

# **EXHIBIT BOOK**

**OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER  
PROVINCE OF NEW BRUNSWICK**

**REPORT OF THE INVESTIGATION**

**BY THE HON. PATRICK A.A. RYAN, Q.C.  
CONFLICT OF INTEREST COMMISSIONER**

**INTO ALLEGATIONS BY MARY ELLEN ROSE OF VIOLATIONS OF  
*THE MEMBERS' CONFLICT OF INTEREST ACT***



## **RECUEIL DE PIÈCES**

**BUREAU DU COMMISSAIRE AUX CONFLITS D'INTÉRÊTS  
DU NOUVEAU-BRUNSWICK**

**RAPPORT D'INVESTIGATION**

**PAR L'HON. PATRICK A.A. RYAN, C.R.,  
COMMISSAIRE AUX CONFLITS D'INTÉRÊTS,**

**À LA SUITE D'ALLÉGATIONS FAITES PAR MARY ELLEN ROSE,  
DE CONTRAVENTIONS À LA *LOI SUR LES CONFLITS  
D'INTÉRÊTS DES DÉPUTÉS ET DES MEMBRES DU CONSEIL EXÉCUTIF***

This is the Exhibit Book and contains all the information in its copied form that has been referred to in the body of the Report.

Exhibits are kept unchanged and untranslated in the language in which they were delivered or recorded as per the Supreme Court of Canada decision in *Charlebois v. Saint John (City)* [2005] 3 S.C.R. 563, 2005 SCC 74 per McLachlin C.J. and Major, Fish, Abella and Charron JJ., at paras 6 and 7; per Bastarache, Binnie, LeBel and Deschamps JJ at para 53.

---

Le recueil de pièces suivant comprend tous les renseignements, sous forme originale ou copiée, auxquels il est fait référence dans le corps du texte du rapport.

Les pièces ne sont ni modifiées ni traduites, comme le prévoit l'arrêt de la Cour suprême du Canada dans *Charlebois c. Saint John (Ville)*, [2005] 3 R.C.S. 563, 2005 CSC 74 (la juge en chef McLachlin et les juges Major, Fish, Abella et Charron, par. 6 et 7, et les juges Bastarache, Binnie, LeBel et Deschamps, par. 53).

<u><b>Exhibits</b></u>	<u><b>Description</b></u>
<b>Exhibit 1</b>	Request for investigation by sworn affidavit of Mary Ellen Rose.
<b>Exhibit 2</b>	Letter dated June 11, 2007 provided by Ms. Rose as Exhibit "E" to her affidavit.
<b>Exhibit 3</b>	Letters to the named MLA dated June 10, 2013 and July 2, 2013.
<b>Exhibit 4</b>	Letter to Mary Ellen Rose dated August 7, 2013.
<b>Exhibit 5</b>	Letter from Premier Alward.
<b>Exhibit 6</b>	Letter from Minister Higgs.
<b>Exhibit 7</b>	Letter from Attorney General Blais.
<b>Exhibit 8</b>	Letter from Minister Soucy dated July 2, 2013; Letter from the Conflict of Interest Commissioner dated July 52013; Letter from Minister Soucy dated July 18, 2013.
<b>Exhibit 9</b>	Email to the Office of the Conflict of Interest Commissioner dated June 9, 2013.
<b>Exhibit 10</b>	Letter from Minister Lifford.
<b>Exhibit 11</b>	Letter from Minister Fitch dated June 19, 2013; Letter from the Conflict of Interest Commissioner dated June 27, 2013; Letter of Minister Fitch dated August 2, 2013 (received August 6, 2013).

<b>Exhibit 12</b>	Letter from MLA Coulombe [with translation, as provided to Ms. Rose]
<b>Exhibit 13</b>	Letter from MLA Parrott.
<b>Exhibit 14</b>	Letter from MLA Boudreau [with translation, as provided to Ms. Rose]
<b>Exhibit 15</b>	Letter from MLA LeBlanc.
<b>Exhibit 16</b>	Email to Mary Ellen Rose dated April 23, 2013.
<b>Exhibit 16.1</b>	Email to the Office of the Conflict of Interest Commissioner dated April 22, 2013.
<b>Exhibit 16.2</b>	Email to the Office of the Conflict of Interest Commissioner dated April 23, 2013
<b>Exhibit 16.3</b>	Email to the Office of the Conflict of Interest Commissioner dated April 23, 2013
<b>Exhibit 16.4</b>	Email to the Office of the Conflict of Interest Commissioner dated May 2, 2013
<b>Exhibit 16.5</b>	Email to the Office of the Conflict of Interest Commissioner dated June 12, 2013
<b>Exhibit 16.6</b>	Email to the Office of the Conflict of Interest Commissioner dated June 14, 2013
<b>Exhibit 16.7</b>	Email to the Office of the Conflict of Interest Commissioner dated June 28, 2013
<b>Exhibit 16.8</b>	Email to the Office of the Conflict of Interest Commissioner dated July 2, 2013
<b>Exhibit 16.9</b>	Email to the Office of the Conflict of Interest Commissioner dated July 31, 2013
<b>Exhibit 17</b>	Letter to Mary Ellen Rose dated July 3, 2013
<b>Exhibit 18</b>	Letter to Mary Ellen Rose dated July 22, 2013
<b>Exhibit 19</b>	Email to the Office of the Conflict of Interest Commissioner dated August 19, 2013
<b>Exhibit 19.1</b>	Letter from Minister Higgs dated August 23, 2013

# EXHIBIT 1



The Honourable Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Edgecombe House  
736 King Street,  
Fredericton, New Brunswick  
E3B 5H1

RECEIVED

APR 17 2013 *ml*

COIC/CCI

Mary Ellen Rose  
145 Westmorland Road  
Saint John, N.B.  
E2J 2E5

April 15, 2013

**Conflict of Interest Complaint**

RE: 1. Premier Alward, Premier and President of the Executive Council, Member of the Legislative Assembly for the riding of Woodstock,

2. Blaine Higgs, Minister of Finance and former Minister of the Office of Human Resources removed approximately October 9, 2010, Member of the Legislative Assembly for the riding of Quispamsis,

3. Marie-Claude Blais, Minister of Justice and Attorney General, Member of the Legislative Assembly for the riding of Moncton North,

4. Danny Soucy, Minister of Post-Secondary Education, Training and Labour, Member of the Legislative Assembly for the riding of Grand Falls Drummond Saint Andre,

5. Troy Lifford, Minister of the Office of Human Resources October 9, 2012-present, Member of the Legislative Assembly for the riding of Fredericton-Nashwaaksis,

6. Bruce Fitch, Minister of Environment and Local Government, Member of the Legislative Assembly for the riding of Riverview,

7. Martine Coulombe, former Minister of Post Secondary Education, Training and Labour removed October, 2012, Member of the Legislative Assembly for the riding of Restigouche-La-Vallee,

8. Jim Parrott, M.D., former Progressive Conservative, ousted from party approximately September 2012, Member of the Legislative Assembly for the riding of Fundy-River Valley;

9. Victor Boudreau, former Cabinet Minister, October 2006- October 2010 including Minister of Finance 2006-2009, Member of the Legislative Assembly for the riding of Shediac-Cap Pele; and

10. Bernard Roger LeBlanc, former Cabinet Minister, 2006-2010, including Minister of Justice and Consumer Affairs January to February 2010 and May 11, 2010 to October 2010, Member of the Legislative Assembly for the riding of Memramcook, Lakeville, Dieppe;

Dear Sir;

I would request your assistance to investigate and stop any of the Members of the Legislative Assembly, the subject matter of this complaint, from contravening the Members' Conflict of Interest Act and adversely affecting my confidential and private employment applications in open competitions in the civil service as a result of the conflict of interest and the resulting bias that has arisen in order to further the private

*1 me*

interests of other Cabinet Ministers, provincial and municipal government employees and others who have done wrong and who will be removed from their Cabinet positions, jobs, appointments and/or otherwise disciplined as a result of their involvement in the harassment of me or other wrongdoing in respect to me. It is respectfully submitted to the Conflict of Interest Commissioner that the Cabinet Ministers, former Cabinet Ministers and MLA the subject of this Complaint have made decisions in the execution of their office that the Member knows or reasonably ought to know that by doing so there is the opportunity to further the member's private interest or the private interest of another person. It is further respectfully submitted that there is the concern that the Cabinet Ministers, former Cabinet Ministers and MLA the subject of this Complaint or some of them have used their office to influence decisions made by others and/or have used information obtained by them in their capacity as Members that is not available to the general public to further or to seek to further the private interests of themselves or other persons. It is further respectfully submitted that the Cabinet Ministers, former Cabinet Ministers and MLA the subject of this Complaint or some of them have communicated information obtained in his or her capacity as a Member and that is not available to the General Public to further or to seek to further the private interest of the Member or other persons.

It is further respectfully submitted to the Conflict of Interest Commissioner that your investigation will show that the Cabinet Ministers, former Cabinet Ministers and MLA the subject of this Complaint have contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act as set out in my sworn affidavit filed with this Complaint to the Conflict of Interest Commissioner.

The most urgent matter that I would request IMMEDIATE assistance with from the Conflict of Interest Commissioner as there are fast approaching time limits is to ensure that Danny Soucy, the Cabinet Minister with the Alward government and the NB Human Rights Commission that reports to him DO NOT PROCEED ON APRIL 24, 2013 to deal with any aspect of my complaint and that an UNBIASED HUMAN RIGHTS COMMISSION TAKES OVER CARRIAGE OF MY MATTER. It is respectfully submitted to the Conflict of Interest Commissioner that Danny Soucy has the power and the ethical obligation to admit the conflict of interest of both himself and the Commission, stop the NB Human Rights Commission from proceeding and the ability to arrange for an unbiased Human Rights Commission from outside the province to handle my human rights complaint in the particular and serious circumstances of what has occurred.

Your investigation should show that Danny Soucy has made the decision or has participated in making the decision to allow the NB Human Rights Commission to proceed in order to further the private interests of other Cabinet Ministers, himself, employees of the NB Human Rights Commission, employees of the Department of Justice and others (who have done wrong in respect to how I have been treated as an applicant in open competitions and/or as a Complainant in my human rights complaint) who will be removed from their jobs or positions if I am hired as a Lawyer III with the

government and if what government officials and employees, human rights commission staff, the Chief of Police and others have done is not covered up.

Jennifer LeBlanc, Manager of Investigations for the NB Human Rights Commission has advised me by e-mail that they intend to submit the Time Limit Extension Request Report prepared by Jennifer LeBlanc based on deliberately false information provided by the Department of Justice solicitor on behalf of all Respondents (which information Danny Soucy as a Cabinet Minister and the staff of the NB Human Rights Commission know or reasonably ought to know is false) to the NB Human Rights Commission **at its meeting on April 24, 2013** for its consideration based on legal advice from other staff of the NB Human Rights Commission despite my objections on numerous occasions that it is in clear conflict and CANNOT proceed.

It would also appear that the Conflict of Interest Commissioner should be concerned that in the efforts to prevent my being hired as a Lawyer III based on merit as required by the Civil Service Act that the Cabinet Ministers the subject of this Complaint or some of them have participated in fraud and/or obstruction of justice to accomplish that objective. It is respectfully submitted that Andrea Folster solicitor for the Respondents and the three Cabinet Ministers who are Respondents have deliberately made false statements in their Responses filed concerning my human rights complaint. As a result it is submitted that the recommendations in the TLE Request Report prepared by the NB Human Rights Commission staff are adverse to my interests. It is respectfully submitted that if the Responses contained truthful information and properly admitted all facts in my Complaint and other documentation that are true, the recommendations would have HAD TO BE in my favour and that the false information was deliberately provided and deliberately used by Jennifer LeBlanc in order to obstruct justice and get the result the government wants to obtain. It is further respectfully submitted that the Commissioner can easily ascertain from your investigation that the Department of Justice solicitor, Danny Soucy the Cabinet Minister to whom the NB Human Rights commission reports and the Cabinet Ministers who are Respondents have deliberately made the decisions they have made or have participated in, in order to prevent any public scrutiny of how I have been treated by government officials and employees in respect to my private and confidential applications in open competitions and to prevent my complaint from being successful. Details are set out in my affidavit sworn Monday, April 15, 2013 in support of my request for an investigation by the Conflict of Interest Commissioner pursuant to section 36 of the Members' Conflict of Interest Act.

Originally the issue was that the Civil Service Act had been contravened and a request was made to the appropriate officials that the situation that THEY HAD CREATED BE REMEDIED. Despite undertakings made on behalf of the government to remedy the situation and have me hired, the situation has not been remedied and as a result of the manner in which my matter has been dealt with by government officials and employees there has been serious harassment of me by biased unqualified persons seeking to provide the government with information the government will accept to not hire me in order to advance their own private interests or those of Cabinet Ministers or other officials or

provincial government employees or municipal government employees or other persons who I understand the Premier can verify to you will retain or get back their jobs or professional positions including Cabinet positions or otherwise avoid the consequences of their wrongdoing in respect to how my private and confidential employment applications in open competitions were dealt with by the government, if they succeed in discrediting me and providing the government with information it can use to not hire me.

It is respectfully submitted that originally the situation the government created beginning in 2002 which situation has been dealt with continuously by Cabinet Ministers from December 2005 right up to the present date was serious as it interfered in my livelihood as a single person and contravened the Civil Service Act, the Human Rights Act and other laws.

Today the issues I believe are extremely serious as a result of how the government under Premiers Graham and Alward and Cabinet Ministers have handled my matters. It is respectfully submitted to the Conflict of Interest Commissioner that the integrity of the entire Civil Service System of hiring based on merit and of the very basic rights and guarantees in any free and democratic society to live free of harassment and to have the right to privacy in an individual's private life have been affected in addition to other very serious concerns. It appears that the administration of justice has clearly been brought into disrepute by the violation of the Members' Conflict of Interest Act and other actions by Cabinet Ministers (and other government officials and employees under their direction, authority and control) that have occurred as a result of that conflict of interest and the bias resulting therefrom.

As I have had to make this Complaint to you I can only hope that the Conflict of Interest Commissioner will be able to help many persons within our community, the province and perhaps even other provinces who are the victims of workplace harassment and bullying or of senior officials or employees trying to cover up wrongdoing by the attention and hopefully constructive results that will emerge such as necessary legislative changes to truly protect all persons fairly and prevent wrongdoing before it occurs, or to detect it as it begins, to prevent more and more serious effects as more and more measures are taken to cover up initial wrongdoing. The importance of having a job within our society affects most persons very ability to survive and is an important issue for everyone.

My specific request is for assistance from the Conflict of Interest Commissioner in respect to serious concerns that have arisen in regard to how I have been treated by government officials and employees in my private and confidential employment applications in open competitions despite the very clear law that governs that process under the Civil Service Act, Human Rights Act and other laws. It is respectfully submitted that the improper treatment has occurred as a result of the contravention of the Members' Conflict of Interest Act and other laws. Had there not been the opportunity to further the private interests of Cabinet Ministers, employees and others I do not believe that the Premier and other Cabinet Ministers the subject of this complaint would have made the decisions that they have made and I believe I would simply have been hired

based on merit as required by the Civil Service Act. I hope that results can be obtained that will find a solution for me but will also BENEFIT everyone who will in the future be an applicant for a position in the Civil Service or an employee of the government or ANY other organization or business or company. Hopefully public attention on what has occurred to me will ensure that there are ways to enforce laws already in effect and ensure a respectful workplace and make more and better laws to better protect a very fundamental right and need in our society to be gainfully employed and treated fairly based on merit.

It is respectfully submitted to the Conflict of Interest Commissioner that experts dealing with workplace harassment and bullying issues today recognize that there is an epidemic of workplace harassment and bullying and that just because someone does not like a person that they work with, they have no right to interfere with that person's employment and livelihood.

It is respectfully submitted that the public good requires that the laws enacted by the Legislature are followed and that all persons are treated fairly and impartially in the administration of them.

It is further respectfully submitted that the practice of law is supposed to be an honorable profession. If Cabinet Ministers and other government officials and employees are allowed to treat lawyers who apply for professional positions within the Civil Service in the manner in which I have been treated in the Civil Service hiring process it would appear that the profession, the government and the Civil Service has lost all integrity and that we do not truly live in a free and democratic society and the Civil Service Act and Human Rights Act may as well not have been enacted at all.

As a former lawyer and trial judge I believe that you should find it reprehensible that the government that controls the NB Human Rights Commission would attempt to have my human rights complaint or any portion of it dismissed or disallowed based on false information that the Respondents ( including the Province, the Department of Justice, Premier Alward, Attorney General Blais, Minister Higgs ) have deliberately filed, without an unbiased public hearing in order it appears to avoid cross-examination of the Respondents including the Premier to expose the false information and wrongdoing and it appears in order to get the result that they want to obtain. On cross-examination it is respectfully submitted, the truth can be brought out and it will be clearly shown that the Respondents have deliberately filed false information and that they should have properly admitted all the facts in my Complaint and other documents were true. This would be required, it is submitted of an officer of the court in filing a Statement of Defense in a civil legal proceeding in a court. Filing a Response to a Human Rights Complaint is NOT an exercise in creative writing and yet the solicitor for the Respondents, Andrea Folster a lawyer with the Department of Justice has deliberately made false statements in those Responses prepared by her in order it appears to get the result that the government wants to obtain. It is also respectfully submitted that Andrea Folster herself has a conflict which should have resulted in her NOT acting as solicitor as she was a member of the Board of

Examiners in the two 2010 competitions that are part of my complaint and she is an employee of the Department of Justice which is a Respondent. The Attorney General should know this and it appears has participated in the decision or has made the decision for Andrea Folster to act on behalf of the Respondents it would appear in order to get the result the government wants and to further the private interests of many government employees and officials who would be removed from their positions or otherwise disciplined if my Human Rights Complaint is successful. It is respectfully submitted that the Attorney General knows or reasonably ought to know that any ethical objective lawyer would never have filed the Responses containing deliberately false information.

More details as to the wrongdoing by Andrea Folster and the Respondents in my human rights complaint is set out in my Comments of the Complainant in respect to the TLE Request Report prepared by the NB Human Rights Commission staff and other human rights proceeding documentation attached as an Exhibit to my affidavit sworn April 15, 2013 filed in support of this Complaint to the Conflict of Interest Commissioner along with this letter.

The first Conflict of Interest Commissioner, Commissioner Stratton, as set out on the Conflict of Interest Commissioner website stated that

"The general intent of the Act is to prevent conflicts from arising between the exercise of a Member's official duties and his or her private interests, and to ensure that public confidence is maintained in our elected officials{.}"

The Members' Conflict of Interest Act sets out acceptable standards of conduct for all Members of the Legislative Assembly and of the Executive Council.

The Conflict of Interest Commissioner's website indicates that the Legislative Assembly Building in Fredericton was built in 1882 and is the seat and symbol of democracy in New Brunswick.

If my human rights complaint is dismissed without public scrutiny or hearing and if I am not hired based on merit and if what the Premier and the Cabinet Ministers the subject of this complaint and others associated with them or under their authority, influence or control, have done or have caused to happen to me is covered up it is respectfully submitted that many persons including the Premier, other cabinet Ministers, provincial government employees, municipal government employees and others will have their private interests furthered by being able to keep their jobs, professional positions or appointments or avoid the consequences of their involvement in the harassment of me or other wrongdoing in respect to the manner in which I have been treated in respect to my private and confidential employment applications in open competitions with the provincial government.

In your 2005-2006 annual report dated March 31, 2006 as Commissioner you state

“The previous Commissioner considered it essential, as do the members themselves, that observance of the *Act* demonstrates accountability and transparency, thus increasing awareness of the need for ethics in decision-making by provincial politicians. I join with him and the members in subscribing to the ethical principle advanced. In my opinion, the public is entitled to a performance of duties and responsibilities by its elected representatives that reflect a high standard of ethics and integrity. In so doing, elected representatives earn the confidence of the public. A lesser standard diminishes the good work of all members in general.”

It is respectfully submitted that the Conflict of Interest Commissioner's investigation will find that the administration of justice has been brought into disrepute and events have occurred that are not permissible in a free and democratic society as a result of the manner in which the Members of the Legislative Assembly who are the subject of this Complaint have dealt with me in respect to applications made by me in open competitions pursuant to the Civil Service Act although NONE of these Members the subject of this Complaint have ever met me.

As a result of the bias of the government created by its conflict of interest (as many cabinet ministers and government employees have been removed from their positions or disciplined as a result of wrongdoing in respect to how they have dealt with this Applicant since 2002 which it appears has created animosity within government towards me), the Premier and cabinet Ministers the subject of this Complaint have taken in directly or indirectly improper information contrary to the Civil Service Act, the Human Rights Act and workplace harassment policies and guidelines from biased unqualified persons who have monitored, followed and watched my actions in my private daily life and engaged it appears in criminal harassment in order to find a reason that the government will accept to not hire me based on merit in the open competitions in the Department of Justice which I have won based on merit. This has been done I understand to assist cabinet ministers, provincial government employees, municipal government employees or persons outside government to avoid the consequences of their participation in the harassment of me which I understand will occur if they are successful in stopping my being hired by the government.

Since the Civil Service Act prohibits any such information from being received from such persons outside the Board of Examiners, it is respectfully submitted to the Conflict of Interest Commissioner that no such information should ever have been taken in by the government at any time from biased unqualified individuals involved in harassment of me. It is respectfully submitted to the Conflict of Interest Commissioner that a concern for your investigation is that the Criminal Code prohibits the harassment designed to destroy my livelihood and that the persons engaged in it are committing an offence and the Premier, Chief of police and other government officials who are encouraging it or participating in it are counseling or participating in a criminal offence. The Premier should admit or Cabinet Minutes should show to the Conflict of Interest Commissioner

that this has occurred and there should be a record of the information that has been taken in by the government and/or the police directly or indirectly from biased unqualified persons involved in the harassment of me. I understand that there is one Cabinet Minister who has not gone along with the other Cabinet Ministers in accepting the negative information provided by the persons involved in the harassment and the Cabinet Minutes should indicate this as well and this should also be able to be verified to you by the Premier.

In light of the nature of the conflict of interest that has been created by the government and the bias that has resulted in government from that conflict of interest, it would appear that ALL members of Cabinet are affected and should have immediately ensured all legislative requirements and laws were fully and properly followed and all independently required unbiased reviews and unbiased hearings of any nature and type whatsoever were done by unbiased properly qualified reviewers from outside the province in a timely fashion.

Particularly in light of the current situation based on the details set out in my attached affidavit material, the Conflict of Interest Commissioner should ensure that Cabinet does not deal any further with the issues concerning my hiring and that unbiased legislated reviews under the Civil Service Act or the hearing of my Human Rights Complaint, and any other proper steps or necessary reviews or a public inquiry that the Conflict of Interest Commissioner deems just and equitable are done IMMEDIATELY by unbiased properly qualified reviewers with judicial capabilities from outside the province of New Brunswick and by an unbiased Human Rights Commission from outside the province who are immune to influence and pressure by high powered NB government officials whose private interests or the private interests of other persons are at stake depending on whether or not I am hired and whether or not what has occurred is covered up.

All of the Members of the Legislative Assembly who are the subject of this complaint are or were Cabinet Ministers at relevant times and as such were members of the Legislative Assembly and of the Executive Council except for one Member.

The Conflict of Interest Commissioner stated on its website that:

"According to recently published reports, a majority of the public, (sixty-nine percent), do not have faith in the integrity of elected public officials. These reports, if accurate, are a matter of concern and we must do what we can to dispel this belief at least in so far as the Province of New Brunswick is concerned. This is one of the purposes behind the preparation of these bulletins; to remind all Members of the Legislative Assembly of New Brunswick that the *Members' Conflict of Interest Act* is legislation enacted to promote public confidence in elected public officials as they conduct public business. Together, we must assure the public that on all occasions, all Members act in accordance with the public trust placed in them and observe the highest standard of propriety in public life."

There is a serious concern that the Cabinet Ministers or former Cabinet Ministers or MLA the subject of this Complaint, by the decisions that they have made or have participated in making, have furthered or there is the opportunity to further their own private interests or those of other government Cabinet Ministers, provincial government and municipal



government employees, colleagues, employees of private companies or other private individuals in the community rather than acting in the public interest as their oath of office requires and complying with the law and procedure set out in the Civil Service Act, the Human Rights Act and the rules of natural justice and any other applicable laws, policies and procedures in respect to the manner in which they have dealt with me as an Applicant in respect to my private and confidential employment applications in open competitions under the Civil Service Act and my Human Rights Complaint, as a result of the situation **that the government has created since 2002 right up to the present date.**

The Premier and the Cabinet Ministers the subject of this Complaint should have ensured the Law was followed and all legislatively required reviews under the Civil Service Act were completed by unbiased properly qualified reviewers (from outside the province in the circumstances of my matter in light of the powerful people involved) and should not have dealt with the matter themselves. The Statement of Reasons is REQUIRED to be provided by the Deputy Minister of the Office of Human Resources in all cases where requested by an Applicant in an open competition if the Applicant is not hired (and if the reasons are not being provided a Statement of the reasons for the refusal to provide those reasons is REQUIRED to be provided). The Deputy Minister of the Office of Human Resources has failed to provide the Statement of Reasons despite many requests of the Premier, the Attorney General, the Deputy Minister and despite a written Complaint to the Clerk of the Legislative Assembly and all Members of the Legislative Assembly in December of 2010. The investigation of the Conflict of Interest Commissioner should show that he was directed not to provide the Statement of Reasons by the Minister of Human Resources, Blaine Higgs, the Premier or the Attorney General or some or all of them. It is respectfully submitted that this was a deliberate contravention of the Civil Service Act and the requirements in section 16(1) and other provisions of the Act deliberately done to prevent an unbiased review as required by the Civil Service Act. A request is set out in the sworn affidavit of Mary Ellen Rose dated April 15, 2013 for an investigation by the Conflict of Interest Commissioner pursuant to section 36 of the Members' Conflict of Interest Act into the alleged breaches of the Act by the Members of the Legislative Assembly and/or Members or Former Members of Cabinet and the Executive Council who are the subject of this Complaint. The affidavit sets out the grounds for the belief that each of the Members is in conflict of interest and sets out the nature of the alleged breach in respect to each MLA.

It would appear that in light of the situation that the government has created in the community which has escalated significantly even from 2010 when the current government came into power until now, that many persons are literally waiting for the government to accept their allegations that I have mental health issues based on their biased unqualified opinions or anything else negative that the government will accept in order that they can go back to work or remain in work or be confident that they have destroyed my livelihood so that they will no longer be in jeopardy of removal from their jobs and/or other discipline as a result of their involvement in the harassment of me or other wrongdoing in respect to how I was treated as an applicant in open competitions with the Department of Justice, Office of the Attorney General. The investigation of the

Conflict of Interest Commissioner should show that the government has participated in taking in information from these persons and has made it known to them that if I am hired they or others associated with them will lose their jobs or professional positions or will be otherwise disciplined but if they can find a way to prevent my being hired by giving the government a reason it can use to NOT HIRE ME BASED ON MERIT DESPITE I HAVE WON THE COMPETITION based on merit they will be able to keep their jobs and the government will be able to keep covered up what it has done to me as an applicant for a position in the Civil Service.

There is also the concern in light of the terrible situation the government has caused in the community and the numbers of people that are now involved that the government members for particular ridings may be concerned about their chances of being re-elected if I am hired as it appears that by taking in information from people involved in the harassment or it appears from anyone in the community who wants to give negative information about me that if I am required to be hired the Premier and other MLA's will not likely receive the votes of the people involved in the harassment of me and who it appears are being allowed to interfere in my private and confidential employment application in open competitions.

There is serious concern that each Cabinet Minister has furthered their own private interests and/or that of others as a result of the breach.

It is respectfully submitted that each Cabinet Minister knows or reasonably ought to know that there has been and is the opportunity to further their private interest or to further other persons' private interests by making or participating in making decisions in Cabinet or in their respective Departments in respect to whether or not I am hired and by refusing to allow the unbiased reviews REQUIRED by the Civil Service Act as requested by me and by allowing the NB Human Rights Commission to act in face of a conflict and it appears proceed to dismiss my human rights complaint based on false information filed by the Respondents. This would enable the Premier and Cabinet Ministers and other government employees to avoid public scrutiny of what the government has done at a public hearing before an unbiased Human Rights Commission where the Premier and other Cabinet Ministers could be cross-examined in order to bring out the truth.

It would appear that each Cabinet Minister set out above has used his public office for a purpose other than the public good whether they even realize that they have done so as a result of their conflict of interest and the bias resulting therefrom.

**IMMEDIATE RELIEF REQUESTED FROM THE CONFLICT OF INTEREST COMMISSIONER TO ENSURE MEMBERS IN ALLEGED CONFLICT OF INTEREST DO NOT TAKE ANY FURTHER MEASURES TO DEAL WITH MY MATTERS:**

It is respectfully submitted that the Conflict of Interest Commissioner is dealing with a very serious situation with far reaching consequences. I am single and it is very important to me personally that I be treated fairly within the hiring system as set out in the governing legislation and /or be fully compensated and paid all appropriate relief of any nature or type whatsoever for not having been hired by the Department of Justice, Office of the Attorney General in accordance with the requirements of the Civil Service Act in the particular circumstances of this matter.

However at this point in time of much greater concern and significance appears to be the fact that the Civil Service Act requirements and the Human Rights Act requirements are it appears being manipulated or completely disregarded it appears to further the private interests of Cabinet Ministers or provincial or municipal government employees or other persons, including the NB Human Rights Commission staff, even if they clearly did wrong which resulted in the discipline of them or any other employees or it appears even if they committed criminal or other offences.

The manner in which I have been treated by high ranking officials and civil servants within that hiring system that is legislatively regulated should extremely concern the Conflict of Interest Commissioner as there is serious concern as to how every future applicant in any competition within the civil service will be treated by government employees and/or government officials if they wish to hire another applicant or have other personal reasons for not wanting to hire a particular applicant.

The Conflict of Interest Commissioner should ensure that such personal conflicts of interest CANNOT affect the legislatively regulated system which is designed to ensure fairness and impartiality. One such safeguard may be to have all employment interviews recorded in a manner that the recording cannot be manipulated or tampered with and that it be required that the recordings be kept for as long as all other documents and files are required to be retained by the government. There would then be an accurate recording of what occurred before the Board of Examiners and on which their evaluation was based for any legislatively required review.

The manner in which I have been treated as a Complainant in a NB Human Rights proceeding should extremely concern the Conflict of Interest Commissioner as it appears that high ranking Cabinet Ministers, senior lawyers within the Department of Justice and NB Human Rights Commission staff will it appears deliberately engage in behaviour that your investigation should show is deliberately fraudulent, deliberately obstructs justice, is an offence under the Human Rights Act or possibly will be viewed by the Commissioner to contravene other laws as well in order to prevent me, as a Complainant, from having a fair and impartial hearing in front of an unbiased Board of Inquiry with my matter handled by an unbiased Human Rights Commission from outside the Province. This would appear to be a concern whenever high ranking officials or senior government employees are the subject of a Complaint and it would appear that there should be clear directions for an unbiased human rights commission from outside the Province to handle the matter and other safeguards in place to make sure that high ranking officials cannot

control and manipulate the proceeding to avoid public scrutiny and eliminate the Complainant's complaint by having the staff adversely affect it and/or dismiss it.

The government brought in a Crown Attorney from Nova Scotia to handle the matter of a high profile lawyer in Saint John. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that where the Premier, Danny Soucy and other high ranking officials are the subject of my Human Rights Complaint that Danny Soucy, the Premier, the Attorney General and other Cabinet Ministers the subject of this Complaint knew or reasonably ought to have known that the government or the Human Rights Commission HAD to arrange for an unbiased Human Rights Commission from outside the Province to handle my complaint particularly in light of the concerns involved and that they deliberately made the decision or participated in the decision not to do so in order to obstruct justice and further private interests.

It is respectfully submitted that the Conflict of Interest Commissioner should require that the Premier and Cabinet and the NB Human Rights Commission that reports to a Cabinet Minister not deal any further with this Applicant's matters as it is completely in conflict of interest and has a clear bias and many government personnel stand to have their private interests furthered or there is opportunity to further their private interests by keeping their positions or not being otherwise disciplined if this Applicant is discredited as perceived by biased unqualified persons to have mental health issues and is not hired. This would appear to be required by section 36(4) of the Members' Conflict of Interest Act. The Commissioner should ensure that unbiased persons or entities are immediately put into place to deal with ANY AND ALL ISSUES that have arisen in respect to this Applicant IMMEDIATELY in respect to which government employees and NB Human Rights Commission employees have a conflict and that further PROPER UNBIASED REVIEWS BY PROPERLY QUALIFIED persons are not delayed even one more day as this Applicant is being deprived of employment income every day.

I would hereby respectfully submit and request that the Conflict of Interest Commissioner consider the following or refer it to an appropriate unbiased person or entity from outside the province without a conflict to consider the following options or any appropriate combination of them for proceeding:

(1) Require Danny Soucy, Minister of Post Secondary Education, Training and Labour and the NB Human Rights Commission that reports to him, NOT to take any further action in respect to my Human Rights complaint;

(2) Require an unbiased Crown Attorney, an unbiased police force and if necessary an unbiased expert on workplace harassment and bullying to assist them, all from outside the Province to review the actions of the Premier, other cabinet Ministers and the Saint John Chief of Police and/or other persons;

(3) Ensure that an impartial properly qualified person with judicial capabilities

or a Judge is IMMEDIATELY appointed to assess the damages that have occurred to me as a result of the Premier, the Attorney General, the former and current Minister of the Office of Human Resources and other officials within government deliberately causing and continuing to allow me to be severely harassed in order that they could have information provided to the government by the biased unqualified persons involved in the harassment of me that they could use as a reason to not hire me. It is respectfully submitted to the Conflict of Interest Commissioner that the Premier, Blaine Higgs, the Attorney General and the other Cabinet Ministers or former Cabinet Ministers the subject of this Complaint made a decision or participated in a decision to deliberately encourage and/or participate in harassment DELIBERATELY designed to destroy my livelihood by taking in information prohibited by the Civil Service Act and the Human Rights Act from the persons involved in the harassment of me. It is submitted that they did so in order to further the private interests of other Cabinet Ministers, provincial government employees, municipal government employees and other persons. It is further submitted that there is no justification for their actions whatsoever in a free and democratic society in which such harassment is it is respectfully submitted a criminal offence and when any such information is CLEARLY PROHIBITED by the Civil Service Act, the Human Rights Act, workplace harassment rules and guidelines and other laws.;

(4) Require an unbiased reviewer to immediately review the obligation of the Premier to IMMEDIATELY HONOR the Undertaking given by Rod MacKenzie in September 2004 and/or the Undertaking given by Deputy Minister Choukri in January 2006 with pay retroactive to the date of the undertaking, damages for the severe harassment that has occurred right up to the present date, loss of benefits and any and all other appropriate relief;

(5) Require the Premier, the Attorney General and the Minister of Post Secondary Education, Training and Labour to file additional documentation in my human rights complaint proceeding admitting to the filing of the false information and providing correct information including admitting all contents of my complaint and replies that are true in order to properly narrow the issues and advance the proceeding properly (as would be required in a court proceeding);

(6) Require the Premier, the Attorney General and the Minister of Post Secondary Education, Training and Labour to order the NB Human Rights Commission to acknowledge that their Report was deliberately prepared based on Responses containing deliberately false information filed by the solicitor for the Respondents that Danny Soucy as the Cabinet Minister to whom the Commission reports and the NB Human Rights Commission staff knew or reasonably ought to have known was not true when they prepared the Report deliberately using that information;

(7) Require the Premier, the Attorney General and the Minister of Post Secondary Education, Training and Labour to IMMEDIATELY arrange to mediate through an unbiased Human Rights Commission from outside the province the amounts and all other full and fair relief of any nature or type whatsoever that the government

and/or other Respondents owe to me based on my entire human rights complaint ( which is fully justified if the Premier and the other Respondents admit the true facts ) or negotiate through lawyers (with any fee for the lawyer of my choice to be paid in full by the government in addition to any payment or payments or other relief of any nature or type whatsoever that the government and the other Respondents owe to me) and if agreement cannot be reached, for such amounts and all other full and fair relief of any nature and type whatsoever to be assessed by a Judge from outside the province with any fees and all other expenses or disbursements or charges of any nature and type whatsoever for a lawyer of my choice to act on my behalf to be paid for by the government in addition to any payments or other relief of any nature and type whatsoever that the Province or any other Respondent or Respondents are required to pay to me;

(8) In the alternative, should the Premier NOT IMMEDIATELY agree that all of the claim has merit and to negotiate, mediate or have assessed the full and fair amount of any and all types of relief to which I am properly entitled, that the Conflict of Interest Commissioner IMMEDIATELY require the Premier and/ or the Minister of Post Secondary Education, Training and Labour to arrange for an unbiased Human Rights Commission from outside the Province to take over carriage of my human rights complaint in its entirety immediately in light of the clear conflict of interest of both Danny Soucy and the NB Human Rights Commission;

(9) In the alternative, Should it be necessary to have ANY actions of the NB Human Rights Commission reviewed by the Ombudsman as the letter of Jennifer LeBlanc indicates, that the Conflict of Interest Commissioner ensure an unbiased properly qualified person from outside the Province with judicial capabilities is designated to do so in order that the Premier and the Ombudsman office cannot block such an independent review or try to have the Ombudsman office proceed in the face of the Conflict that affects its entire office as a result of Bernard Richard's conduct in light of what has been done by Premiers and Cabinets to date;

(10) Require the Respondents to have a new solicitor represent them in my human rights complaint proceeding who does not have a conflict of interest and who will adhere to the ethical conduct standards of the Law Society Code of Professional Conduct;

(11) Require the Premier, the Attorney General and the Minister of Human Resources to comply with section 16(1) of the Civil Service Act. If the government is not immediately hiring me based on merit together with paying to me all appropriate full and fair relief of any nature and type whatsoever, that the Conflict of Interest Commissioner ensure that the unbiased reviews guaranteed by the Civil Service Act in respect to the administrative decision of the government in respect to hiring me in the open competitions #s 09-45-10, 10-44-02 and 10-44-03 take place immediately before unbiased properly qualified reviewers with judicial capabilities from outside the province in respect to the 2009 competition in the specialized prosecution branch for a Lawyer I-III and in the 2010 competitions in the employment and administrative law group and in the litigation group each for a Lawyer I-III. [It is respectively submitted to the Conflict of

Interest Commissioner that in the alternative to hiring me based on merit in light of the situation the government officials and employees have created that the Respondents be required to pay to me as part of a settlement an appropriate figure to be calculated by an agreed upon actuary for the amount of income to which I would be entitled from the present date to my date of retirement (approximately 25 years) together with retroactive payment to at least July of 2006 and all other full and fair appropriate relief as claimed in my human rights complaint in order to remedy fully the situation that government officials and employees have created by compensating this Applicant for the extremely severe harassment, paying me retroactively to at least 2006, compensating me for any loss of benefits and any and all other appropriate relief];

(12) if the improper information as to mental health issues is not simply required to be excluded by the conflict of interest commissioner in any unbiased review to take place under the Civil Service Act ( which exclusion it is submitted is required by law), the Conflict of Interest Commissioner should require that the harassment situation be fully reviewed AND ALL INFORMATION THAT THE GOVERNMENT AND THE POLICE HAVE TAKEN IN FROM THOSE PERSONS BE DISCLOSED TO ME AND THE COMMISSIONER AND A FULL AND PROPER ASSESSMENT DONE BY AN EXPERT PSYCHOLOGIST ON WORKPLACE BULLYING AND HARASSMENT FROM OUTSIDE THE PROVINCE to be paid for completely by the government despite what the result is in light it is submitted of the government taking in such information contrary to the Civil Service Act, the Human Rights Act and the Criminal Code in light of the powerful people involved in New Brunswick including the Premier, particularly in light of what has occurred up to the present date and the extent that it appears that lawyers and others will it appears violate their oaths of office or oaths as officer of the court, etc. in order to cover up the situation the government and the police have created in order it appears to benefit the private interests of cabinet ministers, government employees and others;

(13) Require a public inquiry in respect to any violations of the Civil Service Act and the Human Rights Act or any other laws or rules or ethical requirements by any government officials and/or employees in respect to any open competitions in which I was an applicant since 2002 and in respect to any violations of the Human Rights Act or any other laws or rules or ethical requirements in respect to my human rights complaint or any other issues or matters as the Conflict of Interest Commissioner determines just and necessary;

(14) Ensure unbiased measures are put in place by proper unbiased officials to protect all applicants for positions within the Civil Service and ensure all hiring pursuant to open competitions is based on merit such as REQUIRING:

(1) all interviews to be recorded so there is an accurate record for reviews (similar to the recording of evidence in all courts of law to ensure accurate reviews) in light of the effect on any person's life and the potentially wide ramifications of any wrongdoing in light of the power of the government and its officials within our

society;

(2) ALL Board of Examiner members TO HAVE NO CONFLICT with any Applicant;

(3) such other measures as will guarantee integrity, accountability, transparency and impartiality within the civil service hiring process as the Conflict of Interest Commissioner deems just and equitable;

(15) Recommend that there be a workplace harassment commissioner who can confidentially review any harassment concerns in the hiring process or in the workplace and ensure they are dealt with confidentially, with respect and in complete conformity with the law, workplace harassment guidelines and ethical and moral values in a free and democratic society to attempt to assist BOTH the employer and the employee in having a fair and impartial resolution BEFORE the problem escalates as well as to ensure the issues are dealt with in accordance with any and all applicable laws;

(16) Refer the harassment matter to AN UNBIASED police force, Crown Attorney ( with access by them as is necessary to a workplace harassment and bullying expert) all from outside the province in the circumstances of this matter to ensure that any Necessary restraining orders are put in place to STOP the harassment and to STOP the government from taking in any information from such biased persons to affect my being hired in conformity with the law;

(17) Require such further and other measures as this Honourable Conflict of Interest Commissioner deems just and equitable as an Officer of the Legislature.

**CONCERNS RE DECISIONS MADE BY MEMBERS OF THE LEGISLATIVE ASSEMBLY TO FURTHER PRIVATE INTERESTS:**

I believe that the Conflict of Interest Commissioner should find the conduct of the Premier and the Cabinet Ministers the subject of this Complaint completely reprehensible and unconscionable and totally unacceptable in a free and democratic society.

It would appear that the government is so biased or it would appear that the Conflict of Interest Commissioner could conclude so desperate to find a reason not to hire me and to keep covered up how government officials and employees have conducted themselves and deliberately violated the law that it will take in biased and self serving negative information from anyone in the community involved in the harassment of me or associated with those persons in order to not hire me and to avoid the discipline by the government or other employers of many persons within the community. It is respectfully submitted that your investigation will show that at this point the Premier and Cabinet Ministers KNOW or reasonably ought to know that the persons from whom they are



taking in information WILL DELIBERATELY give them false information in order to give the government what it needs to stop the discipline and to stop any movement to hire me. It would appear that the government has deliberately created the situation whereby in order to be hired I have to disprove the untested biased self serving allegations from anyone in the community that chooses to make them in order to prove that I do not have mental health issues as perceived by those biased unqualified people whose private interests or the private interests of other persons will be furthered by their providing improper information to the government directly or indirectly. The Conflict of Interest Commissioner can easily conclude from reading the Civil Service Act and the Human Rights Act THAT THAT IS NOT THE SYSTEM SET OUT IN THE CIVIL SERVICE ACT and that by taking in any such information the government is directly or indirectly making inquiries that clearly contravene those Acts. In fact your investigation should show that whoever is taking in the information to affect my employment applications is committing an offence under the Human Rights Act in addition it would appear to such other offences that the Conflict of Interest Commissioner may find under the Criminal Code or any other statute or law as the Human Rights Act prohibits any direct or indirect inquiries concerning mental health in the hiring process.

Attached to this letter for your ease of reference are some of the applicable provisions in the Civil Service Act, the Human Rights Act and the Members' Conflict of Interest Act.

I believe that the Conflict of Interest Commissioner can easily determine that if there was no conflict of interest and bias resulting therefrom the department of justice officials would simply have applied the law and would have hired me based on the interview and that they would have assessed my job performance during the probationary period as they would have done for any other Applicant.

The Premier has refused to meet with me. The Minister of the Office of Human Resources has refused to meet with me yet for over two years they have taken in information from it appears anyone in the community who wishes to provide negative information as to their perception that I have mental health issues who may have any number of self serving reasons as to why they are providing such information, criminal records, or any other number of biases or who are simply participating in the bullying and harassment BECAUSE THEY CAN.

The Conflict of Interest Commissioner as a former trial judge and court of appeal judge should take great exception to the statement of Andrea Foster in one of her Responses filed on behalf of ALL Respondents where she states to the Human Rights Commission that they want this done now and that there is no merit to my Complaint and the Respondents it appear expect the NB Human Rights Commission to assist them with doing just that. As my Comments of the Complainant in response to the TLE Request Report prepared by the Commission staff show, I would respectfully submit that the Conflict of Interest Commissioner can conclude that my Complaint DOES have merit and that the Respondents DELIBERATELY FILED FALSE INFORMATION and MADE FASLE STATEMENTS IN ORDER TO COVER UP THE FACT THAT IT

CLEARLY HAS MERIT. I would submit that the Commissioner should also conclude that they have participated in making the decision to file false information in order to further their private interests or that of others including Andrea Folster by covering up their wrongdoing to enable cabinet ministers, government employees and others to keep their jobs etc.

The investigation of the Conflict of Interest Commissioner should show from Cabinet Minutes or the record of information that the government and/or the police have taken in that the persons involved in the harassment have routinely tried to humiliate me, ridicule me and destroy my livelihood and the government has I understand encouraged them to do so and particularly I understand Blaine Higgs in order to further the private interests of government employees and others. The government has caused a complete invasion of my privacy as a result of its actions which I understand are caused by its conflict of interest and the bias resulting therefrom. It is respectfully submitted that the Conflict of Interest Commissioner will find that the conduct of the Premier and other Cabinet Ministers the subject of this Complaint violates the very basic rights of any person in a free and democratic society to live free of harassment and to have their right to privacy in their private life respected and they deliberately did this to find a reason not to hire me to advance the private interests of themselves or other persons.

I respectfully submit that the Conflict of Interest Commissioner should be extremely concerned that this Lawyer's reputation and employment ( or ANY lawyer's reputation or employment) can be affected by such untested biased and self serving information giving the opinions of biased and unqualified persons as to their perception of my mental health which I submit the commissioner WOULD KNOW WOULD NEVER BE ADMISSIBLE IN A COURT OF LAW, particularly without even giving me a chance to respond.

It is respectfully submitted to the Conflict of Interest Commissioner that the City of Saint John felt very strongly about its position concerning a former councilor, a Mr. Ferguson, and that there was no merit to his defense of their claim. However, when the matter was dealt with by an unbiased judge and jury the result was I understand that it was felt that there was no merit to their position and the City of Saint John was not successful.

Here it appears that the Premier, Cabinet and other persons who are in a position of authority (and control access to and/or the process of the Legislated reviews under the Civil Service Act and the Human Rights Act) have deliberately refused or failed to allow those reviews REQUIRED by law to proceed or have manipulated or influenced the Human Rights proceeding and have with the assistance of the Chief of police encouraged or participated in the criminal harassment of me by failing to stop the harassment and by continuing to take in the information from the persons involved in the harassment for their own private benefit or that of other persons. On a CTV news broadcast last year in respect to illegal cellphone use, there was a privacy lawyer from Nova Scotia who indicated that if persons observed someone using the cellphone and took a picture of it to report it that was one thing but if they followed the person for the purpose of finding something to report as to illegal cellphone use, that was harassment and was prohibited.

The Human Rights Act states that NO INQUIRIES as to mental health direct or indirect are to be MADE IN ANY EMPLOYMENT HIRING PROCESS. That Act also I understand makes it an offence to do so. I believe that the Conflict of Interest Commissioner should find it distinctly disturbing that the Province of New Brunswick and the Premier as well as other Respondents control the Crown Attorneys that would prosecute such contraventions of the law in addition to it appears willfully ignoring the legislation that the Legislative Assembly enacted and has DELIBERATELY made direct or indirect inquiries as to the perceptions of my mental health by biased unqualified persons involved in harassing me in order to get information to give those opinions IN ORDER TO DELIBERATELY USE THAT INFORMATION TO AFFECT MY BEING HIRED IN OPEN COMPETITIONS (which they KNOW I have won based on merit.)

There was I understand from newspaper reports a workplace harassment situation involving an RCMP officer in Saint John who was given the position that some of his superiors I understand wanted a friend of theirs to have instead of the person who received the position. I understand that other persons although knowing what was being done to that RCMP officer was wrong did NOT stand up and stop it. I understand that when the matter was reviewed by an unbiased body that it found that the harassment was horrible and that he was treated reprehensibly and it issued I understand a 45 page decision. Attached to this letter (and also to my sworn affidavit) please find a copy of the newspaper article for your reference.

People with biases can be convinced that they are right and people can believe that their opinions are right even though they cannot recognize that they are not competent to form a proper opinion and if objectively reviewed their opinion is wrong and beyond their capabilities. They can jump to assumptions to suit their purposes.

It may very well be that in order to avoid having to pay retroactive pay and compensation etc to me as well as other consequences that will occur if the government has to hire me, that the Premier and Cabinet Ministers the subject of this complaint are waiting and encouraging the persons involved in the harassment to come up with something the Department of Justice can use to not hire me or at least delay long enough for the government to improperly have the human rights commission dismiss my complaint. Once that occurs it appears that the Premier and the Cabinet Ministers the subject of this Complaint will feel that there is nothing else I can do and will simply allow the inappropriate information to be out in the community to deliberately cover up the truth and further the private interests of government officials, persons involved in the harassment and other persons.

Gladys Young, a Judge dealing with a criminal law matter was I understand reported on CBC radio, at the time the incident occurred, (and the government should be able to provide the Conflict of Interest Commissioner with the date and details as it was a Crown Attorney who worked for the government ) to disagree very strongly with the actions and explanation of a government lawyer in a criminal law matter and would not accept the explanation. That lawyer was I understand dismissed as a result of her conduct. I believe

that an independent unbiased person would strongly disagree with how the government has handled the competitions in which I have been involved and with how the Premiers and Cabinets of the various governments have allowed me to be treated.

The government brought in an independent prosecutor from Nova Scotia I understand to deal with a matter involving a well known lawyer in Saint John. In light of the high powered people involved and the effect on the community or communities in respect to my situation, I believe that the Conflict of Interest Commissioner should ensure that the government IMMEDIATELY has the unbiased reviews under the Civil Service Act in respect to competitions 09-45-10, 10-44-02 and 10-44-03 given to unbiased properly qualified persons with judicial capabilities from outside the Province to conduct those reviews IMMEDIATELY as it is respectfully submitted that your investigation will show that they have BEEN DELAYED BY THE DECISION OF THE PREMIER AND THE OTHER CABINET MINISTERS THE SUBJECT OF THIS COMPLAINT since at least May of 2011. It is respectfully submitted that your investigation will show that the review of Competition #09-45-10 has been delayed since March of 2010 by both the Graham and the Alward governments refusing or failing to allow it to proceed despite numerous requests by me. In light of the situation the government has caused improperly within the province including the very severe harassment of this Applicant it is respectfully submitted to the Conflict of Interest Commissioner that the reviews must be done by qualified independent unbiased persons from outside the province with judicial capabilities to ensure that it is properly and fairly done.

The government has I respectfully submit to the Conflict of Interest Commissioner destroyed all ordinary enjoyment of life for me for several years now by refusing to hire me based on merit and has interfered with my livelihood for it appears despicable reasons in order to further the interests of other private individuals. It is further respectfully submitted that when NO ONE except the Board of Examiners should have had any input into my assessment for any lawyer position advertised by the government, the very fact that the government is taking in information from biased unqualified persons who are using harassment in my private life to suggest ordinary conduct means that I have mental health issues in order to keep their own jobs or help out friends or to further other private interests should never have been able to occur as it completely contravenes THE LAW ENACTED BY THE LEGISLATIVE ASSEMBLY.

As I have said before, the government will have a loyal and dependable employee should the government be required to hire me and I am ready willing and able to work. However, if they are not going to hire me or if the Conflict of Interest Commissioner or such other unbiased person as he refers the matter to for review finds that they have created a poisoned environment within government where staff will target me in light of colleagues etc who have been disciplined, it is respectfully submitted that the Conflict of Interest Commissioner or that unbiased reviewer should IMMEDIATELY obtain the consent of the Premier to have an unbiased reviewer assess the damages to me retroactively to 2004 AND prospectively to my date of retirement 25 years from now together with all other appropriate relief. It is further respectfully submitted that to do otherwise enables the

20 MEK

government to benefit from its own wrongdoing, violate the very laws it enacted, deny me the position that I won based on merit, create a situation where there will be forever considerable animosity towards me by the persons involved in the harassment who simply want to "win" and leave me without the LAWYER III position or any income.

The Human Rights Act specifically provides I understand that if a complaint is made under the Human Rights Act the government still has the obligation to hire and cannot I understand refuse employment etc. because a complaint has been made. I understand that if the government is not hiring the independent reviews must immediately take place as legislated under the Civil Service Act even if there is a Human Rights Complaint.

The reviews under the Civil Service Act have been repeatedly requested by me.

### **Conclusion**

As a single person it was and is very important that I be treated fairly based on merit in accordance with the terms of the Civil Service Act and that I be compensated fully and fairly for that not having occurred particularly it is submitted in the horrible circumstances in respect to my treatment by high ranking justice employees and officials in my private and confidential employment applications from 2002 to the present date.

However, of much more significance and serious concern AT THIS POINT is I respectfully submit to the Conflict of Interest Commissioner the EXTENT TO WHICH IT APPEARS that the Premier and Cabinet Ministers the subject of this Complaint will go to in order to destroy a person that they do not want to hire in any way that they can do so with total disregard to the law, human rights, rules of natural justice and ethical and moral values and rules against workplace harassment. It is respectfully submitted to the Conflict of Interest Commissioner that this is of the utmost importance to every future applicant for a position in the Civil Service and to the very functioning and integrity of the system of administration of justice in a free and democratic society.

### **RE: Competition 09-45-10**

Decisions made by Bernard LeBlanc as Minister of Justice, January and February 2010 and May to October 2010 and Premier Alward and other Cabinet Ministers the subject of this Complaint WERE MADE it is respectfully submitted TO FURTHER THE PRIVATE INTERESTS of former and current Cabinet Ministers, government employees and other persons contrary to sections 4,5 and/or 6 of the Members' Conflict of Interest Act.

Premier Graham was repeatedly asked as was Premier Alward for the review of the specialized prosecution branch Lawyer III position, competition # 09-45-10 to be done by an unbiased properly qualified person from outside the Province as the Ombudsman's review was completely invalid as a result of his being required to resign as a result of his

violation of his oath of office and his mandate. One of my attempts to meet with Premier Graham so he can see for himself that the allegations of the bullies are false and to get him to allow the review to go ahead (EVEN THOUGH IT IS LEGISLATIVELY REQUIRED BY THE CIVIL SERVICE ACT) was met with a letter from the Deputy Attorney General, Yvon LeBlanc, telling me that the Civil Service Act had worked well for 40 years. This should be a serious concern to the Conflict of Interest Commissioner in light of the circumstances set out in my sworn affidavit and the attachments thereto.

It is respectfully submitted to the Conflict of Interest Commissioner that the government cannot review its own actions in competitions and that is why the Ombudsman Office does the review. When the Ombudsman review is invalid because he lied as to his findings in his investigation and proceeded contrary to his mandate and the law and it appears deliberately obstructed justice in order to cover up for the Liberal government and the Premier requires the Ombudsman to resign as a result of his actions, it is respectfully submitted to the Conflict of Interest Commissioner that the Premier MUST then allow the review of that competition, #09-45-10, to be done by an unbiased properly qualified reviewer with judicial capabilities from outside the province in order to fulfill the requirements of the Civil Service Act.

It is respectfully submitted that the Ombudsman deliberately lied in his reporting letter and stated that there were no outside influences involved in ANY OF THE COMPETITIONS that he reviewed ALTHOUGH HE KNEW THAT THE GOVERNMENT had taken in information from persons outside government involved in the harassment of me to affect my being hired IN ALL COMPETITIONS that he reviewed from 2007 to 2010. It is further respectfully submitted to the Conflict of Interest Commissioner that the Ombudsman was covering up for the Liberal government when he did his review of my Complaint pursuant to the Civil Service Act and that when Premier Graham reviewed my Complaint in respect to the Ombudsman, it appears that he and his Cabinet deliberately covered up for the conduct of his own government officials and employees as well as the Ombudsman Bernard Richard by making the decision NOT give my Complaint to ALL Members of the Legislative Assembly to which it was addressed and by not arranging an unbiased review by a properly qualified reviewer. It is respectfully submitted to the Conflict of Interest Commissioner that Premier Graham knew or reasonably ought to have known that by his Cabinet and himself doing the review of my Complaint in regard to the Ombudsman dated March 2010 that there was the opportunity to further private interests of himself, Cabinet Ministers, Bernard Richard, Department of Justice employees and others as he knew or reasonably ought to have known that an unbiased review would EXPOSE WHAT HAD REALLY OCCURRED AND THE WRONGDOING BY BOTH THE GOVERNMENT AND THE OMBUDSMAN.

It is respectfully submitted to the Conflict of Interest Commissioner that if Victor Boudreau participated in the review of my Complaint in respect to the Ombudsman dated March 2010 or in making the decision for the Liberal government to review that complaint or the decision not to give all Legislative Assembly Members to whom it was

addressed a copy, that he knew or reasonably ought to have known that there was the opportunity to further the private interest of Bernard Richard, government employees, Cabinet Ministers and other persons by making those decisions. It is respectfully submitted that as he was the former Executive Assistant to Bernard Richard that he clearly knew or reasonably ought to have known that he had a conflict of interest if he participated in any decision of Cabinet as to whether or not to hire me based on merit or as to whether or not to allow the unbiased review required by the Civil Service Act of my Complaint to the Ombudsman which still had to be reviewed in light of the Ombudsman's conduct which invalidated the Ombudsman's review, as there was the opportunity to further the private interest of Bernard Richard and others by making those decisions. It is respectfully submitted that if your investigation shows that he made or participated in any of those decisions or that he used his Office as Cabinet Minister to influence the Premier or anyone else, that he contravened sections 4,5 and/or 6 of the Members' Conflict of Interest Act.

It appears in light of what occurred at the July 2010 interview as set out in my sworn affidavit, that Premier Graham allowed the Ombudsman a year to resign as it appears the plan was to discredit me and not hire me based on merit. He re-appointed Bernard LeBlanc as Minister of Justice in May 2010 when it is respectfully submitted that he felt he had found a way NOT to have to hire me based on merit. It is respectfully submitted to the Conflict of Interest Commissioner that once my complaint regarding the Ombudsman was reviewed I should have been immediately appointed based on merit or another review which was fully unbiased conducted immediately of competition 09-45-10. It is further respectfully submitted that Cabinet Minutes and the record of information that Premier Graham and Cabinet directly or indirectly took in from the persons outside the government involved in the harassment of me would verify this for the Commissioner. In addition the information that I provided in early August of 2010 to the police which resulted in a further review by Premier Graham as to what occurred the week of the interview as well as at other times would also verify the actions of the employees in the Department of Justice and what information was taken in and by whom when Bernard LeBlanc was Minister of Justice. If he made or participated in the decisions to not hire me based on merit, directed or participated in the decision to require me to submit to a search, directed or participated in a decision to arrange a biased Board of Examiners for my interview it is respectfully submitted that he knew or reasonably ought to have known that there was the opportunity to further the private interests of himself, Bernard Richard, former Cabinet Ministers, Department of justice employees and others. Your investigation may also show if he made any other decisions in the course of his office as Minister of Justice that he knew or reasonably ought to have known would further his own interests or those of other persons.

It is respectfully submitted to the Conflict of Interest Commissioner that what the Liberal government and the Ombudsman Office did to me as an applicant in open competitions which your investigation should show that Bernard LeBlanc and/or Victor Boudreau as Cabinet Ministers made decisions or participated in making decisions in respect to, in order to further the private interests of other Cabinet Ministers, government employees

and others ( as set out in my sworn affidavit and the attachments thereto) is reprehensible and totally unacceptable in a free and democratic society.

It is respectfully submitted that the Conflict of Interest Commissioner should ensure that mechanisms are put into place to ensure these high ranking officials ARE complying with the law as it certainly appears in light of what has occurred to me that simply having the laws enacted is not working. If they use the civil service hiring process to cause disrespect for any applicant in order to find a reason not to hire this is very wrong. In my case the extreme lengths which they have gone to because their own employees and officials did not follow the law to prevent my being hired in order it appears to further the private interests of those employees and protect their reputations by hiding what they have done, IS, it is submitted, reprehensible and totally intolerable in a free and democratic society.

### **Deliberate Harassment To Find A Reason NOT To Hire Based on Merit**

If employees who are in public service or persons outside government have their own personal opinion that is one thing. However it is respectfully submitted to the Conflict of Interest Commissioner that it is clearly interference in economic relations in which they have no interest for them to try to affect my private employment application in open competitions and completely violates the provisions of the Civil Service Act. If they improperly did so and now are fighting to keep their jobs because of the improper information they provided and the prohibited interference in my private and confidential employment applications in open competitions it would appear clearly wrong for the government to take in any information from them. I believe any expert on workplace harassment and bullying or indeed any one with commonsense would tell you that the government has given those employees or persons every reason to harass and bully me in order to protect their own jobs and those of other persons involved in the harassment with them.

The Premier, Cabinet Minutes or other sources should confirm to you that during the harassment while I waited for the government to correct the situation as it had undertaken to do and remedy the situation or hire me based on merit in any of the open competitions in which I was an applicant, the people involved in the harassment were at different times literally waiting to find out if the Premier and/or other Cabinet Ministers accepted the latest incorrect negative information that I understand they had provided to discredit me in order that they could go back to work.

It would appear that the government would suggest that we just eliminate all of the degrees of psychology where experts train and study for years in order to properly study behaviour in order to be able to properly interpret it and that we just have people who do not like the person and want to hurt them follow them and report what they see as meaning negative things and saying ordinary actions mean something negative. It is respectfully submitted to the Conflict of Interest Commissioner that those actions might have negative meaning in the mind of the persons involved in the harassment of me who need to justify their behaviour but there is no objective negative meaning. In fact, it is



submitted, that what the Premier, Cabinet, the Chief of Police and the persons involved in the harassment of me from whom the government is taking in information are doing to me, is completely contrary to the rights of ANY citizen in their private life in a free and democratic society as well as contrary to the Human Rights Act, the Civil Service Act, the Criminal Code and other laws.

On Sunday, March 24, 2013 on Maritime Magazine there was a broadcast on workplace harassment and bullying. One of the requirements in any workplace to prevent workplace harassment was said to be the necessity of having a respectful workplace and to ensure that that was enforced. It was stated that the broadcast could also be located on the CBC website. It is respectfully submitted to the Conflict of Interest Commissioner that if there was respect in the hiring process of the government accorded to me in the open competitions that I made an application in and the proper hiring process had been followed I would simply have been given the position based on merit as a result of the interview and evaluated as would be every other job applicant on my ability to do the work during the probationary period which is WHAT THE CIVIL SERVICE ACT REQUIRES.

Any information the persons involved in the harassment provided would be, it is respectfully submitted, clearly biased and self serving in order to avoid the consequences of their own actions. It would also appear it is respectfully submitted that it was wrong for the government to take in any information from those persons and that it did so because of its bias as it did not want to follow the law and hire me in order to further the private interests of its officials and employees who have done wrong in order to enable them to keep their jobs, appointments or professional positions or otherwise avoid the consequences of their wrongdoing in respect to how my private and confidential employment applications have been treated in open competitions governed by the Civil Service Act. It is respectfully submitted to the Conflict of Interest Commissioner that this would appear to be deliberate obstruction of justice of the impartial and fair investigation of the qualifications of ALL applicants for a position in the Civil Service as required by the Civil Service Act.

It is respectfully submitted to the Conflict of Interest Commissioner that the Cabinet Ministers the subject of this complaint simply decided that they were not going to hire me despite I was entitled to many Lawyer III positions based on merit and they encouraged, participated in or allowed me to be subjected to severe harassment and abuse to try to destroy me in order to prevent the Department of Justice from having to hire me based on merit by taking in information from biased unqualified persons outside government that they knew or reasonably ought to have known were harassing me to get information the government would accept from them to not hire me.

It appears that they have decided to make their own determination based on biased unqualified opinions from persons who have engaged IN SEVERE HARASSMENT OF ME WITH THE KNOWLEDGE OF the CABINET Ministers the subject of this complaint AND THE CHIEF OF POLICE and who will have their private interests

25 ME

furthered or those of other Cabinet Ministers, the Premier, the Chief of Police, government employees and others who have done wrong in respect to how my private and confidential employment applications have been handled. The persons from whom they are taking in information would never be able to give opinion evidence in court in respect to the opinions that they have given to the government directly or indirectly and it is respectfully submitted that there are very serious reasons as to why THEY ARE NOT ALLOWED TO GIVE OPINIONS including but not limited to bias that affects how persons view what they see, inability to form proper opinions etc. It is respectfully submitted to the Conflict of Interest Commissioner that what the government has caused to happen to me is something that should NEVER be able to occur in a free and democratic society and it is the reason for which laws, including the Civil Service Act and the Human Rights Act have been enacted in order to prevent such abuse of an applicant for a position in the civil service as that to which the government has caused me to be subjected.

### **My Complaint to the NB Human Rights Commission**

It appears that the sole intent of the Cabinet Ministers in the current government the subject of this Complaint, of the Department of Justice and the Office of the attorney General and of the NB Human Rights Commission is to protect the private interests of Cabinet Ministers, government employees including Andrea Folster, Nancy Forbes and Guy Daigle, commission staff including Sarina McKinnon and Jennifer LeBlanc and others who would lose their jobs or professional positions or appointments or be otherwise disciplined if the truth is known publicly and if I am hired and treated fairly in accordance with the law. The actions of the Cabinet Ministers the subject of this Complaint, as set out in detail in my sworn affidavit filed with this Complaint to the Conflict of Interest Commissioner, would appear to be in deliberate contravention of sections 4,5 and/or 6 of the Members' Conflict of Interest Act.

It is respectfully submitted to the Conflict of Interest Commissioner that the extent to which Andrea Folster and all of the Respondents to my human rights complaint, Danny Soucy, Martine Coulombe and the NB Human Rights Commission staff have now gone to deliberately prevent my being treated fairly and hired based on merit would appear to be deliberate fraud in the preparation and filing of Responses containing deliberately false information to be relied upon by the NB Human Rights Commission staff who prepared their report based on that false information which it is submitted they or Danny Soucy knew or reasonably ought to have known was false in order to adversely affect my complaint.

Danny Soucy, the Minister of the Department of Post Secondary Education, Training and Labour to whom the Commission reports as a Cabinet Minister knows or reasonably ought to know that the information from the Respondents on which the Report is based is false. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should clearly show that there was and is deliberate obstruction of justice to prevent a public hearing on true facts that would result in my being successful on my

human rights complaint. It is respectfully submitted that if I am hired or if I am successful on my human rights complaint, that it would also result in severe consequences to government officials and employees and others as well as requiring the Province to pay me retroactively and compensate me for subjecting me to the extremely severe harassment that can NEVER be justified together with all other appropriate relief. The Human Rights Act provides that the Applicant can be put into the same position that he or she would have been in but for the violation of the Act when the Board of Inquiry grants the appropriate relief.

It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that as a result of the actions of the Ombudsman office, which is supposed to protect persons against the abuse of government authority, in violating the mandate of the Ombudsman as set out in legislation in order to cover up the wrongful actions of the Liberal government, there could be and can be ABSOLUTELY NO CONFIDENCE THAT the NB HUMAN RIGHTS COMMISSION would fairly evaluate my human rights Complaint even BEFORE it prepared a report based on information that Danny Soucy the Cabinet Minister to whom the Commission reports knows or reasonably ought to know is false, particularly when it appears that the professional positions and jobs of many cabinet ministers and government employees as well as others will be jeopardized or ended if I am hired.

It is respectfully submitted that public officials and civil servants have an absolute obligation to be ethical at all times and to state what is true. From the details of the fact circumstances set out in my sworn affidavit together with the attachments thereto, filed with this letter, the Conflict of Interest Commissioner it is respectfully submitted can clearly see and your investigation should clearly show that the Cabinet Ministers the subject of this Complaint and civil servants involved did not do so during the hiring processes in respect to me in open competitions nor during the attempts to have government officials correct the situation that IT CREATED including in their formal Responses to my Human Rights Complaint filed by their solicitor.

It is respectfully submitted to the Conflict of Interest Commissioner that from your experience as a trial judge, two lawyers on opposite sides of the case can have very different views and positions on what the right result is for the outcome of the case. As a former trial judge and court of appeal judge it is respectfully submitted that you are aware that the JUDGE MUST decide the case fairly on the evidence before him or her and the transcript is clear as it is recorded in case one party wishes to appeal if it feels the judge did not properly apply the law to the facts.

#### **DELIBERATE CONTRAVENTION OF THE LAW**

It is respectfully submitted to the Conflict of Interest Commissioner that what appears to have occurred in respect to me is that Cabinet Ministers the subject of this Complaint have decided that they know what the result should be and that as they are not likely going to be able to get that result if the proper impartial processes under the Civil Service

Act or the Human Rights Act are followed and that as they have the power to do so they are simply going to make the decision or participate in making the decision or influence the persons in their employ who have the statutory duty to make the decision in order to prevent the unbiased processes from taking place or prevent decisions being made that would result in my being hired based on merit in total disregard of the Civil Service Act and the Human Rights Act and other laws. It is respectfully submitted that by making those decisions they know or reasonably ought to know that there is the opportunity to further the private interests of themselves, other Cabinet Ministers, government employees and other persons.

It is respectfully submitted to the Conflict of Interest Commissioner that Bernard Richard's private interests would benefit by my not being hired as he could be rehired later or be given other appointments if his reputation was intact as could Michael Murphy and TJ Burke it would appear if I was discredited. It would also appear that all of the Liberal Cabinet at that time would have had their private interests furthered by covering up what the government had done to me and what the Ombudsman had done to cover up for the Liberal government.

It is respectfully submitted to the Conflict of Interest Commissioner that the reason a decision maker HAS TO BE unbiased is because bias impairs objectivity.

It is further respectfully submitted that the government could take whatever position it wished to take in front of a properly qualified unbiased reviewer or other entity and would have to PROPERLY CALL EVIDENCE TO SUPPORT ITS POSITION. It is respectfully submitted to the Conflict of Interest Commissioner that the Premier and the other Cabinet Ministers know or reasonably ought to know that that is the process. It appears the government has deliberately embarked on its own process deliberately in defiance of the law because it knows it WILL NOT GET THE RESULT it wants to obtain in an unbiased impartial forum.

The Conflict of Interest Commissioner will I believe find that Premier Alward and the other Cabinet Ministers the subject of this complaint are deliberately allowing this Applicant in an open competition to be criminally harassed and victimized in order to not have to fire many people, some in high government positions including Cabinet Ministers, that would otherwise have to occur based on government policies and discipline procedures if the government complied with the laws (that it enacted) and did the right thing by hiring me as a Lawyer III based on merit, paying me retroactively to September 17, 2004 and FULLY COMPENSATING ME FOR THE EXTREMELY HORRIBLE HARASSMENT AND ABUSE THE GOVERNMENT HAS caused this victim to sustain together with all other appropriate relief.

It is respectfully submitted to the Conflict of Interest Commissioner that as a former lawyer and trial judge that you would be aware that there are other lawyers that if they lose a case or know the other lawyer is successful in most of their cases will resent that lawyer and say negative things about them. The judge however before whom that lawyer

appears may see things very differently. Biases can and do severely affect how anyone views a matter. I believe you would be aware as a trial judge that many cases can be won by good cross-examination that brings out biases and the true facts. It is respectfully submitted to the Conflict of Interest Commissioner that the opinions of the persons involved in the harassment of me have no credibility whatsoever and are simply comments like bullies make about their victims in order to make fun of the victim and to embarrass and humiliate the victim even apart from the fact that ANY SUCH INFORMATION IS COMPLETELY PROHIBITED BY THE CIVIL SERVICE ACT AND THE HUMAN RIGHTS ACT.

If persons in authority in the City of Saint John who felt strongly I understand about Mr. Ferguson's actions and commenced an action in the Court of Queen's Bench against him as a result, had people follow him everywhere and monitor his actions, report on his actions within the community and at his house by saying the actions meant that he had mental health issues or whatever else they wanted them to mean when they do not know the intent of the person doing the actions, the context etc any judge would I believe be horrified and would immediately issue a non harassment order and those persons would face adverse consequences if they breached that order. If they made fun of him with the view to saying that what they saw justified his not being allowed to defend the court proceeding and give his position and tried to provide that information to the judge, I believe the judge would be horrified and clearly tell them that is not the system in our free and democratic society and that they have to properly address the issues and call evidence that can be properly called to address the issues in the proceeding and a decision would be made based on the evidence by the judge.

It is respectfully submitted to the Conflict of Interest Commissioner that in my situation the Premier and other Cabinet Ministers who are the subject of my Complaint have prevented the unbiased reviews REQUIRED by the Civil Service Act by making the decision or participating in making the decision to not allow them or by using their influence to prevent them and they have done so to further the private interests of Cabinet Ministers and others who will lose their jobs or face other consequences of their participation in the harassment of me or other wrongdoing in respect to my bona fide application for a position in the Civil Service.

It is respectfully submitted to the Conflict of Interest Commissioner that persons holding cabinet positions ought to know you cannot take in such improper untested information from biased unqualified persons involved in the harassment of me at face value to affect my private and confidential employment application as any such information is prohibited by the Civil Service Act, the Human Rights Act and other laws. If they do not know that or do not want to accept that then there should be ways to MAKE them follow the law before severe and possibly irreparable harm is done to me or any other applicant.

On the Maritime Magazine broadcast on Sunday March 24, 2013 it was said that a person being bullied should go to their human resources department for help. A reporter on the broadcast raised the issue on what a person could do if that Department did not help as it

had not helped one or some of the persons the target of harassment on their broadcast. It was also said on that program that often the targets of workplace harassment are the best qualified persons and exactly the people you would want to have as employees.

This raises an issue that appears clear from what has occurred to me which is if the human resources department has personnel that have done wrong or if powerful officials or senior management etc have done wrong it is more likely that the human resources department will do nothing or will try to help those persons eliminate the person who has been harmed as a result of wrongdoing rather than do what is right or what the law requires in order to cover up the wrongdoing that has been done within the organization and to further the private interests of powerful officials or senior management. The law would appear to particularly create this type of bias as the organization would be vicariously liable for the actions of its managers etc and responsible to compensate the victim under the Human Rights Act or other laws. Based on what has happened to me in both call centres and in respect to my applications for employment in open competitions with the government, it would appear the incentive would then be to allow the bullies to discredit or destroy the target and then the organization is off the hook. It is respectfully submitted to the Conflict of Interest Commissioner that there should be sanctions or mechanisms in place that will ensure that the persons in control of the organization will have to ensure the laws ARE followed as those laws were enacted for a reason and if there was wrongdoing despite how powerful the wrongdoer they will be dealt with as required by law. In an organization such as the government a truly impartial workplace harassment commissioner (whether just for the government or accessible by the public at large ) would give further options to stop or prevent or reduce workplace harassment BEFORE it gets to the level as what has occurred to me. There may be the option to consider allowing employees to report wrongdoing anonymously which may be an incentive to early detection and reduction before serious harm is done. It would also be in the minds of potential wrongdoers that same could be done and may have a deterrent effect. It is my understanding that at least one of the provinces and or territories has a workplace harassment commissioner within government.

In fact the investigation of the Conflict of Interest Commissioner should show that some of the persons who are involved in the harassment of me and from whom the Premier and Cabinet Ministers have made decisions to STILL take in prohibited information from are person or persons from at least the first call centre who are trying to discredit me in order I understand to absolve themselves from any wrongdoing. When the government was NOT allowed to take in any information from them to begin with as IT IS CLEARLY PROHIBITED by the Civil Service and the Human Right Act, it is submitted that this is pure abuse by the government in order to find any reason not to hire to cover up the wrongdoing by government officials and employees. It is respectfully submitted that this opens up this applicant to increasingly inappropriate personal attacks within my private life by persons who are not subject to the same beliefs and moral standards and conduct as set out by the Law Society Code of Professional Conduct which if followed sets an honorable standard.

It is further respectfully submitted that the Premier and Cabinet have received enough information to know that those persons HAVE DELIBERATELY provided false information to the government in order to destroy me yet the government has continued to take in more information from them repeatedly. The record of information that the government has taken in from those persons and Cabinet Minutes should verify this for the Conflict of Interest Commissioner. Even my e-mails to the Premier and the Clerk of the Legislative Assembly sent since March 15, 2013 should verify this to you. It is respectfully submitted to the Conflict of Interest Commissioner that if you or whoever unbiased deals with this matter DOES NOT SIMPLY require all information from those persons be eliminated and discarded as untested, not accepted and prohibited and cannot be considered that there should be a public inquiry where all information, its appropriateness etc can be reviewed and responded to by me with any necessary input from an expert psychologist on workplace bullying and harassment from OUTSIDE THE PROVINCE. It is respectfully submitted to the Conflict of Interest Commissioner that for the Premier and the Cabinet Ministers the subject of this complaint to TAKE IN ANY INFORMATION as to my having perceived mental health issues from the biased unqualified persons involved in the harassment of me is an offence under the Human Rights Act.

As it appears that Lawyers have disregarded their oaths as officers of the court within government in light of the powerful persons involved, there is a VERY SERIOUS CONCERN AND EXTREME NEED FOR ENSURING IMPARTIALITY of any expert and any reviewers or human rights commission. It has been expressed in a prior workplace harassment broadcast on Maritime Magazine which was also referred to on the March 24, 2013 broadcast that Legislation is necessary to protect victims or targets of harassment.

A workplace harassment commissioner to deal with harassment within the government is certainly a consideration for the Conflict of Interest Commissioner to consider having the proper unbiased persons consider in light of what the government has done to me. A TRULY UNBIASED INDEPENDENT WORKPLACE HARASSMENT COMMISSIONER with the ability to deal with government authoritatively to mediate or resolve differences and find a solution BEFORE the matter escalated to the level of abuse that the government has caused to me would it is submitted be in the interest OF EVERY employee in the workforce. If properly trained persons can deal with those issues for the workforce in general it may deal with matters in a timely fashion and assist in ensuring that persons are treated fairly in their work environment in accordance with the law.

