pamphlets were not in envelopes and were related to the election. He did not recall the specific contents of the Pamphlets;
 - d. This was Eric's first time at North American Mailing. Eric did not come upstairs to the office. The pamphlets were contained in boxes which Eric unloaded from his mini van. He described Eric as a Chinese male who spoke English well, approximately 46 years old and approximately 5'1" or 5'2" tall;
 - e. Eric stated he would be back the next day with another job;
 - f. He has no record of Eric's telephone number and does not take identification from clients wishing to do mail outs;
 - g. He filled out the paperwork with Canada Post online then dropped the pamphlets off at three different stations.
72. On March 17, 2010 I read a report written by Cpl. Finnie which detailed his analysis of the Telephone Records for May 5, 2009. From this report I learned:

- a. The North American Cellular was utilized to communicate with telephones registered to Barinder Sall, Dinesh Khanna, Amit Khanna, Eileen Frew [the wife of Keith Frew], and Chander Walia on this date;
 - b. Approximately 5 times throughout the day, the North American Cellular utilized the tower at 3071 St Edwards, Richmond BC. According to Bruce Funk's report, the rear of 8027 Fraser St, Vancouver [Vancouver - Fraserview Campaign Office], utilizes this tower;
 - c. Barinder Sall's Cellular was at or near his residence until 8:50 a.m. At about 9:30 a.m. Barinder Sall's Cellular utilized towers in Richmond. Sector examination indicates Barinder Sall's Cellular pinged sector 2 of the Eburne Tower approximately 5 times during the day. That would indicate that the phone was south of the tower. North American Mailing is south of this tower, the campaign office is to the north. Between 13:50 and 14:00, Barinder Sall's Cellular utilized a tower at 11566 Eburne Way, and around this time Amit Khanna's Cellular also utilized this same tower.
73. In regards to the statement on July 15, 2009 provided by Dinesh Khanna he went on to say that:
- a. On May 6, 2009, he received a call from Canada Post stating that the pamphlets had been rejected by Elections BC;
 - b. He went back to each postal station and picked the pamphlets up;
 - c. He did not call Eric because he knew he was coming in the next day with another mailing [As set out earlier in this statement, Dinesh Khanna said earlier he did not have Eric's telephone number];

- d. When asked if he might have Eric's telephone number on a cellular telephone bill, he stated: "No, I don't use cell phone, I use just my regular phone" [As set out in this affidavit, Dinesh Khanna has a cellular telephone registered in his name and a cellular telephone registered to North American Mailing. My review of the telephone records show both these cellular telephones were actively used.]
74. On March 17, 2010 I read a report written by Cpl. Finnie which detailed his analysis of the Telephone Records for May 6, 2009. From this report I learned:
- a. The North American Cellular communicated with telephones registered to Barinder Sall's Cellular (6 calls, almost 16 minutes in total) and Eileen Frew's Cellular [Wife of Keith Frew], on this date;
- b. Approximately 5 times during the day, the North American Cellular utilized the tower at 3071 St Edwards, Richmond BC. According to Bruce Funk's report, the rear of 8027 Fraser St, Vancouver [Vancouver - Fraserview Campaign Office], utilizes the same tower. On four additional occasions, between 9:03 p.m. and 9:50 p.m. the North American Cellular utilized other towers also associated with the Vancouver – Fraserview Campaign Office;
- c. At 7:28 p.m. Barinder Sall's Cellular utilized the tower at 13560 Mitchell Road. At 7:28 p.m. Amit Khanna's Cellular also utilized this tower at the same time. Both phones continue to utilize the tower at 13560 Mitchell Road or 11566 Eburne Way until approximately 8:33 p.m.
- [I believe that Barinder Sall and Amit Khanna were together at this point.];

- d. At 10:35 p.m. and 11:31 p.m., Barinder Sall's phone utilized the tower at 3014 Kingsway St, Vancouver consistent with being in the vicinity of the Khanna Residence.
75. In regards to the statement on July 15, 2009 provided by Dinesh Khanna he went on to say that:
- a. On May 7, 2009, Eric came back to the North American Mailing office with another mailing, which he rejected. He told Eric the pamphlets had been rejected by Elections BC because there was no name written at the bottom;
 - b. He returned the Pamphlets to Eric along with the paper that had Eric's information written down on it. He did not keep a copy of Eric's information.
76. On March 17, 2010 I read a report written by Cst. Kelly Katalinic ("Cst. Katalinic") which detailed her analysis of the Telephone Records for May 7, 2009. From this report I learned:
- a. The North American Cellular communicated with telephones registered to Amit Khanna's Cellular, Barinder Sall's Cellular and North American Landline, Eileen Frew [Keith Frew's wife], Regina Tsui and the Constituency Office Landline on this date;
 - b. At 9:53 a.m. the North American Cellular received a call from Barinder Sall's Cellular.
 - i) The North American phone was utilizing a cellular tower located at 12900 Mitchell Rd, Richmond. This is consistent with being in the vicinity of North American Mailing;

- c. At 11:45 a.m., 3:31 p.m., 5:34 p.m., 8:49 p.m. and 8:53 p.m. the North American phone utilized the cell tower located at 11566 Eburne Way, Richmond.
 - i) This is consistent with being in the vicinity of the Vancouver - Fraserview Campaign Office;
 - d. Between the hours of 1:00 p.m. and 4:43 p.m. Amit Khanna's Cellular utilized the cellular tower located at 11566 Eburne Way, Richmond seventeen times and twice utilized the cellular tower located at 9971 River Dr., Richmond. This is consistent with it being in the vicinity of the Vancouver - Fraserview Campaign Office during this time.
 - e. Barinder Sall's Cellular utilized the cellular towers located at 11566 Eburne Way, Richmond and 3071 St. Edwards, Richmond between 4:31 p.m. and 5:32 p.m. This is consistent with it being in the vicinity of the Vancouver – Fraserview Campaign Office during this time.
77. In regards to the statement on July 15, 2009 provided by Dinesh Khanna he went on to say that:
- a. He would usually create an invoice for his records, but did not in this case because the mailing was cancelled;
 - b. He returned Eric's cash because he had not deposited it yet and Canada Post gave him a credit to his "line of credit" account with them;
 - c. He did not keep any money for his services stating, "I just don't want to get involved with it..." and "I could've charged him but I just, just waived it you know";

- d. Dinesh Khanna was the only person from North American Mailing that had any dealings with Eric;
- e. Two or three days later he received a call from Elections BC;
- f. He had a friend named "Jag" helping him during the busy election time and asked "Jag" to deal with Elections BC because he was too busy. "Jag" was not an employee of North American Mailing and did not see or talk to Eric. Dinesh Khanna explained "he was here, I just told him if he can talk to them, this happened to me I don't feel comfortable, my English isn't that good so I wanted him to deal with them;
- g. He did not know why "Jag" told Elections BC that Eric paid by cheques because he told "Jag" that Eric paid cash;
- h. He did not know why "Jag" told Elections BC that he had the Election Advertising sponsor registration forms;
- i. When Dinesh Khanna was asked for a surname for "Jag" he responded "I just call him "Jag" I think." He went on to say that he could find out the surname later. Dinesh Khanna confirmed that "Jag" was his friend but he didn't know his surname. Dinesh Khanna was asked if there was a reason that he didn't want the police to know "Jag's" surname. He responded "no there's no reason, usually go by first name, I can find out.";
- j. Dinesh Khanna was asked for a telephone number for "Jag". He did not have "Jag's" telephone number readily available but could provide it later in the day or the next day;
- k. He did not recognize the name "Vancouver Family for Small Business."

78. On March 17, 2010 I read a report written by Cpl. Koppang which detailed his analysis of the Telephone Records for July 15, 2009. From this report I learned:

- a. Dinesh Khanna called Cst. Stark at 10:52 a.m. and left a message which lasted 24 seconds. Dinesh Khanna called from the North American Mailing landline;
- b. At 12:20 p.m. Barinder Sall's Cellular receives a text message from an unknown person. Barinder Sall's Cellular registers on a cellular tower in the vicinity of North American Mailing LTD. [This statement is based on a review of the cellular tower sector.];
- c. At 1:06 p.m. Cst. STARK calls Dinesh Khanna at the North American Mailing LTD. landline which lasted for 119 seconds.

[From 2:27 p.m. to 3:02 p.m. Cst. Stark and S/Sgt. Bishop conducted the interview of Dinesh Khanna.];

- d. Between 3:03 p.m. and 3:08 p.m. Barinder Sall sends and receives a total of 6 text messages. Barinder Sall's Cellular registers on a cellular tower near his residence. Barinder Sall's Cellular registers on a cellular tower near his residence for the remainder of the day;
- e. At 4:37 p.m. North American's Cellular receives a call from a phone subscribed to by Ms. Eileen Frew, [Keith Frew's wife]. North American's Cellular does not register on any cellular towers indicating that it is turned off.
- f. At 5:28 p.m. Barinder Sall's Cellular receives a call from Khanna's Residential Telephone line. This call goes to Barinder Sall's voice mail

and lasted 4 seconds. Barinder Sall's Cellular does not register on any cellular towers indicating that it is turned off.

- g. At 6:39 p.m. North American's Cellular received a call from Barinder Sall's Cellular which lasted 85 seconds. North American's Cellular registers on a cellular tower in the vicinity of his residence. Barinder Sall's Cellular registers on a cellular tower in the vicinity of his residence.

Discrepancies between "Jag" and Dinesh Khanna Version of Events
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- 79. The following issues in the account of Dinesh Khanna are inconsistent with the account provided by "Jag" to Greg Macdonald of Elections BC:
 - a. "Jag" stated Eric paid with three cheques. "Jag" thought a cheque in the amount of \$340 could possibly be still in the office. Dinesh Khanna stated Eric paid in cash;
 - b. "Jag" thought they still had the client information. Dinesh Khanna had a clear recollection of the client information being returned;
 - c. "Jag" stated he had the names of the clients and copies of their election advertising sponsorship registration forms. Dinesh Khanna did not ask for election advertising sponsorship registration forms;
 - d. "Jag" stated that the mail out was destined to go to Richmond, Surrey-Newton and Vancouver postal codes. Dinesh Khanna provided documentation that shows the mail out was destined to go only to Vancouver – Fraserview postal routes.

Follow Up with Dinesh Khanna

80. I read a police report dated October 22, 2009, written by Cpl. Koppang, from which I learned, in part, that he had attended North American and spoke to Khanna who stated the following:
- a. He had handled three or four mailings on behalf of Heed's office in the past;
 - b. For these mailings, Khanna was either contacted by Barinder Sall or Keith Frew, and he picked up the pamphlets from the constituency office at Fraser & 64th in Vancouver, BC;
 - c. Khanna made it clear that this is not what happened with the Pamphlets in this investigation.
81. [I noted the following discrepancies in Dinesh Khanna's account:
- a. That Khanna would not know the last name of "Jag", the "friend" helping him out during the busy election time;
 - b. That Khanna would return all the cash back to Eric and not charge anything for his time or fuel costs in dropping off and picking up the rejected Pamphlets from Canada Post, considering he mentioned it was a busy time during the election and that "Eric" was not a regular customer.]
82. I read a police report dated December 4, 2009, written by Cpl. Koppang, from which I learned that Khanna's lawyer, Michael Bolton ("Bolton"), called Cpl. Koppang to state that Khanna does not wish to be interviewed again and feels that he has provided all he wishes to say to police.

Pamphlet Distribution Documentation Provided by Dinesh Khanna

83. On July 15, 2009, after providing a statement, Dinesh Khanna provided Cst. Stark with four pages of documents relating to the online order for Canada Post to distribute the pamphlets on behalf of Eric. I have examined the documents provided to Cst. Stark and determined the following:
84. The first page, signed by Khanna, is form number C02780254 regarding Unaddressed Ad mail to be delivered on May 5, 2009, showing customer reference "NDP";
 - a. 11 containers, totaling 16,612 pieces;
 - b. Total cost \$1794.84 paid by business cheque #2490.
85. The second page, signed by Khanna, is form number C027279477 regarding Unaddressed Ad mail to be delivered on May 5, 2009, showing customer reference "Chinese Mail";
 - a. 16 containers, totaling 16,612 pieces;
 - b. Total cost of \$1794.84 paid by business cheque #2489.
86. The third page contained copies of two forms C027297183-0001 and C027297183-002. They state that the pieces are mailed by and mailed on the behalf of North American Mailing. They both refer to statement of mailing number C027297183, customer number 0004570162 with telephone number 604-233-6245 [North American Mailing's office telephone]. The customer reference category states, "NDP WEAK ON". The title of the mail piece category states "NDP WEAK ON CRIME".

