



From the desk of:

# Captain E. G. da Costa Duarte

To: **HONOURABLE CHRISTY CLARK,**  
PO Box 9041, Stn Prov Govt,  
Victoria, BC V8W 9E1  
Telephone: 250 387-1715  
Fax: 250 387-0087  
Email: premier@gov.bc.ca

**HONOURABLE SHIRLEY BOND,**  
PO Box 9044, Stn Prov Govt,  
Victoria, BC V8W 9E2  
Telephone: 250 387-1866 Fax: 250 387-6411  
Email: jag.minister@gov.bc.ca

Sent via fax to the above-mentioned recipients

**May 22, 2012**

## **Re. Provincial Court Files 37556 – CA39471 and CA039548 (Criminal proceedings)**

### **Honourable Premier and Minister of Justice;**

On March 23, 2012 I sent a letter, via email, demanding a thorough review of the above-mentioned Court Files. Moreover, upon completion of such review I expected the Crown, under your authority, to practice their mandate and prosecute criminal activity within the Province of British Columbia. Unfortunately, as per Canadian Governance standards of ignoring serious issues affecting our society, my letter of March 23, 2012 received no formal reply, to date. Instead, on May 14, 2012 I received an email from; AG CJB ADAG WebFeedback AG:EX ([ADAG.Webfeedback@gov.bc.ca](mailto:ADAG.Webfeedback@gov.bc.ca)). The said email content follows;

## **Your email of March 23, 2012**

From:**AG CJB ADAG WebFeedback AG:EX** ([ADAG.Webfeedback@gov.bc.ca](mailto:ADAG.Webfeedback@gov.bc.ca)) Sent:May-14-12 10:09:31 AM To:  
[egduarte@live.ca](mailto:egduarte@live.ca) ([egduarte@live.ca](mailto:egduarte@live.ca))

Dear Captain E.G. da Costa Duarte:

This is a response to your correspondence of March 23, 2012, which was directed to the Premier's Office and the Attorney General. Your letter was forwarded to the Criminal Justice Branch for reply. You have demanded "a thorough review of all [your] case files; 37556 – CA39471 and CA039548." Upon completion of any such review, you "expect the Crown, under [the Attorney General's] authority, to practice [its] mandate to prosecute criminal

activity within the Province of British Columbia." No such review will be undertaken. The matters you raise in your correspondence have either been addressed by the courts, or resolved through the "Settlement Agreement and Mutual Release" that is attached to your letter. At this time, the Ministry of Justice has no further role to play in these circumstances. Thank you for writing with your concerns. Criminal Justice Branch  
Ministry of Justice

Should, both of you decide to remain aloft of ongoing criminal issues involving the above-mentioned Court Files that were purposely fixed by the Crown and numerous presiding judges and justices of the Provincial Courts with intent to protect criminal activity, it stands to reason that **your mandate is also to protect and preserve criminal activity within the Province of British Columbia.** This fact is now assured.

Once again, bringing forth the minuscule Campbell River Harbour Authority as an example, the totality of Government, both Federal and Provincial, allowed and continues to encourage blunt fraud practices and other criminal activity with no interest at prosecuting and preventing such practices, thus assuring the road of the future to be made up of the criminal element. The evidence surely demonstrates such.

The Board of Directors of the Campbell River Harbour Authority exemplify how easy it is to defraud the general public and the membership of a Not-for-profit Corporation (CRHA) of money and services to the betterment of themselves; clearly with your full support, the Crown's support and our Courts that bluntly fail the Rule of Law.

As per my March 22, 2012 Court Submissions, sent to you on March 23, 2012 Corporate fraud is exemplified by CRHA directors and staff misappropriating corporate assets, providing incorrect and/or misleading information to the CRHA membership, specific to a lack of financial accountability and resorting to physically assaulting me while I was taking a picture of an unseaworthy vessel sinking within the CRHA facility.

The Campbell River Harbour Authority has never been audited, as per instructions originating from Tim Hobbs during every Annual General Meeting since the Corporation's beginning (1997).

Rather than repeating myself with excerpts from my, numerous, submitted court documents that you both are determined to ignore, in hopes that it magically disappears, I will instead give you clear evidence of fraud practices that all fourteen judges of the Provincial Courts purposely ignored and fixed. And, to accentuate my experiences before the said Provincial Judges, I understand them to be **Judiciary Bastards** engulfed in perpetuating criminal activity within the Province of British Columbia.

Moreover, I am aware of the recent joint press release in defence of the principle of judicial independence signed by three **Judiciary Chief Bastards**; Lance Finch, Robert Bauman and Thomas Crabtree. Rather than offer argument to their rhetorical frippery, I repeat the words of our past Prime Minister; "*fuddle duddle*" to these **Judiciary Chief Bastards**. Their determined quest to attain full judicial independence coupled with immunity from prosecution stems from a need to reach absolute authority to dispose of any case that is contrary to their cause. Given that Canadian Judges and Justices are politically appointed, it takes no great intellect to understand that the judiciary protects Canadian Governance regardless of their activity. Presently, scoundrel Harper is a champion at getting what he wants from the judiciary, accentuating the Federal Court of Canada that fixes court files at will. For example, scoundrel Harper and his cronies will escape prosecution for election fraud, I will bet on it. These days, court fixes are so prominent at protecting corrupt Government that it is easy

to predict the outcome of a court file.

