

February 20, 2019

**REPORT OF SPEAKER DARRYL PLECAS TO THE HOUSE LEADERS
AND LAMC IN REPLY TO THE RESPONSES OF MR. JAMES AND MR. LENZ**

PART 1 – OVERVIEW

A. INTRODUCTION

1. This report provides some comments about the responses that have been delivered by Mr. James and Mr. Lenz. I believe you may find it useful, since I am most familiar with the matters discussed in my Preliminary Report. I recognize that this part of the process remains at a preliminary stage – the Audit and Workplace Review will make findings about what actually happened. But at this stage, the House Leaders need to decide whether confidence in these two officers has been undermined to the point that, regardless of the outcome of the further processes, audits and investigations, Mr. James and Mr. Lenz cannot realistically return to their positions as the senior executives of the Legislative Assembly.

2. The responses from Mr. James and Mr. Lenz attempt to create a contest of evidence between me and them, but that is not what this is about. First, my Preliminary Report is not based solely on my own observations, but is supported by the accounts of more than a dozen witnesses who worked with Mr. James and Mr. Lenz for many years at the Legislature. I am confident that when current employees and managers are interviewed, the evidence will be very similar.

3. Second, in many instances which I have highlighted in Parts 2 and 3 below, the responses provided by the suspended officers can be assessed without having to decide whether to believe them or me. Considering Mr. James' and Mr. Lenz's own statements in light of the objective documents, and using basic common sense, should provide a sufficient basis on which to make a determination of whether the Legislative Assembly and the public can ever have full confidence in these officers' ability to lead this institution in the future. These are very highly paid senior officers and the Legislature and the public are entitled to absolutely scrupulous conduct from them that does not

undermine the trust placed in them, and the dignity and reputation of the Legislative Assembly.

4. Third, whether the expenditures, travel, salary increases and various bonuses and benefits were technically authorized or not, are important questions that require answers, but even if all of them were authorized it begs the question of how can that be? Why are these positions so lacking in accountability and oversight compared to the conduct of employees and officials working elsewhere in government? Why are these officers travelling all over the world like dignitaries, spending enormous amounts of money and justifying it all by their bare assurances that the events were useful? It is not an answer to point at so called “clean” audits from the Auditor General – those audits did not review the expenses of the Legislature at the level of detail that I have addressed in my report. Nor can Mr. James point to the fact that, under his watch, the role of Executive Financial Officer was established:¹ instead, what the documents show is that the Executive Financial Officer attempted in vain to require Mr. James to abide by certain Legislative Assembly policies,² and approved questionable expenses by Mr. James based on highly suspect rationales.³ In addition, it may be seen that Mr. James and Mr. Lenz would often direct branch operations under the control of Mr. Lenz to process questionable expenses by and for Mr. James. Further, Mr. James’ written communications with the Executive Financial Officer in recent years do not read as true “requests” for approval or opportunities for her to exercise effective oversight. They appear more in the nature of directives.

5. The lack of accountability that has been revealed has been largely of these officers’ own design – as senior executives, they advise the committees that they say

¹ James Response, para. 7.

² See, for example, her email sent in September 2015 in relation to one of Mr. James’ requests for a payout of banked vacation time, in which she wrote, “*I will speak to Craig about this and our vacation policy next week.*” Notwithstanding any discussion that followed, the practice continued unabated: Preliminary Report, para. 153(b) and Exhibit 16, p.12.

³ For example, the claims for luggage. When a Financial Services staff member evidently questioned the expenses, the Executive Financial Officer responded indicating that she had received an explanation from Mr. James and the expenses should be approved: Preliminary Report, para. 114(b) and Exhibit 6, pp.11-13.

make the authorizations and instruct the staff who process the expenses. On that point, a central feature of Mr. James' and Mr. Lenz's responses is to point out that in some cases I signed off on things. That is because I trusted Mr. James when he told me that something had been long in the works, had already been approved, was an inconsequential administrative manner, or was something he and all employees were entitled to. Particularly early in my time as Speaker, I naturally did not appreciate that I needed to scrutinize every item, large and small, on the materials that the Clerk put before me. Even after my suspicions developed, for example when I approved Mr. James' expenses relating to the August 2018 trip, he did not advise me that he was going to take an email approval for one set of expenses and affix it to others that I had not seen. Senior executives depend on forthright advice from senior managers about matters put forward for approval – it is not a game of “catch me if you can”.

6. My Preliminary Report and this follow-up report raise issues which I believe the public will find unacceptable. There are fundamental systemic changes that must be made. The conduct of these senior officers, even if notionally authorized, has brought those systemic deficiencies into stark relief. On an individual level, it represents, at best, a dramatic failure of judgment and leadership by those officers, and at worst, a pattern of deliberate improper use of public resources for their own benefit. The standard we expect of senior executives can't be that their actions be “plausibly defensible” or “...but somebody else okayed it.” It has to be that they do what's right. That is particularly so (a) the less oversight there is scrutinizing a position; and (b) when the role is serving the public.

7. Below I have set out my responses in three sections. The first highlights what I see as responses that I say are demonstrably false, based on objective documentary evidence. The second section notes a number of ways in which the responses are either missing or not believable on their face – issues that don't require you to make a decision about who to believe to recognize that they are problematic. The final part flags portions of their responses that I say are untrue or inaccurate, but which involve a conflict between my evidence and theirs. I don't suggest you can resolve those

matters at this preliminary stage, but thought it useful to note statements that I say are false, and why.

PART 2 – RESPONSES WHICH ARE DEMONSTRABLY FALSE

8. Both Mr. James' and Mr. Lenz's responses include claims which can be shown to be inaccurate from documentary evidence available. More than mere mistakes, oversights, or minor inconsistencies, the two examples I have set out below illustrate behaviour which shows, in my view, a clear intent to mislead.

B. AUGUST 2017 TRIP TO WASHINGTON STATE

9. Para. 120(b) of the Preliminary Report refers to a "Legislative Assemblies Business Continuity Network" ("LABCoN") Conference held between Victoria and Washington State from August 13-18, 2017. Mr. James addresses this at paras. 102-112 of his response.

10. The travelling party for that trip was as follows:

Name	Role
"Delegates"	
Jose Cadorette	Manager, Business Resilience, Office of the Clerk and Secretariat, House of Commons of Canada
Marc Desforges	Manager, Corporate Security Programs, Senate Corporate Security, Senate of Canada
Martin Fenlon	Head of Business Continuity and Advisor to UK Parliament, Emergency Planning College / Palace of Westminster
Michelle Hegarty	Assistant Chief Executive, Scottish Parliament
Tommy Lynch	Business Continuity Manager, Scottish Parliament
Nancy Marling	Executive Director, Administrative Services, Legislative Assembly of Ontario
Craig James	Clerk, Legislative Assembly of British Columbia
Gary Lenz	Sergeant-at-Arms, Legislative Assembly of British Columbia
"Staff"	
Staff Member 1	Senior House Documents Manager, Legislative Assembly of British Columbia
Staff Member 2	Project Coordinator, Legislative Assembly of British Columbia
"Accompanying Persons"	
Mrs. James	[Mr. James' wife]
Mrs. Lenz	[Mr. Lenz's wife]

11. To be clear: Washington State is not a member of LABCoN. There was no prearranged “conference” which required travel to Washington to attend. This was an initiative organized by Mr. James and almost entirely paid for by British Columbia taxpayers. It took place in Washington because Mr. James decided the group should visit Washington.