It is respectfully submitted that persons may have their own opinion about someone else's personality or their mental health but if they were not busybodies and simply did their work and worked with the person on work issues properly that none of what has occurred to me would ever have occurred. If people want to date people within their work environment the law is clear. Once a person has said no to the advance that IS THE END OF THE MATTER whether they like it or not. The Human Rights Act is clear. To suggest that someone with whom they only have contact during work hours on work

related questions is looking at them inappropriately or asking too many questions is, it is respectfully submitted, stupid and designed to absolve the behaviour of the person who does NOT want to take no for an answer. For any such person to have other people make such allegations by following the person within their private life and setting up situations or simply giving false information to justify the other person's conduct is, it is respectfully submitted, criminal harassment. For the Premier and Cabinet Ministers the subject of this Complaint to make a decision to take in such information it is submitted that they are participating in the criminal harassment, obstructing justice by preventing the investigative process properly set out in the Civil Service Act from proceeding and/or contravening sections 4 and 5 of the Members' Conflict of Interest Act to further private interests including those of the human resources advisor and government officials and employees who took in such information to affect my private and confidential employment application when I worked at the call centre when information was passed out of the call centres to affect the 2008 Miramichi Crown Attorney competition and then the 2009 specialized prosecutor branch competition. Gillian Miller my excellent supervisor at Atelka confirmed with the company's blessing to the Ombudsman in about February of 2009 that I was an excellent employee and there were no concerns in respect to me. The company however, through its human resources advisor, sent e-mail to me in which the human resources advisor deliberately lied rather than correcting the problem and advising the male employee whose job was in jeopardy that the answer to his advances was no and THAT WAS THE END OF IT as required by law.

It is respectfully submitted that any reasonable person once they have said no expects that answer to be accepted and has a right to have their answer respected. When I could not simply ignore it as other persons within the call centre were using his advances to affect adversely a professional position for which I had applied it is respectfully submitted that the Company Atelka was at fault for not immediately ensuring the person making advances within a workplace did not stop according to the requirements of the Human Rights Act. It is further respectfully submitted that the government is CLEARLY RESPONSIBLE for violating the Civil Service Act and the Human Rights Act by taking in such information BECAUSE it does not want to hire based on merit because officials and other employees have been removed from their positions as a result of their own wrongdoing in respect to my private and confidential employment applications. . In fact it is further submitted that if there was a respectful work environment at Atelka and a respectful hiring process by the government in compliance with the law NONE of what has happened to me would ever have happened.

It would appear that the Conflict of Interest Commissioner could direct a public inquiry be held. It is also respectfully submitted that action should be taken to ensure that legislation or other measures that can BE ENFORCED that will protect the victim or target and MAKE the organization do the right thing rather than take action to cover up what has occurred by causing or allowing the person to be bullied, be put in place for the benefit OF ALL persons within the workforce today.

A psychologist interviewed from I understand St. Mary's university on one of the CBC



broadcasts referred to above indicated words to the effect that the victim has a right to be gainfully employed and to the job that they are entitled to and that workplace harassment should be stopped.

It is respectfully submitted to the Conflict of Interest Commissioner that in my case all the government would have had to do and all it has to do NOW is comply with the laws already in force. It is respectfully submitted to the Conflict of Interest Commissioner that the government is and was required under law to tell the persons involved in the harassment of me that it cannot take in any information from them and that any information as to their perception of my mental health is PROHIBITED by the Human Rights ACT ( and it is submitted to the Conflict of Interest Commissioner on common sense )and that it will be hiring me based on merit as I am a strong A rated candidate and it will evaluate me fairly and impartially during the probationary period.

It is respectfully submitted to the Conflict of Interest Commissioner that the government is also required to pay me retroactively in light of its actions contrary to the law and fully and fairly compensate me for the extremely severe harassment to which it subjected me together with all other appropriate relief.

It is respectfully submitted to the Conflict of Interest Commissioner that if the government does not want to hire me in light of the animosity that it has created as a result of the wrongdoing of its Cabinet Ministers or other officials or employees or if it has created an environment where it cannot do so without subjecting me to being a target by employees and officials there in light of bias and conflict of interest, that what it must do instead of it appears contravening the law and/or committing criminal offences or other offences, is pay me retroactively together with all other appropriate relief back to at least 2006 and also pay me from now to the date of retirement for not hiring me approximately 25 years from now together with all other appropriate relief. There are actuaries that can calculate the necessary figures as I have used actuaries in my practice in Ontario in order to do necessary calculations. It is submitted that if the government entered a contract and no longer wanted the services under the contract that it would have to buy out the contract. It is respectfully submitted that the government has an obligation to me as a result of the conduct of its officials and employees and what it is even doing AT THIS TIME to try to cover up what government officials and employees have done and to avoid that obligation. It is respectfully submitted that the conduct of the Premier and Cabinet Ministers the subject of this Complaint should be clearly condemned by the Conflict of Interest Commissioner. It is further submitted that the decisions being made in that regard by the Cabinet Ministers the subject of this Complaint are made in order to further the private interests of themselves and other persons and are IT IS SUBMITTED CLEARLY CONTRARY TO SECTIONS 4, 5 and/or 6 of the Members' Conflict of Interest Act.

It is respectfully submitted to the Conflict of Interest Commissioner that for the government to choose to use persons to it appears criminally harass a person they do not want to hire by following them, watching their actions and monitoring their actions and

reporting to the government their opinions of anything negative was and is NOT an option for the government. It is respectfully submitted to the Conflict of Interest Commissioner that in effect what the Premier and the other Cabinet Ministers the subject of this complaint have been doing is participating in and encouraging criminal harassment.

It is respectfully submitted to the Conflict of Interest Commissioner that for the chief of police to be attempting through persons involved in the harassment of me and/or his officers to be trying to evaluate mental health by it appears taking in information from biased unqualified persons saying that I did this and they think I should have done something else so it means that I have mental health issues is beyond the ridiculous. It is respectfully submitted to the Conflict of Interest Commissioner that for the chief of police to have done so or to have allowed it to occur, is in effect participation in the criminal harassment and/or other offences such as obstruction of justice. It is respectfully submitted that your investigation should show that this has occurred and that Cabinet Minutes or the Premier or the Chief of Police should admit that this has occurred. In fact it appears that the public police force is being used to protect the private interests of Cabinet ministers, government employees or others through the use of criminal harassment or such other offences or improper means as your investigation shows.

It is one thing for the police to not have stopped the criminal harassment when I made the request but it is respectfully submitted to the Conflict of Interest Commissioner that it is something else entirely for him not to realize that an expert psychologist is needed to evaluate an harassment situation as he and his officers do not have the qualifications. For example it appears that the police and the government do not even understand that the pressure the harassment puts upon a person could affect their decisions etc by their trying to avoid the bullies being able to create or make negative remarks and in effect the police and the bullies could be causing the very behaviour by the harassment that they are then using in order to hurt the victim.

It is respectfully submitted to the Conflict of Interest Commissioner that Cst. Hamilton assisted me without any difficulty UNTIL Attorney General Michael Murphy was removed from his position as a result of taking in information from the persons involved in the harassment. It is at that point your investigation should show that someone and who the Commissioner's investigation should reveal (as Victor Boudreau and Bernard LeBlanc as Cabinet Ministers in that government should both know or Cabinet Minutes around January of 2010 may show ) who from the government contacted the police after Michael Murphy was removed as Attorney General. It is my understanding as a result of the conduct of Cst. Hamilton after Michael Murphy was removed in January of 2010 that someone called the Chief of Police or someone else on the police force and suggested that I had mental health issues in order to get them to stop assisting me to stop the harassment and it is respectfully submitted, the wrongdoing in government in respect to my employment application in open competitions.

I believe any unbiased expert would clearly have seen through the actions of the persons

involved in the harassment and the government. Even the recorded calls in the call centre ICT where I worked RIGHT UP to November 6, 2012 despite the daily harassment by persons within the call centre show objectively that I dealt well with the callers and many varied and complex issues. Gillian Miller, my excellent supervisor at Atelka, can also confirm that I dealt well with the callers and many varied and complex issues at Atelka and the recorded calls there including ones that she reviewed would reflect that also.

It appears the simple fact was that Michael Murphy had done wrong and then in order to protect his reputation or to retaliate as a result of his being removed due to his own wrongdoing the Premier and the Cabinet Ministers and other government officials and employees engaged it appeared in further wrongdoing in respect to whether or not I was hired rather than doing what was right and hiring me based on merit.

It is respectfully submitted to the Conflict of Interest Commissioner that as a result of your investigation which SHOULD CLEARLY SHOW THAT THE GOVERNMENT HAS CONTINUOUSLY TAKEN SUCH INFORMATION IN FROM BIASED UNQUALIFIED PERSONS that there is no integrity at all in the manner in which the government and the NB Human Rights Commission have proceeded and it appears criminal offences have been committed to avoid hiring me as a result of the biases that have been created in government BECAUSE OF THE WRONGFUL WAY THE GOVERNMENT ITSELF HAS TREATED ME.

The Premier, Attorney General Blais and Minister Higgs and the NB Human Rights Commission have it appears done EXACTLY the same thing that the Ombudsman office did which was to deny that any information was ever taken in from outside persons involved in the harassment of this Applicant which THEY KNOW IS FALSE.

It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should be able to obtain details including but not limited to

- (1) of who they took information in from,
- (2) full details of what information the government, any police force or anyone else has taken in from 2006 to the present date from the persons involved in the harassment to affect any of my applications in open competitions,
- (3) full details of the manner in which those people watched my actions and where:
  - did they follow me
  - did they have an organized group of people that would exchange information
  - were any members of the government or any police force part of that group
  - did anyone involved in the harassment report or exchange information with the police or the government; if so, how, when etc
  - did they record any conversations with me or any conversations I had with anyone else; if so, when, where
  - did they photograph, video record or in any other way take pictures of me at any time while they were watching my actions; if so when, where, how, what did they do with the recordings and how in any way have they used the recordings;

- any and all details of everywhere they watched my actions and what was reported and by whom;

- any and all other details of the harassment

(4) how many times and when they began to put in place the Lawyer III position for me only to stop based on incorrect information from persons outside government as to their perception of my mental health which information is PROHIBITED,

(5) how many times and when the government and other employers began to discipline persons only to have more improper information come in from outside persons and the discipline was stopped,

(6) full list of who within and outside government who will lose their jobs or be otherwise disciplined if I am hired as a result of their participation in the harassment of me or their wrongdoing in respect to how my private and confidential employment applications were treated in open competitions;

(7) full list of who within and outside government who have lost their jobs or who have been disciplined as a result of their participation in the harassment of me or their wrongdoing in respect to how my private and confidential employment applications were treated in open competitions;

(8) Such further and other details and information required by the Conflict of Interest Commissioner during the course of his investigation.

It is respectfully submitted to the Conflict of Interest Commissioner that The Conflict of Interest Commissioner should find the conduct of ALL Members of the Legislative Assembly the subject of this Complaint to be COMPLETELY UNETHICAL AND UNCONSCIONABLE as the Premier and the other Respondents know that the government HAS CONTINUOUSLY TAKEN IN INFORMATION for approximately another three years since the Ombudsman did what he did in March of 2010 and has during that period subjected me TO EXTREMELY SEVERE HARASSMENT while those biased unqualified persons have tried to come up with any information the government would accept to not hire me in order that they and others can avoid the consequences of their own wrongdoing.

## SUMMATION

It is respectfully submitted that the Conflict of Interest Commissioner should find that the Cabinet Ministers subject to this Complaint have contravened the Members' Conflict of Interest Act by participating in or making decisions or using inside information or by using their respective influence as Cabinet Ministers to adversely affect me, my hiring, my human rights complaint and/or any other matters the Conflict of Interest Commissioner's investigation shows have been affected in order to further the private interests of themselves as Cabinet Ministers or the private interests of other persons by allowing them to keep their jobs or otherwise avoid the consequences of their wrongdoing.

I understand that there is at least one Cabinet Minister who has not agreed with the other Cabinet Ministers who seem to think that, by having biased unqualified people provide

their biased opinions about what they see to say that I have mental health issues, they can use that information to deny me the professional Lawyer III position based on merit. Your investigation and the information in my sworn affidavit should show that all of Cabinet is aware that I have won the competitions set out in my affidavit and the attachments based on merit. It is respectfully submitted that the Cabinet Minutes should reflect this if Premier Alward will not readily acknowledge this to the Commissioner.

The Premier and the government by taking in this type of information have severely affected my quality of life. Rather than being able to take people at face value it appears that there are many people who do not know me and who I do not know who will make deliberately false reports or erroneous ones based on their bias to destroy my livelihood in order it appears to help out people connected to them who are involved in the harassment of me and who may be disciplined or removed from their jobs or professional positions or appointments. This is an element of bullying and harassment. Concern has been expressed by experts in the field that people will be bystanders and do nothing or will join in on the harassment and bullying just to be part of the group or to avoid becoming a target themselves or to make themselves feel more important or for any other number of reasons. It has been expressed that often if even one person speaks out against it as being wrong that it can be stopped.

It is my respectful submission that your investigation will show that the one dissenting Cabinet Minister who I understand has not gone along with the others KNOWS that I have won the competitions based on merit and that I am simply being sacrificed to get a whole lot of government officials and employees and others associated with them who deliberately have not followed the law and WHO HAVE DONE WRONG, OUT OF TROUBLE OR THEIR REPUTATIONS PROTECTED by what they have done or others have done under their direction and control being covered up.

If the Conflict of Interest Commissioner's investigation reveals that one CABINET MINISTER HAS TRIED TO STOP CABINET FROM DOING WRONG and has tried to have Cabinet put in place the Lawyer III position for me based on merit, it is my respectful submission that the Conflict of Interest Commissioner should see that that PERSON IS COMMENDED as the pressure on them has likely been tremendous. The Commissioner's investigation should show the extremely severe harassment and pressure that has been put on me it appears to try to destroy me or make it so that I could no longer try to take measures to require the Premier and Cabinet to do what is right in accordance with the law.

I can I believe respond to anything the government calls in evidence and show there is nothing negative but if the government can prevent legal rights GUARANTEED by the Civil Service Act, the Human Rights Act and other laws and simply cause me to be continuously harassed in the hopes that eventually out of sheer exhaustion I won't be able to clear up the wrongful conduct of the persons involved in the harassment it seems that we do not live in a free and democratic society at all.

It is respectfully submitted to the Conflict of Interest Commissioner that the longer the government allows the persons to harass me and encourages them by taking in information from them the worse and more aggressive it would appear that they will become.

Your investigation should show that the Premier and Cabinet have CAUSED A SITUATION WHERE anytime there is contact OR THEY CREATE contact, NEGATIVE REPORTS WILL BE MADE ABOUT ME BY THE PERSONS INVOLVED IN THE HARASSMENT OF ME AND OTHERS ASSOCIATED WITH THEM in order it appears to try to prove that their behaviour was justified.

It is respectfully submit that THIS IS THE GOVERNMENT'S FAULT. If the government had followed the law it would never have taken in ANY information from such persons to begin with and the harassment should NEVER have even started.

It is respectfully submitted to the Conflict of Interest Commissioner that in family law matters this happens all the time and judges, lawyers and assessors know that these types of negative allegations are made all the time and often have no merit on an objective basis and assessors often find they have no merit. Judges do not watch people or have the spouse who does not like the other spouse watch them with a whole group of mean and vindictive people and report back to the judge. The judge would issue a non harassment order if the spouse tried to monitor the actions of the other spouse and followed them or watched them through their windows, in the community or pried into their private life and there would be serious consequences if they did not stop doing so. The ex spouse likely for the rest of their life will have nothing good to say about the other spouse once there is animosity in a race to win custody etc and negative allegations are made. The spouse targeted often goes on to a new successful relationship with a new spouse who does NOT see the negative things the ex spouse sees. One spouse may be bitter that the other spouse left and that may be the reason they will say nothing good about the other spouse. It is further respectfully submitted to the Conflict of Interest Commissioner that the Premier and Cabinet Ministers who are taking in information from the biased unqualified persons involved in the harassment of me do not even seem to understand that if people do not get what they want or cannot make the other person do what they want them to do or cannot have what the other person has that, in addition to other factors or causes, they may say negative things or try to hurt that person or take away what they have if the opportunity arises. Experts on workplace harassment and bullying would likely tell you that these factors can often be present in bullying. Family law lawyers often, at least I believe in Ontario, try to tell their clients to stay away from contact with the other spouse and persons associated with that spouse so that there is no contact that would enable negative comments to be made that would take the focus away from the real issues.

Your investigation should show that in my situation when I have tried to stay away from the persons involved in the harassment of me as it is likely that any contact will generate negative reports from them to the government that are not correct, that the government then I understand has taken in reports from those persons to the effect that I am afraid of

them and THAT MEANS SOMETHING NEGATIVE (because I avoided contact with them!).

It is respectfully submitted that your investigation will show that the actions of the government by NOT FOLLOWING the law have created great animosity throughout the whole community towards me as more and more people became involved in the harassment to assist others associated with them or said something that was shown to be incorrect which they then tried harder to prove that they were right or in other ways to discredit me. The actions of the government have resulted in people making negative allegations, being mean, etc.. It is respectfully submitted that if the government had not been biased as a result of the inappropriate actions of its officials and employees that it would have followed the law on any of the many occasions it has had the opportunity to do and the harassment that has occurred would have stopped long before now as I would have been hired I understand a long long time ago based on merit or the undertaking of the government.

If such information as to mental health is thought proper to be considered as part of any objective unbiased review under the Civil Service Act, it will be **absolutely necessary** that a fair, objective and proper opinion by an unbiased expert FROM OUTSIDE THE PROVINCE qualified to give an opinion on mental health, bullying and harassment situations etc BE OBTAINED. It is respectfully submitted to the Conflict of Interest Commissioner that such information is EXPRESSLY PROHIBITED by the Civil Service Act and the Human Rights Act and other laws. However, it is further respectfully submitted that if the law did allow for such information, an assessment WOULD WITHOUT ANY DOUBT SHOW THAT THERE IS and HAS BEEN NO CONCERNS IN RESPECT TO ME AT ALL BUT THAT THERE are SERIOUS CONCERNS AS TO THE ACTIONS OF THE GOVERNMENT OFFICIALS and EMPLOYEES AND THE PERSONS INVOLVED IN THE HARASSMENT or others associated with them. It is respectfully submitted that such an expert would have serious concerns for the abuse the government has caused to me by causing the daily extremely severe harassment as biased self serving individuals have tried to destroy me in order to benefit themselves or have others associated with them benefit.

It is respectfully submitted that as it appears the Saint John Police Force have a clear bias, in light of the city of Saint John employees who your investigation should show will be disciplined if I am hired in addition to any other biases, that the Chief of Police certainly SHOULD NOT HAVE ALLOWED THE FORCE TO INVESTIGATE OR DEAL WITH THE BULLYING and Criminal Harassment SITUATION and an unbiased force from outside the province should have been called in with access to a proper expert on workplace harassment and bullying from outside the province. Your investigation will likely show that as a result of the bias of the Chief of Police and or other persons on the police force who have tried to assist the government to discredit me in order that the government would not have to hire me based on merit, it is submitted that under the direction of the Chief of Police that the police force has participated in the criminal harassment of me and instead of enforcing the law in the public interest the police force

has been involved in trying to assist the persons involved in the harassment and government officials and employees to protect their private interests such as their reputations, jobs etc. It is understood that there are conflicts on the police commission as well with government officials and persons involved in the harassment.

It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that it appears that despite the Alward government knew about the unethical conduct of the former Ombudsman Bernard Richard, the government and the Fredericton police it appears allowed him to do the review of the actions of the police in respect to the blogger which police actions were opposed by the Civil Liberties Association. Even more interesting, it appears from a news broadcast that Bernard Richard found that the Fredericton police should not have handled the investigation themselves into the blogger who it is understood made statements about a police officer on their force nor charged him and that an outside unbiased independent entity should have investigated and handled the matter in its entirety because of members of the Fredericton police being involved and the resultant conflict of interest. His decision was I understand in part based on a brief from the Civil Liberties Association in Ontario.

It appears in my case what the government thinks is "EVIDENCE" of mental health issues is taking in all sorts of untested information from biased persons involved in the harassment of me or other biased persons who have joined in with them. Premier Alward, the former Minister of the Office of Human Resources, Blaine Higgs and the Attorney General and Danny Soucy have NEVER met me and the first three have been offered the opportunity but have not responded.

An expert would NEVER evaluate a persons as to mental health on the basis of biased unqualified individuals and would CERTAINLY want to talk to me. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that this in itself would appear to show the bias of the government and that it really does not care HOW it gets rid of me as long as it does so in order to further the private interests of the persons within and outside government including Cabinet Ministers, lawyers, provincial and municipal government employees and others who will be able to avoid discipline if I am not hired.

I have had no alternative but to try to have the government correct the situation in light of what they have done. I believe that what I have seen done by Andrea Folster and the Respondents filing Responses containing deliberately false information and the NB Human Right Commission staff deliberately proceeding in the face of a conflict and preparing a report based on information they know or reasonably ought to know is false in order it appears to get the result the government wants ,offends EVERY PRINCIPLE THAT I BELIEVE SHOULD BE FOLLOWED IN THE PRACTICE OF LAW AND IN THE ADMINISTRATION OF JUSTICE. People may look up to the high ranking officials and lawyers because of their wealth and positions but I believe what should be valued is the person who despite what they do or do not earn or what wealth they do or do not have does what is right in each case they handle and provides the court with the best

40 MEK



prepared case possible based on realistic facts in order to enable the judge or tribunal to make the best decision possible in the particular circumstances based on the REAL FACTS. I respectfully submit to the Conflict of Interest Commissioner that that is what makes the practice of law an honorable institution and encourages respect for the administration of justice and the institutions involved.

I believe the Conflict of Interest Commissioner as a former trial judge has probably as a lawyer or a judge seen lawyers and clients who will not accept the decision against them and who blame the other lawyer for not telling the truth or doing something they should not have done when in fact they should have accepted the judge's decision and the other lawyer should have shook hands with the other counsel.

It is respectfully submitted that the practice of law is meant to be an honorable profession. It is further respectfully submitted that what has occurred in the Department of Justice, Office of the Attorney General and in Cabinet in respect to how they have treated me as an applicant in open competitions and in respect to my human rights complaint clearly brings the administration of justice into disrepute.

Quite frankly I wish I had NEVER applied for the position of Regional Director of Court Services in 2002 which as a result of the way officials and employees in government banded that competition DESPITE I WAS THE ONLY A RATED APPLICANT, has, your investigation should show, resulted in the events that have led to the decisions of the Cabinet Ministers that are the subject of my Complaint to the Conflict of Interest Commissioner. I never imagined the unethical conduct that occurred then nor that which has escalated and occurred since resulting in the situation that I am addressing before the Conflict of Interest Commissioner at this time could ever have occurred based on the laws in force it appears to prevent just such conduct.

If the government does not want to hire me, I believe that the Conflict of Interest Commissioner should have the matter referred to an unbiased entity or reviewer who will simply calculate what should be paid to me together with all appropriate relief as a result of their decision.

It is respectfully submitted to the Conflict of Interest Commissioner that if they do not want to follow the Civil Service Act or honor their undertaking it should be similar to someone not wanting to honor a contract and they would have to pay out the other party together with all appropriate damages and other relief resulting from their improper conduct.

It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that in light of the bias of the Premier, the government, the chief of police and the police etc that all common sense, respect for the law, respect for the rules of evidence etc ARE COMPLETELY GONE.

It is respectfully submitted to the Commissioner that in light of the situation that the

Hi me

government and the police have created in the community it appears that there are likely biases everywhere within the community which makes it all the MORE extremely important that there are PROPER UNBIASED REVIEWS BY PROPERLY QUALIFIED PERSONS FROM OUTSIDE THE PROVINCE WHO WILL NOT SHRINK OR BE AFRAID TO HOLD THE CHIEF OF POLICE, THE PREMIER, THE ATTORNEY GENERAL AND ANY OTHER GOVERNMENT OFFICIALS, employees etc ACCOUNTABLE AND SUBJECT TO THE SAME LAWS ETC AS APPLY TO EVERYONE ELSE.

The Attorney General is an Officer of the government and is responsible for ensuring that the administration of justice is not brought into disrepute, that the requirements of the Civil Service Act are complied with particularly in respect to competitions within her own department and that the rules of natural justice are followed. The rules of natural justice provide that an administrative decision such as hiring in a competition, doing a review, etc cannot be done by a person with bias.

The Premier, the Attorney General, Blaine Higgs and Troy Lifford as past and present Minister of the Office of Human Resources (now the Department of Human Resources) have a duty to ensure what is fair and right is done. It is respectfully submitted to the Conflict of Interest Commissioner that if the Premier and Cabinet and the Cabinet Ministers the subject of this Complaint have done nothing wrong they should have ENSURED long ago that the information they took in from the persons involved in the harassment was given to me for reply and that all proper independent unbiased reviews required by the Civil Service Act were put in place in a timely fashion in accordance with the law. It is respectfully submitted that they have made the decisions that they have made as set out in my affidavit filed in support of this Complaint in order to cover up their actions in deliberate contravention of the law and to further the private interests of other Cabinet Ministers, provincial and municipal government employees and others who will be able to keep jobs, professional positions and/or appointments or otherwise avoid the consequences of their involvement in the harassment of me and/or other wrongdoing in respect to their treatment of my private and confidential employment applications in open competitions.

It is respectfully submitted to the Conflict of Interest Commissioner that the Civil Service Act provides that no outside information is to come in and the government even ensures all questions it asks all Applicants are the same and they have the same amount of time to answer to be fair. For the Premier and the Cabinet Ministers the subject of this Complaint to take in information about my private life from biased people who have harassed me steadily to obtain information to defeat my appointment with their knowledge and participation by continuously taking in the information despite it is repeatedly wrong, is, it is submitted unethical, contrary to law and clear abuse of me. It is further respectfully submitted to the Conflict of Interest Commissioner that by doing so they have participated in the criminal harassment and have encouraged the behaviour of those persons. If they requested that those persons engage in the harassment in order to get information for the government that the Department of Justice can use to not hire me it

appears that they have counseled a criminal offence. One other concern the Conflict of Interest Commissioner may have is as to if the police or the government or anyone else has paid any of those persons to take time off of work in order to follow me or watch me or monitor my actions as some of the persons involved appear (at critical times when the government is trying to prevent my being hired ) not at work which would appear to be unusual.

The Human Rights Act is clear. Mental health cannot in any way be considered as part of the hiring process in respect to any employment application. It is respectfully submitted that the Premier and Cabinet have repeatedly taken in prohibited biased information from biased unqualified persons involved in the harassment of me in order to try to create the impression within the community that in their perception I have mental health issues in order to find a reason not to hire me based on merit. However, the Premier and the other Respondents to my human rights complaint have stated in their Responses and it is stated in the TLE Request Report prepared by NB Human Rights Commission staff in order it appears to have my human rights complaint dismissed or adversely affected, as my human rights complaint is based on their taking in such perceived information, that NO SUCH INFORMATION has ever been taken in by the government to affect my applications in the open competitions and the TLE Request Report states that it finds that I DO NOT HAVE ANY MENTAL HEALTH ISSUES. It is submitted to the Conflict of Interest Commissioner that your investigation should clearly show that the PREMIER AND the CABINET MINISTERS THE SUBJECT OF THIS COMPLAINT, as set out in my affidavit filed in support of this Complaint, or some of them, have DELIBERATELY INFLUENCED the NB Human Rights Commission staff and the intention is to block my human rights complaint to avoid any public review and public scrutiny and any fair and unbiased hearing and determination of it. It is submitted that if there was a fair and just hearing based on truthful information from the Respondents that my complaint would be successful and the government would be held responsible for its actions and the payment of ALL fair and just relief. It is further submitted that the Conflict of Interest Commissioner should find the conduct of the Premier and the Cabinet Ministers the subject of my Complaint to the Commissioner as particularly reprehensible as they know or reasonably ought to know that if I am not hired or if I am not successful on my human rights complaint that the impression they will have created within the province as a result of the decisions that they have made or participated in, is that I have mental health issues even though they know or reasonably ought to know as it has been it appears stated in the TLE Request Report that I certainly do not have any mental health issues. It is further submitted that your review should clearly show, that the conduct of the Premier and those Cabinet Ministers and the decisions made by them in that respect in addition to being contrary to the Members' Conflict of Interest Act, are unethical, fraudulent, a clear obstruction of justice and/or breach of the public trust and/or a criminal offence and/or an offence under the Human Rights Act.

It is respectfully submitted to the Conflict of Interest Commissioner that I mitigated and I understand that I won the competitions of 2 positions independent from the government in 2004 and 2005 with Legal Aid. There was I understand, as set out in my affidavit filed

with the Conflict of Interest Commissioner, interference by a person or persons in the courthouse where I had worked in respect to both of those competitions even though that person or persons had no connection with the 2004 competition in Fredericton at all and was not on the screening committee for the 2005 competition. Those positions were, I understand, both permanent positions with pension entitlement and were based on merit only. It is further respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that the Director of Legal Aid was removed from his position as a result of his failure to hire me in those competitions in I understand August of 2010 as a result of Premier Graham and the police dealing with this matter subsequent to the letter I provided to the police in early August 2010 as a result of the harassment at the July 26, 2010 interview for the Lawyer III position in the employment and administrative law group and for the Lawyer III position in the litigation group and the harassment during the week subsequent to the interview.

It is respectfully submitted that the Conflict of Interest Commissioner should make recommendations to government or have the right committee do so with the input of proper experts as to legislation or enforcement measures that will REALLY protect lawyers and other job applicants or employees from workplace harassment and/or harassment during the hiring process in light of what has happened to me as set out in my affidavit. It appears that once the employees of an organization have it appears done something wrong, particularly powerful ones, that instead of trying to do what is right and correct the situation quickly and effectively, that it appears that the organization and friends etc will try to protect that person or persons and cover up the situation. It appears that they have no remorse for leaving the Applicant or employee having to deal with the workplace harassment or bullying that resulted from the improper actions and without any job or professional position and without the hope of being able to get one in light of the situation THE ORGANIZATION has created or has allowed to be created by not stopping the harassment or bullying and by not taking full responsibility for any improper or illegal conduct.

It is respectfully submitted to the Conflict of Interest Commissioner that for persons involved in the harassment of me to start by saying that they felt that I am immature because I was not married and did not have children and other factors in my single lifestyle to progress to allege that I have mental health issues because they have not been able to stop my being hired based on the initial allegations they made is simply wrong and completely lacks integrity. It is submitted that any such considerations are clearly prohibited by law. (AND COMMONSENSE).

I believe that the trial judge is aware that even the court in respect to jury selection recognizes the concept of bias and a mistrial would be declared if a juror had a bias as they CANNOT be part of the decision making process as a result of that bias.

It is respectfully submitted that the Conflict of Interest Commissioner should require that someone in government comply with the law and put in place the unbiased reviews required by the Civil Service Act by an unbiased properly qualified person from outside

44 MEb

the Province as THOSE REVIEWS ARE REQUIRED REGARDLESS WHAT THE COMMISSIONER FINDS IN RESPECT TO THE CONFLICT OF INTEREST COMPLAINTS IN RESPECT TO EACH PARTICULAR MLA and that an unbiased human rights commission from outside the Province handle my complaint as the NB Human Rights Commission clearly has a conflict of interest as a result of the actions of its employees, the Minister it reports to, the Premier, the Attorney General and others.

It is respectfully submitted to the Conflict of Interest Commissioner that ANY issues the Premier and MLA's deal with because of the power and might of the government and the potential effect on the community should exhibit the highest standard of conduct and be fully in compliance with the law as the laws are enacted by the Legislature for a purpose.

MLA's can come from many walks of life and may have many different gifts or attributes. They may not have the necessary life experience or qualifications or background to deal with a particular issue facing them. However, it is respectfully submitted to the Conflict of Interest Commissioner that the government does have the resources to ensure the right advice from appropriate experts etc. is obtained. The potential effect their attitudes and decisions can have on the entire province is tremendous. It is respectfully submitted that there should be effective enforcement measures to ensure that proper input and proper application of the law occurs etc BEFORE there is abuse or irreparable harm done particularly in respect to the treatment of applicants for a position in the civil service in a province where lucrative positions are. it is submitted, scarce and government officials or persons working in the civil service may have friends they want hired or other biases or other inappropriate reasons for not hiring based on merit.

The civil service hiring process it appears rather than being accorded the respect that the Civil Service Act requires it be given as a result of the legislated requirement for impartiality and fairness appears instead to be treated as a private club in which the officials or employees can manipulate the system and lobby for their popular favorites rather than assessment being based on merit only as required by the Civil Service Act.

It is respectfully submitted that the entire system has broken down and that the administration of justice has been brought into disrepute.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Ellen Rose".

Mary Ellen Rose



# Harassment of officer by Mounties 'reprehensible'

ROB LINKE  
TELEGRAPH-JOURNAL

OTTAWA — An RCMP tribunal has issued a damning indictment of the oppressive harassment a veteran New Brunswick officer endured for four years at the hands of two high-ranking J Division officers.

The three-person board exoner-

PLEASE SEE → MOUNTIES, A2

## Decision found an 'absence of good faith'

### MOUNTIES ← A1

ated the 25-year veteran, Staff Sgt. Ken Smith, of code of conduct charges in early April. No real details emerged in a verbal ruling given in Fredericton.

But the just-released 41-page decision details abusive and suspicious supervision so reprehensible that to have continued proceedings against Smith would "offend society's sense of justice," said the board.

It found an "absence of good faith" and examples of interference, conflict of interest and harassment on the part of Superintendent Louis Lefebvre, who had already been reprimanded.

The other senior officer who conspired with Lefebvre against Smith was Chief Superintendent James Payne, who was also reprimanded.

In total, "the oppressive conduct is significant," ruled the board.

"Thanks be to God somebody else has finally believed me," said Smith, who just got the ruling this week.

Over several pages, the board chronicled nearly 40 instances of "some form of oppressive or vexatious conduct" by members of the Mounties toward Smith between 2000 and 2004.

More than once, Lefebvre, highlighted as Smith's main harasser, relied on fact-finding techniques meant for criminal investigations — not managing an employee.

Smith filed a lawsuit in 2004 against the force and nine officers over the treatment he and his wife, Paulette Delaney-Smith, who is also a Mountie, have received.

He has also tried to mount a private criminal prosecution against Lefebvre for installing the tracking device without a warrant.

Provincial Court Judge Graydon Nicholas is to rule on that effort May 25.

Smith's troubles began when he won a promotion to head the Saint John drug unit over the candidate Lefebvre and other officers preferred.

He was ousted from that role the following year after a campaign to discredit him began. It involved Lefebvre and two corporals in the unit, one of whom was a close friend of the other candidate.

Lefebvre failed to give Smith the guidance expected of him and when concerns about his performance arose, he failed to raise them directly with Smith so he could respond.

**THANKS BE TO  
GOD SOMEBODY  
ELSE HAS FINALLY  
BELIEVED ME."**

KEN SMITH

Instead, he acted on rumours, said the board.

In 2002, Lefebvre ordered Smith be put under surveillance.

A tracking device was installed on his RCMP car. At different times, one, two or three drug section officers monitored his comings and goings.

None of the surveillance found any evidence of wrongdoing on Smith's part.

The board found installing a tracking device on Smith's cruiser did not violate the Criminal Code because no microphones were attached to it to intercept communications.

Still, it found "such use of an investigative technique for management purposes to be reprehensible."

All the surreptitious surveillance was "not only invasive, but shockingly intrusive, especially in light of the more pressing and better uses of such materiel and human resources for legitimate criminal investigations," said the board.

The money wasted on salaried Mount-

ies who were watching Smith could have paid the legal bills that stymied a bid for a settlement, which the RCMP reneged on, said the board.

When Smith filed a formal harassment complaint against Lefebvre in 2003 and it was investigated, Payne interfered.

He called the investigating officer to suggest deleting a line from his report which said Smith "was not accorded the dignity and fairness due a senior member of this organization."

A 2004 internal investigation found Lefebvre and Payne had harassed Smith. Both were given official reprimands.

The board found that the Mounties' efforts to persuade Smith to accept a retirement settlement were not extortion but conveyed the consequences of refusing it.

At one point, Lefebvre took the word of a colleague of Smith's who said Smith "never slept one night in Saint John" despite the RCMP picking up the costs of a move from Fredericton.

Told that Smith had no legitimate Saint John address, Lefebvre ordered a criminal investigation.

The investigator protested that a few simple checks would be a better approach, but Lefebvre insisted.

The investigator's initial report said Lefebvre's complaint bordered on mischief, but he was ordered to delete that.

That same investigator eventually determined that Smith had a real Saint John address.

It simply had not been recorded properly by the moving company.

"After four years of telling these people 'this is what you've been doing to me,' it took this process to bring it to the surface," said Smith, who just got the ruling Wednesday.

"Yet two internal investigations said it, too — and the commanding officer of J Division wouldn't believe it."

## **The Law - Excerpts of Relevant provisions**

**Members' Conflict of Interest Act (S.N.B. 1999, c.M-7.01)**  
states:

### **s.4 Conflict of Interest**

**A member shall not make a decision or participate in making a decision in the execution of his or her office if the Member knows or reasonably should know that in the making of the decision there is the opportunity to further the Member's private interest or to further another person's private interest.**

### **s.5(1) Insider Information**

**A Member shall not use information that is obtained in his or her capacity as a Member and that is not available to the General Public to further or to seek to further the Member's private interest or to further or seek to further another person's private interest.**

### **s.5(2)**

**A Member shall not communicate information described in subsection (1) to another person if the Member knows or reasonably should know that the information may be used for a purpose described in that subsection.**

### **s. 6 Influence**

**A Member shall not use his or her office to seek to influence a decision made by another person so as to further the Member's private interest or to further another person's private interest.**

### **s. 13 Procedure on Conflict of Interest**

**A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the Assembly or the Executive Council, or a committee of either of them, shall, if present at a meeting considering the matter,**  
**(a) disclose the general nature of the conflict of interest, and**  
**(b) withdraw from the meeting without voting or participating in the consideration of the matter.**

### **s.15 Procedure on Conflict of Interest**

**A Member of the Executive Council who has reason to believe that he or she has a conflict of interest with respect to a matter that requires that Member's decision shall report that possible conflict to the President of the Executive Council and ask the Premier or Deputy Premier to appoint another Member of the Executive Council to perform the Member's duties in the matter for the purpose of making the decision, and the Member who is appointed may act in the matter for the period of time necessary for the purpose.**

For your reference also, **the Civil Service Act provides** that:

### **Definitions**

The definition of favouritism is set out as meaning:

Giving preference to a candidate

(a) that is based on factors that supersede the assessment of qualifications or work performance and

(b) that is attributable to a relationship or connection that is external to the workplace.

### **Powers and Duties of the Deputy Minister of Human Resources**

#### **4. The Deputy Minister of Human Resources**

(a) shall appoint or provide for the appointment of qualified persons to or from within the Civil Service in accordance with the provisions of this Act and the regulations and issue certificates with respect to such appointments;

(d) may, in such manner and subject to such terms and conditions as the Deputy Minister of Human Resources directs, delegate in writing to the deputy head of any portion of the Civil Service any of the powers and duties of the Deputy Minister of Human Resources under this Act or the regulations;

4.1(1) If the Deputy Minister of Human Resources has delegated any of his or her powers or functions under this Act to a deputy head, the Deputy Minister of Human Resources shall ensure that the deputy head, and any delegate of the deputy head, is exercising those powers and functions in the manner required and in accordance with the terms and conditions of the delegation and the requirements of this Act.

### **Appointments**

s. 6(1) ...appointments to ...the Civil Service shall be based on merit, shall be free from favouritism and shall be made by competition...

11(1) The Deputy Minister of Human Resources shall examine and consider all applications received within the time fixed by him or her for the receipt of applications.

11(2) The Deputy Minister of Human Resources, after having examined and considered the applications, may select for further screening those candidates who best appear to him or her to be the most qualified and suitable for the position or positions for which the competition is conducted.



11(3) The Deputy Minister of the Office of Human Resources after considering such further material and conducting further screening by means of such examinations, tests interviews or investigations as he or she considers necessary or desirable, shall select the candidates who are most qualified and suitable for the position...

12(1) The Deputy Minister of Human Resources shall place the names of the candidates who are the most qualified and suitable on a list, to be known as an eligibility list, as the Deputy Minister of Human Resources considers necessary to provide for the filling of a vacancy or anticipated vacancies.

13(1) Subject to this or any other Act, appointments to and from within the Civil Service shall be made through selection by the appropriate deputy head from an eligibility list provided by the Deputy Minister of Human Resources.

13(2) The deputy head shall notify the Deputy Minister of Human Resources of his selection from an eligibility list, the Deputy Minister of Human Resources shall appoint the person so selected.

16.1 The Deputy Minister of the Office of Human Resources shall ensure processes surrounding competitions, appointments and any review processes provided for under this Act are conducted in a timely manner with integrity, respect and impartiality.

### **Complaints**

33.1(1) If a candidate is screened in for further assessment under subsection 11(2) in an open competition or a closed competition, and is unsuccessful in obtaining an appointment, the candidate may, after being notified under subsection (2), make a complaint to the Deputy Minister of Human Resources if the candidate has reason to believe that the successful candidate was appointed to the position because of favouritism.

33.1(2) The Deputy Minister of Human Resources shall notify each unsuccessful candidate who has been screened in for further assessment under subsection 11(2) as soon as practicable after the successful candidate has been appointed.

33.1(3) When making a complaint, the unsuccessful candidate shall provide in writing the reasons why he or she believes that the appointment was made due to favouritism.

33.1(4) The Deputy Minister of Human Resources shall, subject to subsection (5), investigate the complaint.

33.1(5) The Deputy Minister of Human Resources may refuse to investigate the complaint if he or she is of the opinion that the complaint is frivolous, trivial, vexatious or not made

Page 4  
in good faith.

33.1(6)The Deputy Minister of Human Resources shall, if ceasing or refusing to investigate a complaint, give the complainant written notice to that effect together with the reasons for doing so.

s. 33.1(7)The Deputy Minister of Human Resources shall reply to the Complainant in writing as to his or her findings as soon as is reasonably practicable.

s.33.1 (8) If the Deputy Minister of Human Resources finds that an appointment has been made on the basis of favouritism, he or she shall take such measures as he or she considers appropriate, up to and including the setting aside of the appointment of the successful candidate.

33.2(1)If an unsuccessful candidate is not satisfied with the response of the Deputy Minister of Human Resources, he or she may, within 30 days after receiving the response, file a complaint with the Ombudsman that the successful candidate was appointed to the position because of favouritism.

33.2(2)When making a complaint, the unsuccessful candidate shall provide in writing the reasons why he or she believes that the appointment was made due to favouritism.

33.2(3)The Ombudsman shall, subject to subsection (4), investigate the complaint.

33.2(4)The Ombudsman may refuse to investigate the complaint if he or she is of the opinion that the complaint is frivolous, trivial, vexatious or not made in good faith.

33.2(5)The Ombudsman shall, if ceasing or refusing to investigate a complaint, give the complainant written notice to that effect together with the reasons for doing so.

33.2(6)The Ombudsman, if deciding to investigate a complaint,  
(a) shall inform the Deputy Minister of Human Resources and the deputy head concerned of the decision,  
(b) shall make the findings of the investigation known to the complainant, the Deputy Minister of Human Resources and the deputy head concerned, and  
(c) may include the findings in the Ombudsman's annual report to the Legislative Assembly.

33.2(7)An appointment in respect of which a complaint is made in accordance with subsection (1) may, on the recommendation of the Ombudsman, be revoked by the Deputy Minister of Human Resources within 12 months after the appointment is made.  
2009, c.21, s.22; 2012, c.39, s.26; 2012, c.52, s.10.

34Deputy heads and employees shall give the Ombudsman such access to their respective

offices and facilities and such assistance and information as the Ombudsman may require for the performance of the Ombudsman's duties under this Act.  
1993, c.68, s.14.

35(1) No proceedings lie against a person who is the Ombudsman or is an assistant or employee of the Office of the Ombudsman for anything the person may do, report or say in the course of the exercise or the intended exercise of any of the person's functions under this Act, unless it is shown that the person acted in bad faith.

35(2) A person who is the Ombudsman or an assistant or employee of the Office of the Ombudsman shall not be called to give evidence in any court or in any proceeding of a judicial nature respecting anything coming to the person's knowledge in the exercise or the intended exercise of any of the person's functions under this Act.

### **Rules of Natural Justice re: administrative decision-making**

The Rules of Natural Justice require

(i) that any person in an administrative matter be advised of the allegations against them and have the opportunity to address them before a decision is made,

(ii) that any decision maker be unbiased.

Attached to my Letter to the Conflict of Interest Commissioner, for your ease of reference, is the following List of Exhibits Attached to the Affidavit of Mary Ellen Rose sworn April 15, 2013:

1. Exhibit "A" - Article entitled Workplace Harassment and Bullying: Name it and Tackle It, by Ginette Pettipas Taylor
2. Exhibit "B" - Newspaper article re: Reprehensible Workplace Harassment of RCMP Officer
3. Exhibit "C" - Workplace Harassment and Bullying Considerations
4. Exhibit "D" - Written References: The Honourable Mr. Justice Henderson (Ontario)  
The Honourable Mr. Justice Guerette (New Brunswick)  
The Honourable Mr. Justice Pickup (Nova Scotia)  
The Honourable Mr. Justice Fleury (Ontario)  
D. W. Taylor, Niagara College (Ontario)
5. Exhibit "E" - Letter of Robert Savoie, Office of the Ombudsman, re: strong A rated qualifications dated June 11, 2007
6. Exhibit "F" - E-Mail Letter dated March 12, 2013 advising that the NB Human Rights Commission refuses to declare a conflict and intends to proceed on April 24, 2013, from Jennifer LeBlanc
7. Exhibit "G" - E-mail Letter of Hilda Ringuette dated March 29, 2007 advising that an Appointment was made in competition 06-44-04.
8. Exhibit "H" - E-Mail Letter of Yvon LeBlanc, Q.C. dated April 30, 2007 advising that Competition 06-44-04 was an inventory competition only
9. Exhibit "I" - True Copy of Advertisement of Competition 06-44-04 showing 3 Bilingual and One English position available immediately
10. Exhibit "J" - Letter of Christine O'Donnell dated November 25, 2008 re: Miramichi Crown Attorney Competition 08-44-04
11. Exhibit "K" - Letter of Christine O'Donnell dated December 21, 2009 re: Specialized Prosecution Branch Lawyer III Competition 09-45-10
12. Exhibit "L" - Rule 17 re: Standard of Conduct of a Lawyer in Public Office of the Law Society Code of Professional Conduct
13. Exhibit "M" - Reporting Letter of the Ombudsman Bernard Richard re:

Page 2 List of Exhibits

Competition 09-45-10 in the specialized prosecution branch

14. Exhibit "N"-True Copy of Advertisement of Competitions #s10-44-02 & 10-44-03 in the litigation group and employment and administrative law group, respectively
15. Exhibit "O"-E-Mail Letters of Yvon LeBlanc, Q.C. dated May 13 & May 17, 2010 advising that the Civil Service Act has worked well for over 40 years
16. Exhibit "P"-Letter of Julie Comeau dated May 18, 2011 re Competition #10-44-03
17. Exhibit "Q"-New Brunswick Human Rights Act Relevant Provisions
18. Exhibit "R"-Time Limit Extension Request Guidelines of the NB Human Rights Commission
19. Exhibit "S"-Letter of Judith Keating Q.C. Deputy Attorney General dated May 8, 2012 advising that she was responding on behalf of the Attorney General
20. Exhibit "T"-Letter of Nadine Lamoureux dated April 20, 2012 advising that the Attorney General Marie-Claude Blais would respond forthwith
21. Exhibit "U"-Letters of Jill Peters dated April 26, 2012 and Jennifer LeBlanc dated June 14, 2012 advising that an unbiased Human Rights Commission would not be arranged
22. Exhibit "V"-Human Rights Complaint of Mary Ellen Rose dated April 17, 2012
23. Exhibit "W"-Time Limit Extension Request of Mary Ellen Rose dated April 17, 2012
24. Exhibit "X"-Response of the Respondents (including Premier Alward, Attorney General Blais and Blaine Higgs) to the Human Rights Complaint of Mary Ellen Rose dated August 13, 2012
25. Exhibit "Y"-Reply of Mary Ellen Rose dated September 10, 2012
26. Exhibit "Z"-Further Response of the Respondents (including Premier Alward, Attorney General Blais and Blaine Higgs) to the Human Rights Complaint of Mary Ellen Rose dated October 25, 2012
27. Exhibit "AA"-Further Reply of Mary Ellen Rose dated November 20, 2012
28. Exhibit "BB"-Time Limit Extension Request Report dated February 4, 2013

Page 3 List of Exhibits

prepared by the New Brunswick Human Rights Commission staff member, Jennifer LeBlanc, with accompanying letter of Jennifer LeBlanc dated February 6, 2013

29. Exhibit "CC"-Comments of the Complainant Mary Ellen Rose (to the Time Limit Extension Request Report contents) dated March 7, 2013
30. Exhibit "DD"-Read acknowledgements of Loredana Catalli Sonier dated October 16, 2013 and November 7, 2013
31. Exhibit "EE"- E-Mail Letter of Atelka Human Resources representative dated November 8, 2008

Complaint to the Conflict of Interest Commissioner in respect to the following Members of the Legislative Assembly:

1. Premier Alward, Premier and President of the Executive Council, Member of the Legislative Assembly for the riding of Woodstock,

2. Blaine Higgs, Minister of Finance and former Minister of the Office of Human Resources removed approximately October 9, 2010, Member of the Legislative Assembly for the riding of Quispamsis,

3. Marie-Claude Blais, Minister of Justice and Attorney General, Member of the Legislative Assembly for the riding of Moncton North,

4. Danny Soucy, Minister of Post-Secondary Education, Training and Labour, Member of the Legislative Assembly for the riding of Grand Falls Drummond Saint Andre,

5. Troy Lifford, Minister of the Office of Human Resources October 9, 2012-present, Member of the Legislative Assembly for the riding of Fredericton-Nashwaaksis,

6. Bruce Fitch, Minister of Environment and Local Government, Member of the Legislative Assembly for the riding of Riverview,

7. Martine Coulombe, former Minister of Post Secondary Education, Training and Labour removed September 27, 2012, Member of the Legislative Assembly for the riding of Restigouche-La-Vallee,

8. Jim Parrott, M.D., former Progressive Conservative, ousted from party approximately September 2012, Member of the Legislative Assembly for the riding of Fundy-River Valley;

9. Victor Boudreau, former Cabinet Minister, October 2006- October 2010 including Minister of Finance 2006-2009, Member of the Legislative Assembly for the riding of Shediac-Cap Pele; and

10. Bernard Roger LeBlanc, former Cabinet Minister, 2006-2010, including Minister of Justice and Consumer Affairs January to February 2010 and May 11, 2010 to October 2010, Member of the Legislative Assembly for the riding of Memramcook, Lakeville, Dieppe;

and any successors to the Cabinet Minister positions of any of the Departments of the above-noted Members of the Legislative Assembly of New Brunswick.

AFFIDAVIT of MARY ELLEN ROSE  
SWORN April 15, 2013

I, Mary Ellen Rose of the City of Saint John in the County of Saint John and Province of New Brunswick hereby make oath and say as follows:

1. I am the Complainant in this matter and as such have knowledge or am informed as hereinafter deposed.



A.G. Blais



Page 2

2. It is hereby alleged that the above-noted Members of the Legislative Assembly of New Brunswick have committed breaches of the Members' Conflict of Interest Act and pursuant to section 36 of the Act I would request that you investigate the breaches. Further details as to the fact situation on which the alleged breaches are based is set out in this my affidavit and in the exhibits to this my affidavit.

3. A short synopsis of the concerns in respect to each Member of the Legislative Assembly in respect to which a complaint is made is as follows:

**Attorney General Marie-Claude Blais- Minister of Justice and Attorney General  
- October 2010 to the present date  
- MLA for the riding of Moncton North**

It is hereby alleged that the Attorney General Marie-Claude Blais has done the actions as set out in (1) to (15) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, herself, provincial government employees within and outside her Department, municipal government employees and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) She has the power and the ethical obligation as Attorney General to stop the NB Human Rights Commission from proceeding on false information deliberately filed by her department to influence the decision of the NB Human Rights Commission adversely against me in favor of the government and she has decided not to do so despite my written request to her. The Attorney General Marie-Claude Blais also has the power and the ethical obligation to stop the NB Human Rights Commission from proceeding as it has a conflict of interest of which she is aware or reasonably ought to be aware and she has decided not to do so despite my written request to her. The Attorney General Marie-Claude Blais also has an ethical obligation to admit any exchange of information between the NB Human Rights Commission and her Department or with anyone else in the government and to admit any release of negative information by the government into the community about me as a result of any such exchange that occurred before I even filed my human rights complaint as a result of the actions of an employee of the NB Human Rights Commission contacting me and she has made the decision not to do so. The Attorney General Marie-Claude Blais has an ethical obligation to advise as to if she or anyone else in government prepared or influenced directly or indirectly any one in the NB Human Rights Commission or the Cabinet Minister to whom the Commission reports to obtain information to assist the Attorney General to find negative information that she could use to not hire this Applicant based on merit in competitions within her Department



and she has made the decision not to do so.

(2) Cabinet Minutes should show or Premier Alward should verify to the Conflict of Interest Commissioner that there has been collusion between the Department of Justice, Office of the Attorney General and the NB Human Rights Commission to attempt to have my Human Rights Complaint dismissed by the NB Human Rights Commission in order to prevent public scrutiny of the governments actions in respect to my private and confidential employment applications in open competitions which would result from a public hearing and that the Minister and Deputy Minister of Post Secondary Education Training and Labour were removed from their positions by Premier Alward as a result of such conduct on September 27, 2012 after I sent my e-mail Complaint to the Premier and the Clerk of the Legislative Assembly on September 9, 2012.

(3) The Attorney General has decided or participated in the decision not to have an unbiased Human Rights Commission from outside the province handle my complaint in its entirety despite the clear conflict that the NB Human Rights Commission has as a result of her conduct or conduct of others that occurred under her direction, supervision, responsibility or authority as Attorney General for the Province of New Brunswick and her responsibility to ensure the administration of justice is not brought into disrepute.

(4) The Attorney General as a result of her conflict of interest and bias resulting therefrom has decided or has participated in the decision NOT to require that the mandatory Statement of Reasons or the Statement as to why reasons are not being provided as required by Section 33.1(6) and (7) of the Civil Service Act in respect to competitions in her Department #'s 10-44-02 and 10-44-03 be provided by the Deputy Minister of the Office of Human Resources which statements are MANDATORY in accordance with the provisions of the Civil Service Act despite my request to her to have the necessary statement provided.

(5) Cabinet Minutes or Premier Alward should verify to the Conflict of Interest Commissioner that the Attorney General has specifically furthered or there is the opportunity to have furthered the private interests of the former Ombudsman, Bernard Richard (who was required to resign as Ombudsman by Premier Graham as a result of his lying in his reporting letter to me and violating his oath of office and mandate when he reviewed competition #09-45-10 for a Lawyer III in respect to a position in the specialized prosecution branch of the Office of the Attorney General) and other persons including government officials and employees by deciding or participating in the decision to take in negative information about me from biased unqualified persons outside government to affect my applications in the open competitions within her Department and by deciding or participating in the decision to not hire me when I won competition #09-45-10 as well as competition #'s 10-44-02 and 10-44-03 in her Department based on merit. Premier Alward and/or Cabinet Minutes should confirm that she decided or participated in the decision to appoint Bernard Richard as a Queen's Counsel in about November of 2011 (after she and other Cabinet Ministers felt that I had been discredited

Handwritten signature and initials in the bottom right corner of the page.

by the improper biased information that she or other persons in government took in directly or indirectly to affect my being hired from persons involved in the harassment of me) despite she was aware or reasonably ought to have been aware of his unethical conduct and violation of his oath of office and mandate. By doing so she furthered or there was the opportunity to further the private interests of Bernard Richard in order to cover up the wrong that Bernard Richard had done and to protect his reputation and future opportunities for him or otherwise to further the private interests of Bernard Richard.

(6) The Attorney General has made a decision or participated in making a decision, in order to cover up how the government has treated this Applicant in many open competitions and avoid public scrutiny of what has actually occurred, to not allow or arrange the REQUIRED unbiased reviews under the Civil Service Act in respect to competitions # 09-45-10, 10-44-02 and 10-44-03 despite such reviews are mandatory and the Attorney General has been requested in writing to arrange such reviews or to ensure they proceed. By doing so it is alleged that she has furthered the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, herself, provincial and municipal government employees and other persons who would lose their jobs or positions or be otherwise disciplined if I am hired based on merit or if there was public scrutiny of what has occurred within her Department and within government in respect to how I have been dealt with as an applicant in open competitions.

(7) The Attorney General has made a decision allowing or has participated in a decision allowing information to be taken in by government from at least December 2010 after her government came to power right up to the present date from biased unqualified persons outside government (who stand to have their private interests furthered or who are assisting others whose private interests will be furthered by their being able to keep their jobs or otherwise avoiding the consequences of their involvement in harassing me) expressing their opinions as to my mental health which opinions they would NEVER be allowed to express in a court of law in order to use that information to not hire me despite I have won the Lawyer III position based on merit in competitions #s 10-44-02 and 10-44-03 and despite I did an excellent interview on Monday, July 26, 2010.

(8) The Attorney General has made a decision or participated in making a decision to prevent unbiased reviews that should have immediately proceeded in May of 2011 pursuant to the REQUIREMENTS of the Civil Service Act and has allowed in effect a search for new information the government can use to NOT HIRE me and has it is respectfully submitted participated in or encouraged the harassment of me in order to try to find that new information by making the decision set out in (7) above which completely contravenes the Civil Service Act requirements and the Human Rights Act as well as basic rights we value in a free and democratic society. Cabinet Minutes and /or the Premier should confirm to the Conflict of Interest Commissioner that these decisions were made to find a reason not to hire me in order to further the private interests of other persons to allow them to keep their jobs or otherwise avoid the consequences of their actions in trying to stop my being hired.

(9) The Attorney General has decided or has participated in the decision to allow a solicitor in her Department to act on behalf of all Respondents to my Human Rights Complaint when she knows that Lawyer has a conflict as she was on the Board of Examiners in respect to two of the open competitions in which I had an interview.

(10) The Attorney General has decided or participated in the decision of that solicitor to file two Responses containing deliberately false information as the Attorney General is a Respondent and had an obligation to ensure what was filed on her behalf was true and she has participated in the decision to allow the NB Human Rights Commission to prepare a Report based on that false information and she has decided or participated in the decision to not correct that information despite she knows or reasonably ought to know that the recommendation of the NB Human Rights Commission would be different and would be in my favor if the Responses filed by a solicitor in her Department contained truthful information and properly admitted all of the facts in my Complaint and other documents that are true.

(11) The Attorney General it appears has deliberately decided or participated in the decision to deliberately file false information with the NB Human Rights Commission in order to have the NB Human Rights Commission disallow a large portion of my complaint based on the false information and it appears to eventually dismiss my entire complaint based on the false information filed by the Respondents in order to avoid public scrutiny of what she has done, what her department has done and what other cabinet ministers and government employees and others have done in respect to the treatment of me concerning my applications in open competitions within her Department or to otherwise further the private interests of herself or other persons.

(12) The Attorney General has it appears used her office to influence the decision of her Cabinet colleague, Danny Soucy, Minister of Post Secondary Education, Training and Labour and/or the staff of the NB Human Rights Commission which Commission reports to him and is under his direction and control to have it proceed based on the false information filed by a solicitor in her Department on her behalf as a Respondent and that of the other Respondents in the face of a very clear conflict of interest as he has allowed the NB Human Rights Commission staff to prepare a Report based on that false information despite he is aware or reasonably ought to be aware as a Cabinet Minister that information the Commission staff used provided by the Respondents is deliberately false.

(13) The Attorney General has decided or has participated in the decision to allow the NB Human Rights Commission to proceed based on the Time Limit Extension Request Report of the NB Human Rights Commission containing the false information provided by her and the other Respondents in their Responses as she has the power to stop them from proceeding and she has made the decision or participated in the decision not to stop them as Jennifer LeBlanc, Manager of Investigations for the NB Human Rights Commission has advised by e-mail on Monday, March 11<sup>th</sup>, 2013 that the NB Human

# Minister Coulombe

Rights Commission is proceeding and will be providing the Report prepared by Commission staff based on the Responses containing the false information and those Responses and the other documentation to the Human Rights Commission at its next meeting on April 24, 2013.

(14) Cabinet Minutes or the Premier should confirm to the Conflict of Interest Commissioner that the Attorney General has it appears used information obtained in her capacity as Attorney General that the government has taken in from the biased unqualified persons involved in the harassment of me which information is not available to the General Public and which information she will not even provide to me to respond to before she relies upon it which it appears is required by the Rules of Natural Justice in order to further the private interests of herself and others.

(15) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**Martine Coulombe -Minister of Post Secondary Education, Training and Labour  
from October 2010 to September 27, 2012  
-MLA for the riding of Restigouche-La-Vallee**

It is hereby alleged that the Cabinet Minister, Martine Coulombe has done the actions as set out in (1) to (11) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, herself, provincial government employees within and outside her Department, municipal government employees and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) Martine Coulombe decided or participated in the decision to direct the NB Human Rights Commission to proceed in the face of a conflict rather than arrange for an unbiased Human Rights Commission to handle my human rights complaint as REQUIRED by the Rules of Natural Justice. The NB Human Rights Commission reports to the Cabinet Minister of this Department and the employees of the NB Human Rights Commission are employees of the provincial government. The Commission Members who decide issues that affect a Complainant's complaint are appointed it appears from the Human Rights Act by the Premier via Lieutenant Governor in Council and the Premier is a Respondent in this case in addition to other serious conflict concerns of which Martine Coulombe is aware or reasonably ought to be aware as a Cabinet Minister. It is alleged that by doing so she has furthered the private interests or there is the opportunity to further the private interests of Cabinet Ministers and government




employees and others by covering up the wrongdoing in the way the government has treated me as an Applicant in many open competitions and in order to allow it to avoid public scrutiny of what has actually occurred and to allow Cabinet Ministers, government employees and other persons to keep their jobs or positions or otherwise avoid the consequences of discipline.

(2) Martine Coulombe has decided or participated in the decision not to have an unbiased Human Rights Commission from outside the province handle my complaint in its entirety despite the clear conflict that the NB Human Rights Commission has as a result of her conduct, the conduct of the staff of the NB Human Rights Commission or the conduct of others that occurred under her direction, supervision, responsibility or authority.

(3) Cabinet Minutes should show that there has been collusion between Martine Coulombe (and the NB Human Rights Commission staff under her direction, supervision, responsibility or authority as the NB Human Rights Commission reports to her) and the Attorney General and the Department of Justice, Office of the Attorney General in order to have the NB Human Rights Commission attempt to have my Human Rights Complaint dismissed by the NB Human Rights Commission in order to prevent public scrutiny of the government's actions in respect to my private and confidential employment applications in open competitions which would result from a public hearing. Cabinet Minutes or Premier Alward should verify to the Conflict of Interest Commissioner that the Minister, Martine Coulombe and the Deputy Minister of Post Secondary Education Training and Labour were removed from their positions by Premier Alward as a result of such conduct on September 27, 2012 subsequent to my complaint in my e-mail of September 9, 2012.

(4) Cabinet Minutes should show or Premier Alward should verify that Martine Coulombe had an ethical obligation and the power to arrange for an unbiased Human Rights Commission to handle my human rights complaint as there was an exchange of information between the NB Human Rights Commission and the Department of Justice, Office of the Attorney General of improper negative information about me before I even filed my human rights complaint as a result of the actions of an employee of the NB Human Rights Commission contacting me. By making the decision not to arrange for an unbiased Human Rights Commission to handle my Complaint she furthered the private interests or there was the opportunity to further the private interests of others..

(5) Martine Coulombe has an ethical obligation to advise as to if she or anyone else in government prepared or influenced directly or indirectly Sarina McKinnon who contacted me or anyone else in the NB Human Rights Commission by giving them instructions of any kind directly or indirectly to obtain negative information to assist the Attorney General to find a reason that she could use to not hire me. Cabinet Minutes or Premier Alward should be able to verify to the Conflict of Interest Commissioner that this occurred.

 *man*

(6) Martine Coulombe has an ethical obligation to admit and Cabinet Minutes should show or Premier Alward should verify if she used information that she obtained as a Cabinet Minister in order to influence the actions of the NB Human Rights Commission to assist the government in obtaining the result that it wants to obtain or as to if she advised cabinet that the NB Human Rights Commission would take measures to dismiss my complaint or otherwise assist the government.

(7) Cabinet Minutes should show and Premier Alward should verify that Martine Coulombe knew or reasonably ought to have known that she personally had a conflict of interest under the Members' Conflict of Interest Act as she is a Cabinet Minister of the government and the private interests of other Cabinet Ministers and other government employees were in jeopardy if I was hired or if I was successful on my human rights complaint and that by making the decision to have the NB Human Rights Commission proceed in the face of a severe conflict of interest there was the opportunity to further the private interests of other Cabinet Ministers and provincial and municipal government employees by enabling them to keep their jobs or positions or otherwise avoid the consequences of their own wrongdoing.

(8) Cabinet Minutes and Premier Alward should verify that former Cabinet Minister Martine Coulombe has contravened the Members' Conflict of Interest Act as she has used her ministerial position to influence decisions made by staff of the NB Human Rights commission in their handling of my Complaint to adversely affect me in order to further the private interests of other Cabinet Ministers and other persons.

(9) Cabinet Minutes or Premier Alward should verify that under the direction and control of Martine Coulombe the NB Human Rights Commission released uegative information about me to the Department of Justice BEFORE I filed my human rights complaint which released negative information into the community to justify its decision not to hire me whereby many persons would have their private interests furthered by keeping jobs, avoiding the consequences of their participation in the harassment of me or the consequences of other wrongdoing in respect to my treatment as an Applicant in open competitions in the Department of Justice, Office of the Attorney General.

(10) Cabinet Minutes or Premier Alward should verify that Martine Coulombe made the decision or participated in the decision to have the NB Human Rights Commission transfer my Complaint from Fredericton to Moncton where it appears there is no connection in an attempt it is understood to say that that removed any conflict in order to further the private interests of other Cabinet Ministers and others as indicated above. It is respectfully submitted to the Conflict of Interest Commissioner that that would be similar to an associate or partner of a lawyer in a law firm handling a matter in which another lawyer in the office had a conflict. They too are in conflict and cannot act.

(11) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the

X  
MCK



Minister Soucy

investigation of the Conflict of Interest Commissioner.

**Danny Soucy-Current Minister of Post Secondary Education, Training and Labour  
appointed Oct 9, 2012  
-MLA for the riding of Grand Falls-Drummond-Saint Andre**

It is hereby alleged that the Cabinet Minister, Danny Soucy has done the actions as set out in (1) to (7) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, provincial government employees, municipal government employees, NB Human Rights Commission staff members and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) Danny Soucy has made a decision or has participated in the decision to have the NB Human Rights Commission proceed in the face of a conflict as by e-mail of Monday March 11, 2013 Jennifer LeBlanc, Manager of Investigations for the NB Human Rights Commission advised that they were proceeding and would place the Report (she prepared) before the Commission at its next regular meeting on April 24, 2013. As the Commission reports to him, he has the power to stop it from proceeding as a result of the conflict of interest. By making the decision to proceed it is alleged that he knows or reasonably ought to know that there is the opportunity to further the interests of other Cabinet Ministers, provincial and municipal government employees, NB Human Rights Commission staff and other persons by covering up what has occurred in the interests of cabinet Members and/or by enabling persons to keep their jobs or professional positions or to otherwise avoid the consequences of their participation in the harassment of me or other wrongdoing.

(2) Danny Soucy has made the decision or participated in making the decision to have the NB Human Rights Commission proceed based on false information filed by or on behalf of the Respondents despite I have advised the Commission clearly in my Reply and Further Reply and in the Comments of the Complainant to the TLE Request Report that information in the Responses filed by Andrea Folster Solicitor for the Respondents and on which the Commission relies upon in the Report is false and that Andrea Folster (and the Premier and the Attorney General and Blaine Higgs ( who are three of the Respondents ) are fully aware of that fact. The current Minister of Post Secondary, Education, Training and Labour is also aware or reasonably should also be aware that information contained in the Responses filed by Andrea Folster on behalf of the Respondents is false by virtue of his being a member of Cabinet. Premier Alward should verify to the Conflict of Interest Commissioner as his oath of office would require that



*MEK*

Cabinet Minutes, my strong A rating as a candidate set out in the letter of Robert Savoie of the Ombudsman office dated June 11, 2007 and the record of information taken in by the government from biased unqualified persons involved in the harassment of me would clearly contradict what Andrea Folster has put in her Responses filed on behalf of all Respondents. It is further respectfully submitted that the Cabinet Ministers who are the subject of this Complaint know the Responses contain false information and were responsible to have it corrected before the Responses were filed and it appears have deliberately made the decision not to correct the false information. By doing so it is alleged that they have furthered or there is the opportunity to further the private interests of themselves or other persons.

(3) It is further alleged that the Cabinet Ministers who are Respondents and Danny Soucy as the Cabinet Minister to whom the NB Human Rights Commission reports were responsible to correct the false information by filing additional information to show the true facts in contrast to the false information that was deliberately filed BEFORE it was used by the NB Human Rights Commission staff to prepare the TLE Request Report and CERTAINLY BEFORE the Report is given to the Commission Members for consideration or to anyone else. The Conflict of Interest Commissioner should be very concerned because Danny Soucy is a member of Cabinet and his appointment can be removed by the Premier at any time. By making the decision NOT to have the information corrected when he knew or reasonably ought to have known that it is false Danny Soucy has made a decision that he knows or reasonably ought to know will further the private interests or there is the opportunity to further the private interests of other Cabinet Ministers, provincial and municipal government employees and others if my complaint is dismissed without any public scrutiny and no cross-examination is allowed by me of the Respondents in order that the government can cover up what it has done to me and what it has allowed to occur including the severe harassment of me by persons looking to provide information to the government to further the private interests of themselves or other persons in order to avoid the consequences of their wrongdoing and those persons will be able to avoid the consequences of their wrongdoing. Premier Alward should be able to provide to the Conflict of Interest Commissioner or Cabinet Minutes may show the list of people who will be disciplined and/or will be removed from their jobs or positions if I am hired or if I am successful on my human rights complaint.

(4) It is alleged that Danny Soucy made the decision or participated in making the decision that the NB Human Rights Commission will proceed rather than having an unbiased Human Rights Commission from outside the Province handle my Complaint knowing or that he reasonably ought to know that the private interests will be furthered of himself and Employees of the NB Human Rights Commission who have participated in attempting to dismiss my complaint or who have participated in other inappropriate activities, including Jennifer LeBlanc, Manager of Investigations who it appears has deliberately prepared a Report containing information that she knows or reasonably ought to know is false in order it appears to get the result in the Report that the government wants to obtain as some NB Human Rights Commission staff such as Sarina McKinnon



Minister Higgs

who also knows or reasonably ought to know information in the Responses is false will likely avoid being removed from their positions or will avoid other consequences of their actions if I am not hired and my human rights complaint dismissed and what has occurred is covered up.

(5) The Investigation of the Conflict of Interest Commissioner should show if Danny Soucy gave the directions to the NB Human Rights Commission staff to prepare the report based on the false information or if he influenced the Commission in any other way and if so it would appear that he has also clearly contravened section 6 of the Members' Conflict of Interest Act in order to further the private interests of other Cabinet Ministers and other persons.

(6) The investigation of the Commissioner should also show if he has contravened section 5 of the Members' Conflict of Interest Act if he has used information he obtained as a Cabinet Minister to further the private interests of other Cabinet Ministers and other persons by influencing the actions of or providing information to the NB Human Rights commission to affect how it handles my complaint.

(7) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**Blaine Higgs - former Minister of the Office of Human Resources**  
**- October 2010 to September 27, 2012**  
**- MLA for the riding of Quispamsis**

It is hereby alleged that the Cabinet Minister, Blaine Higgs has done the actions as set out in (1) to (12) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, himself, provincial government employees, municipal government employees, NB Human Rights Commission staff members and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) Blaine Higgs made the decision or participated in making the decision as Minister of the Office of Human Resources that the government would continue to take in information, once the new government took power in 2010, from the biased unqualified persons involved in the harassment of me which information is completely prohibited by the Civil Service Act and the Human Rights Act as well as other laws and violates his

 *MEH*

oath of office as Minister of Human Resources to protect the public interest which includes the fair and impartial application and compliance with the law. By making that decision or participating in making that decision he knew or reasonably ought to have known that he furthers or there is the opportunity to further the private interests of other employees in government, other Cabinet Ministers, himself and other persons by allowing them to keep their jobs or professional positions or otherwise avoid the consequences of their participation in the harassment of me or other wrongdoing in respect to how I was treated as an applicant in open competitions. Harassment by persons deliberately following, monitoring the actions of another individual and reporting their opinions of those actions to stop a person from being hired in and of itself is it is respectfully submitted to the Conflict of Interest Commissioner criminal harassment particularly as it is designed to destroy the livelihood of a person in order that other persons can keep their jobs or otherwise benefit personally and is in itself it would appear a criminal code offence in which it appears Blaine Higgs has deliberately participated by making this decision.

(2) It is also alleged that Blaine Higgs knew or reasonably ought to have known that his decision to continue to take in information from the biased unqualified persons involved in the harassment of me to suggest that I had mental health issues would further the private interests of provincial or municipal government employees, other former and current cabinet Ministers or employees in their departments or other persons and that he made his decision for that specific purpose. At the present time the Commissioner should be able to verify from the Premier or from Cabinet Minutes that unless the persons engaged in the harassment of me find a way to discredit me and stop my being hired and to prevent public scrutiny of my human rights complaint that Blaine Higgs will be removed from his Cabinet position and many other employees will lose their jobs or be otherwise disciplined. The investigation of the Conflict of Interest Commissioner should also show that Blaine Higgs was in danger of being removed from his cabinet position it is understood in August of 2011 as a result of his conduct in taking in information from these people that negatively affected my being hired and it is understood that the Premier, Chief of Police or other cabinet ministers are still taking in information from people not connected with government who should not even know that I am an applicant in an open competition to discredit me in order to assist Blaine Higgs and others to benefit personally by keeping his cabinet position and proving that he was right.

(3) It is alleged that Blaine Higgs has made or has participated in the decision or has influenced the Deputy Minister of the Office of Human Resources NOT to provide the MANDATORY Statement of Reasons in respect to Competitions #s 10-44-02 and 10-44-03. The Deputy Minister of the Office of Human Resources has a statutory obligation to provide the Statement of Reasons or a Statement as to why he is not providing reasons under sections 33.1(6) and (7) of the Civil Service Act in respect to an open competition upon request. THIS IS MANDATORY to provide in all cases. He was subject to the authority of Blaine Higgs and Blaine Higgs did not have the Deputy Minister provide that statement although it was clearly in his power and was his ethical obligation to require it

 MHR

to be provided as Minister of the Office of Human Resources.

(4) Blaine Higgs has made or has participated in the decision or has influenced the Deputy Minister of the Office of Human Resources NOT to ensure that the unbiased reviews of the open competitions REQUIRED BY THE CIVIL SERVICE ACT proceed despite numerous requests of the Premier, the Attorney General, the Deputy Minister of the Office of Human Resources, Doug Holt and a formal complaint filed in respect to Blaine Higgs and the Premier in December of 2011. It is respectfully submitted that Blaine Higgs did so in order to further the private interests of other persons by preventing this Applicant from being hired and by preventing public scrutiny of his actions in order to keep his cabinet position and/or to allow others (who participated in the harassment by providing to him information directly or indirectly that he could use to deny me the professional position), to keep their jobs or otherwise avoid discipline. At the present time it would also be respectfully submitted that the Deputy Minister, Doug Holt who did not provide the required statement also it would appear will have his private interests furthered as he will avoid the consequences of failing to comply with the Act as the duty on him and any current Deputy Minister of what is now I understand the Department of Human Resources is **mandatory** to either provide reasons or to provide a statement as to why he is not providing reasons. The Premier, the Attorney General, Blaine Higgs and the Deputy Minister would be aware or reasonably ought to be aware that the failure to provide the Statement of Reasons has not been caused by a review at all but has been a deliberate decision not to provide it while waiting for the people involved in the harassment of me to come up with anything the government can use to not hire me. This would also appear to be a deliberate decision of the Premier, the Attorney General, Blaine Higgs and the Deputy Minister Doug Holt and any current Deputy Minister to not comply with the section 16(1) of the Civil Service Act also in order to further the private interests of themselves, other cabinet Ministers, government employees etc.

(5) It is alleged that Blaine Higgs also will have his private interests furthered by avoiding any public scrutiny by an unbiased police force as to if he has obstructed justice by deliberately preventing the unbiased reviews REQUIRED by the Civil Service Act and using his office as Minister of the Office of Human Resources to do so if my human rights complaint is dismissed without a public hearing and if he can find a reason not to hire me and cover up what he and other government ministers, officials and employees have done. The safeguards in the Civil Service Act requiring unbiased reviews and prohibiting persons from participating in making decisions when they have a conflict of interest and a bias resulting therefrom were designed it would appear to prevent abuse to an Applicant such as that which has occurred to me. Blaine Higgs it would appear as well as other persons involved in the harassment of me are so focused it would appear "on winning" that all rationality and commonsense has been abandoned in the effort to destroy me and prevent my being hired including deliberately not allowing LEGISLATIVELY REQUIRED MANDATORY REVIEWS. It is respectfully submitted to the Conflict of Interest Commissioner that the reason for this is that Blaine Higgs, Premier Alward and Attorney General Blais know or reasonably ought to know that it is

 CPA C 110

unlikely that they will get the result they want to obtain if the competitions are impartially and fairly reviewed.

(6) The investigation of the Conflict of Interest Commissioner should reveal that Blaine Higgs has made the decision to deliberately obstruct justice by preventing legal processes as required by legislation, the Civil Service Act, enacted by the Legislative Assembly from proceeding in order to circumvent the REQUIREMENTS of the Civil Service Act which requires appointment based on merit after uniform assessment of all candidates.

(7) Blaine Higgs as Minister of Human Resources has made the decision or participated in the decision to allow biased and unqualified persons outside government to affect my confidential and private employment applications in open competitions contrary it is submitted to the Privacy Act and the Civil Service Act and the Human Rights Act in order to further the private interests of himself and others.