The following is an excerpt from a House of Commons Committee;

## **SMALL CRAFT HARBOURS: AN ESSENTIAL INFRASTRUCTURE MANAGED BY AND FOR FISHING COMMUNITIES**

*“The Committee wishes to commend the extraordinary work of Harbour Authorities and the dedication and the passion of their volunteers since the inception of the program. Without them, harbours would most probably cease to operate and DFO’s Small Craft Harbours program could grind to a halt.”*

### *“Introduction*

*In the fall of 2007, the House of Commons Standing Committee on Fisheries and Oceans (the Committee) began a study on the Small Craft Harbours Program (SCH Program) of Fisheries and Oceans Canada (DFO). The SCH Program is very important for many of the communities represented by Committee members. In fact for Members of Parliament representing these coastal communities, this program is among the most active files; as a result, members do a very large amount of work with, and for, fishermen, Harbour Authorities, and their communities at large”.*

*“The purpose of the Committee’s study was to examine all possible options for improving the SCH Program, and to present its findings in a report to the House of Commons that would give the Minister of Fisheries and Oceans the basis and the support for requesting more funding for the program. The Committee also planned to look at different aspects of the Harbour Authorities management model. Harbour Authorities are often made up of volunteers who do a lot of work above and beyond their normal duties to ensure that harbours are safe and functional. The Committee travelled across the country to look at harbour facilities, and heard concerns from people on the wharves”.*

*“In December 2007, the Committee presented an interim report on the SCH Program: Safe and Well-Funded Small Craft Harbours: A Clear Priority. In that report, the Committee focused on immediate funding needs for the program to meet the urgent needs of small craft harbours.*

*The report’s presentation to the House coincided with the budgetary planning period prior to the presentation of Budget 2008. In its report, the Committee recommended”:*

- *“That the Government of Canada invest sufficient funds to bring the Small Craft Harbours core infrastructure up to a quality and safety level corresponding to approved engineering standards”.*

While, the House of Commons was busy praising the Harbour Authorities “volunteers who do a lot of work above and beyond their normal duties” some “volunteers” were busy defrauding us of our tax money, exemplified by the Campbell River Harbour Authority (CRHA) Board of Directors. Specifically, I will bring forth the following invoices paid by bank cheque to the CRHA where the bank cheque was sent to the CRHA via post mail; a fact assured by an ATIP sent to me from Fisheries and Oceans Canada.

The following invoice numbers were paid to the CRHA Corporation to repair FAC 501 – South Grid (501), see DFO-CRHA Lease agreement;

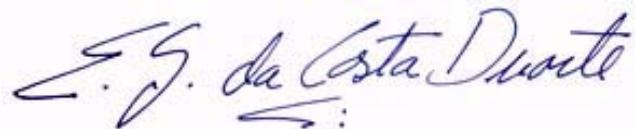
712817000 FAC 501 Campbell River Harbour	21-Jan-08 .....	75,000.00
712817000 FAC 501 Campbell River Harbour	18-Feb-08 .....	50,000.00
712817000 FAC 501 Campbell River Harbour	31-Mar-08 .....	75,000.00

**The monies are not accounted for and the repairs never took place.** To support these facts, I have areal photos of the CRHA South Grid dating back to 1997 clearly showing that no repairs to the grid ever took place, therefore, WHERE IS THE TAXPAYER'S MONEY? The preceding example is common to other FAC numbers involving the totality of my evidence that remains ignored and fixed by the **Judiciary Bastards that presided over my court files.**

Canadian Parliament authorized taxpayer's money to "invest sufficient funds to bring the Small Craft Harbours core infrastructure up to a quality and safety level corresponding to approved engineering standards". In turn, your lack of a formal response backed by determined action to stop criminal activity, assures me that your acceptance of criminal activity within the Province of British Columbia overrides the will of the Parliament of Canada; certainly the mannerism of weaklings. Are both of you professing to be good Canadians when your actions indicate that your purpose is to serve perpetual human greed that eventually will destroy us all. I strongly suggest that both of you emerge from the "puppet on a string" character and realize that you are paid to perform the duties of an elected official, mandated to safeguard society from the criminal element.

Your behaviour, thus far, dishonours Canada and questions my Merchant Navy Veteran status, shame on you. British Columbians deserve better. No doubt, the above-mentioned **Judiciary Bastards** already placed their criminal imprint in our society with countless courtroom evidence to support such; are you determined to follow the same path, thus weakening the Liberal Party allowing an easy NDP entrance? I do not have a short memory, the NDP is far worse than you, the voice of Glenn Clark lying to my face remains clear in memory. Moreover, I am well acquainted with past political garbage specific to the British Columbia marine industry.

Awaiting your **formal** reply, sincerely,



### **Captain E. G. da Costa Duarte**

Canadian Merchant Navy Veteran – Cold War 1972 - Vietnam 1973

Department of Transport - Certificate of Discharge No. 121945

Bundesrepublik Deutschland – Seefahrtbuch 599/71

Contact Info: Telephone - 1.250.202.1518 Email - [egduarte@live.ca](mailto:egduarte@live.ca)

I reserve the right to publish and send copies of this letter to anyone, at a later date, dependant on your reply or lack of.



From the desk of:

# Captain E. G. da Costa Duarte

**To:**

**HONOURABLE CHRISTY CLARK,**

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**March 23, 2012**

**Re. Provincial Court Files 37556 – CA39471 and CA039548 (Criminal proceedings)**

**Honourable Premier and Minister of Justice;**

Enclosed you will find two documents for your review; March 26, 2012 Court Submissions and a SETTLEMENT AGREEMENT AND MUTUAL RELEASE. The said documents are self-explaining and require no further introduction.

Moreover, I reviewed Mr. Carten's letter of February 26, 2012 sent to Premier Clark regarding Justice Reform and fully agree that major changes are needed to restore justice to the Province of British Columbia.

Specifically, my letter demands your attention to ongoing criminal issues that were purposely ignored by numerous presiding judges and justices of the Provincial Courts with intent to protect criminal activity. The available evidence substantiating my statement does not lie. Rather it gives a clear picture of court abuse that I suffered during the last two years. And, when the time period goes back several more years, I must bring forth additional criminal case files that took place within the New Westminster Courts resulting in an embarrassment to our great Nation; when the Crown and respective presiding judges allowed officials of the RCMP and Transport Canada to avoid prosecution.

Today, to preserve in memory the gross incompetence of Crown and Judiciary, I have a letter of thank you from the United States of America Homeland Security dated October 12, 2005 reflecting my assistance at correcting criminal activity of allowing an unseaworthy vessel to depart a Canadian Port after the said authorities falsified vessel documents and lied under oath to obtain a search warrant.

Mr. Carten's letter states; "*The public is telling you that they have lost faith in our justice system because it doesn't work as it was intended to and it is riddled with cronyism, corruption, and substance abuse*". Given that I agree with the preceding statement, what fails my rationale involves the totality of witnessed corruption well entrenched within a Nation that professes to be a model of justice to the world.