12. I have seen recent media reports which quote the Chief Clerk of the Washington House of Representatives, Bernard Dean, as being “surprised” and finding it “odd” that British Columbia representatives wanted to visit the Washington Legislature – as they had previously visited in 2013. He was quoted as saying he was not “familiar with” LABCoN, and that he could not recall any other legislative clerks making similar trips.⁴

13. Mr. James says the trip was legitimate and useful. He says that there was a “detailed agenda for the conference.”⁵

14. A copy of that agenda, which I am advised he personally drafted, is attached as Exhibit 32. It is concerning to me, because although the agenda includes a number of official-sounding events, relevant receipts and other evidence suggests those entries are misleading. For example:

- (a) In his response, Mr. James states that meetings in Victoria included “earthquake preparedness.” The Agenda states that at 3:30 pm on Sunday, August 13, delegates attended “Tsunami Watch: Guided tours of Haro Strait and Juan de Fuca Strait with explanations of aquatic life and seismic activity.”

The actual activity was in fact a whale watching expedition: a receipt shows that a staffer in the Sergeant-at-Arms’ office booked “Victoria Ocean Magic

⁴ Bob Mackin, “Exclusive: James and Lenz dinged B.C. taxpayers for big league baseball tickets and whale watching tour”, *TheBreaker*, Available at <https://thebreaker.news/news/legislature-olympia-2017/>.

⁵ James Response, para. 105.

II Whale Watching Adventures”, for Sunday, August 13, 2017 at 3:30 pm, for eight people at a cost of \$1,024.00.⁶

- (b) Mr. James says the purpose of LABCoN is “collaboration between Parliaments and assemblies throughout the world.”⁷ According to the Agenda, much of the next two days was ostensibly devoted to “jurisdictional reports”, “LABCoN Development”, and “Chapter Reviews” – the last of these apparently taking the entirety of the day on Tuesday, August 15 and the morning of Wednesday, August 16.

In reality, the “jurisdictions” represented at the “conference” were BC, Ontario, Canada, Scotland, and (possibly) the UK.⁸ At most, there were four or five “chapters” to review. Further, I note that notwithstanding the visit from British colleagues in August 2017, Mr. James and Mr. Lenz arranged to pay a return visit to Scotland and the UK less than four months after the Victoria/Washington “conference”, ostensibly to discuss similar topics.

- (c) The itinerary lists, at 12:40 pm on Wednesday, August 16, “*Safe passages: Large-Scale Evacuations*”, at Safeco Field in Seattle.

In fact, at 12:40 pm on that day, the Seattle Mariners hosted the Baltimore Orioles. British Columbia paid for 13 tickets to that game, at a cost of US \$1,073.32.⁹

Mr. James writes, “we were offered tickets to a baseball game.” That is only true to the extent that all members of the public are technically “offered” tickets to events, in exchange for full payment. The tickets were purchased through Ticketmaster on July 31, well in advance of the trip, and not

⁶ Preliminary Report, Exhibit 11, pp.7-8.

⁷ James Response, para. 104.

⁸ Martin Fenlon is listed as an “Advisor” to the UK Parliament, not an employee or staff member of that Parliament. It is not clear whether he attended as a “representative” of that jurisdiction.

⁹ Preliminary Report, Exhibit 11, p.17.

“offered” or arranged through any official parliamentary connection. And while Mr. James states that “many in the group had never seen” baseball, according to the listed travelling party only three of the 12 were from outside Canada.

- (d) The itinerary for Thursday, August 17 lists a number of official-sounding presentations by Mr. Dean and his colleagues. As Mr. Dean’s comments make clear, this was not as part of any formal event, nor did he and his colleagues offer to host this: Mr. James seems to have more or less invited himself and the delegation, and the Washington State officials, “as a courtesy”, agreed to accommodate.
- (e) I note that the “delegation” included Mr. James’ assistant and a member of Mr. Lenz’s administrative staff. I have high respect for both staff members, and they are good at their jobs – but those jobs do not include security, disaster preparedness, or the ubiquitous “business continuity.” I understand their roles in this event to have been limited to making bookings and arranging logistics. Why it was necessary for them to travel to, and ostensibly attend these “events”, including in a foreign country, when to my knowledge neither has any connection with “business continuity” as part of their role, is beyond me. To be clear, I do not fault either of them as they were requested to attend – but nor can I rationalize why Mr. James felt it was justifiable to have them there. The staff member who was with Mr. Lenz recently informed me that he was very troubled at the time by what he witnessed in terms of spending and expenses related to the trip.
- (f) They, along with Mrs. James and Mrs. Lenz, apparently attended at least some of the three “working dinners” referred to in the Agenda, which I have confirmed cost the taxpayer a total of \$3,601.01.

I note that Mr. Lenz reimbursed the Legislative Assembly CAD \$93.58 in relation to Mrs. Lenz’s meals at the three “working dinners”. That is of course appropriate, although I have not seen any evidence that Mr. James

did the same in relation to his wife. I note that at these dinners – where the average total bill for each meal was \$1,200 – Mrs. Lenz’s reimbursement was for just over \$30 per meal.¹⁰ Because no itemized receipts have been submitted for the meals, it is not possible to see exactly what items were ordered.

- (g) In addition, it is difficult for me to understand Mr. James’ statement that notepads purchased at the Washington State Legislature, with that legislature’s insignia on them, were “for business use”¹¹ by the Clerk of the British Columbia Legislative Assembly.

15. As a final remark: the copy of the Agenda referred to above is stated to have been last revised August 11, 2017. The baseball tickets and the whale watching were booked on July 31 and August 1, respectively. That implies two things:

- (a) when he wrote or last updated the descriptions “Safe Passages: Large-Scale Evacuations” and “Tsunami Watch”, Mr. James knew these were not truthful. He knew the actual events were baseball and whale-watching.
- (b) the Agenda was not intended to be an accurate itinerary for “delegates” – because it didn’t include what the group was actually doing. That in turn implies that it was created for some other purpose. The only reason I can identify why someone would deliberately create and distribute an inaccurate, although official-sounding itinerary, is to justify the exercise after the fact.

¹⁰ I have reviewed current menus at both McCormick and Schmick’s and Daniel’s Broiler, the sites of the “working dinners” on August 16 and August 17. Although there may have been some slight variation in selection or increase in price at those restaurants over the past 18 months, the amounts reimbursed by Mr. Lenz compared to the current menus almost certainly imply that Mrs. Lenz had only a starter or salad, and nothing else: no main course at McCormick and Schmick’s is cheaper than the amount reimbursed for Mrs. Lenz that night (USD \$18), and only one seafood dish at Daniel’s Boiler is less than the amount reimbursed (USD \$36). See Exhibit 11, Preliminary Report, p.1. Menus available at https://menus.mccormickandschmicks.com/MSBE_dinn.pdf and <https://www.schwartzbros.com/menus/daniels-broiler-bellevue-dinner/>.

¹¹ James Response, para. 112.

16. Both of those conclusions, in my mind, are deeply problematic.

C. SAME TOPICS, SAME PEOPLE

17. Throughout their responses, Mr. James and Mr. Lenz emphasise how important it is to develop relationships and compare best practices with other parliamentary officials. I don't disagree with that, in principle: but what they do not mention is that these meetings tend to be with the same people, discussing the same topics, sometimes many times per year, in different locations around the world.

