

**(September 22, 2009) (Volume 1, I-115 and Volume 3, Y-2):**

**From:** Payne, Jennifer (JUS)  
**Sent:** September 22, 2009 6:51 PM  
**To:** Flindall, Robert (JUS)  
**Subject:** Read this occurrence tonite

**Importance:** High

SP05112642

And yes it is who you're thinking it is.....he worked there. But he was never linked to the occurrence. So when doing his background this would have never come up or been found!

Jen:)

PC Payne was on a "fishing trip" to dig as much potentially discreditable material on me as possible. Furthermore, PC Payne frequently appended a smiley/happy face emoticon after her name in her e-mail correspondence to Sgt. Flindall ONLY. The Tribunal may wonder what sort of a relationship the two had. Of importance is the fact that this e-mail was sent on the day they found out that the allegation of me running an undercover police vehicle plate was unsubstantiated. This new occurrence falsely implied that I trivialized a theft call at Burleigh Island Lodge while I was employed as a security guard and its revelation prejudiced the mind of Superintendent Hugh Stevenson to the point of him making a negative comment about my character.

**(September 22, 2009) (Volume 1, I-46):**

**From:** Flindall, Robert (JUS)  
**Sent:** September 22, 2009 9:18 PM  
**To:** Johnston, Mike P. (JUS)  
**Subject:** Old occurrence involving PC JACK

Inspector,

I'm not sure that this has any bearing on PC JACK's current situation, but please read this occurrence dated from 2005 - SP05112642 . Shaun was looking up a suspect who happened to be involved in this occurrence. Michael Jack was also involved, but was never linked to the occurrence as an involved person. As a result, I'm sure this never made it into his background investigation. It certainly seems to be congruent with the issues we are currently facing with him now.

Regards,

**Robert Flindall**

## General Occurrence Report

Ontario Provincial Police

Printed: 2011/02/03 12:40 by 9740

Occurrence: **SP05112642 Police information @2005/07/04 08:11**

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Author: #10532 MCDERMOTT, M.

Report time:

Entered by:

Entered time:

Remarks:

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Printed by: 9740

Date: 2011/02/03 12:40

All these e-mails and this occurrence serve to show the OPP's insatiable appetite for any and all information about me to justify the forced termination of my employment. Please note that the report was first printed by PC Payne (her badge number is 9931) on January 28, 2011, and then by Sgt. Flindall (his badge number is 9740) on February 03, 2011.

### **Anyway, here is the story:**

In the summer of 2005 I held a part time job of a bouncer and a night security guard at the Burleigh Island Lodge in Burleigh Falls, Ontario. I only worked for two nights a week at the most.

The lodge was rumored to be haunted and many staff members believed in the presence of the ghost in the building. I personally never believed in ghosts, but some staff members were so fearful of it that on a few occasions they asked me to escort them to the basement of the building to keep them safe from the ghost. In short, some staff members believed in the ghost while others did not and those who did not frequently joked about it.

Also, in the summer of 2005 there was a Hollywood movie being filmed in Burleigh Falls – Cheaper by the Dozen 2 (Exhibit 113). The filming of the movie in Burleigh Falls took place over a period of six weeks and then the filming continued in a movie studio in Toronto for another 6 – 8 weeks. As the result of the filming the lodge was filled with actors, their personal assistants and body guards, costume and makeup artists and various movie crew personnel. We had Piper Perabo, Carmen Electra, Tom Welling, Jaime King and other celebrities staying in the hotel.

Note: Steve Martin, Eugene Levy, Bonnie Hunt and Hilary Duff were staying in privately reserved cottages in the Stony Lake area. One evening Bonnie Hunt came in to the front desk to check e-mails on my computer. As we spoke I was surprised to learn that as reserved and old fashioned as she was in her movie roles that I knew, that evening she was an easygoing and quite humorous person.

And we had children actors along with their parents and even their friends staying and visiting at the hotel. During those six weeks there was an atmosphere of comedy and frequent parties that were held in the evenings on hotel premises.