Bringing forth the minuscule Campbell River Harbour Authority as an example, the totality of Government, both Federal and Provincial, allowed and continues to encourage blunt fraud practices and other criminal activities with no interest at prosecuting such practices. Why not admit that the core of Government is made up of the criminal element. The evidence surely demonstrates such.

When the Supreme Court and the Appeal Court of British Columbia are examined, the abusive mannerism of Justice Romilly and Madam Justice Nielson give us a strong example of how determined they were to fix my cases before the said Courts. Certainly numerous other examples are also available.

I will begin with Justice Romilly that purposely and with great determination to avoid dealing with my application for directions, chose instead to deal with a forthcoming Petition that was not before him. Yet, he ruled without giving me the respect of reading the said Petition and dealing with the totality of orders sought.

Furthermore, Justice Romilly, on October 17, 2011 hearing, outright failed to apply relevant statutory provisions governing the make up of the Campbell River Harbour Authority, a Not-for-Profit Corporation. The below-listed Statutes are under the Jurisdiction of the Supreme Court of British Columbia;

- a. Fishing and Recreational Harbours Act.
- b. Fishing and Recreational Harbours Regulations.
- c. Canada Corporations Act.
- d. Canada Business Corporations Act.
- e. Criminal Code of Canada

More details are available from my various Applications and Statements of Argument brought before the Supreme Court and Appeal Court File CA39471, where resulting orders gave strong indications of Judiciary sponsored Obstruction of Justice contrary to section 139 of the Criminal Code.

Bringing forth Madam Justice Nielson determined attitude of thwarting justice, she changed my criminal proceedings against several Justices of the Federal Court of Canada to a civil cause of action with no legal authority to do so, for the scandalous purpose of intimidating me, with sure to come costs, awarded to the respondent's.

My appeal to the Appeal Court of British Columbia, Court File CA039548 derived from Criminal Court File 37556. Therefore, no civil Court Action is involved where I was the Plaintiff as per statements originating from

the Respondents and Justice Nielson heard on February 17, 2012. Moreover, the Respondent's - Order Sought - seeks costs for the motion when no such civil action exists.

I am within the Jurisdiction of the Supreme Court of British Columbia to seek criminal prosecution of anyone that commits a crime within the Province of British Columbia. An excerpt from the Supreme Court Act follows; *"Jurisdiction and sittings"*

*"9 (1) The court continues to be a court of original jurisdiction and has jurisdiction in all cases, civil and criminal, arising in British Columbia".*

In essence, the main issue before the Provincial Courts, Supreme Court and Appeal Court of British Columbia, relates to a simple question; who prosecutes Federal Court Judges or Justices that use the said court to intimidate and outright obstruct justice? Should no answer arise, then it is ascertained that the Federal Court has dictatorial powers. And, when Justice Romilly and Madam Justice Nielson are examined, they chose to follow in the same manner as the Federal Court Justices and dictate to me their version of the Rule of Law.

In conclusion, I am demanding a thorough review of all my case files; 37556 – CA39471 and CA039548. Upon completion I expect the Crown, under your authority, to practice their mandate to prosecute criminal activity within the Province of British Columbia.

Therefore, until such time as the totality of criminal activity alleged in my case files are resolved by a Provincial Court administering justice in good faith, I am demanding that the word **Justice** be removed from the Attorney General's Ministry. By definition, the word **Justice** refers to the **quality of being just and fair**.

Awaiting your reply, sincerely,

A handwritten signature in blue ink, appearing to read "E.G. da Costa Duarte".

**Captain E. G. da Costa Duarte**

Contact info:

Email; egduarte@live.ca

Telephone; 1 (250) 202-1518

**Copies of this letter and relevant documents, will be sent to the all individuals and government organizations referenced.**

# COURT SUBMISSIONS

(For March 26, 2012)



## CHARGES

### Summary of Offence - Court File No. 37556

#### Form 2 – Information

**CANADA:**  
**PROVINCE OF BRITISH COLUMBIA**

#### "BY INDICTMENT"

This is the information of Capt. E. G. da Costa Duarte, Naval Architect, Certified Marine Chemist, hereinafter called the informant, of Campbell River, British Columbia.

The informant says that the informant has reasonable and probable grounds to believe and does believe that,

#### **Count 1**

The Board of Directors of the Campbell River Harbour Authority (CRHA), located at 705 Island Highway, Campbell River, BC, V9W 2C2, between March 31, 1998 and March 4, 2010 did by deceit, falsehood or other fraudulent means defraud the Campbell River Harbour Authority (CRHA), Capt. E. G. da Costa Duarte; a CRHA member, the CRHA Membership and Harbour users of the CRHA facility, of monies, of a value in excess of \$5000 Canadian Dollars, by hiding CRHA Revenues vs. vessel counts that indicate obvious financial shortfalls. Further, the CRHA Board of Directors committed deliberate falsehoods which caused or gave rise to deprivation of services and by deprivation of crucial financial support prevented development of the CRHA facility as per the provisions to the CRHA Letters Patent, Object of the Corporation and CRHA Corporate By-Laws, contrary to Section 380 (1) (a) of the Criminal Code.

#### **Count 2**

Tom Forge, President of the Board of Directors of the Campbell River Harbour Authority (CRHA) located at 705 Island Highway, Campbell River, BC, V9W 2C2, on his written statement produced on February 18, 2010 at or near Campbell River, in the Province of British Columbia, did commit public mischief in that with intent to mislead he caused Constable Jacqueline Weiler and Constable Pickering both RCMP peace officers for the City of Campbell River, BC, to enter upon an investigation by reporting that an offence had been committed, when it had not been committed, contrary to Section 140 (1) (c) of the Criminal Code.