C027297183-0001 details:

- a. 20 bundles of 100 pieces to be delivered to postal code V5X along letter carrier routes 82, 87, 88, 89, 90 and 91. Total pieces received by Canada Post were 2091 with an expected residual of 91 pieces.

C027297183-0002 details:

- b. 43 bundles of 100 pieces to be delivered to postal code V5P along letter carrier routes 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58. Total pieces received by Canada Post were 4349 with an expected residual of 49 pieces.

87. The fourth page was a copy of C027297183-0003. It refers to statement of mailing number C027297183, customer number 0004570162 with telephone number 604-233-6245 [North American Mailing's office telephone]. The customer reference category states, "NDP WEAK ON". The title of the mail piece category states "NDP WEAK ON CRIME".

C027297183-0003 details:

- a. 101 bundles of 100 pieces to be delivered to postal code V5S along all letter carrier routes and to postal code V5R along letter carrier routes 17 and 18. Total pieces received by Canada Post were 10,172 with an expected residual of 72 pieces;
- b. The total number of pieces associated to the above noted control numbers is 16,612.

[This documentation accounts for only half of the total number of pieces delivered to Canada Post, additional documentation that had not been received from Dinesh

Khanna was located during the search of North American Mailing conducted on March 25, 2010.]

88. I have reviewed a map of the Vancouver-Fraserview electoral district and have compared it with the map of the letter carrier routes and have determined that based on the postal codes and letter carrier routes given to Canada Post by North American Mailing, the pamphlets were intended to be distributed to Vancouver-Fraserview electoral district residents. The letter carrier routes covered every area of the Vancouver-Fraserview electoral district with very little overlap to outlying areas except on occasions where that route was required to cover a component of the Vancouver-Fraserview area.
89. I read a report written by Cst. Stark and learned that on July 21, 2009 she received copies of the records held by Canada Post associated to the North American delivery of the pamphlets from Larry Wong, a Canada Post postal inspector. I have examined the records and made the following observations:
 - a. Unaddressed Ad mail form number C02780254 has "Vancouver Family for Small Business" handwritten on it, and is associated to the White Pamphlet.
 - b. Unaddressed Ad mail form number C027279477 has "Eric Kwon" handwritten on it, and is associated to the Blue Pamphlet.
90. I read a report written by Cpl. Finnie and learned that on February 18, 2010; he interviewed William Wildstar ("Wildstar") in association with the Canada Post records of the North American delivery of the pamphlets. The following information was provided by Wildstar:
 - a. Wildstar called Dinesh Khanna to find out the name of "the client behind the job;"

- b. Dinesh Khanna informed Wildstar that Eric Kwon was the client associated to C027279477;
 - c. Dinesh Khanna informed Wildstar that the Vancouver Family for Small Business was the client associated to C02780254;
 - d. Wildstar wrote this information on the Canada Post copies of these documents as he was given them;
 - e. Wildstar noted that these documents have different identifier numbers because they refer to separate mailings similar in content.
91. I read a report dated September 1, 2009 written by Cst. Stark from which I learned that Gabriel Yiu identified Eric H. Quan with the Ministry of Children and Family at telephone number 604-395-6000 extension 237 as a possibility for the Eric Kwon who delivered the Pamphlets to North American Mailing.
92. I read a report dated March 4, 2010 written by Cpl. Thoms from which I learned she interviewed Eric Quan on March 4, 2010. Eric Quan provided the following information:
- a. Quan has been employed with TP Systems for the past 20 years;
 - b. Quan's job consists of maintaining computer systems for outside agencies contracted through TP Systems;
 - c. the Ministry of Children and Families is one of his contracts;
 - d. Quan was shown a copy of all three brochures and stated that he had never seen any of them before;

- e. Quan is not familiar with North American Mailing and has never used their services;
 - f. Quan is not familiar with Dinesh Khanna or anyone with the last name of Khanna;
 - g. Quan stated he is not involved in any political activity and has not worked or volunteered for any constituency office;
 - h. Cpl. Thoms commented that she felt confident that Quan was being truthful and is convinced that he has no knowledge of the production and distribution of the Pamphlets.
93. I read a report dated February 22, 2010 written by Cst. Katalinic and learned that she conducted a PRIME business query for the Vancouver Family for Small Business and found no matches. I also learned that she tasked Doris Freeston of the "E" Div CCS Analytical Support Unit with completing an internet search, BC Corporate Registry search for active and historical corporations and firms, and Society Search for the Vancouver Family for Small Business. Cst. Katalinic was present while these searches were conducted and reported that no records were found. Cst. Katalinic reported that she was unable to locate or identify any business or company referred to as the Vancouver Family for Small Business.

Attempts to Contact / Locate "Jag"

94. I read a report written by Cst. Stark stating Dinesh Khanna left a voice message for her on July 16, 2009 at 2:08 p.m. providing "Jag's" contact telephone number as 778-990-4694.

[As set out later this telephone number was activated on July 16, 2009 at 11:03 a.m. on a stolen Blackberry telephone]

95. I read the notebook entry of Cst. Stark regarding her attempts to contact "Jag" and learned:
- a. Cst. Stark placed a telephone call to "Jag" at 778-990-4694 on September 1, 2, 10 and 22, 2009. In each instance Cst. Stark received a recording that stated "The customer you are calling is unavailable, please try again later";
 - b. On September 2, 2009, Cst. Stark called North American Mailing and left a message with an employee asking Dinesh Khanna to return her call. Dinesh Khanna did not return Cst. Stark's call;
 - c. On September 10, 2009, Cst. Stark called Dinesh Khanna, who stated the telephone number he provided to her is the only number he has for "Jag".

"Jag's" Telephone Number 778-990-4694

96. I read a report dated November 19, 2009 written by Cpl. Koppang, from which I learned he had spoken with Omaye who had stated the following:
- a. Jag Singh's SIM Card was not attached to any other telephone;
 - b. Information collected on pay-as-you-go telephones upon registration is often limited and inaccurate.
97. I read police reports dated November 19, 2009, November 23, 2009 and March 3, 2010, written by Cpl. Koppang and learned:

- a. On November 19, 2009 Cpl. Koppang and Cpl. Rose attended the vicinity of 6516 Fraser Street, Vancouver [The area of the address provided by Roger's for Jag Singh] and determined that this address did not exist;
 - b. On November 23, 2009, Cpl. Koppang and Cst. Stark interviewed employee Karamdeep Singh at the Rogers store located at 6510 Fraser Street about the telephone number Khanna provided for "Jag", 778-990-4694. Karamdeep Singh provided the following information:
 - i) Jag Singh's SIM Card, was activated on July 16, 2009 from their location and was in a Blackberry Pearl cellular telephone bearing IMEI # 3560 2802 5022 311;
 - ii) Neither the Blackberry Pearl bearing IMEI # 3560 2802 5022 311 nor Jag Singh's SIM Card were purchased at his store;
 - iii) Three walk-in customers purchased pay-as-you-go authorization numbers on July 16, 2009. The first was a cash purchase for a \$10.00 card at 10:55 a.m. The second was a cash purchase for a \$10.00 card at 10:59 a.m. The third was cash purchase for a \$20.00 card at 7:00 p.m.
98. I read a police report written by Cpl. Koppang. On November 23, 2009 Cpl. Koppang spoke to David Mak ("Mak") of Rogers Security regarding the Blackberry Pearl bearing IMEI # 3560 2802 5022 311. Mak said:
- a. The Blackberry Pearl bearing IMEI # 3560 2802 5022 311 had not been used in the past 90 days and it was not currently attached to any other Rogers SIM card;

- b. The Blackberry Pearl bearing IMEI # 3560 2802 5022 311 is model #8220. It is not offered as a part of the pay-as-you-go package that Rogers offers and would cost approximately \$150 if purchased separately. It is a GSM only telephone, which means it can only be used on the Rogers network.
99. I read police reports written by Cst. Stark regarding Jag Singh's SIM Card and Blackberry Pearl bearing IMEI # 3560 2802 5022 311 and learned the following:
- a. On November 30, 2009 Cst. Stark received an email from Simon Rodger ("Rodger"), Inventory Manager at the Calgary Distribution Centre, stating that Blackberry Pearl bearing IMEI # 3560 2802 5022 311 was sold to Cellcom located at 17650 66A Avenue, Surrey;
 - b. On November 30, 2009 Cst. Stark spoke with Marg Mithrush ("Mithrush"), the office manager of Cellcom. Mithrush said that Jag Singh's IMEI shipped to a Rogers store in Kamloops, BC, located in the Columbia Place Shopping Centre on Summit Drive and that:
 - i) This Rogers store was broken into on March 1, 2009;
 - ii) Blackberry Pearl bearing IMEI # 3560 2802 5022 311 ("Stolen Device") was one of many cellular telephones stolen;
 - iii) Mithrush confirmed that an IMEI # is the same as a serial number.
100. On November 30, 2009, Cst. Stark spoke with Vicki Gyeger ("Gyeger"), disclosure clerk with the Kamloops RCMP and received a faxed police report regarding the break in at the Rogers store in Kamloops, their file 2009-4592. I read a copy of the report and learned:

- a. Numerous cellular telephones were stolen for a loss of approximately \$38,000.00;
 - b. The store did not have video surveillance and there were no witnesses;
 - c. There are no suspects to date.
101. On December 2, 2009, Cst. Stark called Mithrush and learned:
- a. They do not keep a record of SIM cards that are sent with IMEI's;
 - b. Once a SIM card has been activated, they can be re-activated with a new telephone number.
102. On March 17, 2010 I read a report written by Cpl. Koppang which detailed his analysis of the Telephone Records for July 16, 2009. From this report I learned:
- b. At 9:57 a.m. North American's Cellular called a phone subscribed to Antonio TAPIA which lasted 3 seconds.
 - i. North American's Cellular registered on a cellular tower in the vicinity of the Khanna residence;
 - c. At 10:01 a.m. North American's Cellular received a call from Barinder Sall's Cellular which lasted 17 seconds.
 - i. North American Cellular registered on a cellular tower in the vicinity of the Khanna residence;
 - d. At 10:51 a.m. Barinder Sall's Cellular registered on a cell tower that was in the vicinity of his residence which is also in the vicinity of the Roger's store located at 6510 Fraser Street, Vancouver, where the Stolen Device was registered;

- e. From 10:51 a.m. until 11:09 a.m. Barinder Sall's Cellular does not receive or send any texts or calls;
- f. At 11:03 a.m. the Stolen Device is activated on the Rogers network. The Stolen Device is only turned on from 11:03 a.m. until 11:13 a.m. Between 11:03 a.m. and 11:13 a.m. the Stolen Device registers on cellular towers in the vicinity of Barinder Sall's residence which is also in the vicinity of the Roger's store located at 6510 Fraser Street, Vancouver;
- g. At 11:09 a.m. Barinder Sall's Cellular sent a text message. Barinder Sall's Cellular registered on a cellular tower in the vicinity of Barinder Sall's Residence which is also the vicinity of the Roger's store located at 6510 Fraser Street, Vancouver;
- h. At 11:10 a.m. the North American Cellular received a call from Barinder Sall's Cellular which lasted 51 seconds.
 - i. The North American Cellular registered on a cellular tower in the vicinity of North American Mailing LTD.
 - ii. Barinder Sall's Cellular registered on a cellular tower in the vicinity of Barinder Sall's residence which is also the vicinity of the Roger's store located at 6510 Fraser Street, Vancouver.

[I believe that Barinder Sall activated the Stolen Device at the Roger's store located at 6510 Fraser Street, Vancouver and that Dinesh Khanna was at North American Mailing at that time. I also believe that Barinder Sall provided Dinesh Khanna with the Stolen Device's phone number so he could provide it to police.]

