

Ms. Karen Rose,  
Information Commissioner  
J. Angus MacLean Building  
P.O. Box 2000, Charlottetown  
PE C1A 7N8

140 Plug Street  
Malpeque, PE  
C0B 1M0

October 2, 2018

Re: Request for Assistance

Dear Ms. Rose,

I am the President of Capital Markets Technologies (CMT) and I have significant concerns how a number of requests for government records submitted under the *Freedom of Information and Protection of Privacy (FOIPP) Act* in 2014, were handled by the PEI government. My concerns predate your appointment, effective June 22, 2015, so I am requesting guidance from you on how to proceed to both obtain all the records initially sought, as well as file a complaint.

I am bringing these concerns to your attention now, as I have only recently received new information during the last few months which clearly shows that claims made stating that "no records existed" with a number of these FOIPP requests were false. A number of these Access Request responses were signed by Neil Stewart, who worked on the e-gaming file. Although there are numerous examples that records do exist, I will provide just a few at this time.

In the spring of 2014, Capital Markets Technology hired a private investigator, Bruce MacDonald, to help in the search for relevant documents in a bid to clear our reputation from slanderous comments and false accusations of impropriety being made in the PEI Legislature and media by government members of the PEI Legislative Assembly. Mr. MacDonald did his due diligence by collecting public documents and interviewing key individuals involved. His work led to several FOIPP Requests in the Spring of 2014.

I understand that the normal time period indicated within the FOIPP Act allowing a review of a response from the head of a government department by the Information Commissioner has long-since expired for these Access Requests, however, as I mentioned above, I am now convinced that these requests were intentionally manipulated and mishandled. I am requesting your assistance in clarifying what formal means are available to me to address this matter.

Sincerely,



Paul Maines, President  
Capital Markets Technologies

## Appendix "A"

### **E-gaming Meeting at the Premiers Office**

*(File # EX-2014-03)*

**Request:** *"Copies of the Calendar meetings on February 9<sup>th</sup> and February 10<sup>th</sup>, 2012 for the Premier, Chief of Staff and the Clerk of Executive Council including attendance in a meeting relating to gaming file"*

**Result:** *Search Executive Council Office and Office of the Premier has failed to retrieve any records relating to the subject of your request.*

**Signed By: Janice Pettit**

### **Evidence of Tampering**

Mr. MacDonald acquired an email between the President of Simplex, Philip Walsh, and Government Project Manager for the E-gaming Initiative (as identified by the Auditor General), Gary Scales.

On January 30, 2012 Scales wrote to Walsh: "We're going to have our round table next week on **Thursday and Friday (Feb 9-10). The Premier** and Mi'kmaq Chiefs will also be taking in part of the session."

Mr. MacDonald interviewed some of the people who attended that round table meeting who confirmed to him that former Premier, Robert Ghiz, did in fact attend that meeting.

In an email dated Feb. 10, 2012 from Chris LeClair (to Gary Scales, Kevin Kiley, Ron Mackenzie, Steve MacLean, Wes Sheridan, Neil Stewart, Mike O'Brien and Philip Walsh), Chris LeClair attached the "Briefing notes and Presentation Outline" prepared for the meeting with the Premier and Chiefs. The presentation is titled "Meeting- Premier's Office".

**Note: At the time of this meeting, Steve MacLean was the Clerk of Executive Council so a search for relevant records should have produced this email and attached presentation.**

## Appendix B

### Chris LeClair and Brad Mix

(Ref: #DIAL-2014-05)

**Request:** *"Copies of all emails and correspondence (including phone calls/messages) Between Brad Mix and Chris LeClair on any files related to gaming, gaming corporations, McInnis Cooper and/or financial services sector related business(es) located on PEI January 1, 2011 - June 30, 2012."*

**Result:** *"No Records Found"*

**Signed By: Neil Stewart**

### Evidence

The 2016 Auditor General Report confirmed that Chris LeClair and Brad Mix were key players for government in e-gaming.

Mr. MacDonald had in his possession an email that made reference to their communication with one another, and one that showed they were in the same meeting. In the January 18, 2017 Public Accounts meeting, the Auditor General confirmed that e-mails belonging to then Chief-of-Staff, Chris LeClair, were ordered deleted by former Premier Robert Ghiz, in contravention of the Archives and Records *Act*. Nonetheless, emails which Chris LeClair sent to Brad Mix should have been found at Innovation and Advanced Learning and produced.

In an email dated Jan. 30, 2011 from Paul Jenkins, he references his meeting both Chris LeClair and Brad Mix. Jenkins states, "***I meant (sp) Chris yesterday over FMT. He has lined up a meeting with Brad Mix.*** Brad will approve you doing an analysis for FMT."

**Note:** An email from Paul Jenkins to Brad Mix and Chris LeClair dated March 4, 2011 Subject: Co-Investment Fund should have been produced. This was a venture capital fund set up to finance e-gaming companies relocating to PEI and encourage local investors.



## Appendix "C"

### **Paul Jenkins and Brad Mix**

(Ref: #DIAL-2014-06)

**Request:** *"Copies of all emails and correspondence including phone records, PINS, documentation between Brad Mix and Paul Jenkins... January 1, 2011 to September 30, 2012"*

**Result:** *"No Records Found"*

**Signed By: Neil Stewart**

### **Evidence**

The 2016 Auditor General Report confirmed that Brad Mix was one of the key players for government in E-gaming. Paul Jenkins was the CMT representative for all e-gaming communications among government officials.

Mr. MacDonald acquired multiple emails between Brad Mix and Paul Jenkins and was aware of many meetings between the two men. Brad Mix was involved with Jenkins and LeClair recruiting Virgin Gaming to PEI. He also worked on recruiting companies to PEI such as Basalt, Zanagen and Silver Clear, to name a few.

In particular, an email from Paul Jenkins to Brad Mix and Chris LeClair dated March 4, 2011 Subject: Co-Investment Fund. This was a venture capital fund set up to finance e-gaming companies relocating to PEI and encourage local investors. Clearly Jenkins, Mix and LeClair were all at the same meeting.

In an email dated June 2, 2011 Brad Mix forwarded an email to Paul Jenkins about recruiting local companies to work with a UK e-gaming company. Neil Stewart was cc'd on the original email with Brad Mix and appears to be working as part of the recruiting team.

**Note:** Multiple emails between Paul Jenkins and Brad Mix exist and were obtained by CMT via a non-government source. These records should have been retained within the Department of Innovation and Advanced Learning and produced in this FOIPP request.

## Appendix "D"

### **Neil Stewart and Edward Curran**

(Ref: #DIAL-2014-08)

**Request:** *"Copies of all emails, meeting appointments, correspondence including phone records, PINS between Neil Stewart and Edward Curran, Scotia MacLeod April 1, 2008-present."*

**Result:** *"No Records Found"*

**Signed By: Neil Stewart**

### **Evidence**

Given their apparent working relationship it is not reasonable to believe that no records existed between Neil Stewart and Edward Curran during the six-year period from 2008 to 2014. It is also suspicious and concerning that Neil Stewart signed off on an Information Request that was seeking his own records, indicating no requested records existed.

Furthermore, in his response letter, Stewart indicates that no records "In relation to gaming...." were located; however, the request submitted did not restrict communications between Neil Stewart and Edward Curran to "gaming," but was comprehensive in nature, e.g.,