#### **Count 3**

Phyllis Titus, Manager of the Campbell River Harbour Authority (CRHA) located at 705 Island Highway, Campbell River, BC, V9W 2C2, on her written affidavit sworn before D'Arcy J. Frankland, a commissioner for taking affidavits for British Columbia on the 15th. day of June 2010, being specially permitted by law to make a statement by affidavit, did make several false statements, by stating that Capt. E. G. da Costa Duarte, the informant, is a volatile, aggressive and belligerent person and that the Campbell River Harbour Authority (CRHA) is to maintain berthage at Campbell River for commercial fishing vessels, purposely ignoring the Objects of the Campbell River Harbour Authority

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(For March 26, 2012)

## CHARGES

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(CRHA), a Not-for-Profit Federal Corporation, under the provisions of the Canada Corporations Act, part II. Further, with intent to mislead the Federal Court of Canada, Phyllis Titus conjugated a series of false statements, relating to the informant, bearing no truth, contrary to Section 131 (1), Perjury, of the Criminal Code.

#### **Count 4**

The Manager of the Campbell River Harbour Authority (CRHA), namely Phyllis Titus, located at 705 Island Highway, Campbell River, BC, V9W 2C2, on November 4, 2010 at approximately noon time, physically assaulted Capt. E. G. da Costa Duarte by striking him on the left side of his face causing a lesion. The unprovoked physical assault was intentional carried out to harm Capt. E. G. da Costa Duarte, where Phyllis Titus awaited his arrival by the side of his parked vehicle, located on the South parking lot of the Fisherman's wharf, City of Campbell River, B.C. The assault was intentional and without the consent of the informant, contrary to Section 265 (1) (a) of the Criminal Code.

#### **Count 5**

The Manager of the Campbell River Harbour Authority (CRHA), namely Phyllis Titus, located at 705 Island Highway, Campbell River, BC, V9W 2C2, on November 4, 2010, at approximately noon time, caused damage to the informant's vehicle, while the said vehicle was parked on the South parking lot of the Fisherman's wharf, City of Campbell River, B.C. Phyllis Titus hit the left side door below the window, causing paint and metal damage to the door. The tool used to damage the door is unknown, but suspected to be a rock. Subsequently, while the Informant, Capt. E. G. da Costa Duarte tried to enter his vehicle and close the left side door, Phyllis Titus, unsuccessfully, tried to break the vehicle window by hitting the said window with her fists and right arm. Phyllis Titus willfully committed mischief by destroying and damaging the property (vehicle door) of the informant, contrary to Section 430 (1) (a) of the Criminal Code.

Note: The above-stated counts were sworn on 15th. day of December 2010 at Campbell River, British Columbia. Form 2 (original) available from Court File 37556.

## **MAIN PERSONS NAMED DURING INVESTIGATION**

- 1) **Capt. E. G. da Costa Duarte** is the Informant, investigator and the prosecutor as per the provisions of the Criminal Code; "prosecutor" - "means the Attorney General or, where the Attorney General does not intervene, means the person who institutes proceedings to which this Act applies, and includes counsel acting on behalf of either of them". The Informant is a member of the Campbell River Harbour Authority (CRHA) since 2009. The Informant is a victim of fraud, physical assault, mischief and perjury relating to this investigation.
- 2) **Manfred Binger** is a witness and a long term member of the Campbell River Harbour Authority (CRHA). Manfred Binger is a vessel owner and a CRHA Harbour User. Manfred Binger is a victim of fraud and threats of physical harm together with the removal of his vessel from the CRHA facility, relating to this investigation.
- 3) **Glenn Lusk** is a witness and a member of the Campbell River Harbour Authority (CRHA) since 2009. Glenn Lusk is a vessel owner and a CRHA Harbour user. Glenn Lusk is a victim of fraud and threats of his vessel removal from the CRHA facility, relating to this investigation.
- 4) **Ronald E. Griffin** is a witness and a long term member of the Campbell River Harbour Authority (CRHA). Ronald E. Griffin is a vessel owner and a CRHA Harbour user. Ronald E. Griffin is a victim of fraud relating to this investigation.
- 5) **Ted Thompson** is a witness and a long term Harbour User of the CRHA facility. Ted Thompson resides onboard his vessel the "Triple E" at the CRHA facility. Ted Thompson and his sunken skiff caused the

informant to demand an emergency pump from Phyllis Titus to save the skiff, on February 17, 2010, a chore she denied. A trumped-up version of this story, originating from Phyllis Titus, is currently used to defame the Informant, accusing him of being a volatile and belligerent person before the Federal Court of Canada.

- 6) **Kent Moeller** is a Chartered Accountant who was retained to file the yearend tax records and conduct a review engagement for the Campbell River Harbour Authority (CRHA) Corporation from 1998 to 2009. Kent Moeller never conducted an audit of the CRHA Corporation as per the provisions of the Canada Corporations Act, which states that there is no waiver of audit. Moreover, Kent Moeller never conducted an audit of the CRHA Corporation as per the provisions of the CRHA By-laws. Namely By-law no. 65 stating the following;
65. *The members shall, at each annual meeting, appoint an auditor who shall audit the accounts of the Corporation for report to the members of the Corporation at the next annual meeting. The auditor shall hold office until the next annual meeting provided that the Directors may fill any casual vacancy in the office of the auditor. The remuneration of the auditor shall be fixed by the Board of Directors.*
- ### Named Suspects
- 7) **Bruce Kempling** is the owner of Ocean Pacific Marine Supply LTD., located in Discovery Harbour, Campbell River, B.C. Bruce Kempling is a long term Director/President of the CRHA Corporation serving on the CRHA Board of Directors since the Corporation's beginning (1997) and retiring from the said board in 2010. Bruce Kempling maintains his silence when questioned about CRHA financial details, By-Laws, Letters Patent, DFO-CRHA Lease Agreement. Bruce Kempling is a fraud suspect; suspected of defrauding the public, the CRHA Harbour Users and CRHA membership of monies and services in excess of \$5000.00 Dollars. Moreover, Bruce Kempling is suspected of diverting CRHA funds to supplement his business; Ocean Pacific Marine Supply LTD.
- 8) **Timothy Charles Danby Hobbs** is the Partner owner of Redden Net Marine Supplies, Located on 690 Island Highway, adjacent to the CRHA facility, Campbell River B.C. Better known as Tim Hobbs, the long term Director/Treasurer of the CRHA Corporation, maintaining the same Corporate position since the Corporation's beginning (1997). Tim Hobbs maintains his silence when questioned about CRHA financial details, By-Laws, Letters Patent, DFO-CRHA Lease Agreement. Tim Hobbs, when interviewed about CRHA Corporate issues, provided false statements as to the corporate make-up of the CRHA facility, with intent at preventing anyone from knowing the Corporation's facts. Tim Hobbs is the landlord/owner of the building located on 690 Island Highway, Campbell River, B.C. Tim Hobbs is a fraud suspect; suspected of defrauding the public, the CRHA Harbour Users and CRHA membership of monies and services in excess of \$5000.00 Dollars.
- 9) **Hugh Silver** is a retired Mill Engineer and long term CRHA Director. As a long term Director, since the Corporation's beginning (1997), Hugh Silver has taken control of the best area of the CRHA facility to create his vessel's berthage space, where only single rafted vessels are allowed, contrary to any other berthage space within the CRHA facility. When questioned about CRHA financial details, By-Laws, Letters Patent, DFO-CRHA Lease Agreement. Hugh Silver replied to the Informant that "he was digging himself a hole and would never be allowed in the CRHA facility". Hugh Silver is a fraud suspect; suspected of defrauding the public, the CRHA Harbour Users and CRHA membership of monies and services in excess of \$5000.00 Dollars. Ocean Pacific Marine Supply LTD
- 10) **Tom Green** is a welder and a marine "jack of all trades", owner of a floating marine repair facility under the name; South Harbour Marine Services. His floating repair facility is located within the CRHA facility. Tom Green is a CRHA Director since 2006. When questioned about CRHA Corporate status, Tom Green is known for his abusive outbursts and defamatory statements hurled at Capt. E. G. da Costa Duarte and Manfred Binger, before the CRHA membership at the AGM's. When asked about the CRHA Corporation (AGM 2010) he stated, before the CRHA membership that; "I don't know and I don't give a shit". Tom Green is a fraud suspect; suspected of defrauding the public, the CRHA Harbour Users and