103. I have read a report dated February 25, 2010 written by Cpl. Koppang regarding his analysis of integrated phone records regarding Amit Khanna's SIM card, dates and times of use and the telephones in which the SIM card was used. I examined the RIM data associated to Amit Khanna's cellular telephone and the RIM data associated to the Stolen Device. Based on these sources I learned the following information:

- a. Amit Khanna SIM card is attached to telephone number 604-773-2554;
- b. From August 4, 2009 at 12:31 p.m. to August 6, 2009 10:19 a.m. Amit Khanna's SIM is used in the Stolen Device.

104. On March 23, 2010 I read a report by S/Sgt. Trevor Dusterhoft ("S/Sgt. Dusterhoft") summarizing an interview of Amit Khanna on March 17, 2010. From this report I learned:

- a. Amit Khanna advised that his cellular had broken;
- b. Barinder Sall provided Amit Khanna with the Stolen Device on August 4, 2009;
- c. Amit Khanna stated that he returned the Stolen Device to Barinder Sall.

[I believe that Amit Khanna did not have knowledge of the Stolen Device being property obtained by crime and that his recollection of events is consistent with the information provided within the Telephone Records.]

[After the Stolen Device was returned to Barinder Sall it is unknown what happened to it. The whereabouts of Jag Singh's SIM Card is also unknown.]

Efforts to Locate a Relevant "Jag Singh"

105. I read a police report dated February 24, 2010, written by Cst. Katalinic, from which I learned that she was advised by Mike Ferguson ("Ferguson") of ICBC that the BC driver's license data base contained records for 253 persons with the name Jag Singh. Further, the BC Identification data base contained records for 24 persons with the name Jag Singh.
106. On March 23, 2010 I reviewed the Telephone Records and have not identified any persons named, or any having a variation of, Jag Singh being in contact with Dinesh Khanna who provided the story of his friend "Jag". The only persons, with any variation of Jag Singh, that have been identified have been associated to Barinder Sall.
107. I read a Public Eye news article date April 4, 2006, titled "Breakfast with Barinder." The article refers to a breakfast gathering for Attorney General Oppal, organized by Barinder Sall. Amongst the persons identified as being in attendance was Jagmohan Singh:
- a. I read the "List of Candidates - General Election 2009" published on the Elections BC website and learned that Jagmohan Singh was the Liberal candidate in the Surrey-Fleetwood electoral district;
 - b. On March 23, 2010 I reviewed the Telephone Records and determined that Jag Mohan Singh cellular telephone 604-961-7299 called Barinder Sall's cellular telephone on July 16, 2009 [the day "Jag's" cellular telephone number was activated] at 9:42 a.m., 4:07 p.m. and 6:48 p.m. for 7 seconds, 3 seconds and 3 seconds respectively. [I believe this to be Jagmohan Singh.]

c. I read a report written by Cpl. Finnie and learned that he and Cst. Judd interviewed Jagmohan Singh on February 10, 2010 and acquired a recorded statement. The purpose of the interview was to determine if this was the Jag Singh associated to the mail out referred to by Dinesh Khanna. I have read the transcript of the statement of Jagmohan Singh and he provided the following information:

- i) Jagmohan Singh did not work for a company called North American Mailing;
- ii) Jagmohan Singh did not recognize the name Dinesh Khanna;
- iii) Jagmohan Singh did recognize the name Dinesh as a person who conducted mail outs on behalf of his campaign.

[Jagmohan Singh was a Liberal candidate in the 2009 Election in the Surrey Fleetwood electoral district];

- iv) Jagmohan Singh said he has never met Dinesh and the only relationship they would have had, was the contractual relationship of the mail outs.

[I do not believe that this is the "Jag" to which Dinesh Khanna refers as a friend who helped him during the election.]

108. On March 23, 2010 I reviewed the Telephone Records and determined that Jagdarshanjit Singh Rai telephone 604-781-9994 called Barinder Sall's cellular telephone on July 16, 2009 [the day "Jag's" cellular telephone number was activated] at 10:08 a.m. for 368 seconds;

109. I read a transcript of a statement provided by Jagdarshanjit Singh Rai to S/Sgt. Dusterhoft and Cst. Katalinic on February 23, 2010. Jagdarshanjit Singh Rai provided the following information:

- a. He has never been employed by North American Mailing;
- b. He has never heard of a company named North American Mailing;
- c. He does not know anyone named Dinesh Khanna;
- d. He did not recognize telephone number 778-990-4694 as belonging to anyone he knew.

[I do not believe that this is the "Jag" to which Dinesh Khanna refers as a friend who helped him during the election.]

110. On March 23, 2010 I reviewed the Telephone Records and I determined that Jagat Printers telephone 604-299-0251 called or was called by Barinder Sall's cellular telephone on fifty three occasions between April 15, 2009 and October 28, 2009:

- a. I have read a companies branch report associated to Jagat Printers and learned that the President and sole director is Gurinder Purewal of 4436 Dundas Street, Burnaby;

[No connection has been found between Gurinder Purewal and Dinesh Khanna. There appears to be a significant connection between Gurinder Purewal and Barinder Sall. An interview was not conducted with Gurinder Purewal at this time as it may jeopardize the investigation in that Gurinder Purewal may share the content of the interview with Barinder Sall.]

[To date all efforts to locate a “Jag” who is a friend of Dinesh Khanna who assisted him at North American Mailing during the election and provided information to Macdonald in regards to the Elections BC investigation have been negative.]

Why “Jag” Does Not Exist

111. [Based on the information provided by Macdonald, I noted that Macdonald was never successful in contacting “Jag” directly at North American. When Macdonald tried to call “Jag” at North American, he either had to leave a voice message for “Jag”, or was told that “Jag” was not in the office and “Jag” would have to call him back. Every telephone conversation held between Macdonald and “Jag” were telephone calls initiated by “Jag”.]
112. On March 17, 2010 I read a report written by Cpl. Koppang which detailed his analysis of the Telephone Records for July 16, 2009. From this report I learned that:
 - a. “Jag’s” phone was activated July 16, 2009 at 11:03 a.m. on the Roger’s network;
 - b. Between 11:03 and 11:13 the “Jag’s” phone registers on cellular towers in the vicinity of Barinder Sall’s residence which is also in the vicinity of the Roger’s store located at 6510 Fraser Street, Vancouver;
 - i) Between 11:03 a.m. and 11:07 a.m. “Jag’s” phone received 9 text messages;
 - ii) At 11:07 a.m. a call is made from “Jag’s” phone to customer service lasting 73 seconds;

- iii) Between 11:07 a.m. and 11:08 a.m. "Jag's" phone received 4 text messages;
- iv) At 11:13 "Jag's" phone received a final text message before ceasing to register on any cellular towers on this date.

113. On March 23, 2010 I reviewed the Telephone Records and noted that since the activities on July 16, 2009 the Telephone Records show no further activity of "Jag's" Sim Card registering any cell towers.

114. [The telephone number given to Cst. Stark by Dinesh Khanna for "Jag" was registered to Jag Singh on the same day it was provided. The associated telephone was stolen. In addition the address provided for Jag Singh was a fictitious address.]

115. [Information collected on pay-as-you-go telephones upon registration is often limited and inaccurate.]

116. [When asked about "Jag", Dinesh Khanna's stated the following:

- a. When asked "Jag's" last name he stated "I just call him "Jag" I think" and "I can find out". He did not have a telephone number for "Jag", but stated he could get it.

It is unusual that Dinesh Khanna would not know the last name of a friend and to refer to him as "Jag I think".]

117. [Telephone Records show that the call coinciding with Macdonald's notes and recollection of "Jag's" phone call, on May 11, 2009, originates from the residence of Barinder Sall and that Barinder Sall was in the vicinity of the Barinder Sall Residence at that time.]

118. [Telephone Records show that on May 11, 2009, before the call to Macdonald's direct line at Elections BC Barinder Sall's Cellular received a call from North American's Cellular. Within 49 seconds after the call to Macdonald, Barinder Sall's Cellular called North American's Cellular. Barinder Sall's Cellular was within the vicinity of the Barinder Sall residence at that time and North American's Cellular was in the vicinity of the Khanna residence for both of these calls.]

119. As will be discussed within a warned statement provided by Dinesh Khanna on March 25, 2010 Dinesh Khanna admits that Jag was in fact Barinder Sall.

Vancouver - Fraserview Electoral District

Gabriel Yiu – Vancouver - Fraserview NDP Candidate

120. On September 8, 2009, Sergeant Gerard West ("Sgt. West") and Cst. Stark met with Yiu. I read a prepared statement provided by Yiu and learned the following:
- a. Salvatore Dhesi, a volunteer in Heed's Vancouver-Fraserview BC Liberal campaign office, may have had knowledge of the Pamphlets and could be reached at telephone number 778-837-2080;
 - b. The people responsible for the Pamphlets had very accurate voter information such as name, address, telephone number, racial background and voting preference;
 - c. Only the BC Liberal and BC NDP political parties had done extensive polling and could possess such information.

Guljinder Dhesi – Volunteer at Vancouver - Fraserview Liberal Office

121. On September 24, 2009, Sgt. West and Cst. Stark obtained an audio statement from Guljinder “Salvatore” Dhesi (“Dhesi”). I read a transcript of the statement and learned:

- a. Dhesi was a volunteer in Heed's Vancouver-Fraserview BC Liberal campaign office on Fraser Street in Vancouver;
- b. Barinder Sall was the campaign manager. Dhesi went to High School with Barinder Sall. Dhesi said Barinder Sall “knew everything about that campaign, A to Z.” Barinder Sall was very active in the riding. Barinder Sall was “the key guy there like the manager something;
- c. Gina was a Chinese lady in her 50's who had her own team which were primarily all Chinese background. Gina dealt with the Chinese constituents and acted as a translator. Gina was paid. Gina was very active in the riding;
- d. Keith was a Caucasian male in his 50's who was paid. Keith had worked in the constituency office with former Vancouver - Fraserview MLA Oppal;
- e. Dhesi happened to walk into Kash Heed's campaign office near the end of the election campaign as Gina's team of five to eight people were preparing to go out and hand out election advertising. Dhesi said “they were reading it over and stuffing it, ready to go” Dhesi asked if he could help. Dhesi was told “it (was) just stuff for certain people handing out” and to stay in the office. Although he was not certain, Dhesi thought it may have been Keith that told him that his help was not needed;

- f. Dhesi picked up a copy of the election advertising that was being prepared from the table and looked at it. Dhesi stated that he didn't "remember exact detail" but described the election advertising as follows:
- i) The election advertising being prepared were pamphlets;
 - ii) "Some colored paper, I don't know, I think it was blue or white or something like that" and "So, I think it was white I don't know. I don't remember exactly what color.";
 - iii) It said the NDP is no good;
 - iv) It had black lettering, with pictures and words. There were pictures of people's faces, people walking about and bicycles;
 - v) Part was in English and part was in Chinese;
 - vi) There was text on both sides of the page.
- g. Dhesi had not seen this election advertising before. Dhesi was told to put the election advertising down and they didn't need his help;
- h. Some of the election advertising was put into white envelopes. Some of the envelopes were put into personal bags and purses. Gina and the delivery team left with the election advertising a couple of minutes later. Dhesi "thinks" Barinder Sall and Keith left the office at about the same time. Dhesi did not believe Amit Khanna was involved with this delivery;
- i. Amit Khanna was a volunteer who was called in by Barinder Sall, however he does not believe Amit Khanna was involved in the distribution of the pamphlets.

122. On March 17, 2010 I read a vital statistics report from which I learned, in part, that Amit Khanna's father is Dinesh Khanna.

Amit Khanna's First Interview

123. I read a police report dated October 20, 2009, written by Cpl. Koppang, from which I learned, in part, that he had contacted Amit Khanna on May 20 2009 by calling his cellular telephone number 604-773-2554 to arrange an interview with him. Cpl. Koppang did not identify the matter under investigation nor his association to the Commercial Crime Section.