(8) Cabinet Minutes and Premier Alward should be able to verify that Blaine Higgs as Minister of the Office of Human Resources from October of 2010 until October of 2012 has participated in or made the decision as Minister of that Department resulting in the Deputy Minister violating his duties under section 16 of the Civil Service Act and other sections of the Act and has influenced the decision in respect to hiring this Applicant to further the private interests of himself and other individuals including other Cabinet Ministers, provincial government employees, municipal government employees and others who will be able to keep their jobs or avoid the consequences of their involvement in the harassment of me or other wrongdoing in respect to the manner in which I have been treated in respect to my private and confidential employment applications in open competitions. Blaine Higgs had the power and ethical obligation as Minister of the Office of Human Resources to ensure that the Deputy Minister complied with section 16 and other provisions of the Civil Service Act in respect to the open competitions #09-45-10, 10-44-02, 10-44-03 and that this Applicant was hired based on merit and he decided not to do so or participated in the decision not to do so in order to advance the private interests of individuals within his Department or of individuals who had been removed from their positions within his department from 2007 to the present date or in the interests of other Cabinet Ministers or other persons.

(9) Minister Higgs it appears lost all perspective as Minister of the Office of Human Resources and has made a decision or participated in a decision to protect the private interests of individuals rather than protect the public interest and ensure compliance with the Civil Service Act requirements and live with whatever are the results of those reviews done by persons from outside the province to ensure unbiased processes that are fair and protect the administration of justice. It is respectfully submitted to the Conflict of Interest Commissioner that those processes were designed to prevent the abuse that has occurred to me by the failure of Blaine Higgs to comply with the laws in effect. What he has allowed to take place it is respectfully submitted is pure hooliganism by persons who want to destroy their victim by destroying my livelihood and humiliating and making fun of me.

 M. H.



These persons will for example make their presence known etc which it appears is to intimidate and then wait for a mistake or something else to occur and say that it means that I have mental health issues. I believe that Cabinet Minutes would show and that premier Alward would have to verify that I not only figured out what the bullies were doing but regularly provided information to correct the bad information they gave which showed clearly there was no merit to their allegations. The behaviour of the persons involved in the harassment is it appears similar to what bullies do to other children in school yards by laughing when they fall or trip etc and it is respectfully submitted to the Conflict of Interest Commissioner that it certainly has no place in professional assessments based on merit under the Civil Service Act.

(10) Blaine Higgs has made a decision or participated in a decision of Cabinet to allow and encourage persons outside government within the community to follow me, monitor my actions where I live and in the surrounding community wherever I go in order that he could have information taken in from those individuals directly or indirectly to the effect that I have mental health issues that he could use to not hire me as a Lawyer III with the government. In effect it appears that what Blaine Higgs has done is to replace the Board of Examiners required by the Civil Service Act with biased unqualified persons outside of government and has had them participate in evaluating this applicant for a Lawyer III position with the government. This is completely prohibited by both the Civil Service Act and the Human Rights Act as well as the principles of natural justice. People have many different talents and gifts and abilities in this life and all are important to our free and democratic society. However, it is respectfully submitted that a lot of the people involved in the harassment of me cannot even form some of the sentences that I have used to prepare this affidavit or understand the concepts or laws and workplace harassment considerations or that behaviour can mean very different things to an objective person than what it means to a biased person that I have addressed in providing this information to you yet I understand Blaine Higgs has allowed them to participate in evaluating me for the positions of Lawyer III in the open competitions.

One question that would I believe put it into perspective that the Conflict of Interest Commissioner could easily give the answer to Blaine Higgs on is, Do trial judges and court of appeal judges want cool people who are popular appearing in front of them and mature in the views of people who have never gone to university or law school or do they want lawyers who taken the time to obtain the qualifications and experience to have the ability to properly present cases on a case by case basis and do their best to make submissions based on the facts and laws **as they stand and bring out all relevant facts through cross-examination etc in each case on which they appear** to enable the judge to make the best decision possible in the circumstances? Practicing law I would suggest to the conflict of Interest commissioner in fact often means doing what is NOT POPULAR but doing what IS RIGHT if the practice of law is regarded as an Honourable profession. I believe that my written references show that is my belief of the practice of law that I filed in respect to my applications in open competitions.

A handwritten signature in black ink, appearing to be 'M. Higgs', is located in the bottom right corner of the page.

(10) It is alleged that Blaine Higgs made a decision to do what is popular and keep out an applicant that employees and other officials did not want hired as a result of the wrongdoing of government officials and employees since 2002 rather than to do what is right and what the law requires in the public interest. It is submitted that he made the decision to further the private interests of persons within government and others by disregarding the law and the public interest in the law being followed. The record of information that the government took in should show the Commissioner that Blaine Higgs as Minister of the Office of Human Resources took in information from biased unqualified persons and relied upon it to not hire me despite the fact that the persons are outside government, unqualified to form opinions and their allegations are self serving. The Premier should verify that those persons or others associated with them will benefit personally by escaping the consequences of their involvement in the harassment of me or other wrongdoing. It is respectfully submitted that Minister Higgs' actions would appear to be a deliberate contravention of the Civil Service Act and the Human Rights Act requirements and of his duties and obstruction of justice in order to further his private interest of being personally right and finding a way NOT to hire me despite I won the position based on merit and to further the private interest of other persons who had been fired in his department or others in the community who faced or face discipline or loss of employment if I am hired. Cabinet Minutes or Premier Alward should verify to the Commissioner as to if Blaine Higgs own Cabinet position will be taken away from him if the individuals involved in the harassment do not stop my being hired at this time.

(11) Cabinet Minutes should show and Premier Alward should verify that Blaine Higgs made a decision not to contact me again and not to return my calls to him to complete the offer of employment in respect to the Lawyer III position in the employment and administrative law group of the Office of the Attorney General that he called me to make after a Cabinet meeting on Thursday December 23, 2010 at which I was appointed to the Lawyer III position as we did not connect on the call. It is respectfully submitted to the Conflict of Interest Commissioner that he made that decision in order to further the private interests of former Cabinet Ministers, government employees and other persons by making that decision not to complete hiring me based on merit and refusing to allow any unbiased reviews of his decision or that by his doing so there was the opportunity to further the private interests of other persons. It is respectfully submitted to the Commissioner that if it had been any other applicant he simply would have returned my call and completed the offer. He then continued to allow or to take in directly or indirectly to affect the decision as to if I am hired as a Lawyer III, opinions, from biased unqualified persons involved in the harassment of me from outside government who had no right to interfere in my private and confidential employment applications in open competitions, as to their perception of if I had mental health issues which is it is submitted an offence under the Human Rights Act and completely contrary to common sense. Cabinet Minutes should show that he continued to do so until May 11, 2011 when I was sent a letter saying that I was not successful. At the interview I was told the decision would be made by September 2010 at the latest and Cabinet Minutes or Premier Alward should confirm that when the government changed Premier Graham advised that I was to be hired. It is further

 MEH

Premier Alward

respectfully submitted to the Commissioner that any persons from outside government who were trying to affect the decision of the Board of Examiners that I had won the competition based on merit should have been told it was contrary to the law to take in any information from them.

(12) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**Premier David Alward - Premier of the Province of New Brunswick**  
**- October 2010 to the present date**  
**- MLA for the riding of Woodstock**

It is hereby alleged that the Cabinet Minister, Premier David Alward has done the actions as set out in (1) to (17) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, provincial government employees, municipal government employees, NB Human Rights Commission staff members and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) In January 2012 Premier Alward made the decision or participated in making the decision to deal with the persons involved in the harassment of me and to stop the bullying and he dealt with Deputy Ministers, other employers including Atelka and the City of Saint John in order to deal with those persons who were disciplined at that time. In about March of 2012 Premier Alward made the decision or participated in making the decision to stop dealing with those persons and to stop putting the Lawyer III position in place for me as a result of further improper and incorrect information that the government took in from the biased unqualified persons involved in the harassment of me expressing their opinions which would NEVER be allowed to be expressed in a court of law as they are not qualified to give opinion evidence. Cabinet minutes should reflect the events that occurred at that time as to the measures taken to deal with the persons involved in the harassment of me and why those measures stopped. Cabinet minutes should also clearly show that his decision or participation in the decision to take in that further information from those persons rather than proceeding with my hiring based on merit furthered the private interests of many persons within and outside the government.

(2) Premier Alward has the power and the ethical obligation as Premier to stop the NB Human Rights Commission from proceeding based on Responses containing false information deliberately filed by the Department of Justice, Office of the Attorney



General to influence the decision of the NB Human Rights Commission adversely against me in favor of the government and he has decided not to do so despite this Applicant's written request to him and his knowledge as one of the Respondents on whose behalf the Responses were filed that they do contain false information. This would appear to be deliberate obstruction of justice in a legal proceeding.

(3) The Premier also has the power and the ethical obligation to stop the NB Human Rights Commission from proceeding as it has a conflict of interest of which he is aware or reasonably ought to be aware and he has decided not to do so despite this Applicant's written request to him knowing or he reasonably ought to know that by making that decision my human rights application would be adversely affected and the private interests of other cabinet Ministers, himself, NB Human Rights Commission employees, Danny Soucy, Andrea Folster and other government employees and other persons will have their private interests furthered by being able to keep their jobs or positions or otherwise avoid the consequences of their participation in the harassment of me or other wrongdoing in respect to how my private and confidential employment applications have been handled by the government officials and employees.

(4) The Premier, as a Respondent in the human rights proceeding also has an ethical obligation to correct the false information that he and the other Respondents deliberately provided in their Responses to my human rights complaint which the NB Human Rights Commission staff have deliberately used in preparation of their TLE Request Report in order it appears to get the result the government wants to obtain. By deciding not to correct the false information contained in the TLE Request Report prepared by NB Human Rights Commission staff and it appears by not stopping the NB Human Rights Commission from proceeding based on the false information and the incorrect conclusions in the report as a result, it appears that the Premier has decided to attempt to have my human rights complaint dismissed by deliberate fraudulent representations.

(5) Cabinet Minutes should show that there has been collusion between the Department of Justice, Office of the Attorney General and the NB Human Rights Commission to attempt to have my Human Rights Complaint dismissed by the NB Human Rights Commission in order to prevent public scrutiny of the governments actions in respect to my private and confidential employment applications in open competitions which would result from a public hearing and to further the private interests of many persons who would be removed from their jobs or professional positions or appointments if I am hired based on merit as a result of their actions and wrong doing towards me. Cabinet Minutes should also show that Minister Coulombe and the Deputy Minister of Post Secondary Education Training and Labour were removed from their positions by Premier Alward as a result of such conduct on September 27, 2012 subsequent to my e-mail of September 9, 2012. It is respectfully alleged that your investigation should show that the Premier was aware of the collusion and made the decision not to stop it in order to further the private interests of other Cabinet Ministers and provincial and municipal government employees and other persons who would lose their jobs or be otherwise disciplined if my human

Handwritten signature and initials in the bottom right corner of the page.

rights complaint was heard publicly or if I was successful on it.

(6) The Premier has decided or participated in the decision not to have an unbiased Human Rights Commission from outside the province handle my complaint in its entirety (as he has the power and ethical obligation to so direct) despite the clear conflict that the NB Human Rights Commission has as a result of the conduct of Martine Coulombe and Danny Soucy or the conduct of Commission staff that occurred under their direction, supervision, responsibility or authority in addition to other circumstances giving rise to a severe conflict such as all Commission members being appointed by Premier Alward and Cabinet through I understand from the Human Rights Act, Lieutenant Governor in Council. His decision provides the opportunity to further his private interest and that of other Cabinet Ministers and government employees and others to avoid consequences of their own wrongdoing.

(7) The Premier has made a decision or participated in making a decision, in order to further private interests and cover up how the government has treated me in many open competitions and avoid public scrutiny of what has actually occurred by refusing or failing to hire me or direct that I be hired based on merit as required by law as he is fully aware or reasonably ought to be fully aware that I have won the competition based on merit. This would appear to be obstruction of justice and deliberate contravention of the Civil Service Act and the Members' Conflict of Interest Act requirements.

(8) The Premier has made a decision or has participated in the making of a decision to not allow or to not arrange the REQUIRED unbiased reviews under the Civil Service Act in respect to competitions # 09-45-10, 10-44-02 and 10-44-03 despite such reviews are mandatory and the Premier has been requested in writing to arrange such reviews or to ensure that they proceed since May of 2011. The Premier has the power and the ethical obligation to comply with the Civil Service Act and to make the Attorney General, the Minister and Deputy Minister of the Office of Human Resources ( now the Department of Human Resources) to comply with the law but he has decided not to do so. By that decision many persons including the Premier will have their private interests furthered by covering up what has occurred and enabling persons to avoid discipline or loss of their positions such as the Deputy Minister of the Office of Human Resources who has not complied with HIS statutory obligations under the Civil Service Act.

(9) The Premier has made a decision or has participated in a decision to take in information by government from at least December 2010 from biased unqualified persons outside government (who stand to benefit or assist others in benefiting if I am not hired) expressing their opinions as to my mental health which opinions they would NEVER be allowed to express in a court of law in order to use that information to not hire me despite I have won the Lawyer III position based on merit which is, it is submitted, an offence under the Human Rights Act and a conflict under the Members' Conflict of Interest Act.

(10) The Premier has made a decision or participated in making a decision to prevent

 M. C. 10

unbiased reviews that should have immediately proceeded in May of 2011 pursuant to the REQUIREMENTS of the Civil Service Act and has allowed in effect a search for new information the government can use to NOT HIRE this Applicant and he has it is respectfully submitted participated in or encouraged the harassment of this Applicant in order for those persons to try to find that new information which completely contravenes the Civil Service Act requirements and the Human Rights Act as well as basic rights we value in a free and democratic society. As a result of his decision if I am not hired the private interests of himself, other Cabinet Ministers and many other persons are furthered by covering up how the government has dealt with me, avoiding hiring me and paying me retroactively and compensating me for the severe harassment that I have sustained as a result of the actions of government officials and employees together with all other appropriate relief as well as enabling many persons to keep their jobs and avoid the consequences of their wrong doing which would occur I understand based on government policies and rules if the government hires me.

(11) The Premier has decided or has participated in the decision as he is a Respondent to allow a solicitor in the Department of Justice, Office of the Attorney General to act on behalf of all Respondents to my Human Rights Complaint when he knows or reasonably ought to know that that Lawyer, Andrea Folster has a conflict as she was on the Board of Examiners in respect to two of the open competitions in which I had an interview. It is submitted that he knows or reasonably ought to know that staff in the Department of Justice are biased. Your investigation should show (and copies of the Responses are attached), that Andrea Folster has taken action that an ethical objective lawyer would not take by deliberately filing responses containing false information and that the Premier has participated in, it is submitted, the deliberately fraudulent action in order to further or there is the opportunity to further private interests. It is submitted that if the Respondents admitted the true facts in the Responses and my complaint was successful that other Cabinet Ministers, government employees and others would be disciplined. The Premier is a Respondent and had an obligation to ensure what was filed on his behalf was true.

(12) The Premier has also participated in the decision to allow the NB Human Rights Commission to prepare a Report based on that false information and he has decided or participated in the decision to not correct that information despite he knows or reasonably ought to know that the recommendation of the NB Human Rights Commission would be different and would be in my favor if the Responses filed by the Respondents, including the Premier, contained truthful information and properly admitted all of the facts in my Complaint and other documents that are true AS IS ETHICALLY REQUIRED BY HIS OATH OF OFFICE AND BY ALL RESPONDENTS IN ALL COURT OR OTHER LEGAL PROCEEDINGS. It appears that the Premier has participated in a deliberate obstruction of justice and has contravened the Members' Conflict of Interest Act.

(13) The Premier has decided or participated in the decision to allow the NB Human Rights Commission to proceed based on the TLE Request Report based on false information in the Responses of the Respondents as he has the power to stop them from

 M 24

proceeding and he has made the decision or participated in the decision not to stop them as Jennifer LeBlanc, Manager of Investigations for the NB Human Rights Commission has advised by e-mail on Monday, March 11<sup>th</sup>, 2013 that the NB Human Rights Commission is proceeding and will be providing the Report prepared by Commission staff based on the Responses containing the false information and those Responses and the other documentation to the Human Rights Commission at its next meeting on April 24, 2013. Premier Alward has been sent a copy of that e-mail by me together with a request that he arrange for an unbiased human rights commission to handle my matter. To date I have received no response from him despite the fact that ethically a response is required immediately. It appears that he has made that decision to further the private interests of persons who will avoid the consequences of wrongdoing if I am not hired and the situation is covered up including himself as he will avoid having to answer questions in cross-examination under oath as to why he deliberately participated in the filing of information that he knew was false. It would appear that he has participated deliberately in obstruction of justice in a legal proceeding under the Human Rights Act by not stopping the NB Human Rights Commission from proceeding and by not ensuring an unbiased Human Rights Commission handles my complaint.

(14) The Premier has it appears used untested information obtained in his capacity as Premier that the government has taken in from the biased unqualified persons involved in the harassment of me which information is not available to the General Public and which information he will not even provide to me to respond to before he relies upon it or allows it to be relied upon in order to further the private interests of himself and others by covering up what he and other Cabinet Ministers have done so there is no public scrutiny of their actions and in order to avoid removing many government employees and other officials from their positions or otherwise disciplining persons which I understand will be required if he does the right thing and hires me based on merit. The Premier stands to benefit personally if the situation is covered up and if he does not have to remove his Minister of Finance or other Cabinet Ministers at a critical time as it could cause an appearance that the government is weak or that there are other problems which could cause a problem in his being re-elected or even potentially in his government being required to call a new election in the serious circumstances of this matter. Cabinet Minutes should clearly show that the government has taken in information from the persons outside government involved in the harassment of me and the Premier should be able to provide a record of what has been taken in and what has been corrected by me continuously up to the present date or they would not still be taking in information from those persons to try to find a reason not to hire me.

(15) It is alleged that Cabinet Minutes will show that the Premier has also made a decision to lie in the Response filed on his behalf in the human rights proceeding by allowing Andrea Folster to state in one of the Responses words to the effect that NO INFORMATION HAS BEEN TAKEN IN FROM PERSONS OUTSIDE THE GOVERNMENT AND TO DENY THAT THERE HAS BEEN ANY HARASSMENT. Cross-examination will show that the Premier KNOWS that this is false. It is respectfully

 M. 9.11



submitted that this is completely unethical behaviour designed to get the result the government wants through an entity that the government controls as the government is aware that if there is a truly unbiased review the government WOULD NOT GET the result that it wants to obtain. It is respectfully submitted that this is extremely unethical behaviour and the Conflict of Interest Commissioner may in fact find that it is deliberate obstruction of justice, fraud and possibly other contraventions of the criminal code or other acts.

(16) The Premier has made the decision to not have the undertaking given by Rod MacKenzie in 2004 and the subsequent undertaking given by Deputy Minister Choukri in January of 2006 honored despite my written request that he do so and that it should have been done immediately in 2004 and again in 2006. Attorney General Brad Green was in the process of taking steps to carry out that undertaking when the government changed in October of 2006. Cabinet Minutes should show that Attorney General Brad Green left instructions for the Liberal government to honor that undertaking and hire me and in addition on merit I had won the 2006 child advocate competition. It appears that the private interests of cabinet ministers and many other persons will be furthered if this Applicant is not hired. The Conflict of Interest Commissioner should ensure that an unbiased reviewer from outside the Province of New Brunswick reviews the matter as to the undertaking being immediately honored and this Applicant being paid retroactively to at least July of 2006 together with all other appropriate relief particularly in the circumstances of this matter. The spirit of the law and just and equitable relief it is respectfully submitted should require the government to pay me retroactively until September 17, 2004 in the circumstances of this matter together with all other appropriate relief. I had applied for and won a competition with Legal Aid as set out in detail in later paragraphs of this affidavit in 2004 ( and another position in 2005) and except for the interference of courthouse staff who had no connection whatsoever with the 2004 competition in Fredericton for a Family Court Solicitor, I would have been working before September 2004 and would have had no lost income. The position of family court solicitor would have included pension entitlement etc. Rod MacKenzie, the then Managing Director of Legal Services came to the Legal Centre to meet with me in September of 2004 and he undertook at that time that I would be hired and that the government would remedy the situation. He referred to the persons who had interfered who had no connection with that competition in Fredericton as being mean spirited individuals. The undertakings still have not been fulfilled although constant action has been taken in respect to them right up to the present date. In addition on merit I have won the competitions that were advertised that I applied for since 2006 and harassment has been used to try to find a way NOT to hire me as a result of the conflict of interests and bias resulting from the way officials and other persons in government have handled my employment applications in open competitions since 2002 and the private interests of cabinet ministers, provincial government employees and others that will be furthered if I am not hired and this situation is covered up by the government.

(17) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest



Minister Lifford

Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**Troy Lifford - Current Minister of the Office of Human Resources**  
**- appointed October 2012 when Blaine Higgs was removed**  
**- MLA for the riding of Fredericton-Nashwaaksis**

It is hereby alleged that the Cabinet Minister, Troy Lifford has done the actions as set out in (1) to (14) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, provincial government employees, municipal government employees, NB Human Rights Commission staff members and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) The current Minister of the Office of Human Resources has a conflict of interest and bias as he is a member of Cabinet and it appears that if he directs that I be hired based on merit and the requirements of the Civil Service Act followed, that some of his Cabinet colleagues will likely be removed from their Cabinet positions or otherwise disciplined as well as potentially other government officials and employees and it appears also employees of many other organizations within the community or other individuals. By making the decision to not hire me based on merit when he knows or reasonably ought to know that I have won the competitions #s 09-45-10, 10-44-02 and 10-44-03 on merit, it is alleged that he knows or reasonably ought to know that he is furthering or there is the opportunity to further the private interests of other Cabinet Ministers and other persons.

(2) The Deputy Minister of the Office of Human Resources still has not complied with his statutory duty as set out in subsection 16(1) and in subsections 33.1(6) and 33.1(7) of the Civil Service Act despite a continuous request for the Statement of Reasons since around May 11, 2011 right up to the present date. As a result of his Cabinet position the Minister of the Office of Human Resources would be aware of this or reasonably ought to be aware of this and your investigation should show that he has made the decision not to require the Deputy Minister to comply with the law it as a result of the conflict of interest and bias resulting therefrom in order to further the private interests or by doing so there is the opportunity to further the private interests of other cabinet ministers or other persons. The interest of the organization, the government, would require that he ensure that the laws that it enacted were complied with fairly and impartially and would require him to direct that I be hired based on merit with all appropriate relief as a result of the failure of the government to do so.

  
*ME*

(3) Troy Lifford as the Minister of the Department of Human Resources ( formerly the Office of Human Resources ) also has the power and ethical obligation to make the Deputy Minister of the Office of Human Resources properly comply with the law and arrange the unbiased reviews in respect to competitions 09-45-10, 10-44-02 and 10-44-03 by properly qualified unbiased persons with judicial capabilities from outside the Province if he was not immediately requiring that I be hired based on merit as he is aware or reasonably ought to be aware that the Ombudsman office has a clear conflict and cannot do those reviews. By deciding not to do so he has it is respectfully submitted contravened section 4 of the Members' Conflict of Interest Act as he has furthered or there is the opportunity to further the private interests of Cabinet Ministers and other persons who would be removed from their jobs or other positions or otherwise disciplined as a result of their participation in the harassment of me or in other wrongdoing in respect to the treatment of me if I am hired or if it is not covered up as to how I have been treated in respect to my applications in open competitions within the Department of Justice.

(4) It would also appear that the investigation of the Conflict of Interest Commissioner should reveal that the former Minister of this Department, Blaine Higgs and the current Minister, Troy Lifford have used their office to influence the decision of the Deputy Minister of their Department contrary to section 6 of the Members' Conflict of Interest Act so that he would not provide the Statement of Reasons in order that the unbiased reviews could not proceed. In effect, it would appear that they have directed him to deliberately contravene the Civil Service Act requirements and violate his statutory duty and that they have deliberately obstructed justice by preventing the proper statutory processes from taking place as REQUIRED by law under the Civil Service Act. It is respectfully submitted to the Commissioner that their actions are contrary to the law and violate the rights that should certainly be upheld by the Legislature in a free and democratic society and it is respectfully submitted that their actions clearly bring the administration of justice into disrepute.

(5) As a result of his conflict of interest and the bias resulting therefrom it appears that the Minister of the Office of Human Resources, Troy Lifford and the former Minister of that Department, Blaine Higgs decided or participated in the decision not to make the Deputy Minister of the Office of Human Resources take measures to ensure that the processes surrounding the competitions I was an Applicant in, any appointments in those competitions and any review processes provided for under the Civil Service Act were conducted in a timely manner with integrity, respect and impartiality as section 16 of the Civil Service Act requires. It is respectfully submitted that he is aware or reasonably ought to have been aware by virtue of being a Cabinet Minister as well as by being Minister of that Department that the Deputy Minister of his Department has not complied with the law nor has he answered as of the present date the letter that I sent to him in March of 2012 in respect to the Statement of Reasons and the unbiased reviews requesting that he IMMEDIATELY comply with the requirements of the Act. Although Troy Lifford has the power and ethical obligation to ensure the Civil Service Act requirements are complied with it appears that he has deliberately decided NOT to require



compliance by his Deputy Minister in order to further the private interests or be doing so there was and is the opportunity to further the private interests of other Cabinet Ministers, provincial and municipal government employees and other persons who will lose their jobs or professional positions or appointments if I am hired or if unbiased reviews take place.

(6) The investigation of the Conflict of Interest Commissioner should also clearly show that I have not been dealt with impartially and in fact that the Premier, The Attorney General, Troy Lifford, Blaine Higgs, Martine Coulombe and Danny Soucy and others and some government employees etc under the direction of one or more of them have made the decision to deliberately prevent impartial application of the law and impartial reviews to the hiring process or human rights complaint process when dealing with my matters and it appears are attempting to have any impartial reviews of those processes or public hearings prevented. It would appear that the Commissioner's investigation should reveal the concern that their conduct is calculated and deliberate obstruction of justice. It is respectfully submitted to the commissioner that in order to cover up the manner in which this Applicant has been dealt with by the Cabinet Ministers, government employees and others that they have it appears deliberately participated in criminal harassment with other persons in the community on order to find a reason to discredit this Applicant in any way possible.

(7) Section 11(3) of the Civil Service Act requires that after the Deputy Minister considers such further material and conducts further screening by means of tests, examinations, interviews or investigations as he considers necessary or desirable of ALL APPLICANTS, he shall select the candidates most qualified and suitable for the position. As the Minister of the Office of Human Resources is aware or reasonably ought to be aware it DOES NOT GIVE the Deputy Minister or Cabinet or any member of Cabinet the right to contravene the law in any way such as condoning or arranging for individuals within the community to monitor the actions of an applicant, follow them, report on their activities within their private life, make fun of them, humiliate them with government taking in the information they provide and using it to stop the professional position from being given to me based on merit. The Conflict of Interest Commissioner it is respectfully submitted should find that the harassment that has been allowed or encouraged to occur as a result of the actions of the Cabinet Ministers the subject of this complaint is unconscionable in a free and democratic society and that those actions have brought the administration of justice into disrepute. It appears that what has occurred is participation in deliberate criminal harassment by the Cabinet Ministers the subject of this complaint in order to cover up the situation the government has caused and to further the private interests of other Cabinet Ministers and employees who have participated in the wrongdoing in respect to how I have been treated as an Applicant in open competitions in order it appears that Cabinet Ministers and others will be able to keep their appointments, professional positions or jobs and /or otherwise avoid the consequences of their participation in wrongdoing. It is respectfully submitted to the Conflict of interest Commissioner that the right to live free of harassment and the right to privacy in one's



private life and to be free from government authorities abusing their power are rights held to have very high value in a free and democratic society. It appears in effect what the government is doing and what the cabinet Ministers the subject of this complaint have caused to occur is to say that it is PERMISSIBLE to bully and harass people within New Brunswick in the workplace and in the hiring process as Cabinet itself will not only allow it BUT WILL PARTICIPATE IN IT despite the very clear structure of the Civil Service Act and the very CLEAR STATUTORY requirement of IMPARTIALITY, INTEGRITY and CONFIDENTIALITY in the Civil Service Act. It is further respectfully submitted to the Conflict of Interest Commissioner that the very strict requirements of the Civil Service Act were specifically designed to prevent SUCH ABUSE as has occurred to me by it appears Cabinet Ministers and employees under their authority, control and direction attempting to manipulate the requirements of the Act in order to keep me from being hired as a result of employees and officials who were fired and/or removed from their jobs as a result OF THEIR OWN WRONGDOING in contravening the requirements of the Act or any other actions that it would appear that they clearly should have known were wrong.

(8) The Minister of the Department of Human Resources knows or reasonably ought to know as a member of Cabinet that the government has caused harassment of me to occur as a result of the manner in which it has dealt with my employment applications and that the government IS STILL TAKING IN IMPROPER INFORMATION from individuals or allowing it to affect my confidential and private employment applications. It is further respectfully submitted to the conflict of Interest Commissioner that this would clearly appear to be criminal harassment under the Criminal Code as the actions of those persons is designed to threaten or destroy my livelihood and yet the Minister of the Department of Human Resources as part of Cabinet has decided or has participated in the decision to allow this to occur and has not stopped it although he has the power and ethical obligation to stop it from being taken in to affect my employment applications as it IS COMPLETELY CONTRARY TO LAW, including the Civil Service Act, the Human Rights Act and the Criminal Code.



(9) The Minister of the Office of Human Resources is aware or reasonably ought to be aware by virtue of his position that after the removal of Blaine Higgs on September 27, 2012 as Minister of the Office of Human Resources that Cabinet has continued to take in information from those biased unqualified persons or others associated with them and has continued to fail to comply with the law. It would appear that as a result of his position as a Cabinet Minister and the conflict of interest and bias resulting therefrom that the current Minister of the Department of Human Resources has decided to contravene the Civil Service Act despite it is respectfully submitted that he has the power and ethical obligation to stop the absolutely unconscionable and intolerable harassment of this Applicant in her private life and the deprivation of income to me by putting in place the Lawyer III position that I have properly won based on merit. The investigation of the Conflict of Interest Commissioner should show that he has deliberately made the decision or participated in the decision not to hire me based on merit and not to advise the persons

 CPM G 12

involved in the harassment that NO FURTHER INFORMATION OF ANY TYPE WILL BE TAKEN IN FROM THEM ( which is the requirements of the Civil Service Act the Human Rights Act and other laws) in order to further the private interests of the Premier, the former Minister of the Department of Human Resources, the former and current Deputy Minister of the Department of Human Resources and other Cabinet Ministers, provincial and municipal government employees, persons involved in the harassment and other persons in order that they will keep their jobs or otherwise avoid the consequences of their participation in wrongdoing. It would appear that he has made the decision to deliberately participate in criminal harassment by allowing it or encouraging it. It appears that Troy Lifford has also made the decision to deliberately obstruct justice in respect to the hiring process set out in the Civil Service Act by deliberately allowing the statutory requirements to be contravened in order to further the interests of others as set out above.

(10) S. 33.1(7) provides that the Deputy Minister of the Office of Human Resources SHALL REPLY TO THE COMPLAINANT IN WRITING AS TO HIS OR HER FINDINGS AS SOON AS REASONABLY PRACTICABLE. As a result of his conflict of interest and the bias resulting therefrom it is respectfully submitted that your investigation will show that the Minister of the Office of Human Resources has not required the Deputy Minister to reply and as a result of his position in Cabinet it would appear that the Minister is fully aware or reasonably ought to be aware that Cabinet and the government IS STILL LOOKING FOR A REASON that they can use to not hire me and that I should long ago have been advised by the Deputy Minister that I won the position based on merit and would be hired. Your investigation should also clearly show that Troy Lifford has deliberately decided or participated in the decision to not hire this Applicant based on merit despite the requirements of the Civil Service Act.

(11) As a result of his conflict of interest and bias resulting therefrom it appears that the Minister of the Office of Human Resources has allowed or has not stopped, despite his statutory obligation and that of his Deputy Minister, the taking in of information by the government from persons not even connected with Cabinet or the government within the community who are engaged in the severe harassment of me in order to allow them to find something, anything to suggest that I have mental health issues that Cabinet can use to NOT HIRE me and it would appear allow the government to try to say that it justifies the actions of Cabinet Ministers or former Cabinet Ministers like Blaine Higgs and Michael Murphy and Bernard LeBlanc who took in directly or indirectly or allowed such information to be taken in despite that I have won the position based on merit and despite the fact that making any mental health inquiries in the employment hiring process is an offence under the Human Rights Act. In FACT IT WOULD APPEAR THEY MADE THE DECISION TO DO SO DELIBERATLEY BECAUSE I WON THE POSITION BASED ON MEIRT IN ORDER TO AVOID HAVING TO HIRE ME BASED ON MERIT in order to further the private interests of other or former cabinet Ministers or other persons. It appears that the Minister of the Department of Human Resources and the Deputy Minister, the former Minister Blaine Higgs and the former Deputy Minister Doug Holt, Bernard LeBlanc, the Premier, the Attorney General and other cabinet Ministers

have made the decision deliberately to participate in the criminal harassment of me and /or have made the decision to deliberately obstruct justice which would appear to be offences under the Criminal Code and the private interests of themselves and others will be furthered by covering up what they have done and by preventing public scrutiny of it.

(12) Troy Lifford as the current Minister of the Department of Human Resources has the obligation to ensure that competition 09-45-10 (which was reviewed by the Ombudsman under the Civil Service Act provisions at that time pursuant to this Applicant's proper request) is reviewed impartially by an unbiased properly qualified reviewer with judicial capabilities from outside the province as the Ombudsman's review was invalid as a result of Bernard Richard lying in his reporting letter to me by stating that there were no outside persons affecting the competition when he knew or reasonably ought to have known that was clearly not true. Cabinet Minutes should show that the Ombudsman was required to resign as a result of his conduct and/or the attempts of his office to create their own evidence to assist the government when he completed his review. As my application within that competition has not been reviewed in accordance with the provisions of the Civil Service Act then in force and I requested a proper unbiased review in accordance with the provisions of the Civil Service Act at that time it is necessary that a proper review be done. I have requested on numerous occasions since that date that one be completed. That review has been consistently requested since March of 2010 including in my Complaint to Premier Graham and the Legislative Assembly in respect to Bernard Richard. The Minister of Human Resources, the Premier, the Attorney General are all aware or reasonably ought to be aware of that request and the MANDATORY REQUIREMENT IN THE CIVIL SERVICE ACT that it take place and they have DELIBERATELY decided or participated in the decision to NOT ALLOW it contrary to the law. The investigation of the Conflict of Interest Commissioner should clearly show that they did so to further the private interests of themselves or other persons who would be removed from their positions or otherwise disciplined if I am hired or unbiased reviews or hearings take place and there is public scrutiny of what has occurred. It is respectfully submitted to the Conflict of Interest Commissioner that this is deliberate obstruction of justice or breach of the public trust or other offences under the Criminal Code and in direct contravention of their public duty.

(13) Troy Lifford has it appears used or allowed his Deputy Minister to use untested information obtained in his capacity as Minister of the Department of Human Resources that the government has taken in from the biased unqualified persons involved in the harassment of me which information is not available to the General Public and which information he will not even provide to me to respond to before he relies upon it or allows it to be relied upon in order to further the private interests of himself and others by covering up what he and other Cabinet Ministers have done so there is no public scrutiny of their actions and in order to avoid removing many government employees and other officials from their positions or otherwise disciplining persons which I understand will be required if he does the right thing and hires me based on merit. Cabinet Minutes should clearly show that the government has taken in information from the persons

*Handwritten signature and date:*  
A  
9/10



Minister Fitch

outside government involved in the harassment of me and the Premier should be able to provide a record of what has been taken in and what has been corrected by me continuously up to the present date after it came to my attention what they must have done or the government would not still be taking in information from those persons to try to find a reason not to hire me at this time.

(14) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**Bruce Fitch - Minister of Local Government, October 2010 - present**  
**- Minister of Justice, February, 2006 to October 2006**  
**- MLA for the riding of Riverview**

It is hereby alleged that the Cabinet Minister, Bruce Fitch, has done the actions as set out in (1) to (4) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, provincial government employees, municipal government employees, NB Human Rights Commission staff members and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) The investigation of the Conflict of Interest Commissioner should show as to if Bruce Fitch has dealt with the issue of the dismissal of the Chief of Police with the Saint John Council recently as a result of the harassment that the government and the police have caused or have allowed to continue in respect to me from 2006 to the present date which has increased in severity and the numbers of people involved it appears the longer it has been allowed to continue and the more persons who have provided incorrect information and have then tried it appears all the harder to prove that they are right by continuing to participate in the harassment. Premier Alward should verify to you as to if the position of the Saint John Chief of Police has been or is in jeopardy as a result of the actions of the persons involved in the harassment not having been stopped by his force and if he will be disciplined or removed from his position if I am hired as a result of how he has handled and/or encouraged the harassment in respect to me. Your investigation should show that Bruce Fitch as Minister of Local Government has made the decision or has participated in the decision to continue to take in further information from the persons involved in the harassment of me in order to find a reason not to hire me from city employees and others and it is respectfully submitted that by so doing he has participated in the criminal harassment of me and has breached the provisions of the Members' Conflict of Interest Act.

X

SMC

(3) The investigation of the Conflict of Interest Commissioner should confirm that Bruce Fitch as Minister of Local government and the Premier, Blaine Higgs, the Attorney General, Troy Lifford and other Cabinet Ministers are aware or reasonably ought to be aware that city employees, including bus drivers and police officers and firemen and others are deliberately interfering in my economic relations with the government in respect to my private and confidential employment applications in open competitions although they have no connection whatsoever with those competitions and are biased and unqualified to express any opinions on my behaviour or my qualifications. Your investigation should show that Bruce Fitch, the Premier, Blaine Higgs, Troy Lifford and the Attorney General HAVE MADE THE DECISION NOT TO STOP THEM FROM DOING SO despite any such information is completely prohibited by the Civil Service Act and the Human Rights Act. It is respectfully submitted to the Conflict of Interest Commissioner that if those persons are told that NO FURTHER INFORMATION OF ANY TYPE WILL BE TAKEN IN FROM THEM BY THE GOVERNMENT to affect my being hired that it would appear that they will stop the harassment as it is designed Cabinet Minutes should show and Premier Alward should confirm to you to get information the government will accept from them to stop my being hired in order to further the private interest of those persons or others associated with them to enable them to avoid the consequences of their wrongdoing and keep or get jobs back. For the Minister of Local Government or any other Cabinet Minister the subject of this Complaint to allow any biased unqualified city employees, many of whom do not know me and have never had a conversation with me, or anyone else, to provide information to the government, that it will use to adversely affect my being hired as a Lawyer III, that suggests that I have mental health issues based on those persons' biased perception of me would be, it is respectfully submitted, deliberate participation in criminal harassment and/or a deliberate obstruction of justice or breach of public trust by Bruce Fitch or any other Cabinet Minister including the Premier by deliberately preventing the impartial process set out in the Civil Service Act for evaluating applicants to the Civil Service and the review processes as set out in the Civil Service Act from being fairly and impartially administered and it is respectfully submitted an offence under the Human Rights Act and a contravention of the Members' Conflict of Interest Act.

The Civil Service Act requirements it is respectfully submitted to the Commissioner are specifically designed TO PREVENT such abuse by prohibiting persons who do not like someone or who will avoid or who will have friends avoid the consequences of their own wrongdoing from providing information to the government to affect the hiring of an applicant for a position in the Civil Service. It is respectfully submitted that the information those persons have provided has been false, incorrect or would never mean to an objective person what they say it means or for any other number of reasons is unreliable and totally improper and offensive. In fact it would appear that if your investigation shows that this is occurring that what the Cabinet Ministers are doing is deciding or participating in a decision to allow, endorse and encourage bullying and harassment within the Civil Service hiring system rather than respecting the dignity and equality of all persons and the uniform and fair and respectful and confidential



MLA Parrott

impartial assessment of all applicants for a position in the Civil Service. The investigation of the Conflict of Interest Commissioner should show and the Premier should readily confirm or Cabinet Minutes should indicate that there are many City of Saint John employees who have participated in the harassment of me by providing information to the government to suggest that I have mental health issues (who do not even know me) and if I am hired or if unbiased reviews or hearings are allowed to proceed, those persons will likely be removed from their jobs or positions such as bus drivers, police officers, firemen and others.



(4) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**8. Jim Parrott, M.D. - former Progressive Conservative MLA**

- ousted from the PC party approximately mid-September 2012**
- Member for the riding of Fundy-River Valley;**

It is hereby alleged that the Member of the Legislative Assembly, Jim Parrott, M.D. has done the actions as set out in (1) & (2) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, provincial government employees, municipal government employees, NB Human Rights Commission staff members, his constituents and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) The investigation of the Conflict of Interest Commissioner should show and cabinet Minutes should reflect that Jim Parrott made the decision as a back bencher MLA to interfere in my economic relations with the government and in my private and confidential employment application in open competitions by providing information on behalf of some of his constituents or other persons to negatively influence the Premier, the Minister of Human Resources and the Attorney General to not hire me based on the information he provided and to not apply the Civil Service Act requirements to hire me based on merit. In so doing, it is respectfully submitted that he contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act. The Premier should be able to verify or Cabinet Minutes show that he used his office to influence the hiring decision to be made by the Attorney General and others in her Department in respect to me in open competitions in which I am an Applicant. It is understood that a person or persons employed or formerly employed by the provincial government or who otherwise worked in the courthouse, an employee or employees or former employee or former employees of

MLA LeBlanc

Atelka, a person or persons who did not like the decision of a judge in respect to matters in which I represented the other party reside or may reside or may have formerly resided in his riding in addition to other persons who may have any other number of biases. If such untested information has been allowed to affect a professional employment application in an open competition it is submitted to the conflict of Interest Commissioner that that is very wrong and it is further submitted that for an MLA to use his position as MLA to lobby on their behalf to affect that private and confidential employment process which has a specific regulated process set out in the Civil Service Act is extremely wrong particularly when it is understood that he did so as otherwise those persons or others connected with them or other MLA's will lose their positions or jobs or be otherwise disciplined if I am hired. It is understood that MLA Parrot did so to further their private interests even though he has NEVER met me nor had even one conversation with me. Cabinet Minutes should show the reason that he was ousted from the Progressive Conservative Party although he now continues to sit as an independent MLA.

(2) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**Bernard Roger Leblanc - former Cabinet Minister, Liberal Government**

- Minister of Justice and Consumer Affairs January to February 2010 and May 11, 2010 to October 2010,
- Member for the riding of Memramcook Lakeville Dieppe;

It is hereby alleged that the former Cabinet Minister, Bernard LeBlanc, who was Minister of Justice in January and February of 2010 and from May 2010 to October 2010, has done the actions as set out in (1) to (9) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers, provincial government employees, municipal government employees, and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) Cabinet Minutes should show that Bernard LeBlanc was appointed Minister of Justice in January 2010 after Michael Murphy was required to resign from the Legislature by Premier Shawn Graham as a result of his taking in information from biased unqualified persons involved in the harassment of me expressing their opinions that I had mental health issues in order that he could find a reason not to hire me. It is understood that Bernard LeBlanc made the decision to continue to allow improper information from biased unqualified persons involved in the harassment of me to the effect that I had mental health issues, completely contrary to the Civil Service Act and the Human Rights





Act requirements in order to find a reason not to hire me as I had won the competition for the specialized prosecution branch lawyer III position based on merit and his department had to hire me. It is respectfully submitted to the Conflict of Interest Commissioner that he did so in order to further the private interests of his former Cabinet colleague Michael Murphy, persons involved in the harassment of me who had given incorrect information to Michael Murphy directly or indirectly and other persons who would lose their positions or be disciplined if I was hired contrary to sections 4 & 5 of the Members' Conflict of Interest Act.

(2) Bernard LeBlanc made the decision or participated in the decision being made not to hire this Applicant based on merit as required by the Civil Service Act in contravention of section 4 of the Members' Conflict of Interest Act in order to further or there was the opportunity to further the private interests of Michael Murphy, provincial government employees and other persons. Your investigation should show that Cst. Hamilton and the Chief of police are aware and police department records should show that the government advised the police that it had been reported to them that I had acted strangely on Monday December 21, 2009 which meant I had mental health issues and they were not going to hire me. Within 3 hours of what had occurred on the Monday I was sent a letter by Christine O'Donnell indicating that I was not successful. When as a result of the actions of the bullies it became apparent that they had done something further to interfere with my employment application in the open competition, I provided information to Cst. Hamilton who cleared up the bad information and again I was to be hired. Michael Murphy continued to take in information directly or indirectly to suggest that I had mental health issues from the biased unqualified persons involved in the harassment of me to adversely affect my being hired. It is respectfully submitted to the Conflict of Interest Commissioner that no objective person would ever have taken in such information and certainly an expert psychologist on workplace harassment and bullying who IS qualified to assess behaviour would never have accepted such information at face value. It is submitted that the bullies clearly are not qualified to give opinions and could NEVER give opinion evidence in a court of law and are biased and simply want to destroy me, their victim. Michael Murphy was then removed by Premier Graham as Attorney General and Minister of Justice as a result of Cst. Hamilton or someone else from the police force contacting the Premier. Bernard LeBlanc was appointed as Minister of Justice to replace Michael Murphy and Kelly Lamrock was appointed as Attorney General. Your investigation should show that they continued to allow incorrect information to be taken in from the biased unqualified persons involved in the harassment of me to the effect that their perception of what occurred meant that I had mental health issues. Your investigation should also show that Bernard LeBlanc then decided or participated in the decision to have Martha Bowes send a letter pursuant to my request for reasons why I was not hired stating reasons he knew or reasonably ought to have known were false as a result of his Cabinet position in order to avoid hiring me based on merit in order to further or there is the opportunity to further and/or protect the interests and reputation of Michael Murphy, TJ Burke, provincial and municipal government employees and others. It is submitted to the Conflict of Interest Commissioner that your investigation



CMC



should show that by so doing he contravened sections 4, 5 &/or 6 of the Members' Conflict of Interest Act.

(3) Bernard LeBlanc made the decision or participated in the decision to allow a Letter to go out of his Department under the name of Martha Bowes in or around January of 2010 in which she deliberately set out false reasons advising me that I was not successful as she was a member of the Board of Examiners and knows or reasonably ought to have known that I won the competition based on merit. This should be confirmed to the Conflict of Interest Commissioner by Mr. Mockler the Director of the Specialized Prosecution Branch who was also a Member of the Board of Examiners. It would not have been necessary for Michael Murphy to take in information from outside persons to the effect that I had mental health issues if I had not won the competition based on merit and HAD to be appointed by him. It is respectfully submitted to the Conflict of Interest Commissioner that by taking in such information as to perceived mental health based on the self serving information of biased unqualified persons that he contravened the Human Rights Act WHICH prohibits any inquiries direct or indirect and any consideration of mental health as part of the hiring process. It appears that Mr. Murphy and Mr. LeBlanc by relying on such information committed an offence under the Human Rights Act as the Act makes it an offence to consider such information. Your investigation may also show that Michael Murphy and Bernard LeBlanc deliberately committed the offence of obstruction of justice by deliberately contravening the requirements of the Civil Service Act and refusing to hire me despite they knew that I won the position based on merit. It appears that Michael Murphy made the decision he made in order to further or there was the opportunity to further the private interests of his former cabinet colleague TJ Burke and/or others and that Bernard LeBlanc made the decision he made in order to further or there was the opportunity to further the private interests of his former Cabinet colleagues Michael Murphy, TJ Burke and/or other persons.

Premier Graham and Cabinet handled my Complaint in respect to the Ombudsman, Bernard Richard who was required by Premier Graham to resign as a result of his conduct in lying in his reporting letter to me by stating that the government had not taken in any outside information from the persons involved in the harassment of me to affect my application in any of the competitions he had reviewed although he knew or reasonably ought to have known that the government took in such improper information from those persons outside government IN ALL OF THE COMPETITIONS that I was an applicant in which he reviewed from 2007 to and including 2010. Premier Graham knew or reasonably ought to have known that he had a conflict of interest when he did the review of my Complaint in respect to Bernard Richard's review of Competition #09-10-45 and should have had an unbiased properly qualified person do the review as he knew or reasonably ought to have known that there was the opportunity to further the private interests of Bernard LeBlanc, Michael Murphy, Bernard Richard and others and to cover up wrongdoing by his government employees and others. It is respectfully submitted to the Conflict of Interest Commissioner that Attorney General Kelly Lamrock also should have recognized the conflict of interest and should have had the Premier arrange for an



CMR 9/11

unbiased investigation by a reviewer outside Cabinet as the actions of former Cabinet Ministers were directly involved. By Premier Graham and Cabinet handling the Complaint, there would be an opportunity for Premier Graham to further the private interests of Bernard Richard, Michael Murphy and other persons to protect their reputations and cover up what they did so that they could obtain future appointments as well as protect the private interests of biased unqualified persons involved in the harassment who had provided biased and improper opinion information to the government.

My Complaint involved concerns in respect to the actions of former Cabinet Minister Michael Murphy and inappropriate conduct by him in respect to my private and confidential employment application in an open competition within his department. Cabinet Minutes and police records should show that Michael Murphy a Cabinet Minister was required to resign as a result of contact that Premier Graham received from the police in respect to Michael Murphy's actions in respect to my application. Michael Murphy was the friend and cabinet colleague of TJ Burke and cabinet Minutes should show that TJ Burke was removed as Minister of Justice as a result of the manner in which he allowed my applications to be treated for a position within his Department after my excellent supervisor Gillian Miller and Cst. Scaplan addressed the harassment situation that had occurred at Atelka with the government in or about May of 2009. Cabinet records should also show that one day after I had my interview on July 22, 2009 for the specialized prosecution branch Lawyer III position after it was shown that I was fully qualified based on merit that TJ Burke was required by Premier Graham to resign from the Legislature and a news conference was held that day in which Premier Graham and TJ Burke were on the evening TV news announcing he was leaving the Legislature to go back into private practice. It is understood that Michael Murphy made the decisions that he made not to hire me based on merit and to take in information from it appeared anyone involved in the harassment of me or indeed anyone in the community who would give him negative information he could use to say that I had mental health issues so that he could use it to find a way not to hire me although I had won the position based on merit in light of what had been done to his former cabinet colleague TJ Burke and/ or other persons as a result of their own wrongdoing. Another Member of Cabinet, Victor Boudreau, was the former executive assistant to Bernard Richard and it is respectfully submitted to the Conflict of Interest Commissioner that he had a clear conflict if cabinet records show or it is otherwise verified that he participated in dealing with any issues in respect to my complaint concerning Bernard Richard or in respect to my hiring as he would have had the opportunity by making the decision to participate in dealing with those issues in his office as Cabinet Minister to further the private interests of Bernard Richard, Michael Murphy TJ Burke, Bernard LeBlanc, government employees and others..

It is respectfully submitted to the Conflict of Interest Commissioner that Premier Graham DID further the private interests of Bernard LeBlanc and Bernard Richard. After he completed his review rather than remove Bernard Richard immediately he allowed him a year to resign which it is respectfully submitted no impartial unbiased reviewer would



have done as Bernard Richard had deliberately lied in his reporting letter to me and had violated his oath of office and mandate. Your investigation should also show that after Premier Graham completed his review, in about May of 2010 he reappointed Bernard LeBlanc as Minister of Justice and refused to hire me based on merit and he and Minister LeBlanc continued to take in prohibited improper information from biased unqualified persons as to their perception that I had mental health issues. It is submitted that Premier Graham deliberately obstructed justice by not giving my Complaint in respect to Bernard Richard to the Legislative Assembly as Mr. Richard was a statutory officer of the Legislative Assembly and the Legislative Assembly had the power by vote to remove him immediately from his position as a result of his conduct. Your investigation may also show that he deliberately participated in and/or encouraged the criminal harassment of me by continuing to take in information from the persons involved in the harassment of me directly or indirectly in order to find a reason to not hire me and on which to base his decision to reappoint Bernard LeBlanc after he required the resignation of Bernard Richard and MLA Stuart Jamieson as a result of their conduct in respect to me. Cabinet Minutes should show how Premier Graham dealt with the review of my Complaint in respect to Bernard Richard made in March of 2010.

It would appear that Premier Graham participated in the criminal harassment of me by taking in this information from persons outside government and/or in obstruction of justice by not hiring me based on merit as required by the Civil Service Act regulated hiring process and/or breach of trust or other criminal offences as a result of his using his public office to cover up what was done and to further the private interests of Bernard Richard, Bernard LeBlanc and others rather than ensuring the Civil Service Act requirements were carried out fairly and impartially. Cabinet Minutes should show that once Premier Graham felt he had information from outside sources on which he could justify not hiring me that he then reappointed Bernard LeBlanc and advertised new competitions. I applied for those competitions to give the government as many options as possible to correct the situation as I had no alternative and I advised Premier Graham in writing that I did so for that purpose but that the proper review under the Civil Service Act in respect to Competition #09-45-10 was still necessary as I had properly complied with the Civil Service Act to request the review and the Ombudsman's review was invalid as a result of his conduct in violating his oath of office and mandate.

(5) Your investigation should show that Bernard LeBlanc made the decision or participated in making the decision contrary to the Members' Conflict of Interest Act, section 4 and/or to deliberately obstruct justice, when he had the power and ethical obligation to stop it, to allow Martha Bowes to be part of the Board of Examiners in respect to the 2010 competitions #s 10-44-02 and 10-44-03 in which I was interviewed when he knew or reasonably ought to have known that she was not impartial and her participation as a Member of the Board of Examiners was contrary to section 16(1) of the Civil Service Act. It is submitted that this concern is serious as Bernard LeBlanc by making the decision to form a biased Board of Examiners knew or reasonably ought to have known that by making that decision there was opportunity to further the interests of

X

MS  
MS  
MS

Michael Murphy, Bernard Richard, TJ Burke government employees and others. It is respectfully submitted that he knew or ought to have known that by making that decision it would be unlikely that a biased Board of Examiners would find me a strong A rated candidate as did the Board of Examiners in the January 2007 interview before the Liberal government became biased as a result of employees being disciplined or removed from their positions as a result of their own wrongdoing which occurred after the Ombudsman review of the competition in which I had an interview in January of 2007.

(6) Bernard LeBlanc had the obligation as Minister of Justice to ensure that an unbiased review took place of the specialized prosecution branch competition, #09-45-10 and he made the decision or participated in the decision not to do so in order to further the private interests of or there was the opportunity to further the private interests of Bernard Richard, Michael Murphy, TJ Burke and/or other persons by the decision he made. It is respectfully submitted that he contravened section 4 of the Members' Conflict of Interest Act by making that decision. I properly made a request for a review as the review completed by the Ombudsman is invalid as a result of his lying about his findings and making fun of me as having mental health issues for asking that he require the government to stop taking in improper prohibited information from biased unqualified persons involved in the harassment of me as to their perceptions of my mental health and using such improper information to not hire me in the open competition contrary to the Civil Service Act and the Human Rights Act.

Bernard Richard was required to resign and it is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that he committed an offence under the criminal code by obstructing justice or by committing a deliberate breach of trust or such other offence or offences by reporting false findings as to his investigation deliberately to assist the Liberal government by covering up what that government had done. Cabinet Minutes from about March 19, 2010 to May 2010 should show how Premier Graham and Cabinet dealt with this matter. Your investigation should also show that Bernard Richard took in information from biased unqualified persons outside government himself as to their perceptions of my mental health and that he had a social worker in his office ( who is also NOT qualified to assess mental health and who is attached to the child advocate office and who is not supposed to be involved in investigations under the Ombudsman Act) call me pretending to be addressing the investigation but I later learned that she reported that after one phone call she had decided that I had mental health issues. There was nothing negative whatsoever on an objective basis in respect to my conduct on the phone call( as addressed in my written complaint respecting Bernard Richard of March 2010.) The government has a copy of my Complaint in respect to Bernard Richard and attached to that complaint is my letter addressing concerns in respect to the social worker. It is clear it is submitted from what occurred in Bernard Richard's office that BIAS can result in unethical conduct. It would appear that by Premier Graham doing the review of my complaint re Bernard Richard that any criminal offences committed by Bernard Richard were covered up.



*McM*

(6) The Conflict of Interest Commissioner should specifically investigate whether Bernard LeBlanc directed Martha Bowes or any other member of the Board of Examiners to find reasons not to hire this Applicant rather than to treat me impartially.

(8) The Conflict of Interest Commissioner should specifically investigate if Bernard Leblanc participated in the decision to or directed that I be required to submit to a search before I was allowed to enter the Justice building to attend the interview to which they HAD INVITED me in order to try to create and obtain negative information to find a reason not to hire me which would specifically contravene section 16 of the Civil Service Act. Specifically it would appear he should have the answers as to who made the arrangements with the Sheriff's office, what they told the sheriff deputies involved in the search and in escorting me to and from the interview. He should also be able to provide specific answers to the Conflict of Interest Commissioner as to why Martha Bowes was removed shortly after my letter to the police dated on or about August 4, 2010 in respect to the conduct at the interview and the harassment that occurred a few days later by bus drivers and other persons reporting to the government directly or indirectly that I was confused when I went from one end of the city to another( although a few days earlier I had gone to Fredericton, attended the interview and returned to Saint John as set out in the letter to the police without any difficulty whatsoever. Bernard LeBlanc and former Premier Graham and the Chief of Police should indicate to you that immediately subsequent to the police receiving my letter, that persons involved in the harassment of me were disciplined and that they were advised words to the effect that I was very accomplished and that I was going to be hired. Bernard LeBlanc should also be able to verify to you that immediately after the Ombudsman had allowed negative information to go from his office to the government after Bernard Richard made his own direct or indirect illegal inquiry as to my mental health that the government allowed the negative information to go out into the community that I was not being hired. Bernard LeBlanc should also be able to confirm to you that immediately after his office received notification from Bernard Richard that he had found a way to assist the government to not hire me that the Department of Bernard LeBlanc IMMEDIATELY in February 2010 within days if even that or possibly hours of receiving that notification from the Ombudsman that employees in the human resources department of the Office of the Attorney General ran a competition to hire an administrative assistant in the Office of the Attorney General in the Crown Attorney's office in Saint John in order to hire the lady from Legal Aid who had been disciplined in 2004 and then removed from her position in 2006 as a result of her improper conduct in interfering in a Fredericton family court solicitor position that I had applied for **in Fredericton with which she had NO CONNECTION** but in which she interfered in order to hurt me I understand just because she felt she could get away with it as a result of what the government had condoned being done to me in the 2002 and 2003 Saint John Regional Director competitions in order to assist Ray Glennie and Rod MacKenzie with their personal wishes despite I had won both competitions. I was informed by Rod MacKenzie in August of 2003 and do verily believe that I was THE ONLY A rated candidate in the 2002 competition and that when there is an A rated candidate they cannot hire any lower rated candidates.



July 6/10

MLA Boudreau

It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that Bernard LeBlanc deliberately decided not to hire me based on merit and made the decision (contrary to section 4 of the Members' Conflict of Interest Act in order to further private interests of Michael Murphy and others) to allow false reasons to be given by his office in the Letter from Martha Bowes to me as to why I was not hired in competition #09-45-10 in order to cover up what had been done and to deliberately obstruct justice and to deliberately contravene the system set out in the Civil Service Act and to prevent a proper review on true reasons as REQUIRED by the Civil Service Act. It is respectfully submitted that if true reasons were stated that ANY Ombudsman would have had to find in my favour on review. It is further respectfully submitted that what was done by Michael Murphy and Bernard LeBlanc and/or other employees in order to find a reason not to hire me despite I had won competition #09-45-10 based on merit was unethical, unconscionable and should NOT be tolerated in ANY free and democratic society and it is submitted clearly contravened the Civil Service Act and the Human Rights Act requirements. It is submitted that your investigation should show that an offence was committed under the Human Rights Act by Bernard LeBlanc and/ or Michael Murphy and / or Kelly Lamrock and/or other persons who took in information from the biased unqualified persons involved in the harassment of me to the effect that they perceived that I had mental health issues to affect my being hired. It is submitted that your investigation should also show that Michael Murphy, Kelly Lamrock and Bernard LeBlanc DELIBERATELY OBSTRUCTED JUSTICE or committed such other offences as breach of trust as a result of their actions and conduct in dealing with my private and confidential application for a Lawyer III position in the Department of Justice, Office of the Attorney General in AN OPEN COMPETITION in the specialized prosecution branch. Bernard LeBlanc should be able to verify to the Conflict of Interest Commissioner as a Member of Cabinet at that time that when the government changed I was to be hired as a lawyer III in the employment and administrative law group of the Department of Justice. Premier Alward should also be able to confirm this as your investigation and Cabinet Minutes should show that when the government changed Premier Graham advised Premier Alward that I was to be hired. .

(9) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

**Victor Boudreau - former Cabinet Minister, October 2006- October 2010**  
**- Minister of Finance 2006- 2009 - Member for the riding of Shediac-Cap Pele**

It is hereby alleged that the former Cabinet Minister, Victor Boudreau (2006 to 2010) has done the actions as set out in (1) to (4) below in order to further the private interests or there has been the opportunity to further the private interests of other Cabinet Ministers or former Cabinet Ministers, provincial government employees, municipal government employees, and other persons who will be able to retain their jobs or professional positions or appointments or get them back or otherwise avoid the consequences of their





Dissenting  
Minister  
Unnamed



involvement in the harassment of me or in other wrongdoing in respect to how I have been treated in respect to my private and confidential employment applications in open competitions for the position of Lawyer III in the Civil Service, and as a result of doing so has contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act:

(1) The Conflict of Interest Commissioner should investigate as to if Victor Boudreau participated in the decision of Premier Graham to handle my complaint in respect to the Ombudsman Bernard Richard and to not provide the complaint to the other Members of the Legislative Assembly to whom it was also addressed and in the handling and determination of my Complaint as Victor Boudreau was a former Executive Assistant to Bernard Richard and if he made the decision to do any of those actions it is respectfully alleged that he knew or reasonably ought to have known that as a result of the decision there would be the opportunity to further the private interests of Bernard Richard and other former Cabinet Ministers and others and to cover up the wrongdoing that had occurred within government.



(2) The Conflict of Interest Commissioner should investigate as to if Victor Boudreau participated in the decision of Premier Graham to not hire me after he required the Ombudsman to resign and removed Stuart Jamieson as MLA and to not IMMEDIATELY ARRANGE an unbiased review under the Civil Service Act as Victor Boudreau knew or should have known that the review of Bernard Richard was invalid and by making either of those decisions there was the opportunity to further the interests of Bernard Richard and other persons within and outside government.

(3) The Conflict of Interest Commissioner should investigate as to if Victor Boudreau participated in the decision to reappoint Bernard LeBlanc as Minister of Justice once the Premier and Cabinet decided they had found a way not to hire me and as to if he participated in the taking in of further improper information contrary to the Human Rights Act from the biased unqualified persons involved in the harassment of me in respect to my mental health ( which is an offence under the Human Rights Act) in order that the premier and cabinet could make that decision.

(4) Such other contraventions of sections 4 to 6 of the Members' Conflict of Interest Act as appear in this affidavit in support of these complaints and as become apparent in the investigation of the Conflict of Interest Commissioner.

#### **ONE DISSENTING CABINET MINISTER**

4. There is I understand one Cabinet Minister who will not go along with or in the past has not gone along with the actions of the Premier and/or Cabinet to accept the information that is coming in through the biased unqualified persons involved in the harassment of me who have alleged that I have mental health issues when Cabinet has tried to proceed based on that information to not hire me and to refuse to allow the REQUIRED MANDATORY unbiased reviews under the Civil Service Act. The Cabinet

# Brief Summary

Minutes of Meetings should provide this information to the Conflict of Interest Commissioner if the Premier does not immediately provide this information.

5. The Cabinet Minutes should also reflect as to if the Premier supported my being hired until Andrea Folster filed the Responses containing the false information for which he is also responsible as he had an ethical obligation to not allow deliberately false information to be filed and to ensure that the Responses contained correct information before they were filed as he is one of the Respondents on whose behalf they were filed. It is respectfully submitted to the Conflict of Interest Commissioner that it appears that once someone does something wrong or is involved in a situation where there has been wrongdoing that they then become involved with the persons involved in the harassment or agreeable to accepting what those persons provide in order to cover up what they have done or to prove that they are right. The cabinet Minutes should also reflect if his opinion or position changed at any other time and if so for what reason. The Cabinet Minister that I understand will not go along with the deliberate attempt to prevent my being hired using prohibited information from persons it appears are clearly involved in criminal harassment may also be able to indicate if his position changed and if so when and why.

**Brief Summary of Relevant Concerns that the investigation of the Conflict of Interest Commissioner should clearly reveal in respect to my Conflict Complaints under the Members' Conflict of Interest Act in respect to the above-noted members and any persons replacing them as Ministers of the Departments that they represent or formerly represented as any such new Ministers will inherit the situation the prior Ministers have created and would have a responsibility to deal with the issues I have raised and to comply with the law:**

5.

(1) The Civil Service Act is clear that the government cannot review its own actions and requires that an unbiased review be completed by the Ombudsman Office in any open competition upon request of an unsuccessful applicant as set out in section 33.1. Competition #s 09-45-10 (Lawyer III specialized prosecution branch), 10-44-02 (Lawyer III litigation group) and 10-44-03 (Lawyer III employment and administrative law group) in the Office of the Attorney General have not had unbiased reviews completed in conformity with the Civil Service Act despite my numerous requests of the Premier, the Attorney General and the Deputy Minister of the Office of Human Resources (now the Department of Human Resources). I also made a Complaint to the Clerk of the Legislative Assembly dated on or about December 20, 2011 in respect to Premier Alward and Blaine Higgs requesting amongst other relief that these reviews be allowed to proceed.

(2) As the Ombudsman office has a conflict it has repeatedly been requested that the Premier have the Statement of Reasons provided by the Deputy Minister of the Office of Human Resources (now the Department of Human Resources) and advise as to what properly qualified unbiased reviewer from outside the province will be doing the review.

X

MEM

In light of the situation that the government has caused by the manner in which it has dealt with this matter and the extremely powerful people involved including the Premier, the reviewer it would appear should be from outside the Province at this time to ensure fairness and impartiality of any review.

(3) The Deputy Minister of the Office of Human Resources has a duty to provide a Statement of Reasons as soon as practicable as to why the Applicant was not successful or to provide a statement as to why he will not provide the reasons if he is not going to do so pursuant to section 33.1 (6) & (7) of the Civil Service Act which can then be subject of an impartial review according to the requirements of the Civil Service Act. I have requested that the Statement of reasons be provided from the Premier, the Attorney General, the Deputy Minister of the Office of Human Resources (Doug Holt ) and in my Complaint dated December 20, 2011 in respect to Premier Alward and Blaine Higgs.

(4) The Minister of the Office of Human Resources has, repeatedly since December 2010 until he was removed from the position in October of 2012 instead of having the Deputy Minister review the file and provide reasons to me as to why I am not being hired, continued to take in or allow to be taken in NEW INFORMATION through biased unqualified persons who would not be allowed to give opinion evidence in court as to their opinion of this Applicant's mental health. This action is prohibited by the law including the Civil Service Act, the Human Rights Act and the Rules of Natural Justice.

(5) I respectfully submit to the Conflict of Interest Commissioner that the only problem that this Applicant has is that she has been targeted by bullies as a result of the manner in which Minister Higgs handled his duties in the Office of Human Resources since being appointed Minister in 2010 as well as the manner in which other government Cabinet Ministers, officials and employees have dealt with me since 2002. A brief synopsis of facts is set out in detail in a later portion of this affidavit. It is respectfully submitted to the Conflict of Interest Commissioner that it is as a result of the private interests that will be furthered if I am not hired of Cabinet Ministers or other officials or provincial government employees or other persons that have been or will be removed from their positions or otherwise disciplined and to cover up the wrongdoing that has occurred in government to further the interests of the persons involved in the wrongdoing or whose reputations or future appointments etc would be affected that is causing the current Cabinet Ministers the subject of this Complaint to make the decision to not hire me based on merit. It is also respectfully submitted that that is the reason behind the decision of those Cabinet Ministers to prevent the unbiased reviews **LEGISLATIVELY REQUIRED BY THE CIVIL SERVICE ACT** and **TO TRY TO HAVE MY HUMAN RIGHTS COMPLAINT DISMISSED WITOUT PUBLIC SCRUTINY OR HEARING** by participating in or by not stopping the NB Human Rights Commission from proceeding in the face of a conflict on documents filed by the Respondents that deliberately contain false information designed to get the result the government wants to obtain. It is respectfully submitted that that same reason of furthering the private interests of persons involved in wrongdoing in respect to how my private and confidential employment



applications in open competitions have been dealt with by the government is the reason that the Premier, the Attorney General and Danny Soucy as Minister of Post Secondary Education Training and Labour (the Department to whom the NB Human Rights Commission reports) have allowed or influenced or directed that a Report be prepared by NB Human Rights Commission staff deliberately based on that false information making findings adverse to me and to date not one of the Respondents have corrected the false information despite the oath of office taken by each of them and their ethical obligation to do so. The NB Human Rights Commission, despite my objection and the serious concerns that I have indicated in respect to that Report as set out in my Comments to that Report (both of which are attached to this affidavit as Exhibits) has advised by e-mail from Jennifer LeBlanc that it intends to proceed based on that Report and will NOT have an unbiased Human Rights commission take over carriage of this matter. The Premier and the Attorney General despite being requested to declare the conflict and REQUIRE that an unbiased human rights commission handle my complaint have ALSO NOT declared the conflict and have not arranged an unbiased human rights commission to handle my matter which it is respectfully submitted to the Conflict of Interest Commissioner is not an option but a requirement under the rules of natural justice and other laws and under the Members' Conflict of Interest Act. The Premier, the Attorney General and Danny Soucy know or reasonably ought to know that by making the decision or participating in the decision being made to allow the NB Human Rights Commission to proceed based on a Report based on false information of the Respondents that he is furthering the private interests or there is the opportunity to further the private interests of other Cabinet Ministers, government employees and others as if correct information was provided the findings in the Report WOULD BE IN MY FAVOR and it is respectfully submitted that Danny Soucy knows this or reasonably ought to know that the findings would be in my favor if the Respondents corrected the deliberately false information in their Responses.

(6) All of Cabinet it would appear in effect has a conflict of interest and bias resulting therefrom in light of the behaviour of their colleague Blaine Higgs as Minister of the Office of Human Resources and the private interests of other government Cabinet Ministers, provincial government employees, municipal government employees and others whose private interests will be furthered if I am not hired and this situation is covered up. It is an extreme concern that ALL CABINET MEMBERS SIMPLY Do not follow the law and ELIMINATE ALL INFORMATION from ALL PERSONS OUTSIDE government as they should know it is contrary to the Civil Service Act, the Human Rights Act and other laws. It is also untested and not reliable and is provided by biased persons not qualified to give any opinion evidence who will have their private interests furthered or the private interests of other persons associated with them.

**(7) It is respectfully submitted that the Conflict of Interest Commissioner should ensure that an unbiased reviewer does the reviews under the Civil Service Act in respect to the last three competitions #09-45-10, #10-44-02 and #10-44-03 and any public inquiry or other reviews felt necessary by the Commissioner in the circumstances of this matter as a result of the extremely serious consequences**



**resulting not only to me but to the entire Civil Service, the administration of justice and the protection of basic rights in a free and democratic society.**

(8) Only a professional psychologist with expertise in workplace harassment and bullying would be qualified to review the harassment situation and give any opinion on the behaviour or mental health of anyone. However, the Civil Service Act and the Human Rights Act are VERY CLEAR that NO SUCH INFORMATION OR INQUIRIES ARE ALLOWED IN THE HIRING PROCESS ANYWHERE IN NEW BRUNSWICK.

It should be a considerable concern to the Conflict of Interest Commissioner as to why then since 2008 and particularly under Michael Murphy and then Blaine Higgs extremely severe harassment of me been allowed to take place by biased and unqualified persons outside government to allege that in their opinion I have mental health issues in order that the government can use that information as a reason not to hire me.

(9) I understand the Premier and others in government are aware that the conduct of Blaine Higgs was VERY WRONG and that he was removed as Minister of the Office of Human Resources on Thursday September 27<sup>th</sup> 2012 as a result of the Premier and Cabinet addressing his conduct after my e-mail of September 9<sup>th</sup>, 2012. It appears that Blaine Higgs has no problem with hateful and improper bullying destroying my reputation as long as it saves his job or the jobs or reputations of other persons associated with him. I believe that this is certainly NOT the character that ANY Minister of the Legislature should have at all. Blaine Higgs has not even met me despite I have requested that he do so in light of his refusal to hire me based on merit and as a result of the type of information Cabinet Minutes or Premier Alward should verify to you that he is taking in.

(10) It is respectfully submitted to the Conflict of Interest Commissioner that what Blaine Higgs has done is improperly involve people who have no connection with government and certainly no right to interfere in my private and confidential employment applications in open competitions in criminally harassing me in order that he could find or create a reason not to hire me based on merit so that the government can cover up how it has treated me and avoid paying me for the severe harassment it has caused to me and any and all loss of benefits as well as retroactively paying me to September 2004 for failing to put the job in place then or at least to 2006 when the undertaking was given by Deputy Minister Choukri that the government would hire me (which undertaking was unqualified and which undertaking I confirmed in my letter to Deputy Minister Choukri on March 7, 2006 together with all other appropriate relief.) and to further the private interests of government employees and others involved in wrongdoing. I have provided information to the Premier directly or indirectly that undertakings MUST be complied with once they are made by the organization on whose behalf they are made and CANNOT be changed once made. The November 2009 Rules of Professional Conduct Commentary indicated that technical defences DO NOT apply to undertakings given by a lawyer who is an officer of the court and the lawyer has an obligation to advise the client that the undertaking once made cannot be changed AND MUST BE COMPLIED WITH as it binds the organization.





(11) Cabinet does not seem to understand that biases color how a person sees things and reports them and that in cross examination their evidence can be shown to be totally wrong. They also do not seem to understand that NONE of the persons from whom they are taking in opinions would be allowed to express any of those opinions in court as they are not properly qualified to give opinions. It is respectfully submitted that they could state what they say they saw etc but NOT their opinion on what the behaviour or occurrence means. HOWEVER, the Premier, Blaine Higgs and the Attorney General to name just a few within government are taking in or allowing this information to be taken in contrary to the Civil Service Act and the Human Rights Act and other laws to affect my livelihood and my very ability to survive. Very few people in this world do not need employment in order to survive. If they succeed in the horrendous circumstances of my matter to destroy me and cover it up the Conflict of Interest Commissioner should it is submitted conclude that a precedent has been set and that no one will likely ever be hired based on merit if there is a friend or other person the government would prefer to hire or if a government official or employee does wrong or for any other number of reasons.

(12) Attached to my sworn affidavit is a copy of a newspaper article in respect to the very real presence and seriousness of workplace bullying in New Brunswick which can result as in that situation when senior employees who should know better were angry that a friend was not given the position instead of the man who was hired.

(13) It is submitted that Blaine Higgs and Cabinet have proceeded to cover up what they and their employees and others in the community have done despite the requirements of the law and have prevented any impartial reviews or hearings in which cross examination could occur in order to bring out the truth. For the NB Human Rights Commission to now be attempting to proceed based on a report containing false information prepared by Commission staff based on false information deliberately provided by the Respondents including the Premier and the Department of Justice staff that the Commission staff, Danny Soucy, the Premier and others know or reasonably ought to know is false should be found by the Conflict of Interest Commissioner to be completely unconscionable and intolerable in a free and democratic society. It would also appear that the Conflict of Interest Commissioner should be concerned that criminal offences of obstruction of justice, criminal harassment and potentially other offences such as fraud have been committed by the Premier, Danny Soucy, Department of Justice staff, the Chief of Police and others contrary to the criminal code, the Human Rights Act or other laws.

(14) The record of information that I have provided to the Premier to clear up negative information provided by the persons involved in the harassment shows, I submit, that I have dealt with the horrendous situation Cabinet has caused professionally and repeatedly have tried to get Cabinet to comply with the Law and put in place the unbiased reviews.

(15) The Human Rights Act is very clear (as set out in the sections set out for the Commissioner's convenience in an exhibit to my affidavit) that mental health inquiries direct or indirect ARE NOT ALLOWED to be made by the government or any other employer as part of the hiring process. It also provides very clearly that to do so is an offence. The government controls the Crown Attorneys who would prosecute



UPH 610

them for any such offence. It would appear the only reason the Attorney General has taken in this type of information to affect my competition in her department is as a result of the biases resulting from her conflict of interest as if I am not hired there is the opportunity to further the private interests of Cabinet Ministers, government employees and others by enabling them to keep their jobs or ministerial positions including the Attorney General or by otherwise avoiding the consequences of discipline and by avoiding public scrutiny of the wrongdoing that government officials and employees have done.

(16) ANY Applicant for a position in the Civil Service after winning the position based on merit is to be evaluated as to job performance during the probationary period once I or anyone else has won the competition based on merit . Merit was to be evaluated based on the interview for the employment and administrative law group and litigation group positions. Attached as an exhibit to my affidavit is a Letter of Robert Savoie of the Office of the Ombudsman showing that I was a strong A rated Applicant for the same litigation position of Lawyer III as I interviewed for in July of 2010 when I interviewed in January of 2007. Nancy Forbes was a member of both Boards of Examiners.

(17) The Attorney General, it is respectfully submitted as a result of her conflict of interest and the bias resulting therefrom and the private interests dependent on my not being hired nor any public scrutiny being allowed by a public hearing where I can cross-examine the Respondents, has allowed Responses deliberately containing information that she KNOWS is false to be filed on her behalf and on behalf of all other Respondents by Andrea Folster. I made a complaint to the Premier and the Clerk of the Legislative Assembly in respect to the False information in the Responses as well as other concerns and they have not been corrected. The Attorney General knows or ought to know that a Report has been made based on that false information by the NB Human Rights Commission adversely affecting me. She still has not required that the false information in the Responses be corrected as of the present date despite her Department has had the Report I understand as long as I have had it. It would appear that she has not had it corrected because of the conflict of interest in order to further the private interests of persons that are dependent on my being discredited and the government covering up what has occurred rather than the government taking full responsibility for what it has done and remedying the situation including hiring me and paying me retroactively to at least July of 2006 together with full and fair compensation for the extremely severe harassment and all other appropriate relief. Under the Rules of Professional Conduct of the NB Law Society which the Attorney General as a lawyer is required to follow it is respectfully submitted that she is required to take full responsibility for the situation the government has created and to remedy it.