During one of those nights when I heard a strange noise coming from the bar area and promptly went to investigate it I observed a male party run from the bar area towards the kitchen with what appeared to be bottle in his hand. I shouted, "Stop!" and pursued him. When he ran through the kitchen doors he dropped a bottle on the floor and when I reached the kitchen doors I slipped on the floor and fell. By the time I got up and got to the kitchen he had already gone upstairs through the back door and by the time I ran upstairs he had already entered one of the rooms. I searched the hotel floors for any clues as to where he might have gone with negative results.

At that time I pondered what to do. On one hand I had a perpetrator who stole some alcohol from the bar. On the hand I had Hollywood actors and personnel who had been known to party a lot. I weighted the pros and cons of calling the police right away and decided to wait till the morning to let the hotel manager decide what to do.

I recovered one of the bottles (by the way the bottles that were reported stolen were not full bottles), wiped the floor clean in the bar area, secured the doors and wrote that funny report about the occurrence in the spirit of good humor and information that only hotel staff were privy to, i.e. the ghost.

I was later commended by the hotel owner for having the decisive insight not to call the police in the middle of the night due to the abundance of Hollywood guests in the hotel. The last thing they wanted was police involvement which could have jeopardized hotel business for something minor like that incident. I do not know if the day time manager was commended or reprimanded for calling the police.

PC McDermott's failure to add my report to the Niche RMS as a witness statement coupled with his neglect to speak with me directly about the incident attests to his neglect in the investigation of the incident. Had PC McDermott spoken with me (the only witness to the incident), as opposed to just taking a header from my report and plugging it into his, he would have been privy to the background story, my rationale for doing what I did, and the hotel owner's position with respect to the incident. But he chose not to!

I do know that PC Shaun Filman worked a few paid duties on site at the time. In light of that fact, please consider the following:

First, when PC Filman came across the report, instead of asking me about it, he maliciously forwarded it to PC Payne so she could use it against me. One has to admire their information sharing. Second, when PC Payne learned about the report, she forwarded it to Sgt. Flindall as an urgent e-mail with the subject line '**Read this occurrence tonight**'. Furthermore, when Sgt. Flindall learned about the report he could have investigated the matter by himself, but that would have defeated the purpose of his mission to terminate me. In short, all they had to do was to ask me about it. None of them chose to simply approach me and ask me about it, because the mafia had an objective of paramount importance to get rid of me. So they maliciously forwarded it to the Detachment Commander Insp. Johnston who in turn forwarded it to S/Sgt. Coleen Kohen and to Superintendent Hugh Stevenson, who in turn lacked any decisive insight whatsoever and added his unsubstantiated comment about my character. Their actions clearly attest to the amount of animosity and hatred they had towards me and a total lack of any decisive insight on their part whatsoever. Again, their

insatiable appetite for any information that could have been viewed as cause for concern was paramount and in turn further fed their prejudices towards me.

- PC Payne's comment: ***'And yes it is who you're thinking it is....'***
- Sgt. Flindall's comment: ***'congruent with the issues we are currently facing with him now'***
- Superintendent Hugh Stevenson's comment: ***'This information speaks to the character of this member'***

Superintendent Hugh Stevenson's comment speaks volumes of the tendency of the Upper Echelon of the OPP to just rubber stamp everything that comes up without asking questions. Superintendent Stevenson ought to have asked or directed Insp. Johnston to question me about it, but he chose not to!

**(September 23, 2009) (Volume 1, I-45):**

**From:** Flindall, Robert (JUS)  
**Sent:** September 23, 2009 5:50 AM  
**To:** Johnston, Mike P. (JUS)  
**Subject:** RE: P/C Jack \*\*URGENT\*\*

Insp,

I've sent the docs to my house for review on Wednesday. As the PCS66 and WIP sits, they were approved by Colleen, however I will review today and send an email response back.

Regards,

**Robert Flindall**

S/Sgt. Colleen Kohen approved my fraudulent PER. Neither she nor anyone else from the Human Resources nor anyone else from the OPPA (despite my correspondence to them, Exhibit 26b) contacted me to inquire about my Month 5 PER being overdue by more than 2 months, a sudden and steep increase in the negative ratings in my Month 6 & 7 and Month 8 PERs nor about my alleged refusal to sign them. In short, no one contacted me to speak about what was going on. I must have been viewed as an "Undesirable" which is why no one wanted to be "found guilty by association" with me.