124. On October 21, 2009, Cpl. Koppang obtained an audio statement from Amit Khanna. I read a transcript of the statement. Amit Khanna said:

- a. He is the son of Dinesh Khanna;
- b. Amit Khanna was a volunteer in Kash Heed's Vancouver-Fraserview BC Liberal campaign office and acted as Kash Heed's personal assistant;
- c. Amit Khanna described Barinder Sall as the campaign "quarterback." Barinder Sall previously worked with MLA Ken Johnston ("Johnston") and MLA Rob Nijjar ("Nijjar") . Barinder Sall was a ministerial assistant for former MLA Wally Oppal ("Oppal");
- d. Amit Khanna described Sameer Ismail ("Ismail") as the "communications chair." Amit Khanna described Sameer Ismail as being "very, very political" who "bleeds and breathes like, Liberal stuff." Amit Khanna stated "Sameer would tell Kash (Heed) exactly what to say when the media came in. So he was like in his head;"

- e. Amit Khanna described Keith Frew ("Frew") as the "constituency assistant in the office of MLA." Frew held a similar position with former MLA's Nijjar and Oppal. During an election campaign Frew acted as the manager of the campaign office. Frew was said to have the "finger puppets" telling people what to do and where to go. Frew handled a "mail out" of election advertising. Frew had "all the (campaign) money" and (campaign) credit card;

[I believe that the Keith described in Dhesi's statement to be Keith Frew.]

- f. Amit Khanna described Regina Tsui ("Tsui") as a part time constituency office assistant working with Frew for Heed. Tsui held a similar position with former MLA's Johnston and Oppal. Tsui can speak, read, write and translate to and from Chinese. The Vancouver- Fraserview electoral district contains a large number of Chinese speaking constituents. During the election campaign, Tsui organized all the events that dealt with the Chinese community including the "phone banking" and "door knocking." Tsui was the "one who would go out with everybody and you know hand out flyers and stuff like that." Tsui assisted Amit Khanna in translating English text into Chinese for the purpose of creating election advertising;

[I believe that the Gina described in Dhesi's statement to be Regina Tsui.]

- g. Amit Khanna described Barinder Sall, Ismail, Tsui and Frew collectively as the "main four" in Kash Heed's campaign office;
- h. There were five legitimate BC Liberal pamphlets in their office that they would go canvassing with (not the Pamphlets);

- i. They had a map of how people voted last time, and first targeted the BC Liberal areas, then in the last couple of weeks they'd target the people that voted NDP;
 - j. Barinder Sall and Ismail were upset at Yiu's negative political attacks against Heed. Ismail spent time in the library digging up dirt on Yiu, and once stated "we have so much on Gabriel, if he thinks he's taking us down, we're taking him down";
 - k. Amit Khanna did not recognize the name Eric Kwon or Vancouver Family for small business;
 - l. Amit Khanna stated his father, Dinesh Khanna probably knew Barinder Sall as a result of previous elections. Dinesh Khanna worked as an election campaign volunteer in support of Liberal MLA Rob Nijjar. Amit Khanna described Dinesh Khanna and Rob Nijjar as being "good, good friends" for a time but "something happened" between them and they stopped talking. Amit Khanna stated the strained relationship with Rob Nijjar "kinda soured" Dinesh Khanna's relationship with the Liberal Party but he still did business with them.
125. Cpl. Koppang showed Amit Khanna the Pamphlets. At first he stated he had not seen them before but after consideration he stated:
- a. Amit Khanna stated that he recognized the Blue Pamphlet. On two separate occasions Amit Khanna pointed to the image of Betty Yan and stated it specifically stood out in his memory. Amit Khanna stated that he didn't know who the woman was but recalled her image on the Blue Pamphlet:

- i) The context of his recollection was that the Blue Pamphlet had been found on the street while canvassing, he thought by Quinne, and brought back to the constituency office. The Blue Pamphlet was "scrumped" and washed out because of the rain. Amit Khanna recalled the Blue Pamphlet being on Kash Heed's desk, it had been translated by staff. Amit Khanna believed Kash Heed was angry about the Blue Pamphlet because he found it to be a personal attack. Amit Khanna quotes Kash Heed as saying " I'm in politics, I'm trying to you know, I live my life like this with integrity and then this all of a sudden this guys coming out and saying this kind of shit about me."

[Quinne is believed to be Quinne Ko a volunteer at the Heed Campaign Office.];

- ii) At this point Cpl. Koppang explained to Amit Khanna that the Blue Pamphlet wasn't attacking the Liberals, it was attacking the NDP. Amit Khanna maintained that he had seen the Blue Pamphlet on Kash Heed's desk.

b. The Blue Pamphlet differs from the Anti Liberal flyer in the following ways;

- i) The Blue Pamphlet is entirely in Chinese while the Anti Liberal flyer is entirely in English;
- ii) The Blue Pamphlet contains 15 images while the Anti Liberal flyer contains no images;
- iii) The text of the Blue Pamphlet is substantially smaller than the Anti Liberal flyer;

- iv) The Blue Pamphlet does not mention the name Kash Heed
- c. Cpl. Koppang presented Amit Khanna with a copy of the White Pamphlet and asked if he recognized it. Amit Khanna responded, "I remember seeing something like this." Later on in the conversation, Amit Khanna stated "This one I saw it, it might not have been completed. But I remember seeing NDP like this." Amit Khanna recalled the NDP text being on an angle. Later in the interview, Amit Khanna described the pamphlet as having blank areas like it was in an early stage of production. The White Pamphlet was in a clear envelope on a table in the back of the campaign office where the public did not have access. Amit Khanna stated the table was used by a number of people in the office. He would pick up his campaign paper work from the same table. "It was things Kash went through every day. So newspapers, Chinese newspapers and then the girls would write their notes on what it says and what not, Um, so it might have been from there for him to look at, I'm not sure but I will have to look.";
- d. Amit Khanna stated that he had nothing to do with creating or distributing the pamphlets. Amit Khanna stated that he was not aware of anyone from Kash Heed's election campaign creating or distributing the pamphlets. The election advertising that Amit Khanna witnessed being distributed by the Kash Heed campaign were the authorized pamphlets. Amit Khanna stated "I wouldn't do anything stupid like this. Especially if I was working for Kash Heed. Like that is the last person in the world I wanna let down." Amit Khanna is certain that the pamphlet templates were not contained within the computers in the campaign office because he knew what was on them;

- e. After being presented with the facts to date regarding the activities within the Heed Constituency Office Amit Khanna states, in reference to Barinder Sall and Sameer Ismail, that "I'm pretty sure it's one of those two, like ninety five percent. I know it wasn't me, But I'm saying, it's probably one of those, no doubt" who were responsible.
126. I read a police report written by Cpl. Koppang, and learned that when Cpl. Koppang met with Amit Khanna at the E Division Commercial Crime office on October 21, 2009 he was accompanied by a male who called himself "Birdie". [Amit Khanna clarified within his statement that Birdie was Barinder Sall]. Birdie wanted to be present during the interview; however, Cpl. Koppang did not allow it.
127. I read a police report dated October 22, 2009, written by Cpl. Koppang, from which I learned that he spoke to Amit Khanna who provided, in part, the following information:
- a. He had spoken to Barinder Sall about the interview;
 - b. Barinder Sall told him not to worry about the RCMP investigation because he had made a complaint about pamphlets to Elections BC;
 - c. Barinder Sall intended to call Cpl. Koppang.
128. I received an email dated March 22, 2010 from Cpl. Koppang who said that Barinder Sall had not contacted him.
129. On March 17, 2010 I read a report written by Cpl. NG which detailed her analysis of the Telephone Records for October 21, 2009. From this report I learned:

- a. Prior to Amit Khanna's interview Barinder Sall's Cellular contacts Amit Khanna at 9:17 a.m. and 9:40 a.m.

[Barinder Sall and Amit Khanna meet and attend to the office together for the interview.];

- b. After Amit Khanna's interview, on May 21, 2009, Barinder Sall's Cellular has contact with telephones registered to Regina Tsui, Kash Heed and Amit Khanna;
- c. After Amit Khanna's interview, on May 21, 2009, his cellular has contact with Sameer Ismail and Barinder Sall.

Amit Khanna's Second Interview

130. On March 23, 2010 I read a report prepared by S/Sgt. Dusterhoft who conducted an interview of Amit Khanna on March 17, 2010. I learned that within Amit Khanna's statement the following points of clarification were made:

- a. When shown the Anti Liberal Flyer Amit Khanna states that he had never seen the flyer before.

[Indicating that Amit Khanna did not confuse the Anti Liberal Pamphlet for the Blue Pamphlet.];

- b. When shown the Blue Pamphlet Amit Khanna states that that is the pamphlet he saw on Kash Heed's desk, he recognized the picture[of Betty Yan.] He thought that Quinne had brought it into the office. Kash Heed approached Barinder Sall and Sameer Ismail about the pamphlet and was upset. Keith Frew was in the office when this occurred;
- c. Barinder Sall was the "quarterback" of the entire office;

- d. Amit Khanna confirmed that he saw an early production version of the White Pamphlet with NDP on a slant on the desks in the area of Barinder Sall and Sameer Ismail.

Quinne Ko – Heed’s Campaign Office Volunteer
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131. On March 29, 2010 I read a report prepared by S/Sgt. Dusterhoft who conducted an interview of Quinne Ko (“Ko”) on March 22, 2004. From this report I learned that Ko when presented with the Pamphlets stated that she had not seen them before.

[This indicates that Ko did not bring the blue pamphlet into Kash Heeds Electoral Office as had been suggested by Amit Khanna.]

Regina Tsui – Heed’s Campaign Office Staff
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132. On March 23, 2010 and March 29, 2010 I spoke to Cpl. Ng who conducted an interview of Regina Tsui on March 22, 2010. From that discussion I learned that:
 - a. When presented with the Pamphlets Tsui stated she had not seen them before;
 - b. Tsui stated she did not deliver any campaign advertising in white envelopes;
 - c. Tsui stated Barinder Sall was the campaign manager;
 - d. Barinder Sall had the non-Chinese volunteer list;
 - e. Tsui stated that she was the only point of contact between her Chinese volunteers and the campaign staff.

[This indicates that Tsui was not aware of or involved in the production and distribution of the Pamphlets. When investigators followed up with Tsui in her second statement, she made statements at that time and then admitted to lying.]

Keith Frew – Heed’s Campaign Office Manager

133. [I believe Keith Frew (“Frew”) was the office manager in Heed’s campaign office based on the following:

- a. Dhesi stated Keith, a male in his 50’s, worked in the Heed’s campaign office and worked in the constituency office with Wally Oppal before;
- b. Amit Khanna stated Frew was the campaign office manager;
- c. [As will be detailed during an interview on March 25, 2009 Keith Frew stated that he was the office manager for the Heed campaign office.]

134. On March 19, 2010 I read a PRIME query for Frew. It was learned that in February 2009 Frew told the police he was employed at Wally Oppal’s MLA office located at 3158 E. 54th Avenue, Vancouver, BC.

Satpal Johl – Kash Heed’s Financial Agent

135. I read an appointment of Financial Agent document which lists Satpal Johl (“Johl”) as the financial agent for Kash Heed in the Vancouver Fraserview electoral district.

136. On April 8, 2010 Johl provided a taped statement to Cpl Finnie and Cpl. Koppang. I have read a proofed copy of this statement and learned:

- a. That in late March Barinder Sall phoned Johl and advised him of an expense that wasn't properly recorded and that we would have to adjust for it. Barinder Sall did not elaborate as to the nature of the expense and Johl told Barinder Sall to come in and show him and tell him what it was about. Johl called Barinder Sall back a few days later but Barinder Sall did not return the call.

Ken Johnston – Kash Heed's Deputy Financial Agent

137. I read an appointment of Deputy Financial Agent document which lists Ken Johnston as the Deputy Financial Agent for Kash Heed in the Vancouver Fraserview electoral district.
138. On March 31, 2010 Ken Johnston provided a statement to S/Sgt. Dusterhoft and Cpl. Chuck Kolot ("Cpl.Kolot") I have read a proofed copy of this statement and learned:
 - a. That in the last two weeks of the election period Barinder Sall told him that Dinesh Khanna took some pamphlets to Canada Post and that Canada Post wouldn't accept them and took them back, and that, "some of the pamphlets got out or something."

Barinder Sall – Kash Heed's Official Agent

139. I have examined a completed Elections BC form titled Appointment of Official agent received April 17, 2009 and determined that Kash Heed appointed Barinder Sall to be his Official Agent effective April 15, 2009. Barinder Sall provided a residential address of 1012 East 51st Avenue, Vancouver, a home phone number of 604-720-1829 and a contact telephone number of 604-325-

2200. [As set out later, 604-720-1829 is a cellular telephone registered to Barinder Sall.]