(18) I have included as well for the Commissioner's ease of reference as an Exhibit to my affidavit relevant principles from the Code of Professional Conduct of the Law Society of New Brunswick that are applicable to the Attorney General and other lawyers and although not subject to that Code it is respectfully submitted to the Conflict of Interest

A

MEER



Commissioner that the Cabinet Ministers are or should be held to the same standard of conduct as set out in those principles in light of the power and far reaching implications of their Cabinet positions. Andrea Folster who has a conflict as she was on the 2010 Board of Examiners should not it would appear under the Professional Code of Conduct be representing the Respondents at all. It is respectfully submitted to the Conflict of Interest Commissioner that surely lawyers within the Department of Justice would know this and that the Conflict of Interest Commissioner should be concerned that the reason she is representing them is that she will take measures like deliberately filing the Responses containing false information that an objective lawyer following the Law Society requirements would not take as it is submitted that her conduct has been completely unethical and it would appear is the offence of obstruction of justice and/or fraud under the Criminal Code or such other offences as your investigation may reveal. It is further respectfully submitted to the Conflict of Interest Commissioner that she has done what she has done in order to cover up what has occurred within and outside government as a result of the manner in which the Department of Justice, Office of the Attorney General officials and employees and others have handled my private and confidential applications for a Lawyer III position and to further the private interest of Cabinet Ministers, herself and other persons. It is respectfully submitted that the Premier, the Attorney General and the Minister of the Office of Human Resources are STILL taking in information from biased unqualified persons involved in the harassment of me to the effect that I have mental health issues to affect my being hired as a Lawyer III at the present time which is it appears an offence under the Human Rights Act and that Blaine Higgs did so right up to October of 2012.

(19) The Premier should confirm to the Conflict of Interest Commissioner that on I understand September 27, 2012 the Minister and Deputy Minister of the Department of Post Secondary Education and Development were I understand removed from their positions as a result of the manner in which my human rights complaint was handled. For neither the Premier nor Danny Soucy the Cabinet Minister to whom the NB Human Rights Commission reports to declare a conflict of interest and arrange for an unbiased human rights commission from outside the province to handle my matter should it is respectfully submitted be found totally unacceptable by the Commissioner. It appears that they have made the decision not to do so solely to further the private interests of themselves, other Cabinet Ministers, provincial and municipal government employees and others in order to cover up what the government has done and avoid public scrutiny of their actions.

(20) The Attorney General as a member of Cabinet has participated in making decisions in respect to hiring me although it is clear that she has a very severe conflict of interest as if I am not hired former Cabinet Ministers and other Cabinet colleagues, Andrea Folster and other employees in her department as well as other persons will be able to keep their professional positions or have their reputations not be affected by what they have done or will not be otherwise disciplined or will avoid other consequences of their wrongdoing in respect to how I have been treated in open competitions in her Department. Andrea



Folster filed a sheet with her Response (which is attached as an Exhibit to my affidavit along with the Response ) which appears to be a very strange sheet for her to have attached but it appears to suggest that Guy Daigle indicates that they may not have to deal yet with my complaint in respect to her. It appears that this was meant to suggest to the Human Right Commission that I have mental health issues in light of the other information the respondents have filed. In fact I would suggest to the Conflict of Interest Commissioner that what it really means is that Guy Daigle was referring to the fact that if the persons involved in the harassment discredit me as having mental health issues on inappropriate biased self serving information then all of the persons who have done wrong, including Andrea Folster, will avoid discipline. The Premier should verify to the Commissioner that it is true that the private interests of government officials and employees will be furthered if I am not hired and that this Cabinet has been accepting information directly or indirectly from persons involved in the harassment of me in order to find a reason to stop my hiring since at least December 2010 after coming to power in October of 2010.

(21) It is respectfully submitted to the Conflict of Interest Commissioner that the Attorney General is an Officer of the government and is responsible for, in addition to other responsibilities, ensuring that (1) the administration of justice is not brought into disrepute, (2) that the requirements of the Civil Service Act and the Human Rights Act are complied with particularly in respect to competitions within her own department, (3) that the NB Human Rights Commission does not proceed when it has a conflict, (particularly when her own department has exchanged information with it prior to my even filing my complaint to find a reason they could use to not hire me and as a result of that exchange incorrect negative information went from the NB Human Rights Commission to the government and then out into the community from the government) and (4) the Rules of natural justice are followed. The rules of natural justice provide that an administrative decision such as hiring in a competition, doing a review, hearing a human rights complaint, etc cannot be done by a person with bias and that a person must have the opportunity to respond to any allegations against them. Despite my repeated request the government HAS REFUSED to provide the information that the persons involved in the harassment of me ( who are outside government and have no right whatsoever to interfere in my private and confidential employment applications) are providing to the government to me to respond to BEFORE it relies on it if they are TAKING IT IN CONTRARY TO THE LAW AND DESPITE MY CLEAR OBJECTION to their doing so.

(22) The Conflict of Interest Commissioner should ensure unbiased properly qualified persons with judicial capabilities from outside the province review all issues in respect to my hiring in all competitions not yet reviewed or not yet properly reviewed and the decisions of cabinet or any individual cabinet Ministers in respect to me or my hiring in any way as all of cabinet would appear to have a conflict in light of what various cabinet ministers have done. It would also appear that the Legislative Assembly has a conflict as



CMC/12

Victor Boudreau and Bernard LeBlanc are MLA's in the Liberal party. In addition based on a news broadcast I am informed and do verily believe that Kelly Lamrock has now changed from the Liberal party and is a member of the NDP party which I understand has occurred fairly recently.

(23) It would appear that the Premier or the Attorney General or Danny Soucy or all of them have participated in the decision for the NB Human Rights Commission to proceed based on the Responses containing false information filed by Andrea Folster on behalf of all Respondents and/or that they have used their office to influence the NB Human Rights Commission to proceed on false evidence and to prepare the Report based on false information as each of them have the power to stop it from doing so and to arrange an unbiased human rights commission to handle my complaint. As they have not done so the investigation of the Conflict of Interest Commissioner will likely show that they have committed criminal offences of obstruction of justice or fraud or breach of trust. It is respectfully submitted to the Commissioner that they are entitled to take any position and make any arguments that they wish to make but the facts must be stated honestly and accurately in any documents they file or that is prepared with an unbiased entity hearing the matter in a free and democratic society. Otherwise it is respectfully submitted that the administration of justice is brought into disrepute if powerful people like the Premier, the Attorney General or other Cabinet Ministers manipulate the system or use their influence to improperly obtain the result they want to obtain based on false information.

(24) The Cabinet Minister to whom the Human Rights Commission reports, formerly Martine Coulobme and now Danny Soucy has a conflict as they could assist their colleagues to avoid embarrassment and even possible criminal charges as a result of the Respondents filing false responses in a legal proceeding and obstructing the process and investigation, if the NB Human Rights Commission who reports to them dismisses my Complaint without public scrutiny or public hearing. It is respectfully submitted that Martine Coulobme and Danny Soucy have contravened sections 4, 5 and/or 6 of the Members' Conflict of Interest Act in addition to deliberately committing possible criminal offences including fraud and obstruction of justice.

(25) The situation has become significantly worse and requires the urgent attention of the Conflict of Interest Commissioner as the NB Human Rights Commission has now prepared a Time Limit Extension Request Report which it appears is deliberately based on Responses that deliberately contain false information filed by Andrea Folster on behalf of all of the Respondents who have an obligation to read the responses and ensure that the information in them is correct BEFORE they are filed on their behalf. The NB Human Rights Commission has continued to insist that it is proceeding to consider the matter despite the clear conflict of interest that has been brought to its attention and the serious concerns in respect to its report set out in my Comments in respect to the report ( a copy of which is attached to this affidavit).

(26) The Premier, the Attorney General and Danny Soucy (the Minister of Post Secondary

Education Training and Labour to whom the NB Human Rights Commission reports) despite being advised by me of the intention of the NB Human Rights Commission to proceed has done nothing to stop it from proceeding. Jennifer LeBlanc has advised this Complainant that the Time Limit Extension Request Report and all other file documentation will be given to the NB Human Rights Commission at its next regular meeting on April 24, 2013 at which time legal advice will be given to the Commission by its legal counsel Seamus Cox.

(27) It is respectfully submitted to the Conflict of Interest Commissioner that the staff of the NB Human Rights Commission have prepared a report based on false information from the Department of Justice and have refused to have that false information corrected despite Danny Soucy as a Member of Cabinet and the Minister to whom the NB Human Rights Commission reports knows or reasonably ought to know that the report is based on false information from the Respondents. It is further respectfully submitted that the Commission certainly has a conflict as it is unlikely that it is going to reject the report of its own staff in respect to which its own legal counsel is giving it advice and it is unlikely that the Commission's own legal counsel is going to tell the Commission that the Report it prepared contains false information and as a result improper recommendations. It would appear that there is a clear and deliberate obstruction of justice of a formal legal proceeding before the NB Human Rights Commission participated in by Commission staff and the Minister to whom they report.

**SUBMISSIONS TO THE CONFLICT OF INTEREST COMMISSIONER IN RESPECT TO ACTION NEEDED AS A RESULT OF THE CONFLICT OF INTEREST OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY THE SUBJECT OF THIS COMPLAINT:**

**1. It is respectfully submitted that the Conflict of Interest Commissioner should require that the Cabinet Ministers the subject of this Complaint and their Departments or the NB Human Rights Commission that reports to Danny Soucy and the Legislative Assembly not deal any further with this Applicant's matters as they are completely in conflict of interest and have a clear bias as many government personnel stand to gain by keeping their positions or not being otherwise disciplined if I am not hired. It is further respectfully submitted that the Commissioner should ensure that unbiased persons or entities are immediately put into place to deal with the various issues that have arisen in respect to this Applicant IMMEDIATELY in respect to which government officials and employees and NB Human Rights Commission employees have a conflict.**

2. It is further respectfully submitted that the unbiased reviews REQUIRED by the Civil Service Act in respect to at least the last three competitions, #s 09-45-10, 10-44-02 and 10-44-03 should be required to proceed immediately by the Commissioner before unbiased properly qualified reviewers from outside the province with judicial capabilities



IF IT IS NOT REQUIRED BY THE COMMISSIONER OR OTHER UNBIASED PERSONS AS A RESULT OF THE COMMISSIONER'S INVOLVEMENT THAT I BE IMMEDIATELY HIRED AND ALL APPROPRIATE RELIEF PAID TO ME back to 2004 or at least to January of 2006 in the particular circumstances of this matter as a result of the failure of the government to hire me based on merit.

3. It would appear that THE ONLY REASON THE CIVIL SERVICE ACT HAS NOT BEEN FOLLOWED AND THIS APPLICANT HIRED BASED ON MERIT is so that government employees can benefit privately by it being covered up what they have improperly done or by being able to keep their jobs or avoid the consequences of their own wrongdoing as the organization (the government) has the duty and responsibility to ensure that the Act is followed IN EVERY INSTANCE. The taking in of extraneous information from persons involved in the harassment of this Applicant or who have otherwise done wrong seems designed to further the private interests of Cabinet Ministers, provincial government employees or others including protecting their reputations by covering up what has occurred.

4. Members of the Legislative Assembly are elected based on popularity and in light of the harassment situation that the government and the police have it appears caused, participated in and/ or encouraged by continuously taking in information from these persons and others who joined them from 2006 right up to the present date within the community could very well affect the chances of re-election of some Members of the Legislative Assembly depending on whether they support the position of those persons or act impartially in the interests of the organization and ensure that the Civil Service Act, the Human Rights Act and other laws are fully complied with and this Applicant hired based on merit.

5. The Commissioner should ensure that proper impartial reviews by properly qualified persons with judicial capabilities from outside the province are put in place immediately as required by the Civil Service Act and that an unbiased human rights commission from outside the province handles my human rights complaint as the Cabinet Ministers set out above who have dealt with my matter have a conflict of interest and bias as it would be in the private interest of them or others to deny me those unbiased reviews and they have made the decision to deny them or have participated in the decision to deny them and have in fact refused to allow them to proceed from at least May 2011 to the present date. The unbiased reviews under the Civil Service Act ARE LEGISLATIVELY MANDATORY.

6. The Premier and other cabinet ministers seem to think that if they accept the allegations of the biased unqualified persons involved in the harassment of me that this applicant has mental health issues that they do not have to allow the unbiased reviews etc and give their position during that review. It is respectfully submitted to the Conflict of Interest Commissioner that an unbiased reviewer may simply reject that information outright and the government's position based on that information. (which I respectfully



submit would also be required under the law.) The investigation of the Conflict of Interest Commissioner should show an even more serious concern which is that the Premier and the other Cabinet Ministers the subject of this Complaint have denied and prevented those unbiased reviews under the Civil Service Act BECAUSE THEY KNOW that they would not be successful on an unbiased review in front of unbiased properly qualified persons from outside the province.

7. It is respectfully submitted to the Conflict of Interest Commissioner that the reviewers at this time MUST BE FROM OUTSIDE the province in light of the situation that the government has created throughout New Brunswick within communities, the legal profession etc as a result of the manner in which it has handled my hiring in open competitions by deliberately violating the Civil Service Act and the Human Rights Act and other laws.

8. It is respectfully submitted to the Conflict of Interest Commissioner that the Commissioner should also ensure that an unbiased properly qualified reviewer or entity from outside the province reviews the undertakings given by Rod MacKenzie in 2004 and by Deputy Minister Choukri in 2006 to ensure any appropriate carrying out of the undertakings, retroactive payment to when the undertaking was made and compensation for the very severe harassment (caused by this Cabinet with no excuse whatsoever since 2010 and by prior cabinets prior to this government coming into power), together with all other just and equitable relief of any nature or type whatsoever are provided to me as Premier Alward and Cabinet are clearly in conflict in light of the situation they have created and the private interests of persons that will be furthered if I am not hired. It is my understanding that there is likely a recording of my conversation with Deputy Minister Choukri when we met at his office in Fredericton in January of 2006 which will show that undertaking. I confirmed his undertaking in my letter to him dated March 7, 2006. I contacted Rod MacKenzie in November of 2004 as a result of his failure to honor his undertaking and he met with me on November 12 at his office in Fredericton and I had to go all the way to Fredericton to meet with him. He told me again that the situation would be remedied and that I would be hired and that he would fulfill the undertaking he gave in September when he came to meet with me on a Saturday morning at the Legal Centre just prior to my employment ending there. Rod MacKenzie's undertaking was given just after the lady from Legal Aid had I understand been disciplined for having interfered in my private and confidential employment application in Fredericton with which she had no connection. He referred to her and other persons who had engaged in harassment of me as a result of the manner in which the government had handled earlier competitions as being mean-spirited individuals. When he had not carried out his undertaking by January, 2005 I made various inquiries for assistance and the Ombudsman proceeded with a review. I now understand that the file was altered before he did his review as I understand that he gives notice that he will be reviewing the file so that it would not show that I was the only A rated candidate for the 2002 competition. When I met with Deputy Minister Choukri in January of 2006 he told me that it was another "ellen" that had won the competition. David Legere and Brad Green would both know or reasonably ought to know that this



*Spec*

clearly was not true. I advised him that my references had been checked and he agreed they would not have done so if they were not going to make an offer to me. He also indicated that there were no notes of the references having been checked in the file. It would appear that they were deliberately removed as they would have been required to be kept as part of the file. Former Attorney General Brad Green should be able to confirm that my meeting with Deputy Minister Choukri was recorded and there should be a record available of it. He should also be able to confirm the undertaking made by Deputy Minister Choukri and my letter confirming the undertaking should be on file.

9. The Commissioner should also ensure that any unbiased police force and/or crown attorney with the assistance of a workplace harassment expert psychologist evaluate if there has been any obstruction of justice by the Chief of Police or the Premier or Blaine Higgs including if Blaine Higgs has interacted with the persons giving information as to what the government will accept from them in order to not hire me, what is needed, when it is needed etc or if the chief of police or anyone else has done so in addition to if any other offences like fraud, criminal harassment, breach of trust etc have occurred and have been covered up. It would appear that as I am not related to powerful people in New Brunswick or as I am not wealthy or powerful that the government has decided that it is okay to destroy me in order to protect the powerful and wealthy people who have indeed done wrong. It would be my respectful submission to the Conflict of Interest Commissioner that because I am an ordinary hardworking person that simply applied for a position in an open competition and won it based on merit and as a result to the wrongdoing of government officials and employees they have now embarked it appears on a mission to destroy me in order to protect themselves and other persons associated with them in wrongdoing and cover up what has occurred that it is EXTREMELY important to EVERY persons in New Brunswick and to the administration of justice and to our rights in a free and democratic society that they NOT be able to succeed in doing so. At this time in light of what the current government has done in my Human Rights proceeding it appears that they feel it is alright to engage in fraud to deliberately obstruct justice in my human rights complaint proceeding. I certainly hope that the Conflict of Interest Commissioner feels that this is unjust, unconscionable and intolerable in New Brunswick and that it completely brings the administration of justice into disrepute. I believe the Conflict of Interest Commissioner should be able to conclude from his investigation that I would have been hired long ago and none of what has occurred would have happened if government officials and employees had not done wrong and need to cover up what has occurred.

10. The Commissioner should inquire as to who has influenced the Deputy Minister of the Office of Human Resources or directed him not to comply with the law and directed that he not provide the Statement of Reasons such as was it Blaine Higgs to whom he reports?. The Commissioner may wish to give some direction for the benefit of any future Applicant to the public service as to how to ensure that the Deputy Minister WILL comply with the Act and provide the Statement of Reasons or what to do if he won't do so and the Premier, the Attorney General, the Minister of the Office of Human

✱

WEL

Resources will not require him to do so. Even a Complaint to the Clerk of the Legislative Assembly about the conduct of Blaine Higgs and Premier Alward did not result in the unbiased reviews going ahead AS REQUIRED UNDER THE CIVIL SERVICE ACT. It would be my submission that the Conflict of Interest Commissioner should take measures to ensure that the Civil Service Act is amended again and restored to its state before the amendments that were made in I understand 2010 which provided for the review by the Deputy Minister. I believe that the Conflict of Interest Commissioner can conclude from how the government has dealt with me that those amendments were not made in the public interest to ensure that the Civil Service Act is applied impartially and fairly to all applicants but in the interests of the government as it would appear there is the opportunity to further the interests of government employees and officials who have done wrong by requiring the person making a complaint to give all the information first to the government as to the nature of their complaint before they can make a complaint to the Ombudsman. Prior to the amendment the Civil Service Act provided that after an unsuccessful applicant in an open competition received a letter indicating that they were not successful that they could request reasons from the government as to why they were not hired and the government had 30 days to provide the reasons. The person could then make a complaint to the Ombudsman office. It appears that as a result of the actions of employees in sending out letters with false reasons in them like the letter Martha Bowes sent to me in or around January of 2010 resulting I understand in the removal of Bernard LeBlanc as Minister of Justice from March to May as set out in detail above that the government made these amendments. It is respectfully submitted that unless the Conflict of Interest Commissioner ensures that legislation is changed in light of what has occurred to me that any provisions in the Civil Service Act for a review by the Ombudsman are now completely meaningless as the government can simply refuse to provide the Statement of Reasons as it has done to me, correct or make disappear whatever they have done wrong so it is not there when the Ombudsman does his review or take other measures that are illegal, fraudulent or morally wrong or otherwise contravene the spirit and terms of the law to defeat the meritorious claim of an unsuccessful applicant in any review. It would appear that based on what has occurred to me the right to a review has deliberately been rendered meaningless for EVERY applicant to the Civil Service and the safeguards put in place by the Civil Service Act have now it appears been rendered meaningless.

11. Also another section of the Civil Service Act for the Commissioner to consider in light of the history of how I have been dealt with in open competitions by the government officials and employees is that each year under section 37 the Deputy Minister of the Office of Human Resources shall submit to the Chairman of the Board ( the Board of Management who is I understand Blaine Higgs) a report...re staffing and appointments in the Civil Service and any of the matters connected therewith and the Chairman of the Board shall table such report before the Legislative Assembly forthwith after receipt... Is this not supposed to be a safeguard to alert the Legislative Assembly as to any irregularities or wrongdoing before they reach the level of what has happened to me? It is respectfully submitted that the Conflict of Interest Commissioner should ensure that there







are provisions put into the Act that will ensure this report is not simply creative writing or deals with simple statistics but realistically deals with what has occurred during the prior year including any complaints about wrongdoing of officials or sets out employees who have been disciplined or removed from their offices as a result of wrongdoing in the interests of the administration of justice and in the public interest of the Civil Service Act being fairly and impartially carried out rather than covering up what has occurred so government officials can get re-elected or employees can keep their jobs. It would appear that it is not currently a requirement to set out such information and the Conflict of Interest Commissioner may want to ensure that any allegations of wrongdoing or complaints in respect to the actions of officials or employees concerning the hiring process have to be disclosed in order to try to have a public scrutiny requirement that may deter illegal, unfair or biased or other conduct that would enable government officials to cover up wrongdoing amongst themselves or manipulate the act to treat the public service like their own private club and simply in reality hire friends, relatives or whoever else they want to hire and keep out employees that have won a position based on merit simply because they do not like them or do not want to hire them as a result of their own private interests or the private interests of others. It is respectfully submitted that if measures are not taken to ensure the provisions of the Civil Service Act operate fairly and impartially that in light of the extent to which the government will go to avoid compliance or to manipulate the provisions of the act which the Commissioner may find are of extreme concern in light of what the Commissioner's investigation reveals about how they have dealt with me as an applicant, that the Act may as well be repealed. It would appear in light of what has occurred to me that the public should be advised that the government will hire whoever they want to hire and will keep out whoever they want to keep out arbitrarily and to not apply as if you are not connected to powerful people they will embark on a deliberate course to destroy you in complete defiance it appears of all applicable laws. That appears to be what is occurring at the present time in reality and it appears the Conflict of Interest Commissioner's investigation of my Complaints in respect to the Cabinet Ministers and others set out above will also indicate to you that deliberate criminal offences such as fraud are being committed by Cabinet Ministers in order to get the result that they want to obtain..

12. It would appear that it should be a concern to the Conflict of Interest Commissioner that there has been no requirement to publicly report since even 2007 the problems in any of the open competitions I have been an applicant in particularly as I understand the Deputy Minister of the Office of Human Resources was removed from office after competitions in July of 2007 in which I was an applicant as a result of the information she took in from I believe some of the same people involved in the harassment of me that I understand the government continued taking in information from through Blaine Higgs Minister of the Office of Human Resources and Chair of the Board of Management beginning in December of 2010.

13. Details of what has occurred to me from 2002 to the present date are set out below in the Fact Situation Synopsis as what has occurred forms the basis of the wrongdoing and

X

MEHR

the private interests of employees, government officials and others that it is respectfully submitted to the Conflict of Interest Commissioner has caused the Members of the Legislative Assembly the subject of this Complaint to make decisions contrary to the Members' Conflict of Interest Act in order to further the private interests of those officials and others connected with them and it appears more and more persons who engage in wrongdoing the longer the government is able to prevent the unbiased reviews and other legal proceedings under the Act in order it appears to deliberately prevent my being hired based on merit. The following it appears should become apparent on the investigation of the Conflict of Interest Commissioner :

- (1) The Civil Service Act was disregarded whenever it did not fit in with the desires of those seeking to hire;
- (2) False statements were made in letters reporting on the outcome of the hiring process by both government officials and employees and by the Office of the Ombudsman subsequent to the review of the hiring process in each competition from 2007 to the present date.
- (3) The position of the Ombudsman seemed to match that of the government even when the government was clearly wrong as in the case of the 2007 competition and the 2010 review which caused the Ombudsman to be required to resign from his office.
- (4) It appears that the Ombudsman has covered up for the government and the government has covered up for the Ombudsman from 2007 to 2010. As Victor Boudreau who was a Cabinet Minister from 2006 to 2010 with the Liberal government was the former Executive Assistant to the Ombudsman, Bernard Richard this is a serious concern.
- (5) Despite the provisions of the Human Rights Act and the Criminal Code it appears that the government and the Ombudsman office have been quite content to use or allow harassment by biased unqualified persons to try to prove that I, as an Applicant in an open competition, have mental health issues based it is submitted to the Commissioner on stupid information that no one in their right mind should it appears accept in order to save face and cover up what both the government and the Ombudsman have done wrong. It is respectfully submitted to the Commissioner that the government cannot recognize bullying or criminal harassment or willingly participates in it or encourages it deliberately to get the result it wants to obtain. It is respectfully submitted that the government and the Ombudsman have not created a respectful hiring process as part of a respectful work environment and have in fact gone beyond encouraging bullying to it is respectfully submitted participating in criminal harassment by taking in the information from the biased unqualified persons outside government to affect my being hired in the open competitions in order to destroy my livelihood and protect the private interests, including reputations of government officials and employees.
- (6) Solicitors in the Department of Justice and the Office of the Attorney General

A

MEM

including two section heads and the Director of Legal Services have allowed or have deliberately prepared Responses filed in a legal proceeding that deliberately contain false information in order it appears to have the supposedly independent arms length body, the NB Human Rights Commission that reports to a Cabinet Minister, Danny Soucy, collude with the government to dismiss my complaint. The Commissioner's investigation should show that this has been done to cover up what the government has done so the NB Human Rights Commission can assist the government to obtain the result that it wants to obtain to avoid public scrutiny and a public hearing in which the Premier and others as Respondents can be cross-examined as to their involvement in any wrongdoing.

(7) People who have tried to help me and stand up to the persons involved in the harassment and bullying have been hurt as well which certainly shows the need for legislation to protect victims of workplace harassment and bullying as well as people who wish to stand up and stop the harassment by the bullies. Confidential reporting provisions setting out mechanisms of government officials and employees reporting wrongdoing of government officials or employees to truly unbiased persons or other measures the Conflict of Interest Commissioner thinks may prevent abuse as a result of conduct caused by decisions made to protect the private interests of others may add integrity and realism to prevent one person from being targeted by a group and destroyed in order to cover up wrongdoing to the advantage of the group. As the government purportedly takes a stand against bullying it appears that what has occurred to me should horrify the Commissioner as it appears the government has engaged in deliberate criminal harassment in order to destroy me to further the private interests of government officials and employees. In order to ensure that the Civil Service Act works well it would appear imperative that there is a mechanism to enforce that the provisions of the Act are complied with properly. In light of what has occurred it is respectfully submitted that the Conflict of Interest Commissioner should consider it extremely serious that the Deputy Minister of the Department of Justice and Attorney General wrote a letter to me ( a copy of which is attached to my affidavit as an Exhibit ) that states that the "CIVIL SERVICE ACT HAS WORKED WELL FOR 40 YEARS" when the Commissioner's investigation should reveal that its provisions had been completely disrespected and contravened in the competitions run from 2007 to the date of his letter in 2010 which letter was sent to me just about one month AFTER THE OMBUDSMAN HAD BEEN REMOVED FOR VIOLATING HIS MANDATE IN RESPECT TO A REVIEW OF A COMPETITION IN THE DEPUTY MINISTER'S DEPARTMENT. One has to wonder how a Deputy Minister could send out such a letter.

(8) There is an old adage I believe that states A picture is worth a thousand words and the investigation of the Conflict of Interest Commissioner should reveal that what has happened to me clearly shows that despite education, position or even access to the best experts ANYONE (including government Cabinet Ministers) can become a bully and try to destroy another individual rather than ensuring what is right is done and ensuring everyone's rights are protected and properly put in place when their private interests or those of other persons are dependent on bullying or harassment to destroy the other



individual in order to cover up what has occurred and enable other persons to keep their jobs, reputations etc.

(9) The Attorney General is very visible and if that office engages in or condones wrongdoing it is respectfully submitted to the Conflict of Interest Commissioner that the entire administration of justice is brought into disrepute. Every lawyer has the duty under the Law Society Rules of Professional Conduct to do what is right and to refuse to do or participate in wrongdoing if he or she is asked to do anything that is wrong by the organization they are employed by including if the government is the employer. Every lawyer in the Department of Justice, including the Attorney General knew or certainly ought to have known that filing Responses deliberately containing false information in a legal proceeding is wrong and conduct unbecoming a solicitor and officer of the court and it would appear fraud and obstruction of justice. If the investigation of the Conflict of Interest Commissioner shows that they were asked or directed to do so by the Attorney General, the Premier, the Minister of Post Secondary Education Training and Labour or any other MLA it would appear to not only be contravention of the Member's Conflict of Interest Act in order to further the private interests of government officials and others contrary to section 6 but also deliberate obstruction of justice and participation in fraud or counseling the offence of fraud by the Cabinet Ministers.

(10) It is one thing for the police not to stop the criminal harassment of an individual and interference in a private employment application by using the criminal harassment. For the police to assist the government and try to prove that an individual has mental health issues in order to help the government find a reason not to hire someone is it would appear an abuse of authority and participation in criminal harassment in addition to perhaps other offences like obstruction of justice. If that assistance was requested by the Minister of Local government or anyone else in government or if the police worked with government officials to try to do so that would appear to be extremely wrong and a misuse of government authority. It is one thing for the police not to stop the criminal harassment. It is entirely another thing for the police to allow or encourage persons to follow, monitor, or report on my actions in private life in order that they can say I acted strangely and this means that I have mental health issues. I believe any expert would clearly condemn the actions of those persons for not recognizing their own biases, for not recognizing that as bullying and that mental health assessment certainly cannot be assessed that way. It is understood that the government and the police have worked together after Michael Murphy was removed as Attorney General and have regularly taken in information from the persons involved in the harassment about this Applicant in order to find a reason not to hire so that Cabinet Ministers, government employees, municipal government employees and others can keep their jobs or otherwise avoid discipline and have their private interests furthered.

(11) The interest of the organization, the government, required that the Civil Service Act be applied fairly and impartially by an unbiased Board of Examiners and once successful on the interview that I be hired and evaluated on my ability to do the work during the





probationary period as would be the case for all applicants as there were no other tests etc applicable to all applicants uniformly in the competitions for which I applied since and including November 2006.

(12) For the government, the Cabinet Ministers listed above or the Ombudsman office not to understand what constitutes a conflict of interest and not understand that there is a very high standard imposed on public officials to not act where there is even the possibility or appearance of conflict should it is respectfully submitted be extremely concerning to the Conflict of Interest Commissioner.

(13) The Conflict of Interest Commissioner should find out what Cabinet Minister or who has influenced the NB Human Rights Commission as it appeared that Sarina McKinnon was briefed before she contacted me and was looking for negative information. The Premier I believe would know the details of who influenced the actions of the NB Human Rights Commission and he is aware I believe that there has been influence and an attempt to have my proceeding dismissed to avoid a public hearing in order that the private interests of others including himself would be furthered. There have literally been government employees and other persons waiting I understand to hear if I have been discredited by the persons involved in the harassment reporting information to the government directly or indirectly to the effect that I have mental health issues in order that they could return to work. Cabinet Minutes, records of the decisions of the Council of the City of Saint John, the premier, the Chief of police and other persons set out in this affidavit should be able to confirm this to the Commissioner's satisfaction in the course of your investigation.

(14) As a result of the actions of the Ombudsman office in respect to my complaints, relating to competitions that were reviewed since and including in 2007, which office is supposed to protect persons against the abuse of government authority, in violating its mandate in order it appears to cover up the wrongful actions of the Liberal government (of which the Ombudsman was a former interim Leader) there can be ABSOLUTELY NO CONFIDENCE THAT the NB HUMAN RIGHTS COMMISSION would fairly evaluate this Applicant when it appears that the professional positions and jobs of many cabinet ministers and provincial and municipal government employees as well as others are at stake and are dependent on this applicant's complaint not being given a public hearing in order to cover up how the government, the Ombudsman and the Human Rights commission have dealt with this Applicant. Questions of concern to the Commissioner would appear to be What Cabinet Minister has directed that the commission proceed on the false information filed by the Respondents and what cabinet ministers have allowed or directed that the report based on false information be prepared and forwarded to the NB Human Rights Commission at its meeting on April 24, 2013 as Jennifer LeBlanc indicates she is going to do over my objections? It would appear that there are staff in the NB Human Rights Commission such as Jennifer leBlanc who prepared deliberately the report based on false information whose job is now likely dependent on my not being hired in light of what has occurred there since I filed my complaint. Danny Soucy, the



Cabinet Minister to whom that Commission reports has a clear conflict of interest as the private interests of Andrea Folster, NB Human Rights Commission staff and others would be furthered if my complaint is dismissed. He has the power to stop them from proceeding and he knows or reasonably ought to know that he and the NB Human Rights Commission have a conflict of interest and CANNOT proceed. It would appear that as a Cabinet Minister Danny Soucy would know or reasonably ought to know that information in the Responses is false and the Report prepared by Jennifer LeBlanc contains improper recommendations as it is based on the false information in the Responses of the Respondents, including the Premier, the Attorney General and Blaine Higgs. It is respectfully submitted that it should be a serious concern to the Conflict of Interest Commissioner as to why has Danny Soucy not arranged an unbiased human rights commission from outside of the province to handle my complaint and has someone else like the Premier participated in or made the decision for the NB Human Rights commission to proceed? It would appear that the decision is designed to further the private interests of Cabinet Ministers and other persons or there is opportunity to further their interests and it appears is a clear violation of section 4 of the Member's Conflict of Interest Act. It appears that there may also be criminal offences as well like deliberate obstruction of justice and fraud. Cabinet Minutes or the Cabinet Minister who I understand has not gone along with the wrongdoing or any other means Cabinet Members or government processes have used to deal with these issues should provide information to the Conflict of Interest Commissioner in his investigation as to what has occurred.

(15) The Law Society Rules of Professional Conduct and the rules of natural justice require that an administrative decision maker shall not decide any matter if he or she has a bias nor shall he or she participate in the decision making.

(16) For the government to not understand that biased unqualified people (who do not like someone and stand to gain personally by keeping their jobs or otherwise avoiding the consequences of their involvement in harassment of that person or other wrongdoing) may have opinions as to what is strange behaviour very different from that of an objective unbiased person with proper qualifications to form opinions as an expert in a particular field, is it is respectfully submitted to the Conflict of Interest Commissioner very concerning and of wide ramification given the power of the government and the need for it to ensure that it complies impartially with ALL laws before making any decisions. People do not all like the same people or have the same friends. What one person thinks is strange or means one thing someone else may interpret entirely differently.

(17) For the government to have a person at the Deputy Minister Level make a representation or give an undertaking to a person and then fail to carry it out is unethical particularly if that person is a lawyer. The November 2009 Law Society Rules of Professional Conduct in the commentary provides that once an undertaking is made by a lawyer it cannot be changed by the client or organization on whose behalf it is made and it MUST be fulfilled. Technical defenses are not defenses it states to an undertaking given by a lawyer who is an officer of the court and required to carry out what he or she







undertakes or represents that they will do. Rod MacKenzie and Deputy Minister Choukri are both lawyers and were also high ranking government officials.

(18) Members of the Legislative Assembly are elected based on popularity. For any member to try to affect regulated hiring processes based on the opinions or requests of constituents rather than the hiring process conforming to the law is it is respectfully submitted a conflict of interest under the Members' Conflict of Interest Act as it appears to clearly contravene sections 4, 5 and 6. The duty of all MLA's is to ensure that the laws that the Legislature enacted are properly followed whether they like the result or not and whether or not it makes them popular with their constituents or not or affects their chances of re-election. If they make decisions or influence decisions to further the private interests of any cabinet ministers or anyone else they have contravened the Members' Conflict of Interest Act. I would respectfully submit to the Conflict of Interest Commissioner that my private and confidential employment applications in open competitions ( or anyone else's ) should not be able to be in any way affected or influenced by any MLA providing untested biased information from his or her constituents at any time EVER. This completely contravenes the Civil Service Act and privacy act requirements. One concern in the investigation of the Conflict of Interest Commissioner should be as to if MLA Parrot tried to influence my hiring by the government on behalf of any of his constituents. I understand that is why he was ousted from the Progressive Conservative party which occurred shortly after my e-mail complaint dated September 9, 2012 to the government in respect to Andrea Folster putting false information in the responses she had prepared and filed with the Human Rights Commission. Presumably the only reason such constituents would want to influence my employment application ( or anyone else's ) is to further their own private interests or the interests of someone else. If there are many constituents involved the Conflict of Interest Commissioner should be concerned that MLA Parrot's own private interests in being re-elected may very well be affected if he goes against the wishes of his constituents. Shortly after he was ousted and the Minister and Deputy Minister of the Department of Post Secondary Education, Training and Labour were removed on September 27, 2012 Andrea Folster filed a further Response containing false information which deliberately stated that there were no persons outside government providing information to affect my applications in open competitions. As it is respectfully submitted to the Conflict of Interest Commissioner that Cabinet Minutes should clearly show and she, the Premier, the Chief of Police and all other cabinet Ministers should verify to you That is absolutely NOT true it would appear it was deliberate fraud to get the result the government wants to obtain and to cover up what has occurred in order to further the private interests of cabinet ministers, provincial and municipal government employees and others.

19) I am sure the Conflict of Interest Commissioner is aware as a trial judge that in every litigation matter decided by a judge someone is usually successful and someone is usually not successful. There are many biases that can exist towards litigation lawyers simply by their vocation. Other lawyers can even resent lawyers that have been successful in cases

Page 62

against them. For the government to take in untested information from persons within a community without even giving me a chance to respond and address their biases or to be allowed to cross examine them particularly when the LAW PROHIBITS ANY INFORMATION FROM COMING IN AT ALL from persons outside government it seems that the system has broken down completely in order to further the private interests of cabinet ministers or other persons as it is respectfully submitted that it certainly does not further the administration of justice.

(20) It is respectfully submitted that it is the obligation of the government and all Cabinet Ministers to follow the law and do what is right fairly and impartially particularly when the government has an obligation to apply the same requirements (such as those set out in the Civil Service Act for unbiased reviews) impartially to all persons in the public interest.

(21) As a former lawyer and trial judge I believe that the Commissioner is aware that filing a response in a legal proceeding is not an exercise in creative writing and the facts are what they are. To deliberately state false facts is extremely wrong and it would appear a deliberate obstruction of justice participated in by the Premier, the Attorney General and the Minister of Finance (previously the Minister of the Office of Human Resources), all of whom are respondents in my human rights complaint .

(22) Every time I was not hired based on merit, it appeared that something further had been done by someone in government that was wrong and it resulted in further people being disciplined and created further animosity within the government towards me.

(23) I respectfully submit to the Conflict of Interest Commissioner that it appears that the government is trying to find any way it can to avoid taking responsibility for the severe bullying and harassment situation that I understand it has created.

(24) The government makes the laws and knows that it makes them for a reason. For biased persons in government to decide that they can ignore the laws and rules of natural justice etc that are made to ensure fairness and ensure hiring is based on merit as REQUIRED by the Civil Service Act and for them to prevent unbiased independent reviews etc that are required by law is I believe very sad and unethical as it appears to undermine our whole system of law and clearly bring the administration of justice into disrepute and violate basic rights in a free and democratic society.

(25) It would appear that your investigation should also show that as a result of the actions of government cabinet ministers and employees in the Department of Justice and Office of the Attorney General and the NB Human Rights Commission staff that there is also a serious concern that where an Applicant in a Human Rights Complaint has an interest that is different from that of the personal and private interests of government officials and employees, particularly if senior civil servants or high powered officials are involved in wrongdoing, that the government and the human rights commission are in fact NOT dealing at arms length at all and are it appears colluding to defeat the



ME



Complaint in light of the conflict of interest and the bias that has arisen from that conflict of interest.

(26) For Cabinet Ministers to make decisions, participate in making decisions or influence decisions being made that will further the private interests of employees or other cabinet ministers or other persons or in order to cover up what wrongdoing has occurred in order that individual employees etc can keep their jobs or cabinet positions or otherwise avoid discipline is extremely wrong and it appears a contravention of sections 4 & 6 of the Members' Conflict of Interest Act.

(27) After I made the Complaint concerning Andrea Folster of September 9, 2012, the Premier I am informed by a news broadcast and do verily believe removed Blaine Higgs as Minister of the Office of Human Resources and a new position was created and a new Minister appointed for that Department which had previously been combined with the Department of Finance portfolio with Blaine Higgs responsible for both Departments. I also understand that immediately after my Complaint concerning Andrea Folster that MLA Parrot was ousted from the Progressive Conservative Party and now sits as an independent MLA.

### **SERIOUS CONSEQUENCES OF DECISIONS MADE AS A RESULT OF A CONFLICT OF INTEREST**

1. It is respectfully submitted to the Conflict of Interest Commissioner that the above-noted Cabinet Ministers in #'s 1 to 7 above have put the remaining Cabinet Ministers in a difficult position by taking in improper information and contravening the rules of the Civil Service Act as the Premier and Cabinet have dealt with these issues and ALL Cabinet Ministers would know or reasonably ought to know, that if they participate in the decision to not hire me or to accept the information from the persons outside government involved in the harassment of me or to NOT allow **legislatively required reviews** under the Civil Service Act or to not require an unbiased human rights commission handle my human rights complaint in the particular circumstances of this matter in light of the severe conflict, that they are participating in decisions that WILL further the private interests of other Cabinet Ministers or themselves or provincial government employees including lawyers and other employees within the Department of Justice, municipal government employees who have wrongfully interfered in my employment applications with the province and other persons who will be able to keep their jobs, positions or appointments or get back jobs, positions or appointments or otherwise avoid the consequences of their wrongdoing in respect to me or how my private and confidential employment applications have been dealt with in open competitions by government officials and employees.

2. It is respectfully submitted to the Conflict of Interest Commissioner that the decisions made by the various Cabinet Ministers as set out above to refuse to hire this Applicant based on merit, to refuse to allow the unbiased reviews required by the Civil Service Act



MEM

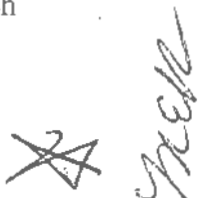
and to refuse to allow an unbiased Human Rights Commission to hear my human rights complaint have been made in order to cover up the wrongdoing of the government in taking in information prohibited by the Civil Service Act and the Human Rights Act to affect my private and confidential employment applications in open competitions and to cover up the taking of measures by the government to deliberately not comply with the Act as a result of the situation that the government has created beginning in 2002 right up to the present date.

3. It is respectfully submitted to the Conflict of Interest Commissioner that the Cabinet Ministers the subject of this Complaint have continued to take in information right up to the present date from biased unqualified persons involved in the harassment of me although they know or reasonably ought to know that this is contrary to the law to affect my being hired not in the public interest but to further the private interest of other Cabinet Ministers or provincial government employees and others who have done wrong since 2002 in order to prove that the information they took in and used to affect various competitions since 2002 as set out in more detail in the fact circumstances below or in the attachments was right and therefore it justifies not hiring this Applicant and their other actions which contravened the law.

4. It is respectfully submitted to the Conflict of Interest Commissioner that **NOTHING** justifies nor could ever justify the harassment that has been allowed to occur of me at any time since 2002 until the present date but specifically from 2010 to the present date. It is respectfully submitted that the Premier and the Chief of Police know or reasonably ought to know that it is criminal harassment and is contrary to the Criminal Code and that it is also an offence under the NB Human Rights Act. It is respectfully submitted that the Conflict of Interest Commissioner should be extremely concerned about what the Cabinet Ministers have done as it appears that they control or influence the police force and the Crown attorneys who would stop or prosecute criminal harassment and obstruction of justice offences.

5. It is respectfully submitted to the Conflict of Interest Commissioner that Premier Alward and the other cabinet Ministers set out above in the current government know or reasonably ought to know that taking in of information designed to suggest that I have mental health issues from persons involved in the severe harassment and bullying of me by following me, monitoring my actions, setting up situations to look the way they want them to look and reporting negative information to the government based on their biased unqualified opinions or outright false allegations to affect my being hired in open competitions is a direct contravention of the Human Rights Act and the Civil Service Act. It is further respectfully submitted that they know or reasonably ought to know that the taking in of such information in the hiring process as to mental health is an offence under the Human Rights Act.

6. It is respectfully submitted to the Conflict of Interest Commissioner that to take in such information at face value when they know the reason the persons are providing it to the

A handwritten signature, possibly 'Mell', is written vertically on the right side of the page. Below it, there is a large, stylized handwritten 'X' or 'A' mark.

government is to further their own private interests or the private interests of other persons without even allowing me the opportunity to respond to what they provide is I submit extremely wrong and it would appear completely in contravention of the principles of natural justice.

7. It is respectfully submitted to the Conflict of Interest Commissioner that Premier Alward and the other Cabinet Ministers in his Cabinet or former Cabinet Ministers the subject of this Complaint in the prior Graham government have allowed this information to be continually taken in order to find something new to prove the original information Cabinet Ministers such as TJ Burke and Michael Murphy and Blaine Higgs and their employees took in and the actions of those persons or persons under their authority or the Ombudsman in direct contravention of the law is okay if Cabinet will all agree to accept that I have mental health issues and therefore it does not matter that the law has not been adhered to in respect to this Applicant by hiring me based on merit nor that NONE of the properly legislated reviews under the Civil Service Act have been allowed to proceed. In FACT your investigation should show that the unbiased reviews have been deliberately prevented from proceeding by the government DELIBERATELY refusing to provide the statement of reasons. I believe the Commissioner as a former trial and appeal judge would be fully aware that an unbiased reviewer or entity may view things very differently from Cabinet Ministers or other government employees and officials and would likely follow the law and exclude all information from the persons involved in the harassment and would likely apply the law and hire based on merit. I believe the Conflict of Interest Commissioner should also outright reject any suggestion of Premier Alward and any Cabinet Minister that it is OKAY for them to commit criminal offences, file deliberately responses containing false information and do other wrongdoing contrary to law if they believe I should not be hired for any reason. I believe the process clearly is that they comply with the law and advance their positions IN ACCORDANCE WITH THE LAW and live with the result. If litigants before you could say we believe the other party did wrong and therefore it is OKAY to deliberately state false information to get the result we want to obtain, they would likely be told by you as a trial judge that that is perjury.

8. It is respectfully submitted to the Conflict of Interest Commissioner that the unbiased reviews are designed to prevent the abuse of an applicant that this government has caused by trying to PROVE it is right through the use of HARASSMENT.

9. It is respectfully submitted to the Conflict of Interest Commissioner that as the government, the Premier and Cabinet, have the power to control the hiring processes, the employees involved in those processes and the unbiased reviews under the Civil Service Act and the NB Human Rights Commission that by doing so to protect the private interests of Cabinet Ministers, provincial government employees and others it should concern the Conflict of Interest Commissioner as part of his investigation as to if the Premier and the other Cabinet Ministers the subject of this Complaint and indeed any other Cabinet Ministers that participate in their decisions to do so are also participating in the obstruction of justice or other Criminal Code offences as they would not likely want



to go against the Premier as they could lose their Cabinet positions. In addition if they went against other cabinet Ministers it could cause problems for them as well in their working relationship particularly if it meant the cabinet Minister lost his Cabinet position.

10. It is respectfully submitted to the Conflict of Interest Commissioner that the information that the Premiers and Cabinets have taken in in the various competitions from persons outside the Board of Examiners and outside government as to my private life **COULD NEVER BE JUSTIFIED** as **IT IS CLEARLY PROHIBITED** by the Civil Service Act and the Human Rights Act and other applicable laws and it should never have been allowed to be taken in at all. Accordingly it is further respectfully submitted that whether the information is right or not should never have even been an issue as if the law was complied with there would have been no information from biased unqualified persons to evaluate.

11. It is respectfully submitted to the Conflict of Interest Commissioner that as a trial judge and appeal court judge the Commissioner would be aware that having biased unqualified persons who do not like someone and it appears many of whom do not even know me say that I did a certain thing and to accept it at face value as conclusive proof that I have mental health issues should appear beyond the realm of possibility that it would even be heard by any Cabinet Minister let alone accepted as negative information that is appropriate to affect the hiring of a person for a Lawyer III position with the government.

12. It is respectfully submitted to the Conflict of Interest Commissioner that family court judges cannot evaluate behaviour in custody applications and an expert psychologist is necessary to evaluate who is better able to parent the children or to evaluate any allegations of mental health. It is respectfully submitted that to allow persons who are engaged in harassing a person to give their opinions to evaluate that person's behaviour is beyond ridiculous and is abuse.

13. It is respectfully submitted to the Conflict of Interest Commissioner that the only reason the Premier and Cabinet have taken in or are taking that information in is that they are desperate to avoid treating me fairly and impartially in order to further the private interests of other persons and to avoid hiring this Applicant and paying me retroactively to at least 2006, full and fair compensation for the extremely severe harassment that I have sustained as a result of the actions of Cabinet together with all other full and fair and appropriate relief.

14. It is respectfully submitted to the Conflict of Interest Commissioner that workplace harassment and bullying expert psychologists would be necessary to evaluate the entire harassment situation that the government has created if such information was at all relevant and they would certainly **NEVER** do so without talking to me and allowing me to respond to any allegations of the persons involved in the harassment. The Premier and other Cabinet Ministers have never met me and have refused or failed to do so and



instead have taken in information from biased unqualified persons who will have their private interests furthered or the private interests of other persons furthered including Cabinet Ministers and other provincial and municipal government employees furthered if I am not hired and what the government has done to me is covered up.

15. It is respectfully submitted to the Conflict of Interest Commissioner that the Premier and Cabinet Ministers are not qualified to evaluate workplace harassment and bullying issues and how they impact on this situation. Attached hereto as Exhibit "A" to this my affidavit is a true copy of an Article entitled Workplace Bullying: name it and tackle it by Ginette Pettipas-Taylor who I understand is or was a victims services counselor in Moncton with the government.

16. It is respectfully submitted to the Conflict of Interest Commissioner that workplace harassment and bullying is extremely serious and can be triggered by any number of factors including where senior persons do not want someone to have the job or professional position that the person has won based on merit. I respectfully submit that this is what occurred to me in the 2003 Saint John Regional Director competition wherein Rod MacKenzie wanted his friend and former associate, Tom Bishop to be given the position. David Legere Regional Director of Court Services in Moncton was on the Board of Examiners of both the 2002 and 2003 Saint John Regional Director competitions for that position and can and I believe in the past has confirmed that I won both competitions based on merit. In the second competition in which Tom Bishop was an applicant ( he was not an applicant in the first competition) the answers were given out for review prior to the competition. I understand that that was done in order to assist Tom Bishop in light of the strong interview that I had done in the first competition. I was advised by Rod MacKenzie in August 2003 (when he told me after the first competition that the situation would be remedied and I would be hired) that I was the only A rated candidate in the first competition. Even that action of providing the answers if it was for the benefit of Tom Bishop I would respectfully submit to the Conflict of Interest Commissioner would appear to be an attempt to obstruct the proper investigative process of the Board of Examiners as required under the Civil Service Act. I understand that I still won the second competition and that Rod MacKenzie as Managing Director then allowed staff in the Courthouse to follow me and watch my actions and accepted negative information from them to the effect that I was not doing my work when I was leaving the courthouse to go to meetings or to deliver documents etc (all of which was required as part of my employment) . No one in the courthouse would have had any ability to evaluate what work I was or was not doing.

17. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that when information is needed to stop me from being hired, it appears that one way or the other it is obtained by the government, through harassment it appears if necessary, even though objectively it has no merit whatsoever. Attached hereto as Exhibit "B" to this my affidavit is a true copy of a newspaper article in respect to the workplace harassment of an RCMP officer as senior officers wanted someone else to be



given his position instead of him.

21. It is respectfully submitted that workplace harassment and bullying is a very serious and real problem within the workplace today. To allow persons within the community who could have any number of biases to be able to affect a professional competition for a Lawyer III is it is submitted extremely wrong and certainly contrary to the Civil Service Act. I am informed by various radio and TV broadcasts and do verily believe that there are the following concerns in respect to workplace harassment and bullying that it is my understanding are facing employees and employers in the workplace today which are set out in the document attached hereto as Exhibit "C" to this my affidavit.

22. It is respectfully submitted to the Conflict of Interest Commissioner that the government has created the situation whereby no matter what I do if there are persons involved in the harassment of me present there are likely going to be negative allegations wherever I am. The government has taken away my ability to live my life freely as I wish to do so without being harassed as it appears that the persons involved in the harassment have constantly been trying since 2006 together with others who have joined in to help them to get the information they need to stop my being hired and assist those persons to avoid the consequences of their wrongdoing. I respectfully submit to the Conflict of Interest Commissioner that it is a basic right in a free and democratic society to live free of harassment. It would appear that the Commissioner should find this particularly reprehensible when it appears that the government has taken in information from these persons or has partnered with them in order to avoid taking responsibility for the situation that it created beginning in 2002 by contravening the Civil Service Act which set in motion the events which followed right up to the present date. The investigation of the Conflict of Interest Commissioner should show that the government has taken increasingly reprehensible steps to cover up what it has done or to try to find reasons not to remedy the situation as it undertook to do and reasons not to hire despite I have won many open competitions based on merit.

23. It is respectfully submitted to the Conflict of Interest Commissioner that by not stopping the harassment and by taking in information from those persons to stop my being hired that the Chief of Police and the Premier have participated in the deliberate and unlawful criminal harassment of me to destroy my livelihood and to further the private interests of themselves, other Cabinet Ministers, provincial and municipal government employees and other persons by enabling them to keep or get back their jobs, professional positions or appointments, protect their reputations and their future ability to earn livelihood and get other appointments and enable them to avoid other consequences of their involvement in the harassment of me or in other wrongdoing in respect to my private employment applications in open competitions and to cover up what the government officials and employees have done or what they have allowed to occur. In fact the Commissioner's investigation should show that instead of taking responsibility for the wrong that was done and assisting me and correcting the situation the Premier and other Cabinet Ministers with it appears the assistance of the Chief of Police have made



decisions to do more wrong in order to cover up what had been done earlier and to further the private interests of themselves and others. This has it appears at this time culminated in documents being filed by a lawyer in the Department of Justice deliberately containing false information in order it appears to have the NB Human Rights Commission dismiss my complaint without any public scrutiny. I would respectfully submit that this should offend everything the Conflict of Interest Commissioner stands for in having been a trial and appeals court judge prior to retirement. It certainly is directly contrary to my deep belief as a litigator in the Legal profession as an honorable profession and in trying to ensure in each case I conduct the best information possible is before the court in order to enable the judge to make the best decision possible on the facts and law as they truly are. I believe that the documents I have filed in the court files exemplify this and I believe that the judges I appeared in front of in Saint John since my return from Ontario would also objectively have observed my actions in doing so. Attached hereto as Exhibit "D" to this my affidavit are four written references, two from judges I appeared in front of ( one in Ontario and one in New Brunswick) and two from lawyers I had the privilege to work for as a young lawyer, both of whom exemplified extremely high professionalism and capability as litigators, integrity, a strong work ethic and strong ethical values and who are both now Supreme Court level judges in their respective provinces. Three of the references are attached to my employment applications. The fourth reference was given to me last year by the Honourable Mr. Justice Guerette who at the time I had spoken to him still had not been contacted by the government and he has been an oral reference for me since 2006. Also provided with my employment applications in the open competitions and attached hereto as part of Exhibit "D" is a true copy of a Letter of David Taylor, Director at that time of the School of Business and Entrepreneurship at Niagara College in respect to my time involved in teaching law at Niagara College.

24. It is respectfully submitted to the Conflict of Interest Commissioner that I should have been hired on merit in ALL of the competitions that are the subject of my human rights complaint and that the Premier and other Cabinet Ministers are aware of this and that it would not have been necessary for them to take in any information from persons outside government to try to find a reason not to hire me if I had not won all competitions based on merit. Attached hereto as Exhibit "E" to this my affidavit is a true copy of the Letter of Robert Savoie of the Office of the Ombudsman dated June 11, 2007 showing that I was a strong A rated applicant for the litigation group position for which I interviewed in January of 2007 which is the same position that I applied for and was interviewed for in July of 2010. Nancy Forbes was a member of both Boards of Examiners. It is my understanding as a result of Cabinet Ministers and other employees having been removed since 2007 as a result of Ombudsman reviews and other events that she was a biased member of the Board of Examiners in July of 2010 and should have declined to participate if she could not as a lawyer fulfill the requirement in section 16(1) of the Civil Service Act as to impartiality. She was aware or reasonably ought to have been aware that it was arranged for me to have to submit to a search before I entered the Justice Building where the interview was to take place. It is respectfully submitted that your investigation should show that no other Applicant was subjected to such treatment. Immediately after I



provided information to the police in August of 2010 as to what occurred the day of the interview and as to the harassment that occurred later in the week individuals were disciplined and Martha Bowes was no longer a human Resources advisor. It is submitted that she was moved to the position as Manager of the Office of the Attorney General not as a promotion but because of her inappropriate actions as a human resources advisor and she could no longer remain in that position. It may be that she was acting on directions from Bernard LeBlanc as Minister of Justice at that time and he should be able to verify to you who directed that a search be set up and the real reason she appears to immediately no longer have been a human resources advisor. Bernard LeBlanc would also be aware as would the Chief of police and Cabinet Minutes should show that it was then indicated to the persons involved in the harassment that I was very accomplished and that I was going to be hired and that that information went out into the community. Bernard LeBlanc and Premier Alward should also be able to verify and Cabinet Minutes should show that Premier Graham advised Premier Alward when the government changed that I was to be hired as a Lawyer III in the employment and administrative law group.

25. It is respectfully submitted to the Conflict of Interest Commissioner that to subject me to the very severe harassment and the loss of dignity and the loss of equality of opportunity and to destroy my livelihood by preventing me from having professional income as a lawyer since 2004 that has occurred as a result of the actions of government officials and employees and others associated with them contravening the law and your investigation should show deliberately making decisions in order to further the private interests of other Cabinet Ministers and employees and by covering up wrongdoing so they could keep their jobs, professional positions etc or otherwise avoid the consequences of their wrongdoing is extremely wrong and should never occur in a free and democratic society.

26. It is respectfully submitted to the Conflict of Interest Commissioner that for Premier Alward, Minister Higgs, Attorney General Blais, Minister Lifford, Minister Soucy, and other Cabinet Ministers to make the decision to take in information from biased unqualified persons outside government whom they are aware or reasonably ought to be aware are harassing this Applicant by following me, monitoring my actions and reporting their opinions on those actions or occurrences to the government to stop my being hired in order to further the private interests of those persons, Cabinet Ministers, provincial and municipal government employees or others by enabling them to avoid the consequences of harassing me or other wrongdoing in respect to interfering in my employment applications or otherwise as to how I was treated in the open competitions clearly it is respectfully submitted contravenes the Members' Conflict of Interest Act and specifically sections 4 & 5 thereof..

27 It is respectfully submitted that the Conflict of Interest Commissioner should ensure that the government undertakes to him NOT to take in any further information from such persons to affect my private and confidential employment applications in open competitions. If it does not so undertake, it is respectfully submitted that the Conflict of





Interest Commissioner should ensure that an unbiased police force ensure a restraining order as is necessary is put in place stopping the government from taking in such information and from encouraging those persons to harass me in order to provide such information to the government and to stop any persons as are necessary from interfering in my private life by following me in order to report information to the government to stop my being hired as a result of my private and confidential employment applications in open competitions.

28. It is respectfully submitted to the Conflict of Interest Commissioner that the persons following me, monitoring my actions, watching me continuously wherever I am or wherever I go in order to provide to the government negative information to prevent my being hired are engaged in criminal harassment as their activities are designed to destroy my livelihood and the government is participating in or counseling that criminal harassment by encouraging it or taking in the information from them and using it to stop my being hired. Your investigation should show that on many occasions many provincial and/or municipal employees and others have been waiting for the government to accept negative information they provide about me in respect to my private life in order to be told that they can then go back to work. It is respectfully submitted that the Conflict of Interest Commissioner should find this reprehensible. Cabinet Minutes or the police file or other records the Premier should be able to provide or have provided to the Conflict of Interest Commissioner should show what information the people involved in the harassment have provided to this government directly or indirectly since this government came to power in 2010. They should be required to provide to the Conflict of Interest Commissioner (and to me) all details of at least the following:

- (1) all locations where they have watched me, who has done so and how they have done so,
- (2) if they have recorded any private or other conversations,
- (3) if they have taken any videos or pictures of any kind ,
- (4) what they have reported and to whom,
- (5) all locations where any pictures or videos of any type have been taken of me or anyone else used or intended to be used to affect my hiring or otherwise used or intended to be used to hurt me;
- (6) how and to who the pictures are given or who is advised of anything observed and for what purpose the information or the pictures are used ;
- (7) any other information in respect to the harassment of any nature or type whatsoever.

29. Information concerning human rights provided to me from Aline Barnett of the Human Rights Commission in 2005 as set out in My Comments to the TLE Request Report prepared by the staff of the Commission show clearly that the government has taken in prohibited information.

Information set out in Fact Sheets that she provided to me indicate:

A

MP/ELC

Fact Sheet 4 Human Rights and Employment Conditions and Practices indicates:

1. It is illegal to discriminate against anyone because of his or her personal characteristics, as defined in the Act.
2. The Human Rights Act applies to all working conditions and employment practices.
3. Discrimination and harassment in employment is prohibited based on mental disability and marital status.
4. Discrimination is prohibited even when it is based on mistaken perception.
5. Employers must eliminate and prevent any discriminatory treatment and harassment based on a prohibited ground. In addition they must reasonably accommodate the special needs of persons belonging to groups that are protected by the Act if they can do so without causing any undue hardship to their operation.
6. Discriminatory employment conditions and practices may result in low morale, low productivity and a poisoned work environment.
7. You can avoid discrimination by:
  - developing a policy against discrimination and harassment, ensuring that employees are aware of it and taking action against those who violate it;
  - using uniform criteria to assess work performance;
  - making employment decisions based on merit, not on race age, sex, etc.
  - taking appropriate action against discriminatory insults
  - displaying the Human Rights Act and ensuring that employees are aware of the Act.

#### FACT SHEET 7 Human Rights and the Pre-Employment Process

1. Employers may not ask questions pertaining to the candidate's mental disability and/or marital status.
2. The Human Rights Act prohibits written or oral inquiries prior to hiring that ask for information on the personal characteristics set out in one immediately preceding this paragraph.
3. Applicants may refuse to answer such questions as have you ever been treated for mental illness or are you married etc.
4. Employers are legally responsible for ensuring fair employment practices and to be aware of the questions that may not be asked during the pre-employment process.
5. Employers can avoid discrimination in their hiring practices by:
  - Assess the application forms and the interview process to ensure that unintentional discrimination does not exist
  - Use the same application form and the same interview questions for all Applicants for a particular position.
  - Avoid asking questions that are unrelated to the job during job interviews and on application forms. Do not ask questions about age, sex, marital status, disability or any ground listed in the Human Rights Act.
  - Do not exclude applicants based on any ground set out in the Human Rights Act.
  - Provide human rights training for supervisors and employees.



## FACT SHEET 1 The New Brunswick Human Rights Act

1. The Act prohibits discrimination and harassment by businesses, organizations, provincial and municipal governments and individuals in all aspects of employment.
2. The fundamental principle of the Human Rights Act is that all persons are equal in dignity and human rights.
3. Everyone can play an important role in the promotion of equality of opportunity by:
  - recognizing that we are all individuals with unique abilities and needs;
  - accommodating the special needs of others whenever possible;
  - speaking out against discriminatory comments and conduct;
  - supporting those who are discriminated against;
  - being constantly aware of the need to ensure equality of opportunity and fairness in our daily activities.

## FACT SHEET 2 The New Brunswick Human Rights Commission

1. The Commission is the provincial government agency which administers and enforces the new Brunswick Human Rights Act. Its function is to forward the principle that every person is free and equal in dignity and rights without regard to any ground set out in the Act.
2. The Commission is comprised of two distinct components: the Chairman and Commission members and the Commission staff.
3. Commission members are appointed by Lieutenant-Governor in Council who decide on Complaints.
4. Commission staff carry out the day to day operation in the areas of compliance.
5. The Act prohibits retaliation against anyone who has filed a complaint.
6. A Board of Inquiry may be appointed and is an independent tribunal which holds a public hearing similar to a civil trial. It is not part of the Commission. The Board may order that the discrimination stop and any harm be remedied, the victim be reasonably compensated for expenses, loss of pay and emotional suffering in addition to other appropriate relief.

## UNBIASED HUMAN RIGHTS COMMISSION

30. It is respectfully submitted to the Conflict of Interest Commissioner that what Premier Alward, the Department of Justice and Office of the Attorney General, the Attorney General Marie-Claude Blais, Martine Coulombe and Danny Soucy Ministers of the Department of Post Secondary Education Training and Labour, the NB Human Rights Commission which reports to Danny Soucy and Martine Coulombe and others have done as shown in the allegations and concerns expressed in this my affidavit has clearly contravened the provisions and requirements set out in the Human Rights Act. It is further respectfully submitted that offences have been committed under the provisions of the Human Rights Act based on what has occurred and what has been done by persons in



government in dealing with my private and employment applications in open competitions in the Department of Justice and Office of the Attorney General and that offences are still being committed in that respect despite the Premier, the Attorney General, Blaine Higgs, Danny Soucy know or reasonably ought to know that taking in information as to perceived mental health issues (particularly from biased unqualified persons for their own self serving reasons) in the hiring process is prohibited under the Human Rights Act and constitutes an offence.

31. The Conflict of Interest Commissioner should be able to confirm through the Premier or Cabinet Minutes that the government has taken in such information as recently as on or even possibly since Friday, March 15, 2013. I provided e-mail information to the Premier and the Clerk of the Legislative Assembly to clear up the improper information (that I understand was provided by biased unqualified persons involved in the harassment of me on Friday, March 15, 2013 and on Monday, March 18, 2013) in respect to events that I understood the government had taken in and that the Commissioner should, I would submit, view as totally inappropriate harassment and which information is prohibited from being in any way considered by the government to affect a Lawyer III competition in the Civil Service. It is my respectful submission that the only reason the government I understand took in the negative information from the persons involved in the harassment of me was in order to not hire me based on merit in order to further the private interests of Cabinet Ministers and other persons.

32. It is respectfully submitted to the Conflict of Interest Commissioner that the response of the Premier, the Attorney General (and her Department) , Danny Soucy, Martine Coulombe (and the NB Human Rights Commission staff that report to the Minister of Post Secondary Education Training and Labour) to my human rights complaint has been completely unethical and has clearly brought the administration of justice into disrepute. It would also appear that offences under the Criminal Code have been committed such as obstruction of justice as a result of the Lawyer for the Respondents, Andrea Folster, an employee in the Department of Justice and Office of the Attorney filing Responses containing deliberately false information with the NB Human Rights Commission and allowing it to have the NB Human Rights Commission staff prepare a report based on the false information which makes adverse recommendations to my complaint as a result of the false information. Despite having the Report for I understand at least as long as I have had it she has still not corrected the false information. Your investigation, it is respectfully submitted, should also show that Premier Alward, Attorney General Marie-Claude Blais and Blaine Higgs as Respondents have also deliberately obstructed justice by allowing those Responses to be filed despite they know the Responses contain false information and have an obligation to correct the false information which I have brought to the attention of the Premier. I understand that ALL Cabinet Ministers would know the Responses contain false information and have done nothing to have the information corrected. It would appear that by making the decision to



allow the Responses containing false information to be filed and by making the decision not to correct and by making the decision to allow the Human Rights Commission staff to prepare a report based on the false information and by allowing the NB Human Rights Commission to proceed despite the clear conflict that in the making of any and all of those decisions each Cabinet Minister the subject of this Complaint and PARTICULARLY those that are Respondents have contravened sections 4 and/or 6 the Members' Conflict of Interest Act in addition to other laws.

33. It is respectfully submitted to the Conflict of Interest Commissioner that it is extremely urgent that you ensure that the NB HUMAN RIGHTS COMMISSION IS NOT ALLOWED to proceed as the e-mail of Jennifer LeBlanc of March 12, 2013 a true copy of which is attached hereto as Exhibit "F" to this my affidavit indicates that the NB Human Rights Commission intends to do in the face of an extremely severe conflict of interest and it appears your investigation should clearly show in the face of illegal actions contrary to the Human Rights Act and the criminal code. Your investigation should show that the premier and Danny Soucy have made the decision or have participated in the decision to have the NB HUMAN RIGHTS COMMISSION proceed despite clear unethical and/or illegal conduct by each Cabinet Minister who is a Respondent and by the lawyer on behalf of the Respondents who is an employee of the government and reports to Cabinet of which Danny Soucy is a member.

34. It is respectfully submitted to the Conflict of Interest Commissioner that it is clearly unethical for the Premier and cabinet to accept improper information from the biased unqualified persons outside government involved in the harassment of me to the effect that I have mental health issues and then file a Response that states that they have NEVER taken in such information.

35. It is respectfully submitted to the Conflict of Interest Commissioner that you should find this completely reprehensible when the government knows that if I am not hired the effect will be in the community that they have not hired me because I have mental health issues and that the persons involved in the harassment of me and who are trying to destroy my livelihood by preventing my being hired are right whereas the Respondents will have deliberately lied in their Responses and Danny Soucy will have allowed the NB Human Rights Commission staff to have prepared a report using that false information to say that the government has NEVER taken in information from outside persons as to their perceptions of my mental health (which they have repeatedly done over my strong objections that it is an offence and/or unethical and /or prohibited under various legislation and is completely prohibited by the Human Rights Act in the hiring process to do so) in order that they can have my complaint dismissed to cover up what the government has done and to avoid paying me retroactively to at least 2006, compensation for the severe harassment and all other appropriate relief and to further the private interests of many persons in government and outside government.

34. . It is respectfully submitted to the Conflict of Interest Commissioner that Danny



Soucy knows or reasonably ought to know that the Report prepared by Jennifer LeBlanc of the NB Human Rights commission deliberately contains false information and that by dismissing my complaint without any public scrutiny the government and the Human Rights Commission can cover up what they have done and the Respondents and the staff of the Human Rights Commission and others will have their private interests furthered by not being disciplined and/or removed from their positions and/or charged criminally for what they have done. The actions of Danny Soucy, the Respondents, Jennifer LeBlanc and others would appear to be clearly obstruction of justice in order to get the result that they want to obtain in my human rights complaint proceeding.

### **LEGISLATIVELY REQUIRED REVIEWS UNDER THE CIVIL SERVICE ACT**

35. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should reveal that the Premier and the Cabinet Ministers who are the subject of this complaint have deliberately made or participated in decisions contravening sections 4 and/or 6 of the Members' Conflict of Interest Act by NOT ensuring that the Statement of Reasons was provided by the Deputy Minister of the Office of Human Resources and that unbiased reviews took place in respect to the last 3 competitions, #09-45-10, 10-44-02 and 10-44-03 and /or committed the criminal offence of obstruction of justice and /or other offences in respect to their actions in that regard. It is respectfully submitted as indicated above that they made those decisions in order to further the private interests of Cabinet Ministers, provincial and municipal government employees and other persons to enable them to keep their jobs, professional positions and/or appointments or to otherwise avoid the consequences of their deliberate wrongdoing.

36. It is respectfully submitted to the Conflict of Interest Commissioner that by deliberately preventing those reviews from going ahead and continuously looking for NEW REASONS to not hire me through information provided by the biased unqualified persons involved in the harassment of me that the Premier and the other Cabinet Ministers HAVE DELIBERATELY obstructed justice by contravening the Civil Service Act requirements and other laws which I would submit have been enacted to prevent exactly the abuse by powerful persons ( such as the Premier, the Attorney General and Blaine Higgs) as that to which I have been deliberately subjected.

### **SUCCINCT FACT SUMMARY :**

A succinct fact summary relevant to the investigation of the Conflict of Interest Commissioner is set out in my human rights complaint in respect to how I have been treated as an Applicant in respect to the competitions in which I have been an Applicant from 2002 to the present date. I respectfully submit to the Conflict of Interest Commissioner that that provides the factual circumstances which together with the information provided in this affidavit give rise to the private interests of government officials, provincial and municipal employees and other persons that will be furthered as a

✱

MEK

result of the decisions that have been made and other actions by the Cabinet Ministers or former Cabinet Ministers or MLA the subject of this Complaint which I respectfully submit result in a contravention of the provisions of the Members' Conflict of Interest Act and may show further contraventions of that Act or other Acts or the Criminal Code.

1. I applied for and won the 2002 Saint John Regional Director of Court Services competition but as a result of the actions of Ray Glennie, Q.C. who did not want me hired away from the Legal Centre where I worked and of which he was a Director, the Deputy Minister of the Department of Justice hired another candidate. As the quality of my work had been used to obtain space for the Legal Centre within the courthouse and was said by Ray Glennie, Q.C. to be of first class quality, it is my understanding that Ray Glennie, Q.C. said negative incorrect things about my personal life as a single person in order to try to prevent the government from hiring me. I respectfully submit to the Conflict of Interest Commissioner that that was discrimination under the Human Rights Act as any person single or married has the right to choose where they wish to live and to order their personal life as they wish to do so and that it contravened the Act for the government to take in any information in that respect. It would appear that if Ray Glennie, Q.C. had been told that those considerations contravened the Human Rights Act and were irrelevant as to work quality and work performance in any respect and that I was being hired as I had won the competition based on merit, that the harassment of me and other events that have occurred since he did that would never have occurred. It is respectfully submitted to the Conflict of Interest Commissioner that it is important that the laws in existence be complied with as they are made for a reason.

The man who was hired in the 2002 Saint John Regional Director competition began work at around the same time as I received the letter advising me that I was unsuccessful. This appeared very unusual and it appears was done in order to prevent me from being able to appeal as I believe that management knew or reasonably ought to have known that if I appealed after he had already begun work and he was removed that it would likely cause further problems for me as the Court staff would likely retaliate against me if I did so. The letter to me was I believe dated on or about March 31, 2003. He began work on or around April 1, 2003. I immediately met with Ray Glennie, Q.C. and he promised to meet with Rod Mackenzie to have the situation remedied. I was advised that he had done so and that the situation would be remedied. I also met with Rod MacKenzie in August of 2003 who confirmed that the situation would be remedied and that I was the only A rated candidate and that I would be hired.

The man who they hired as Regional Director of Court Services in Saint John left the position in September of 2003 I understand as he could not do the work and it appeared based on the actions of staff in the courthouse that it was expected that I would be hired as respect had returned in their actions towards me. Instead the government re-advertised the position in the fall of 2003. I understood that there was then lobbying by courthouse staff and others in favor of another candidate. I contacted Rod MacKenzie in December



of 2003 after I had had my interview and the lobbying seemed to be intensifying on behalf of another candidate. I indicated my concerns and advised him that I should have the opportunity to respond to any negative allegations as it appeared comments were being made as to my living with my mother which he was aware was not correct and which was also irrelevant and contrary to law to be taken in to affect my being hired in any respect, as well as other incorrect allegations. I understand that as I had dealt with what had occurred in the 2002 competition as a result of the actions of Ray Glennie, Q.C. with both Ray Glennie, Q.C. and Rod MacKenzie and clearly indicated that I did not live with my mother and that I had my own apartment in Fort Howe and that it would be irrelevant and wrong for the government to take in that type of information in any event, that subsequent to my phone conversation with Rod Mackenzie, as I had won the 2003 Regional Director competition based on merit as well, that there was I understand harassment by courthouse staff, including the inside security guard, which resulted I understand in allegations from them that I was not busy and that I was not doing my work in order that the Regional Director position could be given to Tom Bishop the friend and former associate of Rod MacKenzie. The courthouse staff would not have had any ability to assess whether I was or was not doing my work. I was in fact carrying a very heavy caseload. However, it is further submitted to the Conflict of Interest Commissioner that what has occurred to me clearly shows that when one reason to prevent a candidate from being hired in the civil service did not work and get the result that persons involved in the harassment wanted to obtain that they proceeded to do something else to harm or adversely affect me, the target of their harassment, in order to achieve their objective.

2. In respect to the serious concerns as to workplace harassment and bullying in the work force today it is respectfully submitted to the Conflict of Interest Commissioner that when the Civil Service Act requirements are disregarded and information is taken in from outside the Board of Examiners and the questions that all applicants are asked are not the same that this opens the door to abuse of an applicant as persons can have many different biases from wanting a friend hired to resenting a younger person having the position or any other number of biases that would affect their view. Assessment by a qualified professional impartial Board of Examiners is, it is respectfully submitted, required by the provisions of the Civil Service Act for a reason which is to ensure that appointments ARE based on merit.

3. David Legere, Regional Director of Court Services in Moncton should be able to verify for the Conflict of Interest Commissioner that I won both the 2002 and 2003 Saint John Regional Director competitions based on merit but was not given either position as he was on the Board of Examiners for each open competition. At the time of the interview in or around November 2003 in respect to the second competition for the same Regional Director position, the answers to the interview were given out to read prior to the interview which did not occur during the first competition. I understand that that was done to help Tom Bishop in light of my strong A rated interview for the 2002 competition. Despite that, I believe the Conflict of Interest Commissioner can confirm from David Legere that I won the second competition as well. It would appear that the

A

MEK



Conflict of Interest Commissioner's investigation should show that as a result of the conflict of interest and bias resulting therefrom of Rod MacKenzie that the Commissioner should be concerned that despite the strict requirements of the Civil Service Act, that persons in authority in government it would appear deliberately obstructed justice and gave a preference to a candidate who had not won the competition or engaged in other wrongdoing or contravention of the law as your investigation should show.

I later came to understand that in order to eliminate me as a candidate and hire Tom Bishop that persons within the courthouse including the inside security guard who I understand lived in or lives in Grand Bay, the riding of MLA Parrot, lobbied the government on behalf of Tom Bishop and followed me and monitored my actions and reported on them to the effect that I was not doing my work when I was leaving the courthouse to attend meetings, deliver documents etc. all of which was required by my employment. I further understand that they advised the government that I was not doing my work in order to enable Rod Mackenzie to have the government hire his friend and former Associate Tom Bishop.

The Conflict of Interest Commissioner's investigation may also show that later when this matter was dealt with ( as it has been continuously dealt with from 2002 to the present date) that the inside security guard was removed from his position as a result of his conduct. If that security guard was removed from his position and is involved in the harassment of me at this time or since 2006 and the provision of information to the government to stop this applicant from being hired or if others associated with him are involved this should greatly concern the Conflict of Interest Commissioner as it is respectfully submitted that NONE of these people should ever have had the opportunity to affect a competition under the Civil Service Act. The inside security guard on one occasion when I arrived at the courthouse in the morning for work, while I worked at the Legal Centre, had I understood from the outside security guard gone outside and got into a physical altercation with a man who would not move his vehicle. I understood from the outside security guard that the man wanted the security guard charged with assault but the police talked him out of it. I would submit that there is certainly a concern that this was bullying behaviour in addition to the concern of assault expressed I understand by the man.

I respectfully submit that experts who deal with workplace harassment and bullying would indicate to you that there is a serious concern in workplace harassment and bullying situations that the persons involved will create what they need to create in order to destroy their targeted victim and if one thing does not work they will proceed to allege or do something else that they feel will work. It is submitted to the Conflict of Interest Commissioner that if management makes the decision to allow harassment and take in at face value any information from persons that they KNOW or reasonably ought to know are trying to destroy another person's job that they are sending a message to those persons that harassment and bullying is acceptable in the workplace and it would appear that many persons will join in to harass and target the victim just because they can do so.