18. Two of the foreign visitors for the LABCoN conference [sic] referred to above were Tommy Lynch and Martin Fenlon. Mr. Lynch is the "Business Continuity Manager" at the Scottish Parliament. Mr. Fenlon was described as "Head of Business Continuity" at the Emergency Planning College, and an "Advisor" to the UK Government.

19. In our December 2017 trip to Scotland, we had a number of meetings on the topic of business continuity and disaster preparedness. We met with various people, Mr. Lynch among them. Mr. James characterizes this as,

"Meetings with the Scottish Parliament regarding business continuity and crisis planning. The individuals we met with are absolute experts in their areas and are recognized as such around the world. They (and we) are part of a group called the Legislative Assemblies Business Continuity Network..."¹²

20. I had not been party to the August 2017 Washington trip (which was before I became Speaker), and was not aware that Mr. Lynch had come to BC ostensibly to discuss the same topic less than four months earlier. Although our Scottish hosts were very generous, I have no idea why, having hosted some of the same people in BC and Washington four months earlier, it was necessary for Mr. James and Mr. Lenz to make an international trip to discuss the same topics in December 2017.

¹² James Response, para. 64(b)(v).

21. We met with Mr. Fenlon and Mr. Lynch during our August 2018 trip to the UK as well. Mr. James states that our meeting in York¹³ “related to business continuity with senior UK Cabinet Office officials skilled in this area” – by which he means Mr. Fenlon – “along with an expert who travelled from Edinburgh for the meeting” – by which he means Mr. Lynch. For some reason, shortly after the trip, I am advised that the Legislative Assembly sent FedEx parcels to both Mr. Fenlon and Mr. Lynch, at a cost of approximately \$85.00 each.¹⁴

22. In relation to the August 2018 trip, Mr. James writes,

“The end result was that these experts agreed to come to Victoria and spend a few days analyzing our business continuity efforts, appraise our plans, and conducted a table top exercise for our Executive and Directors.... Another benefit was that one of the experts agreed to waive their fees for the seminar, which I understand are in the range of \$15,000.”¹⁵

23. Mr. Lenz writes,

“As a result of the meetings in York... experts from the UK came to the BC Legislature to assist with planning and educating the Assembly on our business continuity plan.... They also prepared a report which was of use to us and waived their usual fee.”¹⁶

24. Mr. Fenlon and Mr. Lynch did come to Victoria, approximately a month later. In an expenses reimbursement memo, Mr. James requested repayment of \$252.63 for “two hosted meals... in relation to the Business Continuity Seminar held September 24-26, 2018 with consultants Martin Fenlon and Tommy Lynch.”¹⁷

25. In relation to that visit:

¹³ See para. 75, Preliminary Report.

¹⁴ Exhibit 33.

¹⁵ James Response, para. 64(b)(iv).

¹⁶ Lenz Response, paras. 89(b) and 96.

¹⁷ Exhibit 34.

- (a) Notwithstanding that the “seminar” was apparently from September 24 - 26, Mr. James arranged for the Legislative Assembly to pay for five nights’ accommodation for each individual at the Hotel Grand Pacific, from September 22 - 26, at a total cost of \$4,059.64.¹⁸
- (b) It appears the Legislative Assembly gave each of Mr. Fenlon and Mr. Lynch a “jade bear” for their efforts, at a cost of \$232.50 each.¹⁹

26. It seems self-evident that Mr. Lynch and Mr. Fenlon cannot at the same time be both (a) foreign parliamentary officials with whom we need to cultivate relationships; and (b) “consultants”. Mr. James’ and Mr. Lenz’s description of them using various titles and descriptions, without naming them, obscures the fact that in a span of 13 months, Mr. James and Mr. Lenz hosted these individuals in Victoria twice, and used meetings with them as part of the justification for two trips to the UK.

27. Mr. James and Mr. Lenz each cite the fact that one or both of Mr. Fenlon and/or Mr. Lynch allegedly agreed to “waive their usual fee”, inviting a conclusion that this was somehow a great bargain for the Legislative Assembly. There are two possibilities here:

- (a) One is that Mr. James and Mr. Lenz don’t genuinely believe that, but said so because they thought it would help portray largely social visits by professional acquaintances with whom they were clearly friendly as a legitimate business expense. If that’s the case, I consider that to be extremely problematic and wrongful.
- (b) The other is that Mr. James and Mr. Lenz actually *do* think that this and all the other visits and expenses are necessary or appropriate. If so, then that

¹⁸ Exhibit 35, pp.1-3.

¹⁹ Exhibit 35, pp.4-5. I note an email from the Director, Financial Services sent October 29, 2018 stating he had confirmed with the Clerk’s Office that two “jade bears” were given to “BCP presenter[s] from Britain,” which I believe refers to “Business Continuity Presentation” and Mr. Fenlon and Mr. Lynch. I am also including a copy of a receipt from the jade store on Government Street, showing the purchase of five jade bears, ordinarily priced at \$465.00 but marked down through a corporate discount to \$232.50.

to me shows a disturbing and unacceptable lack of judgment in the two senior executives of the Legislative Assembly.

28. I simply do not accept Mr. Lenz's suggestion that these relationships "are important in making sure that the Legislative Assembly is as prepared as possible to meet modern threats."²⁰ What this behaviour invites is a conclusion that many of these trips are no more than useful justifications for reciprocal international visits, substantially underwritten by the public.

PART 3 - UNANSWERED OR NOT BELIEVABLE RESPONSES

29. Below I set out some of the responses that I consider to be either unanswered or simply not believable.

A. "TABS" FROM BROOKS BROTHERS

30. No answer has been provided as to why, on a Brooks Brothers receipt, the word "tie" was crossed out by hand and the word "tabs" handwritten on it, when Brooks Brothers doesn't sell tabs.²¹

B. PENTICTON ALCOHOL DELIVERY

31. Mr. James says that Mr. Barisoff paid for the liquor that was delivered to him by Mr. James.²² I asked Financial Services to locate the payment and they have provided me with a copy of a cheque from Mr. Barisoff dated June 26, 2013 for \$370 with the memo reading "wine purchase". That amount of money certainly does not accord with the accounts of two truckloads of alcohol that were loaded into Mr. James' truck and which included beer and hard liquor – including a recent account I have received that, according to employees who were personally involved, the first load of alcohol included beer and a few wine boxes, and the second load of alcohol included wine and hard liquor.

²⁰ Lenz Response, para. 10.

²¹ Preliminary Report, para. 119(d).

²² James Response, paras. 88-92.

Moreover, Mr. James has provided no reasonable explanation as to why it would have been appropriate for the most senior officer of the Legislature to drive up to Penticton to sell wine and deliver a desk and chair to the former Speaker, stay overnight at the Penticton Lakeside Inn, and drive back the next day, billing all of the expenses to the taxpayers along with his very high salary for two days of work – noting as well that the value of the alcohol Mr. Barisoff purchased from the Legislative Assembly was only a fraction of the cost of Mr. James making the trip. To my mind, both as Speaker and as a taxpayer, this is unacceptable.