[I believe Barinder Sall was the campaign manager for Heed's Vancouver-Fraserview BC Liberal campaign based on the information provided by Macdonald, Western and Dhesi.]

140. I read a PRIME report for queries conducted on Barinder Sall and learned:

a. Barinder Sall was associated to two addresses;

i) 1333 E. 55th Street, Vancouver; and

ii) 1012 E. 51st Avenue, Vancouver, BC, [Per surveillance this appears to be Barinder Sall's current address];

b. Barinder Sall was associated to two telephone numbers,

i) 604-325-9272;

ii) 604-720-1829.

141. On November 4, 2009, I read a vital statistics report from which I learned, in part, the following:

a. Barinder Sall's father is Parmjit Singh Barinder Sall;

b. Barinder Sall's mother is Sukhdev Kaur Barinder Sall;

c. Barinder Sall's wife is Sandeep Dhani.

d. Date of Birth July 21, 1962.

142. On November 6, 2009, I read a land titles document from which I learned, in part, that the residence at 1012 E. 51st Avenue, Vancouver, BC, and the residence at 1333 E. 55th Street, Vancouver are owned by Parmjit and Sukhdev Barinder Sall [Barinder Sall's parents].
143. I have read BC Company Summaries and Corporate Registries and learned that Barinder Sall is the sole proprietor of Maximus Marketing.
144. I have read a report dated February 11, 2010 written by Cst. Katalinic from which I learned that there is no company registered as Empir Group and that the City of Richmond has no business licenses issued to Empir at 2-3331 Viking Way Richmond.

Warned Statement of Dinesh Khanna

145. On March 25, 2010 at 2:15 p.m. Dinesh Khanna was arrested for obstruction of justice. Dinesh Khanna accessed counsel from 4:02 p.m. to 4:11 p.m. Dinesh Khanna provided a warned statement to police at 6:46 p.m. I have read a summary of this interview written by Sgt John Taylor ("Sgt. Taylor") and from this summary I have learned:
 - a. Barinder Sall had given some mailing business to North American Mailing for the campaign. North American Mailing mailed two pamphlets for the Kash Heed campaign in the middle of the campaign, and was paid by cheque from the campaign account.
 - b. Barinder Sall brought him about 14,000 or 15,000 pamphlets - Chinese ones. Barinder Sall told him that this job was separate from the campaign, it was "third party," and to not tell anybody about them. The number was

short [of the batch that was required], so he made about 2,000 or 3,000 photocopies to complete the batch.

- c. Barinder Sall had told him the boundaries of where to send the pamphlets, and he had to figure out which postal codes corresponded to those boundaries.
- d. He took these pamphlets to Canada Post.
- e. There were supposed to be three pamphlets. Everything was done very fast in the last week of the election. Barinder Sall wanted three different flyers to be sent out, one per day.
- f. Barinder Sall gave him an electronic copy of the second and third pamphlets on a USB drive a day later, at North American Mailing. He saved the file to the desktop.
- g. He photocopied all of the second and third sets. He had to buy a lot of paper - he bought the paper from Office Depot or Costco.
- h. His photocopying machine does 80 pages per minute. It took about a day to do the second pamphlet. He thinks the second and third pamphlets were yellow and blue. There were 15,000 to 16,000 of each of them.
- i. He delivered the first two sets of pamphlets to Canada Post, but he did not deliver the third set to Canada Post.
- j. He got a call from Canada Post.
- k. He phoned Barinder Sall right after he got the call from Canada Post.

- l. Elections BC phoned him. He told them he would call them back. He didn't know what to say, so he [Barinder Sall] phoned them from his phone (he can't recall whether it was the cell phone or the landline) while Barinder Sall was at North American.
- m. "Jag" was a nickname for Barinder Sall.
- n. He thought that Barinder Sall knew the third party [who was doing the advertising], and thought that the inquiries were relating to just a printing error [that the name of the sponsor was not on the pamphlet?]
- o. Barinder Sall told him he had to pick the pamphlets up from Canada Post. He had to go to three stations to pick them up. Barinder Sall came and picked up about five or six boxes of 1200 pamphlets to take with him, some of each series of pamphlets.
- p. About 3,000 of the first pamphlet were mailed by Canada Post before the mailing got cancelled.
- q. He got paid 12 cents per piece plus his costs.
- r. Barinder Sall paid him by a cheque in a corporate name for about \$2500 - he deposited the cheque in the North American Mailing Canadian dollar account at the Royal Bank of Canada on the day he took the pamphlets to Canada Post.
- s. He got paid a total of about \$7,000 - the second cheque was about \$5,000 and got deposited the same way.
- t. He had to get the money up front, because he didn't have the money to pay Canada Post.

- u. He didn't make a lot of money from the job.
- v. Barinder Sall didn't ask for the money back.
- w. His accounting is done in Quickbooks. Some of it is electronic, and some of it is printed. He doesn't recall printing an invoice for Barinder Sall. The money got deposited, but no entry got made in Quickbooks.
- x. About a month later, he took the remaining of the pamphlets at Canadian Fibre recycling in New Westminster.
- y. He didn't put any of the pamphlets into envelopes.
- z. When the police (Cst. Stark) came, he was surprised and asked them to come back tomorrow. He called Barinder Sall right away, who told him to meet him the next morning. He drove in his truck to Barinder Sall's house the next morning, then they walked to the Starbucks at Fraser and 49th. They spoke for about a half an hour. Barinder Sall told him, "just tell the story" that "Kwon" came in and got the flyers; Dinesh Khanna said, "and I was just listening to him, whatever he was saying, I was just doing that, 'cause I had no choice". "Jag Singh" was Barinder Sall's idea, and Barinder Sall told him to tell the police about "Jag." Barinder Sall said to give the police a certain phone number to contact "Jag." Barinder Sall told him to tell the police the details about "Eric Kwon." Barinder Sall told him to make up the story about the payment in cash. He told the police things that were not true.
- aa. Barinder Sall gave him the name of the lawyer. Dinesh is paying for the lawyer.

- bb. After the police asked him to speak with them earlier this week [Tuesday March 23, 2010], Barinder Sall said that he wanted to see him, and Barinder Sall came to see him at the Royal Banquet Hall. Barinder Sall told him to “stick with the same story.” Barinder Sall knew about the “phone thing.” He didn’t know about the “phone thing” - he hadn’t spoken with Amit, since Amit was staying in his room. Barinder Sall said that he had spoken with Amit. Barinder Sall said that the phone was his, and he had borrowed the phone from a friend during the election time. Barinder Sall said that it was a mistake that the phone could be traced back to him. Barinder Sall told him that he just needed to talk to a lawyer, and “that’s it.”
 - cc. Barinder Sall had told him a few times that the police were talking to other people, trying to get information.
146. While in custody an accounting of Dinesh Khanna’s personal effects was done. Dinesh Khanna had the following items in his possession at the time of arrest:
- a. A Royal Bank Visa in the name of Dinesh Khanna North American Mailing bearing card number 4514 0510 0013 1478 Expiry 03/13;
 - b. A Royal Bank Visa in the name of Dinesh Khanna North American Mailing bearing card number 4514 0510 0013 1478 Expiry 03/10;
 - c. A Royal Bank Visa in the name of Dinesh Khanna North American Mail bearing card number 4516 0760 0047 1507 Expiry 04/11;
 - d. A Royal Bank Business Client Card in the name of North American Mailing bearing number 4519 01 97585729 33;
 - e. A Royal Bank Temporary Card in the name of North American Mailing bearing number 4519 01 9758572933;

- f. A Royal Bank Client Card in the name of Dinesh Khanna bearing number 4519 01 91927359 97;
- g. A Royal Bank Visa in the name of Dinesh Khanna bearing card number 4510 1520 4844 4305 Expiry 05/11;
- h. A membership card to the BC Liberal party Vancouver Fraserview in the name of Dinesh Khanna. Membership ID number 266988. Expiry date October 20, 2010;
- i. A business card of Jerry Heed of Valley Pacific Realty Ltd listing a cell phone number of 604-728-0793.

Search Warrant Executed on North American Mailing
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147. On March 25, 2010 at 2:07 p.m. a search warrant was executed on North American Mailing. I have reviewed the evidence seized as a result of this search and learned the following:
- a. An email from Barinder Sall to Dinesh Khanna of North American Mailing dated April 7, 2009. Details a request for a mailing to be conducted pre-writ [before the campaign spending limits come into effect.] This email originates from bsall@empir.ca and is carbon copied to Keith Frew. Barinder lists his cellular number at the bottom, 604-720-1829;
 - b. A coil notebook that contained deposit stamps which details the following account:
 - i) Deposit to the credit of North American Mailing Services Ltd.
Tr# 04960-003 Acc#100-207-0.

- c. Accounting records for North American Mailing for the year of 2009 which lists:
- i) A deposit received on May 5, 2009 for \$2500, \$5000 and \$2563 entered to the Suspense Account. [The two payments of \$2500 and \$5000 correspond with the information Dinesh Khanna provided regarding the payment he received from Barinder Sall in regards to the Pamphlets.]
 - ii) A credit done on May 6, 2009 for \$6,500 paid to Dinesh Khanna;
 - iii) That the account balance was listed at \$4,216.42 on May 5, 2009 prior to the receipt of the "Suspense" funds. Indicating that without these funds the transfer of \$6,500 to Dinesh Khanna would not have been possible without incurring debt or overdraft.
 - iv) A journal entry for May 10, 2009 which lists an invoice for a total of \$1433.25 to "Vancouver Fraserview" for folding, inserting, ink jet addressing, envelopes and postage.
- d. In addition numerous electronic mediums were also seized. Investigators are in the process of analyzing the data contained therein. To date no evidence that would impact this request for a production order has been located.

Statement of Keith Frew

148. On March 29, 2010 I read a report prepared by S/Sgt. Dusterhoft who supervised a statement given to Cpl. Finnie by Keith Frew on March 25, 2010. From that report I learned:

- a. Frew opened the discussion about the pamphlets by stated that he knew nothing, never seen it, never party to discussion or anything viewed as improper;
- b. Frew's role was office manager;
- c. Dinesh Khanna is a good friend and a volunteer for the campaign that posts signs and does a mailing business;
- d. That the books and records are probably not tracked as well as they should be;
- e. That negative ad campaigns can be effective and that an outside source who likes the candidate may publish these types of pamphlets.

Follow Up With Regina Tsui

149. On March 29, 2010 I read a report prepared by Sgt. Forestell who conducted a follow up interview of Regina Tsui on March 26, 2010. From that report I learned:
- a. Barinder Sall managed the Indo Canadian volunteers associated to Kash Heed's election campaign;
 - b. Barinder Sall kept a paper list of the Indo Canadian volunteers and that she didn't know where that list would be now. Tsui speculated that it may be with Barinder Sall or returned to the BC Liberal Party headquarters;
 - c. Tsui initially denied having spoken to anyone about her RCMP interview even when asked specifically about speaking to Barinder Sall;
 - d. When asked to detail everything that happened upon her return to the constituency office after the interview she eventually stated, "I haven't

done anything wrong... I don't know whether I should say, I don't want to get in trouble." And then admitted to speaking with Barinder Sall

- e. Barinder Sall was waiting at the constituency office when Regina Tsui returned from her first interview with RCMP;
- f. Barinder Sall asked her if the police investigation was anything serious;
- g. Tsui told Barinder Sall what she had been asked;
- h. Tsui told Barinder Sall that she thought he was in trouble and that she thought the police would be coming for him soon;
- i. Barinder Sall told her that she did not have to go with police and asked if she needed a lawyer;
- j. Barinder Sall asked Tsui not to tell the police that she had talked to him about her interview and that this is why she wasn't initially truthful when she was asked.

Statement of Sameer Ismail

150. On March 29, 2010 I read a report prepared by Cpl. Finnie who conducted an interview of Ismail on March 26, 2010. From that report I learned:
- a. Ismail was a volunteer with the Heed campaign;
 - b. Barinder Sall was the campaign manager;
 - c. When producing pamphlets for the campaign Barinder Sall would pass the material on to the person who did the translation;

- d. Ismail had spoken to Barinder Sall on a couple of occasions recently in which Barinder Sall told him that the police may wish to speak with him and not to be caught of guard or alarmed. Ismail states that Barinder Sall had eluded to the fact that it was in regards to the flyers and that he should be forthright;
- e. When presented with the Pamphlets Ismail stated that he did not recognize the Blue Pamphlet and that he recognized some of the content contained within the Yellow and White Pamphlet as having been, "batted around" the office." But Ismail states that he doesn't know who put the pamphlets out.