20324

Tom Bishop was hired as Regional Director of Court Services in Saint John and began work around April 1, 2004. As a result of the harassment of courthouse staff and the incorrect information that they provided to the government to stop my being hired in the 2003 competition, I understand that I was given notice by the Legal Centre to the effect that that they were restructuring and that my position was being eliminated. I applied for a position outside government with Legal Aid as a Family Court Solicitor in Fredericton to mitigate as a result of the actions of the government and I understand won that position based on merit as well. As a result I understand of the interference of a lady from Legal Aid who worked in the courthouse, I was not given the Legal Aid position despite it had been objectively an excellent interview and the Director of Legal Aid who was on the selection committee had the two other persons on the Selection Committee give me their business cards and told me to call them if I had any questions and that I should hear their decision very soon. Records should show that I was appointed but that the Legal Aid Area Committee or other body that did the appointments met again and changed my appointment after the lady from Legal Aid interfered in my private employment application for a position in Fredericton with which she had NO CONNECTION. I understand that she was involved in the lobbying and harassment in the courthouse in the earlier 2003 Regional Director Competition and interfered just to be mean and to hurt me as she felt she could do so in light of what the Department of Justice management had done to me in the two earlier competitions and the message that it appears it sent out to staff.

I then contacted a lawyer and as a result of the actions of John Barry the lady in Legal Aid who had interfered in my private employment application was I understand disciplined in July of 2004. Rod MacKenzie came and met with me at the Legal Centre on a Saturday morning in September 2004 about one week before my position ended at the Legal Centre and advised me that the situation would be remedied and that I would be hired by the government. He did not fulfill his undertaking. I requested help from the Ombudsman, Bernard Richard in approximately January of 2005. I later came to understand (as a result of my meeting with Deputy Minister Choukri in January of 2006 and as a result of what occurred after the review by the Ombudsman of the competition for which I had an interview in January of 2007) that prior to the Ombudsman going to review the competition files in or around January of 2005 ( as I understand they give notice of their intention to do so) that the files were altered so that it did not show that I was the only A rated candidate in the 2002 competition nor that I had also won the 2003 competition. I understand that Rod MacKenzie and the Director of Human Resources for the Department of Justice were removed from their positions in 2007 subsequent to the review by the Ombudsman of competition 06-44-04. Attached to my affidavit as Exhibit "E", as indicated above, to this my affidavit is a true copy of the Letter of Robert Savoie dated June 11, 2007 indicating my strong A rating in that competition for a Lawyer III in the litigation group of the Office of the Attorney General.

I provided written information in December of 2005 to Attorney General Brad Green through his Executive Assistant who came to meet with me in Saint John in respect to



what had occurred since 2002 and I asked for his assistance to correct the situation. A meeting was arranged by him for me to meet with Deputy Minister Choukri. As a result of that meeting I learned that the records of the 2002 Regional Director competition in Saint John had been altered so that it did not show I was the only A rated applicant and that I won the competition.

14. Deputy Minister Choukri advised me that the situation would be remedied and that I would be hired and that he wanted to get me working as soon as possible and was going to make immediate inquiries as to what position he could properly put me into and would be in further contact with me as soon as he had done so. As I did not hear from him further I confirmed his undertaking to have the government hire me by letter of March 7, 2006 (and I addressed other matters that I understood he was addressing as I understood he had taken in incorrect information from Legal Aid which was affecting his carrying out his undertaking to have me hired). I sent a further letter to Deputy Minister Choukri dated May 31, 2006 in light of the improper information that I understood he had begun to take in from persons outside government which I understood was affecting his fulfillment of his undertaking at that time. I also confirmed in that letter that he had said when we met that where I lived was irrelevant yet I understood he was still taking in inappropriate information from the lady at Legal Aid who was disciplined or others connected with her as to my being immature because I was not married and did not have children, their opinion as to where I lived and other inappropriate information as to my single lifestyle (which information was clearly prohibited by the Civil Service Act and the Human Rights Act ) from persons outside government who should not have been able to interfere in any way in any private and confidential employment applications in open competitions or economic relations with the government that I had at anytime. I understand that the lady from Legal Aid who was disciplined in 2004 was removed from her position in 2006. The investigation of the Conflict of Interest Commissioner should show that the harassment then began and has continued to this date by that lady and persons associated with her in an effort to get her job back and/or to hurt me and that she or others associated with her are involved in the provision of information to the government that has been taken in to discredit me since 2006 until the present date. Premier Alward, the Chief of Police, the record of information that has been taken in by government and/or the police under Premier Graham and Premier Alward right up to the present date should confirm that this has occurred to the Conflict of interest Commissioner.

15. It is respectfully submitted that if there was a respectful work environment required by the government they would have told that lady and any other persons associated with her in the courthouse that a person's private life is their business and that where anyone lives, whether they are married, how they live , who they help etc is no one's concern but that person as it is their PRIVATE life. It is also submitted that that lady and anyone associated with her should have been told that when they come to work and during work hours they are required to be respectful and simply work appropriately even with people they do not like, people they are jealous of, people who have the position they want,

~~2~~

23326

people who earn more money than them or regardless of any other opinions they have that cause negative feelings by them to anyone else. It is my understanding that those persons have been continuously involved in the harassment because they feel that if they are able to characterize me as immature as a result of my private lifestyle that it proves that she was right and that it justifies making fun of me or any other inappropriate conduct she or the others engaged in. It is respectfully submitted to the Conflict of Interest Commissioner that this would in fact be the thin edge of the wedge and would certainly NOT comply with the requirement of hiring based on merit as set out in the Civil Service Act, based on qualifications and work performance, but an attempt to replace a respectful proper workplace criteria with a system which would encourage people to group together to make fun of or report to their employer characteristics of people who are different from them as a reason to exclude those persons from the workforce or as a reason to bully people during work hours by making fun of them etc. It is respectfully submitted to the Commissioner that this would be very wrong. People are different and choose different friends. What one persons thinks as fine or funny, another person may think is unacceptable or strange. If persons do not like someone or their lifestyle they can choose to not be their friend but they certainly it is submitted particularly in the regulated government environment and in light of the Civil Service Act and the Human Rights Act requirements SHOULD NEVER be able to affect my employment or the employment of any other person.

16. The investigation of the Conflict of Interest Commissioner should also show that Roger Bilodeau was removed around the summer or fall of 2004 from his position as Deputy Minister of Justice as a result of his conduct in respect to the 2002 and 2003 competitions for a Regional Director in Saint John after the involvement of John Barry which had resulted in the lady from Legal Aid being I understand initially disciplined around that time in 2004 also.

17. In June of 2006 I contacted Attorney General Brad Green for assistance as Attorney General and he stopped Deputy Minister Choukri from taking in any further information in respect to my private life as a single person who was not married and did not have children which was I understand being used to stop his fulfillment of his undertaking and to stop my being hired. Taking in such information is I understand discrimination under the Human Rights Act on the ground of marital status. It is also I understand prohibited by the workplace harassment guidelines as well to make fun of a person based on their private lifestyle. An article by Ginette Pettipas-Taylor in respect to workplace harassment and bullying was attached above as Exhibit "A".

18. As a result of Attorney General Brad Green's actions the interviews for the child advocate position took place in which I was an applicant. The interview took place before a Board of Examiners composed of I understood several Deputy Ministers, 2 or more people from the Executive Council and other high ranking government officials or employees. I understand that again it was a highly A rated interview and that I had won the competition based on merit as rated by the highly accomplished Board of Examiners. I

understand that I was to be hired and that again the persons from outside government who tried to allege that I lived with my mother again tried to prove that they were right and that that should affect my being hired. It is respectfully submitted to the Conflict of Interest Commissioner that that would clearly offend the Human Rights Act as it would be discrimination and harassment based on a personal characteristic relating to a prohibited ground. It is respectfully submitted to the commissioner that a single person as is a married person is able to choose where they wish to live and how they order their personal life and as an adult in a free and democratic society you do not have to justify any such choice to any busybody or anyone else. It is respectfully submitted to the Conflict of Interest Commissioner that as I went to live on my own in an area of Ontario when I was about 23 where I knew no one and built a successful law practice the persons involved in the harassment certainly cannot objectively characterize me as being immature no matter how I choose or chose to assist or spend quality time with an elderly parent.

19. I sent two e-mails to Attorney General Brad Green in about August of 2006 clearing up inappropriate allegations of the persons from outside government who were I understood still attempting to interfere in my private and confidential employment applications in open competitions. Brad Green should confirm to the Commissioner that within the space of two weeks the persons involved in the harassment took information to the government alleging two very contradictory assertions. On the first occasion I understand that they alleged that I lived with my mother as I was leaving her house at 8:15 a.m. and as a result what I said was not true and I should not be hired. I had picked up another lady who lived near me and then went and picked up my mother and took both of them to their hairdressers. As that allegation did not work I understand that the persons involved in the harassment then alleged that my mother lived with me because a lady approached an elderly lady that I took to church with me regularly and asked her if she lived in my building and she said yes( as she had for about 20 years) and the lady who asked her I understand then reported to the government that my mother said she lived with me and as a result what I said was not true and I should not get the job. I sent a further e-mail when I became aware of what they must have done to further try to interfere in my private and confidential employment application to Brad Green indicating that the lady was not my mother. This is I believe a clear example of how important it is that information NOT be taken in from outside the Board of Examiners and when such information is prohibited by the Human Rights Act as well it would appear that the actions of those persons was criminal harassment designed to destroy my livelihood. I understand that Attorney General Brad Green corrected the inappropriate information they had provided once I sent the e-mails and again put it in process for me to be hired as the Child Advocate. I understand that he left instructions that I was to be hired when the government changed in October of 2006 and that the situation be remedied. I believe that your review of the competition file if it has not been altered would also clearly show that I had won based on merit the 2006 child advocate competition.

20. The undertaking given by Deputy Minister Cboukri that I would be hired and the



situation remedied was unqualified and still has not been carried out. The Rules of Professional Conduct are clear (as indicated to the government in writing in an e-mail of I believe May 1<sup>st</sup> of 2012 as it is STILL dealing with the issue of my being hired) that once an undertaking has been given by a lawyer IT MUST be carried out by the organization or client on whose behalf it is made and it CANNOT be changed once made.

21. The child advocate competition was cancelled by Premier Graham and I had no alternative but to apply for the Legal Services Lawyer III competition for a litigation lawyer which I understand the government then advertised in order to remedy the situation and hire me.

22. In January of 2007 I was interviewed and I did a strong A rated interview. I was advised by Clyde Spinney of the Board of Examiners at the interview that they would be making their decision very soon and it was expected that the position would be filled by March 1<sup>st</sup> or March 15<sup>th</sup>, 2007 at the latest. As a result of the interference by persons from outside the Board of Examiners and indeed outside government I understand that I was not hired. I was advised by e-mail communication from Hilda Ringuette of the Department of Justice on Thursday March 29<sup>th</sup>, 2007 that in respect to competition 06-44-04 that an appointment had been made in respect to that competition. A true copy of that notice is attached hereto as Exhibit "G" to this my affidavit.

23. I requested reasons from the Deputy Minister of the Office of Human Resources as provided by the Civil Service Act and I subsequently received a letter dated April 30, 2007 from Yvon LeBlanc, Q.C. giving no reasons and indicating it was an inventory only based competition and a copy of the letter was shown as being sent to Clyde Spinney. I believe that Clyde Spinney knows that this letter contained deliberately false information. A copy of that letter is attached hereto as Exhibit "H" to this my affidavit. Also attached to this my affidavit as Exhibit "I" is a true copy of the advertisement for competition 06-44-04 which clearly shows that there was 1 English position available and 3 bilingual positions available at that time in addition to a candidate inventory being done for future competitions. I understand that I received the letter that I received from Yvon LeBlanc because the government was trying to cover up the true reasons that it did not hire and that there was outside interference in the competition.

24. I made a complaint to the Ombudsman that set out in detail what had occurred beginning in 2002 right up to what interference I understood had occurred by persons from outside government in the 2007 competition. As a result of that Complaint I understand that the Director of Human Resources for the Department of Justice and Rod MacKenzie, the former Managing Director for the Department of Justice in 2002, 2003 and 2004 were removed from the positions they held as a result of the Ombudsman's review. Other persons may have been disciplined or dealt with as well. I was sent a letter by Robert Savoie dated June 11, 2007 from the Office of the Ombudsman indicating that I was a strong A rated candidate for the position of Lawyer III in the litigation branch and setting out my A ratings for all categories. He indicated that it was an inventory based

A

2013 MC

only competition which did not match what the advertisement for the competition said nor what Clyde Spinney had told me in the presence of the human resources advisor at the interview, Lise LaForge nor the Letter Hilda Ringuette had sent to me. A true copy of his letter is attached as Exhibit "E" to this my affidavit.

25. As a result of the Ombudsman review I understand that it was directed that I be hired at that time and 2 new competitions were advertised. I understand that persons within the community who had interfered in my private and confidential applications in the open competitions by providing improper information were dealt with and I understand disciplined. I was interviewed in or around August of 2007 for both positions and I was advised at the interviews that the decision was to be I believe made by the end of September, 2007. One position was in respect to a Crown Attorney position in the Saint John office and the other was for I believe a Labour Relations Officer position in Fredericton. Your investigation should show that as a result of the manner in which the Deputy Minister of the Office of Human Resources allowed those competitions to be conducted and as a result of information which I understand she allowed to be taken in from persons outside government (which is prohibited by the Civil Service Act) again I understand that I was not hired.

26. Again I made a complaint to the Office of the Ombudsman. As a result of that complaint I understand that persons within the community were dealt with for interfering with my application in the competition and that the Deputy Minister of the Office of Human Resources was removed from her position. I also understand that it was again directed by the Ombudsman that I be hired although again his letter did not state his real findings nor indicate that I was to be hired.

27. There was I understand further lobbying to prevent my being hired and I understand further incorrect information given by persons outside government involved in the harassment of me to stop my being hired. Subsequent to further Ombudsman involvement it was again I understand directed that I was to be hired and the 2008 Miramichi Crown Attorney competition was advertised.

28. As a result of the failure of the government to remedy the situation long ago as it had undertook to do and despite the many open competitions advertised that I applied for and won based on merit I still had not been hired in a professional position and I had to take employment in a call centre to try to obtain some income while I continued to wait for the government to properly remedy the situation in light of the situation that it had caused within the legal community.

29. It would appear in retrospect that subsequent to the January 2007 interview and the Ombudsman review of that competition that the government although pretending right up to the present date that it would hire me if I cleared up the incorrect information people involved in the harassment of me were providing to the government ( which is prohibited by the Civil Service Act and the Human Rights Act from even being taken in) that it

A

MEK

really had no intention of hiring me at all and in fact your investigation should show that government officials and employees have participated in the very severe harassment and abuse of me as an applicant in open competitions under the Civil Service Act and have made the deliberate decision NOT to hire me based on merit in order to further the private interests of Cabinet Ministers and other government employees and officials and other persons involved in wrongdoing in respect to how I was treated as an applicant in open competitions which it is submitted is a deliberate violation of the Members' Conflict of Interest Act by any Cabinet Ministers or other MLA's that have been involved including the Cabinet Ministers and the MLA the subject of this complaint in addition to criminal offences or other contraventions of laws that your investigation may find.

30. Your investigation should show that at various times even from 2010 to the present date, Cabinet Minutes or Premier Alward should verify that he began to deal with the discipline of persons involved in the bullying and harassment of me and to put the Lawyer III position in place for me only for the government to take in MORE improper, prohibited and incorrect information from the persons involved in the harassment and stop the process to hire me. It is my understanding that the Commissioner's investigation should show that the persons involved in the harassment knew that all they had to do was make an allegation when my hiring or any other step to stop their actions was imminent and then the process would have to start all over again and by the time it was close again to hiring me or to taking another step to correct the situation they would find something else to report and the process would continuously start over again as it was repeatedly shown on objective information from me that the information they provided to the government was incorrect or DELIBERATELY false. It is respectfully submitted to the Conflict of Interest Commissioner that the **purpose** of an impartial Ombudsman review is to **detect any wrongdoing in the hiring process regulated by the Civil Service Act and correct it. He did so in respect to the Competition in which I was interviewed in January 2007 and employees in the Department of Justice and others were disciplined and/or removed from their positions and the Premier should confirm this to you.** If the Premier, Cabinet Ministers and other officials are allowed to it appears retaliate and actively prevent the Applicant who SHOULD HAVE BEEN HIRED BASED ON MERIT in the competition reviewed from being hired in any subsequent competition or from being treated fairly and impartially once hired by it is suggested to the Commissioner the type of abuse to which I have been subjected or by any other means, it would appear that the Civil Service Act might as well be repealed as it appears that once wrongdoing or non compliance is exposed rather than preventing abuse to an Applicant IT RESULTS in severe abuse. It is respectfully submitted to the Conflict of Interest Commissioner that there should be an unbiased safeguard to ensure effective compliance with the Civil Service Act in order to preserve the integrity of the civil service, to ensure that the administration of justice is not brought into disrepute and that rights we value such as privacy, the right to live free of harassment, freedom of choice and other valuable rights and freedoms are truly respected so that we in reality do live in a free and democratic society. If what has happened to me is allowed to occur as set out in this affidavit it appears that integrity in the administration of justice and a free and

X

MEK



democratic society **ARE JUST AN ILLUSION IN NEW BRUNSWICK** and NOT reality at all.

30. The harassment then began in the Atelka call centre by I understand persons associated with the persons involved in the harassment of me that began in 2006. I said no to the sexual advances of at that time a 23 year old floor support worker in about early May of 2008 as I was over 20 years older. He said that was fine and that he would still give me good floor technical support ( as that is important in a call centre). I understand that as a result of the actions of his supervisor, Cindy, who was associated with the persons involved in the harassment of me that they encouraged the young fellow to continue to pursue his advances towards me despite he was told no. I understand that she told him that it was not that I did not like him but that I was afraid of a sexual relationship with him. It would appear that if the law was followed and a respectful work environment maintained focused on the work to be done that none of the harassment or other improper actions of that male worker or his supervisor would have occurred. He continued his advances. I told him no again clearly in front of Gillian Miller and my supervisor at that time at about the end of June 2008. He caused in the centre a lot of disturbance and along with his supervisor they made fun of me as being afraid of a sexual relationship with him and other workers within the call centre joined in with them. The answer to his advances was clearly no. Their interpretation was incorrect and was made it appears in order to bully and make fun of me and was their refusal to respectfully and responsibly accept no as the answer. I understood that his conduct was continuing to be used by his supervisor and anyone to whom she was passing the information (interpreted by her I understand to suggest that I was immature and had mental health issues as a result of my refusal to respond to his advances) to interfere in my application for the professional Miramichi Crown Attorney position with the Department of Justice for which I had been interviewed on I believe September 4, 2008. I again asked that the call centre require that he stop.

31. As a result of the manner in which the company handled it, my supervisor at that time who was a friend of his supervisor, lied and said that I had done improper actions on two calls. She and his supervisor, Cindy, tried to take disciplinary action against me. I listened to the calls and it was shown that what she said was false and what she did was I understand as a result of the male floor support worker's job having been in jeopardy as a result of his conduct. She was required to apologize to me for her conduct and correct what she had done and she did so in the presence of Gillian Miller. I was given a new supervisor Gillian Miller as a result of the other supervisor's conduct.

32. At the interview for the Miramichi Crown prosecutor position in September of 2008 which I had to travel all the way to the Miramichi to attend, two human resources advisors attended. This appears unusual as usually in the interviews that I attended there was one present. Julie Comeau and Martha Bowes both appeared to be hostile and actively trying to prevent a good interview rather than part of an impartial Board of Examiners as section 16(1) of the Civil Service Act requires the Deputy Minister of the Office of Human Resources to ensure in order to protect the integrity of the processes



under the Act for positions within the civil service. I do not believe that they intended to hire me at all and they required that I drive all the way to the Miramichi to attend the interview. They advised at the interview that they would be making their decision shortly after the interview which interview took place in early September 2008.

33. On November 24<sup>th</sup>, 2008 as the male floor support worker's job was again in jeopardy as a result of his conduct in respect to me the Assistant Director of the Centre stayed after her usual hours that evening to I understand try to find something negative about me in order to use to enable the company to keep him.

34. A lady called complaining that a male customer service representative had called her personally using the company information and she wanted to speak to a supervisor about it. As I requested a supervisor the assistant director I understand used that to say that I was immature and the 23 year old male floor support worker got to keep his job because of her assessment. I never asked that he be removed from his position but simply asked that he stop making advances towards me as I was very clear that it was never happening no matter what he did (and although I did not tell the company at that time, I asked that he be required to stop because the situation was being used by Cindy and/or other persons within the call centre associated with persons involved in the harassment of me, to pass negative information directly or indirectly to the government to prevent my being hired in the professional position). IMMEDIATELY after the events of the night of November 24, 2008, on Nov 25, 2008, the very next day I immediately received a letter from Christine O'Donnell of the Department of Justice and Consumer Affairs and Office of the Attorney General saying to the effect that the recruitment process for competition 08-44-04 was complete and that an appointment to the position was made. Attached hereto as Exhibit "J" to this my affidavit is a true copy of the e-mail Letter of Christine O'Donnell dated November 25, 2008. The Commissioner will likely find that an appointment was not made at that time but that justice officials and employees had simply decided that they had found a way not to hire me. It appears that Martha Bowes and/or other persons within the Department of Justice DELIBERATELY obstructed the process under the Civil Service Act in order to NOT hire me based on merit and WAITED for the persons within the call centre to provide them with information that they were prepared to use to say that I was immature and had mental health issues as a reason not to hire me.

35. As any such information is CLEARLY prohibited by the Civil Service act and the Human Rights Act (and common sense) and I would suggest to the Conflict of Interest Commissioner about as far removed as one could get from an impartial Board of Examiners it would appear that your investigation should show that Martha Bowes, Julie Comeau, Deputy Minister Yvon LeBlanc and Minister of Justice TJ Burke deliberately obstructed the proper investigative process set out in the Civil Service Act and deliberately contravened section 16(1) and other requirements. Your investigation should also show that they may have committed other offences as well such as breach of the public trust, counseling and encouraging criminal harassment (as the bullying and harassment to obtain the information they provided to the government from the call centre



MSR

was designed to destroy my livelihood) and/or any other offences as your investigation should show in order to find a reason NOT to hire me based on merit to further the private interests of persons in the Department of Justice who were angry colleagues had been removed as a result of those colleagues OWN wrongdoing and failure to follow the Civil Service Act requirements and/or other persons. My concerns in respect to the male support worker's behaviour were apparently well justified as it appeared that the persons within the call centre who were looking for something to use to stop my being hired in the professional position had found something the government could use and it appears that it was immediately used to stop my being hired. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation will reveal that there was deliberate severe criminal harassment and/ or obstruction of justice by deliberate contravention of the regulated process set out in the Civil Service Act for hiring and deliberate contravention of the requirements of the Civil Service Act and the Human Rights Act by Martha Bowes, Julie Comeau and/or other employees or officials.

36. Call Centre calls are recorded. Gillian Miller as my supervisor reviewed many of my calls and can indicate the quality of them. On an objective review I believe that the Commissioner would find that I was not immature at all but knew more about the law than the assistant director. It is my understanding that the female caller on the evening of Nov 24<sup>th</sup>, 2008 had a very legitimate complaint as what occurred was I understand a breach of the Privacy Act requirements and use of the company information for a purpose for which it was not collected. In addition in the call centre environment when a customer wants a supervisor we are not allowed to refuse although we were to try to satisfy them otherwise.

37. I made a complaint to the Ombudsman again and it appeared that incorrect information was continuing to be passed directly or indirectly by Cindy, the supervisor of the floor support fellow from the call centre to the government and the Ombudsman to stop my getting the professional position on the review. I dealt with that situation further. My excellent supervisor Gillian Miller, who would not go along with the harassment and stood up to those persons in the call centre as it was the right thing to do despite it caused difficulty for her, confirmed I understand, at the Ombudsman's request, that I was not in any way immature and that I was not in any way interested in the 23 year old male floor support worker. She confirmed this with the full blessing of the company at that time. I understand that Cindy and the floor support worker were dealt with by the company at that time. In March of 2009 I understand that the male floor support worker was removed from his position by the company for sexual harassment because he would not stop making unwanted advances. I had no contact with him except during work hours for the purposes of asking him questions to get necessary answers for customers.

38. Again I understand that the Ombudsman failed to state his real findings and in writing direct that I was to be hired and set a time frame in which the government was to do so when he reviewed the 2008 Miramichi competition. However, he again I understand directed that I be hired and another position was advertised to again remedy the situation



2/13/10

the government had caused. This time it was for a position in the specialized prosecution branch in Fredericton. My excellent supervisor Gillian Miller obtained a position as a registered nurse and left the Centre in April of 2009. Shortly after the new Lawyer III position was advertised the harassment again began with earnest it appeared within the call centre by Cindy and others that I understand were associated with her to end my employment so it appeared that could be used to stop my being hired in the new Lawyer III professional position advertised by the government.

39. In or about early May of 2009 I was given two weeks paid notice that my employment with the call centre was ending. I told the assistant director and the human resources person that I wanted to speak with the police about the criminal harassment that had occurred before I left the centre as I knew that I would not likely get any other work if I did not do so as inaccurate information would likely immediately go out into the community as to why my employment had ended.

40. The police came and I spoke with Cst. Scaplan. As a result of the actions of Gillian Miller and Cst. Scaplan I understand that the government was again to hire me and TJ Burke was removed as Minister of Justice and Attorney General. I was given an interview on July 22, 2009 and I understand that one day after the interview TJ Burke was required to resign from the Legislature. It was determined I understand by Mr. Mockler the Director of the Specialized Prosecution Branch, who was on the Board of Examiners, that I was fully qualified for the position. I was told at the interview that hiring would take place at about the end of August, 2009.

41. Michael Murphy was then appointed as Minister of Justice and Attorney General around June of 2009. I understand that as a result of his conflict of interest and the bias resulting therefrom as TJ Burke was I understand a friend and cabinet colleague of Michael Murphy that Michael Murphy then began to take in any type of information at all to suggest that I had mental health issues of any kind that could be used by him to deny me the professional position as he had no intention I understand of allowing me to be hired despite I had won the competition based on merit and despite the Civil Service Act requirements. It is respectfully submitted to the Conflict of Interest Commissioner that it appears that your investigation should show that Michael Murphy deliberately breached the public trust and obstructed justice by deliberately contravening the Civil Service Act requirements and deliberately refusing to hire me based on merit in addition to any other criminal offences or contraventions of law that your investigation should find. I understand that Michael Murphy then began to take in at face value any information that biased unqualified persons who had been disciplined or lost their jobs or had any other number or types of biases and who were involved in the severe harassment of me provided to him to suggest that in their perception I had mental health issues in order to find a reason not to hire me. It is respectfully submitted to the Conflict of Interest Commissioner that this is an offence under the Human Rights Act in the employment hiring process as well as prohibited under the Civil Service Act and other laws. I understand that Michael Murphy took in information that I believe no rational objective



McGill

person would ever have taken in from those persons to suggest that I had mental health issues. In addition it would appear that Michael Murphy participated in the criminal harassment of me by encouraging persons to follow me, monitor my actions and report information to him that he could use to not hire me by continuously taking in information from them. If he requested or suggested that they follow me, monitor my actions etc it would appear that he counseled the criminal harassment.

42. Gillian Miller can and I believe will certainly verify to the Conflict of Interest Commissioner that I did not have any mental health issues and functioned extremely well in the work environment at Atelka despite being a target of harassment. She could also verify that shortly before she left I won a competition for having the best statistics on the team. It is respectfully submitted to the Conflict of Interest Commissioner that if officials and employees in the Department of Justice had followed the law I would have been hired long before 2008 and would not have had to work in the call centre environment at all. Gillian Miller can also confirm that I handled complex issues on behalf of customers extremely well as she dealt with various questions as my supervisor where supervisor input was needed.

43. As I had no indication of what the government was going to do I had no alternative but to take further employment at another cell phone call centre after my employment with Atelka ended in May 2009. Shortly after I began work there I was contacted by the government and had an interview for the specialized prosecution branch Lawyer III position on July 22, 2009. Immediately after the interview persons in the call centre ICT who I understand were connected with the floor support fellow from Atelka and others who had been dealt with as a result of their conduct there began to harass me in order it appeared to destroy my job at this call centre in order I understand to pass information directly or indirectly to the government to stop my being hired for the professional Lawyer III position. Again if the law had been followed by the government and they hired me based on merit and advised the persons outside government that NO INFORMATION would be taken in from them in conformity with the law I believe that I would not have been harassed in the second call centre either as there would have been no point in their doing so.

44. My training instructor tried I understand to interfere in my professional employment application with the government and I understand passed directly or indirectly information to the government to try to stop my being hired. I understand that he was connected with the floor support worker from Atelka and gave incorrect information that they felt justified the floor support worker's behaviour. His information was I understand rejected and he was I understand disciplined by the call centre ICT for his conduct. Other employees associated with him then began to also participate in the harassment of me in order to assist him or others who had been disciplined. Shortly after the training instructor tried to interfere in my employment application in the open competition with the government he took over a call I was doing as a supervisor was required and he told the customer words to the effect that I was one of his best customer





service representatives. This was on a call and the call would have been recorded. In addition at that call centre on the training exams I made one hundred percent on the first exam and I did extremely well on the next two exams. In addition I was chosen one of two team leaders by that training instructor and I was a team leader I believe for the duration of the training program. I believe that if the government had not given the persons involved in the harassment a reason to harass me by taking in information from them to destroy my professional position that I would not have been harassed at all in either call centre. It is respectfully submitted to the conflict of Interest Commissioner that if the government had honored its undertaking in 2006 or hired me based on merit in any of the competitions that it advertised as an open competition and which I applied for as would anyone have the right to do which I won based on merit, prior to 2008, that I would not have had to work in either call centre at all. It is respectfully submitted that Michael Murphy made the decisions that he made not to hire me based on merit as required by law and to take in prohibited information from biased unqualified persons contrary to the Human Rights Act in order to further or protect or there was the opportunity to further or protect the private interests of TJ Burke and other persons. By his actions Michael Murphy it is respectfully submitted contravened the Members' Conflict of Interest Act as well as other laws.

45. In early November, 2009, I again contacted the police for assistance in light of the harassment at ICT as it appeared the company was not going to stop it and it appeared clear that again my employment was ending as a result of the harassment.

46. After I stopped working at that call centre I was unable to obtain alternate employment as a result of the situation that the government has caused within the community.

47. The harassment then began within the community in my apartment building and wherever I went. I understand that Michael Murphy directly or indirectly took in information from anyone who wanted to make a negative report as to their perception that my behaviour was strange and meant that I had mental health issues so that he would not have to hire me. I believe that he had a clear conflict of interest in light of TJ Burke having been removed from his position as well as other factors and I believe in light of his bias resulting from that conflict he had no intention whatsoever of hiring me. The Investigation of the Conflict of Interest Commissioner should show that he deliberately obstructed justice and committed a breach of trust and/or any other offences that your investigation should show as a result of his knowing that I had won the competition based on merit and had to be hired. It is further respectfully submitted to the Commissioner that he deliberately took in improper information prohibited by the Civil Service Act and the Human Rights Act in order to find any reason he could use to not hire me. I believe that his conduct was totally improper for a lawyer and officer of the court and Attorney General and I believe he knew that or reasonably ought to have known that but did not care as long as he could prevent my being hired. In addition his conduct would appear to clearly contravene sections 4 to 6 of the Members' Conflict of Interest Act as it is



M. B. U.

respectfully submitted to the Conflict of Interest Commissioner that the public interest required that he comply with the Civil Service Act, the Human Rights Act and other laws and hire me based on merit and that he deliberately made the decision not to do so in order to further the private interests of TJ Burke, human resources staff who took in information from the call centre in respect to the 2008 Miramichi competition as well as other persons.

48. Under Michael Murphy I understand improper information was taken in from a lady in the community who has no connection with the government whatsoever and who is biased and unqualified to give any opinion to the effect that I acted strangely on Monday afternoon December 21, 2009 in looking at a postman and accordingly I should not be given **the LAWYER III position in the specialized prosecution branch**. I was taking a letter back to the post office that had been delivered to the wrong address and considered giving it to the postman but as he crossed the street I turned and continued on to the post office where I gave it to the lady clerk there as I was going to that area for another purpose as well. There was nothing strange in any way about my actions on an objective basis. About 3 hours I understand after she provided that information to the government I received a letter which stated that the recruitment process was completed and an appointment to the position was made. Attached hereto as Exhibit "K" to this my affidavit is a true copy of the e-mail Letter of Christine O'Donnell dated Monday, December 21, 2009. The investigation of the Conflict of Interest Commissioner should show that an appointment was not made but that under Michael Murphy the government was simply waiting for the persons outside the government involved in the harassment of me to provide information that they could use to say that I had mental health issues based on the perception of the biased unqualified persons involved in the harassment of me for the government to use as a reason not to hire me based on merit. It is respectfully submitted that the Conflict of Interest Commissioner should be outraged that the hiring process in the Civil Service Act clearly required to be based on merit appears to have been deliberately manipulated and contravened in order to further the private interests of persons in the Department of Justice and Office of the Attorney General who had decided that they did not want to hire me because their friends or colleagues or other persons had been removed from their positions or otherwise disciplined because of those persons own wrongdoing as civil servants in respect to my applications in open competitions and to cover up what had occurred and justify the actions of those persons or to otherwise further the private interests of those or other persons.

49. Mr. Mockler should confirm to you that at the interview at which he was present as a member of the Board of Examiners that I was advised that hiring would take place in or around the end of August 2009 and that I was fully qualified based on merit. Your investigation should show that Michael Murphy and the Human Resource Advisor, Martha Bowes knew that I won the competition and should have been appointed based on merit. Your investigation should also show that they then waited from August 2009 until December 21, 2009 when the Letter was sent to me knowing or reasonably ought to have known based on the information that was being provided to them from persons outside



government that I was being constantly harassed in order for those persons to characterize ordinary actions and occurrences as being strange or in order for them to set up or create a situation that would result in information the government could use to stop my being hired. It is respectfully submitted that your investigation will show that Michael Murphy and Martha Bowes deliberately contravened the provisions of the Civil Service Act and the Human Rights Act which they both should be aware of as a result of their positions in order to further the private interests of other persons. This would appear to be a deliberate obstruction of the investigative process and hiring process set out in the Civil Service Act and an offence under the Human Rights Act and/or any other offences or contraventions of law as your investigation should reveal. It would also appear to be a clear contravention of section 4,5 and/or 6 of the Member's Conflict of Interest Act by Michael Murphy. Cst. Hamilton cleared up the improper information provided on December 21, 2009 and on other dates before and after December 21, 2009 based on information I provided to him when as a result of the gloating or other conduct of the persons involved in the harassment it appeared that they once again had stopped my being hired in the professional Lawyer III position in the open competition. The police record should clearly verify that he did so.

50. Cst. Hamilton continued to clear up what I believe is really stupid information that the persons involved in the harassment were providing to the government based on information I provided to him as soon as I became aware of what it appeared that they had provided to the government. Premier Alward should verify or your investigation should show that in late December 2009 or early January 2010 Cst. Hamilton or someone else from the police force contacted Premier Graham and Michael Murphy was removed as Attorney General as a result of his conduct in respect to how I was treated as an Applicant in an open competition. I understand that he was required by Premier Graham to resign from the Legislature. Shortly after this occurred when I met briefly with Cst. Hamilton when I took further information in for him to clear up the latest improper information of the persons involved in the harassment at that time, it appeared very clear to me based on his conduct that pressure was being put on him not to assist me to clear up the negative information that the persons involved in the harassment provided to the government as a result of the way that he behaved.

51. My understanding is that one of the detectives on the police force is or was the husband of a sister of a Cabinet Minister at that time, Greg Byrne and there may be other sources of conflict on the police force as well. I understand that there may be many conflicts within the police force resulting in bias. In addition it appears that there is an absolute inability of the chief of police to understand that the police cannot evaluate someone's mental health by having or allowing biased unqualified persons, who do not like the person or who stand to benefit if they discredit the person or who are associated with other persons who would benefit, follow me and monitor my actions for the purpose of providing negative information to the police or the government and report that what they observed means that in their biased perception that I have mental health issues. This is I believe contrary to law as well as contrary to common sense. It is my understanding



MBR



that after Michael Murphy was required to resign by Premier Graham that the Chief of police or someone else on the police force was contacted by someone from the government and I understand it was suggested that I had mental health issues and that was the reason the government was not hiring me. I understand that the police force then became involved with the government in taking in information from the persons involved in the harassment to suggest that I had mental health issues to I understand assist the government in finding a reason not to hire me.

52. I believe that the Director of the Specialized Prosecution Branch who was at the interview on July 22<sup>nd</sup>, 2009 as a member of the Board of Examiners is well aware that I did not have any mental health issues and that I presented well at the interview and won the position based on merit. I respectfully submit to the Conflict of Interest Commissioner that if I had not been successful Michael Murphy would not have had to take in the information that he took in from persons who were following me, monitoring my actions and I believe were clearly engaged in criminal harassment it would appear at the government's request or with the government's participation as Michael Murphy continued to take in information from these people each time I cleared up what they reported and showed that it was not correct. Michael Murphy was replaced by Attorney General Kelly Lamrock in I believe January of 2010 and once again as a result of the conflict of interest and bias resulting from that conflict of interest I understand that Kelly Lamrock as Attorney General and Bernard LeBlanc as Minister of Justice made the decision to continue to take in or allow to be taken in information to the effect that I had mental health issues from the same persons involved in the harassment of me that had been giving information to Michael Murphy. Reasons were sent to me by letter from Martha Bowes setting out the government's position as to why I was not given the Lawyer III position in the specialized prosecution branch that did not in any way reflect what I understood had really occurred. Your investigation should show that Martha Bowes deliberately wrote a letter containing false reasons which was sent to me in response to my request for reasons under the Civil Service Act. The Conflict of Interest Commissioner should be concerned that this was deliberate fraud and or obstruction of justice in order to prevent fair review of what the government had actually done in the competition. Mr. Mockler as an officer of the Court and Crown Attorney should verify to you that I won the competition based on merit and that Martha Bowes letter contained false reasons.

53.. Bernard LeBlanc's biography on the government website shows that he was made Minister of Justice in January 2010 when Michael Murphy was removed by Premier Graham and Kelly Lamrock became Attorney General. In or around February, 2010 when the Ombudsman review took place in respect to my application in the 2009 specialized prosecution branch competition Mr. LeBlanc was removed as Minister of Justice. The Conflict of Interest Commissioner should enquire as to why. It is my understanding that as a result of the letter written by Martha Bowes or other actions in respect to my application in the open competition by persons within the Department of Justice that Mr. LeBlanc was removed as Minister of Justice. At the time I was informed by a news



broadcast and do verily believe that the reason given to the media was that a letter had been written by someone for which he was responsible as Minister and that is why he was removed or stepped down but no specific details were given. ( In May of 2010 I understand that as a result of further information taken in directly or indirectly by Premier Graham and the police from the persons involved in the harassment of me that Premier Graham felt that those persons had provided sufficient information to him directly or indirectly that he could use as a reason to not appoint me based on merit. I understand that he then re-appointed Bernard LeBlanc as Minister of Justice. Cabinet Minutes should confirm that this occurred).

54. I made a further complaint to the Ombudsman. I believe that the Ombudsman was completely in conflict and I had requested on an earlier review that he have someone else do the review as it would appear that he clearly had a conflict. Bernard Richard was I believe a Cabinet Minister with Stuart Jamieson. The Ombudsman would not declare a conflict. I believe he knew that if anyone unbiased and properly qualified did the review there would be serious difficulties for the Liberal government as well as for him in light of what he had done during past reviews despite being an officer of the Legislature.

55. He did the review and I understand improper information continued to come in from anyone who wished to make allegations about me without any consideration of their biases or ability in complete violation of the human rights law and the Civil Service Act requirements. When the Ombudsman office had it appeared attempted to create its own evidence to find a reason on the review not to hire me I again asked the Ombudsman to declare a conflict and have someone truly independent and impartial do the review. He said no. As a result of the Ombudsman's conduct during the review, I made a complaint to Premier Graham and to all members of the Legislative Assembly dated on or about March 19, 2010. I understand that that complaint was never given by Premier Shawn Graham to all members of the Legislative Assembly and that despite his clear conflict of interest that he handled the complaint himself. I believe that he had a conflict of interest based on many factors. The Ombudsman was a former interim leader of the Liberal Party and TJ Burke and Michael Murphy had been Cabinet Ministers in Premier Graham's government and as a result there was clearly I believe the opportunity to further the private interests of those persons and others by Premier Graham making the decision to handle my complaint in respect to the Ombudsman. A copy of that Complaint has also been provided to Premier Alward's government including all attachments and should be readily available to the Conflict of Interest Commissioner.

56. I made a complaint to the Law Society about the Ombudsman during his review as it appeared that his office was engaging in improper conduct, to stop him from proceeding in the face of a conflict as he was refusing to acknowledge the conflict and arrange an unbiased properly qualified person to conduct the review. The Rules of the Law Society of New Brunswick put a high standard of conduct on the lawyer in public service despite whatever role they have and it appeared he was completely violating the rules of professional conduct and natural justice in respect to conflict and bias as well as other

~~✱~~

MEK

requirements. A lawyer is to declare a conflict where there is even a possibility of a conflict or appearance of conflict as justice must not only be done but must be seen to be done. The November 2009 Rules of Professional Conduct Commentary of the Law Society of New Brunswick also provides that the organization such as the government is the lawyer's client and not an individual Cabinet Minister or any other official or employee. It is the duty of the lawyer to ensure that the laws are carried out and not to try to protect the interests of a particular employee even if of a high ranking such as the ranking of Cabinet Minister. Attached hereto as Exhibit "L" to this my affidavit is a true copy of Rule 17 PUBLIC OFFICE of the November 2009 Code of Professional Conduct of the Law Society of New Brunswick. The Ombudsman proceeded despite my complaint and engaged in even more serious conduct as he deliberately lied in his reporting letter as to his findings on his investigation in addition to other inappropriate conduct. I later received a letter from the Law Society of New Brunswick from Shirley McLean that appeared inappropriate as it said words to the effect that as it was an employment matter I should deal with the province. It would appear that the Complaint should have been investigated as lawyers are required to adhere to professional conduct it is respectfully submitted in employment matters as well as any other matters. I would submit to the Conflict of Interest Commissioner that you should be extremely concerned as it appears that the provisions of the Civil Service Act were enacted BECAUSE employment is very important to most persons as very few are independently wealthy and able to survive without it. If there is no ability to stop horrendous violations of the Civil Service Act and the Human Rights Act, as I would submit have occurred in respect to how the government has treated my confidential and private employment applications in open competitions, then it appears the lives of persons are being arbitrarily destroyed by employees and officials within government who are protecting each other or hiring friends or otherwise treating the civil service as their own private club and review requirements as a way to help the government keep out people that THE GOVERNMENT treated badly in order that the government can cover up what it did. I do not know if Marc Richard the Executive Director of the Law Society is related to Bernard Richard but if he is, the Law Society's position is of even greater serious concern as it certainly appears that the Law Society should have dealt with the matter based on its own Rule of Professional Conduct.

57. After I made the complaint to the Law Society and advised the Ombudsman that I had done so he refused to wait for the result and the Ombudsman then sent a letter to me in which he lied and said that the government had NOT taken in information from anyone outside the government. This was despite your investigation should clearly show or Premier Alward should acknowledge that there was a police file clearly showing the contrary and that Michael Murphy had been removed for taking in such information. The Ombudsman also did not stop there (despite knowing or reasonably ought to have known that the government had caused the severe harassment of me by persons in the community as a result of the government taking in information from those biased unqualified people who I understand stood to gain or have others associated with them gain if I was not hired) and the Ombudsman deliberately it appeared made fun of me as having mental



2326

health issues and said words to the effect in his letter that it was only in my mind that persons outside the government were affecting the competition. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that the Ombudsman has committed serious criminal offences including breach of public trust, deliberate obstruction of justice by not stating his true findings and making recommendations based on those findings as he is required to do as an officer of the Legislature, deliberate obstruction of justice in covering up for the actions of the Liberal government, participation and/or encouragement of criminal harassment by taking in information from biased unqualified persons outside government engaged in the deliberate harassment of me which information is CLEARLY PROHIBITED by the Human Rights Act and the Civil Service Act and such other offences or inappropriate conduct as the Conflict of Interest Commissioner's investigation shows.

58. I understand that Premier Graham handled my complaint and a copy was never given to all members of the Legislative Assembly despite I understand that the Assembly has the power to remove the Ombudsman by a vote if he does wrong. A copy of the reporting letter of the Ombudsman, Bernard Richard dated March 10, 2010 in which he lied is attached to this my affidavit as Exhibit "M".

59. The Ombudsman was required to resign as a result of the investigation of my complaint by the Premier but I understand in light of the conflict of interest and the bias resulting from same that the Ombudsman was allowed to give a year's notice by the Premier despite lying in a reporting letter to me and I understand violating his oath of office and mandate. I believe that if an objective reviewer handled my complaint in respect to Bernard Richard that he would have been removed from office immediately and/or charged with any criminal offences that were committed.

60. It appears that Attorney General Blais and Premier Alward have also tried to cover up what the Ombudsman has done as an Officer of the Legislature and despite they are aware or reasonably ought to be aware that he was required to resign from his office for unethical and/or illegal conduct, Attorney General Blais appointed him as a Q.C. (Queen's Counsel) in I understand November of 2011. I believe that she made a decision to use her public office to protect Bernard Richard's reputation rather than in the public interest applying the Civil Service Act requirements fairly and properly and requiring that I be hired based on merit in competitions within her Department when she knew or reasonably ought to have known that I had won the competitions based on merit. Premier Alward it appears made the decision to participate in that decision to further the private interests of Bernard Richard as he had the power to stop the appointment and require that I be hired based on merit but he did not do so. It appears that their conduct violated section 4 of the Members' Conflict of Interest Act. The Conflict of Interest Commissioner can I believe easily ascertain from Cabinet Minutes and Premier Alward and any measures the Graham and Alward governments have taken to deal with the harassment concerns that TJ Burke, Michael Murphy, Premier Graham, Blaine Higgs, Premier Alward Attorney General Blais and I understand the Ombudsman himself took



information in to discredit me from biased unqualified persons engaged in harassing this applicant to the effect that their biased perceptions meant that I had mental health issues. As a result of Premier Graham's review I understand that MLA Stuart Jamieson was also removed by Premier Graham in April of 2010 from his cabinet position as a result of his part in information being provided to the government to affect my private and confidential employment applications in open competitions by biased unqualified persons who had no connection with government involved in the harassment of me trying to prevent my being hired. Cabinet Minutes should verify this to the Commissioner. MLA Jamieson does not know me and would never have had any proper opportunity to even form his own personal opinion of me. It would appear that MLA Stuart Jamieson contravened section 6 of the Members' Conflict of Interest Act.

61. I believe that Cabinet Minutes or other government records will show the Conflict of Interest Commissioner that I dealt rationally and methodically with the allegations of the persons involved in the harassment once as a result of their gloating or other actions it appeared to indicate they had again provided improper information to interfere in my being hired and that I did my best to clear up the improper information from that date unto the present date even though despite my repeated requests the government would not give me the opportunity to respond to such information BEFORE it was relied upon. I believe that my ability as a litigator was essential in attempting to figure out what the persons involved in the harassment did and in trying to correct it in a professional objective way consistently from that date to the present date. I believe that this is clear objective evidence that I am very aware of my surroundings and capable of addressing what I believe the Conflict of Interest Commissioner will find to be an extremely serious bullying and harassment situation in a rational and fair manner and not at all confused or exhibiting mental health issues as the persons involved in the harassment I understand continuously have attempted to allege if there is any contact or if they create contact with me. The Premier and Cabinet Ministers the subject of this Complaint continued from the date their government came to power to the present date to refuse to or failed to comply with the Civil Service Act and the Human Rights Act and other laws despite continuous requests from me that it do so.

62. The review by the Ombudsman in respect to the 2009 specialized prosecution branch competition took place under the Civil Service Act provisions then in force which provided I understand for the reasons to be given within 30 days by the government as to why it did not hire and the Applicant could then request a review from the Ombudsman's office within 30 days. I understand that subsequent to that competition and before the next one the government amended the legislation to provide that it would review the Applicant's request by the deputy minister BEFORE any Applicant could request a review by the Ombudsman office. I believe that the Commissioner should have a very serious concern with that amendment as it would appear to be a clear conflict and an attempt by the government to have the Applicant have to tell them what the complaints are about the conduct of government officials and/or employees before an independent review takes place. This I believe the Commissioner should be aware could and it appears

MEER

from what I have been through likely would thwart any fair unbiased impartial review as further commented upon in other portions of my affidavit. It would appear that the Graham Cabinet of which Victor Boudreau and Bernard LeBlanc are a part deliberately made the decision to amend the Civil Service Act in their own private interest and that of their employees and/or other government officials who had done wrong as it would appear there is the opportunity to further the private interests of Cabinet Ministers and government employees by enabling them to remove any evidence of improper behaviour or anything else that would cause them a problem on a review when the review of the Deputy Minister is done BEFORE a review is done by the Ombudsman office. If Bernard LeBlanc and Victor Boudreau participated in making that decision it would appear that they contravened section 4 of the Member's Conflict of Interest Act particularly if the investigation of the Conflict of Interest Commissioner shows that Bernard LeBlanc was removed for 3 months as Minister of Justice because Martha Bowes sent the Letter to me in which she lied as to the reasons that the government had used in order to not hire me based on merit in the specialized prosecution branch Lawyer III competition.



63. It is certainly further submitted to the Conflict of Interest Commissioner that there are serious concerns as to the impartiality of a review by the Ombudsman office of ANY applicant's request in light of what Bernard Richard and his Ombudsman office has it is respectfully submitted unethically done in his reviews of my complaints pursuant to the Civil Service Act in respect to open competitions. It would appear that there is a clear need for a truly independent office where the Ombudsman and other staff will not contravene the law in order to assist the government and that there are objective and truly enforceable ways to ensure that this occurs. Perhaps advertising throughout Canada and hiring someone with NO CONNECTION whatsoever to New Brunswick who will take the oath of office seriously may be one potential safeguard. In addition, ensuring that if an Ombudsman does engage in improper conduct that would it appears constitute the offence of obstruction of justice or other offences under the Criminal Code that the Premier HAS AN OBLIGATION TO MAKE IT PUBLIC and DEAL WITH IT PUBLICLY IN THE LEGISLATURE and that there are measures in place to ensure that the Premier and/or Cabinet Ministers cannot cover it up and concentrate government power and public resources on destroying the individual who had every right to make the complaint to the Ombudsman to request to be treated fairly in accordance with the Civil Service Act, the Human Rights Act and any other laws that the Legislative Assembly enacted. It is respectfully submitted that the provisions for making a complaint to the Office of the Ombudsman were inserted into the Civil Service Act for the very purpose of enabling a truly objective unbiased review that would EXPOSE such ILLEGAL and/or improper conduct in order to prevent exactly the type of abuse to which I have been subjected.

64. Under the Civil Service Act as amended by the Graham government to provide for a review by the Deputy Minister, the government could clearly alter the file or change information or take any other steps to cover up what it had improperly done once it was aware of the allegations against it.

MBR

65. By the government amending the Civil Service Act between I understand 2009 and 2010 to provide for a review by the deputy minister first I believe it lends itself to compromising any fair and real impartial review by an unbiased third party reviewer or to even outright fraud or obstruction of justice or covering up preferences given contrary to the law. It is respectfully submitted to the Conflict of Interest Commissioner that you could conclude from your investigation based on how government officials and employees have conducted themselves in respect to handling my applications for employment in open competitions that the government amended the Civil Service Act in about 2010 after the 2009 specialized prosecution branch competition in order to be able to cover up or remove anything that would cause it difficulty on a third party review whether by the Ombudsman office or any other unbiased properly qualified third party reviewer who would simply apply the law. I believe the Conflict of Interest Commissioner from your review could conclude that the government appears to have viewed its mandate as an exercise in attempting to figure out how it could accomplish its objective of destroying me and covering up wrongdoing of government officials and employees in order to further the private interests of Cabinet Ministers and other government officials and employees rather than taking full responsibility for what improperly ( and it appears illegally and unethically) they did to me and correcting it and fully and fairly admitting what had occurred and ensuring the law would BE COMPLIED with rather than CHANGED. The Civil Service Act as amended to provide for the review by the Deputy Minister prior to the Ombudsman review appears to enable illegal acts or acts in contravention of the Civil Service Act and the Human Rights Act to be covered up.

66. Mr. Bernard LeBlanc's biography on the government website indicates that he was Minister of Justice in January and February 2010 and then again became Minister of Justice in May of 2010 until October of 2010. He was removed from Cabinet for it appears approximately three months. Premier Graham then made the decision not to require a new impartial review of my application for the Lawyer III position in the specialized prosecution branch as Bernard Richard's review was invalid as a result of his unethical conduct that violated his oath of office and his mandate. It is respectfully submitted to the Conflict of Interest Commissioner that the reason the Civil Service Act provides for a review by the Ombudsman office is because Premier Graham and his Cabinet ( or Premier Alward and his Cabinet ) COULD NOT AND CANNOT REVIEW THEIR OWN GOVERNMENT'S ACTIONS IN THE COMPETITION. Accordingly it is respectfully submitted that an unbiased reviewer HAD to be appointed to review the 2009 specialized prosecution branch competition and that still has not been done despite my repeated request including my requests in the Complaint to Premier Graham and All Members of the Legislative Assembly concerning the Ombudsman Bernard Richard of on or about March 19, 2010 and in my Complaint to the Clerk of the Legislative Assembly in December of 2011 in respect to the conduct of Premier Alward and Blaine Higgs. That review has been requested right up to the present date and as a result of the conflict of interest and bias resulting therefrom of Premier Graham, Bernard LeBlanc Victor Boudreau and other Cabinet Ministers at that time and as a result of the conflict of

interest and bias resulting therefrom after the government change in 2010 of Premier Alward and his Cabinet, it is respectfully submitted to the Conflict of Interest Commissioner that that review has never been allowed. Your investigation should show that it has not been allowed in order to cover up what the Ombudsman and government have done from 2002 to the present date and to further the private interests of Bernard Richard, Bernard LeBlanc, Michael Murphy, Kelly Lamrock, TJ Burke, Martha Bowes, Blaine Higgs and many other persons or there is the opportunity to further their private interests if it is covered up as to how I have been treated by government officials and employees in my applications in open competitions within the civil service and if I am not hired nor compensated nor given all appropriate relief as a result of the government's actions in not hiring me.

67. The Office of the Attorney General then advertised the civil litigation positions #s 10-44-02 and 10-44-03 which are my preference in light of my civil litigation experience in Ontario and so as to give the government the most opportunity and fastest opportunity to correct the situation and hire me I applied for those as well but advised the Premier that the review of the specialized prosecution branch position was still required under that legislation as I had requested it properly according to the terms of the Civil Service Act and the Ombudsman's review was not valid. The harassment by persons outside government attempting to obtain information the government would accept to not hire me continued and I understand that the government and the police continued to take in improper information from the biased unqualified persons involved in the harassment of me to the effect that what they observed or reported meant that I had mental health issues which is prohibited by the Civil Service Act and the Human Right Act and other laws.

68. I was interviewed on Monday July 26, 2010 for those two positions. During the week prior to the interview when I saw Bruce Court at the mall and we stopped to talk, he offered to be a reference for me at the interview on the following Monday. We met on the next day, Friday, July 23, 2010 just before noon and he gave me his business card for the government to use for his contact information in order to reach him. He certainly did not see anything strange about my behaviour on either occasion when we met or he would not have offered to be my reference and he would not have provided to me his contact information. I believe that your investigation will show that negative reports were made by the persons involved in the harassment of me that same week or around that time to suggest that what they observed meant that I had mental health issues. I understand that they were desperate to do so at that time as they were trying to prevent my having an interview. Your investigation should reveal from Bernard LeBlanc or other personnel in the Department of Justice that if the persons involved in the harassment of me had been successful in providing information that I was not able to correct before the interview that I would not have been given an interview. It would appear that this was the intention of Bernard LeBlanc as Minister of Justice and the employees under his direction. Your investigation should show that I was the only person interviewed on Monday, July 26, 2010 and that they added the requirement that I had to submit to a search by a Sheriff's officer prior to being allowed to enter the justice building to attend the interview TO

A

MBK



WHICH THEY INVITED ME. I understand that they were trying to create a situation where they could allege that I acted strangely in order to suggest that I had mental health issues in order to create a reason to not hire. I would respectfully submit that this is not the fairness and impartiality that section 16 (1) is supposed to guarantee and offends the requirement in the Professional Code of Conduct to treat other lawyers with respect. It is submitted that as the competitions were in the office of the Attorney General that Kelly Lamrock was responsible to ensure that that Code of Conduct was complied with in respect to my attendance at the interview. It is also submitted that whoever arranged or participated in requiring the search was committing an offence under the Human Rights Act as they were it appears making a direct or indirect inquiry as to mental health in the hiring process. It also appears that if Bernard LeBlanc made or participated in that decision that he was contravening section 4 of the Members' Conflict of Interest Act in order to find a reason NOT to hire me in order to further the private interests of former cabinet Ministers, Bernard Richard or other persons.

69. It would appear that the conduct of Michael Murphy and Bernard LeBlanc should be found to be particularly offensive to the Conflict of Interest Commissioner when on or around July 22, 2009 I attended an interview before the Board of Examiners that included Mr. Mockler the Director of the specialized prosecution branch in respect to competition #09-45-10. Your investigation should show that it was evaluated by Mr. Mockler that I won the competition based on merit. Objectively he should verify that I presented well. Premier Alward and/or Cabinet Minutes should verify that is why TJ Burke was required to resign from the Legislature. I would further respectfully submit to the Conflict of Interest Commissioner that your investigation should show that that is the reason that Michael Murphy has deliberately participated with it appears unscrupulous persons outside government to create the "evidence" he needed in order to not hire me as otherwise he would be required to do so based on merit. It is respectfully submitted that he should have been aware as Attorney General that taking in such information from persons outside government was completely prohibited by the Civil Service Act and the Human Rights Act and other laws. It is respectfully submitted that the Conflict of Interest Commissioner should have concerns that Michael Murphy's conduct is deliberate obstruction of justice and/or fraud and/or breach of public trust and/or other criminal offences designed to destroy my livelihood in order to further the private interests of other government officials or former officials or government employees or other persons.

70. I was interviewed on or about Monday, July 26, 2010 for the Lawyer III positions in competitions 10-44-02 and 10-44-03 in the office of the Attorney General. Attached to this my affidavit as Exhibit "N" is a true copy of the competition advertisement in respect to #s 10-44-02 and 10-44-03. As a result of the bias of the government I believe that it was not a fair interview and that the actions of the staff were designed to obstruct a fair interview and that there was not an impartial Board of Examiners arranged to investigate my qualifications in the interview. It is respectfully submitted to the Conflict of Interest Commissioner that the Minister of Justice, Bernard LeBlanc, under whose authority, control or direction that decision was made, made the decision to further the private




MEL

interests of Michael Murphy, Bernard Richard and or other persons. It is respectfully submitted that Minister LeBlanc knew or reasonably ought to have known that Martha Bowes was certainly NOT an impartial person and that she SHOULD not have been on the Board of Examiners set up to evaluate me. It is respectfully submitted that he made this decision deliberately to further the private interests of other persons as he knew or reasonably ought to have known that Martha Bowes would NOT be fair or impartial in her treatment of me and it is respectfully submitted that he did so in order to prevent my being hired to further the private interests of Bernard Richard, Michael Murphy and others. It is respectfully submitted that their private interests would be furthered or there would be the opportunity to further their private interests by the decision made by Minister of Justice LeBlanc as the protection of their reputations and covering up of what had occurred would enable them to apply for future appointments etc that might not be available if the truth was exposed. It is respectfully submitted that by making that decision Bernard LeBlanc contravened section 4 of the Members' Conflict of Interest Act and/or obstructed justice deliberately by failing to set up an impartial Board of Directors as required by section 16(1) of the Civil Service Act and/or any other criminal or other offences as your investigation should show. .

71. It is also respectfully submitted that the investigation of the Conflict of Interest Commissioner should show that no other applicant had to submit to a search before attending the interview and likely that any other interviews took place in the Centennial Building where I was interviewed for the litigation group position in 2007.

72. I believe that the Conflict of Interest Commissioner should find it extremely offensive that I was required to submit to a search prior to the interview, particularly if your investigation shows that that was THE ONLY reason the search procedure was set up at the Justice building. It appeared that there was not anything else occurring at the time and that was likely the only reason there was a Sheriff's Officer stationed at the front door with the side door not in use. I was required to submit to a search before I was allowed to enter into the Justice building for the interview TO WHICH I WAS INVITED by the government. This would appear to be deliberate criminal harassment by whoever made the decision in the Department of Justice which criminal harassment was participated in by whoever had knowledge of it in the Department of Justice and did not stop it as I would respectfully submit it was deliberately intended to interfere with my livelihood by creating or allowing to be found a reason not to hire me or affecting deliberately my performance on the interview. This decision if made or participated in by Bernard LeBlanc would be a decision made it is respectfully submitted contrary to the Members' Conflict of Interest Act section 4 and/or 6 in order to further or there is the opportunity to further the private interests of other persons such as Bernard Richard, Michael Murphy and others. It is respectfully submitted to the Conflict of Interest Commissioner that it certainly contravened the Civil Service Act section 16(1). As it appears it was deliberately participated in by the Deputy Minister of Justice whose obligation it was to hire based on merit in competitions in his Department, it is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that both Yvon LeBlanc and

 M. E. R.

Bernard LeBlanc contravened the Civil Service Act requirements in respect to competition # s 10-44-02 and 10-44-03 in order to deliberately obstruct justice and prevent my being hired in accordance with the proper procedure set out in the Act and both deliberately participated in setting up a biased Board of Examiners in an effort to deliberately obstruct justice and ensure that I would not be hired in addition to any other offences or improper conduct by them that your investigation may show.

73. An e-mail letter sent to me by Yvon LeBlanc, Deputy Minister of Justice and Attorney General dated May 17, 2010 should seriously concern the Conflict of Interest Commissioner. As it was sent while Bernard LeBlanc was Minister of Justice it would appear that your investigation would show that he has participated in the decision to have that letter sent to me. It is submitted that he made that decision or participated in it to further the private interests or there was the opportunity to further the private interests of other Cabinet Ministers, Bernard Richard, and/or other persons and to cover up what the government had done which contravenes sections 4 and/or 6 of the Members' Conflict of Interest Act instead of ensuring that an unbiased review was IMMEDIATELY arranged of competition 09-45-10 as required by the Civil Service Act and that ALL REQUIREMENTS OF THE CIVIL SERVICE ACT WERE IN FACT COMPLIED WITH in respect TO ALL COMPETITIONS. Yvon LeBlanc says that he reiterates his e-mail to me of May 13, 2010. His May 13, 2010 e-mail states:

"I wish to advise you that the Premier does not have the authority under the Civil Service Act to review a complaint regarding a government competition. Such matters are to be reviewed by the Deputy Minister of the office of Human Resources or the Ombudsman as laid out in the Act. I would suggest that you direct your complaint to them, if you have not done so already."

74. It would appear that the Deputy Minister of Justice and Deputy Attorney General certainly would have been aware of my complaint to Premier Alward and all Members of the Legislative Assembly in respect to the Ombudsman, Bernard Richard in respect to Competition # 09-45-10 in the Department of the Attorney General. It would appear that he participated in the decision that there not be an unbiased review of that competition as the Ombudsman's review was invalid as a result of his unethical conduct and violation of his mandate and oath of office and the Ombudsman was required to resign as a result of his conduct when Premier Graham reviewed my complaint which the Deputy Minister knew or reasonably ought to have known. In addition it appears that they had at the time of his letter made the amendments to the Civil Service Act to allow a review by the Deputy Minister of the Office of Human Resources as when I made my complaint to the Ombudsman in or about late January of 2010 the Act did not provide for a review by the Deputy Minister of the Office of Human Resources. My understanding of the Civil Service Act provisions at that time was that the Act provided that within 14 days of receiving the letter that I was not successful that I could request reasons and that reasons would then be provided within 30 days and I could then make a complaint to the Ombudsman within 30 days. I did properly make a complaint to the Ombudsman in



ME

compliance with the requirements of the Civil Service Act and my request that STILL has not been answered to this date has been for AN UNBIASED REVIEW OF COMPETITION 09-45-10 as required by the Civil Service Act in light of the violation of the Ombudsman of his mandate as a result of what he did on his review which invalidated his review as he lied in his reporting letter about his findings in addition to other serious concerns which I believe is set out in more detail earlier in this my affidavit or in my Complaint concerning his conduct dated on or about March 19, 2010 filed with the government. To this date that LEGISLATED REQUIREMNET HAS NOT BEEN FULFILLED. As it appears that Yvon LeBlanc is aware that the Premier cannot review a complaint regarding a government competition IMMEDIATELY, the PREMIER, YVON LEBLANC as DEPUTY ATTORNEY GENERAL OR BERNARD LEBLANC AS MINISTER OF JUSTICE should have ENSURED AN IMPARTIAL REVIEW WAS SET UP OF COMPETITION 09-45-10 as the Ombudsman's review was invalid and his office was clearly in conflict. It would appear that Bernard LeBlanc made the decision to participate in the decision NOT TO CARRY OUT THE REQUIREMENTS OF THE CIVIL SERVICE ACT.

75. The statement by Yvon LeBlanc in his e-mail letter to me to the effect that the rules in the Civil Service Act have served New Brunswick well for more than 40 years and continue to do so today appears to be deliberately false. He was appointed in or about I understand October of 2006 and your investigation should show that as the Deputy Minister he has the hiring responsibility for his Department. It is respectfully submitted to the Conflict of Interest Commissioner that in all competitions in his Department from January 2007 until he was removed from office in 2010 in which I was an applicant that he knew or reasonably ought to have known that the Civil Service Act was DELIBERATELY violated in EVERY competition in which I was an applicant and that Minister Burke and Minister Murphy to whom he reported were BOTH removed as a result of their improper conduct in respect to my private and confidential employment applications in open competitions and that just approximately two months before he wrote that letter the Ombudsman Bernard Richard was removed for his violation of the provisions of the Civil Service Act on a review. It would appear that the Conflict of Interest Commissioner should BE EXTREMELY CONCERNED as it appears that once government officials and employees have decided that THEY FEEL an applicant should not be hired that the safeguards in the Act no longer apply to that individual and the government officials and employees feel that they can write false letters and violate the individual's rights in any way they wish as your investigation should show and it appears that they have already decided the person has no right to a job in the Civil Service.

76. It is respectfully submitted to the Conflict of Interest Commissioner that the whole purpose OF UNBIASED REVIEWS in the Act is because the UNBIASED REVIEWER may SEE THE MATTER VERY DIFFERENTLY THAN THE GOVERNMENT does and those unbiased reviews are designed it is respectfully submitted to prevent and detect the type of abuse that I have been subjected to by the government officials and employees. It is extremely concerning that employees and officials in the





DEPARTMENT OF JUSTICE AND OFFICE OF THE ATTORNEY GENERAL are not honest in their letters and other actions to reflect what actually HAS OCCURRED in order that on a review the reviewer can take appropriate measures ON THE TRUE FACTS to correct ANY ABUSE TO ANY APPLICANT. It is respectfully submitted that the Department of Justice since 2002 by its conduct contrary to the law has poisoned the work environment for me and indeed your investigation should show the community and province in which I live as A RESULT OF THE WRONGDOING OF GOVERNMENT OFFICIALS AND EMPLOYEES AND THEIR ACTIONS IN TRYING TO COVER UP WHAT THEY HAVE DONE rather than taking full responsibility for it and remedying it as is their ethical responsibility. The decisions made by Cabinet Ministers the subject of this complaint which further or there is the opportunity to further the private interests of other Cabinet Ministers, provincial and municipal government employees and others in contravention of the Members' Conflict of Interest Act as set out in this my affidavit have been made it is respectfully submitted as a result of the wrongdoing of government officials and employees that occurred beginning in 2002 which has continued right up to the present date and the animosity that the government has caused towards me as a result.

77. Attached hereto as Exhibit "O" to this my affidavit is a true copy of the e-mail letters of Yvon LeBlanc dated May 13, 2010 and May 17, 2010. I was informed by a radio broadcast on CBC in approximately the past year and do verily believe that a representative of the NS Public Employees Union indicated words to the effect that there is an epidemic of workplace bullying and that just because someone does not like someone they have no right to interfere with their employment and livelihood. My understanding of the broadcast was that she felt that workplace harassment and bullying should be added to the definition of workplace violence and she was part of a group I understand approaching the government in Nova Scotia to do that. My understanding was that she said words to the effect that people will not like everyone they work with but that is no excuse to try to destroy someone else's livelihood.

78. I properly requested the review by the Ombudsman Bernard Richard of competition 09-45-10 and I waited in good faith while it appears that Bernard Richard not only contravened his oath of office and mandate and engaged in deliberate unethical conduct but also it would appear committed fraud by DELIBERATELY MAKING FALSE STATEMENTS AS TO HIS FINDINGS and/or deliberately obstructed justice in order it appears to cover up how the government has treated me as an Applicant and to avoid revealing how the government has violated the Civil Service Act, the Human Rights Act and it appears the Criminal Code.

79. Bernard Richard deliberately stated that:

"I want to state very clearly that our investigations have not found any evidence or even a hint of any outside influence in the competitions which you have brought to our attention in recent years."

Premier Alward and Cabinet Minutes and the police file should be able to verify to you



MEAL

Page 108

that that statement is COMPLETELY FALSE and appears to be deliberately false or fraudulent in order to cover up what the Liberal government and its officials and employees had done and in order to allow him to find against recommending that I be hired and setting out a time frame in which the government was to do so.

Your investigation should show that he made that statement in order to deliberately obstruct justice and avoid setting out his true findings that I had won the competition based on merit and was to be hired and that was why Michael Murphy took in inappropriate information from biased unqualified persons involved in the harassment of me in order to find a reason not to hire me. It appears that Bernard Richard deliberately violated the Criminal Code as well as the Civil Service Act and the Human Rights Act and other laws on his review.

As indicated above Bernard Richard's letter is attached as Exhibit "M" to this my affidavit.

80. The Deputy Minister of Justice then goes on to state:

:**"I also want to add that the Civil Service Act covers competitions and the hiring process for civil servants. The dual purpose of the Act is to produce the very best candidates for each competition and to provide a level playing field for all those who wish to apply and who subsequently apply for jobs and positions in the civil service. The rules laid out in the Civil Service Act have served New Brunswick well for more than 40 years and continue to do so today. [emphasis added]**

I wish you all the best in your future applications to work in the New Brunswick Civil Service."

The Conflict of Interest Commissioner would note the date of his e-mail letter is about two months before the events of July 26, 2010. It is respectfully submitted that your investigation should show that his e-mail letter is deliberately false as your investigation should reveal that he and Bernard LeBlanc would have been aware at the time that he wrote it that Michael Murphy was required to resign from the Legislature as a result of his conduct in respect to the hiring of me under the Civil Service Act in competition 09-45-10 and that Bernard Richard was required to resign as a result of his conduct in reviewing my complaint to the Ombudsman office and that Stuart Jamieson had been removed from his Cabinet position. It is respectfully submitted that your investigation should show that both Yvon LeBlanc and Bernard LeBlanc DELIBERATELY obstructed justice and breached the public trust as a result of their conduct in their respective offices and as a result of their actions in respect to me and my private and confidential employment applications in open competitions governed by the Civil Service Act and to which the Human Rights Act applies in addition to any other criminal offences or contraventions of law that you may find. It is submitted that they did so as a result of their bias and in order to cover up wrongdoing that had been committed by themselves and/or other employees

and officials in the Department of Justice and to further or there is the opportunity to further the private interests of other persons. It is respectfully submitted that Bernard LeBlanc also contravened section 4 and/or 5 and/or 6 of the Members' Conflict of Interest Act.

81. Despite what laws justice personnel contravened in arranging for a search of me prior to the interview, it is respectfully submitted that I excelled at the interview on an objective basis and that there was nothing negative that they could say in respect to me on an objective basis. However, it is submitted that it was a clear and deliberate abuse of authority which should NOT be tolerated in a free and democratic society and brings the administration of justice into disrepute. If any negative comments have been made or reported concerning the search or the interview it is respectfully submitted that it results from the bias and conflict of interest of those involved in or those who arranged the interview and search. Your investigation should show that a search was arranged by Department of Justice, Office of the Attorney General officials or employees in order to get something negative to use to not hire me. It is respectfully submitted that your investigation will likely show that biased Sheriff's officers who were given negative information about me prior to my arriving at the Justice Building conducted the search at the request of Justice officials and or employees who told them what to do or what to look for or what they wanted, etc. Your investigation should also show that Bernard LeBlanc and Yvon LeBlanc knew or reasonably ought to have known that Martha Bowes was biased and that they deliberately set up a biased Board of Examiners in order to be able to get negative feedback after the interview to use to not hire me and to deliberately avoid compliance with the Civil Service Act which required that I be hired based on merit. It is also it is respectfully submitted a contravention of the Members' Conflict of Interest Act by former Minister Bernard LeBlanc as it was a decision made by him that furthered or there was the opportunity to further the private interests of Michael Murphy, TJ Burke, Bernard Richard, himself or other persons including government employees.

82. It would appear that your investigation should show that the employees and/or officials of the Department of Justice and/or police who participated in requiring the search were participating in the deliberate harassment of me in order it appears to prevent me from doing well at the interview or to otherwise prevent my being hired on merit under the Civil Service Act. I respectfully submit that the Conflict of Interest Commissioner may find many more concerns than those I can address in this my affidavit but what has occurred to me should not I respectfully submit have ever have happened and laws should be strengthened and enforced to prevent this from happening or being able to happen to any other applicant. It is respectfully submitted that if the government officials and employees get away with what they have done to me I believe that no applicant for a position in the Civil Service could ever expect to be treated fairly and impartially as it appears that the Civil Service Act and the Human Rights Act can and are being manipulated and controlled by powerful government officials.

83. I believe that when Ray Glennie, Q.C. originally objected to the government hiring



MBW



me away from the Legal Centre of which he was a Director that the answer of government officials should have been to him that the Board of Examiners has to fulfill its legislative duty and fairly and impartially assess all applicants and if she is the successful applicant she will be given the position. To anyone that raised or tried to raise my private life as a single person as a way to keep the government from hiring me away from the Legal Centre, government officials should have told them that private life IS NOT RELEVANT and that discrimination based on marital status is prohibited by the Human Rights Act. As my work ability was the reason the government gave us space in the courthouse Ray Glennie's actions were certainly improper. I believe that government officials and Ray Glennie, Q.C. thought that I would never know what had happened. In a province like New Brunswick where jobs are scarce, particularly good paying ones like in the Civil Service, there may be persons who want a friend or relative to have the position as in the case of the RCMP constable which information is set out above. Other persons may feel they have more experience or their friends have more experience when in fact they do not but it will result in lobbying or other actions against the other candidate if it is felt that the Civil Service Act can be circumvented. It would appear that there should also be a way to enforce that court staff who may have MANY different biases CANNOT affect or be given knowledge of who is an applicant in the competition for the position. It would certainly appear pointless to have the requirement that all questions be the same for all applicants when the government can simply invite input from it appears any guy or girl on the street with any number of biases which may be as simple as they do not want someone to make more money than they do or out of meanness will participate in bullying a particular person just BECAUSE they can if the government is going to take in that type of information. The Premier and Cabinet Ministers the subject of this Complaint, it appears, do not seem to understand human nature and that the same persons may very well say negative things about them if the opportunity came up to do so.

84. It would be my respectful submission to the Conflict of Interest Commissioner that I am not the only applicant where government officials have ignored the requirements of the Civil Service Act and/or the Human Rights Act and other laws and hired whoever they want to hire. The results of the actions of government officials and employees in contravention of the Civil Service Act and other laws, I believe the Conflict of Interest Commissioner can see in light of what has happened to me, can destroy the life of a person who simply applied in good faith for a position advertised in an OPEN competition. I believe that the Conflict of Interest Commissioner should suggest or should ensure that proper measures are taken to ensure compliance IN REALITY with the Civil Service Act and the Human Rights Act and effective methods of preventing the Civil Service Act and the Human Rights Act and any other laws from being circumvented by government officials and/or employees who want to hire friends or for any other reason want to avoid complying with the Civil Service Act. One measure that I have suggested that may be a step in that direction is for ALL interviews to be recorded by a method that cannot be tampered with in order that there is a real and true record available for a truly OBJECTIVE review. It is further respectfully submitted that the Conflict of Interest Commissioner with all of your experience may have far better ideas and power to



me



have those ideas considered properly for the benefit of every future applicant for a position in the civil service than any suggestion I have made. I would also respectfully submit to the Conflict of Interest Commission that what has occurred to me is against the law as it NOW EXISTS and yet your investigation should show that the law has been deliberately disobeyed by government officials and employees and enforcement of the law is controlled by or has been actively prevented by government employees and high ranking officials. When it is against the law, including the Civil Service Act and the Human Rights Act, to take in ANY information about an individual's private life as a single person or their mental health in the hiring process, it is respectfully submitted that the Commissioner should be extremely concerned as to the decisions that Cabinet Ministers have made in the contravention of the Members' Conflict of Interest Act in order to further the private interests of other persons who have done wrong in respect to how I have been treated as an applicant in open competitions as it appears that if they had complied with THE LAW as it exists and hired me based on merit based on the assessment of an unbiased Board of Examiners that I would have been working in 2002 or on many occasions since that date and none of what has occurred including the harassment and abuse of me would ever have occurred or would have been stopped long before it escalated to the level that it has now reached.

85. It is respectfully submitted to the Conflict of Interest Commissioner that the Premier and the Cabinet Ministers the subject of this Complaint clearly have a bias and have made decisions to further the private interests of government employees and other officials who have done wrong in respect to how my private and confidential employment applications in open competitions have been handled rather than to apply the law fairly and impartially to me and take full responsibility to remedy the wrongdoing. Instead it appears that deliberate serious wrongdoing has been done even in competitions #s10-44-02 & 10-44-03 in order to cover up the wrongdoing that has occurred within government. It appears based on what has occurred to date that the Premier and Cabinet Ministers the subject of this Complaint will not apply the Civil Service Act rules fairly and impartially to me as required by section 16 (1) of the Civil Service Act as a result of the conflict of interest that various cabinet ministers and government employees have and the bias that results from that conflict of interest. It appears that your investigation should show that they have committed criminal offences or counseled them or participated in them in order to prevent my being hired in order to further the private interests of government officials and employees who have done wrong and to avoid hiring me based on merit and to cover up the wrongdoing and prevent any public scrutiny. It is respectfully submitted that what occurred in July of 2010 was REPREHENSIBLE and contrary to the law. It is respectfully submitted that what the Cabinet Ministers who are Respondents to my human rights complaint have done is REPREHENSIBLE and it appears that criminal offences have been committed such as obstruction of justice, breach of trust, fraud and or other offences as your investigation reveals.