CRHA membership of monies and services in excess of \$5000.00 Dollars. Moreover, Tom Green is suspected of diverting CRHA funds to supplement his business; South Harbour Marine Services.

- 11) **Tom Forge** is the current CRHA Director/President. Tom Forge produced the letters available from Exhibit B. The letters breached the provisions of the Canada Corporations Act and were originally produced to intimidate the informant to depart from the CRHA facility and stop the Informant's CRHA financial investigation. The said letters breach the provisions of the Fishing and Recreational Harbours Act and the Fishing and Recreational Harbours Regulations. Tom Forge is a fraud suspect; suspected of defrauding the public, the CRHA Harbour Users and CRHA membership of monies and services in excess of \$5000.00 Dollars.
- 12) **Dave Christian** current director of the CRHA Corporation. Served on the Board of Directors for five years. Dave Christian was seen removing new Fir planks from the CRHA facility and installing newer Cedar planks on several new docks with no accountability to the membership. No financial information exists as to the awarding of a contract to install the planks. Removing new Fir planks from the CRHA facility with no accountability to the membership is theft over \$ 5,000.00 Dollars.
- 13) **Mike Bouchard** current director of the CRHA Corporation. He was elected in 2010, by the tightly controlled CRHA membership that show up at the AGMs, where no verification of membership is allowed. Mike Bouchard is a convicted criminal for maintaining a marijuana grow-opp. (Campbell River Courts).
- 14) **Linda Franz** was the CRHA facility Manager since the Corporation's beginning (1997). Due to illness Linda Franz retired sometime in 2010. Linda Franz retirement details are denied to the CRHA membership, therefore date accuracy is not assured by the Informant. Linda Franz is a fraud suspect; suspected of defrauding the public, the CRHA Harbour Users and CRHA membership of monies and services in excess of \$5000.00 Dollars.
- 15) **Phyllis Titus** is the current CRHA facility Manager and self declared "Bitch", stating to Glenn Lusk, CRHA Harbour User, during her working hours at the CRHA office that; "I can be a bigger bitch than you ever thought of being an asshole", evidence obtained from an audio recorded interview on July 27, 2010 at 3:31 PM;
- 16) On behalf of the CRHA Corporation, Phyllis Titus initiated a CRHA civil lawsuit in Federal Court, against the Informant. The said lawsuit is based on an affidavit (Exhibit O) produced by Phyllis Titus and sworn under oath, with numerous false statements about the Informant. The intent of the affidavit was to intimidate the informant from investigating the CRHA finances and is based on the events of February 17, 2010 sinking of Ted Thompson's skiff. Currently the said civil lawsuit includes a counterclaim by the Informant for a large sum of money;
- 17) Phyllis Titus was promoted to CRHA Manager by the Board of Directors with no competing applicants. Evidence obtained from an audio recorded interview on July 6, 2010 at 3:18 PM (Tape 3, 22:46 minutes), between Mr. Glenn Lusk, CRHA Harbour User and Phyllis Titus, CRHA Manager, she stated that the CRHA accounts were part of her duties for the past two years. Phyllis Titus is a fraud suspect; suspected of defrauding the public, the CRHA Harbour Users and CRHA membership of monies and services in excess of \$5000.00 Dollars.
- 18) **Dave Ostler** is the CRHA assistant Harbour Attendant. Phyllis Titus lives in a common-law relationship with his brother. Dave Ostler was hired by the CRHA Board of Directors under Phyllis Titus recommendation indicating a strong conflict of interest. The events involving the hiring of Dave Ostler and Phyllis Titus happened while Linda Franz was the CRHA facility Manager. During a recorded interview with the Informant, on February 13, 2010 at 1:30 PM, Dave Ostler provided specific information involving the mannerism of Phyllis Titus and financial practices of the CRHA Corporation, namely that "no one keeps receipts as far as I know" and that Phyllis Titus; "she is definitely a forceful person and - I can't say that I agree with everything she does - but - I mean I, she's just an employee. You know". Dave Ostler is a fraud suspect; suspected of defrauding the public, the CRHA Harbour

Users and CRHA membership of monies and services in excess of \$5000.00 Dollars.