In any case, I conclude that they either trusted my coach officers and my supervisors, who lied to them, or they did not care about me, which means they were in neglect of their duty. I am of the belief that the later applies which makes them accomplices to numerous violations under the Ontario Provincial Police Orders and the Ontario Human Rights Code.

**(September 23, 2009) (Volume 3, V-7):**

**From:** Stevenson, Hugh (JUS)  
**Sent:** September 23, 2009 12:21 PM  
**To:** Graham, Martin (JUS)  
**Cc:** Smith, Ken C. (JUS); Armstrong, Mike (JUS); Johnston, Mike P. (JUS)  
**Subject:** FW: Old occurrence involving PC JACK  
Martin:

As per the message below - I have reviewed the NICHE occurrence that involved PC Jack as a civilian security Guard - prior to PC Jack's employment with the OPP and I would ask that this information be considered. This information speaks to the character of this member - prior to his OPP involvement and missed in his OPP background check.

I will forward a hard copy of hte niche occurrence to you today.

Regards

Supt Hugh Stevenson Ed.D.  
Operations Manager  
Central Region  
Office (705) 329-7403  
Cell (705) 238-9833

The words of ***'this speaks to the character of this member'*** are evidence of the person in charge of Central Region of Ontario in the OPP's Orillia Headquarters, Superintendent Hugh Stevenson's conclusion that I was a person of bad character. This is a vexatious comment and a conclusion. His mind was now poisoned towards me and believed I was an "Undesirable" that slipped in through a crack in the OPP's applicant screening process. He believed it worthy of mentioning to the Chief Superintendent Mike Armstrong and the Detective Sergeant Major of the Professional Standards Bureau Martin Graham who oversaw the investigation involving the fabricate internal complaint against me.

Let us consider the following:

- In July 2005 I worked a part time job as a night attendant at a Burleigh Island Lodge resort.
- On July 4, 2005, an incident took place during which some alcohol was stolen from the bar.
- The abundant presence of Hollywood personnel on site (Exhibit 113) warranted caution and not rushing to judgment with respect to calling police for something minor like theft of a bit of alcohol.
- I wrote a report in the spirit of good humor and information that only the resort staff was privy to.
- The hotel day time manager decided to call the police to investigate the incident after I had already gone home.

- The investigating officer (PC McDermott) neglected his duty to question the only witness to the event (that is me) and instead just plugged the header from my report into his statement while also failing/neglecting to add me as a witness in the Niche RMS.
- So the header of the report made its way into a police report without my knowledge of it.
- Over 4 years later my former coach officer (PC Filman) came across the report.
- PC Filman informed (most likely immediately) my former “go-to” person PC Payne about it.
- PC Payne immediately informed my former accountable shift supervisor Sgt. Flindall about it (September 22, 2009) (Volume 1, I-115 and Volume 3, Y-2). PC Payne’s comment:
  - ***‘And yes it is who you're thinking it is....’***
- Sgt. Flindall immediately informed Detachment Commander Insp. Mike Johnston about it (September 22, 2009) (Volume 1, I-46). Sgt. Flindall’s comment:
  - ***‘congruent with the issues we are currently facing with him now’***
- Insp. Mike Johnston immediately informed S/Sgt. Campbell and S/Sgt. Coleen Kohen about it (September 23, 2009) (Volume 3, V-7) and Superintendent Hugh Stevenson about it (September 23, 2009) (Volume 3, V-7).
- S/Sgt. Kohen immediately informed Insp. Dave Lee about it (September 23, 2009) (Volume 3, V-7).
- Superintendent Hugh Stevenson immediately informed Chief Superintendent Mike Armstrong about it (September 23, 2009) (Volume 3, V-7) and very straightforward asked him to consider the information that spoke (negatively) about my character. Superintendent Hugh Stevenson’s comments:
  - ***‘I would ask that this information be considered.’***
  - ***‘This information speaks to the character of this member’***