Search Warrant Executed on the Barinder Sall Residence

151. On March 31, 2010 at 11:45 a.m. a search warrant was executed on the Barinder Sall Residence. As a result of this search numerous electronic mediums along with tangible exhibits have been seized. Investigators are currently in the process of reviewing the electronic data. Of the tangible evidence reviewed thus far I have viewed the following items and learned:

- a. A yellow envelope containing the three Pamphlets. The layout and content were the same however all three pamphlets were printed on pale yellow paper rather than yellow, white and blue.
- b. The box from a Rogers Blackberry Pearl 8220. The box has a sticker on it with the IMEI number 3560 2802 5022 311, SIM number 89302720400066232633 and PIN number 25804EDF.

[This is the same IMEI number as the Stolen Device. The SIM number does not match the one used in the phone when it was activated however

this is easily removed and replaced. This is the packaging that the stolen phone would have come in from the manufacturer.]

- c. Three pages stapled together were located. These appear to be notes taken or a script. The name Greg McDonald is written down with the contact numbers for Election BC both the 1-800 contact number and Greg Macdonald's direct line. Also handwritten on these pages were (in part) the following notations:

- i) Jag;
- ii) Chinese Guy;
- iii) Chinese name given to Canada Post;
- iv) I said cash/bank draft prepaid.

[These notes are consistent with the information provided to Greg Macdonald by Jag.]

A copy of these three pages are attached as Exhibit D.

- d. A CD located during the search of the Barinder Sall Residence was found to contain six files of interest they include:

- i) "chinese-all.pub" last modified on Sunday May 3, 2009 at 23:13:14;
- ii) "chinese-final-3rd.pdf";
- iii) "economy.pub" last modified on Sunday May 3, 2009 at 23:14:07;
- iv) "economy-final-pdf";

- v) "gangs.pub" last modified on Sunday May 3, 2009 at 23:17:01;
- vi) "gangs-final-3rd.pdf.

[These are electronic versions of the Pamphlets in question.]

- e. Election Advertising Sponsor Application for Registration forms were located for the following persons:
 - i) Pushpinder Saluja;
 - ii) Sean Patrick Stevens;
 - iii) Jolene Rochelle Waddell;
 - iv) Kenneth S.K. Fung.
- f. A Value of Advertising by Advertising Sponsor report in the name of Sean Patrick Stevens for \$5900.00 was also located within the Barinder Sall Residence.
- g. Analysis of Barinder Sall's Blackberry Device which was on his person the day of the search warrant execution has brought forward the following messages sent from or received on that phone:
 - i) On July 15, 2009 at 4:45 a.m., a text message was sent from Barinder Sall's BlackBerry with serial number 3557 6701 0310 154 to North American's Cellular, it read: "1012 east 51st Corner house on Windsor. 2 blocks east of Fraser. "

[This message correlates with Dinesh Khanna's statement that he met with Barinder Sall at his residence on July 15, 2009.]

- ii) On July 16, 2009 at 6:09 p.m., a text message was sent from Barinder Sall's BlackBerry with serial number 3557 6701 0310 154 to North American's Cellular it read: "778 990 4694 is Jag Singh number."

[Cst. Stark was provided with the phone number for Jag Singh by Dinesh Khanna on July 16, 2009 at 2:08 p.m.]

Barinder Sall's Connection to the Pamphlets & Stolen Device

152. [Amit Khanna described a pre production White Pamphlet being in a clear envelope on a table in the non public access area of the Vancouver - Fraserview Liberal campaign office. Amit Khanna remembered it having blank areas like it was in the early stages of production. Specifically, Amit Khanna recalled the NDP being prominent and spelled at an angle.]
153. [Amit Khanna stated he was "ninety-five percent" that Barinder Sall or Sameer Ismail were responsible for the production of the Pamphlets.]
154. I made an Internet Google Maps search and found that the address for the Rogers store located at 6510 Fraser Street, Vancouver, BC, where "Jag's" cellular telephone was activated on July 16, 2009, is 0.6 kilometers from Barinder Sall's residence, located at 1012 E. 51st Avenue, Vancouver, BC.
155. On July 16, 2009 during the ten minutes that "Jag's" Cellular was utilizing cell towers in the vicinity of the Rogers Store Barinder Sall's Cellular was in the same vicinity. Furthermore Barinder Sall's Cellular was not in that area immediately before or after this time frame.

156. I reviewed the Telephone Records for July 16, 2009 and determined the following:

- a. At no time did "Jag's" phone and Barinder Sall's Cellular transmit or receive calls at the same time.
- b. At 11:13 a.m. "Jag's" Cellular received a final text message before it no longer registers on any cellular towers that day. At 11:24 "Jag's" Cellular received a call from 604-322-9904, which is a payphone located at the Chevron gas station at 7309 Knight Street. The call goes to voice mail and no cellular tower registers, which indicates that the Stolen device has been turned off.
- c. At 11:31 Barinder Sall's Cellular received a text message. Barinder Sall's Cellular registered on a cellular tower in the vicinity of 3851 Jacombs Road, Richmond. 3851 Jacombs Road is in the vicinity of Barinder Sall's business EMPIR Group located at Suite 2, 3331 Viking Way, Richmond.

[The Knight Street Bridge is the most direct route to travel from the vicinity of Barinder Sall's residence to Barinder Sall's business. The Chevron gas station at 7309 Knight Street is along that route.]

157. [Five telephone calls were place from the Barinder Sall Residence to Elections BC. One of those calls was to Macdonald's direct line and correlates to Macdonald speaking with "Jag".]

158. I read a report written by Cpl. Koppang regarding Elections BC contact with Barinder Sall. From this report I learned:

- a. It is standard practice for Elections BC employees to log any conversations they have in an electronic searchable database;

- b. The Elections BC database has no record of Barinder Sall ever calling or being called by anyone at Elections BC;
 - c. The only contact with Barinder Sall that Elections BC had record of was the emails he sent regarding the Anti Liberal pamphlet.
159. [During the search of the Barinder Sall Residence hand written notations consistent with the information provided by Jag to Greg Macdonald were located.]
160. [Amit Khanna states that he received the Stolen Device and returned the Stolen Device to Barinder Sall.]
161. [Dinesh Khanna in a statement provided to police on March 25, 2009 advised that Barinder Sall brought him the Pamphlets for distribution, contacted Elections BC posing as Jag, provided Dinesh Khanna with a phone number for Jag and advised Dinesh Khanna of the story he was to provide to police.]
162. [During the search of the Barinder Sall Residence copies of all three Pamphlets were located. These were not on the blue, white and yellow paper as were the distributed version but contained the same content.]
163. [During the search of the Barinder Sall Residence the original box for the Stolen Device was located.]
164. [During the search of the Barinder Sall Residence a CD containing the images of all three pamphlets in Publisher format and again in Adobe format were located.]
165. [During the search of the Barinder Sall Residence Election Advertising Sponsor Application for Registrations forms for Saluja and Stevens were located.]

166. [During the search of Barinder Sall's Blackberry text messages were located that indicated he met with Dinesh Khanna as was stated by Dinesh Khanna and that he provided Jag Singh's phone number to Dinesh Khanna.]

Statement of Kash Heed

167. On May 15, 2010 Kash Heed provided a taped warned statement to S/Sgt. Dusterhoft and Inspector Lesley Bain. I have reviewed a transcript of this statement from which I have learned:
- a. That Barinder Sall was the quarterback of the Kash Heed campaign but that he wasn't sure of Barinder Sall's title or responsibilities. Kash Heed is not sure how Barinder Sall got into place;
 - b. Kash Heed provided Barinder Sall with his five vision points which formed the campaign platform;
 - c. Kash Heed states that he has no idea how campaigns were run or put together and that he did not know who was responsible for what;
 - d. Kash Heed had no intention of doing any negative advertising campaigns and that he did not put anyone in place or give anyone titles or duties, including Satpal Johl and Barinder Sall;
 - e. Kash Heed has never read the Election Act;
 - f. Kash Heed turned campaign donations over to Barinder Sall;
 - g. Kash Heed stated that he did not know who was in charge of creating the pamphlets for his campaign. He recognized several of them but said that one of them has a signature that reads "Kash" that is not his own.

- h. Kash Heed knows Dinesh Khanna but did not know if his business had been used to deliver pamphlets for his campaign;
- i. Kash Heed stated that the thought he may recognize the anti Liberal flyer as one somebody located on a pole but could not be sure;
- j. Kash Heed stated that Barinder Sall is not working for him and that he has no capacity in government. Heed also said that he has not talked with Barinder Sall about this investigation.
- k. With respect to the Pamphlets Kash Heed stated that he did not know who would have put them out and that he had no involvement in it.

Analysis of the Electronic Version of the Pamphlets

168. After locating the digital images of the Pamphlets on the CD recovered from the Barinder Sall Residence what appeared to be a line on each of the Pamphlets, beneath the Authorized Registered Sponsor Under the Election Act statement was further examined using the magnification ability of the software. The following microprint was found:

- a. In regards to what is known as the Blue Pamphlet the following was typed in microprint:
 - i) "Authorized by MrSalwajPushpinder, registered sponsor under the Election Act,6045367717250".
- b. In regards to what is known as the White Pamphlet the following was typed in microprint:

i) "Authorized by MRpatrickSteve, registered sponsor under the Election Act,60425378208821".

c. In regards to what is known as the Yellow Pamphlet the following was typed in microprint:

i) "Authorized by sbinning, registered sponsor under the election Act 7789286255604".

169. [This micro print was not legible to the naked eye and furthers the belief that the writer intended to deceive the reader with an illegible authorization statement.]

Follow up with Sponsor- sbinning

170. A search of the registered advertising sponsors led investigators to Surinder Singh Binng ("Binng"). The information available through the registered advertising sponsors list shows a contact number for Binng as 604-928-6255 which is similar to the number located on the Yellow Pamphlet which was 7789286255604.

171. On April 15, 2010 Binng provided a taped statement to Sgt. Forestell and Cpl Ng. I have read a proofed transcribed copy of that statement and learned:

a. Binng said that Jerry Heed asked one day if he and Pushpinder Saluja were going to visit Kash Heed's campaign office. Binng said, "sure." On another day, Jerry Heed asked him if they could go that day, and Binng said, "Sure." Binng said that he and Pushpinder Saluja went with Jerry Heed to the campaign office on Fraser Street.

- b. Binng said that he was introduced to a person whose last name may have been "Sall." He said he didn't have a conversation with him and would not be able to recognize him.
- c. Binng said that he said that a 40-50 year-old Indo-Canadian man from the campaign office walked him and Saluja to the "general office" of the election at Fraserview Hall on Marine Drive, close to Fraser and Main.¹³ He said that they waited outside and "they take us one at a time and we filled application then we came back."
- d. Binng said that Pushpinder Saluja told him that they had to fill in an application to be qualified, if the campaign needed it, and asked if he had any objection to filling in the application. He said that he didn't have any objection and that he was comfortable completing the application. So he filled it in. He said that he said that he thinks that Pushpinder Saluja filled in his form first, and he filled his form in second.
- e. Binng said that he recognized the documents as the application form he filled in that day. He recognized his signature. He said that his handwriting is "very shaky," and he could not fill it out, so the "girl" that was there filled it in for him. He does not recall a description for the "girl."
- f. Binng said that it was his understanding that "they" would call him if they needed him to do any advertising. He said, "they say they gonna call me if they need it and after that I never received a call and I don't know."
- g. Binng's surname is sometimes spelt Binning;
- h. Binng did not knowingly sponsor any election advertising;
- i. Binng did not recognize the Pamphlets.

172. Binng's "Election Advertising Sponsor" form was filed with Elections BC, and shows that it was signed on April 29, 2009.