32. Mr. Lenz shows at paragraph 214 of his response that he was aware of the alcohol being loaded into the Clerk's truck on two occasions and says that he assumed it was being returned to the liquor store. This is curious for several reasons:

- (a) First, Mr. Lenz doesn't deny telling me about it and citing it as a basis on which he argued the Clerk ought to be forced to retire. Even if he thought the alcohol was being returned, how would he not have thought it unusual that the senior executive of the Legislature and not someone from the Facilities Department was driving unused Legislature inventory back to a supplier?
- (b) Second, my Preliminary Report referred not only to alcohol being loaded into the truck, but also a desk from the House Chamber, and a wooden chair. Mr. James' response admits taking the desk and chair to Mr. Barisoff's house, claiming these "had been presented to him,"²³ and states that Mr. Barisoff repurchased the alcohol.
- (c) Mr. Lenz, however, does not reference the desk and the chair in his report. That is strange, because I have seen an email which he sent in 2013 to a Facilities staff member, copying Mr. James, in which Mr. Lenz refers to the chair and desk being driven to Penticton by the Clerk. That email is attached as Exhibit 36.

²³ James Response, para. 91.

- (d) While I recognize many years have passed, it is surprising to me that Mr. Lenz both (i) has a clear memory, today, of “assum[ing] at the time that the alcohol was unused and being returned,” yet also (ii) evidently was highly aware of and involved in 2013 with the plan to transport the desk and chair, which accompanied the alcohol, to Penticton – but makes no mention of that in his response, despite the Preliminary Report mentioning it.

33. In my view, the accounts of Mr. James and Mr. Lenz, on their face, just don’t add up.

34. Further, I am not aware of any public record in Hansard or otherwise which would confirm the suggestion by Mr. James (in his response) and Mr. Lenz (in his 2013 email) that the Chamber desk and chair were presented to Mr. Barisoff as gifts. All chairs in the Chamber were replaced in or around 2010-11, and at that time, Members had an opportunity to purchase the old chairs for \$50 each. However, there was no similar replacement programme for Chamber desks. I am advised by Legislative Assembly staff that:

- (a) the replacement cost of a Chamber desk is approximately \$10,000; and
- (b) only the Clerk or the Speaker would have the overriding authority to approve the gift of a Chamber desk.

C. GREY SUIT PURCHASE

35. No answer has been provided as to why “black court suit” was handwritten on the receipt of the charcoal grey suit Mr. James purchased at Ede & Ravenscroft in August 2018.²⁴ Moreover, this is the first I have heard of any proposal to modernize the attire of the Legislature officers. One would think that such a proposal would be circulated to all interested parties, consulted on extensively among the MLAs and the public, and then put to the Assembly for approval before Mr. James started buying \$1,000 suits and expensing them to the Legislature. One would also expect that Mr. James would have

²⁴ Preliminary Report, para. 107(a).

explained this purported rationale to me when he was encouraging me to submit a claim for the identical grey suit I purchased. He did nothing of the sort. Lastly, it seems to me that if the Clerk was buying a suit as a new uniform for the BC Legislature that BC taxpayers are going to pay for, it ought to be purchased in BC so that a BC men's clothing store and its employees would benefit from the purchase.

36. I have recently located an email between Mr. James, my assistant and me, in which Mr. James attached the receipt for my suit.²⁵ This came about because I had told him that I was not intending to expense the suit and did not in any event have the receipt. Mr. James was so insistent on me expensing the suit that I had purchased that he took it upon himself to contact the manager at Ede & Ravenscroft and obtain a copy of my receipt, which he forwarded to me. I again refused to expense it. The receipt is corroborative of my account of the purchase in my Preliminary Report, as it shows that we bought identical grey suits.²⁶

D. NAVY SUIT PURCHASE

37. The expensing of a navy coloured suit from the December 2017 London trip remains unexplained by Mr. James.²⁷ Mr. Lenz states that he did not purchase a suit.²⁸ While the suit may have been intended for Mr. James, Mr. Lenz did purchase the suit on his Legislative Assembly purchasing card, along with other items he and Mr. James claimed as part of a "uniform", and then had them shipped back to BC. Mr. James does not explain whether this earlier suit purchase was also part of his plan to modernize Legislative Assembly uniforms.

²⁵ Exhibit 37.

²⁶ Preliminary Report, para. 72.

²⁷ Preliminary Report, Exhibit 27.

²⁸ Lenz Response, para. 61.

E. MR. LENZ'S CLAIM TO FLY ECONOMY CLASS

38. In the executive summary and in paragraph 44 of his response, Mr. Lenz says that his practice and policy is to fly economy class. It has been brought to my attention that when Mr. Lenz travelled to London, England, from December 4 - 9, 2011, Mr. Lenz flew Executive First Class between YVR and Heathrow. Including the connecting flights to Victoria, the flights cost the taxpayers \$8,074.94. Added to these were flight-related expenses for "Holiday House Travel" and "Intair Transit" which, together with travel insurance and a TASF charge brought the total cost of his flights for the trip to \$11,103.94.²⁹ Evidently, Mr. Lenz did not always fly economy class.

F. THE MYRIAD OF SO-CALLED "GIFTS"

39. Mr. Lenz and Mr. James say that all the shopping that was done in the gift stores was to purchase "precedents or merchandise for display or sale" in BC's Legislature" gift shop, gifts for other people or as "protocol gifts" does not make sense.³⁰ Mr. James appears to suggest that he was purchasing items *in England for future sale in British Columbia's Legislative Assembly gift shop*. Even if that or the other justifications given were true, why are the taxpayers of British Columbia paying the high salaries of these senior executives to go shopping all over the world for small gifts? Staff at the Legislative Assembly purchase protocol gifts directly in a way that is transparent and accountable. Whomever manages the BC Legislature's gift shop can no doubt look at the UK Houses of Parliament's detailed online gift shop and determine if there are product lines that they feel are suitable to introduce in British Columbia. Moreover, I don't see that it is appropriate for the senior executives to be selectively handing out gifts to favoured staff or other people – even if the brooch had a "parliamentary symbol" on it, as Mr. Lenz recalls.³¹ In many instances, the explanations given are not believable, or at best incomplete. Who, for example, received the mustard, the "Quotable Churchill" book,

²⁹ Exhibit 38 pp.1-8. Mr. Barisoff and Mr. James accompanied Mr. Lenz on the trip. The expense claims for all three cost taxpayers \$37,180.84, see Exhibit 38.

³⁰ James Response, para. 64(c).

³¹ Lenz Response, para. 72.

the royal wedding memorabilia, the satirical books about Brexit, and the “Winter King” fantasy novel?

40. This conduct has been going on for years and the audit will likely turn up a host of other embarrassing purchases on the taxpayer’s dollar. Here is what a witness said who submitted Mr. Lenz’s expenses for many years prior to 2018:

“They were constantly spending a ton of money buying people gifts, buying themselves gifts. Just -- when they went to England they spent thousands of dollars at the House of Commons gift shop buying things at the House of Commons. Whiskey. All this crazy stuff. All over just -- just crap. And then they -- they came back with all this stuff and -- and were giving it to their friends and, you know, people that they liked. So, I didn't think that was very cool. There should be a really specific structural protocol about gift giving. Like Protocol and Events has a really structured procedure, and the Speaker's office even has a very structured procedure. The Speaker is expected to give some gifts. The Sergeant-at-Arms is not someone that you would expect to get a gift from.”