Levels of indirection:	Date	Occurrence
↓	July 4, 2005.	Theft of alcohol
↓	July 4, 2005	My report Re: Theft of alcohol
↓	July 2005	PC McDermott's incompetent investigation Re: Theft of alcohol
↓	September 2009	PC Filman's finding of the report Re: PC McDermott's incompetent investigation Re: Theft of alcohol 4 years later
↓	September 22, 2009	PC Payne's excitement over it and immediate usage of it
↓	September 22, 2009	Sgt. Flindall's immediate usage of it
↓	September 23, 2009	Insp. Johnston immediate usage of it
↓	September 23, 2009	S/Sgt. Coleen Kohen's immediate usage of it
↓	September 23, 2009	Superintendent Stevenson's immediate usage of it
	September 23, 2009	Chief Superintendent Armstrong's consideration of it in his decision to terminate me.

By the time the report made it to Chief Superintendent Armstrong it was an indirection of the ninth degree and it was used along with other lies about me to terminate me.

Could the Tribunal just imagine the Respondent's insatiable appetite for any information that could have been viewed and twisted into being negative about me?

Furthermore, I wonder what the Counsel would have to say about the degree of hearsay of Superintendent Hugh Stevenson's comment:

- ***'This information speaks to the character of this member'***

**(September 24, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Kohen, Colleen (JUS)  
**Sent:** September-24-09 9:10 AM  
**To:** Johnston, Mike P. (JUS); Stevenson, Hugh (JUS)  
**Subject:** RE: Old occurrence involving PC JACK

Good Morning

I don't know if you have an opportunity to read the occurrence report . Is this something Region wants me to explore ? This was 4 years ago and we don't even know if the security company that employed Prob Jack did any documentation and if so ... how would this assist us in his new role ? . He was acting in his previous employment and is not an accused .. in saying that, I agree he did not make the right choice back then but should that influence us now in his new role ?

Unless I am missing something ... Let me know

Colleen

**(September 24, 2009) Counsel's additional disclosure (April 5, 2012):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** September-24-09 9:40 AM  
**To:** Kohen, Colleen (JUS); Stevenson, Hugh (JUS)  
**Cc:** Campbell, Ron (JUS)  
**Subject:** RE: Old occurrence involving PC JACK

Colleen

The information was forwarded to Region for their knowledge. I was clear that information was "dated". My position was that with the present issues we are experiencing presently with this officer, this information should be passed on.

I agree with your assessment below.

Mike



**(September 18, 2009) (Volume 1, I-45):**

**From:** Johnston, Mike P. (JUS)  
**Sent:** September 18, 2009 8:25 AM  
**To:** Nie, Richard (JUS)  
**Cc:** Butorac, Peter (JUS); Postma, Jason (JUS); Chapman, Kathy (JUS)  
**Subject:** P/C Jack

Rich

Sgt Flindall has given me Cst Jack's most recent PCS066 and the development plan. It is signed off by all including myself. Can you present to him, and get him to sign.

The other envelope is a copy for Cst Jack. Both envelopes are in your mail slot.

The signed original should go to Kathy Chapman, for submission to Region.

Thanks

Mike J.

While S/Sgt. Campbell's signature is present on my Month 8 PER (Exhibit 27, pages 11 - 12), there is an absence of Insp. Johnston's signature contrary to what he stated in his e-mail to PC Nie. The manner of presentation of this PER as directed by Insp. Johnston was in direct contravention of the Ontario Provincial Police Orders. If the inspector and everyone else could contravene Police Orders, how could they expect me to comply with the Police Orders and sign the fraudulent PER?

**(September 25, 2009) (Volume 2, N-2):**

**From:** Nie, Richard (JUS)  
**Sent:** September 25, 2009 1:39 AM  
**To:** Flindall, Robert (JUS)  
**Cc:** Butorac, Peter (JUS)  
**Subject:** Jack

Rob - I proof read everything and only found one thing (you probably don't have the electronic version of the actual evaluation anyways so Filman will have to fix this). The evaluation by the rating and the comments shows Federal Statutes as Meets Requirements. The WIP shows it as a deficiency with a plan (which by the way I totally agree with). So, what that means is this:

1. the category for Federal Statutes needs to be changed on the actual evaluation to Does Not Meet so it matches with the WIP ( I was going to delete it off the WIP so it matched but on some examples you say "see #2 and #7 so I couldn't do that). Filman will also need to amend his comments as well to support the Does Not Meet - he can probably copy what you wrote in the WIP
2. The category for Department was rated Does Not Meet but it was not on the WIP. I decided to just go ahead and write it in myself on the WIP (this is where the leaf tickets come in) so we could give it all to Jack tonight.

