

## **APPENDIX I**

Letter dated May 8, 2001 from Peter Jenkins, MLA for Klondike to  
Ted Hughes, Q.C. Conflict of Interest Commissioner.



## Yukon Legislative Assembly

Box 2703, Whitehorse, Yukon Y1A 2C6

May 8, 2001

Hon. E.N.(Ted) Hughes, Q.C.  
Commissioner of Conflict of  
Interest for Yukon Territory  
619-50 Songhees Road  
Victoria, B.C.  
V9A 7J4

Dear Mr. Hughes:

Re: Conflict of Interest Concerning MLA for Porter Creek South

I am writing pursuant to the Conflict of Interest (Members and Ministers) Act to register a complaint against the MLA for Porter Creek South, the Premier, Ms. Pat Duncan. Previously, I received an anonymous e-mail, dated April 4, 2001, which made serious allegations against Ms. Duncan concerning conflict of interest and abuse of authority. The e-mail, which I forwarded to you on April 5, 2001, advised me to contact the former Deputy Minister of Economic Development, Mr. Maurice Albert.

On April 24, 2001 after first speaking to you, I spoke with Mr. Albert who confirmed that the allegations made in the e-mail were in fact true. He told me that Ms Duncan, acting in her capacity as the Minister of Economic Development, instructed him as the Deputy Minister of Economic Development on two separate occasions to single out and demand the immediate repayment of outstanding loans that a company I own has with the Government of Yukon, while at the same time instructing him to conceal the indebtedness owed to the Government of Yukon by a company, Total Point Inc., owned by her brother. Mr. Albert also advised me that he has filed information detailing these instructions by Ms. Duncan with your office.

In view of what Mr. Albert has told me and the written documentation that he has supplied to your office, there would appear to be a prima facie case of Ms. Duncan

being in breach of section 2 and section 3(1)(b) of the Conflict of Interest (Members and Ministers) Act. Through her instructions, Ms. Duncan would also appear to be in violation of sections 1, 3, and 5 of the Code of Ethics, which is Schedule B of Order-in-Council 1981/05 and subsections 2(2) and 3(1) of the Executive Council Code of Conduct regarding Conflict of Interest tabled in the Yukon Legislative Assembly on April 6, 1981, as Sessional Paper No. 81-4-12.

I would argue that Ms. Duncan is in violation of section 2(a) of the Conflict of Interest (Members and Ministers) Act in giving instructions to the then Deputy Minister of Economic Development wherein she has made a decision in the execution of her office and at the same time knew that in the decision there is the opportunity, or the reasonable appearance of an opportunity, for her to further her own private interest. Ms. Duncan simultaneously gave instructions to place a financial burden on my company through the calling in of government loans, while at the same time she was attempting to ensure that a business owned by her brother did not have to fulfill its contractual obligations to the Government of Yukon.

I further believe that Ms. Duncan is in breach of section 3(1)(b) of the said Act in that she used her office to further her private interest by attempting to influence a decision to be made by Mr. Albert in his capacity as the Deputy Minister of Economic Development. In my view, Ms. Duncan's instructions constitute an abuse of authority.

With respect to the Executive Council of Yukon Code of Ethics, I believe Ms. Duncan has breached sections 1, 3 and 5. In relation to section 1, Ms. Duncan has demonstrated that she has put her private interests above her public duty by endeavouring to shield the company, owned by her brother, from the publication of its indebtedness while singling out my company alone for immediate repayment. It is obvious that she was making this decision for political reasons.

I would argue that she has violated section 3 by using information privy to the Executive Council in such a way as to derive an advantage for her family. Ms. Duncan attempted to use loan and debt information contained in departmental files to call in my company's loan while concealing the indebtedness of a company owned by her brother.

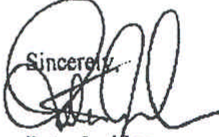
I further contend that Ms. Duncan has violated section 5 of the Code of Ethics by not having another colleague act for the Department of Economic Development in dealing with the indebtedness of a company owned by her brother.

I would also like to register the complaint that Ms. Duncan has violated subsections 2(2) and 3(1) of the Executive Council Code of Conduct Regarding Conflict of Interest. In issuing instructions in her capacity as the Minister of Economic Development to the Deputy Minister of Economic Development about concealing the indebtedness of a company owned by her brother, she has placed herself in a

conflict of interest situation involving family members. Similarly, Ms. Duncan through her instructions has attempted to accrue a benefit to a company owned by her brother in contravention of subsection 3(1).

While Mr. Albert would talk to me about what instructions he had received from Ms. Duncan, he did not agree to supply me with copies of written documentation respecting these allegations, advising me instead that he had supplied this documentation directly to you. Accordingly, I would ask that you conduct an investigation into these allegations against Ms. Duncan based on the information you have at your disposal.

I would appreciate receiving copies of the written documentation Mr. Albert has supplied to you and am prepared to assist you in the conduct of your investigation in any way that I can including testifying if need be. I suggest that it would be helpful in carrying out your investigation if you interviewed Mr. Michael Brandt and Ms. Janet Moodie, both with the Department of Economic Development, concerning their knowledge of these allegations. I am further advised that Mr. Brian Love, who has subsequently been seconded to Foothills Pipe Lines, was also in attendance at one of the meetings between Ms. Duncan and Mr. Albert and would be in a position to confirm what was said.

Sincerely,  
  
Peter Jenkins  
MLA for Klondike