- 19) **Shelley Chapelsky** and **Kaitlin McKinnon** are two lawyers with Bull, Housser & Tupper LLP, Vancouver, B.C. Both lawyers represent the CRHA Corporation on the Federal Court civil lawsuit against the Informant, Capt. E. G. da Costa Duarte. The said civil suit is based on an affidavit provided by Phyllis Titus, CRHA facility Manager. The affidavit forms part of the evidence for the perjury charge (Exhibit O). The said Federal Court Lawsuit (T-1003-10) claims loss of revenue to the CRHA Corporation when the Informant's berthing fees were increased to nearly ten times the fees applicable to vessels of the same type. The CRHA Board of Directors and Staff refused the Informant's existing payments by submitting exaggerated invoices to intimidate the Informant to depart from the CRHA facility;
- 20) The relationship of the two lawyers, Ms. Chapelski and Ms. McKinnon acting on behalf of the CRHA, the Harbour Authority Association of B.C. (HAABC) and Robin Richardson, Manager, DFO-Small Craft Harbours, Pacific Region, brings forth suspicion of a conflict of interest to control the assets of the CRHA corporation for their gain;
- 21) Robin Richardson is a DFO official with links to the Harbour Association of B. C. (HAABC) that receives grants from DFO and represents the CRHA Corporation in Ottawa, before the Small Craft Harbours, Director, Micheline Leduc that fails reasoning and questions their purpose, bringing forth questions of conflict of interest and a possible conspiracy to defraud the CRHA Corporation.
- 22) The relationship between the following parties; CRHA Corporation, Robin Richardson, Ms. Chapelski, Ms. McKinnon, the Board of Directors of the CRHA and the CRHA staff, questions the involvement of DFO-Small Craft Harbours management with suspicion to defrauding the public, the CRHA Harbour Users and CRHA membership of monies and services in excess of \$5000.00 Dollars.
- 23) Bill Fitzgerald past director of the CRHA Corporation. Served on the Board of Directors for eight years.
- 24) Rick Frey past director of the CRHA Corporation. Served on the Board of Directors for two years.
- 25) Hugh Watson past director of the CRHA Corporation. Served on the Board of Directors for two years.
- 26) Ernie Wouters past director of the CRHA Corporation. Served on the Board of Directors for one year.
- 27) Brian Assu past director of the CRHA Corporation. Served on the Board of Directors for one year.
- 28) John Parkyn current director of the CRHA Corporation. Served on the Board of Directors for twelve years.
- 29) Al Fredheim past director of the CRHA Corporation. Served on the Board of Directors for two years.
- 30) Steve Ordano past director of the CRHA Corporation. Served on the Board of Directors for seven years.
- 31) Art Cheshire past director of the CRHA Corporation. Served on the Board of Directors for eight years.
- 32) Ron Haugan past director of the CRHA Corporation. Served on the Board of Directors for two years.
- 33) John Anderson past director of the CRHA Corporation. Served on the Board of Directors for two years.
- 34) Gail Davis current director of the CRHA Corporation. Served on the Board of Directors for eight years.

## **Informant's Reasons for Withdrawing Court File 37556**

- 35) On March 16, 2012 the Informant endorsed an agreement with the CRHA Corporation to not return to the CRHA facility "*unless and until such time as the CRHA no longer leases, operates or manages the CRHA Harbour*". See enclosed SETTLEMENT AGREEMENT AND MUTUAL RELEASE signed by the Informant and the CRHA Corporation.
- 36) The above-mentioned Settlement Agreement was initiated by the Informant, via Mr. Ross McLarty, counsel for the Federal Court Canada Judge and Justices, named on the SUPREME COURT OF BRITISH COLUMBIA - NOTICE OF APPLICATION - (CAMPBELL RIVER - Criminal Proceedings)

submitted to the Campbell River Registry on October 25, 2011. Subsequently, Appeal Court of British Columbia Court File CA039548.

- 37) The Informant, Capt. E. G. da Costa Duarte, initiated the above-mentioned Settlement Agreement, after appearing before fourteen (14) Judges and Justices of the Provincial Courts of British Columbia seeking a judicial resolution to criminal Court File 37556 and receiving none contrary with the Rule of Law;
- 38) Instead, contrary to the Rule of Law, the Informant experienced a determined and premeditated series of rulings indicative of a Jurisprudence that better serves society's criminal element than the preservation of a just society, free from favouritism or self-interest or bias or deception; conforming with the established Rule of Law.
- 39) Moreover, the Informant, Capt. E. G. da Costa Duarte, received several court Orders originating from the Federal Court of Canada after a Statement of Claim, submitted by the CRHA Corporation, on June 24, 2010 to the Federal Court of Canada that initiated Court File T-1003-10. The said court file is a collateral attempt by the Campbell River Harbour Authority (CRHA), the Board of Directors of the Campbell River Harbour Authority and the CRHA staff to undermine the capacity of the Informant to continue his prosecution outlined in Form 2 – Information, of Case file 37556 in this proceeding and is an abuse of the process and jurisdiction of this Honourable court.
- 40) The Informant demanded a concrete explanation into the behaviour of the Federal Court Canada involving "the "fix" is on", from the onset of Federal Court File T-1003-10. The Informant submitted two documents to the Federal Court of Canada before any hearing took place, firstly, the July 8, 2010 letter to Chief Justice Allan Lufty, fully informing the Federal Court of the Informant's ongoing prosecution that commenced criminal proceedings against the CRHA on February 23, 2010; nearly four months after the Informant commenced criminal proceeding against the CRHA. And, the second document consisted of a Motion Record addressing the CRHA Corporation's motion that was scheduled for July 12, 2010 requesting the removal of the Defendant's vessel from the CRHA facility. The Federal Court of Canada purposely ignored the Informant's actions in favour of criminal activity originating from the CRHA Board of Directors and CRHA Staff.
- 41) The Federal Court of Canada does not have any jurisdiction to hear the matters referred to in the Statement of Claim submitted on June 24, 2010 to the Federal Court of Canada, Court File T-1003-10; by reasons of the fact that those matters do not involve matters that fall within the jurisdiction of the Federal Court of Canada.
- 42) Additionally, the Informant's Berthage fees were paid to the CRHA, a Not-for-profit Corporation, in which the Informant was or is a member in good faith, regardless of membership, the Informant was a CRHA Harbour User as per the provisions of the CRHA Objects of the Corporation. A Public Harbour as per the provisions of the Fishing and Recreational Harbours Act and the Fishing and Recreational Harbours Regulations. The existence of the previously mentioned Act relates to NO Federal Court Jurisdiction. And, when jurisdiction is taken into consideration both Acts of Parliament; Canada Corporation Act and the Fishing and Recreational Harbours Act involve the jurisdiction of the Provincial Courts of British Columbia not the Federal Court of Canada.
- 43) Moreover, under Provincial Court File 37556, above-stated, the Provincial Courts failed to assume jurisdiction, thus allowing the Federal Court Judge and Justices to carry on a civil process with criminal intentions; specifically, to undermine the capacity of the Informant to continue his prosecution outlined in Form 2 – Information, of Case file 37556.
- 44) Two specific cases governing Admiralty Law and Pleasure Craft define the Applicant's vessel while at the CRHA facility. See Isen v. Simms, [2006] 2 S.C.R. 349, 2006 SCC 41 and (TAB 15) Salt Spring Island Local Trust Committee v. B & B Ganges Marina Ltd.
- 45) The following excerpt obtained from the February 23, 2012 - CRHA 14th. Annual General Meeting Report, follows;

