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January 29, 2020

MINISTRY OF JUSTICE AND ATTORNEY-GENERAL OF CANADA

House of Commons
Ottawa, Ontario,
K1A 0A6

E-Mail Address: David.Lametti@parl.gc.ca

Attention: Minister of Justice

Dear Mr. Lametti:

Re: Dennis ats OLGC OLGC's Evidence Tampering

Further to my earlier **warnings** to the Governments of **Canada** and **Ontario** on the **increasing misconduct** of the **OLGC**,¹ enclosed please find my **report** dated **December 27th 2019** on the above-noted matter (the "*Report on Forgery*").²

In 2008, about **nine** months **after** Counsel Fancy served the OLGC with the above-noted proposed class action upon the OLGC (a materially corrupt provincial crown agent), Prime Minister Harper's government moved to amend the Criminal Code to **exempt** crown agents and others from **criminal liability** in matters of **documentary forgery** (the "*Exemption*").³

The Government of **Canada** is **directly enriched by provincial gambling revenue**.⁴

¹ See (by example) Sol Boxenbaum's letter dated **July 24th 2017** to the federal *Minister of Justice and Attorney General of Canada Department*: Ms. Wilson-Raybould; see also letter dated **September 7th 2017** from the provincial *Ministry of Health and Long-Term Care*: G. Oldford; and see Sol Boxenbaum's letter dated **November 1, 2017** to the provincial *Minister of Finance*: Charles Sousa.

² See report dated December 27th 2019 by Sol Boxenbaum on *Dennis v. OLGC* served upon the OLGC through its counsel **Davies Ward Phillips & Vineberg LLP** on January 10, 2020;

³ See §366(5) of Canada Criminal Code providing: "**No person commits forgery by reason only that the person, in good faith, makes a false document at the request of a police force, the Canadian Forces or a department or agency of the federal government or of a provincial government.**"

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Apart from obvious constitutional concerns, the Exemption brings ruin to, *amongst other things*, the administration of justice in Canada. The **Report on Forgery** examined the **findings** of **several experts** on the **tampered** (textual and financial) **evidence** tendered by the OLGC or its lawyers.⁵

We direct your attention to following confident conclusions in the Report of Forgery:

- a) **Fraudulent Insider Wins:** In 2007 Ontario's Ombudsman found, *amongst other jaw dripping facts*, that the "*OLG's system does not prevent someone from altering the chronology after the fact.*"⁶ In such context the Ombudsman found "*at least \$100 million in prizes had been paid out to so-called "insiders" including "some of it to "fraudsters.*"⁷ The report buried the OLGC with the OLGC's own **profoundly unclean hands**;

⁴ See **OLGC's Business Plan 2019-20** at page 10 where OLGC admitted to "*...payments to the Government of Canada*" in respect of the sum of **three hundred and forty-one million dollars** i.e. \$341,000,000.00; see **OLGC' Business Plan dated 2018-19** at page 7 where the OLGC admits to "*...payments to the Government of Canada*" in respect of the sum of **three hundred and sixteen million dollars** i.e. \$316,000,000.00.

The above quoted figures on "*...payments to the Government of Canada*" appear understated in OLGC's financial disclosure. In that respect, (and by example) we observe that the OLGC also admitted in the 2019-20 Business Plan at page 32 where it also admitted to paying "*...commissions, fees and payments to the Government of Canada.*" Given OLGC's history of misrepresentations these issues (including the money missing from the irresponsible Winner' Circle program), require expert examination by arms-length forensic accountants; not provincial or federal ministries.

⁵ The OLGC was represented by **Davies Ward Phillips & Vineberg LLP** in the above-noted proceedings including earlier proceedings such as in *Treyes v. OLGC* (2008). Specific lawyers known to be involved in the above-noted and or past proceedings through DWPV include Mathew Milne-Smith, Ms. Spagnola and Jim Doris.

We were retained by Fancy Barristers, P.C. in both *Dennis v. OLGC* and *Treyes v. OLGC*. See legal history on those proceedings at the **Problem Gamblers Lawyer**: <http://www.problemgamblerslawyer.com/>

⁶ Report on Forgery at Question 3, page 10.