86. Within the same week as the interview in July of 2010, persons involved in the harassment of me I understand made false allegations that I acted strangely or was



ME EK

confused when I went from one side of the city to the other doing errands etc. despite the fact that I had gone all the way to Fredericton earlier that week for the interview. I provided information in early August 2010 to the police correcting the bad information that I understood had been provided and I understand that Premier Graham and the police dealt with the persons involved in the harassment. Cabinet Minutes or the police record or Premier Alward or the Chief of Police should be able to confirm to you who was dealt with and disciplined or removed from their position. My letter should also be on the police record. Shortly after I provided my letter to the police in August of 2010 the Director of Legal Aid was removed. A position had been advertised in late February 2010 by the Department of Justice Office of the Attorney General, in order I understand to hire back the lady from Legal Aid who had been disciplined in 2004 as a result of her improper conduct in interfering in my private employment application in a Fredericton Legal Aid competition with which she had no connection and who was removed I understand from her position in 2006 as a result of other improper conduct in respect to me. This position was advertised by the government almost immediately after the Ombudsman office it appeared created their own improper "evidence" in about February of 2010 to the effect that I had mental health issues and information went out into the community to the effect that I had mental health issues and would not be hired by the government. Your investigation should also show that on August 5<sup>th</sup>, 2010, approximately one day after I took the information to the police, that position which was I understand intended to hire the lady from legal aid, once I was discredited, was shown on the government website I believe as no longer available. I understand that she was not hired. Your investigation should also show, I understand, that the harassment that began in 2006 after she was removed from her legal aid position was designed initially so that she could get her job back after I was discredited and more and more people became involved in the harassment the longer it has continued and the more wrong that has been done. The police and Premier Graham directly or indirectly after dealing with and disciplining persons involved, I understand then made it known to the persons involved in the harassment in August of 2010 that I was very accomplished and that I would be hired. I understand that Martha Bowes the Human Resources Advisor on the July 26, 2010 interview was removed from her human resources advisor position at that time and became office manager of the Office of the Attorney General. Although the TLE Request Report by NB Human Rights Commission staff appears to try to suggest that this was a promotion, the investigation of the Commissioner should show that she could no longer be a human resources advisor as a result of her conduct and was given another position.

87. Premier Alward should confirm to the Conflict of Interest Commissioner that when the government changed Premier Graham I understand advised Premier Alward that I was to be hired as a lawyer III in the employment and administrative law group. The litigation position for a Lawyer III was marked filled on the internet although I understand no one was put into the position and it was at that time still available. I was never sent a letter by the government in respect to that position although the government was required to do so under the Civil Service Act as I had been interviewed for that position. It should be noted however that the law that applied to the review of the 2009 specialized prosecution

branch position was different than the law applying to the review of the current positions #s 10-44-02 and 10-44-03 as it was amended by the government after that 2009 competition I understand and it would appear that the amendment was in the private interest of government officials and employees rather than I would submit in the public interest. The Conflict of Interest Commissioner I respectfully submit should be very concerned in light of what has occurred to me as set out above as it appears that the government has changed the law so that it does a review BEFORE the Ombudsman in order it appears to know what the complaint of the unsuccessful applicant will be. It would appear as files were altered etc by government staff in respect to my situation in the past to it appears get the result that the government wanted that it gives a concern that no Applicant would ever be treated fairly on a review as the government staff could remove or change anything that would cause them difficulty on an independent review.

88. It would appear that the legislation providing for such a review first by the Deputy Minister of the Office of Human Resources has a bias or clear potential for fraud or obstruction of justice built into the review. It is respectfully submitted to the Conflict of Interest Commissioner, that in light of what your investigation should show the Deputy Minister and other government officials have done to me in respect to my private and confidential employment applications in open competitions as indicated in my affidavit and the attachments thereto, that the Deputy Minister would likely protect government officials and employees as a result of his bias rather than be capable of doing an objective, fair and impartial review which would result in truthful findings if any wrongdoing had been done by any government employees or officials. The Rules of natural justice provide that any administrative decision maker MUST be unbiased. The legislation providing for the review by the Deputy Minister appears to clearly offend this rule of natural justice and it is respectfully submitted that he has a clear conflict of interest.

89. It is further respectfully submitted to the Conflict of Interest Commissioner that if Victor Boudreau and/or Bernard LeBlanc participated in the decision to amend the Civil Service Act to provide for the review by the Deputy Minister, in light of what government officials and employees have done to me, that they used their public office to further the private interests of Bernard LeBlanc, Bernard Richard, Michael Murphy, Martha Bowes and other persons as the amendment was made it is submitted in the private interests of government employees and officials to enable the government to cover up wrongdoing and protect private interests rather than in the PUBLIC INTEREST WHICH WOULD BE TO DETECT AND PREVENT WRONGDOING. It is respectfully submitted that if Victor Boudreau and/or Bernard LeBlanc participated in that amendment that they contravened section 4 of the Members' Conflict of Interest Act as they made or participated in a decision that they knew or reasonably ought to have known that by making the decision there is the opportunity to further private interests. In fact it is respectfully submitted to the Conflict of Interest Commissioner that in light of what occurred in the Department of Justice in 2010 when Bernard LeBlanc was Minister of that Department that the Commissioner may very well conclude that they did so





DELIBERATELY to further private interests including that of Bernard LeBlanc.

90. Subsequent to the government changing in October of 2010 from the Graham Liberal government to the Alward Progressive Conservative government I understand that the persons involved in the harassment again began to try to provide the same type of information to the new government.

91. Cabinet Minutes and Premier Alward should verify to the Conflict of interest Commissioner that I was appointed on December 23, 2010 by Premier Alward to the Lawyer III position in the employment and administrative law group of the Legal Services Branch of the Office of the Attorney General. I understand that Blaine Higgs, the Minister of the Office of Human Resources called to make an offer of employment to me on that date. I did not connect with the call but saw it on caller I.D. and I returned the call. I received no further return call from Blaine Higgs which in the ordinary course of professional business I believe would have occurred with any other Applicant. I understand that he then began to take in improper and ridiculous information from biased and unqualified persons outside government designed to suggest that I had in their biased and unqualified perception mental health issues. What it actually showed I believe was the bias and severe bullying tactics that were being used by persons involved in the harassment of me to stop my appointment despite the Civil Service Act COMPLETELY PROHIBITED ANY INTERFERENCE BY THEM. Your investigation should also show that Blaine Higgs in light of his bias arising from the conflict of interest that I understand he had was prepared to take in and did take in information prohibited by the Civil Service Act, the Human Rights Act, workplace harassment and bullying policies etc in order to enable him to find a reason not to hire me. I understand that he did that as a result of the animosity that the government had created towards me in light of the manner in which my private and confidential employment applications in OPEN competitions were handled by government officials and employees in order to cover up how I was treated in the competitions that I participated in and in order to keep me out of the civil service as a result of the hostile environment the government had created because of the many persons in the government including cabinet ministers, officers, employees etc. who had been disciplined or removed from their positions as a result of their own wrongdoing and whose private interests would be furthered if I was not hired and the situation was covered up. Your investigation should clearly show that Blaine Higgs made the decision not to return my phone call and not to complete making the offer of employment to me based on merit as required by the Civil Service Act in order to further the private interests of other persons who would have their reputations protected or other private benefits if I was not hired and the wrongdoing in government was covered up.

92. Blaine Higgs as Minister of the Office of Human Resources made the decision to take in information from biased unqualified persons that he knew or reasonably ought to have known were involved in the harassment of me by following me, monitoring my actions and reporting to the government about my actions in my private life to the effect that in their perception my actions meant that I had mental health issues in order to further the





private interests or there was the opportunity to further the private interests of other Cabinet Ministers, the Ombudsman, government employees and others which it is respectfully submitted contravenes sections 4 and/or 5 of the Members' Conflict of Interest Act.



93. In May 2011 I was advised by Julie Comeau by letter dated May 18, 2011 that:

"This is to advise that the recruitment process for the above-noted inventory competition is now complete and that you were not a successful candidate.

We would like to thank you for your interest and participation in this competition, and wish you success in your future endeavors."

Attached as Exhibit "P" to this my affidavit is a true copy of the letter of Julie Comeau dated May 18, 2011. Premier Alward should confirm to the Conflict of Interest Commissioner and Cabinet Minutes should show as part of your investigation that he and Cabinet appointed me to the position of Lawyer III in the employment and administrative law group on Thursday, December 23, 2010 and that Blaine Higgs called me later that day as a result of that appointment to make an offer of employment to me. It is respectfully submitted to the Conflict of Interest Commissioner that Premier Alward should acknowledge and the Deputy Minister of Justice Judith Keating and the Deputy Minister of the Office of Human Resources should confirm as they have authority to deal with hiring that if I had not been a successful candidate based on merit and placed on the eligibility list that I could not have been appointed on December 23, 2010 to the position. Your investigation should show that the Board of Examiners assessed me as fully qualified based on merit and placed me on the eligibility list. This would also show it is respectfully submitted that the information set out in the first Response prepared by Andrea Folster on behalf OF ALL Respondents and filed on their behalf in my human rights complaint proceeding that stated words to the effect that The Board of Examiners found that I was not qualified in respect to competitions #10-44-02 and 10-44-03 is completely false.

94. Your investigation should show that the letter that Julie Comeau sent to me dated May 18, 2011 is deliberately false. Premier Alward should confirm to you (and Cabinet Minutes may show) that after December 23, 2010, Blaine Higgs then made a decision to take in information (prohibited by the Civil Service Act and the Human Rights Act and other laws) from biased unqualified persons involved in the harassment of me to the effect that in their perception I had mental health issues in order to avoid having to hire me based on merit. It is respectfully submitted that he did so in order to further or there is opportunity to further the private interests of provincial government officials and/or employees and others including persons who had been disciplined or dealt with or employees who did not want me hired within the Department of Justice as a result of the animosity that had been created there by the way government officials and employees had handled my private and confidential employment applications contrary to the terms of the Civil Service Act. Premier Alward should confirm that the Deputy Minister of the Office

of Human Resources had been removed from her position in 2007 as a result of the manner in which she dealt with my private and confidential employment applications in open competitions and that the Director of Human Resources (with whom I understand Julie Comeau worked) was removed from her position earlier in 2007 as well as a result of wrongdoing she had done in respect to my employment applications in open competitions. Julie Comeau was also I understand a biased member of the Board of Examiners in the 2008 Miramichi Crown Attorney competition. It should be verified to the Conflict of Interest Commissioner as part of your investigation that Julie Comeau and Martha Bowes were both part of the Board of Examiners of that competition and that they were both looking for a reason NOT to hire rather than impartially evaluating me as a candidate.

95. It should be further verified to you that I understand that subsequent to that interview in the Miramichi competition in September 2008 that they took in information from biased unqualified persons outside government (involved in the harassment of me to the effect that I had mental health issues in their biased perception ) and that they deliberately waited until they thought that they had been provided information that they could use as a reason to not hire me on November 24, 2008 and immediately on November 25, 2008 I was sent a letter by Christine O'Donnell advising that an appointment had been made and I was not successful. Your investigation should show that this letter was also deliberately false and that an appointment was not made at that time and that the only reason they took in prohibited information and waited until November 24, 2008 was because I HAD WON the competition BASED ON MERIT and I HAD to be appointed unless they came up with another reason that they felt that they could use. It is respectfully submitted that they committed an offence under the Human Rights Act and/or deliberately obstructed justice by deliberately not complying with the requirements in the Civil Service Act and deliberately NOT appointing me based on merit. Details are set out earlier in this affidavit as to the totally inappropriate information that I understand was provided directly or indirectly from the call centre Atelka and which I understand Julie Comeau and Martha Bowes the Human Resources advisors in respect to that competition allowed to come in to affect my being hired based on merit in total contravention of the terms of the Civil Service Act and the Human Rights Act and as human resources advisors they would have known or reasonably ought to have known that such information was prohibited or constituted an offence to take it in and use it to affect hiring of me or of any other candidate.

96. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that Julie Comeau as a human resource advisor in the Department of Justice knew or reasonably ought to have known that the letter dated May 18, 2011 was false when she wrote it but that she deliberately did so in violation of her oath of office and duty under section 16 (1) of the Civil Service Act. It would appear that she did so as a result of the bias and animosity that has been created within government toward me as a result of what government employees did such as the former Director of Human Resources who was I understand removed in 2007 with whom I understand Julie

A

MBW

Comeau worked who were removed I understand as a result of their own wrongdoing (contrary to the Civil Service Act and the Human Rights Act and/or other laws) in open competitions in which I was an applicant.

97. Premier Alward should also verify to the Conflict of Interest Commissioner or Cabinet Minutes should show that Blaine Higgs took in inappropriate untested information without questioning it or giving me a chance to respond from biased unqualified persons or others associated with them (who were the same persons or associated with the same persons as information was taken in from in the 2008 and 2009 open competitions in which I was an applicant) who were involved in the harassment of me from December 2010 to May 18, 2011 to the effect that what those biased unqualified persons observed or reported in their perception meant that I had mental health issues. This would also appear to be an offence under the Human Rights Act for Blaine Higgs to have done so as it appears he was making indirect or direct inquiries as to mental health which the Human Rights Act states is an offence. I believe that the Commissioner as a former trial judge or any qualified unbiased professional psychologist who is an expert on workplace harassment and bullying who is able to evaluate behaviour and mental health would never have accepted any such information as Blaine Higgs took in from those persons (particularly without seeing me and allowing me to fully respond if such information were allowed which it IS NOT as it is prohibited by both the Civil Service Act and the Human Rights Act).

98. It is respectfully submitted to the Conflict of Interest Commissioner that it would appear that the persons involved in the harassment have known since they became involved in harassing me or that they have been told that if they stop my being hired by the government that their private interests would be furthered by getting a job back or keeping a job or otherwise avoiding the consequences of their own wrongdoing. I believe that this would be clear encouragement from government officials and/or employees for those persons to harass and bully me and to interfere in my private and confidential employment applications and it appears that your investigation should show that the government and the police clearly encouraged and participated in criminal harassment as the harassment was deliberately done to destroy my livelihood and prevent me from being hired as a Lawyer III. It is respectfully submitted to the Conflict of Interest Commissioner that those persons are going to find ways to give the government whatever information they need to stop my being hired as they will benefit privately by doing so and will avoid the consequences of their participation in the harassment and other wrongdoing.

99. In May of 2011 after I received the letter from Julie Comeau I immediately wrote to the Premier indicating that he should correct the situation or I should immediately be advised as to who would be doing the unbiased reviews as it appeared that Doug Holt, the Deputy Minister of the Office of Human Resources was clearly in conflict as Blaine Higgs was the Minister of that Department. The Deputy Minister has repeatedly failed since May of 2011 to provide the Statement of Reasons that he is STATUTORILY REQUIRED TO PROVIDE. The Deputy Minister, the Premier, the Attorney General and



2/13/11





Blaine Higgs as Minister of the Office of Human Resources have failed to arrange for someone impartial to do a review as the Ombudsman office clearly has a conflict. I understand that Blaine Higgs or the Premier or Cabinet or all of them have continuously dealt with the issue of my being hired since December 2010 until the present date which I understand basically has consisted of continuing to take in improper negative information from the biased unqualified persons involved in the harassment of me to the effect that I have in those persons' perceptions mental health issues in order to justify not hiring me. I would submit to the Conflict of Interest Commissioner that this is deliberate abuse of me as an applicant in an open competition and deliberately in contravention of the Civil Service Act and the Human Rights Act requirements. The Premier, Blaine Higgs, the Deputy Minister of the Office of Human Resources and the Attorney General know or reasonably ought to know that it CANNOT review its own actions. The independent unbiased reviews set out in the Civil Service Act are I believe designed to prevent the type of abuse that has been caused by the government reviewing its own actions or in effect, it appears, looking for something new to justify its position to enable it to do what it wants to do completely in contravention of the requirements in the Civil Service Act and the Human Rights Act.

100. The Premier and Cabinet Minutes should confirm that in August of 2011 I understand that Blaine Higgs was to be removed from his Cabinet position but as a result of further improper information from the persons involved in the harassment of me (who monitored my actions within the community with I understand the full knowledge of the Premier and the Chief of Police), I understand that he was not removed and once again they stopped the hiring of me. The government has repeatedly failed since May, 2011 to provide the Statement of Reasons that it is REQUIRED to provide and the government has failed to arrange for someone impartial to carry out the investigation of the Ombudsman after the Statement of Reasons is provided as the Ombudsman has a clear conflict. I have not received any response right up until the present date despite my continuous requests for a response. The independent unbiased reviews set out in the Civil Service Act are I believe designed to prevent the type of abuse that has been caused by the government reviewing its own actions or it would appear using a review as an excuse to try to have reasons created in order to not hire me.

101. I believe that the Conflict of Interest Commissioner should find the government's conduct completely reprehensible and unconscionable and totally unacceptable in a free and democratic society.

102. In December of 2011, I made a complaint to the Clerk of the Legislative Assembly in respect to Premier Alward and Blaine Higgs as no Statement of Reasons had been received and no unbiased reviews arranged despite the CLEAR MANDATORY REQUIREMENTS OF THE CIVIL SERVICE ACT. Although it is my understanding that there would be a very clear conflict I understand that the Premier dealt with this complaint. I asked for immediate confirmation from the Clerk by e-mail dated I believe January 19<sup>th</sup>, 2012 as to who was reviewing the Complaint and for confirmation that I

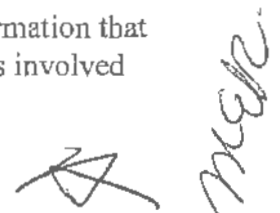


would receive the Statement of Reasons from the Deputy Minister by the next day as that was the 30<sup>th</sup> day from December 20<sup>th</sup>, 2011 if the government was not hiring me and was requiring an independent review to take place. I also asked the Clerk to ensure that whoever was dealing with the Complaint ensure that the Statement of Reasons gives the true reasons that the government has taken in as I did not want them to simply provide what the government found expedient as it seems had occurred in the past.

103. On January 5<sup>th</sup>, 2012, Thursday, it appeared that my Complaint dated December 20<sup>th</sup> was being dealt with. On that date on the news on CBC and on CTV there was information about Michael Murphy entering the Liberal leadership race. On the radio I believe at approximately 5 p.m. it said to my understanding words to the effect that Michael Murphy was announcing he was entering the Liberal leadership race and that he had left the government due to his disagreement with the decision about selling NB Power and that he had said it was for personal reasons because he felt that it was more honorable to say that that was the reason. I would respectfully submit to the Conflict of Interest Commissioner that your investigation should show that there was nothing honorable about what Michael Murphy said or did in respect to the reason that he was required to leave the Legislature. I believe that as soon as the government gives information to people outside the government when it addresses my complaint etc that it appears that that information is used to try to change what has occurred or to cover it up or for other purposes that would appear to assist those persons.

104. It is respectfully submitted to the Conflict of Interest Commissioner that the statements of Michael Murphy contravene the lawyer's responsibility under the Professional Code of Conduct to observe integrity when speaking to the media which includes the obligation to tell the truth. It is respectfully submitted that it appears that Michael Murphy's actions were designed to further Michael Murphy's own interests of getting re-elected at a future time with it appears no regret whatsoever in respect to what he did to me as an Applicant in an open competition who had won the competition.

105. I understand that in late January, 2012 Premier Alward and other employers including the City of Saint John began to deal with persons involved in the harassment of me and persons were removed from their positions or otherwise disciplined. Your investigation should show through Cabinet Minutes or confirmation by Premier Alward that as a result of further incorrect information from the persons involved in the harassment of me, I understand, that the hiring of me was again stopped. I understand that your investigation should show that the Premier is aware that those persons have followed me, parked outside of where I live for the purposes of intimidation, have made reports together with many individuals in the community as to their opinion of my mental health based on their biased self serving perceptions and that despite many requests from me their harassing conduct has not been stopped by the police chief nor by the Premier despite they are both aware of same. In fact it is my understanding that they have deliberately encouraged the conduct of these individuals by taking in any information that they provide at face value and stopping the process of dealing with the persons involved

Handwritten signature and initials, possibly "MGR" or similar, written in dark ink.

Page 120

in the harassment and stopping my being hired. Your investigation should also show that in fact at different times since this government began to deal with my situation many individuals in the community as well as provincial and municipal government employees have been waiting to hear I understand as to if the information that they provided is enough to discredit me as having mental health issues so that they can return to work. I believe the Premier would be required to admit this to the Commissioner or Cabinet Minutes would show same.

106. It would be my respectful submission to the Conflict of Interest Commissioner that an expert on workplace harassment and bullying would have a great deal of difficulty with the type of information that Blaine Higgs and other government officials and the chief of police have allowed to be taken in to affect my being hired and the severe harassment that was allowed to continue without the police or the government stopping it.

107. It is respectfully submitted to the Conflict of Interest Commissioner that as a former trial judge you would find that the persons from whom the government has been taking in biased untested information would not be allowed to give any opinion evidence in any court as to a person's mental health or as to what a person's actions meant. I believe that you would find that the only reason they interpret things in the negative way that they report is because of their bias and they have to come up with something I understand or they have been told that I will be hired.

108. The Conflict of Interest Commissioner should be given details by the Premier as to who was dealt with and what their discipline was or was to be when he dealt with the persons involved in the harassment of me throughout February and into March 2012, what has occurred since March 2012 and what will their situation be if they are able to discredit me and stop my being hired. I understand that as a result of further incorrect negative information from the persons involved in the harassment of me around March 2012 that the government did not proceed to give me the Lawyer III position at that time. I understand that the government has continued to allow the extremely severe harassment of me from that date to the present date and has continued I understand to take in information at face value from the persons involved in the harassment from March 2012 right up until the present date. Your investigation should show and the Premier should confirm I understand that persons within government were asked by the Premier directly or indirectly during February and March 2012, including five deputy ministers, as to why they did nothing to stop the harassment and bullying of me.

109. In April of 2012, I filed a Human Rights Complaint with the New Brunswick Human Rights Commission. Many details are set out in the documents from that human rights proceeding that I have attached to this my affidavit that have been filed with the human rights commission or which otherwise pertain to that proceeding. It is my understanding as a result of my discussions etc with Sarina McKinnon who contacted me from the Human Rights Commission and as a result of subsequent developments that there was collusion between the government and the NB human rights commission to have my





human rights complaint dismissed in order that there would be no public scrutiny nor public hearing where the Respondents (including the Premier, the Attorney General and Blaine Higgs) could be cross-examined by me and the truth revealed as to how the government has treated me as an applicant in open competitions and the severe harassment that it has caused to me.

110. It would have been one thing for the police to have been taken in by the persons involved in the harassment and to have been influenced by the government officials who I understand contacted them after Michael Murphy was removed from his position as Attorney General and for them to have done nothing to stop the harassment of me.

111. However, it is respectfully submitted that the Conflict of Interest Commissioner should find that there is no excuse whatsoever for the police to not understand that they cannot evaluate mental health by having biased unqualified people view ordinary events (and just because they do not know what I am doing or why) call in or otherwise report negative information that I am acting strangely. In fact I believe I have acted exemplarily despite the tremendous pressure and intimidation tactics that the bullies have used in order to obtain or create negative information that the police and the government will accept from them to stop my being hired. The behaviour of the bullies has I believe also gone far beyond interpreting ordinary events according to their bias and has involved I believe deliberate evil actions including setting up situations to get the result that they want to obtain or simply deliberately providing false information. I believe that the Premier is aware of this or at least any objective persons would be from the information that I have regularly cleared up by written e-mails once I figured out what the bullies had likely done once they began to gloat or it otherwise came to my attention that they had provided improper negative information again to the government.

112. It is respectfully submitted to the Conflict of Interest Commissioner that there is no justification whatsoever for the Premier or any other Cabinet Minister the subject of this Complaint to have made the decision to take in information from persons outside government involved in the harassment of me to affect my hiring as it is COMPLETELY PROHIBITED by the Civil Service Act and the Human Rights Act. It is respectfully submitted to the Commissioner that the Premier and the other Cabinet Ministers the subject of this Complaint made that decision in order to further or there is the opportunity to further the private interests of other Cabinet Ministers, government lawyers, provincial and municipal government employees and other persons who will be able to keep their jobs, professional positions or appointments or otherwise avoid the consequences of their own wrongdoing if I am not hired and how the government has treated me in open competitions is covered up.

113. It is respectfully submitted to the Conflict of Interest Commissioner that any expert on workplace harassment and bullying would tell the Commissioner that a person needs help to stop bullying by a group. I believe that they would also tell you that such people watching my actions constantly and monitoring my conduct and phoning in or otherwise



in or otherwise reporting negative information to stop my being hired as a Lawyer III with the government is harassment designed to destroy my livelihood and is wrong and that mental health cannot be evaluated in that way. It is further respectfully submitted that any objective crown attorney or police force would tell you that it is criminal harassment.

114. It is respectfully submitted to the Conflict of Interest Commissioner that any objective government official would know or reasonably ought to know that the Civil Service Act requires that all Applicants be assessed on the same criteria and same questions during the interview. Your investigation should show that for the competitions I was interviewed for in July of 2010 assessment was to be based on the interview.

115. I was very fortunate as a lawyer upon my return to New Brunswick to have the pleasure to appear before the family division judges in Saint John, (like Mr. Justice Guerette who is one of my oral references and who has also provided a written reference), who I believe responded impartially to lawyers appearing in front of them and fairly evaluated the quality of work presented before them or submitted to them. I would submit to the Conflict of Interest Commissioner that if the officials and employees in the Department of Justice had done the same and had impartially complied with the law, I would have been hired long ago based on merit. I acknowledge to the Conflict of Interest Commissioner that I am not rich and I am not related to important people in New Brunswick. I would further submit that for those very reasons it is extremely important that the powerful people within government like the Premier, Blaine Higgs, the Attorney General and others NOT be able to contravene the laws which have been made to ensure impartiality and fair treatment to EVERYONE who is an applicant in an OPEN COMPETITION for a Lawyer III or any other position in the civil service. It is respectfully submitted to the Conflict of Interest Commissioner that there appears to be a culture of entitlement within the government of New Brunswick and that officials and employees are able to contravene the requirements of the Civil Service Act and the Human Rights Act and other laws with impunity. Your investigation should show as set out in my affidavit or otherwise that government employees and officials write false letters deliberately and manipulate the legislative requirements set out in the Civil Service Act and violate the protected rights within the Human Rights Act WITH LITTLE OR NO CONSEQUENCES.

116. Your investigation of the Cabinet Ministers the subject of this Complaint and the decisions that they have made, that further or there is the opportunity to further the private interests of other Cabinet Ministers, themselves, provincial or municipal government employees or others, as set out in my affidavit filed with you or otherwise in your investigation, should clearly reveal this culture and that they willingly engage in deliberate wrongdoing to protect other colleagues and/or employees and/or other persons. It is respectfully submitted that the Conflict of Interest Commissioner should send out a strong message that such CONDUCT WILL NOT BE TOLERATED BY HIM WITHIN New Brunswick. Attached hereto as Exhibit "Q" to this my affidavit is a true copy of some relevant provisions of the New Brunswick Human Rights Act for ease of reference



by the Commissioner. It is respectfully submitted that it should extremely concern the Conflict of Interest Commissioner that the government controls whether or not a prosecution of offences under the Human Rights Act are initiated as in accordance with the requirements set out in section 26, no prosecution can be initiated unless the Minister of the Department of Post Secondary Education Training and Labour , (now Danny Soucy and previously Martine Coulombe), consents to the prosecution.

117. It is respectfully submitted to the Conflict of Interest Commissioner that offences HAVE been committed under the Human Rights Act as set out in section 25 of that Act and not only have the government officials and employees who have, your investigation should show, DELIBERATELY committed them NOT been prosecuted, the Human Rights Commission staff who report to Danny Soucy as set out in section 30 of the Human Rights Act, have now prepared a TLE Request Report with recommendations in it adversely affecting my human rights complaint, (BASED ON FALSE INFORMATION DELIBERATELY FILED by Andrea Folster, a solicitor in the Department of Justice, on behalf of the Respondents who include the Premier, the Attorney General and Blaine Higgs the former Minister of Human Resources), and Commission staff intend to present that report to the Commission members on April 24, 2013 despite my clear objections to the NB Human Rights Commission proceeding in I would submit the extremely serious circumstances of this matter and despite my request to the Premier advising of their intention and requesting that he ENSURE an unbiased Human Rights Commission takes over carriage of my matter IMMEDIATELY. It is respectfully submitted that your investigation will show that DELIBERATE CRIMINAL OFFENCES have been committed as a result of the conduct of the Premier, the Attorney General, Blaine Higgs, NB Human Rights Commission staff and/or other persons.

118. It is respectfully submitted to the Conflict of Interest Commissioner that it should extremely concern the Conflict of Interest Commissioner that under section 18 of the Human Rights Act, it states that " The Commission may extend the time for the filing of a complaint, if in the opinion of the Commission, the circumstances warrant it." It is further submitted to the Commissioner that as a result of the discretion given to the Commission members that Commission staff HAVE deliberately taken steps in order to have the Commission refuse the time limit extension request based on the TLE Request Report prepared by staff based on deliberately false information filed by the Respondents. It is respectfully submitted that the Commission staff PREPARED the TLE Request Report when they KNEW or reasonably ought to have known that the information from the Respondents on which they were basing their recommendations was false. It is further respectfully submitted that subsequent to the filing of My Comments in respect to the TLE Request Report that the Respondents should have CORRECTED the false information and that the COMMISSION staff should have CORRECTED the improper recommendations in their REPORT. As they have NOT done so, it is respectfully submitted that the Commission staff and the Respondents are proceeding DELIBERATELY to adversely affect a large portion of my complaint when they KNOW or reasonably ought to KNOW that MY ENTIRE COMPLAINT IS JUSTIFIED based on



MERIT if the Respondents tell the truth AS THEY ARE REQUIRED to do. It is further respectfully submitted that had truthful information been filed by the Respondents that the recommendations in the TLE Request Report would have had to be in my favor based on the criteria in the Guideline on Time Limit Extension for Complaint Initiation. Attached as Exhibit "R" to this my affidavit is a true copy of that Guideline.

119. It is submitted to the Conflict of Interest Commissioner that the false information has been filed by the Respondents in their Responses to the effect that the government has not taken in negative information from persons outside government involved in the harassment of me to the effect that in the perceptions of those persons I have mental health issues WHEN THEY HAVE IN FACT taken in such information FOR it is submitted A PROLONGED PERIOD OF TIME which Cabinet Minutes, the record of information the government has taken in from those persons and Premier Alward should confirm to you. It is respectfully submitted to the Conflict of Interest Commissioner that you could conclude that the Cabinet Ministers and employees involved DELIBERATELY committed fraud in order to provide a document to the Commission members at their April 24, 2013 meeting whereby it appears according to the TLE Request Report prepared by Jennifer LeBlanc that Commission staff lawyer Seamus Cox intends to give legal advice to the Members in support of the Report at the April 24, 2013 meeting to suggest that circumstances do not warrant their exercise of their discretion to grant the extension of the time limit based on the Report contents. Quite frankly, it would appear that this is deliberate obstruction of justice by Danny Soucy, Premier Alward, Attorney General Marie-Claude Blais, Blaine Higgs and anyone in Cabinet who has supported their decision to do so.

120. Our legal system and the courts of law could not function if litigants could manipulate judges and the court processes in this manner. For high powered government officials like the three Cabinet Ministers who are respondents to have made the decisions that they have made to allow false Responses to be filed on their behalf in addition to other decisions that they have made that I have addressed in this affidavit, it would appear that the administration of justice has been clearly and deliberately brought into disrepute and that serious criminal offences have been committed. It would appear that they have done so in order to obtain the result that the government wants to obtain which is to have my human rights complaint dismissed without any public scrutiny or cross-examination of the Respondents in order to cover up what the Respondents, the NB Human Rights Commission and others have done in complete it is submitted DEFIANCE and CONTRAVENTION of the law.

121. As the Conflict of Interest Commissioner should be aware as a former trial judge a case can often look very different after cross-examination of a party to the action. It is submitted that the actions of Danny Soucy and the Respondents to my complaint are deliberately done in order to have my human rights complaint dismissed based on false information filed on their behalf and in order to have the Commission (whose members are appointed by the Premier via Lieutenant Governor in Council) exercise its discretion



to dismiss my complaint so that there will **never be cross-examination** which WILL CLEARLY SHOW THE RESPONDENTS HAVE DELIBERATELY LIED IN ORDER TO prevent my complaint from being successful. It is submitted to the Conflict of Interest Commissioner that as a former trial and appeals court judge, and in light of the concerns expressed on your website by yourself and the former Conflict of Interest Commissioner, Stratton, who was also a former appeals court judge to the effect that it is absolutely essential that MLA's are ethical in their decision making, it is respectfully submitted that what has occurred should be found by you to be intolerable and unconscionable in a free and democratic society. It is further respectfully submitted that your investigation should show that criminal offences of fraud, obstruction of justice, breach of public trust and/ or other offences have been **deliberately** committed by senior government officials and employees, including the Cabinet Ministers the subject of my Complaint to the Conflict of Interest Commissioner in order to discredit me in order to further their own private interests of covering up what has occurred and avoiding any consequences to them that would result by law from their conduct and/or to other persons rather than hiring me based on merit AS REQUIRED BY THE CIVIL SERVICE ACT.

122. Premier Alward and/or Cabinet Minutes should verify that the information that government officials and employees have taken in directly or indirectly to affect my private and confidential employment applications in open competitions, including #s 09-45-10, 10-44-02 and 10-44-03, from biased unqualified persons outside government to the effect that in their perception I have mental health issues contravenes section 4 of the Human Rights Act and constitutes an offence as set out by section 25 of the Human Rights Act.

123. Section 19 of the Human Rights Act should also concern the Conflict of Interest Commissioner (in light of the actions of the Cabinet Ministers the subject of this Complaint to the Conflict of Interest Commissioner and the actions of New Brunswick Human Rights Commission staff) as it states that

“ If the Commission is of the opinion that a complaint is without merit, the Commission may dismiss the complaint at any stage of the proceedings.”

In light of the contents of the TLE Request Report prepared by the NB Human Rights Commission staff it appears that immediately after the TLE Request has been dealt with by the Commission that its next step will be to dismiss my complaint in its entirety based on the same false information filed by the Respondents. It is respectfully submitted to the Conflict of Interest Commissioner that for the Commission to do so would be deliberate fraud or such other criminal offence as your investigation shows as Danny Soucy as a Cabinet Minister ( to whom the Commission reports) KNOWS or reasonably ought to know that the information from the Respondents on which the TLE Request Report recommendations are based is false and that the recommendations SHOULD be in my favour if truthful information and proper admissions in order to properly narrow the

A

MBN

issues was provided by the Respondents.

124. It is further submitted to the Conflict of Interest Commissioner that Danny Soucy has contravened sections 4, 5 and/or 6 of the Members' Conflict Interest Act as a result of the decisions that he has made or has participated in to allow the preparation of the TLE Request Report based on false information, to allow the NB Human Rights Commission to proceed in the face of an EXTREMELY severe conflict, to not require the Respondents to correct the false information and to not require the NB Human Rights Commission staff to correct the false information in the Report and revise the recommendations accordingly. It is respectfully submitted that he has deliberately made these decisions or participated in them in order to further the private interests of the Respondents, other former or present Cabinet Ministers or MLA,s, government employees and or other persons.

125. It is further submitted that Danny Soucy and the Commission staff who have prepared the Report and any others who have participated in wrongdoing in respect to the handling of my human rights Complaint, have deliberately contravened the NB Human Rights Commission's function under section 13 of the Human Rights Act which is stated as " (a) to forward the principle that every person is free and equal in dignity and rights without regard to.....mental disability [which includes perceived mental disability], marital status,....., (b) to promote an understanding of, an acceptance of, and compliance with this Act, and © to develop and conduct educational programs designed to eliminate discriminatory practices related to.....mental disability, marital status,.....".

126. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that Danny Soucy has deliberately made the decision or participated in the decision to have or to allow the NB Human Rights Commission staff to deliberately contravene its statutory function which it is respectfully submitted that your investigation should find is a contravention of sections 4 and/or 6 of the Members' Conflict of Interest Act and it is further respectfully submitted that his actions would appear to be a blatant breach of the public trust and the oath of office that he has taken.

127. The preamble to the New Brunswick Human Rights Act states:

**"WHEREAS recognition of the fundamental principle that all persons are equal in dignity and human rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity is a governing principle sanctioned by the laws of New Brunswick; and**

**WHEREAS ignorance, forgetfulness or contempt of the rights of others are often the causes of public miseries and social**





disadvantage; and

**WHEREAS people and institutions remain free only when freedom is founded on respect for moral and spiritual values and the rule of law; and**

**WHEREAS it is recognized that human rights must be guaranteed by the rule of law, and that these principles have been confirmed in New Brunswick by a number of enactments of this Legislature; and**

WHEREAS it is desirable to enact a measure to codify and extend those enactments and to simplify their administration;

It is respectfully submitted that the actions of the Premier and the other Cabinet Ministers the subject of my Complaint to the Conflict of Interest Commissioner, (as set out in my affidavit and as your investigation should show based on information from the Premier and Cabinet Minutes in addition to other sources), completely disregard the principles in the preamble to the Human Rights Act set out above and render them meaningless in New Brunswick.

128. It is respectfully submitted to the Conflict of Interest Commissioner that if an unbiased properly qualified reviewer finds that mental health can be properly considered in any reviews under the Civil Service Act, (which it is submitted the law prohibits ANY information of any type from persons outside government), that there would have to be an evaluation of the harassment and bullying situation that the government has caused by taking in information from biased unqualified persons outside government, by an expert psychologist in workplace harassment and bullying from outside the province, (which would include evaluating the biases, any criminal records, benefits to the persons providing the information to the government and any other necessary factors and obtaining my full response to ANY information that those persons provided.) I also respectfully submit that such an expert will have no concerns whatsoever in respect to me but I believe will find that the government has caused the extremely severe harassment of me by taking in information from the persons outside government contrary to the Civil Service Act, the Human Rights Act and other laws which I would submit is unconscionable in a free and democratic society and that the persons involved in the harassment of me have engaged in deliberate criminal harassment in order to destroy me, their victim. I respectfully submit to the Conflict of Interest Commissioner that your investigation should show from Cabinet Minutes and other sources that if the Premier and Cabinet Ministers and the police had no conflict of interest and resulting bias that they would not have taken in any information from any of the people involved in the harassment of me to affect my being hired based on merit and would have followed the requirements in the Civil Service Act.

129. It is respectfully submitted that the Conflict of Interest Commissioner can see by the letters from Department of Justice officials and employees attached as Exhibits to this my

A

MSK

affidavit, that I have received from government officials and employees, letters that are simply not true or are contradicted by a letter from another government official or employee and it appears that the writer knows or reasonably ought to have known that the information is false as indicated in respect to various letters set out in this my affidavit when I have attached them as an Exhibit. As an example I refer to the following letters which are attached to my affidavit filed in this proceeding and which are addressed in detail above:

Letter of Hilda Ringuette dated March 29, 2007 advising that the Lawyer III position in competition #06-44-04 for which I interviewed in January 2007 was filled and an appointment made. (Exhibit "G")

Letter of Yvon LeBlanc dated April 30, 2007 that says competition #06-44-04 was an inventory based competition only after I asked for reasons. (Exhibit "H") (Despite the fact that the competition itself says that there was one English position and 3 bilingual positions immediately available and being interviewed for. ( Exhibit "I")

130. A letter was sent to me by Judith Keating, Q.C. dated May 8, 2012 advising that she is taking the liberty to respond to my e-mails to the Attorney General as it is a human resources issue. She says the pith and substance relates to the fact that I was not successful in the employment and administrative law group Lawyer I-III competition. It would appear that the Commissioner should ask her if she has seen my e-mails to the Attorney General or if she has talked to her. I would respectfully submit to the Conflict of Interest Commissioner that it would certainly appear that the "pith and substance" is that it appears that the government is contravening the Civil Service Act, the Human Rights Act and natural justice requirements and/or other laws **deliberately** in order to cover up wrongdoing by government officials and employees in respect to their handling of my private and confidential employment applications in open competitions from 2002 to the present date. It is respectfully submitted that the Cabinet Ministers the subject of this Complaint have made decisions to do so in order to further the private interests of Cabinet Ministers and other persons who will be disciplined and/or lose their jobs or positions if I am hired or if there is public scrutiny of what they have done.

131. Ms. Keating continues on to state that it is a requirement of the Civil Service Act that appointments be made on merit. I believe that the Conflict of Interest Commissioner should ask her then why has she not done so as the competition is in her Department and I understand that the Deputy Minister is responsible for hiring and as a lawyer she should not take directions from nor be influenced by the Premier or the Minister of Justice or anyone else to contravene the law (despite they have control over her Deputy Minister position) under the ethical requirements set out in the Code of Professional Conduct of the Law Society of New Brunswick. She further states that "The recruitment process ... was completed in conformity with the requirements of the Civil Service Act. On May 18, 2011 you were informed...that you were not a successful candidate.... Therefore no further actions will be taken .....by our office. Cc. Premier Alward." I believe that the





Conflict of Interest Commissioner can confirm from Cabinet Minutes, the information in my affidavit, and other inquiries that you would make during the course of your investigation that her statement would appear to be deliberately false.

129. She has copied Premier Alward who it would appear has no difficulty with the contents of her Letter which it is submitted the Premier would have known at that time was completely false and he should acknowledge that to you. The requirements of the Civil Service Act REQUIRE that they provide the Statement of Reasons if they are NOT hiring and that an unbiased review take place of the government's actions, which they have prevented by not providing the Statement of Reasons and who will be conducting the unbiased reviews which has been requested by me on MANY occasions.

130. Attached hereto as Exhibit "S" to this my affidavit is a true copy of the Letter of Judith Keating, Deputy Minister of Justice and Deputy Attorney General dated May 8, 2012. It is respectfully submitted to the Conflict of Interest Commissioner that the Premier, the Attorney General and/or Blaine Higgs made the decision to allow this letter to be sent or participated in that decision as they had the power and control to stop it and they knew that it was false and did not do so and contravened the provisions of sections 4 and/or 6 of the Members' Conflict of Interest Act by doing so in order to further or there is the opportunity to further the private interests of other Cabinet Ministers (present or former), Bernard Richard, provincial and municipal government employees and others by protecting their reputations, allowing them to keep their positions or get future appointments or otherwise to further their private interests.

131. Premier Alward is aware and Judith Keating should have been reasonably aware or should have been made so aware by Premier Alward before she wrote that Letter that I was appointed based on merit in December of 2010 as a Lawyer III in the employment and administrative law group. Cabinet Minutes and Premier Alward should also verify that as a result of the actions of Blaine Higgs, as Minister of the Office of Human Resources, the Premier, the Attorney General and/or other Cabinet Ministers or MLA's taking in directly or indirectly or allowing to be taken in directly or indirectly from December 2010 until May 18, 2011 information (from biased unqualified persons involved in the harassment of me) to the effect that based on their perceptions I had mental health issues that I was NOT given the professional position although I won it based on merit. Cabinet Minutes or Premier Alward or other sources in the course of your investigation should verify THAT THE ONLY REASON ON WHICH the letter of May 18, 2011 was sent to me was based on the self serving allegations of the biased unqualified persons involved in the harassment of me to the effect that in their perceptions I had mental health issues. Your investigation should also show that during January to March 2012 just a few months before her letter that Premier Alward was in the process of having the Lawyer III position put in place for me and he along with other employers were dealing with the discipline of the persons involved in the harassment but he stopped doing so because of further improper incorrect allegations of the persons involved in the harassment of me (which Cabinet Minutes should verify) . It is

respectfully submitted to the Conflict of Interest Commissioner that the recruitment process WAS NOT completed in conformity with the Civil Service Act and Judith Keating should certainly have been aware of that by virtue of her position. It is respectfully submitted that your investigation should show and Cabinet Minutes should verify that she deliberately made a false statement violating her oath of office in her position as Deputy Attorney General in the letter to me of May 8, 2012 in order to cover up what the Cabinet Ministers, her Department employees and others had done in contravention of the Civil Service Act and the Human Rights Act. It is respectfully submitted that your investigation should show that she had the obligation to have me hired based on merit and that she deliberately failed to do so and deliberately obstructed justice by writing the letter to me of May 8, 2012. Your investigation should show and it is respectfully submitted that it should cause the Conflict of Interest Commissioner serious concern that it appears that Judith Keating does not consider it contrary to the Civil Service Act and the Human Rights Act for the government to appoint me based on merit and then take in prohibited information from persons outside government contrary to both the Civil Service and the Human Rights Acts to affect the appointment that the government made in respect to me on December 23, 2010 based on merit and then refuse or fail to provide the Mandatory Statement of Reasons and allow the unbiased reviews to proceed THAT ARE REQUIRED BY THE CIVIL SERVICE ACT. The investigation of the Commissioner should also show that the Premier and other Cabinet Ministers have continued to allow and/or cause and/or encourage and/or participate in the harassment of me right up to the present date as those persons have continued to try to find something that the government can use to stop my being hired rather than providing the MANDATORY Statement of Reasons setting out what it had done and allowing the unbiased reviews REQUIRED by the Civil Service Act to be done.

132. It is respectfully submitted that the Minister of Justice and Attorney General, Marie-Claude Blais (to whom the Deputy Minister of Justice and Deputy Attorney General reports) and the Premier to whom she copied the letter participated in the decision to allow her to send that letter to me knowing that the contents were false and that the requirements of the Civil Service Act HAD NOT been complied with by the Department of Justice in which Department the competitions took place. It is further submitted that your investigation should clearly show that they did so in order to further private interests of Cabinet Ministers, provincial and municipal government employees and other persons who would have had to be disciplined if I was hired rather than to act in accordance with the public interest and impartially comply with the requirements of the Civil Service Act.

133. Your investigation should also show and the Premier should confirm that the position of the Saint John Chief of Police has also been in jeopardy and that if I am hired he will likely be removed from his professional position with the City of Saint John. Your investigation should show and the Premier should confirm that he has not done anything to stop the harassment and indeed it appears that he has had the police force participate in the harassment of me to try to assist the Premier and Cabinet Ministers of both the Shawn Graham and the David Alward governments to prove that I have mental health issues



based on the opinions of biased unqualified people many of whom do not even know me and who have many types of biases in order to further the personal interests of Cabinet Ministers, provincial and municipal government employees and other persons within the community who have done wrong and who will have their private interests furthered by keeping their jobs or getting them back, keeping their reputations in tact despite their wrongdoing and/or avoid other consequences of their wrongdoing if I am not hired and the situation is covered up as to what the government, the Ombudsman and the police have done in respect to me as an applicant in open competitions. It is respectfully submitted to the Conflict of Interest Commissioner that the persons from whom they are taking in information **WOULD NOT BE ALLOWED TO EXPRESS ANY OPINION IN ANY COURT OF LAW** as to anyone's mental health or as to what behaviour means. It is my respectful submission that an objective properly qualified person would not report or take in any of the information that the persons involved in the harassment report (who in addition to any other biases or improper conduct, it appears, can only see things meaning what they want them to mean in accordance with their bias or they deliberately set up situations to try to say they mean what they want them to mean or they deliberately provide false information). It is submitted to the Conflict of Interest Commissioner that as a result of the conflict of interest and bias within government and the police force that objective rational thought and compliance with the law as it exists has been replaced by the desire to prevent my being hired in order to protect the private interest of many persons within and outside government who have dealt improperly with me or who have contravened the law in respect to my private and confidential employment applications in open competitions for a Lawyer III position in the NB Civil Service or who have participated in the harassment of me as a result of the situation that the government has caused.

134. A Letter was sent by Nadine Lamoureux dated April 20, 2012 stating "On behalf of Minister Blais, Q.C. I acknowledge receipt of your e-mails. A response will be provided to you forthwith."

135. It appears that Ms. Lamoureux's idea and Ms. Blais' idea of forthwith are different than mine as I have still not received that response from Minister Blais to the e-mails of April 9<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> which particularly required a response in respect to the conflict of the NB Human Rights Commission as a result of the conduct of the Human Rights Commission staff and the Minister of Post Secondary Education, Training and Labour to whom they report.

136. I also requested that the Statement of Reasons be provided in respect to competitions #s 10-44-02 and 10-44-03 that had still not been provided by the Deputy Minister of the Office of Human Resources despite many requests of the Deputy Minister, the Premier and other government employees and officials which statement is **MANDATORY** to be provided under the Civil Service Act or in the alternative a Statement as to why the reasons were not being provided **MUST** be given. I have received neither statement.

137. As of the present date I have not received a response from Ms. Blais and Ms. Keating's Letter addressed none of the serious issues that I would submit to the Conflict of Interest Commissioner the Attorney General should have had her address if she was replying on her behalf. As a Lawyer in the Office of the Attorney General and the Deputy Minister responsible for hiring, it is submitted that Ms. Keating should have addressed in a forthright and candid manner in accordance with the Rules in the Professional Code of Conduct of the Law Society of New Brunswick the issue of the Statement of Reasons as it is a deliberate contravention of the Civil Service Act to not provide the Statement of Reasons once requested or in the alternative to not provide a Statement as to why the Statement of Reasons has not been provided. The government has provided neither statement despite my repeated request. It is respectfully submitted to the Conflict of Interest Commissioner that Ms. Keating's letter is deliberately false.

138. It is further respectfully submitted to the Conflict of Interest Commissioner that I was appointed based on merit in December of 2010 and the hiring has not been completed completely contrary to the requirements of the Civil Service Act and the Human Rights Act and other laws. It is further respectfully submitted that the Premier, the Attorney General, Blaine Higgs and Troy Lifford as Ministers of Human Resources, Deputy Minister Doug Holt, Deputy Minister Judith Keating and others have deliberately violated their oath of office to act in the public interest and ensure compliance with the laws that the LEGISLATIVE ASSEMBLY (of which the Cabinet Ministers are part) ENACTED in order to further private interests of Cabinet Ministers, provincial and municipal government employees and others who have done wrong in respect to how my private and confidential employment applications in open competitions have been handled. It is further submitted to the Conflict of Interest Commissioner that your investigation will show that the Cabinet Ministers and MLA the subject of this Complaint have deliberately caused me to be abused by withholding the Lawyer III position and causing me to be treated with cruelty by persons within and outside government involved in the harassment of me or in other wrongdoing in respect to my employment applications in open competitions who have constantly tried to humiliate me, discredit me and destroy my livelihood in order to protect their own jobs, reputations or otherwise avoid the consequences of their own wrongdoing by finding a reason that the Premier and Cabinet officials would accept to NOT hire me based on merit as required to do by law.

139. It is respectfully submitted that the Commissioner should conclude that as a result of the conflict of interest of government officials and employees resulting from the private interests and jobs of civil servants and Cabinet Ministers and other individuals that (Cabinet Minutes should show and Premier Alward and/or other government officials or employees should verify) are dependent on my not being hired that the Premier, the Attorney General, Blaine Higgs and Troy Lifford ( as the former and present Minister of the Department of Human Resources) are not complying with the Civil Service Act deliberately but it appears are hiding behind it although well aware that they have not complied with it in order to cover up what government officials and employees have done. It is respectfully submitted that the Commissioner should find that the conduct of



the Premier, the Attorney General, Blaine Higgs and Troy Lifford and /or other Cabinet Ministers the subject of this Complaint brings the administration of justice into disrepute and clearly lacks integrity for the government to try to suggest that they are relying upon the Civil Service Act when in fact they are refusing to respect the rights guaranteed by it. It is respectfully submitted that those rights were intended to prevent exactly the type of abuse that I have sustained as a result of wrongdoing by government employees and officials. It is respectfully submitted to the Conflict of Interest Commissioner that by making the decisions that they have made as set out in this affidavit and/or otherwise as your investigation should show, that the Premier, the Attorney General, Blaine Higgs and Troy Lifford have contravened sections 4,5 and/or 6 of the Members' Conflict of Interest Act and/or have breached the public trust and/or have deliberately obstructed justice and /or have deliberately made false statements directly or indirectly and/or any other criminal or other offences as your investigation should reveal. It is respectfully submitted that they made the decisions that they made in order to further private interests of other Cabinet Ministers or former Cabinet Ministers, government employees and other persons and they have NOT acted in the public interest which would have required that they uphold the laws that the Legislative Assembly enacted as they have not impartially complied with the requirements of the Civil Service Act and the Human Rights Act and other laws in respect to the issue of my being hired in open competitions in the Department of Justice.

140. It is respectfully submitted that the Conflict of Interest Commissioner should find that what the Cabinet Ministers, the subject of this Complaint to the Conflict of Interest Commissioner, have done is absolutely reprehensible in a free and democratic society and that the NB Human Rights Commission in fact is not at all operating at arms length from the government nor does it appear that any other legislation designed to protect applicants for a position in the Civil Service from abuse actually achieves the purpose for which it was intended. It is respectfully submitted that your investigation should show that the extreme measures that Cabinet Ministers and other persons under their authority and control took in order to prevent my being hired based on merit is abusive, demeaning, reprehensible and intolerable in a free and democratic society and it brings the administration of justice clearly into disrepute.

141. It is respectfully submitted to the Conflict of Interest Commissioner that the decisions that the Premier, the Attorney General, Blaine Higgs, Martine Coulombe, Danny Soucy and other Cabinet Ministers have made in respect to dealing with my requests to obtain legislated unbiased reviews and an unbiased consideration of my human rights complaint, have been made in complete disregard of the statutory requirements and it is respectfully submitted that the private interests of themselves, other Cabinet Ministers, government lawyers, government employees and other persons will be furthered or there is the opportunity to further their private interests if they find a reason not to hire me and cover up what the government officials and employees have done in their treatment of me as an applicant in open competitions under the Civil Service Act. It is respectfully submitted that the Premier, the Attorney General, Blaine Higgs, Martine Coulombe, Danny Soucy and the other Cabinet Ministers the subject of



MBW

this complaint by making the decisions that they have made as set out in this affidavit or otherwise as your investigation of my complaint should reveal have contravened sections 4,5 and/or 6 of the Members' Conflict of Interest Act.

142. The Premier is I believe fully aware that the New Brunswick Human Rights Commission has a clear conflict yet it appears he has made the decision to allow it to proceed and it appears that its intent is to dismiss my human rights complaint in order to cover up what the government has done to me in order to further the private interests of Cabinet Ministers and others. It is respectfully submitted that his actions contravene sections 4, and/or 6 of the Members' Conflict of Interest Act.

143. The investigation of the Conflict of Interest Commissioner should show that the two Responses filed by Andrea Folster the solicitor for the Respondents on behalf of all Respondents including Blaine Higgs, Premier Alward and Attorney General Blais each contain false information that is designed to get the result that Andrea Folster and the Premier and other cabinet ministers want to obtain in my human rights complaint proceeding which I submit is to have it dismissed without scrutiny in order to cover up the wrongdoing by Cabinet Ministers, provincial and municipal government employees and others in respect to my private and confidential employment applications in open competitions.

144. Andrea Folster who is the section head for the employment and administrative law section of the Department of Justice, Office of the Attorney General is an employee of the government for which Cabinet is responsible and the NB Human Rights Commission reports to the Cabinet Minister of the Department of Post Secondary Education, Training and Labour. As well Andrea Folster would appear to be a potential witness as she was on the Board of Examiners for the July 26, 2010 interview and she is an employee of the Department of Justice. It would appear that the Law Society Rules of Professional Conduct would provide that she has a conflict and should not be acting on behalf of the Respondents. The investigation of the Conflict of Interest Commissioner should show that the decision to file the Responses containing false information participated in or made by the Premier, the Attorney General and/or Blaine Higgs (as they are Respondents) contravenes the Members' Conflict of Interest Act as there is the opportunity to further the private interests of themselves and/or other Cabinet Ministers and provincial and municipal government employees by filing Responses stating false information that supports the position of the Respondents.

145. It is respectfully submitted that the public interest would have required that the Premier, Attorney General Blais and Blaine Higgs, as Cabinet Ministers who are Respondents, filed truthful Responses and ensured that an unbiased human rights commission handled my complaint and that there was a public hearing where cross examination etc could occur if they were not going to follow the Civil Service Act and hire me based on merit. It is respectfully submitted to the Conflict of Interest Commissioner that the Human Rights Act states that they are still obligated to hire me

R

MBK



despite I have filed a human rights complaint. It would appear that the Conflict of Interest Commissioner can conclude that the Premier, Attorney General Blais, Blaine Higgs, Danny Soucy and Martine Coulombe have deliberately attempted to obstruct justice by filing Responses containing false information particularly as it appears that they control the New Brunswick Human Rights Commission and its staff based on the actions of staff in preparing a Report based on the false information and failing to correct the false information that affects their recommendations despite they know or reasonably ought to know that information provided by the Respondents on which their recommendations adverse to me are based is false. The Cabinet Ministers and others on whose behalf the Responses were filed are responsible for knowing what was filed on their behalf and should have stopped the Responses containing false information from being filed BEFORE they were filed. It appears as a result of the Conflict of Interest of each of those Cabinet Ministers who is a Respondent and the bias resulting from that conflict that they did not do so and have DELIBERATELY participated in filing false responses to further the private interests of themselves, other Cabinet Ministers, government officials and employees and other persons.

146. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that they made the decision to allow the Responses containing false information to be filed to further their private interest and the private interest of many government employees in order that the NB Human Rights Commission will dismiss my complaint and prevent any public hearing or any disclosure of the fact that they deliberately filed false information and to avoid any requirement that they compensate me for the severe harassment and any and all other appropriate relief. In addition it is respectfully submitted that their decisions assist the government in covering up the manner in which they have dealt with me and treated me as an applicant in open competitions completely contrary to the Civil Service Act, the Human Rights Act, the rules of natural justice, the criminal code and/or other applicable law. It is further respectfully submitted that the Premier, the Attorney General, Blaine Higgs, Martine Coulombe, Danny Soucy and other Cabinet Ministers who have participated with them have deliberately contravened sections 4, 5, and/or 6 of the Members' Conflict of Interest Act.

147. I believe that the Conflict of Interest Commissioner would agree with me that there is no excuse ever for a lawyer to deliberately file Responses containing false information on behalf of his or her clients in any legal proceeding of any nature or type whatsoever. I believe that it is also extremely wrong for the Respondents to allow her to do so as they are responsible to read the documents and ensure they are correct and accurate BEFORE she files them on their behalf, particularly when they are Cabinet Ministers who have taken an oath of Office to act in the public interest. When they have had My Comments in respect to the TLE Request Report for over one month and they have STILL NOT provided truthful information it is respectfully submitted to the Conflict of Interest Commissioner that they HAVE DELIBERATELY COMMITTED FRAUD and/or OBSTRUCTION OF JUSTICE and/or BREACH OF PUBLIC TRUST and /or any other





criminal or other offences that your investigation reveals.

148. I would also respectfully submit that if Andrea Folster wants to adduce as evidence letters and the very bizarre one page attachment that she has filed,( that appears to indicate that the Department of Justice may not have to deal with my complaint concerning Andrea Folster for filing the false Responses yet) that she would have to call AT THE HEARING the person who wrote the letters or e-mails etc. in order to introduce those letters etc and then have them give evidence at the hearing which can then be cross examined upon under oath by me to test the evidence. It would appear that upon cross examination it would be revealed that they were waiting for me to be discredited as having mental health issues based on the perceptions of biased unqualified persons involved in the harassment of me or for the NB Human Rights Commission to dismiss my complaint without public scrutiny or hearing in order that Andrea Folster would NOT have to be disciplined and/or removed from her position.

149. As a former trial judge and lawyer I believe that the Commissioner would be aware that cross examination is absolutely essential when there are credibility issues. I believe that the Commissioner should be able to confirm through the Premier (as the Premier has dealt with this matter) that the Responses of Andrea Folster DO CONTAIN FALSE INFORMATION and despite my bringing this to the attention of all Respondents and Andrea Folster by my Replies in respect to those Responses and also in my complaint to the Premier in respect to Andrea Folster, the government has NOT ADMITTED that the information was false. It appears that THE NB HUMAN RIGHTS COMMISSION WITH THE BLESSING OF THE PREMIER AND ALL OTHER RESPONDENTS AND WITH THE KNOWLEDGE OF THE MINISTER OF POST SECONDARY EDUCATION, TRAINING AND LABOUR, who as a Cabinet Minister knows or reasonably ought to know that those RESPONSES CONTAIN FALSE INFORMATION, IS NOW ATTEMPTING TO MOVE FORWARD RELYING UPON THOSE RESPONSES CONTAINING THE FALSE INFORMATION FILED BY ANDREA FOLSTER to have my human rights complaint ADVERSELY affected as recommended in the TLE Request Report prepared by Jennifer LeBlanc. It is respectfully submitted that if the Respondents file truthful information not only do I have a strong arguable case but I would respectfully submit that it is very clear that my human rights complaint is COMPLETELY and FULLY JUSTIFIED. In fact YOUR investigation should show very clearly based on Cabinet Minutes and the record of information that the government has taken in directly or indirectly to affect my employment applications in open competitions from the persons involved in the harassment of me from 2008 right up to the date of this affidavit that THERE WAS DISCRIMINATION BASED ON PERCEIVED MENTAL HEALTH ISSUES based on the self serving perceptions or deliberately false information as to mental health issues provided by the biased and unqualified persons involved in the harassment of me to the government DESPITE THE CLEAR PROHIBITION of such information by the Civil Service Act and the Human Rights Act.

150. It is respectfully submitted to the Conflict of Interest Commissioner that cross-

examination at a full public hearing of the Respondents in my human rights complaint is absolutely essential in the administration of justice (as a result of the credibility issues arising from the Responses filed) before an unbiased Board of Inquiry from outside of the province in light of the very powerful high ranking officials involved in this matter to ensure a fair impartial unbiased hearing in accordance with the principles of natural justice and to ensure proper application of the laws applicable impartially and fairly. The Labour and Employment Board which the Human Rights Act provides is to form the Board of Inquiry if the NB Human Rights Commission in their discretion finds that the complaint should go to a Board of Inquiry has members who are still dependent on being appointed by the Premier (through Lieutenant-Governor in Council) and there is certainly an appearance of bias when the Premier is a Respondent as their re-appointment (or possibly other appointments) would it appears be dependent on him. Also the Board provides its report to Danny Soucy, the Minister of Post Secondary Education, Training and Labour. In light of what has occurred with the Ombudsman and the NB Human Rights Commission there would be no confidence at all I would submit that justice would be done unless my matter is handled in its entirety by a Human Rights Commission from outside the province.

151. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation will show that after my complaint dated on or about September 9, 2012 that Andrea Folster then filed a second Response containing further false information in an attempt it appears to have the NB Human Rights Commission be in a position to proceed to eventually dismiss my complaint so that the government can cover up what has occurred in the open competitions in which I am or was an Applicant and also it would now appear in order to enable her to keep her own job. It is submitted that the Conflict of Interest Commissioner should also be concerned in light of what has occurred to date that it was directly or indirectly communicated to Andrea Folster what the NB Human Rights Commission staff needed her to put in the second Response in order for Commission staff to be able to prepare a Report that adversely affected my human rights complaint. (which the NB Human Rights Commission staff has subsequently proceeded to do.) It would appear that Andrea Folster is deliberately attempting to obstruct justice when she further states that "Regarding 09-45-10 I understand that the Office of the Ombudsman has confirmed that the position was filled in accordance with the applicable legislation, policy and procedures ie. Merit however no closing letter was sent to the department."

152. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation should show that for Andrea Folster to not admit on behalf of the Respondents that the Ombudsman Bernard Richard was removed from his position in April of 2010 as a result of his lying in his reporting letter to me in respect to his findings in competition 09-45-10 as well as a result of other conduct by him or his staff as part of the Ombudsman review in respect to that competition and that as a result his review was completely invalid, is it would appear completely unethical and/or a further false statement in deliberate obstruction of justice to obtain the result that she and the other Respondents want to obtain in my human rights proceeding. It is respectfully submitted that the Premier, the Attorney General and Blaine Higgs have participated in her decision

A

MBK

to file that false statement as they are Respondents and have not had it corrected as of the present date despite each of them KNOW or reasonably ought to know that the Ombudsman was removed from his position as a result of his unethical conduct in respect to his review of my complaint regarding competition #09-45-10 and that as a result his review was invalid. It appears that by making the decision or participating in the decision to allow that false statement to be filed that the Premier, the Attorney General and Blaine Higgs have furthered the private interests of many persons including themselves, Andrea Folster, Bernard Richard and many other officials and employees of the provincial and municipal governments as well as other persons who will have their private interests furthered by having their reputations protected or by being able to keep their jobs or positions or by being able to get further appointments etc or there is opportunity to further their private interests if what government officials and employees have done to me remains covered up while the government destroys my reputation within the community and my livelihood deliberately to protect the private interests of Cabinet Ministers and others. It is respectfully submitted to the Conflict of Interest Commissioner that by doing so they have contravened section 4, 5 and/or 6 of the Members' Conflict of Interest Act.

153. Andrea Folster then states "The Respondents deny any specific knowledge of a mental disability or a perceived mental disability but in any case Ms Rose's candidacy for all competitions was considered." This statement would appear to suggest that having to have a proper fair consideration of an applicant by unbiased persons is unnecessary and as long as an applicant is considered that is sufficient. That certainly is NOT the criteria in the Civil Service Act as ALL matters are to be dealt with using integrity. It is respectfully submitted to the Conflict of Interest Commissioner that allowing biased persons to hide the truth and prevent a hearing would certainly NOT meet the standard set out in the Civil Service Act. I would submit to the Conflict of Interest Commissioner that you should find her statement is even more unethical when, the Premier in light of his oath of office should be required to verify to the Commissioner and Cabinet Minutes should show , that for over two years since December of 2010 right up to the present date the government has caused harassment of me and has encouraged it by allowing it to continue and with the participation of the chief of police and the police force has taken in information repeatedly from biased unqualified persons who have followed me and monitored my actions within my private life WITH THE KNOWLEDGE OF THE PREMIER AND THE CHIEF OF POLICE in order to continuously provide the government with information that is supposed to "prove " that in their perceptions I have mental health issues based on their biased unqualified opinions and the government has used that information as THE reason NOT to hire me based on merit when it sent the Letter of May 18, 2011.

154. It is respectfully submitted to the Conflict of Interest Commissioner that the decision of the Premier, the Attorney General and Blaine Higgs to participate in that statement being filed as they are Respondents is completely unethical and contrary to section 4



and/or 5 of the Members' Conflict of Interest Act as there is the opportunity to further the private interests of themselves, other Cabinet Ministers and other persons and to cover up their wrongdoing if my human rights complaint is dismissed by their false representation. The Premier and/or the police should be required to provide to you a RECORD of ALL of the information they took in from the biased unqualified persons outside government to indicate that in those persons' perceptions I had mental health issues from 2008 to the present date which should be a very long record as I understand they have continuously taken in information from those persons to adversely affect my private and confidential employment applications in OPEN competitions since at least December 2010 despite my continuous objection that any such information is prohibited by the Civil Service Act AND the Human Rights Act. It is respectfully submitted to the Conflict of Interest Commissioner that that record of information will clearly show that the requirements of the Civil Service Act and the Human Rights Act WERE NOT FOLLOWED and that the decision or participation in the decision by the Premier, the Attorney General, Blaine Higgs and any other Cabinet Ministers the subject of this Complaint to take in and use that information that is NOT available to the General Public as a reason to not hire me based on merit in order to further or to seek to further the private interests of themselves, other Cabinet Ministers, government employees and other persons contravenes sections 4 and/or 5 of the Members' Conflict of Interest Act.

155. The Conflict of Interest Commissioner's investigation should show and Cabinet Minutes should indicate that the Premier IS FULLY AWARE that the Lawyer III position in the employment and administrative law group was denied to me specifically in May of 2011( and Lawyer III positions in the two prior competitions in which I was an applicant details of which are set out earlier in this my affidavit) based on the allegations of the persons involved in the harassment of me to the effect that I had mental health issues based on the perceptions of those biased unqualified persons. It is respectfully submitted that the statement in #152 above in respect to the Ombudsman finding that proper procedures were followed is completely false and that that statement was deliberately made in the Response of the Respondents to obstruct justice and defeat my human rights complaint which is based on the government improperly taking in information as to perceived mental health issues contrary to the Human Rights Act from biased unqualified persons. In fact Cabinet Minutes should show and Premier Alward should verify that the Ombudsman was removed from his position as a result of HIS conduct on that review.

156. It would appear that the Conflict of Interest Commissioner could conclude that this statement was deliberately fraudulent and intended to obstruct justice by having the NB Human Rights Commission rely on that statement to dismiss my complaint and cover up what the government has done and that the Premier, Blaine Higgs and the Attorney General have taken in information that is an offence under the Human Rights Act to take in. It would appear that AT THE PRESENT TIME OFFENCES ARE STILL BEING COMMITTED under the Human Rights Act as your investigation should show that the Premier and the Respondents ARE STILL taking in information as to my mental health from persons involved in the harassment to affect my being hired based on merit.



157. As part of your investigation it is further respectfully submitted that Cabinet Minutes will show or the Premier has an obligation to admit to you that improper information went out from government as to my mental health as a result of information improperly exchanged between the NB Human Rights Commission and government in or about April of 2012( it is believed that it was the Department of Justice ) after I was contacted by Sarina McKinnon, a staff member at the NB Human Rights Commission BEFORE I even filed my complaint. This would appear to be extremely serious when one of the Statements in the Report enclosed with the Letter of Jennifer LeBlanc dated Febraury 6, 2013 states that one of the reasons the NB Human Rights Commission is using to deny my time limit extension request is that it says that I have no mental health issues. I do not have any mental health issues and it is submitted that it is extremely relevant to the severity of misconduct of the Cabinet Ministers the subject of this Complaint as they have clearly admitted that for the purposes of finding against my time limit extension request that I have no mental health issues. However, the Premier is aware and Cabinet Minutes should show that the government and the persons involved in the harassment of me have deliberately tried to create the perception that I do have mental health issues in order for the government to use that as a reason to deny me the professional position as a Lawyer III based on merit and the government did in fact use that as its reason in May of 2011 when it sent me the letter advising that I was not being given the Lawyer III position. Your investigation should also show that if the government does not hire me the Premier and other Cabinet Ministers the subject of this Complaint know or reasonably ought to know that as a result of their actions that persons within the community involved in the harassment of me will say that I have mental health issues and that was why I was not hired and that WILL BE the perception left within the community. I would submit to the Conflict of Interest Commissioner that that would clearly bring the administration of justice into disrepute.

158. I respectfully submit to the Conflict of Interest Commissioner that if we cannot rely on the persons who participate in the enactment of the laws in the Legislature to comply with them or have systems in place to ensure that they comply with the laws or that measures are taken if they deliberately disregard them, that it brings the entire administration of justice into disrepute.

160. Attached hereto as Exhibit "U" to this my affidavit please find a true copy of my human rights complaint dated April 17, 2012 filed with the NB Human Rights Commission.

161. Attached hereto as Exhibit "V" to this my affidavit please find a true copy of my Time Limit Extension Request dated April 17, 2012 filed with the NB Human Rights Commission.



government immediately after Sarina McKinnon contacted me. If that was done by Jill Peters or by Martine Coulombe or anyone else after they got the information from Sarina McKinnon the letter of Jill Peters it appears was deliberately misleading and designed to cover up the fact that there was collusion between the government and the NB Human Rights Commission right from the beginning to discredit me and have my complaint dismissed without a public hearing if they could do so in order to cover up what the government had done. Premier Alward should verify to you that such an exchange occurred, that negative information went out into the community from the government to the effect that I had mental health issues and that the improper negative information WAS CORRECTED after I addressed the situation with the government. He should also verify to you as indicated above that Martine Coulombe and the Deputy Minister of the department of Post Secondary Education Training and Labour were removed as a result of their improper conduct in respect to the handling of my complaint on September 27, 2010 and he should be required to you to PROVIDE ALL details of improper conduct. Cabinet Minutes or the dissenting Cabinet Minister should also show or confirm that there has been improper collusion between the government and the NB Human Rights Commission right from the initial stages to have my complaint dismissed in order to cover up what government officials and employees have done in respect to the handling of my human rights complaints. It is submitted to the Conflict of Interest Commissioner that the Cabinet Ministers who made that decision or participated in that decision to try to improperly have my reputation affected and my complaint dismissed have done so in order to further the private interests of Cabinet Ministers and other persons and have contravened section 4, 5 and/or 6 of the Members' Conflict of Interest Act by doing so. It is respectfully submitted that Premier Alward, Martine Coulombe and the Attorney General participated in those decisions and that your investigation may also show other cabinet Ministers were involved and made the decision to accept any negative information provided by Sarina McKinnon before I even filed my written complaint and allowed negative information to go out into the community as a result of that exchange. It would appear that this should concern the Commissioner that that was a decision to deliberately breach privacy laws in order to assist the government in discrediting me.

160. I immediately advised the government that I was NOT withdrawing and that it was improper for the Commission to proceed in the face of a Conflict and the Premier should arrange an unbiased human rights commission to handle my complaint in its entirety. As the information was corrected within the community the Premier should verify to you that the NB Human Rights Commission was also advised as well that the information provided as a result of Sarina McKinnon contacting me had been corrected. However, on June 14, 2012 I received a letter from Jennifer LeBlanc Manager of Investigations asking if I wished to proceed. I assume the NB Human Rights Commission KNEW that I was proceeding and that was why the letter was now from Jennifer Leblanc. Attached hereto as Exhibit "U" to this my affidavit is a true copy of the letter of Jill Peters dated April 26, 2012 and the letter of Jennifer LeBlanc dated June 14, 2012.



161. It is respectfully submitted to the Commissioner that the Prime Minister, Martine Coulobé, the Attorney General made or participated in having the NB Human Rights Commission proceed in the face of an extremely severe conflict and in fact I believe you could find deliberate conduct designed to obstruct justice and prevent fair and impartial handling of my complaint in order to further the private interests of Cabinet Ministers and other persons who would lose their jobs or positions or be otherwise disciplined if I was successful on my complaint or if it was publicly heard or if I was hired. The Premier or the dissenting Cabinet Minister should be able to confirm to you that MANY persons involved in the harassment were aware that I was filing a human rights complaint even before I did so and that they were waiting to hear from the government as to if my complaint could be improperly affected or dismissed when the improper information went out into the community to the effect that I had mental health issues as a result of Sarina McKinnon's contact with me. Objectively there was nothing negative in ANY way about my contact with her.

162. What occurred even in those initial stages based on information I understand from Sarina McKinnon should be extremely concerning to the Conflict of Interest Commissioner when one of the Statements in the Report prepared by Jennifer LeBlanc enclosed with her Letter dated February 6, 2013 states that one of the reasons the NB Human Rights Commission is using to deny my time limit extension request is that it says that I have no mental health issues. When it appears that Sarina McKinnon gave deliberately incorrect information to the government to the opposite effect that was released into the community without my even being able to respond to it to adversely affect my being hired, it appears that the Commissioner should be extremely concerned with the conduct of Martine Coulobé who it is respectfully submitted the Premier will have to verify to you made the decision or participated in the decision for Sarina McKinnon to deliberately breach the impartial conduct commission members are required to follow and deliberately release information to assist the government to get the result that it wanted to obtain.

163. I do not have any mental health issues and it is submitted to the Conflict of Interest Commissioner that the government has deliberately tried to create that impression in order to justify the conduct of its Cabinet Ministers, officials, employees and other persons in order to further their private interests of keeping their positions and/or otherwise avoiding discipline as a result of their wrongdoing. The Commissioner it is submitted should find the conduct of the Cabinet Ministers reprehensible and intolerable in a free and democratic society and clearly brings the administration of justice into disrepute. It is further submitted that it is extremely relevant to the severity of misconduct of the Cabinet Ministers the subject of this Complaint that they have deliberately stated in the Response dated October 25, 2012 filed by Andrea Folster that

"The respondents deny any specific knowledge of a mental disability or a perceived mental disability but in any case Ms. Rose's candidacy for all competitions was considered. She was not the successful applicant





and the positions were awarded to other candidates on the basis of merit.”

It is respectfully submitted to the Conflict of Interest Commissioner that the statements in this quote from the second Response of the Respondents are deliberately and completely false. It is submitted that this is deliberate unethical and fraudulent conduct by Andrea Folster and ALL Respondents designed to destroy my livelihood and cover up the wrongdoing of the cabinet Ministers and government officials, employees and other persons in order to further their private interests of keeping Cabinet positions, lawyer positions and other jobs and or avoiding other consequences of wrongdoing .In light of the record of information that should be provided to you by the Premier as to all of the information that government officials and employees have taken in from biased unqualified persons involved in the harassment of me to the effect that in their perception I have mental health issues, this statement in a formal legal document that will adversely affect my rights used deliberately in a report prepared by Commission staff to affect its recommendations which are adverse to me when Commission members who are appointed by Lieutenant Governor in Council (Premier Alward and Cabinet ) have the discretion under the Act to dismiss my complaint AT ANY STAGE (WITHOUT SANY CROSS EXAMINATION, PUBLIC SCRUTINY or PUBLIC HEARING should horrify the Commissioner.

164. It should be even more concerning to the Commissioner (as the Premier and the dissenting Cabinet Minister should confirm or Cabinet Minutes should show) and it is submitted that your investigation should show, that Cabinet Ministers including Michael Murphy have made it known by accepting the information or otherwise made it known to the biased unqualified persons involved in the harassment that the Department of Justice would take in any information that those persons could provide to suggest that I had mental health issues to use as a reason to not hire me. I do not have any mental health issues and at about the time that I understand Michael Murphy began to take in such information I had an interview for the specialized prosecution branch position and it should be verified by Mr. Mockler, the Director of that Branch, that I had presented well and that I had won the position based on merit. ( as otherwise it is submitted that Michael Murphy would not have had to take in information to say that I had mental health issues in order to not hire me based on merit.) In addition as mentioned I believe above one day after that interview, TJ Burke was required to resign from the Legislature and it was announced on the TV news by him and Premier Graham that he was returning to private practice. He had been removed as Minister of Justice and Attorney General I understand after Gillian Miller and Cst Scaplan addressed the government in May 2008 or shortly thereafter as a result of what happened at the Atelka call centre. It is submitted that your investigation should show that Michael Murphy's conduct and any other Cabinet Minister who has taken in such information has counseled and/or encouraged and/or participated in criminal harassment and their conduct was a deliberate breach of the public trust and intended to deliberately obstruct justice to further the private interests of Michael Murphy's friend and colleague TJ Burke, and/or other persons.

165. It is respectfully submitted that I have been deliberately harassed and tormented by people trying to characterize ordinary actions and occurrences or trying to deliberately distort ordinary comments or actions or providing deliberately provide false information to the government in order to destroy me as their targeted victim and succeed in stopping my being hired as a result of the conduct of the Cabinet Ministers the subject of this complaint and other cabinet ministers, government officials and/or employees taking in information from them directly or indirectly in order to further the private interests of themselves or others who will be able to keep their jobs or avoid other consequences of discipline if I am not hired. I respectfully submit to the Conflict of Interest Commissioner that the decisions of Cabinet Ministers to CAUSE this situation or to participate in taking in the information from the biased unqualified persons involved in the harassment was and is deliberate participation in criminal harassment to deliberately obstruct justice by finding a way to avoid hiring me based on merit AS REQUIRED by the Civil Service Act and the Human Rights Act requirements in order to further the private interests of other Cabinet Ministers, government employees and other persons.