**TREASURERS REPORT:**

*T. Hobbs presented the financial results as reviewed by D.A. Ewart Inc. for the year ending Jan 31, 2011 and included in the AGM program. In response to M. Binger's "finances never been audited" allegations T. Hobbs again explained:*

- i. *We have every year met the legal requirements to have a "review engagement" qualify as a legal form of audit.*
- ii. **Due to the practical impossibility of checking berthage revenue, in particular that portion paid in cash by transient vessels;** a "full audit" would still contain the qualifying comments of a review engagement, but cost \$10,000+ more.

*Changes to federal regulations "in the pipeline" are expected to require a "review engagement" form of audit only.*

46. Imagine an employee, which is in charge of collecting monies from clientele that pays by cash. When the monies are unaccounted, the business owner asks the employee, why is money missing? The employee replies; "well boss, I collected cash and as you know due to the **practical impossibility of checking cash revenue the monies disappeared**". The Informant now asks the Provincial Courts, what is the purpose of the Rule of Law? Certainly, not to prosecute blunt criminal activity evident from the determined mannerism of CRHA Board of Directors.
47. Currently, the above excerpt is a blunt **breach of the CRHA By-Laws and a cover-up to fraud practices** given that specific written requests for financial details, never materialized, **initiated by Capt. E. G. da Costa Duarte on February 18, 2010.** The above-mentioned published statement, originating from T. Hobbs, CRHA Director/Treasurer assures the Informant and the Canadian public that the CRHA Board of Directors are immune to criminal prosecution when they outright state that they are not accountable for cash revenues. Moreover, to date, they are not accountable to two (2) Million dollars of DFO grant money paid to the CRHA Corporation via mailed cheques and deposited in unknown CRHA bank accounts.
48. Fisheries and Oceans Canada (DFO), via ATIP officials, assured the Informant that all the paid invoices listed on - *Exhibit F01.1 DFO Invoice Spreadsheet of Grants ATIP* – issued to the CRHA Corporation were invoiced to a specific FAC Code number. In other words, DFO grants monies were expressly committed to the betterment of the CRHA Public facility where no legal authorization exists for the CRHA Board of Directors to divert the said monies for their own interests. A crime has been committed because CRHA Board of Directors refuse accountability and the monies are missing, contrary to the provisions of the CRHA By-Laws and to Section 380 (1) (a) of the Criminal Code.
49. the following excerpt from the CRHA By-Laws accentuating that the CRHA thirteen year (1997-2010) quest to defraud Harbour Users is determined and with malicious intent;

**Auditors**

*"65. The members **shall** at each annual meeting, appoint an auditor who shall audit the accounts of the Corporation for report to the members of the Corporation at the next annual meeting. The auditor **shall** hold office until the next annual meeting provided that the Directors may fill any casual vacancy in the office of the auditor. The remuneration of the auditor shall be fixed by the Board of Directors".*

50. The list of Exhibits supporting Criminal Court File 37556 is extensive, involving evidence from documents, audio recordings and video recordings. To date, every Judge and Justice that presided over Court File 37556, refused to hear the evidence.
51. After a lengthy written argument presented by the Informant on the pages of the September 22, 2012 Petition to the Supreme Court of British Columbia, Part 3: **LEGAL BASIS** – paragraphs 1 to 27, the Informant ask the following question;

*"Fundamentally, it is wrong to allow the Crown to have sole authority to prosecute when democracy is at*

*play. Yet, the Crown is the representation of Her Majesty the Queen of Canada, a monarch with sovereign powers. Therefore, is Canada Monarchy or a Democracy? In practice, the two don't mix. Either we, Canadians, obey the Queen or we practice Democracy".*

52. No answer to the above-mentioned question was given. Rather, the issue was totally ignored alike the totality of evidence involving Criminal Court File 37556.

## **Informant's Request to Crown**

53. The Informant requests the Crown to take over Criminal Court File 37556 and to issue process against the named suspects as per the above-mentioned, Form 2 - counts.
54. The purpose of a Crown Prosecution or a Private Prosecution is to bring criminal evidence before the Court. There is no protection for an accused when the evidence is factual, thus bringing forth the question; should an accused receive Crown's protection from allegations of wrong doing?
55. Moreover, should the CRHA Board of Directors and Phyllis Titus relax assured that they will not answer to the Rule of Law?