⁷ Report on Forgery at Question 1, page 5. Observe the (2007-08) **update** by the Ontario Ombudsman as follows: "*As a follow-up to the Ombudsman's investigation, the OLG engaged Deloitte & Touche to do a more detailed analysis of past "insider wins" dating back to 1995. The troubling results of Deloitte's \$750,000 review were announced in February 2009: It found the rate of "insider wins" was 3.4% of total winnings – twice the OLG's original estimate of 1.7%. Insider wins over the past 13 years totalled \$198 million – almost double the OLG's initial estimate of \$100 million.*"

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- b) **Forged Winner’s Circle Records:** *“Now there is **strong evidence of significant reduction** of Peter Dennis’ **pre-self-exclusion** gambling activities in his OLGC “Winner’s Circle” records based upon the forensic accountant’s report dated December 29th 2017”*;⁸
- c) **Missing Gambling Activity:** *“In my opinion, it is **certain** that Mr. Dennis was inside Woodbine casino, **on days missing from the produced Winner’s Circle records**, withdrawing money from **inside Woodbine casino ATM 1030** and then gambling with the **Winner’s Circle rewards card** in Woodbine with the **cash withdrawals**”*;⁹
- d) **Mass Forgery:** The Forensic Accountant found a *“**variance of almost 15%** [in the **Winner’s Circle records**], involving ... many financial transactions inside Woodbine casino, over several months...”* This finding *“**is of significance because it is about a major crown corporation, whose revenues from selling gambling to ordinary consumers, are in the several billions.** Based upon my several decades of experience with casinos, including the history of OLGC’s deceptive practices ... **I believe the significant understatement of Mr. Dennis’ WC records is strong evidence of a larger similar practice in the OLGC**”*;¹⁰
- e) **6 Other Altered OLGC Documents:** *“The **evidence on the significantly altered Winner’s Circle statements** is especially **convincing** given (amongst other things), **OLGC’s conflict of interest, the history of fraud** in gambling schemes as found by the Ombudsman 2007, and the **numerous other altered documents** produced by the OLGC in Dennis (as confirmed by an independent Plaintiffs’ expert)”*;¹¹
- f) **Pre-2007 Tampering:** The Province of Ontario [and OLGC] **accepted** the Ombudsman’s recommendations on March 26, 2007,¹² but Mr. **Dennis tampered**

⁸ Report on Forgery at Question 2, page 6.

⁹ Report on Forgery at Question 2, page 6.

¹⁰ Report on Forgery at Question 2, page 8.

¹¹ Report on Forgery at Question 2, page 9.

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Winner’s Circle records are from 2004. This was also a “*banner year for controversial insider claims*” as also found by the Ombudsman’s 2007 report at page 20. **Independently [in 2017], the multi-jurisdictional forensic examiner of six important textual documents** (non-financial documents arising before 2007) **produced** by the OLGC in Mr. Dennis’ proceeding **also showed serious tampering of content.**”¹³

g) **2001 Martin Report:** “...By example, the 2001 “Final Report”, in the name of OLGC Consultant Neasa Martin, was **produced by OLGC through its current counsel** (the “Martin Report”). Like the jaw-dropping findings of the forensic accountant on the Winner’s Records, **another forensic expert Ms. Carlson** examining for evidence tampering in textual documents made the following **findings on the Martin Report:**¹⁴

- **Part C on Dates:** “*The contradictory dating structure makes it impossible to believe that this “Report” was created in a continuum or even in the same general time frame.*”¹⁵

- **Part D on Table of Contents:** “*The “OLGC-Observations’ title is inconsistent with the only possible title of “OLGC – Consultant’s Observations’, at*

¹² “Government accepts findings ...”, March 26th 2007 at the quote below from the following website <https://news.ontario.ca/archive/en/2007/03/26/Government-Accepts-Findings-Of-Ombudsman-Investigation.html>

The Ontario government is taking immediate action to make a strong lottery system stronger, Minister of Public Infrastructure Renewal David Caplan said today. “**I wholeheartedly accept and support the findings of the Ombudsman’s investigation and thank him for his hard work and dedication,**” said Caplan. “I am committed to implementing the Ombudsman’s recommendations to make Ontario’s lottery system the gold standard in the industry.”

¹³ Report on Forgery at Question 4, page 12. Ms. **Carlson** was the forensic document examiner of the non-financial documents. Her **expert qualifications** (appearing on the first page of her report dated October 8, 2017) are stellar as follows (in part):

“I am a Court Qualified Forensic Document Examiner, qualified and/or **appointed by courts in sixteen (16) states**, Canada and the Bahamas. I have given sworn expert testimony in **provincial and federal courts in Canada, and local, state and federal courts in the United States.**

In the past nine years, I have examined more than 15,000 documents and rendered opinions in approximately 1600 cases involving altered documents,

¹⁴ Report on Forgery at page 12.