The originals are in your tray for signing by everyone. I would expect that Jack will refuse to sign again until he drafts his response.

Hope it all makes sense,

Rich.

Apparently my Month 8 PER was disclosed to me on September 25, 2009, after it had been signed off and fraudulently printed "REFUSED" in place of my signature (Exhibit 27, pages 11 - 12):

**Evaluation Meeting**

- I have met and discussed my performance with my coach officer or my accountable supervisor.
- I have reviewed and discussed with my coach officer or my supervisor, my responsibilities under the policy on Safe Storage and Handling of Firearms.
- I have reviewed and discussed with my coach officer, or my supervisor, my performance in relation to my responsibilities under the Professionalism, and Workplace Discrimination and Harassment Prevention policies.

Employee's Comments:

Employee's Signature: _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">REFUSED</div>	Date: _____
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Coach Officer Comments:  
 During this evaluation period PC JACK was off on rest days for the majority of the evaluation period. This has resulted in a lack of content for this evaluation period. As well due to the fact that the previous evaluation had a number of Work improvement plans and PC JACK was off he has not had a significant opportunity to rectify the identified performance deficiencies

Coach Officer's Signature (Performance has been observed that supports the rating assigned for each category): _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">[Signature]</div>	Date: 11 Sep 09
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Accountable Supervisor's Comments (Mandatory):  
 PC JACK has only worked 6 shifts during this last evaluation period due to his vacation leave. A number of the sections in this evaluation have been carried over from his last evaluation. It is expected upon his return to work, that he will actively meet the objectives of his Work Improvement Plans as he continues his probationary period with Platoon D.

Accountable Supervisor: _____ <div style="text-align: center; font-size: 1.2em; font-family: cursive;">SGT. R. FLINDALL</div>	Accountable Supervisor's Signature: _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">[Signature]</div>	Date: 11 Sep 09
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Detachment Commander: _____ <div style="text-align: center; font-size: 1.2em; font-family: cursive;">R. CAMPBELL</div>	Detachment Commander's Signature: _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">[Signature]</div>	Date: 11 Sep 09
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EXHIBIT 27

**Instructions:**  
 At the conclusion of each evaluation period:

- Forward the completed and signed ORIGINAL document to Region/Bureau for signatures and tracking purposes.

I never refused to sign it! Only the Respondent knows who inscribed the word 'REFUSED' in place of my signature as no evaluation meeting ever took place!

**Ontario Provincial Police Orders, Law Enforcement, 2.51.1: Supervision – Member (Volume 7, 1):**

**Disclosure of Evaluation** The immediate supervisor shall meet with the probationary constable to review each evaluation prior to submission to the detachment commander. At the discretion of the supervisor, the coach officer shall also be present at the meeting.

**Ontario Provincial Police Orders, Probationary Constable Evaluation Report Guidelines (Volume 7, 5):**

- Accountable Supervisor
- Ensures timely submission of the PCS 066P.
  - Reviews and signs completed PCS 066P.
  - Forwards PCS 066P to detachment commander.
  - Conducts regular meetings with the recruit.

**Ontario Provincial Police Orders, Probationary Constable Evaluation Report Guidelines (Volume 7, 5):**

The probationary constable, coach officer, supervisor, and detachment commander shall sign the document and ensure that the probationary constable has been given the opportunity to provide comment/comments.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 13:**

13. The Applicant received copies of all of his PERs during his probationary period. Work Improvement Plans were also developed in relation to the Applicant. The Applicant refused to sign several of his later PERs when they started to contain negative comments.