Follow up with Sponsor- MRSALWAJPUSHPINDER

173. A search of the registered advertising sponsors led investigators to Pushpinder Saluja ("Saluja"). The information available through the registered advertising sponsors list shows a contact number for Saluja as 604-537-6717 which is similar to the number located on the Blue Pamphlet which was 6045367717250.
174. On April 19, 2010 Saluja provided a statement to Sgt. Forestell and Cpl Kolot I have reviewed a proofed copy of this statement and have learned:
- a. Pushpinder Saluja said that he used to work with Kash Heed's brother, Jerry Heed, who is a friend of his. Saluja asked Jerry Heed if he could do anything for him, and Jerry Heed said, "Well, sure, come down to the office."
 - b. Saluja said that he went [to Kash Heed's campaign office]. He said that he asked if there was anything he could do, like knocking on doors. He said that Jerry Heed told him, "At this moment, we need some sponsors." Saluja told Jerry Heed that he didn't understand, and Jerry Heed told him, "[It's] just simple – [we] may not need you, we may need you, I don't know at this moment."
 - c. Saluja told Jerry Heed "to get whatever he needed done and he would sign it." Saluja was then asked to sign certain papers (he doesn't remember which papers they were) and then he and his friend Surinder

Binng went with someone (he doesn't know who) to the Elections BC office on Marine Drive.

- d. Saluja described the person who took him and Binng to the Elections BC office as a tall Caucasian man, not from Vancouver, perhaps 55 or 60 years old, and he understood that he was a teacher or a former teacher.
 - e. Saluja said that he and Binng signed [documents], Elections BC took their identification, and he "signed up as an advertising sponsor."
 - f. Saluja recognized the advertising sponsor disclosure report. He said that the handwriting was not his, except for the signature. When asked what he remembered about the form, Saluja said, "[it] was sent by I think elections form and then I called the office. They said nobody would take care of it so ... I signed it and gave it to them and then they filled out whatever they did." He said that he thinks that Jerry Heed came to the office with someone and he left it with him. He said that he would not be able to recognize the person who was with Jerry Heed.
 - g. Saluja did not recognize any of the Pamphlets;
 - h. Saluja was unaware that third party election advertising sponsors had to be independent of candidates and their agents.
 - i. Saluja did not sponsor any election advertising or make any financial contributions.
175. Saluja's "Election Advertising Sponsor" form was filed with Elections BC, and shows that it was signed on April 29, 2009.

Follow up with Sponsor- MRpatrtickSteve

176. A search of the registered advertising sponsors led investigators to Sean Patrick Stevens ("Stevens"). The information available through the registered advertising sponsors list shows a contact number for Stevens as 604-782-0821 which is similar to the number located on the White Pamphlet which was 60425378208821.
177. On April 22, 2010 Stevens provided a taped statement to Cpl. Koppang and S/Sgt. Dusterhoft. I have read a proofed transcription of that statement and have learned:
- a. Stevens said that his friend Jerry Heed asked him to help with the campaign, to assemble and distribute signs. Stevens said that he had known Jerry Heed before that, and he had golfed with Jerry and Kash Heed;
 - b. Stevens said that Jerry Heed's role in the campaign was the "pep rally guy or whatever ... he was the one phoning and emailing people to come on out, throw your jersey on, grab a sign [and] help me."
 - c. Stevens received a phone call from Jerry Heed, who asked him if he was interested in doing some third party advertising. Stevens said that he told Jerry Heed that he wasn't aware of the process, and from what he remembers, Jerry Heed didn't know too much about it, either.
 - d. Stevens said that Jerry Heed asked for him to come down and meet Barinder Sall, so he went to the [campaign] office and talked to Barinder Sall. Stevens said that the day he met Barinder Sall was the day he filled in a form to be an election advertising sponsor – April 29, 2009.

- e. Stevens said that in the campaign office, there was a reception desk on the left-hand side, and behind that there was an area and a washroom, but there was nothing that stood out to him as an actual office for Barinder Sall.
- f. Stevens said that Barinder Sall asked if he was interested in helping out and showing his support. Stevens told him that would not be a problem. Barinder Sall told him, "We need some support with the third party advertising," and Stevens agreed to do it. Stevens said that Barinder Sall explained, "Have you ever seen on an advertisement ... that this was brought to you by" Stevens said that he told Barinder Sall that he totally sees that all the time, and Barinder Sall said, "that's what we're kinda looking for – that sort of support."
- g. Stevens said that he asked Barinder Sall what he needed to do, and Barinder Sall said that they needed him to fill out a form. Stevens said that he told Barinder Sall that he would read the form and fill it out while Barinder Sall was sitting across the table from him, but Barinder Sall told him, No, I'll fill it out for you, no problem. Stevens said that he thought to himself that this is how it was done, because he didn't have a clue. Stevens said that he didn't watch Barinder Sall fill out the form, and he's "pretty sure" that he went out and did his "sign duty" as Barinder Sall was completing the form.
- h. Stevens said that Barinder Sall drove him to the electoral office, which was a few blocks away, and Jerry Heed came with them. He said that Barinder Sall went into the elections office with him, but he can't remember if Jerry Heed went in as well.

- i. Stevens said that he sat down and Barinder Sall sat or stood next to him, and he was introduced to a person whom he assumes is a commissioner. Barinder Sall handed the form to the commissioner – Stevens “went through the paperwork, signed it up and returned back to the campaign office. Stevens said that he did ask questions to Barinder Sall, because Barinder Sall was definitely the person who knew about how elections worked. Stevens said that Barinder Sall said that there was no problem, this was on the up and up, and this was how it was done.
- j. Stevens said that what was going through his mind as he was at the office was that he was registering with Elections BC so that at a later date, if [the campaign] needed his support, he would allow to have his name at the bottom of one of Liberal’s advertisements.
- k. Stevens said that he told Barinder Sall that he was interested in showing his support for the campaign so long as the advertisement had a positive message – he wanted nothing to do with a smear campaign.
- l. Stevens said that he trusted Barinder Sall, probably because of the fact that he was running a campaign office, and why would someone do something that’s going to come back at him? He said that Jerry Heed is someone he trusted, and Jerry Heed endorsed Barinder Sall as someone who knew what he was doing, he has run these campaigns before, and “it’s all good.”
- m. Stevens said that he offered to help out with donating money, but Barinder Sall told him that he didn’t need any money right then.
- n. Stevens said he helped out with several tasks during the campaign.
- o. Stevens did not recognize any of the Pamphlets.

- p. Stevens said that Barinder Sall emailed a form to him on July 30, 2010, and Sall wrote, "If you can sign and scan that would be perfect ... Just sign at the bottom and I will fill in everything and submit for you." The last page in the following document is the blank form that Stevens sent to Barinder Sall.
 - q. A declaration of advertising on file for Sean Patrick Stevens for \$5,900.00 in radio advertising was on file at Elections BC.
 - r. Stevens said that he did not fill in the amount on the form. Stevens said that the handwriting on the disclosure form looks a lot like the handwriting on the application form that he saw Barinder Sall completing as he left.
 - s. Stevens said that when he got a call from the police, he mentioned it to a friend of his who went online and discovered that he had done \$5900 worth of advertising. He had been previously unaware of this.
 - t. Stevens said that he did not give any money to do with the election, for the Heed campaign or anything else.
178. The advertising sponsor disclosure report comes in two carbonless sheets: the top (white) sheet is to be sent to Elections BC, and the bottom (yellow) sheet is to be retained by the sender. The yellow copy of Sean Stevens' advertising sponsor disclosure report was found in the residence of Barinder Sall during the execution of a search warrant.

Third Party Advertising Sponsorship to be Independent of Candidate

179. On April 22, 2009 Elections BC sent a letter to Johl with a carbon copy to Kash Heed, advising, among other things that, "A recent amendment to the Election

Act explicitly requires third party election advertising sponsors to be independent of candidates and their agents. A candidate must not sponsor election advertising together with a third party election advertising sponsor.

Emails From “Donald Veri” to Elections BC

180. I have read an email dated August 7, 2009 at 9:20 a.m., to Elections BC from “Donald Veri,” with an email address of “donaldveri@yahoo.ca.” The subject line was “Jolene Rochelle Waddell: Election Advertising Sponsor Disclosure Report.”
181. I have read an email dated August 7, 2009 at 9:22 a.m., to Elections BC from “Donald Veri,” with an email address of “donaldveri@yahoo.ca.” The subject line was “Pushpinder Singh Saluja: Election Advertising Sponsor Disclosure Report.”
182. I have read an email dated August 7, 2009 at 10:26 a.m., to Elections BC from “Donald Veri,” with an email address of “donaldveri@yahoo.ca.” The subject line was “Sean Patrick Stevens: Election Advertising Sponsor Disclosure Report.”
183. I have read an email dated August 7, 2009 at 10:31 a.m., to Elections BC from “Donald Veri,” with an email address of “donaldveri@yahoo.ca.” The subject line was “Kenneth Fung: Election Advertising Sponsor Disclosure Report.”
184. [To date investigators have not established who “Donald Veri” is or his role in the Kash Heed campaign.]

Follow Up with Fairchild Radio Station

185. On May 11, 2010 Cpl Koppang attended Fairchild Radio at 2090-4151 Hazelbridge Way Richmond BC and spoke with president George Lee (Lee) and their legal counsel Dan Burnett (Burnett). Despite having a consent form signed

by Kenneth Fung the radio station chose not to release the advertising conducted under Ken Fung's name as Ken Fung's correct address does not match the one utilized by whomever used his name to conduct this advertising. Fairchild Radio did release the content of the advertisements as this was already made public.

186. On May 12, 2010 I read a translated version of this script [translated by Cpl Ng] and has learned that this particular ad is in support of Kash Heed and requests that, "on May 12 everyone vote to support Heed." The message claims to be authorized by Ken Fung under the election act and lists phone number 604-298-6550. [This number has not yet been identified but does not belong to Kenneth Fung.]
187. [I believe that this is the same Kenneth Fung as was registered to be a third party sponsor through the Heed Campaign and that Kenneth Fung did not sponsor this advertising and that the use of his name to do so is an impersonation.]
188. On May 11, 2010 Fairchild Radio through Lee, in consultation with Burnett, did show the following documents to Cpl. Koppang with the understanding that he would have to get a legal order to obtain them:
 - a. Traffic Log - a computer printout showing the customer name as Ken FUNG with a telephone number 604-999-6647, the salesperson as Pearl KWAN and the account name as Ken FUNG c/o JAGAT Printers , 4436 Dundas Street, Burnaby, B.C. V5C 1B6;
 - b. Billing System printout showing the total dollar value of the advertising purchased as \$2,027.55 which Lee stated would have had to be paid before the advertisement was aired;
 - c. Advertising Contract - Showing the contract number as 33226, the salesperson as Pearl KWAN contracting with Ken FUNG c/o JAGAT

Printers with a contact being Ken FUNG with telephone number 604-999-6647. The contract showed that the advertisement related to "Kesh Heed" (sic) occurred at different times on May 8, 9, 10, and 11, 2009. The contract was dated May 6, 2009. The contract was signed with an illegible signature and appeared to be faxed from "Atima Contracting Ltd." on May 7, 2010;

- d. Job Order - LEE advised that this is a Fairchild Radio form used to internally process the advertising contract. This form listed two contracts related to Kash HEED election advertising, contract # 33226 and 33227. LEE stated that contract 33227 was not with any of the six names that Cpl KOPPANG provided LEE. The job order shows that the advertisement was of 30 second duration;
- e. A copy of the cheque that paid for the advertising for contract 33226. The cheque was from Mr. Bari PUREWAL, 4436 Dundas Street, Burnaby, B.C. V5C1B6 with a telephone number of 604-299-6647.

Follow Up with AM 1320 Radio Station

- 189. On May 5, 2010 Cpl. NG and Cpl. Kolot attended the offices of AM1320 CHMB at 100-1200 West 73 Ave Vancouver BC in an attempt to establish if any election advertising had been conducted under the names of Pushpinder Saluja, Sean Patrick Stevens, Kenneth Fung, Jolene Waddell, Brian Birch or Surinder Binng with their station.
- 190. On May 9, 2010 in a response to police enquires the Commercial Crime Section received a letter from Teresa Wat (Wat), I have read this letter and have learned that Wat advised that they require a legal document to be compelled to produce

their records in regards to advertising conducted during the 2009 provincial election by the six individuals identified.

191. On May 12, 2010 S/Sgt Dusterhoft spoke to Wat, I have read this report and learned that Wat confirmed that they did have election advertising conducted in May of 2009 for one of the six names provided.

