



Gibsons Alliance of Business and Community Society

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**REQUEST FOR ACCESS TO GOVERNMENT RECORDS
UNDER BC'S FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**

December 10, 2015

Selina Williams, Corporate Officer
Town of Gibsons
474 South Fletcher Road
Box 340, Gibsons, BC. V0N 1V0

Re: FOI 2015-08 ADEQUACY OF SEARCH COMPLAINT

Dear Selina,

In our FOI 2015-08 request we asked for: *“Any and all records related to the Tug Boat Landing Marina, Gibsons Oceanfront Hotel and George Hotel and Residences development proposals **generated by and/or shared among Wayne Rowe and** any and all of the following people and corporations: Andre Boel, Emanuel Machado, Art Phillips, Klaus Fuerniss, Klaus Fuerniss Enterprises Inc. and Hyak Marine; between January 1st, 2012 and today’s date (July 13 2015)*

We were charged \$1061.75 for 435 pages. We feel that only 13 of the 435 pages are responsive to our request and we simply can’t believe that Wayne Rowe only generated two documents in four years, about the most contentious issue ever to hit Gibsons.

- Excluding pages (317-323), the first 364 pages of this release are non-responsive to this request. The pages consist of letters sent by citizens to Mayor, Council and staff. None of the documents were **generated by or shared among Wayne Rowe and** any of the people and corporations listed above. The documents were **sent to** Wayne Rowe and/or staff.
- Pages 1-364 also include a handful of staff responses to citizens’ letters as well as correspondence to and between staff i.e. not generated by or shared among Wayne Rowe.
- Pages 366-435 of this FOI release consist of a review of documents severed in FOI 2014-04 (re: Planner Andre Boel) and 2014-11 (re: COA Emanuel Machado). These documents should have been reviewed with FOI 2015-06 as a follow up to FOI 2014-04/06 and 2015-11/12).
- Oddly, record dates in this release span the timeframe of FOI 2014-08, yet these records were not released in FOI 2014-08.
- We acknowledge receipt of 3 records responsive to this request in FOI 2015-06 (\$2,348.56)

This is our fourth request to access records generated by Wayne Rowe regarding the George. In August 2014, we submitted an FOI request (FOI 2104-08), which resulted in the release of 2 redacted notebook pages. We submitted an adequacy of search complaint, which generated nothing in November 2014. We submitted an expanded FOI request in July 2015 (FOI 2015-08), which was delayed until November 26, 2015. Meanwhile, an election went by, the non-compliant George bylaws were approved and deadlines for legal action re: Rowe’s perceived conflict of interest with the George developer, elapsed.

This situation and the information released are wholly inadequate.

Given the following:

- The lengthy time period covered in the FOI request,
- The broad scope of the FOI request,
- Wayne Rowe's active interest in the George Hotel and Residences Development Application,
- Wayne Rowe's refusal to answer questions of the public about the Development Application,
- Wayne Rowe's solicitor-client relationship (dating back to at least 2002) with the George developer Klaus Fuerniss'
- J.Wayne Rowe Law Offices involvement in "George" project property realty transactions,
- Wayne Rowe's *inability to remember* and refusal to answer questions about whether he acted on behalf of Klaus Fuerniss in "George" project property realty transactions,
- Documents released from FOI 2014-04/06 (Boel) and FOI 2014-11/12 (Machado) showing Wayne Rowe attended secret meetings with the developer and staff in which decisions were made to advance the George application without the knowledge of other council members,

We feel it is extremely unlikely that Wayne Rowe has not generated any record, received an email, made a note of a conversation or shared any information whatsoever with the above named parties, about the George Hotel development.

We do not believe that you have "explored all reasonable avenues to locate records" and we request that you search again. Specifically, please give us responsive records included in:

- Any and all correspondence (including email attachments) on Wayne Rowe's personal and business email accounts as well as his "gibsons.ca" email account.
- Any and all of Wayne Rowe's notebooks, datebooks, day planners, electronic schedules, Ipad, phone, and/or other medium on which he creates records of any meetings, phone calls, conversations, and exchanges.

If any of the records responsive to our request are available through routine release, i.e. on the Town of Gibsons website, in a public meeting agenda, report or minutes, please inform us rather than including this information in the FOI release.

Please reimburse for the exorbitant fees we paid for this material and please excuse us from the requirement to pay any fees for the fulfillment of this request. As you know, this information is a matter of keen public interest to citizens of Gibsons and we will continue to share records and use them to inform the public through our mailing list and website www.gibsonsalliance.com.

Please be advised that, if there are unreasonable fees, missing documents or delays in your response to this request, we intend to appeal to the Information Commissioner immediately. If you wish to negotiate this request, please email me at gibsonsalliance@gmail.com.

Sincerely yours,

Suzanne Senger, President GABC Society
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