**(September 24, 2009) (Volume 2, N-17):**

**From:** Blue Sky Gear [admin@blueskygear.com]  
**Sent:** September 24, 2009 10:36 PM  
**To:** Nie, Richard (JUS)  
**Subject:** PC JACK WIP  
**Attachments:** PCJACK\_WIP.tmp.doc

Hey Rich,

Please find attached a copy of PC JACK's WIP. If you could please type in the Inspectors comments you have on the original WIP, onto this one prior to printing that would be great. Also if you don't mind proof reading that would be great for errors. Before you bitch about the fact that there is no rhyme or reason to the order of the WIP categories, there is. PC JACK always wants things presented to him in a nice neat little organized package with a bow on it, as you may have already found out. I've done this on purpose to have him work outside his comfort level - policing and investigations never present themselves wrapped with the little bow.

Thanks in advance!  
Rob

Note the *'I've done this on purpose to have him work outside of his comfort level'*. That was a deliberate and malicious act of Sgt. Flindall. There is absolutely no explanation one can provide to justify this action of his to deliberately move me outside of my so called *'comfort level'*. My health was already being impacted on by the racially charged atmosphere of my workplace filled with individuals possessing an insatiable appetite to do me harm and not see me succeed. Apart from this, that statement of Sgt. Flindall is again in dissonance with his officer's notes of July 31, 2009, *'PC Jack going to be afforded every opportunity to succeed'*.

**Counsel's Response to the Application (HRTO 2010-07633-I), paragraph 30:**

30. Paragraph 18 – The Respondent acknowledges that Constable Nie and Sergeant Flindall are neighbours but deny they are "close friends". They work opposite schedules, rarely therefore see each other at work and do not socialize with each other outside of work.

(September 25, 2009) (Volume 1, I-116):

S/Sgt Campbell

25 Sep 09

Attached is P/C Jack's response to his 6 month evaluation. He is willing to sign it but when I checked the file it has already moved ahead.

This could just be sent on or added to his current one or merged into his current one.

I'll leave with you

Thanks

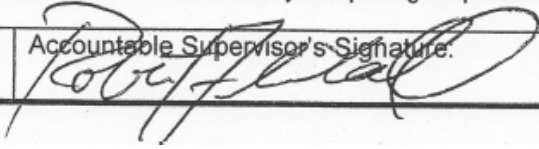
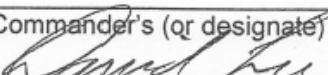
Pete



When returned on duty on September 9, 2009, I was ready to sign my Month 6 & 7 PER (Exhibit 24) after I had perused it and prepared a rebuttal to it (my rebuttal to Month 6 & 7 PER, Volume 1 - 115 to 116, J & K, pages 3 - 9):

Date: 09-SEP-09 Signature: 

I was deprived of that opportunity! The word "Refused" had already been there and it had already moved ahead (Exhibit 24, page 11):

Employee's Signature: <i>REFUSED</i>		Date: <i>20 Aug 09</i>
Accountable Supervisor: <i>R. FLINDALL</i>	Accountable Supervisor's Signature: 	Date: 20 August 2009
Detachment Commander: <i>Campbell M2J</i>	Detachment Commander's Signature: <i>M2J Q2L S1S, 6385</i>	Date: <i>21 Aug 09</i>
Regional Commander (or designate):	Regional Commander's (or designate) Signature: 	Date: <i>31 Aug 09</i>

Insp. Dave E. Lee  
Manager  
Staff Development and Training

**(September 28, 2009) (Volume 1, I-19):**

**From:** Campbell, Ron (JUS)  
**Sent:** September 28, 2009 1:14 PM  
**To:** Flindall, Robert (JUS); Johnston, Mike P. (JUS)  
**Subject:** Additional Remarks by Cst Jack regarding his Evaluation

Rob  
Mike Jack has provided a rebuttal to his last evaluation. Please sit down with Inspector Johnston and myself as we would like to go over. When are you next in? Tks Ron

It is nice to know they expressed some interest in reading my rebuttal to my evaluation. Though S/Sgt. Campbell failed to mention which evaluation my rebuttal was in response to it is evident from Sgt. Butorac's correspondence to S/Sgt. Campbell on September 25, 2009, that the rebuttal was in response to my Month 6 & 7 PER, which I submitted upon returning to duty on September 9, 2009. None of them spoke to me about my rebuttal for doing so would have been to admit their own negligence with respect to proper supervision and building me up.