41. This account was corroborated by the expenses that were submitted from Mr. Lenz’s trip to London in December 2011, referenced above. There he attended the House of Lords Gift Shop on two occasions on December 8, 2011 and purchased such items as a Christmas pudding, a spirit decanter, cufflinks, a towel, a guidebook, an umbrella, playing cards, mint tins, dictionaries, computer mouse mats, along with various other things. The total cost of these items expensed to the Legislature, and the taxpayers, was \$1,084.01.

G. LUGGAGE

42. Mr. James has said that his expensing of the \$800 Victorinox “Maverick” watch from the Hong Kong airport was in error and that he instead meant to expense the \$600 piece of luggage that he purchased.³² If it was an innocent mistake (despite the attention that appears to have been devoted to the receipt submitted),³³ it still leaves open

³² James Response, para. 87.

³³ Preliminary Report, Exhibit 6, p. 10.

the question of how it was appropriate to be expensing luggage at all. For the limited period of my review of expenses (April 2017 – November 2018), it was not just the laptop backpack (\$432.80) and the \$645.00 carry-on piece of luggage (\$645.04) purchased in Hong Kong; luggage was also purchased in Heathrow (\$743.92) and in Edinburgh (\$253.61) and expensed to taxpayers. No MLA that I have talked to was aware of any policy whereby the Clerk's office was maintaining a set of "loaner luggage".

43. Lastly, Mr. James has not addressed the obvious question of why, even if this was a legitimate or justifiable policy, luggage was not purchased by the Legislature's staff directly as inventory and at reasonable prices. You can buy perfectly good luggage for \$150 from the Bay in Victoria. No one who respects taxpayer money would purchase a \$645 piece of carry-on luggage in an overseas airport boutique, whatever the purpose.

H. MS. REID'S TAXI RECEIPTS

44. Mr. Lenz says that he was able to quickly conclude that the complaint about Ms. Reid submitting taxi receipts and mileage for the same journey were false. He says that it was obvious that the cab fares were incurred in Richmond when Ms. Reid went to the Helijet terminal from her house in Richmond and that her mileage receipts related to journeys in Victoria. The truth of that would need to be confirmed; however, whatever the outcome, it seems doubtful that Mr. Lenz could have investigated the matter in such a short time frame.

45. Mr. Lenz also fails to explain why the other concerns of the witness were not investigated, which included a separate mileage claim that he believed was improper and that he was told to process improper per diem claims for meals that were hosted. Neither of those complaints could have been investigated in such a short time frame. There was no "independent investigation" as Mr. James writes at para. 42 of his response, and the complainant later wrote to me and said he was totally unsatisfied with what he described as the nonsensical explanations that the Deputy Sergeant-at-Arms had given him.

46. Mr. James suggests that I have an axe to grind with Ms. Reid in raising these matters, or was "gleeful" about the matter. That is a lie. I left Ms. Reid's name out

of my Preliminary Report because my concern was with Mr. Lenz and Mr. James' conduct, not Ms. Reid's. Mr. James and Mr. Lenz chose to name her directly in their responses, which they caused to be delivered to the media, and now they have given misleading accounts about the "investigation" that was completed.

I. MR. JAMES' VANCOUVER AND PENTICTON TRIPS

47. In my view, the notion that Mr. James needed to regularly travel to Vancouver to meet with the Legislature's lawyers in person does not pass muster. Unless he was a witness preparing for examinations or trial (in which case I would hope to have been made aware if it), I cannot see what in-person meetings over lunch can accomplish that cannot be dealt with on the phone or by email, like ordinary business people do all the time.

48. Relatedly, since Mr. James indicates that the advice that was being received was for the Legislature,³⁴ LAMC ought to inquire as to the nature of the legal advice being sought as the solicitor-client privilege presumably is the Assembly's.

49. Similarly, I cannot fathom what "business of the Legislature" would call for the Clerk to use work days to travel to Vancouver or Penticton to have lunch meetings with the former premier, Christy Clark and dinners with the former Speaker, Bill Barisoff. Mr. James' explanation in relation to at least one of the trips to Penticton was that Mr. Barisoff – who had ceased to be Speaker and an MLA in 2013 – was continuing in 2017 to "attend to" Legislative Assembly business, four years and three Speakers later, which required an in-person visit from Mr. James to discuss it.³⁵ That claim is farcical to me. I would like to know what Legislative Assembly business Mr. Barisoff is still, or was in 2017, involved in, if any. Even suspending disbelief and assuming these meetings were for legitimate work purposes, I do not see why they could not have been handled by phone or by email.

³⁴ James Response, paras. 61(d) and 113.

³⁵ James Response, para. 47(b).

J. THE WOODSPLITTER AND TRAILER

50. Mr. James says he stored the wood splitter and trailer at his “strata”, which he adds is “not a rural property.”³⁶ This implies he lives in a condominium and has no wood to split there. His property may technically be a strata-titled development, but it not a condominium. Instead it is a 3,600 square foot freestanding house on a 10,500 square foot lot with large trees behind the house.

51. Mr. James writes that he was frustrated storing the trailer at his property and arranged to have it stored at an RV facility. I note, however, that in front of Mr. James’ house is a recently constructed paved pad on which he had been storing the Legislature’s trailer until he apparently returned it. A photo of the storage location at his house from Google maps, and a more recent photo of the new pad with the Legislature’s trailer parked on it, are reproduced below.



June 2014 Photo from Google Maps



October 2018 photo

52. Where the wood splitter was located on the property is not known to me, but Mr. Mullen viewed it after it was removed and he advises me that it showed obvious signs of use. That a committee on which Mr. Lenz and Mr. James sat approved the recommended expenditure as part of purported disaster planning is not, in my view, an answer. Committees generally place their trust in senior management that expenditures are appropriate and necessary, until that trust is brought into question, or broken.

³⁶ James Response, para. 56.

K. APPLE PRODUCTS

53. No satisfactory response has been provided regarding the purchase of the wide array of Apple devices by Mr. James and Mr. Lenz.

54. These expenses are embarrassing to the Legislature. Here is how one staff member explained the genesis of the program:

“Craig and Gary decided that they wanted an iPhone, and the legislative comptroller said no, and the Computer Services said, “No, we don't support that. You have the BlackBerry and that's what you get.” So, they created a special project and started just buying them outright on their credit card...

When it first started it was just Craig and Gary, and then it became Craig and Gary and Randy. And by the time I was fired, almost everybody had both an iPhone and an iPad. I was supporting all of them, setting them up, teaching how to use them. They were taking them all over the world racking up these huge roaming charges watching movies on these things because they refused to use wifi [on the basis that] it was too slow. So, we at one point had a bill for one of Craig's trips that was thousands of dollars and had to try to dispute it with Rogers.”

55. Since my Preliminary Report I have seen an expense claim submitted by Mr. Lenz on November 3, 2011 relating to the purchase of Apple products. The claim shows the Legislature purchased an iMac computer for Mr. James which, along with an accessory and Applecare, cost taxpayers \$3,405.00.³⁷ As noted in my Preliminary Report, at one point Mr. James reportedly had as many as nine Apple devices and cellphones.³⁸ No explanation has been provided for any of this.