## **Conclusion**

56. The Board of Directors of the Campbell River Harbour Authority clearly exemplify how easy it is to defraud the general public and the membership of a Not-for-profit Corporation (CRHA) of money and services to the betterment of themselves. Clearly with full support from Crown and our Courts that bluntly failed the Rule of Law.
57. The Informant's rights and privileges as a member of the CRHA Corporation were illegally removed; the right to vote, the right to review the CRHA finances, the right to address issues of concern before the membership seeking a resolution and the right to enjoy a facility paid by Taxpayers for the usage of taxpaying;
58. Corporate fraud is exemplified by CRHA directors and staff misappropriating corporate assets, providing incorrect and/or misleading information to the CRHA membership, specific to a lack of financial accountability and resorting to physically assaulting the Informant while the Informant was taking a picture of an unseaworthy vessel sinking within the CRHA facility;
59. The persistence of the Informant demanding financial accountability and transparency from the CRHA Board of Directors, eventually lead to a frivolous and vexatious Federal Court lawsuit (T-1003-10) filed by the CRHA Corporation, under the direction of the said Board of Directors, against the Informant, for unpaid moorage fees that were increased to nearly ten times the normal fee applied to all other harbour users.
60. Since the onset of the CRHA Letters Patent (1997), the Campbell River Harbour Authority is under the authoritarian control of the following directors; Timothy Charles Danby Hobbs, Bruce William Kempling and Hugh Silver. On a secondary capacity, following on the wishes of the preceding Directors, involves CRHA manager Linda Franz, serving the CRHA facility from 1997 to 2009. Since 2010, Phyllis Titus replaced Linda Franz.
61. The Campbell River Harbour Authority has never been audited, as per instructions originating from Tim Hobbs during every Annual General Meeting since the Corporation's beginning (1997). An assurance that the above-mentioned paragraph (60) is correct.
62. The Campbell River Harbour Authority, Board of Directors, never presented a CRHA membership List to any CRHA member. Therefore, nullifying any voting practice witnessed during Annual General Meetings, 1997 to 2010. There is no indication that the CRHA Annual General Meeting participants are voting members.
63. After a comparative analysis of DFO paid invoices to the CRHA and misleading CRHA financial statements, the amount of monies missing surpasses two (2) Million Dollars of taxpayer's money.

64. On April 20, 2010, under pressure to hide financial information from the Informant, given his persistence to pursue fraud charges against the CRHA Board of Directors, a Mobile Paper Shredding Truck, R&R (250) 287-9880, was seen shredding a large number of document boxes originating from the CRHA office located at 705 Island Highway, Campbell River, B.C.;
65. The witnessed event involved the office manager, Phyllis Titus standing at the back end of the shredding truck coordinating the loading and shredding of CRHA office document boxes. The boxes originated from the CRHA office and carried over the fence to the shredding truck parked on the parking lot located to the North of the CRHA office. Additional members of the CRHA staff also carried document boxes to the shredding truck.
66. Phyllis Titus, sworn affidavit containing 39 paragraphs (Exhibit O) dated June 15, 2010 exhibits a variety of false statements. The said affidavit is attached to the statement of claim, Federal Court File T-1003-10. With intent to mislead the Federal Court of Canada, Phyllis Titus conjugated a series of false statements, relating to the informant, bearing no truth, contrary to Section 131 (1), Perjury, of the Criminal Code.
67. On November 4, 2010 at approximately noon time, Phyllis Titus, physically assaulted the Informant, Capt. E. G. da Costa Duarte by **striking him on the left side of his face causing a lesion.**
68. On November 4, 2010, at approximately noon time, Phyllis Titus, caused damage to the informant's vehicle, while the said vehicle was parked on the South parking lot of the Fisherman's wharf, City of Campbell River, B.C. Phyllis Titus hit the left side door below the window, causing paint and metal damage to the door.
69. Two letters addressed to the Minister of Fisheries and Oceans Canada (DFO) written by the Informant, Capt. E. G. da Costa Duarte, resulted in no resolution, to date. A strong indication that DFO is not an Honourable participant, rather an underhanded Government Ministry that fails its citizens.
70. The absence of proper ministerial (DFO) conduct, as per the provisions of the DFO-CRHA Lease Agreement, overseeing the operation of the Campbell River Harbour Authority, brings forth the fact that the CRHA is a not-for-profit Corporation specifically designed to serve its members and Harbour users, not DFO. Thus, DFO directly contributed to an escalation in manipulative behaviour for the betterment of so few, unknown DFO officials, the CRHA Board of Directors and staff.
71. At the onset of the Informant's investigation into the governance of the Campbell River Harbour Authority, the following event stimulated the informant into investigative action;
72. Sometime after the request to review the CRHA finances (Exhibit A), was handed to the CRHA Board of Directors, the Informant interviewed "Sam" (First Nations), manager of the DFO facility located in Discovery Harbour approximately one kilometre North of the CRHA facility. Present at the informal meeting that took place in "Sam's" office, were the Informant, Sam and a Coast Guard official that asked not to be identified. After several remarks as to the failure of the Canadian Government, specifically the Ministry of Fisheries and Oceans, to address issues of pollution, unseaworthy vessels, Small Craft Harbours management, etc... "Sam" stated the following; "all the money we receive from Harbour users belongs to us". "All Harbour Authorities pay one dollar per year for the lease and the money we make is ours". Following this appalling statement the Informant asked as to the status of the Harbour Authority Corporation and its accountability to the Harbour users; the Coast Guard official using his hands, covered both official Canadian Coast Guard emblems located on his shoulders and directed a few profanities at DFO, in response "Sam" indicated that that's the way DFO wants it to happen, no accountability to Harbour users.
73. Today, with several written words of praise addressed to the good name of Capt. E. G. da Costa Duarte, to include, but not limited to, several news articles written in Harbour and Shipping Magazine about the Informant's marine accomplishments within British Columbia, a thank you letter (2006) from the United States Coast Guard and Homeland Security, three seaman's books, German, Swedish and Canadian, indicating the words "Very Good" for ability and conduct, the Informant, Capt. E. G. da Costa Duarte

finds it extremely difficult to accept the accusation of abusive behaviour directed at his good name, specifically, when the issue involves the CRHA Board of Directors and Phyllis Titus, an incompetent employee and a corrupt Board of Directors that are reflective of a bigger problem within the CRHA Corporation and DFO.

74. Capt. E. G. da Costa Duarte is a Canadian Merchant Navy Veteran; Viet Nam and the Cold War.

Dated at Campbell River, this 22nd. day of March, 2012

A handwritten signature in blue ink that reads "E.G. da Costa Duarte". Below the signature is a small, stylized graphic consisting of a horizontal line with a downward-pointing arrowhead on the left and a vertical colon-like shape on the right.

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**Captain E. G. da Costa Duarte**

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