Ron Parks Forensic Auditor for Elections BC
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192. On April 7, 2010 I spoke to Cpl Koppang who advised that he met with Ron Parks on April 1, 2010 and from that meeting the following information was obtained:
- a. There were no political contributions made to the Heed campaign by Dinesh Khanna or North American Mailing;
 - b. Barinder Sall was not authorized to accept donations or incur expenses on behalf of the Heed campaign;
 - c. The illegal Pamphlets were not declared as an election expense.
193. On April 7, 2010 I reviewed three documents provided to Cpl Koppang by Ron Parks, from these documents I learned:
- a. On an email dated May 5, 2009 to Satpal Johi from Barinder Sall he requests reimbursement for three separate expenses totaling \$14,087.76. These expenses are for brochure layout, Chinese radio advertising, Chinese media ads and Vancouver courier ads
- [I believe that Barinder Sall was incurring and being reimbursed for election expenses;]

- b. On April 29, 2009 North American Mailing Services billed the Heed Campaign for a mailing on invoice number 1819;
- c. On April 30, 2009 North American Mailing Services billed the Heed campaign for a mailing on invoice number 1820.

[These dates do not correspond with the illegal Pamphlets, I believe that these two mailings were the legitimate mailings mentioned by Dinesh Khanna.]

194. On May 12, 2010 Cpl. Koppang met with Ron Parks and was provided with additional documentation resulting from the audit of campaign expenses. I have read these documents and learned:

- a. Kash Heed's campaign declared campaign expenses of advertising with Fairchild Radio Group in regards to invoices number 66465 and 66171. Both of these invoices are billed to Chantal Lee of the BC Liberal Kash Heed with an address of 1012 East 51st Ave Vancouver BC V5X1E7. [This is the same address as the Sall Residence.] The total amount declared was \$1,989.96.
- b. Kash Heed's campaign declared campaign expenses of advertising with AM 1320 in regards to contract number 20772. The contract lists the client as BC Liberal Kash Heed with Chantal Lee as the contact. The address of 1012 East 51st Ave Vancouver BC V5X1E7 is listed. [This is the same address as the Sall Residence.] The total amount declared was \$1,146.60.

Election Expenses for the Heed Campaign

195. On April 30, 2009 I reviewed the Summary of Expenses for the Heed campaign and learned that during the campaign period the Heed campaign declared spending \$60,762.
196. The Election Act limits the amount spend during the campaign period to \$70,000 per Section 199(1)(b) of the Election Act.
197. I read an email recovered from the Barinder Sall Residence to Barinder Sall from Rob Campbell who advised that the absolute total is \$70,000 and suggested that they budget for a bit less to allow for a contingency against unexpected allocations.
198. I have read accounting records seized from North American Mailing that list deposits lumped together on May 5, 2009 totalled \$10,063. A production order / search warrant was done on the North American Bank accounts and after reviewing these records I have learned that two cheques were deposited that correspond to Dinesh Khanna's recollection and his records. On May 4, 2009 Pitt Meadows Farms Limited Partnership wrote North American Mailing a cheque for \$5000. On May 4, 2009 Richberry Farms Ltd wrote North American Mailing a cheque for \$2500. [The remaining \$2,563 appears unrelated but is still being investigated.]
199. Table of Campaign Expenses Established to date:

Description of Expense	Value of Expense
Declared Campaign Expenses	\$60,762.00

The Pamphlets	\$7,500.00
Fairchild Radio (To date)	\$2,027.55
Total	\$70,289.55

200. It should be noted that during the process of the financial audit done by Ron Parks concern was raised in regards to one of the payments made to North American Mailing. It has been realized that there are two different invoices from North American Mailing that bear the same invoice number. The first was declared by the Kash Heed campaign as a paid expense of \$2,210.59 under invoice number 1820. However within North American Mailings accounting records that same invoice number is billed to Dave Hayer for a different amount. It is possible that there was a double billing which if found to be correct would result in a deduction of \$2,210.59 from the declared amount of \$60,762. Should this deduction occur the current campaign expense declared to date would be reduced to \$68,078.96.

201. Table of Potential Expenses that were not declared on the campaign expense report:

Description of Expense	Source	Value of Expense
File Setup, Letter Printing, Folding, Inserting, Ink Jet Address Printing, Envelope Size 10 and Canadian Postage for 2500 pieces.	North American Mailing's Invoice 1830 billed to Vancouver Fraserview Kash Heed Campaign. [Payment cheque not yet located.]	\$1,433.25
Fairchild Radio	[Contract 33227 is a Kash Heed	\$ Unknown

	associated contract.]	
AM 1320	[Station confirmed third party advertising exists.]	\$ Unknown

202. [The financial report filed on behalf of the Heed campaign does not include any costs associated to the Pamphlets, the third party AM 1320 advertising or the third party Fairchild Radio advertising and in that regards is a false statement. This report is filed on behalf of Kash Heed who under the Election Act is responsible for the content therein.]

Summary of Beliefs Based on the Evidence

203. Based on the information set out in my Affidavit, I have formed the following beliefs:
- a. I believe that the Pamphlets failed to identify the sponsor of the election advertising;
 - b. I believe that Barinder Sall had North American produce and distribute the Pamphlets on behalf of the Heed campaign;
 - c. I believe that Barinder Sall paid Dinesh Khanna via third party corporate cheques to conduct the mailing of the Pamphlets resulting in indirect sponsorship;
 - d. I believe that the forensic audit of the Heed campaign financial reports did not account for the expense of producing and distributing the illegal Pamphlets.
 - e. I believe that Barinder Sall incurred election expenses on behalf of the Heed campaign without written authorization to do so.

- f. I believe that the cheques received by Dinesh Khanna from Barinder Sall were deposited into an account belonging to North American Mailing;
- g. I believe that the Dinesh Khanna benefited financially from the receipt of funds related to the production and distribution of the Pamphlets.
- h. I believe that Fung did not sponsor the election advertising conducted under his name at Fairchild radio.

Request for Production Orders

204. I am seeking a Production Order for George Lee, of Fairchild Radio Group to provide the following information to me in writing in a certified true copy format:

Records of advertising made on behalf of the promotion of Kash Heed as an election candidate, made between April 14, 2009 and May 12, 2009, including:

traffic logs, billing system printouts, advertising contracts, job orders, and advertising scripts,

and copies of cheques (front and back) from payments relating to the above.

("the Documents").

205. I am seeking a Production Order for Kay Lai, of CHMB AM1320 Mainstream Broadcasting Corporation to provide the following information to me in writing in a certified true copy format:

Records of advertising made on behalf of the promotion of Kash Heed as an election candidate, made between April 14, 2009 and May 12, 2009, including:

traffic logs, billing system printouts, advertising contracts, job orders, and advertising scripts,

and copies of cheques (front and back) from payments relating to the above.

("the Documents").

Reason to Believe Documents Sought will Afford Evidence

206. Upon receiving the advertising details surrounding the Heed Campaign investigators will be able to establish the declared advertising expenses, the extent of third party advertising, the third parties association to the Heed Campaign and the cost of the advertising. This will afford evidence of indirect sponsorship, false or misleading reports, election expenses over the limit, unauthorized donations and personation.

Date Range Justification for the Offences

207. I have chosen the date range for the offences as during and since the election campaign period of April 14 to May 12, 2009 for the following reasons:

- a. Financial reporting requirements of the Heed campaign are ongoing as is their compliance with the act in regards to the financial audit.
- b. The obstruction of the course of justice began with elections BC investigators and continued when RCMP investigators assumed the investigation, it has continued most recently to when Barinder Sall requested that Regina Tsui not advise police that he had spoken to her.

Date Range Justification for Documents Sought

208. I have chosen April 14 to May 12, 2009 as this time frame captures all advertising that would meet the reporting requirements of the Election Act as campaign advertising within the campaign period.

Reason to believe that the Documents Exist and can be Produced

209. On May 11, 2010 Cpl. Koppang viewed Documents which were in the possession of George Lee who advised that they would be turned over upon receipt of legal authorization.
210. On May 12, 2010 I spoke with Teresa Wat who is the CEO/COO of AM1320 Mainstream Broadcasting Corporation and she advised that Documents do exist and can be produced upon receipt of legal authorization.

Time Required for Production

211. On May 12, 2010 I spoke with Teresa Wat who is the CEO/COO of AM1320 Mainstream Broadcasting Corporation and she advised that Kay Lai who is in control of the Documents sought will have them in her possession on or before May 19, 2010 at 100-1200 West 73 Ave Vancouver BC.
212. On May 13, 2010 I spoke with Cpl Koppang who advised that he had relayed the list of Documents sought to Dan Burnett, legal counsel for Fairchild Radio, who confirmed that George Lee, the president of Fairchild Radio, is in control of the Documents – A sought and will have them in his possession on or before May 19, 2010 at 2090-4151 Hazelbridge Way Richmond BC.

Subject of the Production Order not under Investigation

213. Neither Kay Lai, Teresa Wat, Dan Burnett, George Lee, Fairchild Radio or AM1320 Mainstream Broadcasting Corporation are under investigation for the Offences.

Request for a Search Warrant

214. I am seeking a Search Warrant to search the Fairchild Radio Group at 2090-4151 Hazelbridge Way Richmond BC for the following documents in writing:

Records of advertising made on behalf of the promotion of Kash Heed as an election candidate, made between April 14, 2009 and May 12, 2009, including:

traffic logs, billing system printouts, advertising contracts, job orders, and advertising scripts,

and copies of cheques (front and back) from payments relating to the above.

215. In order to identify a time during which Fairchild Radio at 2090-4151 Hazelbridge Way in Richmond is open, George Lee is available and in possession of the said Documents - A, I request that the warrants to search, if issued, be valid from:

May 13, 2010 to May 19, 2010 between the hours of 8:00 a.m. and 5:00 p.m.

216. I am seeking a Search Warrant to search the AM1320 Mainstream Broadcasting Corporation at 100-1200 West 73 Ave Vancouver BC for the following documents in writing:

Records of advertising made on behalf of the promotion of Kash Heed as an election candidate, made between April 14, 2009 and May 12, 2009, including:

traffic logs, billing system printouts, advertising contracts, job orders, and advertising scripts,

and copies of cheques (front and back) from payments relating to the above.

("the Documents").

217. In order to identify a time during which the AM1320 Mainstream Broadcasting Corporation at 100-1200 West 73 Ave in Vancouver is open, Kay Lai is available and in possession of the said Documents - B, I request that the warrants to search, if issued, be valid from:

May 13, 2010 to May 19, 2010 between the hours of 8:00 a.m. and 5:00 p.m.

Grounds for Sealing Order

218. I believe prohibiting public access to the information in this Application / Information is necessary for the following reasons:

- a. The investigation requires further interviews to be conducted, and disclosure would compromise the nature and extent of an ongoing investigation for the following reasons:
 - i) It would identify which witnesses have cooperated with the investigation to date;
 - ii) It would identify what information each witness has provided.
- b. To avoid contamination of witnesses not yet known to the police;
- c. To avoid information being provided to suspect(s) not yet identified or interviewed;

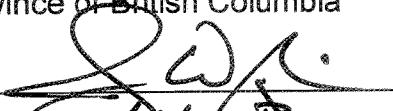
- 219. In the circumstances which I have described in this information / application there is no need to execute a search warrant by night;
- 220. I therefore request that a Production Order be issued pursuant to Section 487.012 of the Criminal Code, to compel George Lee of the Fairchild Radio Group to produce the Documents-A by May 19, 2010.
- 221. I therefore request that a Production Order be issued pursuant to Section 487.012 of the Criminal Code, to compel Kay Lai of CHMB AM1320 Mainstream Broadcasting Corporation to produce the Documents-B by May 19, 2010
- 222. I therefore request that a Search Warrant be issued pursuant to Section 21 of the Offence Act to search 2090-4151 Hazelbridge Way Richmond BC for the said Documents - A.
- 223. I therefore request that a Search Warrant be issued pursuant to Section 21 of the Offence Act to search 100-1200 West 73 Ave Vancouver BC for the said Documents - B.

SWORN BEFORE ME this)

13th day of May, 2010)

at Surrey,)
 Province of British Columbia)


 Beverley Dew


 A Judge of the Provincial Court.
 A Judge or Judicial Justice of the Peace
 in and for the Province of British Columbia