L. TAXI EXPENSES AND PRE-BOOKED EXECUTIVE TRAVEL IN LONDON

56. No response has been provided by Mr. James to explain the exorbitant taxi expenses submitted by him from his UK trips. For example, the taxi fares to the Soho Farmhouse spa and to Stratford-upon-Avon are unexplained. How are those not personal

³⁷ Exhibit 39 at p. 2.

³⁸ Preliminary Report, para. 119(e).

expenses? Nor has he explained why he would incur the high cost of pre-booked executive travel, as opposed to more reasonable methods of transportation, as detailed in the table on page 31 of my Preliminary Report.

M. COST OF HOTELS IN LONDON

57. I have travelled to London on a number of occasions, and it is not correct to say, as Mr. James does, that the cost of the Park Plaza Hotel (which sometimes amounted to more than £400 per night), is the “going rate” in the City of London.³⁹ There are plenty of more reasonably priced hotels nearby.

N. MR. LENZ’S PROPOSALS TO HAVE MR. JAMES RESIGN

58. Mr. Lenz simply does not address his many conversations with Mr. Mullen and me in which Mr. Lenz urged us to force Mr. James to resign by confronting him with his misconduct, or by asking the Premier to step in and tell Mr. James the government was “moving in a different direction.” He also does not address his statements, vehemently expressed to me on a number of occasions, that we did not want an audit or an outside investigation.⁴⁰ In various instances, I first became aware of alleged misconduct by Mr. James *because Mr. Lenz told me about it*. In response, Mr. Lenz does not deny these conversations, but says he has not had the time, and does not “see the purpose” in “dealing with” my detailed recollections of conversations.⁴¹ He says my concerns should be dealt with on the basis of “facts, not hearsay.” But to put it bluntly: the fact of the conversations isn’t “hearsay.” The conversations were between me and Mr. Lenz. He was a party to them. To the extent the conversations included allegations about the Clerk, those allegations came *from Mr. Lenz*.

³⁹ James Response, para. 64(a).

⁴⁰ Preliminary Report, paras. 49-53.

⁴¹ Lenz Response, para. 242.

O. BOSE NOISE-CANCELLING HEADPHONES

59. Mr. James' explanation as to why the taxpayers should have purchased \$500 Bose headphones is that he has an ear condition relating to sound and pressure.⁴² This is news to me, and is not noted on the claim form. Since my Preliminary Report, I have seen an expense claim Mr. James submitted on December 22, 2011, also for Bose noise cancelling headphones at a cost to taxpayers of \$447.99.⁴³ While noise cancelling headphones may address sound issues, I am unaware of them being effective for cabin pressure as they don't create a seal of any kind on the ear that would alleviate pressure. In fact, an internet search offers a great many articles in which people complain that noise cancelling headphones *cause* ear pain. In any event, it is unclear to me how these two sets of expensive headphones are not a personal expense unless they are a form of medical accommodation for a disability, in which case they would be approved as such.

P. NO TIME FOR HOLIDAYS - WORKING 24/7

60. Perhaps the most troubling parts of Mr. James and Mr. Lenz's responses are the passages in which they explain that, year over year, they have had virtually no time for holidays because they worked so incredibly hard.⁴⁴ From what I have observed and heard, this is simply not true. The House only sits 80 days each year. In between sessions, there would have been ample opportunity for Mr. James and Mr. Lenz to take holiday time. Many of the Legislative Assembly's employees are "sessional" meaning they are only employed while the Legislature is in session. One of Mr. Lenz's secretaries, for example, is a sessional employee. In fact, I understand that, at present, 37% of the Sergeant-at-Arms' staff are sessional employees. No one I have talked to observed Mr. James and Mr. Lenz working terribly hard. Mr. James evidently had time to drive alcohol

⁴² James Response, para. 120.

⁴³ Exhibit 39 p. 1. In the same package of expenses from November and December 2011 are claims for a digital camera (\$380.59), an Adobe iPad camera kit (\$195.94) and camera memory cards (\$109.76). A more recently purchased camera, memory cards and a tripod were noted in my Preliminary Report (para 119(a)) as being expensed by Mr. James in 2017 and 2018. It now appears that at the time of the 2017 camera purchase, he already had a camera available to him that had been purchased by the Legislative Assembly (see Exhibit 39 at p. 3).

⁴⁴ James Response, paras. 121-122; Lenz Response paras. 186-194.

around, and pick up a work trailer. In fact, my understanding is that the Acting Clerk's workload hasn't increased all that much with duties that would have been previously undertaken by Mr. James. This speaks volumes.

61. Mr. Lenz's workday, to my observation, was not a stressful one – he would go place to place with a coffee or tea in hand to chat with people for lengthy periods. That view is supported by a former employee who had the opportunity to observe his routine closely and recounted that his day largely involved meeting with people over coffee, with the Deputy Sergeant-at-Arms doing most of the required tasks. The point is that these officers had capable deputies, solid staff support and job requirements that were not overly onerous. There was no legitimate reason they couldn't take their holidays in accordance with the applicable policies rather than bank them and cause the Legislature to pay them out.

62. What in fact appears to be the case is that their extensive "work" travels served as their de facto holidays. Mr. Lenz writes that the meetings he would have on his travels were of great importance and the relationship-building was somehow vitally helpful for the BC Legislature. I was there and I witnessed these meetings and frankly, I simply do not accept this. This is not to criticize our hosts; however, I found these work trips to be not very hard work, and I expect ordinary British Columbians would agree.

63. That point can be illustrated by looking at the itinerary Mr. James produced for our August 2018 UK trip, which I attach as Exhibit 40. Many of the days have no real business activities listed: consider the first few days of the trip, or August 4, which featured a trip to Windsor and a dinner at the Royal Air Force Club. Even the reference to "Scotland Yard" on August 5 referred to a meeting with a contact of theirs together with their wives. It was a social outing with the same couple who attended dinner that night at the Air Force Club. That was the same day Mr. James and his wife appear to have visited the Soho Farmhouse in the Chilterns⁴⁵ – which is absent from the itinerary. Monday, August 6 featured a visit with the Black Rod of the House of Lords, and then travel to Ettington. The itinerary contains no mention of the trip to Stratford-upon-Avon on that day either.

⁴⁵ Preliminary Report, para. 110.

Thursday, August 9 was solely a travel day. Sunday, August 12 is listed as a “cultural day” in London. If this weren’t so serious, it would be the stuff of comedy. Remember too, that none of the days above counted as “holiday” days for either Mr. James or Mr. Lenz.

64. Another example are expense claims I have recently been shown from a trip that Mr. James, Mr. Barisoff and Mr. Barisoff’s wife took in September 2012 to Sri Lanka. I have included the relevant documents for the trip at Exhibit 41. Mr. James initially booked business-class flights for himself and his wife in June 2012 at a cost of \$13,404.34. In August, Mrs. James evidently was no longer going on the trip and Mr. James’ reimbursed the Legislature for the cost of her flights, but not the cancellation fee that was over \$1,054.50. Mr. Barisoff and his wife expensed their business class flights to and from Vancouver in the amount of \$13,334.34. The party was scheduled to fly first to Hong Kong and then to Sri Lanka, where there was a Commonwealth Parliamentary Association conference taking place until September 14. In attendance at the conference was a BC MLA and spouse, who were travelling separately. September 15 was a “free day” in Sri Lanka, and then Mr. James and the Barisoffs returned to Hong Kong and travelled by train to Guangzhou before flying back to Hong Kong on September 18 and flying home. The schedule in Hong Kong included no official meetings or meals, but did include a private half-day Hong Kong island tour.⁴⁶ On the return leg, the party had a private tour of Kowloon before travelling to Guangzhou. What is revealing in the materials is that the work purpose for the group in Guangzhou had not been established at the time of booking the trip and was only determined in early September when someone from the BC Trade and Investment Office advised that the Guandong People’s Congress had said it would host a meeting and a dinner on the night of September 17. The BC Trade and Investment Office further advised that the Consul General of Canada “was willing” to have a “breakfast brief meeting” with the Speaker.⁴⁷ It is difficult to resist the inference that this was an example of Mr. James picking the place to travel to first, and endeavouring to

⁴⁶ Despite this, Mr. James and Mr. Barisoff claimed per diem amounts while in Hong Kong.