166. It is respectfully submitted that the Respondents made the statement set out in 163 above and the NB Human Rights Commission made the finding in its report that I do NOT have any mental health issues solely **for the purpose of finding against my time limit extension request and to be able to have the NB Human Rights Commission cover up what the government has done and proceed to adversely affect a large portion of my complaint and then to proceed to dismiss my complaint entirely.** The Premier is aware and Cabinet Minutes should show that the government and the persons involved in the harassment of me have deliberately tried to create the perception that I do have mental health issues in order for the government to use that as a reason to deny me the professional position as a Lawyer III based on merit and the government did in fact use that as its reason in May of 2011 when it sent me the letter advising that I was not being given the Lawyer III position. Your investigation should also show that if the government does not hire me the Premier and other Cabinet Ministers the subject of this Complaint know or reasonably ought to know that as a result of their actions that persons within the community involved in the harassment of me will say that I have mental health issues and that was why I was not hired and that WILL BE the perception left within the community. I would submit to the Conflict of Interest Commissioner that that would clearly bring the administration of justice into disrepute.

167. I respectfully submit to the Conflict of Interest Commissioner that if we cannot rely on the persons who participate in the enactment of the laws in the Legislature to comply with them whether or not they like the result or have systems in place to ensure that they comply with the laws or that measures are taken if they deliberately disregard them, that it brings the entire administration of justice into disrepute. Quite frankly it is submitted to the Conflict of Interest Commissioner that what the Cabinet Ministers the subject of this Complaint and employees in the department of Justice and employees in the NB Human Rights Commission have done is illegal and so unethical that it appears there CAN BE ABSOLUTELY NO CONFIDENCE THAT they would adhere to ethical conduct or their



MBR

oath of office in any duties in respect to the matters of anyone else. It appears that there should be a complete rehiring in those departments of ethical people and it is respectfully submitted that the positions should be advertised RIGHT ACROSS CANADA to try to attract persons without any connection to high powered and/or wealthy people in New Brunswick and who WILL NOT BE INFLUENCED by colleagues to commit crimes and or violate their oath as an officer of the court or their oath of office as a public official or employee in the civil service in order to assist colleagues or others to DELIBERATELY COVER UP WRONGDOING AND CRUSH the person who has been made a victim by the wrongdoing of government officials and employees in order to succeed in their furthering the private interests of themselves, other Cabinet Ministers, government employees and other persons.

168. Attached hereto as Exhibit "V" to this my affidavit please find a true copy of my human rights complaint dated April 17, 2012 filed with the NB Human Rights Commission.

169. Attached hereto as Exhibit "W" to this my affidavit please find a true copy of my Time Limit Extension Request dated April 17, 2012 filed with the NB Human Rights Commission.

170. Attached hereto as Exhibit "X" to this my affidavit is a true copy of the Response of the Respondents filed by their solicitor Andrea Folster dated August 13, 2012 with the NB Human Rights Commission together with the letter of Jennifer LeBlanc dated August 28, 2012.

171. Attached hereto as Exhibit "Y" to this my affidavit is a true copy of my Reply dated September 10, 2012 filed with the NB Human Rights Commission.

172. Attached hereto as Exhibit "Z" to this my affidavit is a true copy of the Further Response of the Respondents filed by their solicitor Andrea Folster dated October 25, 2012 with the NB Human Rights Commission.

173. Attached hereto as Exhibit "AA" to this my affidavit is a true copy of my further Reply dated November 20<sup>th</sup>, 2012 filed with the NB Human Rights Commission.

174. Attached hereto as Exhibit "BB" to this my affidavit is a true copy of the TLE Request Report prepared by the New Brunswick Human Rights Commission staff member, Jennifer LeBlanc dated February 4, 2013.

175. Attached hereto as Exhibit "CC" to this my affidavit is a true copy of The Comments of the Complainant in respect to the TLE Request Report contents dated March 7, 2013.

176. It is respectfully submitted to the Conflict of Interest Commissioner that the contents of the TLE Request Report prepared by Jennifer LeBlanc of the NB Human



Rights Commission are a very serious concern. I believe that the Commissioner, in light of the very severe conflict of the Premier, Blaine Higgs the Attorney General and the Minister of Post Secondary Education, Training and Labour as well as others within government and within the NB Human Rights Commission, should be extremely concerned that as the Report is based on deliberately false information contained in the Responses of the Respondents, that it is a deliberate attempt by Jennifer LeBlanc and any other Commission staff who participated in its preparation to obstruct justice and prevent a fair and public hearing of my human rights complaint. In light of the last name I would also submit that if Jennifer LeBlanc is related by marriage or in any other way to Bernard LeBlanc or Yvon LeBlanc or anyone else connected with wrongdoing in the government as set out in this affidavit and/or as your investigation should reveal, I would submit, there would be an even more serious concern as to conduct of government employees and officials although what has occurred is absolutely I would submit beyond any tolerance level for a free and democratic society ruled by law in which fairness and impartiality and integrity are critical factors and I submit that the administration of justice has been completely brought into disrepute.

177. These concerns are addressed in my Comments of the Complainant in respect to the Report contents. I respectfully submit to the Conflict of Interest Commissioner that Danny Soucy has a clear conflict as a Member of Cabinet and as the NB Human Rights Commission reports to him it also has a clear conflict. I would submit that as Danny Soucy has not arranged for an unbiased Human Rights Commission to handle my complaint that his decision contravenes section 4 of the Members' Conflict of Interest Act as there is the opportunity to further the private interests of other Cabinet Ministers, himself, staff of the NB Human Rights Commission and other persons by making the decision to allow the NB Human Rights Commission to proceed. As there is a conflict and a bias the NB Human Rights Commission has no authority to proceed and I believe should have been so instructed by the Premier and/or Cabinet. If Cabinet and the individual Members of the Legislative Assembly the subject of this Complaint did not have a conflict of interest and a bias resulting therefrom I respectfully submit that they would have ensured that an unbiased Human Rights Commission handle my matter and they would have acted very differently than they have acted throughout this matter. The investigation of the Conflict of Interest Commissioner should clearly show that their conduct results from the need to protect their private interests or the private interests of other persons rather than adhering to the laws enacted by the Legislative Assembly and protecting the integrity of the Civil Service Act and the system it governs in the public interest in accordance with their oath of office.

178. Although my detailed comments in respect to the report are set out in Exhibit "BB" attached to this my affidavit, I would indicate the following:

(1) It appears that the Report is a deliberate attempt to cover up what the Respondents have done by proceeding on the false information in the Responses prepared by Andrea Folster which Responses the Premier, the Minister of Post Secondary Education to whom





the Human Rights Commission reports, the Attorney General and others in government clearly know contain false information.

(2) The Report appears to rely heavily on the fact that NO OUTSIDE INFORMATION was taken in by the government to affect the current or any other open competition in which I was an applicant. This is false and all of the Respondents, the Saint John Chief of Police and other Cabinet Ministers and people within the community KNOW this.

(3) The Report appears to try to set it up to say that the Applicant believes that outside individuals attempted to influence the competition and as the government and the Ombudsman letters clearly say that did not happen then it appears that what the Applicant believes means that she has mental health issues.

(4) It would appear that the NB Human Rights Commission is trying to cover up for the government and in order to do so is basing its recommendations in a formal legal report that is to be relied upon to deny or affect the fair consideration of my human rights complaint on information that is deliberately false and which Danny Soucy and/or the NB Human Rights Commission staff KNOW OR reasonably ought to know is false.

(5) The investigation of the Conflict of Interest Commissioner should show that this Report would appear to be deliberately prepared to protect the private interests of cabinet members, the former Ombudsman Bernard Richard, the Saint John police chief and other members of the police force as well as other government employees like Andrea Folster and other persons who have deliberately done wrong, to assist in covering up the wrongdoing of government officials. Your investigation should also show that the Premier, the Attorney General, Blaine Higgs and Danny Soucy have done nothing to correct the false information provided by the Respondents despite the Department of Justice should have had the Report for approximately two months and the Premier has

Page 143

had MY Comments in respect to the Report since about March 8, 2013.

(6) The Conflict of Interest Commissioner should be able to conclude that the contents of the report are based on false information that affects the recommendations in the report to be adverse to me. It would appear that reliance on the false information has been used to enable the NB Human Rights Commission to recommend not to extend the time limit. If truthful information had been provided by the Respondents it is respectfully submitted that they would have had to admit my entire complaint and the recommendations in the Report would have been clearly in my favor. It is respectfully submitted that this Report is just the first step towards eventually dismissing my whole complaint based on the false information filed by the respondents in order to cover up what the government officials and employees have done to contravene the law in respect to how I was treated as an applicant in open competitions. It is respectfully submitted that the Conflict of Interest Commissioner should be very concerned that this is deliberate obstruction of justice and fraud under the criminal code and that it has been done with the blessing of the Premier



and Danny Soucy, the Cabinet Minister to whom the Human Rights Commission reports and the Attorney General Marie-Claude Blais and the former Minister of Human Resources Blaine Higgs who are Respondents and who it is submitted clearly know or reasonably ought to know that the contents of the Report are based in part on deliberately false information contained in the Responses filed by Andrea Folster which any Cabinet Minister knows or reasonably ought to know as a result of what has occurred since December 2010 contain false information.

(7) Bruce Court who is one of my oral references on the two 2010 competitions and who was a city councillor at that time should be able to verify to you or under oath by subpoena at any hearing that the Responses filed by Andrea Folster contain false information if you advise him that one of the Responses indicates that no information was taken in from persons outside the provincial government to affect my employment applications in open competitions. He should also be able to verify that the government has taken in from city employees such as bus drivers, police officers and/or firemen as well as other biased and unqualified persons within the community, information as to their opinions as to my mental health and that the government was aware that these persons were following me, monitoring and reporting on my daily activities in my private life in order to provide information to the government that it could use to say that I had mental health issues in order that the government could use the information as a reason to not hire me. He should also be able to verify to you that if I am not hired that the private interests of cabinet ministers, provincial government employees, municipal government employees and other individuals within the community would be furthered as they would be able to keep their jobs or professional positions or appointments or otherwise avoid the consequences of their involvement in the harassment of me or of their wrongdoing in how they treated me in open competitions with the provincial government.

(8) Bruce Court should also be able to verify for you or under subpoena at any hearing as he was a city councillor at the time that between January 2012 and approximately March  
Page 144

2012 that the City of Saint John dealt with various employees including bus drivers as a result of their participation in the harassment of me by following me and/or monitoring my actions and/or reporting their opinions on my mental health. He should also be able to verify to the Conflict of Interest Commissioner or under subpoena at any hearing as to the type of information or what these people reported, where they watched me or details of why City Council dealt with the discipline of those employees. He should also be able to verify to the Conflict of Interest Commissioner or under subpoena at any hearing that as a result of further improper information taken in from the biased unqualified persons involved in the harassment of me reporting their opinions on private actions in private life that the Premier and the city council stopped their discipline of the people involved in the harassment of me and the government stopped the process to hire me in or around March of 2012.

(9) It is respectfully submitted to the Commissioner that the conduct of the NB Human



Rights Commission and the Respondents is reprehensible, deliberately fraudulent and designed to deliberately obstruct justice and adversely affect the outcome of my human rights complaint in the NB Human Rights Commission.

179. The investigation of the Conflict of Interest Commissioner and Cabinet Minutes should show that the Premier removed the prior Minister and Deputy Minister of Post Secondary Education, Training and Labour as a result of their improper actions in respect to my human rights complaint on September 27, 2012.

180. It would be respectfully submitted to the Conflict of Interest Commissioner that as a result of the contents of the TLE Request Report and by the NB Human Rights Commission again trying to proceed and by the Respondents failing to correct the false information on which the Report is based that the Conflict of Interest Commissioner can conclude that the Respondents (including the Premier, the Attorney General and Blaine Higgs) and the NB Human Rights Commission and Danny Soucy have made the decision to collude in order to have my human rights complaint dismissed without a public hearing in order to cover up how they have treated me and in order to further the private interests of Cabinet Ministers, provincial and municipal government employees and other persons who will be able to keep jobs and/or avoid other consequences of wrongdoing.

181. It is respectfully submitted that the Minister of Post Secondary Education Training and Labour is responsible to ensure that the Commission does not proceed in the face of a conflict and he himself has a conflict of interest as he is a Member of Cabinet and he knows or reasonably ought to know that the private interests of many Cabinet Ministers and government employees and other persons or entities would be advanced or would benefit if they cover up how the government has dealt with me and the harassment that it has caused to me within the community by dismissing my human rights complaint without any public scrutiny.

182. Approximately a few days after I advised the Clerk of the Legislative Assembly in an e-mail in approximately February of 2013 that it would appear to be obstruction of justice for the government to prevent unbiased reviews of my employment applications required under the Civil Service Act and to delay or prevent an unbiased human rights commission from outside the province to hear and deal with my human rights complaint, that it appears that rather than ensure unbiased reviews and an unbiased human rights commission deal with my matter in its entirety, it appears that the N.B. Human Rights Commission has once again been given direction to proceed in the face of a severe conflict of interest that CANNOT be cured. It is respectfully submitted that justice must not only be done but must be seen to be done. If the New Brunswick Human Rights Commission proceeds it is respectfully submitted that justice WILL NOT be done but that the NB Human Rights Commission and Cabinet Ministers and employees of the Department of Justice and other persons WILL PRETEND THAT IT HAS BEEN DONE but will make fun of me and continue to cause bullying and harassment of me for the rest of my life IF THEY SUCCEED in not hiring me based on merit, get away with causing



MSM

the harassment and cover up their wrongdoing.

183. I advised the Clerk of the Legislative Assembly that an unbiased police force, an unbiased Crown Attorney and an unbiased properly qualified expert on workplace harassment and bullying from outside the province who are not controlled or influenced by the New Brunswick government or the Saint John police should be brought in to review how I have been treated and particularly to consider the issues as to if offences have been committed by the Premier or the Chief of Police or anyone else in respect to how the government has dealt with me and how it has handled my private and confidential employment applications in open competitions.

184. By letter dated February 6, 2013 I was advised by Jennifer LeBlanc of the NB Human Rights Commission that they were proceeding. By e-mail letter dated Monday February 11<sup>th</sup>, 2013 I advised her that:

“ I will be responding as I have no alternative but to do so. However, in light of the length and contents of your letter and enclosure [ the TLE Request Report ] and it appears the failure of the government and the Human Rights Commission to recognize what I believe is a very clear conflict I will need further time to respond fully and to take any necessary related steps in order to fully respond.

I would request an extension to respond from on or before February 21, 2013 as set out in your February 6, 2013 letter to on or before March 7, 2013.”

I believe that the instructions given to Jennifer LeBlanc to proceed likely came from the Minister of Post Secondary Education and Labour directly or indirectly who is a member of Cabinet and would be aware I believe of my e-mail which again requested that they advise what unbiased Human Rights Commission would be dealing with my matter in light of the conflict of the NB Human Rights Commission.

185. It would appear that the NB Human Rights Commission intends to proceed despite the clear very severe conflicts and biases that it would appear that the investigation of the Conflict of Interest Commissioner should clearly show in respect to the Premier, Danny Soucy, the Attorney General and Blaine Higgs and/or other Cabinet Ministers and in respect to the decisions that they have made including the decision to participate in the filing of deliberately false information in their Responses to my human rights complaint by which decisions there is the opportunity to further private interests of themselves, other Cabinet Ministers and/or other persons. It is also respectfully submitted that the Human Rights Commissioners are all appointed by the Premier (via Lieutenant Governor in Council) and if they want further appointments or other appointments it would appear that they would likely be aware that both the Liberal and Conservative parties have participated in allowing me to be harassed and it appears have encouraged the harassment which I believe is criminal harassment as it is designed to destroy my livelihood in order to find a reason not to hire me. I believe that the Commissioner would find that if the government and the police did not have a conflict of interest and a resulting bias that they would have followed the law and hired me based on merit as required by the Civil

A

MEL



Service Act and that if the NB Human Rights Commission was not trying to assist the government that they would certainly have declared a conflict as I believe it is clear and evident to the Minister of Post Secondary Education Training and Labour or reasonably ought to be clear and evident that there is a conflict. At the very least I respectfully submit to the Conflict of Interest Commissioner that the NB Human Rights Commission that claims to be impartial WOULD CERTAINLY NOT PROCEED BASED ON FALSE INFORMATION AFFECTING THE CONCLUSIONS AND RECOMMENDATIONS IN THEIR REPORT if there was not a conflict and they were not being improperly influenced and/or were not trying to assist the government to get the result that it wants to obtain by dismissing my complaint and covering up what has occurred. It would appear that the Commissioner can conclude that Danny Soucy has made the decision to have or allow the NB Human Rights Commission that reports to him to proceed in the face of the conflict in order to deliberately try to cover up what the government has done by adversely affecting and/or eventually dismissing my complaint in order to prevent any public scrutiny or hearing of my complaint in order to further the private interests or there is the opportunity to further the private interests of government officials, employees and other persons contrary to section 4 of the Members' Conflict of Interest Act.

186. It is respectfully submitted to the Conflict of Interest Commissioner that Danny Soucy would know that NB Human Rights Commission legal counsel Seamus Cox would be aware that there is a concern that Sarina McKinnon also a legal counsel with the Commission has acted unethically and that it would be in the Commission's interest that this Complaint not be heard publicly and that as a result of the conflict Seamus Cox would not be able to recommend impartially as the interests of Sarina McKinnon, his colleague, would be adversely affected. It would appear that Danny Soucy would be aware that there is the opportunity to advance the private interests of Sarina McKinnon and/or other persons by allowing the NB Human Rights Commission to proceed to handle the matter and that he has made that decision to proceed resulting in the contravention of section 4 of the Members' Conflict of Interest Act.

187. It is respectfully submitted to the Conflict of Interest Commissioner that there is a serious credibility issue as a result of the false information filed by Andrea Folster of the Department of Justice on behalf of all of the Respondents including the Province of New Brunswick, the Premier, Blaine Higgs, Attorney General Marie-Claude Blais and the other Respondents. The Human Rights Commission reports to the Province of New Brunswick and specifically to Cabinet Minister Danny Soucy of the Department of Post Secondary Education, Training and Labour. It is further respectfully submitted that the Premier should verify based on his oath of office and/or Cabinet Minutes should show that cabinet ministers, provincial government employees, municipal government employees, human rights commission employees such as Sarina McKinnon and others may be or are dependent on my being discredited and not hired and my human rights complaint dismissed in order that they can keep their jobs and/or professional positions or otherwise avoid the consequences of their own wrongdoing in respect to how my private and confidential applications for employment in open competitions have been handled.



MEC

188. It is further respectfully submitted to the Conflict of Interest Commissioner that as a former trial judge you would be aware that it is not possible for the NB Human Rights Commission to make decisions as to credibility based on written information without cross-examination. It is further respectfully submitted that by doing so in the Report prepared by Jennifer LeBlanc to accept the position of the Respondents that the NB Human Rights Commission is also showing that it is NOT IMPARTIAL. It is further submitted that this is particularly the case as Danny Soucy knows or reasonably ought to know as a result of his Cabinet Minister position that the Responses contain false information and it is respectfully submitted that his oath of office REQUIRED THAT HE ENSURE THE RESPONDENTS CORRECT THE FALSE INFORMATION BEFORE the Report was prepared by Jennifer LeBlanc. **If he allows the NB Human Rights Commission to proceed based on that false information and on the TLE Request Report that Jennifer LeBlanc prepared it is respectfully submitted that the Conflict of Interest Commissioner can conclude that he has deliberately obstructed justice and that he has deliberately participated in fraud in addition to any other contraventions of law that the Conflict of Interest Commissioner may find.**

189. It is respectfully submitted to the Conflict of Interest Commissioner that an expert on workplace harassment and bullying would provide the Commissioner with confirmation that bullies try to humiliate and destroy their victim and have no moral conscience at all as to destroying the employment of their victim or destroying their victim's chances of obtaining other employment. It is further respectfully submitted that such an expert would confirm to you that I have no mental health issues at all but that I have been the victim of very severe harassment designed to suggest that I have mental health issues in order to personally benefit the persons involved in the harassment and others by enabling them to avoid the consequences of their conduct by keeping their jobs, professional positions, cabinet appointments or otherwise avoid the consequences of their wrongdoing. I believe that such an expert would clearly indicate that it was wrong for the government to take in any allegations as to what behaviour of any type means from the persons engaged in the harassment of me as they are biased and unqualified to interpret behaviour. An expert psychologist on workplace harassment and bullying has degrees from university to enable them to assess harassment situations and give professional input and they would certainly talk to the victim and anyone else necessary to assess the situation and any allegations of the bullies if any information from the bullies was in any way allowed to be taken in. It is respectfully submitted that the Civil Service Act and the Human Rights Act and other laws prohibit the Premier and the other Cabinet Ministers the subject of this Complaint to the Commissioner from taking in ANY information of any nature or type whatsoever that it has taken in from the persons involved in the harassment of me.

190. It is respectfully submitted to the Conflict of Interest Commissioner that it is REPREHENSIBLE and INTOLERABLE in a FREE and DEMOCRATIC SOCIETY for the Premier, the Attorney General, Blaine Higgs and other Cabinet Ministers to be relying on that improper biased information and allowing or causing information to go out into





the community to the effect that I am not being hired because the persons involved in the harassment are right as to their biased, unqualified and self serving perceptions that I have mental health issues while pretending in Responses and in the TLE Request Report prepared by the NB Human Rights Commission staff that such information has NEVER been taken in by the government to affect any employment application I have made in open competitions. It is respectfully submitted to the Conflict of Interest Commissioner that this would appear to be a serious concern and it would appear that your investigation should show that the Cabinet Ministers the subject of this Complaint have deliberately engaged in clearly fraudulent actions to deliberately obstruct justice in order to get the result the government wants to obtain in my human rights complaint proceeding in order to avoid hiring me, paying me retroactively, compensating me for the severe harassment together with all other related relief . It is respectfully submitted that by doing so they have subverted justice and have brought the administration of justice into disrepute.

**191. It is respectfully submitted that the government should be prepared to present proper evidence based on true facts on any legislatively required review under the Civil Service Act and at any human rights public hearing to support its position if it really feels that its conduct has been proper and that it has a right to deny this Applicant the positions that I have won based on merit.**

192. It is respectfully submitted to the Conflict of Interest Commissioner that the persons involved in the harassment of me and employees and officials in the government have deliberately set out to embarrass, ridicule, humiliate, harass, bully, make fun of me and destroy me, their victim, as having mental health issues or in any other way the government will accept to discredit me in order to prevent my being hired. It is respectfully submitted that those persons are fully aware or reasonably ought to be aware that I do not have any mental health issues and that they are deliberately creating the improper allegations by their harassing activities, deliberate false information, their inability to understand their own limitations, their own biased perceptions and/or their need to discredit me in any way possible in order to avoid the consequences of their own wrongdoing or to assist others such as Cabinet Ministers or friends to avoid the consequences of their actions.

193. I believe that the Conflict of Interest Commissioner should be able to ascertain as part of his investigation that as a result of the decisions that the Cabinet Ministers the subject of this complaint have made in order to further the private interests of themselves or other persons to avoid the consequences of their involvement or the involvement of others in the harassment of me or other wrongdoing in respect to how I have been treated as an applicant in open competitions that any stand up person and there have been very few that have tried to stand up against the persons involved in the harassment to help me, appear to end up being hurt or targeted by them as well as a result of trying to assist me. I believe that this is very wrong and that the Conflict of Interest Commissioner should condemn the actions of the Cabinet Ministers for causing the harassment and causing this effect on individuals who have tried to do what is right and help me, the victim, despite

A

ME

very powerful persons who are participating in the harassment of me. It is respectfully submitted to the Conflict of Interest Commissioner that regardless of the opinions of the Cabinet Ministers and the persons involved in the harassment of me, that the Conflict of Interest Commissioner should find a way to make the message clear that despite the opinions that a person may have **IT IS NEVER ACCEPTABLE TO BULLY OR HARASS A PERSON** by following them, monitoring their actions in private life, trying to intimidate them etc. For it to have been participated in by Cabinet Ministers in the legislatively regulated hiring process under the Civil Service Act and in direct violation of the Human Rights Act and other laws should be found by the Conflict of Interest Commissioner to be totally unacceptable and intolerable in our society and to have completely brought the administration of justice into disrepute. It would appear that the Conflict of Interest Commissioner should have clear concerns that the harassment of me was deliberately designed to destroy my livelihood and to further the private interests of other persons to enable them to keep their jobs, professional positions or appointments at my expense despite Cabinet Minutes and the Premier and the Letter of Robert Savoie dated June 11, 2007 attached as Exhibit "E" to this my affidavit should clearly confirm to the Conflict of Interest Commissioner that I have won all three competitions #s 09-45-10, 10-44-02 and 10-44-03 as well as other open competitions based on merit.

194. **My exceptionally excellent supervisor Gillian Miller assisted me by clearing up various incidents of harassment towards me at the call centre Atelka even though it caused a great deal of difficulty for her but she continued to do what she believed was right despite the pressure that I understand was put on her by the persons involved in the harassment of me and by the company. The Commissioner should ensure people like Gillian Miller are recognized as if there were more people like her who would stand up to bullies, it is respectfully submitted that they would be stopped before the harassment and the situation in the community reaches the level that the government has caused in my situation at this time. I believe that an expert on workplace harassment and bullying would confirm that it is advocated that if bystanders take a stand against the bullies instead of participating in the bullying although they know it is wrong or instead of doing nothing that in many cases the bullying can be stopped in early stages.**

195. By e-mail to the government in about February 2013 I addressed a situation whereby within a few hours of when I sent the e-mail to the government on a Friday correcting the incorrect information that the persons involved in the harassment had I understood provided to the government there was extremely loud banging on the front door, then the back door and then again on the front door of where I reside. I looked out when the banging took place at the back door and I did not recognize the male there and I did not open the door. I understand that was further harassment by the persons involved in the harassment resulting from the situation the government has caused because I had shown the information that those persons had provided to the government was again incorrect. Your investigation should show that the Minister of Local Government, Bruce Fitch came down and dealt with the chief of police on the following Monday after that



incident in respect to the harassment of me. Your investigation should also show that as a result of further action by the persons involved in the harassment, which I addressed by e-mail with the government, that the Chief of Police was not removed from his position.

196. **Bruce Court also tried to assist me and offered to be my reference in July of 2010 (when the persons involved in the harassment were trying to allege that based on their perceptions I had mental health issues ) for the competitions I interviewed for on I believe Monday July 26<sup>th</sup> , 2010. If there were more standup people like him at that time the situation today may be a lot different or it may have ended long ago. I believe that he should be commended as well.** He also gave me his card to provide to the government giving his contact information which I gave to Martha Bowes at the interview.

197. I believe that the Conflict of Interest Commissioner should also inquire as to if anyone in government or anywhere else has left or been removed, temporarily or permanently, from their Cabinet position, professional position or job or otherwise has been hurt as a result of trying to help me or by refusing to participate in the harassment or by refusing to go along with government officials and employees who have contravened the Civil Service Act and/or the Human Rights Act and/or other laws.

198. I believe that the Conflict of Interest Commissioner should also ask for a complete list of anyone who has left or been removed from their professional position or job or appointment, has been given other employment elsewhere, etc as a result of their wrongdoing in respect to me or my private and confidential applications for employment in open competitions in the civil service. It is respectfully submitted that this may take some persistence to obtain as it may have been covered up as was the removal I understand of TJ Burke, Michael Murphy, Stuart Jamieson and the Ombudsman to give but a few examples.

199. In November of 2011 the Deputy Minister of Finance left for a position with the Federal government for which he did not have the bilingual qualifications. Did he do wrong in respect to my matter as his departure occurred I understand at a critical point in time when my matter was being dealt with by the NB government or did he refuse to participate in what the government was doing to hurt me contrary to the law?

200. In August I understand of 2012 Loredana Catalli Sonier I understand retired as Clerk of the Legislative Assembly. I did not find this out until I was preparing to send this Complaint to you. Attached hereto as Exhibit " DD " to this my affidavit is a true copy of two e-mail read acknowledgements that I received from Loredana Catalli Sonier according to the e-mail read acknowledgments it appears **after** she was no longer with the government. You would have thought that I would have been advised by whoever sent those read acknowledgements as to who they were and that she was no longer with government in order that I could address my e-mails to them directly. Did she leave because she would not participate in what the government was doing in respect to me? In



May 2012 I sent an e-mail to the Clerk of the Legislative Assembly requesting her help and setting out the Law Society Code of Professional Conduct requirements for lawyers which clearly provide that a lawyer is not to participate in any wrongdoing by the organization.

201. Premier Alward should confirm to the Conflict of Interest Commissioner and Cabinet Minutes should show that there is at least one Cabinet Minister who does not agree with the other Cabinet Ministers accepting the information from the persons involved in the harassment of me to the effect that I have mental health issues in their perception and does not or in the past I understand has not accepted the information of the persons involved in the harassment of me to the effect that I have mental health issues. I believe that the Commissioner should inquire as to if that is the case and obtain details of that person's position from that person.

202. It is respectfully submitted that an expert on workplace bullying and harassment would tell the Conflict of Interest Commissioner that many people are what they call bystanders who participate in or allow the harassment to take place even though they know that it is wrong and that if there were more people that would stand up to the bullies on behalf of victims the harassment could be stopped. In fact in my case I respectfully submit that as dealt with above in this affidavit if the government simply complied with the law the abuse that has occurred of me by the government would not have occurred. It is respectfully submitted to the Conflict of Interest Commissioner that if the Cabinet Ministers the subject of this Complaint had not had a conflict of interest and a bias resulting therefrom that they would NOT have prevented the unbiased legislatively REQUIRED reviews under the Civil Service Act nor allowed the harassment of me by biased unqualified persons many of whom do not even know me and have no connection with government and particularly no right to interfere in my economic relations with the government and in particular in respect to my private and confidential employment applications in open competitions. The government would appear to have also breached the privacy act requirements as a result of the information it has I understand exchanged with those persons concerning my private and confidential applications in employment competitions and the status of my being hired by the government.

203. It is respectfully submitted that if any GOOD people, that have not joined in with the persons involved in the harassment and have not participated with the bullies in any way, such as Gillian Miller or Bruce Court, and who have tried to stop the harassment or the persons involved in the harassment from adversely affecting me, have been in any way adversely affected because of their attempts to assist me at any time since the harassment began as a result of the government's conduct, that the Conflict of Interest Commissioner should find that extremely unethical and unacceptable results of the conduct contravening the Members' Conflict of Interest Act and particularly sections 4,5 and/or 6 thereof by the Cabinet Ministers, former Cabinet Ministers or MLA the subject of this Complaint and should require that they apologize to them or take such other action as the Conflict of Interest Commissioner deems just and equitable.



204. It is respectfully submitted that the Conflict of Interest Commissioner should require a full and complete list from the Premier as to all persons who have been disciplined and dealt with or removed from their positions from at least 2006 to the present date within or outside government or who will be removed or disciplined if I am hired as a result of their conduct in respect to me as it may reveal other decisions of cabinet ministers that have been made to further the private interests of themselves or other persons contrary to the Member's Conflict of Interest Act. It is further respectfully submitted that there should be a public inquiry in light of the serious ramifications to the integrity of the Civil Service hiring system legislatively regulated in the Civil Service Act and it appears the deliberate contravention of the Human Rights Act and commission of offences right up to the present date under the Human Rights Act in addition to any other offences under the Criminal Code or any other Act that the Conflict of Interest Commissioner finds in the course of his investigation in order to prevent the type of severe abuse which it is respectfully submitted that the Conflict of Interest Commissioner should find that I have been subjected to as a result of the conflict of interest and/ or illegal or other improper conduct of Premier Graham and Premier Alward, Cabinet Ministers past and present the subject of this complaint, other past and present Cabinet Ministers, Department of Justice lawyers as well as other persons.

205. Despite my many requests the government has refused to stop taking in self serving information from the biased unqualified persons involved in the harassment of me and has refused to advise me what information they have taken in or give me a chance to respond.

206. Under the Rules of Professional Conduct and as officers of the court I believe that there is no excuse whatsoever for lawyers in the Department of Justice including Andrea Folster, Guy Daigle and Nancy Forbes, baving filed or having allowed to be filed Responses containing deliberately false information in my human rights proceeding. It is respectfully submitted that Cabinet Minutes, the record of information the government has taken in and other information that I have provided should clearly show the Conflict of Interest Commissioner that information in the two Responses filed by Andrea Folster on behalf of the Respondents was false. The Premier and/or the dissenting Cabinet Minister (referred to above) also I believe would be required to confirm to you that the lawyer in the Department of Justice who prepared and filed the Responses, Andrea Folster, knew that the information was false when she put it into the Responses and did so deliberately.

207. It is my respectful submission that the Conflict of Interest Commissioner should find that this is indeed a very dark day for our profession and the integrity of the government as your investigation should show that Cabinet Ministers have deliberately made decisions to deliberately violate laws and/or obstruct justice and/or contravene basic human rights in order to advance the private interests of themselves, other Cabinet Ministers, provincial and municipal employees and other persons.



M. J. P.

208. I respectfully submit that the Conflict of Interest Commissioner should find this situation particularly unconscionable when the Premier is aware that information is taken in secretly from biased unqualified persons outside government involved in harassing me by the government and relied upon at face value and the government has REFUSED despite my many requests to provide me with the information in order for me to fairly respond before it does so if it will not follow the law and reject any such information which is clearly prohibited by the Civil Service Act and the Human Rights Act. It is respectfully submitted that no other Applicant would be subjected to such abuse.

209. Persons involved in harassment, it appears, like to gloat and as a result of the actions of those persons I have repeatedly cleared up incorrect negative information that they had provided to the government although it may have taken some time to figure out what they had done. The Premier would I believe be required to verify, and indeed the information that the government has taken in and the e-mails and other information that I have provided to clear up the negative information, including through Cst. Hamilton in about November of 2009 until about January of 2010, will objectively show the Conflict of Interest Commissioner that the harassment by persons outside government who have no right whatsoever to interfere in my private and confidential employment applications in open competitions has continuously been dealt with by Premier Alward since December 2010 and by the Graham government prior to that date as well as through Ombudsman reviews. The statement of Andrea Folster on behalf of all Respondents including the Premier, Blaine Higgs and Doug Holt, Deputy Minister of the Office of Human Resources in their Response to my human rights complaint stating that no information was taken in from such persons outside government is it is submitted clearly wrong and deliberately false in order to get the result the government wants to obtain.

210. It would appear that the government has created the situation whereby I am being evaluated by unqualified biased people outside the government who want to find fault with anything I do rather than objectively by an impartial screening committee, the Board of Examiners, as required by the Civil Service Act and with my ability to perform the work evaluated during the probationary period, as it would be I believe the Commissioner would be aware for any other Applicant as that is required by the Civil Service Act. There appears to be the attitude amongst government employees and officials that as it is a human resources matter they do not have to be ethical or comply with the law and can simply try to keep out someone THAT THEY HAVE TREATED BADLY AND HAVE CAUSED ANIMOUSITY TOWARDS (as a result of the wrongdoing of government employees and officials) by any method they can including it appears by arbitrarily denying all independent reviews and making false statements in legal proceedings in order to accomplish that purpose.

211. As a result of the situation that the government had created in the legal community I believe that I had and still have no alternative but to continue to try to have the government remedy the situation and/or fully compensate me and pay all appropriate relief as in light of the situation the government has caused in the legal community it





appears that I will never work as a lawyer again unless the government is required to hire me which may then open up other opportunities elsewhere. I hope that the Conflict of Interest Commissioner as a former lawyer, trial judge and appeals court judge finds that this would be very wrong if it were allowed to occur. At a public hearing in my human rights complaint, anything negative that the government wishes to call evidence in respect to, they can give evidence on and I would then have the opportunity to fully respond. However, for government officials to take in information from persons biased in favor of friends who have done wrong or any other number of biases who may have made inappropriate assumptions because of those biases or for any other number of reasons or be deliberately providing false information because of the animosity that the government has created or for any other reasons be providing wrong information should be found to be completely unacceptable by the Conflict of Interest Commissioner particularly when the Civil Service Act and the Human Rights Act PROHIBIT ANY INFORMATION FROM OUTSIDE SOURCES and particularly prohibit the types of information the government is taking in. The government now as a result of what it has done by it appears involving anyone within the community who wants to participate in harassing me and making reports to the government since 2010 has created a situation where I will not likely be able to get any kind of work within the community if the government is not required to comply with the law and hire me.

212. It is respectfully submitted that the Conflict of Interest Commissioner should ensure that an unbiased review by a properly qualified reviewer from outside the province should take place in respect to the 3 open competitions not yet independently reviewed and that the law will be applied on such reviews. If the Premier verifies that I have won the competitions based on merit or the Conflict of Interest Commissioner is so satisfied based on his investigation, he should require that the Premier agree to hire me as required by law without the necessity of yet another review and fully compensate me for all appropriate relief including but not limited to retroactive pay to at least 2006 or 2004, compensation for the extremely severe harassment and all other appropriate relief of any nature or type whatsoever.

213. The severity of the harassment to which I have been subjected should be evident to the Commissioner when you require the Premier and Chief of police to provide the record of all information they have taken in from the persons involved in the harassment of me which will show where they have watched me, how they have watched me, what they have reported, who they are, etc etc.

214. I am ready willing and able to work beginning immediately as a Lawyer III with the government of New Brunswick and I will be a very honest, capable and dependable employee. However, in light of the animosity that the government has caused by its failure to comply with the law should the Conflict of Interest Commissioner find (that as a result of the decisions that the Premier and other Cabinet or former Cabinet Ministers have made contrary to the Members' Conflict of Interest Act and/or other laws) that the Premier and Cabinet Ministers have created a situation where they cannot provide me



MBW

with an unbiased work environment where they will treat me fairly, it is respectfully submitted that the Conflict of Interest Commissioner should have a properly qualified unbiased reviewer assess what is fair compensation for me as a Lawyer III including pension accrual and all other benefits from the present date to the date of my retirement with actuarial assistance if necessary in addition to all retroactive pay on the lawyer III scale and other full and fair compensation and other relief from January 2006 or September 2004 ( as the Commissioner feels just and equitable) to the present date in light of the situation it is respectfully submitted that the government has deliberately created within the legal profession, the community and the province as a result it is respectfully submitted of its inappropriate, and it would appear deliberate, actions contrary to the law designed to cover up the wrongdoing of government officials and employees rather than take full responsibility for the situation that it created and immediately remedy the situation. The Conflict of Interest Commissioner should it is respectfully submitted find what Cabinet Ministers and Department of Justice officials and employees have done to me even more reprehensible when a Deputy Minister in the Department of Justice and other officials did undertake to remedy the situation and have the government hire me and then failed to honour their undertakings.

215. The Premier and Cabinet Ministers the subject of this Complaint to the Conflict of Interest Commissioner do not seem to realize that their conduct is wrong and that it is their conduct in taking in information from biased unqualified persons involved in the harassment of me to prevent my being hired and to enable the persons providing the information to escape the consequences of their improper conduct or wrongdoing which is causing the harassment and causing negative reports about me to be provided in order to further private interests so those persons and others associated with them can keep their jobs and/or avoid other consequences of their involvement in the harassment of me or other wrongdoing. It is respectfully submitted that an objective person would view the same circumstances or have contact with me and no negative reports would result. It is respectfully submitted to the Conflict of Interest Commissioner that if we live in a free and democratic society it would appear extremely wrong that Members of the Legislative Assembly can decide that I have mental health issues or perceived mental health issues based on the opinions of unqualified biased persons engaged in a persistent pervasive harassment of me in my private life who could not give their opinions in any court of law and who stand to benefit personally or have friends, Members of the Legislative Assembly, police officers, government employees, municipal employees or other persons benefit personally. It is respectfully submitted that the conduct of the Cabinet Ministers is even MORE REPREHENSIBLE when the Human Rights Act says that mental health issues CANNOT be considered in any event even if they do exist when ANYONE is being evaluated in the hiring process and to do so directly or indirectly is AN OFFENCE under the Human Rights Act . It is respectfully submitted to the Conflict of interest Commissioner that the record of the information that the PREMIER should provide to you immediately will show that they are STILL taking that information in at this time and that OFFENCES are being COMMITTED now under the Human Rights Act. It is respectfully further submitted that employment is SO NECESSARY AND IMPORTANT



TO EVERYONE'S SURVIVAL that the Human Rights Act provides for NO DISCRIMINATION in employment and accordingly if I or anyone else when evaluated on our ability to do the work DURING THE PROBATIONARY period are able to do it then all of the allegations of the biased outside persons would be irrelevant in any event. Once I have won the competition based on merit, as with EVERY applicant my work performance is then to be assessed during the probationary period. It is respectfully submitted to the CONFLICT OF INTEREST COMMISSIONER that THE ONLY REASON the government is taking in information of any type from persons outside government is because it DOES NOT WANT TO HIRE ME BECAUSE FRIENDS, EMPLOYEES, COLLEAGUES, and/or others have done wrong and can avoid the consequences of their actions if I am NOT hired. It is respectfully submitted that the Conflict of Interest Commissioner should send out a strong message that such conduct WILL NOT BE TOLERATED from Cabinet ministers or any MLA.

**Standard of Conduct of the Attorney General and the other Cabinet Ministers and any Lawyers Involved in Dealing with My Matters:**

216. As a lawyer the Attorney General has the same responsibility to follow and adhere to the Law Society of New Brunswick Code of Professional Conduct as do any lawyers under the direction of any of the Cabinet Ministers. It is respectfully submitted that all of the Cabinet Ministers the subject of this Complaint have the responsibility to ensure that the Lawyers under their direction adhere to the proper standard of conduct and are not given directions by any Cabinet Minister or other employee or anyone else that would result in a failure to adhere to that standard of conduct. In addition it is also respectfully submitted that each Cabinet Minister as a result of the oath of office that they have taken to act in the public interest and the standard of conduct that should be expected of such individuals as a result of their powerful and very high office should also be required to exhibit the same standard of conduct as to integrity and the other requirements by virtue of the offices they hold and the standard of character and conduct that is expected of such individuals even though they are not subject to the Law Society Professional Code of Conduct as they are not lawyers.

217. Based on the requirements in the Code of Professional Conduct of the Law Society of New Brunswick 2009 it would appear that the following standard of conduct should be observed and adherence to the following principles observed.

218. Conflict of interest is defined as including any interest that would interfere with the duties of loyalty and freedom of judgment and action owed by the lawyer to the client or that would be likely to affect adversely the judgment or advice of the lawyer on behalf of the client.

219. The client is defined as the organization which would be the government and not the interests of individual employees or cabinet ministers or any other person.



220. It is respectfully submitted that the interest of the government requires that the laws enacted by the government and which apply to it be carried out impartially and properly with integrity in a timely fashion despite what the outcome would be for individual cabinet ministers or employees if they have contravened the laws of the organization or engaged in other wrongdoing.

221. Harassment is defined as including the subjecting of a person...to vexatious attacks, demands or any unpleasantness that can be reasonably considered to erode the dignity or the equality of opportunity of the person .....to whom it is directed.

222. It is respectfully submitted that the encouraging of persons to watch my actions in my private life, follow me, arrange for persons at various locations such as stores etc to report their opinions etc and to then take in that information directly or indirectly to affect my private employment applications in open competitions is reprehensible and without any justification or excuse whatsoever particularly as it is completely prohibited by the Civil Service Act and the Human Rights Act and other laws. For the Premier, Blaine Higgs and the Attorney General to make the decision to take in such information it is respectfully submitted that this is in fact participating in criminal harassment which has basically destroyed the ordinary enjoyment of life and interfered with my basic dignity since at least 2006 as a result of the constant attempts of the persons involved in the harassment to intimidate, humiliate, embarrass and destroy my livelihood.

223. Integrity is defined as including uncompromising adherence to sound ethical and moral principles, including scrupulous honesty and uprightness.

224. It is respectfully submitted that if the government has decided that it does not want to hire me as a result of the animosity that has been generated by its own failure to follow the law that it should have long ago allowed the unbiased reviews and ensured that an unbiased human rights commission handled my complaint and put its position forward properly as evidence laws would allow and lived with the result of the tribunal. To prepare and file Responses in formal legal proceedings that contain false information or to allow that to occur to get the result the Premier or other Cabinet Ministers want is it is respectfully submitted unethical and unconscionable.

225. As the Premier knows that I have won many competitions based on merit, it is respectfully submitted to the Conflict of Interest Commissioner that the honorable course if they do not want to hire me is to refer the matter to an unbiased person in consultation with the Conflict of Interest Commissioner to assess the quantum of damages and all other full and fair appropriate relief of any nature and type whatsoever under my human rights complaint or as a result of the failure of the undertakings to be honored or resulting from any other reason caused by the actions of the government officials and employees.

226. Shall is defined as denoting the imperative and indicates a duty to be observed by the lawyer to the person, ...organization....on whose behalf the duty is imposed.

It is mandatory to fulfill ALL undertakings. Deputy Minister Choukri made an unqualified undertaking to remedy the situation and to have the government hire me immediately in 2006. Rod MacKenzie made the same undertaking in 2004 as a result of the interference by a courthouse employee in my application outside government in my attempt to mitigate and obtain employment elsewhere in order to avoid any loss of income resulting from the improper actions of government and its employees. He referred to the actions of that lady and others as mean-spirited. I dealt with his conduct and the situation in writing to the Attorney General Brad Green in December of 2005 which resulted in the meeting with Deputy Minister Choukri arranged by Brad Green. In addition several open competitions have been advertised and held in which I applied and I won those competitions based on merit apart from the undertakings and still I have not been hired. The Civil Service Act is mandatory that appointments be based on merit. The Premier and other officials have taken in inappropriate information from persons outside government to deliberately defeat that requirement as they KNOW that if they do not come up with another reason THEY HAVE TO APPOINT ME BASED ON MERIT and that is the ONLY REASON THAT THEY HAVE TAKEN IN THE IMPROPER INFORMATION PROHIBITED BY THE CIVIL SERVICE ACT AND THE HUMAN RIGHTS ACT.

227. On page viii, note 5 it states

“.....the term ‘lawyer’...extends.....to those who are employed on a full-time basis by governments....and other organizations....[I]n all matters involving integrity and generally in all professional matters, if the requirements or demands of the employer conflict with the standards declared by [C.B.A.] Code, the latter must govern.”

228. The lawyer shall [emphasis added] discharge with integrity every duty owed by the lawyer to the administration of justice and its institutions, clients, other lawyers, the legal profession and the public and shall adhere to the principle of integrity in the non-professional life of the lawyer.

229. On p.2, note 2 it states that integrity may be displayed (or not displayed) in a wide variety of situations and that the display of impartiality or the taking of full responsibility are all aspects of integrity.

230. It is respectfully submitted that the taking of responsibility by Premier Alward and Cabinet would require in light of the harm that they have caused to me that IMMEDIATELY I be compensated and provided income as a result of the horrible situation that the government has caused. It is further respectfully submitted that NEVER is there or can there be ANY justification for the harassment that the government has caused to me and has allowed to continue from 2006 to the present date.

231. Illustrations of conduct that do not meet the standard of integrity include committing whether professionally or in the lawyer's personal capacity any act of fraud or dishonesty, e.g.....by falsifying a document, even without fraudulent intent and whether

A

McE

or not prosecuted therefore, failing to be absolutely frank and candid in all dealings with the court, fellow lawyers and other parties to proceedings, failure to honour the lawyer's word when pledged even though under technical rules the absence of writing might afford a legal defence, etc.

232. Under Minister's Office on the government website it indicates that the mandate of the Department of Justice is to promote the impartial administration of justice and to ensure protection of the public interest.

It is respectfully submitted to the Conflict of Interest Commissioner that this means to ensure the Civil Service Act requirements in regard to competitions, appointments and any review processes are carried out impartially with respect and integrity in a timely fashion as required by section 16(1) of that Act. This includes, it is submitted, having an impartial Board of Examiners and properly complying with all legislative requirements respecting unbiased reviews and the provision of the Statement of Reasons.

233. It is further submitted that protection of the public interest DOES NOT mean to protect the largest number of people who want one result by allowing them to interfere in private and confidential employment applications in open competitions or by allowing them to harass an applicant and provide information to the government to get the result that they want or the result that will protect the private interests of cabinet ministers or government employees or other persons by allowing them to keep or get back jobs or professional positions or avoid other consequences of their wrongful conduct. It is respectfully submitted to the Conflict of Interest Commissioner that the persons outside government are only involved because the government has contravened the Civil Service Act and the Human Rights Act and has allowed persons OUTSIDE government to affect my private employment application that under the Civil Service Act is only to be scrutinized by the Board of Examiners with all questions to be exactly the same to treat all Applicants fairly.

234. It is further respectfully submitted to the Conflict of Interest Commissioner that the public interest does not mean catering to the wishes of the largest number of constituents in order to ensure that chances of re-election will not be affected.

**235. It is respectfully submitted that the public interest of the government is to ensure that its laws are properly applied AT ALL TIMES fairly and impartially to the facts without trying to change the facts or circumvent or contravene the law in order to get the result individual cabinet ministers or employees may want to obtain.**

236. Rule 12 states that ... "the lawyer who is employed full time by an organization to provide professional legal services to it shall observe the same professional and ethical requirements therein as are required of the lawyer in the private practice of law."

The Commentary indicates that the organization that employs full-time the ...lawyer as its professional legal advisor is the client of the organization lawyer.

237. Commentary #8 specifically states that "The organization lawyer **shall not** [emphasis added] implement any instructions of the organization that would involve a breach of professional ethics or of good professional legal practice or the commission of a crime or of a fraud." It is respectfully submitted that Andrea Folster who deliberately prepared and filed the Responses containing false information in my human rights complaint proceeding and the Attorney General who is one of the Respondents and knows that the Responses contain false information have clearly violated this requirement and the basic but extremely essential requirement of integrity.

238. Rule 15 states that " The lawyer shall practice good faith, courtesy and collegiality in all contacts with other lawyers and with their representatives."

Commentary 2 (v) indicates that "The lawyer shall be punctual in fulfilling commitments made to another lawyer and shall respond on a timely basis to all communications from another lawyer that contemplate a reply." The letter of Nadine Lamoureux stating the Attorney General would reply forthwith but who never has in fact done so to the serious issues requiring her candid and truthful response should it is respectfully submitted be found by the Conflict of Interest Commissioner to be simply unacceptable. The letter of Judith Keating purporting to respond on her behalf and stating that in "pith and substance" it was a human resources matter and you were not successful is it is suggested completely inappropriate as by virtue of her position as Deputy Minister of Justice and Deputy Attorney General she is aware or reasonably ought to be aware that the issues addressed with the Attorney General were the failure of the government to provide the MANDATORY STATEMENT OF REASONS, the failure of the Attorney General to stop the Human Rights Commission from proceeding in the face of a conflict, the failure of the government to allow the MANDATORY unbiased reviews under the Civil Service Act and other serious issues.

239. It would appear that the Attorney General as a Cabinet Minister has participated in or made a decision that contravenes section 4 of the Members' Conflict of Interest Act as many persons within her Department, other Cabinet Ministers etc and it would appear even the Attorney General herself will have their private interests furthered if I am not hired and the manner in which the government has treated me remains covered up by being able to keep or get back their jobs or other positions or otherwise avoid the consequences of their involvement in the harassment of me or other wrongdoing. The Attorney General's failure to respond to the concerns that she or others in her department exchanged information with the NB Human Rights Commission before I even filed my complaint resulting in improper negative information going out into the community which was subsequently corrected by the Premier directly or indirectly once I provided correct information and her failure to respond to the concerns that there was collusion between her Department and the NB Human Rights Commission to have the Commission dismiss my Complaint in order to further the private interests of the Premier, the Attorney General and others are very serious concerns and it is respectfully submitted that the failure to respond is as a result of the need to cover up what has occurred in order to



Page 166

further the private interests of the Premier, the Attorney General and others. It is respectfully submitted to the Conflict of Interest Commissioner that there will be serious consequences if the truth is admitted for many officials and employees of the government and particularly it appears the officials and employees in the Department of Justice and Office of the Attorney General.

240. Commentary 3 (a) states "undertakings...shall be written or confirmed in writing and shall be absolutely unambiguous in their terms.

(b) The lawyer shall fulfill every undertaking given by the lawyer...."

The Attorney General has the IMMEDIATE OBLIGATION to fulfill the undertaking made by Deputy Minister Choukri on behalf of the government.

Page 70 of the Code of Professional Conduct indicates that

"Good relations among members of the Bar are important from several perspectives. They contribute to the effective and expeditious dispatch of clients' business while enhancing working conditions for lawyers. To the extent that dealings among counsel are observed by the public, polite and professional conduct fosters respect for lawyers on an individual and collective basis. Conversely rude or offensive behaviour reflects adversely on the lawyer involved, the profession and the administration of justice...." - The Nova Scotia Handbook further provides...."A lawyer has a duty not to allow any ill feeling that may exist or be engendered between clients to influence his or her conduct toward the other lawyer or that lawyer's client. The presence of personal animosity between lawyers involved in a matter may cause their judgment to be clouded by emotional factors and hinder the proper resolution of the matter...."

241. It is respectfully submitted to the Conflict of Interest Commissioner that the conduct of the Attorney General offends and contravenes so many laws (in addition to the Members' Conflict of Interest Act) that it absolutely brings the administration of justice into disrepute. It is respectfully submitted that as a retired Trial judge and Court of Appeal Judge that the Commissioner is aware that facts have to be ACCEPTED AS THEY ARE AND ARGUMENTS MADE AS TO HOW THE LAW APPLIES TO SUPPORT ONE'S POSITION BASED ON THOSE FACTS.

242. For the Attorney General to allow documents to be filed in a formal legal proceeding in the NB Human Rights Commission that deliberately state false facts to obtain the result the Attorney General and others want to achieve to it appears protect her private interest in being able to keep her Cabinet position as well as to cover up what has occurred within her Department and to further the private interests of others SHOULD IT IS RESPECTFULLY SUBMITTED ABSOLUTELY OFFEND THE CONFLICT OF INTEREST COMMISSIONER and should be found to be unconscionable and intolerable in a free and democratic society and not in the public interest at all.





Page 167

On page 71 of the NB Professional Code of Conduct it states at note 12

**“ The Law Society of Alberta’s Code of Professional Conduct describes an undertaking as “ a matter of utmost good faith”**

On page 71 of the NB Professional Code of Conduct it states at note 13

**“ The lawyer’s word is the lawyer’s bond. The lawyer should alert the client to the fact that in the performance of undertakings given.....the lawyer will be unable to accept later instructions of the client not to perform....”**

On page 71, of the NB Professional Code of Conduct it states at note 18

**“.....It is not sufficient justification for a refusal to cooperate that a client has so instructed the lawyer , since a client’s instructions can never override the ethical obligations of counsel.” - The Professional Conduct Handbook of the Law**

Society of New Brunswick speaks to the avoidance of sharp practice between lawyers when it calls upon them to maintain at all times “amity, courtesy and goodwill toward fellow lawyers.”

243. Attached to my affidavit as Exhibit “L” as indicated earlier in this affidavit is a true copy of Rule 17 re Public Office in respect to the high standard of conduct required of a lawyer holding public office of the New Brunswick Law Society Code of Professional Conduct in its entirety which also applies to the Attorney General in addition to the Members’ Conflict of Interest Act and to any other lawyers involved.

244. On page 85.1, of the NB Professional Code of Conduct it states at note 1

**“ .....Conduct by a lawyer which does not promote the ideals of Fairness, justice and honesty will adversely affect the image and morale of the profession and the public perception of the legal system. “**

245. Rule 20 re The Administration of Justice states at page 88, note 1

**“ The lawyer must not subvert the law by counseling or assisting in activities that are in defiance of it and must do nothing to lessen the respect and confidence of the public in the legal system of which the lawyer is part.**

246. Rule 22 **re HARASSMENT** of the Law Society Code of Professional Conduct on page 93 states

**“In all activities, professional and other, the lawyer shall not (emphasis added) .....harass any person.**

Page 168

Commentary 2 on page 93 states

**“ The lawyer shall promote the dignity and the equality of all persons with whom the lawyer interacts professionally and in all other activities and specifically the lawyer shall avoid any.....harassment of any person.”**

Note 1 on page 94 states

**“ In this Code ‘harassment’ is defined as including “the subjecting of a person.....to vexatious attacks, demands or any unpleasantness that can be reasonably considered to erode the dignity or the equality of opportunity of the person.....to whom it is directed.”**

247. It is respectfully submitted that the harassment which the Attorney General has allowed me to be subjected to in order to attempt to get information from biased unqualified persons in order to suggest that I have mental health issues in order to find a reason NOT to hire me based on merit in open competitions within her Department because otherwise the government HAS TO HIRE ME AS I WON THE COMPETITION BASED ON MERIT should be found by the Conflict of Interest Commissioner to be completely intolerable in a free and democratic society and to completely lack integrity and to clearly bring the administration of justice into disrepute. It is further respectfully submitted that it clearly violates sections 4, 5 and/or 6 of the Members’ Conflict of Interest Act as the making of that decision or the participating in the making of that decision by allowing the information to be taken in to affect the open competitions is done to further the private interests of other Cabinet Ministers, Department of Justice employees etc who have done wrong and would be disciplined or removed from their positions or otherwise dealt with if the Civil Service Act and the Human Rights Act and other laws enacted by the Legislature were applied fairly to this Applicant and I was hired.

248. It is further respectfully submitted that the Attorney General has contravened section 5 of the Members’ Conflict of Interest Act as the information obtained in her capacity as Minister of Justice and Attorney General through the harassment by unqualified biased persons is being used by the Attorney General to further her private interests or the private interests of other Cabinet Ministers or of other persons by using it to not hire this Applicant based on merit and to enable the persons participating in the harassment to avoid the consequences of their actions and to enable others to avoid the consequences of any wrongdoing done by them in respect to their treatment of me as an applicant in open competitions within her Department.

### **Concluding Submissions**

1. I respectfully submit that the Conflict of Interest Commissioner’s investigation will show that I have won the competitions 09-45-10, 10-44-02, 10-44-03 based on merit as well as other competitions and that the Premier and Cabinet Ministers the subject of this

Complaint have made or have participated in the decision to not hire me based on merit and have made the decision to deliberately contravene the requirements of the Civil Service Act in order to further the private interests of others contrary to section 4 of the Members' Conflict of Interest Act.

2. I further respectfully submit to the Conflict of Interest Commissioner that as a former lawyer and trial judge you should be extremely concerned as your investigation should show that the Premier and Cabinet Ministers the subject of this Complaint have in effect created a situation which would cause great outrage if we analogized it to a proceeding in a court of law and suggested court proceedings should be conducted in that manner. What the Premier and Cabinet Ministers the subject of this Complaint have done it is respectfully submitted would be similar to a trial judge doing the following:

1) accepting information from the Respondents or persons not even a party to the proceeding to affect a Plaintiff's case but refusing to allow the Plaintiff to know what information was provided and refusing to allow the Plaintiff address it;

2) the trial judge then proceeding to make the finding against the Plaintiff.

3) once the Plaintiff was able to find out or figure out through gossip or events in the community what the decision was and what it was based upon, he or she then provides information to correct the incorrect information that was provided.

4) the trial judge would then correct the decision only to have the Respondents or persons not even a party provide further incorrect information in secret and have the cycle repeat itself.

It is submitted to the Conflict of Interest Commissioner that this would simply offend commonsense, the rules of natural justice, applicable laws and would be definitely considered to bring the administration of justice into disrepute and would NOT be tolerated in a free and democratic society.

3. It is respectfully submitted that when the Department of Justice advertises the open competition and interviews me for it that the Civil Service Act requires that I be assessed on THE SAME CRITERIA as all other applicants. For the Premier and other Cabinet Ministers to take in information from biased unqualified persons involved in the harassment of me contrary to the Human Rights Act is wrong. For the Premier and Cabinet Ministers to not even give me the opportunity to respond if they are taking in prohibited information is contrary to natural justice rules.

4. It is respectfully submitted to the Conflict of Interest Commissioner that the Premier and Cabinet Ministers the subject of this Complaint have prevented access to unbiased legislatively required reviews and have engaged in the type of process set out in two above in respect to the interference of persons OUTSIDE government in my private and confidential employment applications in open competitions which COMPLETELY violates the Civil Service Act and the Human Rights Act requirements.

5. In 2005 written information was given to the Executive Assistant to Attorney General



Brad Green for his attention in respect to what had occurred in the 2002 and 2003 competitions and that the undertaking of Rod Mackenzie made in September 2004 to remedy the situation had not been honoured. Rod MacKenzie came down one week before my employment ended at the Legal Centre after a courthouse staff member was disciplined for interfering in my private and confidential application for a family court solicitor position in Legal Aid in Fredericton although she had no connection with that competition whatsoever. A meeting was arranged by Attorney General Brad Green for me with Deputy Minister Choukri.

6. In January 2006 an undertaking was given by Deputy Minister Choukri that the situation would be properly remedied and I would be hired. I confirmed that undertaking to him in writing in my letter of March 7, 2006 as follows:

“...I confirm that you advised that you would be making inquiries re: positions that you could properly place me in at this time and also an inquiry of Legal Aid as to who is the current family court solicitor.

I confirm that you advised that you want to get me working as soon as possible and in your words the sooner the better. I am relying on that....

I confirm that you advised that you have your regional directors checking in with you each week.....

I confirm that I am relying on our discussions and look forward to your assistance in overcoming yet another hurdle and working at the earliest opportunity. You said that you want to get me away from all the difficulties and to an objective interview or into a maternity leave position etc. where I can apply for internal competitions. You also said that because of my work ethic you would like to have me in your department and that there might be an opportunity for an Anglophone litigator or in policy or as court clerk etc. I would love any of those opportunities. ....”

7. Deputy Minister Choukri did not fulfill his undertaking but instead it was understood that he took in negative information from courthouse staff, the Lady from Legal aid who was disciplined in 2004 and other persons. I provided a further letter to him dated May 31, 2006 addressing that it was wrong for information to be taken in about my private life as a single person, any assistance or quality time I spent with my elderly parent and that there was nothing negative objectively. The lady from Legal Aid who had interfered in my application for a Family Court Solicitor position in Fredericton was I understand removed from her position as a result of his review. I understand that the harassment of me then became more severe and persons associated with her began to watch my actions on a daily basis in order to try to assist her to get her job back by proving that I was immature in my private life.

8. It is respectfully submitted to the Conflict of Interest Commissioner that when Ray Glennie, Q.C. objected to my being taken from the legal centre and I understand raised my private life as a single person ( because the first class quality of my work had been used to obtain the space within the courthouse), that he should have been told that that



was discrimination based on marital status, contrary to the Civil Service Act hiring process and the Human Rights Act and that I had won the position based on merit and would be hired as I was the only A rated candidate. What he did it is submitted to the Conflict of Interest Commissioner and the response of the management of the Department of Justice at that time to what he did resulted in court staff thinking it was relevant and could be used by them to make fun of me or to affect my employment.

9. Attorney General Brad Green then stopped the Deputy Attorney General Choukri from taking in any information about my private life as a single person. I was then to be hired.

10. Your investigation should show however that the lady from Legal Aid who was removed from her position in 2006 and others associated with her ARE STILL involved in the harassment of me and do not care HOW they discredit me as long as they do so in order that she can be rehired and other persons associated in the harassment with her can keep their jobs or otherwise avoid discipline.

11. It is respectfully submitted that if the requirements in the Civil Service Act and the Human Rights Act had been followed in the 2002 and 2003 competitions that the harassment would NEVER have arisen.

12. In the Miramichi competition in 2008 the government again looking for any reason not to hire took in information from persons outside government passing information from the call centre where I worked in order to stop my being hired. They used the actions of a male floor support fellow to do so. The record of information that the Premier and Cabinet have directly or indirectly taken in from persons outside government since December 2010 ( and the record of information taken in from 2009 to October 2010 by the Graham government )should show that he and persons associated with him have been involved in the harassment of me right up to the present date in order to try to justify his conduct by discrediting me and preventing my being hired. That record should show that the harassment has been severe, deliberate and designed to set up any situations that the government would accept to discredit me and that continuous allegations were made that I continuously cleared up. My e-mails since March 15, 2013 to the Premier and Clerk of the Legislative Assembly and the actions they took to deal with persons once I corrected the inappropriate negative information that I understood was provided even since that date to the present date should verify this to the Conflict of Interest Commissioner.

13. It is respectfully submitted that the only reason that the government is taking in this outside information is to prove that the information their staff or officials took in from

these people in the first place to affect my being hired was correct and justified. It is submitted that if civil servants had not done wrong in taking in this information the government would not in effect be partnering with the persons involved in the harassment in order to stop my being hired. As it is clear from the Civil Service Act and the Human



Rights Act and other laws that taking in ANY such information from those persons was prohibited and/or an offence that the government at NO TIME should have taken in any information from them or considered it to affect my PRIVATE AND CONFIDENTIAL employment applications in open competitions. If the law had been followed it is submitted that there would be no harassment as no information would ever have been taken in from those persons that they would now be trying to prove is right. The Civil Service Act requires that a BOARD OF EXAMINERS assess the applicant BASED ON MERIT.

14. It appears that the lady from Legal Aid who was removed from her position in 2006 and the male floor support worker in 2008 who was removed from his job by the company have engaged with other persons associated with them since their respective dates of discipline to severely harass me by participating with others in following me, monitoring my actions, reporting their opinions of my actions to the effect that in their perceptions it means that I have mental health issues and in setting up situations that will discredit me and absolve their behaviors.

15. It is respectfully submitted that in fact the Conflict of Interest Commissioner should find that their behaviour instead proves the opposite of what they are trying to advance. It appears that they have both caused severe harassment of me for about 5 years or more in order to prove that they were not bullying or harassing me or engaging in other inappropriate behaviors which resulted in their discipline. It appears that they have in fact by their actions proven the opposite. It is one thing for a person to have their own opinion of another person but entirely a different thing for them to try to humiliate, make fun of, embarrass the person etc because of their private lifestyle or personal choices which are none of their business especially when their opinions are wrong and they refuse to accept that fact. However, when their opinions should NEVER have been taken in to begin with to affect a Lawyer III position it is respectfully submitted that instead of appointments based on merit there is now a system in place in government for available positions in the civil service that allows and condones bullying and harassment on prohibited grounds in the Human Rights Act in order to justify actions of government or other employees that were contrary to law in order to protect the private interests of themselves and Cabinet Ministers and others who had done wrong in taking in that information from them.

16. It would appear that if there was a respectful work environment the lady from legal aid would not have interfered in any of my employment applications and particularly NOT the one for a position in Fredericton. It would appear that she did so just to be mean because she thought she could get away with it as she had NO CONNECTION with that competition.

17. The floor support fellow from the Atelka call centre was told no when he made sexual advances and that should have been the end of the matter. He was repeatedly told no but he did not stop and his supervisor, Cindy, who was using the information to pass to other persons involved in the harassment of me to affect my being hired as a Lawyer III in the

A

McE

government competition it is understood encouraged his behaviour for that purpose. The Human Rights Act states that unwanted advances are sexual harassment. There is no question his advances were unwanted and he was told that in no uncertain terms. Gillian Miller can verify this and that he gave me bad advice as technical support because I would not respond to his advances. Gillian Miller can also verify that I ignored his behaviour and continued to do excellent work despite the harassment that resulted to me as a result of his behaviour as he caused considerable disturbance in the centre as a result of his behaviour. I did not ask that he be removed from his position and had no control over how the company dealt with it. I simply asked that he be required to stop ( which was also what the law required ) **BECAUSE** it was being used to STOP MY BEING HIRED AS A LAWYER III with the Department of Justice. Otherwise I could have ignored it.

18. It is respectfully submitted to the Conflict of Interest Commissioner that if there was a respectful work environment he would simply have accepted my response as his advances WERE NOT IN ANY way work related and in a free and democratic society I certainly have the right to make my choice and say no.

19. It appears that the response of the Company should be condemned as if they had clearly required him to stop instead of trying to pretend that there was nothing wrong with his conduct, it could have been dealt with and likely stopped in 2008. I requested a meeting with him in keeping with the company policy in October of 2008 to discuss directly with him that his conduct stop. The company would not do so and said there was nothing to discuss as he was not interested in me. Gillian Miller can verify that this was not true and that he had been disciplined many times as a result of his inappropriate conduct towards me. In October of 2008 his supervisor, Cindy, and my supervisor before Gillian Miller (who were friends ) then tried to have me disciplined based on incorrect information and my supervisor was disciplined once I reviewed the tapes of the calls and showed what she said was completely untrue. She was then required to apologize to me in front of Gillian Miller and she was removed as my supervisor and Gillian Miller became my supervisor.

20. In November of 2008 as I understood Cindy and/or others in the call centre Atelka continued to look for information the government could use to stop my being hired as a Lawyer III I continued to try to have the company require he stop his behaviour so there would be nothing for them to use as I was still waiting to hear if I had the position even though I had the interview on or about September 4, 2008. One of the CBC radio Broadcasts on Maritime Magazine on workplace Harassment in I believe September of 2012 indicated that human resources departments may not help victims. The Human Resources advisor at Atelka sent an e-mail to me stating in effect that he was not interested in me and he had done nothing. She knew that this was a deliberate lie when she wrote the e-mail. Attached is a copy of that e-mail dated Saturday, November 8, 2008. It is my understanding that Gillian Miller can verify that the Human Resources Advisor who wrote that e-mail knew it was false. The Premier should also verify that e-mail is not



true as the record of information the government has taken in should show that the male floor support worker has tried to justify his actions by discrediting me rather than denying that he made sexual advances towards me. Attached hereto as Exhibit "EE" to this my affidavit is a true copy of the e-mail of the human resources personnel at Atelka dated November 8, 2008. Shortly after that e-mail was sent to me the assistant director, on November 24, 2008, made the inappropriate decision that my conduct on a call meant I was immature and justified the floor support fellow's position and that the company could keep him (the details of what she used are set out above in my affidavit). The very next day, November 25, 2008, I got a letter from Christine O'Donnell of the Department of Justice stating that I was not being hired.

21. It is respectfully submitted to the Conflict of Interest Commissioner that I did everything possible to prevent his conduct from being used to interfere in my being hired in the Lawyer III competition with the government. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation and the law should show that it was illegal for Martha Bowes and it appears a deliberate obstruction of justice in light of the strict requirements for government competitions set out in the Civil Service Act for her to take in such biased information from the call centre and she should have rejected it outright. It is respectfully submitted that if she acted on the instructions of TJ Burke or if he participated in that decision it would appear that he violated sections 4,5 and/or 6 of the Members' Conflict of Interest Act and that he also participated in obstructing justice deliberately to prevent my being hired in accordance with merit as required by the requirements set out in the Civil Service Act in order to further private interests. Your investigation should also show that it is prohibited and an offence to take in information as to perceived mental health issues under the Human Rights Act and that if Martha Bowes as a Human Resources advisor had not broken the law none of the information from these people outside government to the effect that I had mental health issues based on their biased perceptions would have ever been taken in to affect the Miramichi Crown Attorney competition, the specialized prosecutor branch competition or the two competitions in July of 2010 and I would have been hired based on merit.

22. The floor support fellow was removed from his position with the company at about the end of March 2010 as he had not stopped his behaviour.

23. After he left it is my understanding that his supervisor still tried to find something negative about me or get me fired in order to pass that information directly or indirectly to the government as the government had been required to advertise the specialized prosecutor branch position in order to hire me as a result of the Ombudsman review of the Miramichi competition. Gillian Miller can verify she provided information to the Ombudsman at the request of their office with the blessing of the company that there were no concerns in respect to me and that I was an excellent employee in or about February or March of 2009.

24. It is my respectful submission to the Conflict of Interest Commissioner that if the call





centre Atelka had followed the law and told the floor support worker my answer to him was the end of the matter and he could accept it or leave that the situation would likely have ended then and there as based on the provisions of section 10, his conduct contravened the Human Rights Act. However, I would respectfully submit that the responsibility for what occurred there rests primarily with that company and the actions of the fellow's supervisor, Cindy , who encouraged his conduct in order to pass negative information to the government to stop my being hired as a Lawyer III and who was I understand disciplined for her conduct. The company tried to cover up and pretend the problem did not exist rather than help me as the employee who simply came to work everyday and did excellent work for the company which Gillian Miller should verify despite the harassment I was sustaining as a result of activities totally unconnected with the work in the centre.

25. I even suggested that there be no contact with the male floor support worker and that I ask other persons for floor support answers and the floor support worker insisted that I be required to ask him questions.

26. The harassment that has occurred from that date right up to the present date in which the floor support and other call centre people have participated in is I understand designed to say that my actions mean I have mental health issues in order to justify his conduct and prevent my being hired as a lawyer III. It is respectfully submitted that if Martha Bowes and other government officials were not biased and LOOKING for a reason NOT to hire me based on merit that they would NEVER have taken in such information to affect a competition as it is PROHIBITED by the Civil Service Act and the Human Rights Act.

27. Your investigation should show that the Cabinet Ministers the subject of this Complaint have taken in that type of untested, unreliable, self serving, biased type of information to affect my being hired as a Lawyer III in order to absolve their employees of their wrongful conduct in taking that information in in the first place or to enable them or others to avoid the consequences of other wrongdoing etc.

28. It is respectfully submitted to the Conflict of Interest Commissioner that Cabinet Minutes should show and the Premier or the dissenting Cabinet Minister should verify to you that persons involved in the harassment of me are waiting for the government and the NB Human Rights Commission to proceed to eliminate a large portion of my Human Rights Complaint on April 24, 2013 and for it to eventually dismiss it entirely based on the false information DELIBERATELY FILED by the Respondents, including the Premier, Attorney General Blais and Blaine Higgs, through their solicitor Andrea Folster.

29. It is respectfully submitted that the Conflict of Interest Commissioner should find that that violates the law and that the decisions that the Cabinet Ministers who are Respondents made in order to do that contravene not only the actual provisions but DEFINITELY the spirit of the Members' Conflict of Interest Act and are designed to cover up and hide serious wrongdoing within government and to destroy me when I have



done nothing wrong and I have won the positions in competitions 09-45-10, 10-44-02 and 10-44-03 based on merit in addition to other competitions.

30. It is respectfully submitted to the Conflict of Interest Commissioner that you may be able to direct unbiased persons to deal with these matters that can find appropriate but creative solutions outside the usual discipline requirements that I understand the government policies would require. If the persons involved in the harassment of me are successful in stopping my being hired they will make fun of me and continue to try to humiliate me, victimize me, etc. if they get away with what they have done. However, for the government to fire everyone when it has caused such a massive problem in the community may very well cause problems in itself. Whether there is or is not an alternative I do not know but experts in workplace harassment and bullying may have some valuable input in light of their expertise but I would submit to the Commissioner they SHOULD NOT BE ALLOWED TO CONTINUE WITH THEIR HARASSMENT OF ME and SHOULD NOT BE ALLOWED TO PROVIDE ANY MORE INFORMATION OF ANY TYPE TO THE GOVERNMENT and I should be hired based on merit IMMEDIATELY with ALL other full and fair appropriate relief.

31. If these persons could be disciplined in some way that would benefit the community and prevent further bullying in the future that may actually have the best result for long term prevention and the creation of a more respectful work environment. If those persons have skills such as coaching football or soccer or other such skills that will benefit the community as volunteers perhaps some good can come out of something very very bad. If those persons are made to understand and any future employees are made to understand that ZERO TOLERANCE will be the policy in the future and that if there is ANY workplace harassment or bullying of anyone it will NOT be tolerated and there will be no second chance, then these people whose jobs have been in jeopardy (and I understand have only come to appreciate the seriousness of the situation when their OWN jobs are in jeopardy) may actually be of help in having other employees stop bullying or in preventing further bullying. I believe that experts on workplace harassment and bullying will tell you that bullies move on to other targets and if they get away with what they have done to me (when it is PROHIBITED BY LAW) that any other employee that they do not like will not be safe and will be targeted by them.

32. If they destroy the Lawyer III position for me and I am not hired then what it appears that the Premier and other Cabinet Ministers past and present have done is TEACH persons how to perfect the art of bullying in order to cover up their own wrongdoing and avoid the consequences of it. I would respectfully submit that the Conflict of Interest Commissioner should find that INTOLERABLE particularly in light of the requirements of the Civil Service Act and the Human Rights Act.

33. Unlike those people involved in the harassment of me who you will likely find will be extremely happy if I am not hired and the impression is left within the community that I have mental health issues, I believe that it would be a terrible tragedy that ANYONE



McEl

HAS lost a job and that such a bullying situation WAS ABLE TO BE CREATED WITHIN the hiring process of the Civil Service system and has been encouraged to continue and allowed to continue with the participation of the police and the current Premier and his Cabinet.

34. There is also a message I believe in what has happened to me shown by the importance of the best supervisors and ethical people as possible holding positions of authority. Had Gillian Miller been the floor support fellow's supervisor there may have been a totally different outcome. If his supervisor had not been trying to destroy me and passing information to assist persons already involved in the harassment of me she would not likely have encouraged his conduct.

35. He and his friends can continue to harass me and say ordinary actions mean something they do not mean but in reality he knows or reasonably ought to know that I dealt appropriately with him right up to the end of his employment at the call centre Atelka despite his conduct.. Gillian Miller I believe would verify this. I believe that she would also verify that he would give me incorrect information as technical support because I would not respond to his sexual advances as she witnessed that first hand.

36. Technically his actions are sexual harassment under the Human Rights Act as unwanted advances are sexual harassment. He KNEW I said no right from May 2008 forward yet he refused to stop. If he has learned from what has occurred maybe that will affect positively what he does from this point forward. However, I had no contact with him except during work hours to ask work related questions as quickly as possible to get the answer. In a call centre Gillian Miller can verify to you that you are rated on how long it takes to deal with a customer etc. She can also verify that I asked her very difficult questions and got the necessary answers for customers. She can also verify that I won the competition on her team for having the best statistics in or around March of 2009. She can also verify that calls are recorded and monitored and that they can hear the questions asked if floor support personnel are there at the computer as well as their answers.