¹⁵ Carlson’s report dated October 8, 2017 at page 2, part C.

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Page 10. In the misleading circumstances of the “Report” the inconsistency is likely the mark of misinformation or missing text from the “Report”;¹⁶

- **Part E on Appendices:** “There are four (4) primary sections in the **Appendices Index** as follows: “Appendix A’, Appendix B’, Appendix C’, and Appendix D’. However, there is no reference to Appendix B’, Appendix C’, or Appendix D”;¹⁷

- **Part F on Final and Draft:** “There are portions within each ‘Report’s set of tables (“Tables”) that are entitled “Draft’ even though the cover page of each document is labelled ‘Final Report’.”¹⁸

h) **Other Alerted OLGC Documents:** The same forensic documentary expert examined **five additional documents** produced by the OLGC and concluded as follows:

*“Based on my examination and the **lack of continuity and distinct or congruent references throughout documents ‘a’ through ‘e’**, including or excluding the 102-page ‘Martin Report’, along with the inconsistently organized formatting, **multiple dates**, inconsistent spacing, inconsistent, disjointed or **non-existent page numbering**, inconsistent or missing footers, and **inconsistent or disordered headings and titles**, it is my professional expert opinion that the documents herein referenced are purportedly **unfinished draft sections** of a purportedly larger report purportedly prepared over the years 1999 to 2008 by OLG.”¹⁹*

In these circumstances, the **OLGC is reporting** to Rodd **Phillips**; the **Ford** government’s **chosen Minister of Finance** and the former **CEO** of the **OLGC between 2011 and 2014**.²⁰ During Mr. **Phillips’ management** of the OLGC, **three (3) appellate courts** in Ontario pronounced **adverse judgments** against the representative Plaintiffs (and a potential class of

¹⁶ Carlson’s report dated October 8, 2017 at page 3, part D.

¹⁷ Carlson’s report dated October 8, 2017 at page 3, part E.

¹⁸ Carlson’s report dated October 8, 2017 at page 3, part E.

¹⁹ Report on Forgery at Question 4, page 13.

²⁰ See “*OLG president’s exit casts doubt on Ontario’s new vision for gambling*” Jon Woodward, CTV: <https://www.theglobeandmail.com/news/national/rod-phillips-steps-down-as-president-and-ceo-of-olg/article16451563/> <https://www.theglobeandmail.com/news/national/rod-phillips-steps-down-as-president-and-ceo-of-olg/article16451563/>

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more than 10,000 families) in the face of **material but forged documents produced** by the **OLGC** or **its lawyers**.

At the same time, the **current Minister of Finance** and others at the OLGC or its counsel are potentially assisted by the shocking **Exemption** from criminal liability in respect of documentary forgery. By letter of November 1st 2017 (before receiving evidence cited in Report on Forgery) we warned that the “*provincial authorities that are breaking the laws*” cannot be expected to “*prosecute themselves*” as I advised the then provincial **Minister of Finance**:

The “Canada Safety Council called addictive gambling a public-health crisis, saying it accounts for 200 to 360 suicides a year. The council called for a moratorium on the expansion of casinos, an end to 24-hour casino operations, limits on gambling-related advertising and limits on how much a gambler can lose before being shut off.”²¹

The “*public-health crisis*” reported by the Safety Council’s evidences (by example) an average of about **280** gambling related suicide per year or about **3360** over the past **12** years, without considering the epidemic spread of government sponsored gambling in Canada (the “*Suicides*”). However, we agree with the **Research Coordinator** of the **Alberta Gambling Research Institute** on gambling related suicides:

“The true rates are many multiples higher than the official rates. “What they’re doing is a conservative approach. The coroners only link gambling to suicides with unambiguous evidence, usually a suicide note. The public needs to know the figures need to be taken with a big dose of salt.”²²

The federal and provincial government are **knowingly profiting** from **death** in **Canada** and seeking to shelter themselves from **criminal liability** through the Exemption. Take note that the

²¹ Canadian Press, Dennis Bueckert, “*Social cost of gambling a concern*, Published December 23, 2004 (updated April 21, 2018). In my opinion the current number of gambling related-suicides numbers are materially greater than the quoted range, in part, due to the continued proliferation of gambling in Canada e.g. **OLGC**’ **irresponsible virtual casinos**.