⁴⁷ It appears the hosted dinner may have occurred, but perhaps Mr. James did not attend as Mr. Barisoff claimed only a breakfast and lunch per diem for September 17, but Mr. James claimed breakfast, lunch and dinner. Alternatively, Mr. James claimed a per diem for the hosted meal.

justify it after by attempting to arrange some meetings and events that could be said to be “work related”.

65. Perhaps these officers believe what they are telling themselves about the significance of what they were doing, but the Clerk and Sergeant-at-Arms are not dignitaries. Neither is the Speaker. To call the travel days “hard work days” is just nonsense. Many other staff and managers at the Legislature that I have spoken to thought this too, but were powerless to do anything about it. The impression that the senior officers were unaccountable and travelling all over the place had a very negative impact on the culture and morale of the workplace.

66. Business continuity was certainly a favoured reason for many of the meetings I was involved in. To my mind, in a crisis the government – i.e. the Premier and Cabinet – will govern, and the local police and army personnel will figure centrally in managing security as necessary. If advice on an appropriate response at the Legislature is needed, what normal organizations do is hire one or more consultants with expertise to come to observe the facility, make recommendations and instruct staff. That is a better use of taxpayer dollars than having two senior executives talk about it over lunch in England or elsewhere. And as I pointed out above, the consultants Mr. James and Mr. Lenz *did* hire in September 2018 were the same “business continuity” friends of theirs who they had already visited with three times in the previous 13 months, at considerable public expense.

67. The trips of Mr. Lenz and Mr. James have the appearance of loosely justifiable travel on the public purse rather than necessary expenses. Moreover, I suspect that if one looks into the people that they are meeting with, the same names will figure year over year.

68. In light of that work and work-travel behaviour, to charge the taxpayers for huge payouts of vacation time as well as extensive work trips is unacceptable. Moreover, we have only seen 2017-2018 receipts for travel. Looking at the amounts claimed for travel in prior years indicates there are going to be further revelations to come from the

audit: in each of 2014 and 2016, Mr. James claimed approximately \$70,000 for travel and Mr. Lenz \$30,000.⁴⁸

69. In short, I simply don't believe that these officers didn't have time to take a holiday, or worked the hours that they claim they worked, and I expect that the further revelations about their travel expenses are going to be very embarrassing for the Legislature.

PART 4 - BRIEF RESPONSES TO SOME STATEMENTS WRONGLY ATTRIBUTED TO ME

70. I don't expect the House Leaders to be able to sort out, at this preliminary stage, who said what, but for the record I want to note that many of Mr. James and Mr. Lenz's allegations about things that I have purportedly said are simply not true:

	Alleged	Truth
(a)	That I said I "did not want to upset the NDP" (James, para. 37).	Internal deliberations over how to handle an issue in the house are subject to parliamentary privilege, as Mr. James ought to know. Suffice to say that I did not tell Mr. James that I did not want to upset the NDP. I do my best to treat all sides and members equally and fairly. A review of Hansard will show that I have not been reluctant to call out NDP members or anyone else when I have deemed their conduct not to be appropriate.
(b)	That I "frequently" expressed concern about a recall campaign and asked for Mr. James advice (James, paras. 38-40).	Regarding the possibility of a recall campaign against me, I never sought his advice about how to handle a recall campaign – what would he have to contribute on that subject? As a general matter, I am concerned with what my constituents think of my conduct because I am accountable to them. As matters have unfolded, it turns out that being an independent MLA and Speaker has given me a window into what I believe is an institution that has been, in a number of respects, unaccountable, has been wasting taxpayer dollars and is long overdue for reform. I am proud to represent the

⁴⁸ See further: Charlie Smith, "Craig James averaged nearly \$44,000 in annual travel expenses over past 14 years at B.C. Legislature," *The Georgia Straight*, <https://www.straight.com/news/1193321/craig-james-averaged-nearly-44000-annual-travel-expenses-over-past-14-years-bc> and the accompanying chart compiled by IntegrityBC.

		people of Abbotsford South in undertaking this task and I believe they will continue to support me to clean up the House.
(c)	That I suggested Mr. James have additional life insurance (James, paras. 45-48).	This is not true, which is obvious from the account Mr. James has given. Mr. James went to Mr. Barisoff to sign off on a life insurance benefit in October 11, 2018, which means that the purported conversation in which I suggested he have life insurance would have had to have taken place in September 2017, which was my first month as Speaker. I didn't even know how old Mr. James was, let alone turn my mind to whether he had, or should have, life insurance. Moreover, if I said he should have the benefit, then it would have been put through LAMC and the Audit Committee and if approved, I would have in time signed the approval. In that context, Mr. James driving up to Penticton to have Mr. Barisoff, who had not been in office for years, sign the document is nonsensical and reflects the untruthfulness of his account. Moreover, if it was Mr. James' understanding LAMC would have to approve it in any event for it to be valid, why was it not put before LAMC?
(d)	That the trip to St. Andrews, Scotland, was my idea to meet with someone I knew there who knew something about earthquake prediction (James, para. 64(c)(v)).	This is simply untrue. I don't know anyone in St. Andrews and would never have said that I did. Presumably, since Mr. James' office was making the arrangements, he would have had a name and place we were to meet this alleged individual. The purported justification that Mr. James tells in this regard, however, is an excellent example of how they book and expense these trips – if you know someone in a place you want to go who can be said to know something that might be said to relate to the Legislature (including predicting earthquakes, as opposed to responding to them), then set up a meeting for an hour or over lunch, and it becomes a work trip paid by the taxpayers of British Columbia.
(e)	That I asked for the limousine transportation from York (James, para. 64(c)(vi)).	This is simply not accurate. It was booked from Victoria through the Clerk's office, as the receipt indicates. I was not involved in the arrangements.
(f)	That I proposed the Retirement Allowance (James, para. 65-66). That I was politically worried about the allowance (James, para. 28)	This statement from Mr. James is simply a lie. If I had proposed it, why would I have called Ms. Ryan-Lloyd immediately afterward in disbelief about the request? It was she who informed me about the earlier payout that Mr. James had taken of \$257,000, and that caused me to inquire into that issue further and learn a great deal more about it. I certainly never said that I was politically worried about the allowance. What I was worried about was whether Mr. James