²² *‘I put a bullet in a gun’: Toll of gambling could be high, addict warns*, Jon Woodward (© July 6, 2016) CTV News.

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conservative example of **Suicides** (i.e. **3360**) exceeds the number of people killed (i.e. **2977**) in the **9-11** attack.²³

The **OLGC** currently reports to **Rodd Phillips** (the **CEO** of **OLGC** during the **appellate hearings** on, *amongst other things*, the **forged documents**) and who now appears to present himself as **Ontario's Minister of Finance**.²⁴ It is outright absurdity, to expect such a person to act in the public interest.

I expect even less from the under-educated premier Ford who is allegedly interested in examining "*OLG's books over spending concerns*" while he **simultaneously** maintains the former CEO of OLGC as his **grossly conflicted Minister of Finance** (but to whom the **deceptive** crown agent of the **apparent books** report).²⁵

Your **express obligations**, as set out in Prime Minister Trudeau's letter dated December 13, 2019 on the mandates of your job include: "*Work with the Minister of Finance, the Minister of National Revenue and the Minister of Public Safety and Emergency Preparedness to continue to develop new policies and legislation to reduce organized crime and gang activity in Canada, including money laundering.*"²⁶ The **OLGC** is a **gangster in a crown's clothing**.

Is the Minister of Justice aware that Canada is a nation, subject to the Rule of Law under the Charter, not the rule of casinos, forgers and profiteers under the Exemption? Fix yourself.

Yours truly,
Viva Consulting Family Life Inc.

Sol Boxenbaum

Sol Boxenbaum
Consumer Advocate

²³ *September 11 Terror Attacks Fast Facts*, November 13, 2019, CNN Editorial Research at <https://www.cnn.com/2013/07/27/us/september-11-anniversary-fast-facts/index.html>

²⁴ See "*Meet the Premier's Team*" at <https://www.ontario.ca/page/meet-premiers-team>

²⁵ *Premier Doug Ford says auditors are examining OLG's books over spending concerns*, *Toronto Star*, Robert Benzie, Nov. 21, 2019.

²⁶ See *Minister of Justice and Attorney General of Canada Mandate Letter* <https://pm.gc.ca/en/mandate-letters/minister-justice-and-attorney-general-canada-mandate-letter>

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c.c. **DENNIS COUNSEL & EXPERT:**

Hassan Fancy: *Counsel of Record for Plaintiffs in Dennis v. OLG*
Dr. Williams: *Expert in Dennis v. OLG*

hfancy@fancybar.com
robert.williams@uleth.ca

MEDIA:

Lisa Mayor: *Fifth Estate-Associate Producer*
Robert Benzie: *Toronto Star (Queen's Park Bureau Chief)*
Jon Woodward: *CTV*

lisa.mayor@cbc.ca
rbenzie@thestar.ca
JonWoodward@CTV_Jon

FEDERAL PARLIAMENT:

Bill Morneau: Minister of Finance
Diane Lebouthillier: *Minister of National Revenue*
Bill Blair: *Minister of Public Safety and Emergency Preparedness*
Chrystia Freeland: *Department of Intergovernmental Affairs*
Jean-Yves Duclos: *Minister of Families, ...and Social Development*

Bill.Morneau@parl.gc.ca
Diane.Lebouthillier@parl.gc.ca
rod.phillips@pc.ola.org
Chrystia.Freeland@parl.gc.ca
Jean-Yves.Duclos@parl.gc.ca

PROVINCIAL PARLIAMENT:

Rodd Phillips: Minister of Finance & former OLGCEO
Doug Downey: Attorney General
Doug Ford: *Premier and Minister of Intergovernmental Affairs*

rod.phillips@pc.ola.org
doug.downey@pc.ola.org
doug.fordco@pc.ola.org

OLGC's COUNSEL (*Counsel of Record for Defendant in Dennis v. OLGCE*)

Mathew Milne-Smith: *Davies Ward Phillips & Vineberg LLP*
Chantelle Spagnola: *Davies Ward Phillips & Vineberg LLP*

mmilne-smith@dwpv.com
ccseh@dwpv.com

OLGC's FORMER COUNSEL (re: Dennis & Treyes)²⁷

jdoris@tyrllp.com

²⁷ After 25 years of practice at Mr. Doris departed from *Davies* in or about June 2019; by this time three of the four expert reports on the forgery were served upon *Davies*. See https://www.tyrllp.com/docs/profile_JDoris.pdf