		was abusing the taxpayer's money and his request for the retirement allowance became an important reason I started making more inquiries about his conduct.
(g)	That I asked the Clerk in China to pay for other people's food and drinks (James, para. 86).	This is also untrue. I did not ask him to pay for the meals of our hosts, nor did he, apart from certain events which the BC delegation hosted. I do not believe our hosts in China would have accepted payment by their guests for events they arranged.
(h)	That I wanted labelled wine from Painted Rock Winery and asked Mr. James to source it (James, para. 95).	<p>This is a fabricated account. The receipts for the purchase of Painted Rock wine purchases are dated November 2017. I did not ask the Clerk for labelled wine for my office, and did not receive any bottles from the Clerk. As Speaker, I arrange for protocol gifts to be purchased through my office, expensed through the ordinary channels and inventoried. I don't ask senior executives in the Legislature to source discount wine for me.</p> <p>Personally, I very rarely drink wine so I don't know what he is referring to when he says he was "replenishing my office" every two weeks with wine that he purchased. I have spoken to my assistants and they confirm that no wine was delivered or replenished weekly by the Clerk.</p>
(i)	That I terminated an executive assistant in circumstances that were "troubling" to Mr. James. (James, para. 33, footnote 7).	The person whom Mr. James is referring to had retired from the Legislature after a long career and had returned on a fixed-term employment contract which was expiring in December 2017. In November, Mr. James asked me if I wanted to renew the employee's contract. I said if I had the choice I would hire someone different. While the employee was highly competent, she and I approached the workplace differently, in that I was more informal - we just had different personal styles. Shortly thereafter, I returned to work after being away for a number of days and the assistant was not there – Mr. James and Mr. Lenz had informed her that her contract was not being renewed. I was unaware of how that message had been communicated, but in any event, there is no basis for Mr. James to pretend he was "troubled" by the matter, as he was the one who handled it.
(j)	That Mr. Mullen was on the verge of going to the police over witness AB (James, para 61(a))	There was never any suggestion that Mr. Mullen was going to the police over the information regarding Linda Reid's expenses. Mr. Mullen brought the expenses to the attention of Mr. Lenz, whose office purported to look into them.
(k)	That I made a directive to create a three-year travel plan (James, para. 64(a)).	This is also untrue. I did not give a directive that a three-year plan be created. This suggestion is belied by the fact that the Clerk planned the trips in December 2017, and in June and

		August 2018. Moreover, if that were true, why would Mr. Lenz have set up the meeting in October 2018 to discuss where in the world we should go, and further, where is the three-year plan? I have never seen it.
(l)	That I directed the purchase of one of the House of Commons watch and that they were protocol gifts (James, para. 64(c)(ii) and Lenz, para. 129)	This is plainly untrue. First, I never directed that a watch be purchased for me as I was unaware that Mr. James had bought them until one was placed on my desk back in Victoria. Moreover, how could these watches be an appropriate protocol gift from the BC Legislature when they say “House of Commons” on their face?
(m)	That I raised the prospect of going to Australia as part of a three-year travel plan (James, para. 100).	Again, this is a lie. I never raised the prospect of going to Australia and it was not part of any three-year travel plan. If I had done so, it is strange that Mr. Lenz knew nothing of it when he came to discuss 2019 travel with me in October 2018.
(n)	That I suggested we buy more cufflinks in London for protocol gifts (Lenz, para. 63)	This never happened and makes no sense - why would the British Columbia Speaker give UK cufflinks as protocol gifts?
(o)	That I said I could think of no one else who was more ethical with the taxpayers’ money than Mr. Lenz (Lenz, para. 114)	This is an almost laughable lie given that by August 2018 I was deeply concerned by the conduct of Mr. James and Mr. Lenz and whether criminal offences had been committed. I also was never under the impression that Mr. Lenz was going to fly business class because I knew his wife was going to join him on the trip.
(p)	That I approved of Mr. Lenz’s travel arrangements (Lenz, para. 132).	This is not true. Mr. Lenz says both that he believes the Clerk made the travel arrangements and I approved them... but he also says, “I arranged for my departure to be from Glasgow on August 15, 2018”, boasting how much this decision saved the taxpayer (para. 102-106). How can he say both that this was his decision, and that it was arranged by the Clerk and approved by me?
(q)	That I chose to attend the conference in Virginia to speak about leadership (Lenz, para. 142)	This is untrue as Mr. Lenz specifically asked me to attend and make a presentation of a gift and give a lecture. He specifically suggested Mr. Mullen go as well. That is why Mr. Lenz’s office paid for Mr. Mullen’s and my registration at the conference.
(r)	That I spent an afternoon on Capitol Hill in Washington DC rather than attend one of	As it turned out, the presentation of a gift I was to make (a wooden box that Mr. Lenz had constructed) was scheduled for the first day of the conference and my lecture was scheduled for the last. On a day in between was one of two optional

	the conference days in Virginia (Lenz, para. 147)	field trips, with spouses: (a) to learn about police dogs, missile defence and crowd management, or (b) to learn about managing tours. I didn't think either option was particularly useful to my job.
(s)	That Mr. Mullen proposed a trip to Ireland (Lenz, para. 153)	That is untrue. Mr. Lenz proposed Ireland, presumably because he was trying to befriend Mr. Mullen, who grew up there.
(t)	That I asked Mr. Lenz to go to Ottawa on my office's behalf to a swearing in of MP Gordie Hogg (Lenz, para. 184)	This is not true and it does not make sense that the Sergeant-at-Arms would attend on behalf of the Speaker's Office.

PART 5 – CONCLUSION

71. As I noted in the introduction to this reply report, I have as little desire to engage in a tit-for-tat with the suspended officers as I imagine LAMC does in adjudicating one. My motivation here is, and always has been, rooting out what I see as endemic misconduct by these two officers, and in doing so, shedding light on and hopefully improving systemic practices and protections in this important public institution.

72. My Preliminary Report initiated that process, and I was pleased to see LAMC and other Members from all parties recognize the importance of that exercise and lend their voices to support it. However, the responses which Mr. James and Mr. Lenz submitted, and caused to be made public, allege that nothing was amiss, and that all this furore revealed nothing more than a trumped-up personal crusade on my part.

73. That isn't true, and you don't have to just take my word for it: the kinds of wrongdoing I highlighted in my Preliminary Report are readily apparent from documentary evidence. More than that, additional documents which I have reviewed in the time since my Preliminary Report was published show, as I've explained above, that the accounts recently provided by Mr. James and Mr. Lenz are demonstrably incorrect. It is also important to remember that the comprehensive audits are just beginning, with many more years of expense claims and conduct to review.

74. The most charitable interpretation of all of this is that Mr. James and Mr. Lenz really did, and do, consider that all these activities - the innumerable "business continuity" meetings and trips; the myriad of purchases; the electronics; the benefits and bonuses, and so on - were all proper and necessary business expenses. I disagree, and I expect the vast majority of ordinary British Columbians do too. If Mr. James and Mr. Lenz do think that, I believe it shows a lack of judgment, and a repeated pattern of decision-making that is utterly unacceptable in senior executives of a public institution.

75. On the other hand, if Mr. James and Mr. Lenz knew that their activities had no genuine business purpose – and the misleading documents and descriptions referred to in this reply report invite, at least at first blush, the conclusion that they may have – then that is much more problematic.

76. Either way, I consider the information above an important part of presenting these matters in their proper context, not only as LAMC and House Leaders reflect on these matters and discern how to go about restoring the public's trust, but also as the public assesses what happened before, and what BC's leaders decide to do next.

Speaker Darryl Plecas

February 20, 2019