37. If the floor support fellow saw something different when I asked him specific questions that the customer needed an answer to then I cannot stop his perception but objectively there was nothing negative in my conduct whatsoever. The behaviour of the floor support fellow was not reasonable. He had been clearly told no as to his personal advances not related to work YET he persisted for approximately 10 months to constantly create disturbances within the workplace by continuing to make advances. Gillian Miller should be able to verify that he was disciplined on many occasions for doing so. He made fun of me along with his supervisor, Cindy, as being afraid to respond to his sexual advances. His supervisor was using this information to pass to persons outside the call centre to use to interfere in and prevent my being hired as a Lawyer III with the government in order that the private interests of other persons could be furthered and they could be rehired or avoid the consequences of their wrongdoing. I would submit to the Conflict of Interest Commissioner that if there was a respectful work environment at



Atelka none of this would have been allowed to occur. I would submit that if the law was followed by government officials in respect to that Miramichi competition and other competitions the Department of Justice officials WOULD NEVER have taken in this information but I would submit deliberately contravened the law and deliberately caused my harassment in order that they could FIND A REASON NOT TO HIRE ME BASED ON MERIT because of the wrongdoing that other government officials and employees had done and the animosity it caused towards me. His behaviour caused his supervisor and my supervisor immediately before Gillian (who was a friend of his supervisor) to constantly try to get me fired or use the situation he and they were creating or causing as claiming that I was immature and in effect had mental health issues IN ORDER that his supervisor could pass information to the government directly or indirectly to AFFECT the Lawyer III position with the government.

38. The male floor support worker was very young and very popular and it may be hard for the government to picture it as being sexual harassment. However, when approximately 5 years later he and others associated with him are still harassing me, trying to intimidate me, setting up situations or giving false information to discredit me to try to prove that his conduct was not harassment and that there is something wrong with me, I would submit to the Conflict of Interest Commissioner that in fact it proves the opposite. I think anyone objective would KNOW or reasonably ought to KNOW that his conduct was inappropriate then and IS EXTREMELY INAPPROPRIATE NOW. I would submit to the Commissioner that his conduct was and is extremely serious as it has prevented me from working since 2009 and from having been hired as a Lawyer III when he and others associated with him should NEVER have been able to interfere in my private employment applications in open competitions. I do believe that if he had had proper strong input from the company in accordance with the law that we would not have the problem that exists today. If he had given excellent technical support within the workplace to me, the company and its customers would have benefited as I believe that his answers and my excellent supervisor Gillian's answers were the best in the company. I would submit to the Commissioner that taking IN ANY INFORMATION FROM HIM OR ANYONE ELSE OUTSIDE THE BOARD OF EXAMINERS VIOLATES the Civil Service Act. I would further submit to the commissioner that the decision TJ Burke, Michael Murphy, Bernard LeBlanc Marie-Claude Blais as Ministers of Justice to take in ANY information from him or anyone else that in the perceptions of those persons I have mental health issues to affect my private and confidential employment applications in open competitions violates the Civil Service Act and the Human Rights Act and such decision made by them or participated in by them or any other Cabinet Ministers the subject of this complaint were made in order to further the private interests of other Cabinet Ministers, provincial or municipal government employees or other persons who would lose their jobs or otherwise be disciplined as a result of their involvement in the harassment or other wrongdoing in respect to how my employment applications were handled.

39. It should appear clear during the investigation of the Conflict of Interest



Commissioner that when government officials or employees or other persons did wrong, instead of taking responsibility for their actions more steps have been deliberately taken to hurt me in order to cover up what was done as is shown by what happened in each successive competition until the present date.

40. From the Miramichi competition until the present date further wrongdoing has occurred in each competition as set out in the affidavit until it has reached the absolutely unethical and I hope the Conflict of Interest Commissioner will find the ABSOLUTELY INTOLERABLE level that it has reached in my human rights complaint proceeding at the present time and that the Conflict of Interest Commissioner will stop the Premier and the Cabinet Ministers the subject of this complaint from it appears contravening the law, committing criminal and/or other offences and breaching the provisions of the Members' Conflict of Interest Act.

41. It is respectfully submitted to the Conflict of Interest Commissioner that your investigation will show that the actions of the Department of Justice solicitor, Andrea Folster, the Premier, the Attorney General, Danny Soucy, Martine Coulombe and Blaine Higgs are a DELIBERATE obstruction of justice, deliberate fraud and a breach of the public trust.

42. What has happened to me shows I believe the importance of the dynamics of not undermining an employee and following the law and treating all employees with respect. If management disrespects an employee then other employees will think they can get away with it too. If management withholds a position or a promotion for improper reasons it appears that this can lead to other staff making fun of the person or victimizing the person simply because they feel that they can and that management will let them get away with it. The government claims to be against Workplace Harassment and Bullying yet it appears that as a result of the actions of its Premiers, Cabinet Ministers, managers, human resources advisors, lawyers and other employees that the workplace harassment and bullying that has occurred appears to have escalated to deliberate criminal harassment by monitoring, following and reporting on my actions and any other occurrences IN MY PRIVATE LIFE or negative information that the persons involved in the harassment think that the government will accept in order to stop my being hired.

43. The government has I would submit to the Conflict of Interest Commissioner destroyed all ordinary enjoyment of life for me for several years now by refusing to hire me based on merit and has interfered with my livelihood for it appears despicable reasons in order to further the private interests of other persons. When NO ONE except the Board of Examiners should have had any input into my assessment for any lawyer position advertised by the government, the very fact that persons are using harassment in my private life to suggest ordinary conduct means I have mental health issues in order to keep their own jobs or help out friends should never have been able to occur if THE LAW THE LEGISLATIVE ASSEMBLY enacted was followed.



44. It is respectfully submitted in light of what has occurred to me from 2002 to the present date that ALL interviews should be recorded as are court proceedings in order to preserve the integrity of the system and prevent abuse to Applicants and requirements should be in place to protect the integrity of the recordings. On an unbiased review a clear unalterable record would then be available. There would be less temptation it would appear to circumvent the law and abuse the Applicant if there was a clear record of the interview available. In light of the severe consequences that can result to an Applicant, like me, (who has in good faith applied for a position in the civil service and has won that position) as a result of the wrongdoing of government officials and employees and the absolutely unacceptable measures that the Conflict of Interest Commissioner should find have been taken to cover their wrongdoing up, and in light of the power and influence available to government officials it is respectfully recommended that the Conflict of Interest Commissioner should ENSURE that measures are taken to put in place proper safeguards as to accountability and transparency in respect to ACTUALLY FOLLOWING AND APPLYING THE LAWS THAT HAVE BEEN MADE BY THE LEGISLATIVE ASSEMBLY IT IS RESPECTFULLY SUBMITTED TO AVOID EXACTLY THIS TYPE OF SEVERE ABUSE THAT I HAVE SUSTAINED DESIGNED TO DESTROY ME AND COVER UP THE WRONGDOING.

45. The Conflict of Interest Commissioner SHOULD BE EXTREMELY CONCERNED it is respectfully submitted that after that 2009 specialized prosecution branch competition, the government AMENDED the Civil Service Act to provide that there would FIRST be a review by the Deputy Minister of the Office of Human Resources BEFORE the unsuccessful Applicant makes a request for a review to the Ombudsman. It is respectfully submitted that this amendment was NOT in the public interest at all BUT IN the government's interest in order that they could find out what the Applicant's complaint is and on what it is based. In light of what has occurred from 2002 to the present date as set out in my affidavit filed with the Commissioner, there is the serious concern THAT NO APPLICANT WILL EVER BE SUCCESSFUL ON AN OMBUDSMAN'S REVIEW AS THE GOVERNMENT (WHO FOR WHATEVER REASON HAS NOT CHOSEN THAT APPLICANT) CAN OR WOULD HAVE THE OPPORTUNITY TO SIMPLY MAKE DISAPPEAR OR ALTER ANYTHING THAT WOULD HURT THE GOVERNMENT ON THE REVIEW BY THE OMBUDSMAN when it does its review first by the Deputy Minister.

46. If the system is simply going to be that the government can appoint whoever it wants to appoint and it appears that friends would have a clear advantage as a result of the 2002 and 2003 appointments, then it appears the government should be up front about that rather than have an elaborate system as set out in the Civil Service Act that purports to have the REQUIREMENT that all appointments be on merit when in fact that is NOT AT ALL what is happening within government. It would appear based on what has been done to me that offences under the Criminal Code or other Acts are occurring if the government wants to keep someone out of the Civil Service and the fact that the government would go to the extent that it has gone in its treatment of me to circumvent

A

MEC

the provisions of the Civil Service Act and the Human Rights Act, I would submit should be of extreme concern to the Conflict of Interest Commissioner.

47. If the Cabinet Ministers and other employees simply applied the law and hired the persons who won based on merit after they advertised the competition and interviewed all of the candidates or IMMEDIATELY allowed the unbiased review REQUIRED by the Civil Service Act to proceed and lived with the result regardless whether they liked it or not, it is submitted to the Commissioner that that would be the system set up within the Civil Service Act with safeguards to protect the Applicant.

48. If the government in reality is going to breach confidentiality and not have the Board of Examiners asking all Applicants the same questions and making the recommendation impartially based on that process but instead is going to take in the opinions of other courthouse or government staff or persons outside government entirely with ANY NUMBER OF BIASES to give their opinions on the Applicant's credentials or personal life when those persons may not even have gone to university let alone have any related experience so the government can find a reason not to hire the Applicant then it appears this opens the Applicant up to all sorts of serious abuse as well as violating Privacy Act requirements and Civil Service Act requirements and Human Rights Act requirements as well as other laws.

49. Did I feel threatened by the floor support fellow's conduct? No of course not.

Were his advances unwanted? Yes and he CLEARLY knew that as he and his supervisor made fun of me as being afraid of sex because I would not respond to his sexual advances BECAUSE they knew I clearly said no. Gillian Miller should be able to verify that this occurred as it was participated in by many persons within the Centre.

Did he cause serious harm to me? Your investigation should show that yes he did. During the entire time I worked at the call centre he interfered in my work environment by his personal pursuits unrelated to work performance or requirements and/or work quality and enabled his supervisor to try to destroy the professional opportunity I was seeking as a Lawyer III. I would submit to the Commissioner that if the government had properly followed the requirements of the Civil Service Act I would have been hired years before I ever had to work in either call centre.

Approximately Five years after I worked in the Atelka call centre HE and others associated with him ARE STILL HARASSING me and I understand are providing information to the government to STOP MY BEING HIRED. I understand that he lives or lived in the riding of MLA Parrot.

The Conflict of Interest Commissioner should note that under the Civil Service Act requirements he and the other persons involved in the harassment should NOT EVEN KNOW that I am an applicant. I would submit to the Commissioner that the Civil Service

Act certainly prohibits their trying to justify their actions to government officials and employees (in another place of employment where the attitudes and work ethic may be EXTREMELY different from my professional work ethic and the way those persons perceive what they see very different from my perceptions or an objective person's perceptions) to negatively affect my private and confidential employment applications in open competitions. For the Premier and Cabinet to take in such information to suggest that I have mental health issues is ALSO PROHIBITED by the Human Rights Act and it is submitted COMMONSENSE. The Human Rights Act makes it an offence for such information to be taken in and your investigation should show that offences are occurring by such information being taken in by government officials AT THIS TIME. It appears as the consent of Danny Soucy, the Minister of Post Secondary Education, Training and Labour is REQUIRED for a prosecution to be commenced that the government officials and employees have totally disregarded the provisions of the Human Rights Act EVEN THOUGH section 3 specifically provides that the Act binds the Crown in right of the Province.

It is respectfully submitted to the Conflict of Interest Commissioner that when there is workplace harassment or it appears harassment of any kind, the persons will set out to prove they are right by deliberate harassment and by stating that actions or ordinary occurrences mean WHAT THEY DO NOT MEAN to any unbiased qualified expert or any objective person..

49. One of the concerns in respect to the young people from the bullying is in trying to get support to encourage and help them to ignore the bullies as what they say should not be given any credence by the victim at all and others should stand on the side of the victim and tell the bullies to stop. I know that the information that the bullies are providing the government to affect my livelihood and my employment is completely wrong, false and designed to get the result the bullies want to obtain and to I understand enable them to avoid the consequences of their actions in targeting and bullying me and to prevent me from being hired. I am strong enough to ignore the bullies and what they say. If the government provides the position I am ready to provide quality legal services immediately to the government and as I have offered the Premier many times before I will volunteer time if the Premier will allow me to work with him or whoever he designates to ensure that no one else is subjected to what I have been subjected to by working to find real effective ways to stop bullying. I would submit to the Conflict of Interest Commissioner that your investigation should show that the problem that I have is that the government IS NOT ignoring the bullies and is taking in at face value I understand whatever they say without even giving me a chance to respond. This would be, I would submit, the equivalent of the bullies saying to the teachers of the students the things that they are saying to bully the other teenager etc and the teacher instead of stopping it or not paying attention to what the bullies say, saying it too and refuses to teach or otherwise participates in hurting the targeted student.

50. It is respectfully submitted to the Conflict of Interest Commissioner that the decisions





Page 183

made by the Premier and other Cabinet Ministers the subject of this Complaint, in addition to being a conflict of interest under the Members' Conflict of Interest Act and in contravention of sections 4, 5 and/or 6 thereof, affect matters that must be dealt with IMMEDIATELY by unbiased reviewers and an unbiased human rights commission. Accordingly, I would request that the Conflict of Interest Commissioner ensure in accordance with the Members' Conflict of Interest Act that any action by the Ministers the subject of this Complaint or the Legislative Assembly or Cabinet be prevented from continuing and that truly unbiased properly qualified persons and entities from outside the province in light of the powerful people involved be arranged by the Commissioner to deal with the matters requiring IMMEDIATE attention at this time without delay in order to properly comply with the Civil Service Act and the Human Rights Act and the Rules of Natural Justice.

51. It is further respectfully submitted that by taking in information PROHIBITED by the Civil Service Act and the Human Rights Act the Premier and Cabinet Ministers have caused me to be deliberately harassed.

216. I make this affidavit in support of my Complaint to the Conflict of Interest Commissioner in respect to the ten Members of the Legislative Assembly set out above and for no improper purpose or delay.

Sworn before me this 15 day of  
April, 2013 at the City of

Saint John, in the County of Saint John  
and Province of New Brunswick.

  
Mary Ellen Rose

  
A Commissioner of Oaths

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

Chief of Police and Cst Jeff Hamilton

June 21<sup>st</sup>, 2010

This is Exhibit "A"  
to the affidavit of  
Mary Ellen Rose  
sworn this 15 day  
April, 2013.

Enclosed please find the following referred to in the letter of June 18<sup>th</sup>, 2010.

*B. Agnew*

Following is the article on the New Brunswick Advisory Council Status of Women website entitled "Workplace bullying: name it and tackle it" by Ginette Petitpas-Taylor. It refers in it to Government of New Brunswick public service guidelines.

The Moncton Times & Transcript  
Opinion, Thursday, May 25, 2006, p. D8

BRIAN A AGNEW COM  
MISSIONER OF OATH  
MY APPOINTMENT  
EXPIRES DEC 31/13

### **Workplace bullying: name it and tackle it**

#### **A Woman's View GINETTE PETITPAS-TAYLOR**

Bullying is not just a schoolyard problem. It also happens at work. When teachers are bullied by parents, workers by bosses, or a salesperson by a supplier, it's workplace bullying - an internationally recognized occupational health and safety issue and a major cause of workplace stress.

Studies suggest women and men are about equally represented among the bullies. But women are more likely than men to be targets.

Researcher Marilyn Noble of Fredericton has said that workplace bullying is "at the stage family violence was about 20 years ago. It has been around for a long time but suddenly we've put a name on it and we've made it discussable. There is a huge pent-up need to deal with it."

Workplace bullying is repeated, unreasonable behaviour that intimidates or humiliates an employee or group of employees. It can involve insulting remarks or spreading rumours about a person's appearance, habits, ideas or private life.

It can also take the form of harsh and constant criticism of work in front of others, withholding of information needed to do the job, removing responsibilities or setting impossible deadlines as punishment. The bully may use the silent treatment to isolate the target and often encourages others to turn against the victim. Co-workers may gang up to torment a fellow employee - a practice sometimes called "mobbing" - and even force them out of their job.

The target of bullying may suffer from anxiety and depression, insomnia, loss of appetite and concentration, reduced self-esteem, digestive disorders and increased alcohol and drug use. The effects can be long lasting. Tensions at home and financial problems often follow.

Women who participated in a recent pilot study conducted by a University of New Brunswick Faculty of Nursing research team said the experience of workplace bullying left them feeling diminished, disillusioned and unsupported. Over time, it also forced them to take control of their own health and distance themselves from work.

Employers pay a high cost for bullying, including increased absenteeism and staff turnover. Low morale also reduces productivity and effectiveness, and not just among the direct targets of bullying. Other employees are also demoralized and may be driven out by the negative climate at work.

Harassers, however, rarely pay a price for their behaviour.

A 2003 survey of 1,000 self-described bullying victims by the U.S.-based Workplace Bullying & Trauma Institute found that in 70 per cent of cases, the bullying only stopped when the victim quit or was fired. In another 17 per cent of cases, the victim was transferred to another position with the same employer. The bully suffered consequences in only 13 per cent of cases: four per cent received punishment or sanctions, nine per cent were transferred or fired.

Some employers have anti-harassment policies. Government of New Brunswick public service guidelines, for example, address personal and sexual harassment, poisoned work environment and abuse of authority. But our laws currently offer little protection against workplace bullying for workers not in the public service.

While sexual harassment is explicitly forbidden by provincial and federal human rights legislation, psychological harassment is not covered by human rights legislation unless it can be shown to be motivated by the victim's race, sex, physical disability, sexual orientation, or one of the other

prohibited grounds for discrimination recognized by the N.B. Human Rights Code for provincially regulated workplaces or the Canadian Human Rights Act for federally regulated workplaces. Neither is general harassment mentioned in the provincial or federal employment standards laws nor New Brunswick's Occupational Health and Safety Act.

The Advisory Council is presently looking at legislative remedies developed in other jurisdictions. Quebec is the only province with a law, adopted in June 2004, to protect all workers from workplace bullying.

"Every employee has a right to a work environment free from psychological harassment" states Quebec's labour standards act. Employers must take "reasonable action" to prevent it and must put a stop to it when they become aware of such behaviour.

If the complaint is founded and mediation fails, Quebec employers can be ordered to offer compensation and support, including reinstating the employee, paying lost wages and punitive and moral damages.

Back in 2004, a private members' bill that proposed similar changes to the federal labour code died in the House of Commons. The Ontario legislature has given first reading to a bill that would add protection against psychological harassment to its occupational health and safety act.

Last month, the only female city councillor in St. John's, Nfld. denounced the mayor's bullying tactics, which she had endured for years. She successfully introduced an amendment to a bylaw to allow one councillor to make a complaint against another. The bylaw had been amended a dozen years ago to exempt councillors, since it was thought "aggressive" debate was part of politics. The business of politics should not resemble bullying.

Prevention is also key. A study of the first 18 months of operation of Quebec's new provisions showed that the majority of employers affected by complaints had no preventive measures in place. Quebec's labour standards commission has prepared brochures to inform employees about their rights and to urge employers to take an active role in raising awareness, providing training and procedures for dealing with incidents of psychological harassment.

The bully only ever strikes out at people he thinks can't hit back. So, it is reasonable to believe that there would be less bullying if we name it and give victims some recourse and if employers make it known that it will not be tolerated.

# Harassment of officer by Mounties 'reprehensible'

ROB LINKE  
TELEGRAPH JOURNAL

OTTAWA — An RCMP tribunal has issued a damning indictment of the oppressive harassment a veteran New Brunswick officer endured for four years at the hands of two high-ranking J Division officers.

The three-person board exoner-

PLEASE SEE → MOUNTIES, A2

1111 15 April 2011  
to the affidavit  
of Mary Ellen Re  
sworn this 15  
day of April, 2011

*[Signature]*  
A Commissioner  
of oaths

## Decision found an 'absence of good faith'

### MOUNTIES ← A1

ated the 25-year veteran, Staff Sgt. Ken Smith, of code of conduct charges in early April. No real details emerged in a verbal ruling given in Fredericton.

But the just-released 41-page decision details abusive and suspicious supervision so reprehensible that to have continued proceedings against Smith would "offend society's sense of justice," said the board.

It found an "absence of good faith" and examples of interference, conflict of interest and harassment on the part of Superintendent Louis Lefebvre, who had already been reprimanded.

The other senior officer who conspired with Lefebvre against Smith was Chief Superintendent James Payne, who was also reprimanded.

In total, "the oppressive conduct is significant," ruled the board.

"Thanks be to God somebody else has finally believed me," said Smith, who just got the ruling this week.

Over several pages, the board chronicled nearly 40 instances of "some form of oppressive or vexatious conduct" by members of the Mounties toward Smith between 2000 and 2004.

More than once, Lefebvre, highlighted as Smith's main harasser, relied on fact-finding techniques meant for criminal investigations — not managing an employee.

Smith filed a lawsuit in 2004 against the force and nine officers over the treatment he and his wife, Paulette Delaney-Smith, who is also a Mountie, have received.

He has also tried to mount a private criminal prosecution against Lefebvre for installing the tracking device without a warrant.

Provincial Court Judge Graydon Nicholas is to rule on that effort May 25.

Smith's troubles began when he won a promotion to head the Saint John drug unit over the candidate Lefebvre and other officers preferred.

He was ousted from that role the following year after a campaign to discredit him began. It involved Lefebvre and two corporals in the unit, one of whom was a close friend of the other candidate.

Lefebvre failed to give Smith the guidance expected of him and when concerns about his performance arose, he failed to raise them directly with Smith so he could respond.

**THANKS BE TO  
GOD SOMEBODY  
ELSE HAS FINALLY  
BELIEVED ME."**

KEN SMITH

Instead, he acted on rumours, said the board.

In 2002, Lefebvre ordered Smith be put under surveillance.

A tracking device was installed on his RCMP car. At different times, one, two or three drug section officers monitored his comings and goings.

None of the surveillance found any evidence of wrongdoing on Smith's part.

The board found installing a tracking device on Smith's cruiser did not violate the Criminal Code because no microphones were attached to it to intercept communications.

Still, it found "such use of an investigative technique for management purposes to be reprehensible."

All the surreptitious surveillance was "not only invasive, but shockingly intrusive, especially in light of the more pressing and better uses of such materiel and human resources for legitimate criminal investigations," said the board.

The money wasted on salaried Mount-

ies who were watching Smith could have paid the legal bills that stymied a bid for a settlement, which the RCMP reneged on, said the board.

When Smith filed a formal harassment complaint against Lefebvre in 2003 and it was investigated, Payne interfered.

He called the investigating officer to suggest deleting a line from his report which said Smith "was not accorded the dignity and fairness due a senior member of this organization."

A 2004 internal investigation found Lefebvre and Payne had harassed Smith. Both were given official reprimands.

The board found that the Mounties' efforts to persuade Smith to accept a retirement settlement were not extortion but conveyed the consequences of refusing it.

At one point, Lefebvre took the word of a colleague of Smith's who said Smith "never slept one night in Saint John" despite the RCMP picking up the costs of a move from Fredericton.

Told that Smith had no legitimate Saint John address, Lefebvre ordered a criminal investigation.

The investigator protested that a few simple checks would be a better approach, but Lefebvre insisted.

The investigator's initial report said Lefebvre's complaint bordered on mischief, but he was ordered to delete that.

That same investigator eventually determined that Smith had a real Saint John address.

It simply had not been recorded properly by the moving company.

"After four years of telling these people 'this is what you've been doing to me,' it took this process to bring it to the surface," said Smith, who just got the ruling Wednesday.

"Yet two internal investigations said it, too — and the commanding officer of J Division wouldn't believe it."

BRIANA AGNEW.COM -  
MISS LONERD OATHS  
BY APPOINTMENT  
EXPIRES DEC. 31/13

affidavit of Mary Ellen Rose  
sworn this 15 day of  
April, 2013.

## Bullying and Workplace Harassment Considerations

It is respectfully submitted to the Conflict of Interest Commissioner that some considerations relevant in the consideration of workplace harassment and bullying which would be understood by workplace harassment and bullying experts are briefly indicated in the following excerpts from radio or TV news broadcasts :

### CBC RADIO Maritime Magazine excerpt

Hula Hughes ( I may have the spelling wrong ) a law professor I understand at UNB on CBC radio on Maritime Magazine stated words to the effect that private life is not to be taken into consideration by employers and there is a lot of case law prohibiting that. My understanding of the broadcast was that the situation discussed in that program involved the Mayor of Nackawic intruding into an employee's private life as a result of e-mails on the work computer etc which I understand resulted in the Mayor being removed from office. I also understand from that broadcast that the employee victimized went on to successful employment with another organization.

On I believe that program as well as other programs it was emphasized that bystanders should be upstanders and speak up to stop the bullying rather than participate in it or do nothing to stop it.

### REX MURPHY Cross Country Checkup

#### Call-in Broadcast on Bullying

One young 15 year old girl indicated that she was bullied and that it appeared that they had followed her and watched her and then written things about her on the internet for about six months and she had no idea of what they were doing until a boy made a comment that brought it to her attention. Other programs on bullying indicated that people will learn that people who are pretending to be friends are participating in the bullying and saying things that aren't true etc while hiding that fact from the person who has been targeted and is being bullied. It has also been stated that persons will join in with the bullies as they are afraid, that if they take a stand that the bullying is wrong, that it will happen to them too.

### CBC Radio Maritime Noon (around March 2012)

My understanding was that a doctor with Izaak Walton Killam Hospital in Halifax said on a program dealing with bullies on Maritime Noon on CBC words to the effect that when it is attempted to ascribe guilt to the bullies for what they are doing that is when the games will begin and it is very difficult to do that and the victim can be hurt further.

In addition a psychologist from Moncton was interviewed by CBC radio on Monday the week prior to the week the interview in the preceding paragraph took place, I believe his name was Charles Emerenz. (the spelling may not be correct). My understanding was that

BRIANA AGNEW COM  
MISSIONER OF OATH  
MY APPOINTMENT  
EXPIRES DEC 31/11

Page 2

he said words to the effect: that he always recommends that the person not make eye contact with the bully, stay at least 4 feet away, not have any conversation with them and always go with another person.

that he always asks witnesses who see it why they did nothing to stop it as they are to blame too.

that bullies should be aware that there are escalating consequences for their behaviour.

CBC Radio Maritime Magazine Excerpt (Sunday Morning at 8:30 a.m. in February 2012)

-indicated that the profile of a person the subject of workplace harassment was often a hardworker, conscientious, worked well with others and in fact the very person an employer should want to employ.

CBC Maritime Noon and other radio broadcasts ( about March 12, 2012)

-a young girl who was shy, studious and loved music was targeted and bullied badly at school by being locked into a locker, her music instrument parts thrown around etc.

-administration of the school was removed because they did nothing about it

-the mother indicated that the young girl is now afraid to go to university because of her high school experience

CBC Radio Maritime Magazine - Workplace Harassment and Bullying  
Sunday September 2, 2012 8:30 a.m.

Expert psychologists were part of the program.

Words were said to the effect that victims of workplace harassment wake up and go to work wondering what the bullies are going to do to them today.

Words were also said to the effect that many other people will join in with the bully even though they know what is being done to the victim is wrong.

Words were said to the effect that bullies engaged in workplace harassment have no conscience at all in respect to the harm that they are deliberately doing to their victim, no compassion an ordinary person would have and no difficulty at all with taking away their livelihood nor causing problems for them getting other jobs.

Words were said to the effect that the harassment if not stopped can go on for years and the bullies often a supervisor will build a file to get the victim fired so that when other

Page 3

company officials look at it there is this file that justifies what the bully wants to do when they want to fire the person.

One expert said that there should be legislation to protect the victim. It was said that by subjecting persons to what can be years of workplace harassment and bullying can lead to nightmares, loss of sleep, time off work and have other negative health effects caused by the harassment.

One person interviewed as part of the broadcast admitted to bullying a person or persons and said that it made her feel more important than the other person.

CBC radio broadcast - approximately spring 2012

a representative of the NS Public Employees Union I understand on CBC radio indicated words to the effect that there is an epidemic of workplace bullying and that just because someone does not like someone they have no right to interfere with their employment and livelihood.

She felt that workplace harassment and bullying should be added to the definition of workplace violence and she was part of a group I understand approaching the government to do that.

She said words to the effect that people will not like everyone they work with but that is no excuse to try to destroy someone else's livelihood.

CBC Maritime Magazine Broadcast - approximately March 2013

Workplace Harassment and Bullying - Second Broadcast that referred to broadcast above on September 2, 2012

Teacher in Prince Edward Island who researched workplace harassment and bullying said that there needs to be a respectful environment in the workplace.

The Conflict of Interest Commissioner should be able to get a copy of any of the above programs or broadcasts if you wish to access any of the above information or additional information.

COURT HOUSE  
102 LAST MAN STREET  
WILLIAMS ONSARIO L3R 9W7  
(905) 735-0010 EXT 750



*This is Exhibit "D" to the  
affidavit of Mary Ellen  
Rose sworn this 15 day  
of April, 2013.*

December 9, 2005

To Whom It May Concern:

RE: MARY ELLEN ROSE

*[Signature]*  
A Commissioner of Oath

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

It is my pleasure to supply this letter in order to give you my impression of the knowledge and professionalism that Mary Ellen Rose brings to the practice of law.

Prior to my appointment to the Bench, I practiced law in partnership with other lawyers for approximately 19 years. My practice consisted primarily of highly complex civil litigation cases, along with some family and criminal cases.

In 1987 Ms. Rose came to work for my law partnership in Niagara Falls shortly after her call to the Bar. She was immediately capable of handling a high volume of relatively complex civil and family cases with minimal supervision.

In her employment with our firm, Ms. Rose demonstrated an impressive ability to review, organize and understand complex cases. She was a diligent and tireless worker who put a great deal of energy into pursuing her clients' claims toward their ultimate objectives. Moreover, she had a sensible approach to every file and was often quickly able to obtain a realistic practical resolution of a file.



Ms. Rose left our firm in approximately 1989 to work for a competing law firm. Over the next several years I continued to have contact with Ms. Rose until she left the Province of Ontario in about 1996. During all of that time it was my observation that Ms. Rose continued to pursue her clients' claims in a diligent, intelligent and relentless manner.

I believe that Ms. Rose is an excellent advocate. She approaches the practice of law in a professional manner and with the utmost integrity. Moreover, she is capable of understanding and presenting the most complex cases in an efficient and practical manner. I have no hesitation in recommending Ms. Rose for any position in the legal field.

Yours truly,

A handwritten signature in black ink, appearing to read 'J.R. Henderson', written over a horizontal line.

J.R. Henderson  
Superior Court of Justice

lm

May 11, 2012

Ms. Mary Ellen Rose  
145 Westmorland Rd.  
Saint John, NB  
E2K 2E5

**RE: Ms. Mary Ellen Rose**

To whom it may concern,

This letter will attest that I have known Ms. Rose as a family law lawyer practicing in my Court in Saint John during the period of 1998 to 2003.

Throughout that period, I found Ms. Rose to be a competent and serious advocate for her clients who was always well prepared, articulate and professional.

She adapted well to the family court environment and always maintained a balanced approach with other lawyers and with the Court.

Based on my association with Ms. Rose, I would have no hesitation in recommending her for employment, particularly in any family law related field.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Guerette', with a long horizontal flourish extending to the right.

Justice Raymond J. Guerette  
Court of Queen's Bench  
Campbellton, N.B.

RJG/ km

THE HONOURABLE MR. JUSTICE JEAN JACQUES FLEURY  
ONTARIO COURT OF JUSTICE  
(GENERAL DIVISION)



L'HONORABLE JUGE JEAN JACQUES FLEURY  
COUR DE JUSTICE DE L'ONTARIO  
(DIVISION GÉNÉRALE)

JEAN FLEURY  
102 EAST MAIN STREET  
WELLAND, ONTARIO L3B 3W6

(905) 732-1349

September 5, 1996

Dear sir,

Re: Mary-Ellen Rose

I understand that Ms. Mary-Ellen Rose has applied for a position in the legal department of your company. When she left our jurisdiction, I told her, unsolicited, that I would be pleased to provide her with a letter of recommendation to prospective employers. She called me this morning and therefore, here are my comments.

I have known Ms. Rose for a number of years. I believe that she articulated in this area and that she started appearing in court in front of me during her articles. She has always struck me as a hard working solicitor. Her arguments were inevitably well prepared. Her research was thorough. She was never at a loss for words. It was a pleasure to see her in action. She is a fine litigator. She is also a bright lawyer. She appeared in front of me both in criminal and civil matters and demonstrated an excellent knowledge of the rules of evidence. Whenever I saw her name on the docket, I knew that I was in for an interesting argument. She has that "killer instinct" that is so essential for lawyers who devote a substantial part of their time to litigation. She is focused and knows how to press her point. I tend to intervene during presentation of argument (some might say that I intervene too much) and I did so on a regular fashion in her cases. I must say that she showed an unusual ability to fall back on her feet, no matter what my interruption might have

.../2

been about. She is tenacious and will not abandon an argument that she considers important no matter how abruptly she may be interrupted. To her credit, she has managed to pull some successes "out of the jaws of defeat" through her determination to make her point.

All in all, she is an excellent advocate and I would recommend her most highly for your consideration. She will be a definite asset in your litigation department. If you have any questions concerning these comments or if I can be of further assistance to you, please do not hesitate to contact me.

Yours very truly,



Jean-Jacques Fleury  
Ontario Court of Justice  
(General Division)

*Pickup and MacDowell*  
BARRISTERS AND SOLICITORS

ARTHUR W. D. PICKUP Q.C.  
LORNE J. MacDOWELL  
L. J. HALFPENNY MacQUARRIE

P.O. Box 130  
Philpott Street  
Port Hawkesbury  
Nova Scotia, Canada  
B0E 2V0

Tel: 625-2500  
Fax: 625-0000

April 25, 1996

TO WHOM IT MAY CONCERN:

RE: MARY ELLEN ROSE

It is my pleasure to provide a letter of reference for Mary Ellen Rose. During the years 1984-85, Ms. Rose articulated with LeBlanc, MacDonald & Pickup and at that time, I was her principal.

LeBlanc, MacDonald & Pickup dissolved in May of 1995 and at the time was a ten lawyer regional law firm operating out of the Strait of Canso area and serving four counties.

During her term of articling with our firm, Ms. Rose was found to be a very intelligent, obliging and articulate person. In particular, Ms. Rose was a tireless worker and in fact, the former partners of LeBlanc, MacDonald & Pickup held Ms. Rose up as the standard by which to judge clerks which followed her.

Since 1985, I have been in touch periodically with Ms. Rose and have followed her career in Ontario. I had occasion in October of 1994 and the winter of 1995 to engage Ms. Rose to look after a claim in the Ontario Supreme Court on behalf of one of my corporate clients.

The client was of course happy with the results, but more importantly, I found that the matter was handled promptly and professionally and in a relatively short time frame.

As a result, I have no hesitation in recommending Ms. Rose in any capacity in the practice of law and would be pleased to provide further details at the above noted number.

Yours very truly,



Arthur W. D. Pickup, Q.C.

AWDP/pd



1995 12 08

To Whom It May Concern:

I am pleased to be able to recommend Mary Ellen Rose based on my experience with her as part time professor in the School of Business and Entrepreneurship's Legal Assistant program

Mary Ellen revised the course curriculum and taught two (2) legal courses during the 1994 winter semester while maintaining a full-time legal practise. She incorporated her legal expertise and passion for teaching to provide her students with an excellent learning environment. She was committed to her students' success and made every effort to accommodate anyone who was experiencing difficulty.

Mary Ellen maintained a pleasant and professional image at all times. She has proven to be conscientious, reliable person always ensuring her students were not disadvantaged by her busy legal schedule. Mary Ellen was a team player who collaborated with her colleagues regarding teaching methods and administrative protocol.

Mary Ellen rose would be a valuable asset to any organization.

Yours truly,

D. W. Taylor  
Director  
School of Business &  
Entrepreneurship

DT/b

E




# Ombudsman

June 11, 2007

This is Exhibit "E" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of April  
2013.

Mrs. Mary Ellen Rose  
55 Magazine St. Apt. 705  
Saint John, NB E2K 2S5

  
A. Commissioner of oaths

BRIANA AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC. 31/13

Dear Mrs. Rose:

This letter is in response to your complaint, which was filed with the Office of the Ombudsman, May 8, 2007 in regards to competition 06-44-04 Lawyers I-III.

Our investigation under section 33 of the *Civil Service Act* was conducted to determine if competition 06-44-04 was based on merit as required by the Act. In that regard, this Office contacted the Office of the Attorney General, met with officials from the department, reviewed the competition requirements and reviewed all files related to the competition.

In reviewing the competition file, including rating guide and the Board of Examiner assessment related to the five modules of the interviews (A. Professional/Technical knowledge; B. Analytical/Decision Making Skills; C. Communication/interpersonal skills; D. Organizational Skills; E. Positional Suitability), the following information was confirmed.

Under the Professional/Technical knowledge module, you received an "A".

Under the Analytical/Decision Making Skills module, you received an "A".

Under the Communication/Interpersonal Skills module, you received an "A".

Under the Organizational Skills module, you received an "A".

Under the Positional Suitability module, you received an "A".

...2

Tel / Téléphone :  
(506) 453-2789  
Fax / Télécopieur :  
(506) 453-5599  
E-mail: nbombud@gnb.ca  
Toll free / Sans frais :  
1-888-465-1100

Office of the Ombudsman  
767 Brunswick Street  
P.O. Box 6000  
Fredericton  
New Brunswick  
Canada E3B 5H1

Bureau de l'Ombudsman  
767, rue Brunswick  
Case postale 6000  
Fredericton  
Nouveau-Brunswick  
Canada E3B 5H1





This gave you an overall evaluation of "A" from the Board of Examiners, which placed you on the eligibility list along with fifteen (15) other applicants for Competition 06-44-04. This Office is satisfied that the Board of Examiners has respected the merit principle in their assessment of your eligibility. However this competition was a Candidate Inventory based competition with no obligation to offer a position to the candidates who make the eligibility list. The eligibility list for Competition 06-44-04 is valid until 03-11-2009.

Section 12(1) and 12(2) reads as follows:


**From among the qualified candidates in a competition the Deputy Minister of the Office of the Human Resources shall select and place the most qualified candidates on a list, to be known as an eligibility list, as the Deputy Minister of the Office of the Human Resources considers necessary to provide for the filling of a vacancy or anticipates vacancies.**

**Subject to the regulations made by the Board, an eligibility list is valid for such period of time as may be determined by the Deputy Minister of the Office of Human Resources.**

Based on our inquiries into this matter, this Office is satisfied that the Board of Examiners and Department Officials have abided by the applicable legislation, policy and procedures in regards to Competition 06-44-04( Lawyers I-III). Under these circumstances, we are proceeding to close your file.

I regret to be unable to provide you further assistance in this matter and I wish you well in the future.

Yours truly,



Robert Savoie  
Investigator  
Civil Service Appeals & Investigations  
Office of the Ombudsman

/af

F

**M.E. Rose**

**From:** <Jennifer.LeBlanc@gnb.ca>  
**To:** <Rose.M@bellaliant.net>  
**Sent:** Tuesday, March 12, 2013 11:38 AM  
**Subject:** RE: Mary Ellen Rose Human Rights Complaint  
Mary Ellen Rose,

The date of the next meeting is April 24, 2013.

Legal Advice from legal staff at the Commission to the Commission members is privileged and so we will not be sharing that information.

Jennifer

**From:** Rose M  
**Sent:** Tuesday, March 12, 2013 11:09 AM  
**To:** LeBlanc, Jennifer (HRC/CDP)  
**Subject:** Re: Mary Ellen Rose Human Rights Complaint

Jennifer LeBlanc

March 12, 2013

Would you please advise as to the date of the next meeting of the New Brunswick Human Rights Commission to which you are referring as requested in my March 8, 2013 e-mail. Would you also please confirm as requested in that e-mail that you will forward a copy of the legal advice that Seamus Cox intends to provide to the NB Human Rights Commission for my review prior to the date of that meeting and any comments that I wish to make as also requested in my March 8 e-mail if the Commission is attempting to proceed in the face of a conflict and in the extremely serious circumstances in this matter.

As indicated as there is clearly a conflict, the NB Human Rights Commission has no authority to proceed. It would appear to be completely unethical and in contravention of the Rules of natural justice and other rules and laws for you to attempt to be proceeding rather than to ensure unbiased decisionmakers with no stake in the outcome fairly address my matter in the interests of justice. When there is a conflict of interest lawyers, judges etc cannot handle a matter and simply must refer it to an unbiased lawyer or an unbiased decisionmaker. The failure of the NB Human Rights Commission to understand this is a great concern and in the serious circumstances of this matter appears to affect the very credibility of the NB Human Rights Commission and appears to clearly bring the administration of justice into disrepute.

I await your immediate response.

Mary Ellen Rose

----- Original Message -----

**From:** Jennifer.LeBlanc@gnb.ca  
**To:** Rose.M@bellaliant.net  
**Sent:** Monday, March 11, 2013 11:27 AM  
**Subject:** RE: Mary Ellen Rose Human Rights Complaint

Ms. Rose,

I confirm receipt of the documents 1, 2, and 3 as indicated in your email below.

As you have been previously advised, the New Brunswick Human Rights Commission deals with complaints against the Province of New Brunswick as part of the Commission's mandate and therefore your complaint is not being forwarded to another Human Rights Commission.

This is Exhibit "F" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of  
April, 2013.

  
A Commissioner of Oaths

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

Your TLE extension request, as well as your recent submissions will be dealt with by the New Brunswick Human Rights Commission at its next regularly scheduled meeting. The New Brunswick Human Rights Commission will also have access to the entire file during their consideration of your TLE request. You will be advised in writing of the New Brunswick Human Rights Commission's decision.

Jennifer

**From:** Rose M

**Sent:** Monday, March 11, 2013 10:58 AM

**To:** LeBlanc, Jennifer (HRC/CDP)

**Subject:** Mary Ellen Rose Human Rights Complaint

Jennifer LeBlanc

NB Human Rights Commission

Manager of Investigations

Monday, March 11, 2013

I confirm that you have received the following documentation:

1. Comments of the Complainant Mary Ellen Rose dated March 7, 2013 to the Time Limit Extension Request Report prepared by NB Human Rights Commission staff ;
2. Copy of Letter of Robert Savoie dated June 11, 2007; and
3. Copy of Advertisement of the Province of New Brunswick re: Competition 06-44-04 for a Lawyer I-III in the Legal Services Branch, Office of the Attorney General with attached copy of Letter of Hilda Ringuette dated March 29, 2007.

I confirm that I have not received a response to my E-mail Letter to you dated March 8, 2013 in respect to the conflict of interest of the NB Human Rights Commission and other matters.

Would you please confirm immediately that my Human Rights Complaint and all other documentation in your file to date ARE IMMEDIATELY being forwarded to be dealt with by an unbiased Human Rights Commission from outside the Province.

I trust same is to your satisfaction in the circumstances of this matter. I await your immediate confirmation.

Mary Ellen Rose

G

**M.E. Rose**

**From:** "Ringuette, Hilda (JUS)" <Hilda.Ringuette@gnb.ca>  
**To:** <roseme@nb.sympatico.ca>  
**Sent:** Thursday, March 29, 2007 10:21 AM  
**Attach:** 06-44-03 & 06-44-04.doc  
**Subject:** Competition 06-44-04 - Lawyer I - II  
Dear Ms. Rose:

*This is Exhibit "G" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of  
April, 2013.*

*  
A Commissioner of Oaths*

We wish to advise that after careful consideration of all applications an appointment has been made with respect to the above noted competition.

As future vacancies arise, the Office of the Attorney General will be considering applications from this competition. Your application will be kept on file for consideration for these future vacancies.

**BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13**

Thank you for the interest you have shown in seeking employment with the Office of the Attorney General.

Sincerely,

Hilda Ringuette

Department of Justice and Consumer Affairs /  
Ministère de la Justice et de la Consommation  
Human Resources / Ressources humaines  
Room 476, Centennial Building /  
Salle 476, édifice du Centenaire  
Telephone: 506-453-2719  
Fax / Télécopieur: 506-453-8718  
Email / Courriel: [Hilda.Ringuette@gnb.ca](mailto:Hilda.Ringuette@gnb.ca)

H

This is Exhibit "H" to  
the affidavit of MaryEll  
Rose sworn this 15 day  
of April, 2013.

April 30, 2007

**PERSONAL & CONFIDENTIAL**

Ms. Mary Ellen Rose  
55 Magazine Street  
Apt. 704  
Saint John, New Brunswick E2K 2S5

  
A Commissioner of oaths

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

Dear Ms. Rose:

This letter is in reply to your letter to the Deputy Minister of the Office of the Human Resources, Ms. Laura Freeman, regarding your inquiry as to the reasons why you were not selected for appointment.

As per the email message sent to your attention on March 29<sup>th</sup>, 2007, I would like to clarify that this was an inventory based competition; our goal was to establish a list of candidates that met present requirements of the Legal Services branch.

I also wish to point out that your candidacy made the eligibility list. As future vacancies arise, the Office of the Attorney General will be considering the eligibility / inventory list established from this competition. Please note that your application will be kept on file for future consideration.

Should you have any questions regarding this letter, please do not hesitate to contact Lise Laforge in our Human Resources Branch at 444-4459.

Yours truly,

(Original signed and mailed May 4<sup>th</sup>, 2007)  
Yvon G. LeBlanc, Q.C.


/ll

cc: Clyde Spinney





This is Exhibit "I" to  
the affidavit of Mary El  
Rose sworn this 15 d  
of April, 2013.

  
A Commissioner of Oaths

Office of the Attorney General  
Legal Services Branch

Candidate Inventory

Lawyers I – III  
(4 positions)  
Fredericton  
Open Competition

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC. 31/13  
Cabinet du procureur général  
Direction des services juridiques  
Répertoire de candidats ou candidat

Avocates ou Avocats I – III  
(4 postes)  
Fredericton  
Concours public

The Office of the Attorney General is seeking the services of lawyers to work in the Legal Services Branch.

The successful candidates will work with other counsel in a team setting to provide legal opinions and advice to government departments and agencies, as well as to conduct litigation in all levels of Court and represent the Province before administrative boards and tribunals. The successful candidates will also be required to conduct research in specialized areas of the law. Location of the work will be in Fredericton, but travel to other areas of the Province will be required. The successful candidates will on occasion be required to attend at the offices of the Legal Services Branch in Fredericton without prior notice to deal with urgent matters.

The successful candidates must be members in good standing of the Law Society of New Brunswick. They must have superior writing and verbal communication skills as well as excellent analytical and interpersonal skills. The successful candidates will have a proven ability to work independently and effectively to short deadlines. Some of the successful candidates will have demonstrated knowledge and experience in the field of litigation and have trial, as well as appellate court litigation experience. Written and spoken competence in English is required for one position. Written and spoken competence in English and French is required for three of the positions.

Applicants for the position that require written and spoken competence in English are required to submit an English writing sample that they have authored of no more than five pages. Applicants for positions that require written and spoken competence in English and French are required to submit an English and a French writing sample that they have authored of no more than five pages each. Writing samples are required with applications.

Candidates must demonstrate on their applications how they have acquired the education and experience required for this position. Your résumé should be in chronological order, specifying education and employment in months and years, including part-time and full-time employment. Applicants who do not clearly demonstrate the above noted qualifications will not be given consideration under this competition.

REMUNERATION: \$ 1,582 to \$ 3,869 bi-weekly, commensurate with training and experience.

**Applications must be received on or before November 24, 2006, stating the appropriate Competition Number. Only applications received on or before this date will be**

Le Cabinet du procureur général est à la recherche d'avocates ou d'avocats pour la Direction des services juridiques.

Les personnes choisies travailleront en collaboration avec les autres avocats d'une équipe chargée de fournir des conseils et des avis juridiques et d'offrir des services contentieux à tous les échelons de l'appareil judiciaire, y compris divers commissions et tribunaux administratifs. Elles devront également effectuer des recherches dans des domaines spécialisés du droit. Elles travailleront à Fredericton, mais elles devront se déplacer dans d'autres régions de la province à l'occasion. Les personnes choisies seront tenues à l'occasion de se présenter aux bureaux de la Direction des services juridiques à Fredericton sans préavis afin de traiter de dossiers urgents.

Les personnes désireuses de se porter candidate doivent être membres en règle du Barreau du Nouveau-Brunswick. Elles doivent posséder d'excellentes aptitudes à la communication orale et écrite ainsi qu'à l'analyse et aux relations humaines. Les personnes choisies doivent être capables de travailler efficacement de façon autonome et respectant des échéances serrées. Certaines devront démontrer qu'elles ont des connaissances et de l'expérience dans le domaine du contentieux et avoir déjà plaidé en première instance et en appel. La connaissance de l'anglais parlé et écrit est nécessaire pour une position. La connaissance de l'anglais et du français parlé et écrit est nécessaire pour trois des postes.

Les candidatures au poste qui exige la connaissance de l'anglais parlé et écrit doivent être accompagnées d'un texte rédigé par le candidat ou la candidate en anglais de plus cinq pages, et les candidatures aux postes qui exigent la connaissance de l'anglais et du français parlé doivent être accompagnées d'un texte en français et d'un texte en anglais rédigés par le candidat ou la candidate de cinq pages chacun. Les textes exigés doivent être soumis en même temps que la demande d'emploi.

Votre demande doit préciser comment vous avez acquis l'éducation et les compétences exigées pour ce poste. Votre curriculum vitae doit être en ordre chronologique, précisant vos années d'études ainsi que les mois et les années d'expérience de travail à temps partiel et à temps plein. Les dossiers des candidats et candidates qui ne répondent pas aux critères ci-dessus ne seront pas considérés dans le cadre du présent concours.

TRAITEMENT : De 1 582 \$ à 3 869 \$ à la semaine, selon la formation et l'expérience.

**Les demandes d'emploi doivent être reçues avant le 24 novembre 2006, indiquant le numéro de la compétition. Seules les candidatures reçues avant cette date seront prises en considération.**

REMUNERATION: \$ 1,582 to \$ 3,869 bi-weekly, commensurate with training and experience.

**Applications must be received on or before November 24, 2006, stating the appropriate Competition Number. Only applications received on or before this date will be considered.**

**Linguistic Requirements:**

**Competition Number: 06-44-03 – 3 positions**

Written and spoken competence in English and French is required.

**Competition Number: 06-44-04 – 1 position**

Written and spoken competence in English is required.

Office of the Attorney General  
Human Resource Services  
Room 476, Centennial Building  
P.O. Box 6000  
Fredericton, NB E3B 5H1  
Tel: (506) 453-2719  
Fax: (506) 453-8718

J

**M.E. Rose**

---

**From:** "O'Donnell, Christine (JUS)" <Christine.O'Donnell@gnb.ca>  
**To:** <roseme@nb.sympatico.ca>  
**Sent:** Tuesday, November 25, 2008 2:25 PM  
**Subject:** Lawyer I-III - Competition 08-44-04 - Office of the Attorney General - Miramichi  
**Ms. Rose:**

The recruitment process for the above-noted competition is now complete. After careful consideration of all applicants, we wish to advise that an appointment to the position has been made.

The *Civil Service Act* permits unsuccessful candidates to make written inquiry as to the reasons why they were not selected for appointment. If you wish to do so, please address your inquiry to the undersigned within fourteen (14) days of the mailing of this letter.

The Office of the Attorney General wishes to thank you for the interest you have shown by entering this competition.


Sincerely,

*Christine O'Donnell*  
Justice and Consumer Affairs  
Justice et de la Consommation  
Office of the Attorney General  
Cabinet du procureur général  
Administrative Services/Services administratifs  
phone/téléphone: 506-453-6504  
fax/télécopieur: 506-453-8718  
e-mail/courriel: christine.o'donnell@gnb.ca

*"This message is intended for the person to whom it is addressed and is to be treated as confidential or private communications. It must not be forwarded unless permission has been received from the originator. If you have received this message inadvertently, please notify the sender and delete the message. Then delete your response. Thank you for your cooperation."*

*« Ce message est destiné à la personne désignée dans la présente et il doit demeurer confidentiel. Il ne doit pas être réacheminé sans la permission de l'expéditeur. Si ce message vous a été envoyé par erreur, veuillez aviser l'expéditeur et effacer le message. Effacez ensuite votre réponse. Merci de votre collaboration. »*

*This is Exhibit "J" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of April,  
2013*

  
BRIAN A AGNEW COM-Missioner of oaths  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

3/1/2013

K

**M.E. Rose**

---

**From:** "O'Donnell, Christine (JUS)" <Christine.O'Donnell@gnb.ca>  
**To:** <roseme@nb.sympatico.ca>  
**Sent:** Monday, December 21, 2009 4:53 PM  
**Subject:** Competition 09-45-10, Lawyer II-III

The recruitment process for the above-noted competition is now complete. After careful consideration of all applicants, we wish to advise that an appointment to the position has been made.

The *Civil Service Act* permits unsuccessful candidates to make written inquiry as to the reasons why they were not selected for appointment. If you wish to do so, please address your inquiry to the undersigned within fourteen (14) days of the mailing of this letter.

The Office of the Attorney General wishes to thank you for the interest you have shown by entering this competition.

Christine O'Donnell  
 Justice and Consumer Affairs  
 Justice et de la Consommation  
 Office of the Attorney General  
 Cabinet du procureur général  
 Administrative Services/Services administratifs  
 phone/téléphone: 506-453-6504  
 fax/télécopieur: 506-453-8718  
 e-mail/courriel: christine.o'donnell@gnb.ca

*"This message is intended for the person to whom it is addressed and is to be treated as confidential or private communications. It must not be forwarded unless permission has been received from the originator. If you have received this message inadvertently, please notify the sender and delete the message. Then delete your response. Thank you for your cooperation."*

*« Ce message est destiné à la personne désignée dans la présente et il doit demeurer confidentiel. Il ne doit pas être réacheminé sans la permission de l'expéditeur. Si ce message vous a été envoyé par erreur, veuillez aviser l'expéditeur et effacer le message. Effacez ensuite votre réponse. Merci de votre collaboration. »*

*This is Exhibit "K" to the  
 affidavit of Mary Ellen Rose  
 sworn this 15 day of  
 April, 2013.*

  
 A Commissioner of oaths

BRIAN A AGNEW COM-  
 MISSIONER OF OATHS  
 MY APPOINTMENT  
 EXPIRES DEC 31/13

3/1/2013

This is Exhibit "L" to-  
affidavit of Mary Elle  
Rose sworn this 25<sup>th</sup>  
of April, 2013.

CHAPTER 17  
PUBLIC OFFICE

  
A Commissioner of the Court

RULE

BRIAN A AGNEW COM-  
MISSIONER OF COURTS  
MY APPOINTMENT  
EXPIRES DEC. 31/13

In the discharge of the duties inherent therein the lawyer holding a public office shall adhere to standards of professional and personal conduct at least as high as those required by this Code of the lawyer who is engaged in the practice of law<sup>1</sup>.

COMMENTARY

**Principle underlying the Rule**

1. Because the lawyer is able to be readily observed by the public when occupying a public office, the lawyer shall observe the standards of conduct required by the Rule in this chapter in order that the lawyer, the legal profession and the administration of justice and the institutions associated therewith retain the confidence and the respect of the public<sup>2</sup>.

**No conflicts of interest**

2. (a) The lawyer holding a public office shall not permit professional, personal or other interests to conflict with the proper discharge of the duties inherent in the office<sup>3</sup>.

(b) The lawyer holding a part-time public office shall not accept any private legal business where duty to the client will or may conflict with the duties inherent in the office. In the event that an unforeseen conflict arises in that situation the lawyer shall terminate the professional relationship with the client, explaining to the client that the duties inherent in the office prevail<sup>4</sup>.

(c) The lawyer holding a full-time public office shall exercise particular care to guard against allowing the independent judgement of the lawyer in the discharge of the duties inherent in the office to be influenced by the interests of the lawyer, or by the interests of persons closely related to or associated with the lawyer, or of former or prospective partners or associates or of former or prospective clients of the lawyer<sup>5</sup>.

**Declaration of conflict**

3. Subject to any rules applicable to a particular public office the lawyer holding that office who sees the possibility of a conflict of interest arising



shall declare the interest at the earliest opportunity and shall take no part in any consideration, discussion, decision or vote with respect to the matter in question<sup>6</sup>.

#### **Appearances before official bodies**

4. When the lawyer or a partner or an associate of the lawyer is a member of an official body, *e.g.*, a school board, a municipal council or a governing body, the lawyer shall not appear in a professional capacity before that body or before a committee of that body<sup>7</sup>.

#### **No representation or advice**

5. Subject to Commentary 7 of this chapter,
- (a) the lawyer shall not represent any person in the same or in a related matter with which the lawyer has been concerned while holding a public office<sup>8</sup>, and
  - (b) the lawyer shall not advise any person upon a ruling of an official body of which the lawyer is or was a member at the time that the ruling was made<sup>9</sup>.

#### **Confidential information**

6. In addition to the requirements of this Code respecting confidentiality<sup>10</sup> the lawyer who has acquired confidential information by virtue of holding a public office shall keep the same confidential during and after holding the public office<sup>11</sup>.

#### **After public employment**

7. Upon leaving public employment the lawyer shall not accept employment by acting professionally in connection with any matter in which the lawyer had substantial responsibility or confidential information prior to leaving the public employment; but it shall not be improper for the lawyer to act professionally in such a matter on behalf of the particular public body or authority by which the lawyer had been employed previously<sup>12</sup>.

#### **Retired judges**

8. A former judge who is reinstated as a practising member of the Society shall not for a period of three years, unless the Council of the Society approves on the basis of exceptional circumstances, appear as a counsel before the court of which the former judge was a member or before any courts of inferior jurisdiction to that court or before any administrative board or tribunal over which the court on which the judge served exercised an appellate or judicial review jurisdiction<sup>13</sup>.

#### **Discipline**

9. Conduct by the lawyer while holding a public office that reflects adversely upon the integrity or professional competence of the lawyer, or upon the integrity of the legal profession or of the administration of justice

or the institutions associated therewith, may subject the lawyer to disciplinary action<sup>4</sup>.

### Notes

1. Cf. Canadian Bar Association, *Code of Professional Conduct* (1987), c.X, Rule; Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Rule. See also The Law Society of Alberta, *Code of Professional Conduct*, c.15, Commentary G.1.  
The Rule is the same whether the lawyer be elected or be appointed to the public office and regardless of whether or not the lawyer attained the office because of professional qualifications. "Public office" has a wide connotation. As illustrative examples only the term includes members of the House of Commons, Senators, members of provincial legislatures, cabinet ministers, municipal councillors, school trustees or their equivalent, members and officials of boards, commissions, tribunals and departments, commissioners of inquiry, arbitrators, mediators and Crown prosecutors: cf. Nova Scotia code, c.16, note 2. As stated in the Nova Scotia provisions: "For the purposes of this [Nova Scotia] Rule a lawyer is in public office where the lawyer holds any legislative or administrative office at any level of government whether or not such office was attained because of professional qualification." (c.16, Guiding Principles). See also Canadian Bar Association code, c.X, Commentary 1 (part).
2. Cf. Canadian Bar Association, *Code of Professional Conduct* (1987), c.X, Commentary 1 (part); Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Commentary 16.1.
3. Cf. Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Commentary 16.2. See also this Code, c. 6, **CONFLICT OF INTEREST BETWEEN CLIENTS**.
4. Canadian Bar Association, *Code of Professional Conduct* (1987), c.X, Commentary 2 (part); Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Commentary 16.3 (part).
5. Canadian Bar Association, *Code of Professional Conduct* (1987), c.X, Commentary 2 (part); Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c. 16, Commentary 16.3 (part). For the purposes of Commentary 2 (c), a person closely related to or associated with the lawyer includes a spouse, child, or any relative of the lawyer or of the spouse of the lawyer living under the same roof; a trust or estate in which the lawyer has a substantial beneficial interest or for which the lawyer acts as trustee or in a similar capacity; a corporation of which the lawyer is a director or in which the lawyer or some closely related or associated person owns or controls, directly or indirectly, more than ten per cent of the voting rights attached to all outstanding voting shares of the corporation; and a partnership or partners, associates or employees thereof of which the lawyer is a member: see Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Commentary 16.4. Both human and financial relationships are envisaged under Commentary 2 (c).
6. Canadian Bar Association, *Code of Professional Conduct* (1987), c.X, Commentary 4; Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Commentary 16.5.
7. Cf. Canadian Bar Association, *Code of Professional Conduct* (1987), c.X, Commentary 5; Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Commentary 16.6.
8. Canadian Bar Association, *Code of Professional Conduct* (1987), c.X, Commentary 6 (part); Nova Scotia Barristers' Society, *Legal Ethics And Professional Conduct Handbook*, c.16, Commentary 16.7 (part); The Law Society of Alberta, *Code of Professional Conduct*, c.6, Commentary G.2.
9. *Ibid.*

M

March 10, 2010

Mary Ellen Rose

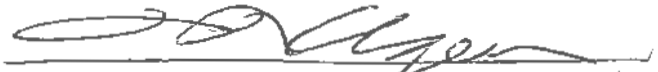
55 Magazine Street, Apt. 704

Saint John, NB

E2K 2S5

Dear Mrs. Rose,

This is Exhibit "M" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of Apr  
2013.

  
A Commissioner of oaths

Further to your recent e-mails I am writing to inform you that I have determined that your request to reassign the consideration of your case to another officer

...29

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

owing to an alleged conflict of interest on my part is entirely without merit. Consequently I have asked our executive director, Mr. Steve Gilliland, to complete his review of your file and to provide you with a response to your complaint under the *Civil Service Act*, under separate cover.

Your recent e-mail correspondence with Ms. Hébert alleges that "bullies" are providing information to the government and that the information being supplied by these "bullies" is preventing you from successfully gaining a job through competition. I want to state very clearly that our investigations have not found any evidence or even a hint of any outside influence in the competitions which you have brought to our attention in recent years.

In each case, we have confirmed that the hiring decisions were based on the accepted screening and interview processes utilized by the Government of New Brunswick to find the best candidate for the job. A major drawback to your opportunity for employment as a government lawyer is that you do not have recent professional legal work experience which you can utilize as your "events" as part of the "behavior event interview" process. The Government of New Brunswick requires that candidates for positions must provide work examples to support their application that are not older than two years.

Your allegations regarding these bullies causes concern for us, and Ms. Hébert's phone call to your home was motivated entirely out of a concern for your physical and mental well-being and safety. While our investigations have found no merit to the allegations you have made regarding the bullies, I do remain concerned that these allegations may not have been addressed or resolved to your satisfaction. I would encourage you to make an appointment to discuss these concerns with Ms. Hébert in person and to determine together what further steps or assistance may be available to you. I do not believe however that either your personal interest or the public interest is served by taking any further investigative steps under the *Ombudsman Act* or the *Civil Service Act* at the present time. It is for this reason that I have determined that your complaint file must be closed.

---

As for myself I would be pleased to meet with you at any time to address any concerns you may have regarding your complaint or its disposition but, of course, respect your right not request such a meeting.

Yours very truly,

Bernard Richard

Ombudsman/Child & Youth Advocate

Ombudsman/Défenseur des enfants et de la jeunesse

548 York Street / 548 Rue York

...30

P.O. Box 6000 / C. P. 6000

Fredericton, NB E3B 5H1

Telephone: 506-444-4795

Fax: 506-453-5599

E-mail / courriel: [bernard.richard@gnb.ca](mailto:bernard.richard@gnb.ca)

This e-mail communication (including any or all attachments) is intended only for the use of the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient of this e-mail, any use, review, retransmission, distribution, dissemination, copying, printing, or other use of, or taking of any action in reliance upon this e-mail, is strictly prohibited. If you have received this e-mail in error, please contact the sender and delete the original and any copy of this e-mail and any printout thereof, immediately. Your co-operation is appreciated.

Le présent courriel (y compris toute pièce jointe) s'adresse uniquement à son destinataire, qu'il soit une personne ou un organisme, et pourrait comporter des renseignements privilégiés ou confidentiels. Si vous n'êtes pas le destinataire du courriel, il est interdit d'utiliser, de revoir, de retransmettre, de distribuer, de disséminer, de copier ou d'imprimer ce courriel, d'agir en vous y fiant ou de vous en servir de toute autre façon. Si vous avez reçu le présent courriel par erreur, prière de communiquer avec l'expéditeur et d'éliminer l'original du courriel, ainsi que toute copie électronique ou imprimée de celui-ci, immédiatement. Nous sommes reconnaissants de votre collaboration.

 Office of Human Resources

Office of Human Resources

Home | Français



Competitions



Competitions


[Open](#)[Internship](#)[Login](#)

## Open Competitions

Candidate Inventory  
Office of the Attorney General

LEGAL SERVICES  
LAWYER I - III  
Fredericton  
Open Competition

This is Exhibit "N" to the  
affidavit of Mary Ellen Ross  
sworn this 15 day of  
April, 2013.

  
A Commissioner of Oat

The Office of the Attorney General is seeking individuals to join the Legal Services Branch as lawyers in Fredericton.

As members of the Litigation Practice Group, the successful candidate will be responsible to conduct litigation on behalf of the Province at all levels of courts and before administrative boards and tribunals.

As a member of the Employment and Administrative Law Practice Group, the successful candidate will represent the Province before adjudicative boards and tribunals and at all levels of courts.

The successful candidates for these Practice Groups will work with other counsel in a team setting. They will also be required to conduct research in specialized areas of the law and to provide legal opinions and advice to government departments and agencies.

**ESSENTIAL QUALIFICATIONS:** Law Degree; completion of Articling; membership in good standing or eligibility for membership with the Law Society of New Brunswick.

Some positions require written and spoken competence in French and English. Others will require written and spoken competence in English only. Please state your language capability.

**Applicants are required to submit a writing sample that they have authored of no more than five pages. The writing sample is required with the application.**

Applicants must clearly demonstrate the essential qualifications to be given further consideration. Please ensure that preferred language for assessment is identified on your resume.

BRIAN A AGNEW CO.  
MISSIONER OF OAT  
MY APPOINTMENT  
EXPIRES DEC. 31/11

**ASSET QUALIFICATIONS:** Preference may be given to candidates that demonstrate:

- Experience conducting hearings in any level of court or before boards and tribunals.
- Experience in labour and employment law.

Subject to the response of this competition, candidates may be required to demonstrate on their application one or more of the asset qualifications in addition to the essential qualifications in order to be given further consideration.

The following operational requirements are also required:

- Travel;
- Possession of a valid driver's license; and
- Working outside of regular hours of work without prior notice.

**BEHAVIOURAL COMPETENCIES:** The successful candidates will possess the following technical competencies: *analytical thinking, commitment to learning, concern for order, effective interactive communication, initiative, self control, and teamwork and cooperation.*

This competition may be used to fill future vacancies at the same level. We are an Equal Opportunity Employer and we promote a scent-reduced environment.

**SALARY:** from \$ 46,904.00 to \$ 106,782.00 annually, depending on education and experience.

**Candidates with less than 4 years of membership at the bar will be considered as Lawyer level I. Candidates with more than 4 years, but less than 9 years of membership at the bar will be considered as Lawyer level II. Candidates with more than 9 years of membership at the bar will be considered as Lawyer level III.**

We encourage applicants to apply online at [www.ere.gnb.ca](http://www.ere.gnb.ca) or by mail at the following address by May 12, 2010 indicating the competition number for which they are applying.

**Competition # 10-44-02 - Litigation Group**

**Competition # 10-44-03 - Employment and Administrative Law Group**

The Office of the Attorney General

Human Resource Services

Room 476, Centennial Building

P.O. Box 6000

Fredericton, NB E3B 5H1

Tel: (506) 453-2719

E-mail: [Justice.Competitions@gnb.ca](mailto:Justice.Competitions@gnb.ca)

We thank all those who apply however only those selected for further consideration will be contacted.

Apply Online





## M.E. Rose

---

**From:** "LeBlanc, Yvon (JUS)" <Yvon.LeBlanc3@gnb.ca>  
**To:** <roseme@nb.sympatico.ca>  
**Sent:** Monday, May 17, 2010 3:41 PM  
**Subject:** FW: Mary Ellen Rose: Your e-mail to the Premier and Members of the Legislative Assembly

Mary Ellen Rose,

I acknowledge receipt of your e-mail of May 12<sup>th</sup>, 2010 addressed to the "Legislative Assembly and the Premier's Office. The Premier has asked me, to reply to your e-mail of May 12, 2010 addressed to the Legislative Assembly and the Premier's Office.

I wish to reiterate my e-mail to you of May 13, 2010.

I also want to add that the *Civil Service Act* covers competitions and the hiring process for civil servants. The dual purpose of the *Act* is to produce the very best candidates for each competition and to provide a level playing field for all those who wish to apply and who subsequently apply for jobs and positions in the civil service. The rules laid out in the *Civil Service Act* have served New Brunswick well for more than 40 years and continue to do so today.

I wish you all the best in your future applications to work in the New Brunswick Civil Service.

Sincerely,

Yvon G. LeBlanc, Q.C.  
Deputy Attorney General and  
Deputy Minister of Justice and Consumer Affairs

**From:** Cormier, Donna (JUS) **On Behalf Of** LeBlanc, Yvon (JUS)  
**Sent:** Thursday, May 13, 2010 4:33 PM  
**To:** 'roseme@nb.sympatico.ca'  
**Cc:** Richard, Bernard (OO/BO); MacKay, Carolyn (OHR/BRH)  
**Subject:** Mary Ellen Rose: Your e-mail to the Premier and Members of the Legislative Assembly

Dear Ms. Rose:

I have been asked by the Premier, the Honourable Shawn Graham, to respond to your e-mail dated May 5, 2010 requesting an appointment with the Premier to discuss a lawyer competition with Public Prosecution Services. I wish to advise you that the Premier does not have the authority under the *Civil Service Act* to review a complaint regarding a government competition. Such matters are to be reviewed by the Deputy Minister of the Office of Human Resources or the Ombudsman as laid out in the *Act*. I would suggest that you direct your complaint to them, if you have not done so already.

Sincerely yours,

Yvon LeBlanc

*This is Exhibit "O" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of  
April, 2013.*

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC. 31/13

  
A Commissioner of oaths


2/22/2013

P

This is Exhibit "P" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of  
April, 2013.

May 18, 2011

Mary Ellen Rose  
55 Magazine Street, Apt. 704  
Saint John, NB E2K 2S5

  
A Commissioner of Oaths

Re: Competition # 10-44-03, Lawyer I-III  
Employment and Administrative Law Group  
Office of the Attorney General  
Fredericton

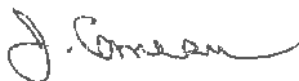
BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

Dear Ms. Rose:

This is to advise that the recruitment process for the above-noted inventory competition is now complete and that you were not a successful candidate.

We would like to thank you for your interest and participation in this competition, and wish you success in your future endeavours.

Sincerely,



Julie Comeau, CHRP  
Human Resource Advisor

/jc

cc: Honourable David Alward, Premier  
Judith Keating, Q.C., Acting Deputy Attorney General



**New Brunswick Human Rights Act - Excerpts of Relevant provisions  
2011, c.171**

**PREAMBLE**

WHEREAS recognition of the fundamental principle that all persons are equal in dignity and human rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity is a governing principle sanctioned by the laws of New Brunswick; and

WHEREAS ignorance, forgetfulness or contempt of the rights of others are often the causes of public miseries and social disadvantage; and

WHEREAS people and institutions remain free only when freedom is founded on respect for moral and spiritual values and the rule of law; and

WHEREAS it is recognized that human rights must be guaranteed by the rule of law, and that these principles have been confirmed in New Brunswick by a number of enactments of this Legislature; and

WHEREAS it is desirable to enact a measure to codify and extend those enactments and to simplify their administration;

1 This Act may be cited as the Human Rights Code.

**Definitions**

2 The following definitions apply in this Act:

“Commission” means the New Brunswick Human Rights Commission. (Commission)

“employer” includes every person, firm, corporation, agent, manager, representative, contractor or subcontractor having control or direction of, or being responsible, directly or indirectly, for the employment of any person.

“mental disability” means

- (a) a condition of mental retardation or impairment,
- (b) a learning disability, or dysfunction in one or more of the mental processes involved in the comprehension or use of symbols or spoken language, or
- (c) a mental disorder

“Minister” means the Minister of Post-Secondary Education, Training and Labour and includes any person designated by the Minister to act on the Minister's behalf.

3. This Act binds the Crown in right of the Province.

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EVIDENCE REC 01/12

*This is Exhibit "Q" to a  
affidavit of Mary Ellen K  
sworn this 15 day of  
April, 2013.*

*[Signature]*  
A. A. ...

## Discrimination in Employment

4(1) No employer, employers' organization or other person acting on behalf of an employer shall, because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity,

- (a) refuse to employ or continue to employ any person, or
- (b) discriminate against any person in respect of employment or any term or condition of employment.

4(2) No employment agency shall discriminate against a person seeking employment because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity.

4(4) No person shall

- (a) use or circulate a form of application for employment,
  - (b) publish or cause to be published an advertisement in connection with employment, or
  - (c) make an oral or written inquiry in connection with employment,
- that expresses either directly or indirectly a limitation, specification or preference, or requires an applicant to furnish any information as to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity.

## Sexual harassment

10(1) The following definitions apply in this section.

“sexually harass” means engage in vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome.

10(2) No employer, representative of the employer or person employed by the employer shall sexually harass a person employed by the employer or a person seeking employment with the employer.

## Discrimination for complaint

11 No person shall discharge, refuse to employ, exclude, expel, suspend, evict, deny a right or benefit to or otherwise discriminate against any person because that person has made a complaint or given evidence or assisted in any way in respect of the initiation, inquiry or prosecution of a complaint or other proceeding under this Act.

## Objects

13 The Commission has the power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity,
- (b) to promote an understanding of, an acceptance of, and compliance with this Act, and
- (c) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity

## Complaints

17A person claiming to be aggrieved because of an alleged violation of this Act may make a complaint in writing to the Commission in a form prescribed by the Commission. R.S.1973, c.H-11, s.17; 2012, c.12, s.10.

### Time limit for making complaint

18(1) Subject to subsection (2), a complaint shall be filed within one year after the alleged violation of the Act.

18(2) The Commission may extend the time for the filing of a complaint if, in the opinion of the Commission, the circumstances warrant it.

## Complaints

19(1) The Commission, itself or through a person designated to do so, shall inquire into a complaint made under section 17 and shall endeavour to effect a settlement of the matter complained of.

19(2) If the Commission is of the opinion that a complaint is without merit, the Commission may dismiss the complaint at any stage of the proceedings.

### Delegation of certain duties and powers, reviews

22(1) The Commission may delegate in writing to an employee of the Commission the duties and powers of the Commission under subsections 19(1) and (2).

22(2) If a person named in a complaint as the complainant or a person named in a complaint who is alleged to have violated this Act is not satisfied with the decision made in relation to the complaint under a delegation under subsection (1), within 15 days after receipt of the decision, that person may request that the decision be reviewed by the Commission.

22(3) A request under subsection (2) shall be in writing, setting out the reasons for the request and all relevant facts, and delivered personally or sent by prepaid registered or certified mail to the Commission.

22(4) When a request to review a decision is made under this section, the Commission shall review the decision and may uphold, vary or rescind the decision.

Labour and Employment Board  
2012, c.12, s.14.

23(1) If the Commission is unable to effect a settlement of the matter complained of and is satisfied that an inquiry into the matter is warranted in the circumstances, it shall institute an inquiry by referring the matter to the Labour and Employment Board established under the Labour and Employment Board Act.

23(2) Without delay, the Commission shall notify the parties referred to in paragraphs (5)(b) and (c) that the matter has been referred to the Labour and Employment Board, and it shall then be presumed conclusively that the Board was constituted in accordance with the Labour and Employment Board Act.

23(3) The Labour and Employment Board has all of the powers of a conciliation board under the Industrial Relations Act.

23(4) In conducting an inquiry, the Labour and Employment Board shall give all parties full opportunity to present evidence and make presentations, in person or by counsel or agent.

23(5) The parties to an inquiry are

- (a) the Commission, which, subject to subsection (4), shall have carriage of the complaint,
- (b) the person named in the complaint as the complainant,
- (c) any person named in the complaint who is alleged to have violated this Act, and
- (d) any other person that the Labour and Employment Board determines.

23(6) At the conclusion of an inquiry, if the Labour and Employment Board does not find on a balance of probabilities that a violation of this Act has occurred, it shall dismiss the complaint.

23(7) At the conclusion of an inquiry, if the Labour and Employment Board finds on a

balance of probabilities that a violation of this Act has occurred, it may order a party found to have violated the Act

- (a) to do, or refrain from doing, any act or acts so as to effect compliance with the Act,
  - (b) to rectify any harm caused by the violation,
  - (c) to restore a party adversely affected by the violation to the position that party would have been in but for the violation,
  - (d) to reinstate a party who has been removed from a position of employment in violation of the Act,
  - (e) to compensate a party adversely affected by the violation for any consequent expenditure, financial loss or deprivation of benefit, in the amount that the Labour and Employment Board considers just and appropriate, and
  - (f) to compensate a party adversely affected by the violation for any consequent emotional suffering, including that resulting from injury to dignity, feelings or self-respect, in the amount that the Labour and Employment Board considers just and appropriate.
- R.S.1973, c.H-11, s.20; 1985, c.30, s.13; 1987, c.6, s.41; 1996, c.30, s.2; 2012, c.12, s.15.

24(1) The Labour and Employment Board shall provide the parties and the Minister with copies of the decisions and orders it makes under section 23 in writing together with reasons.

24(2) The decisions and orders of the Labour and Employment Board under section 23 are final.

24(3) The Minister may publish an order or decision of the Labour and Employment Board under section 23 in the manner the Minister considers appropriate.

24(4) If the Labour and Employment Board makes an order under subsection 23(7), it or a party to the inquiry may file a certified copy of the order in The Court of Queen's Bench of New Brunswick and the order shall be entered and recorded and, when entered and recorded, becomes a judgment of the Court and may be enforced as a judgment of the Court.

24(5) All reasonable costs and charges attendant on the filing, entering and recording of an order under subsection (4) may be recovered in the same manner as if the amount had been included in the order.

R.S.1973, c.H-11, s.21; 1985, c.30, s.14; 2012, c.12, s.16.

#### Offences and penalties

25 A person commits an offence punishable under Part 2 of the Provincial Offences Procedure Act as a category F offence who violates or fails to comply with

- (a) subsection 4(1), 4(2) 4(3), 4(4), 5(1), 5(2), 5(3), 6(1), 7(1), 8(1), 10(2), 10(3), 10(4) or 10(5) or section 11, or



(b) an order made under this Act.  
R.S.1973, c.H-11, s.23; 1990, c.61, s.64.

#### Consent of Minister for prosecution

26 No person shall institute a prosecution for an offence under this Act unless the Minister consents to it in writing.

#### Violation of Act by employer

27 When an employer is convicted of a violation of section 4 or a violation of section 11 in relation to employment, the judge, in addition to any other penalty,

(a) may order the employer to pay the aggrieved person compensation for loss of employment not exceeding the sum that, in the opinion of the judge, is equivalent to the wages, salary or remuneration that would have accrued to that person up to the date of conviction but for the violation of section 4 or 11, and

(b) may order the employer to reinstate the aggrieved person in the employ of the employer at the date that, in the opinion of the judge, is just and proper under the circumstances, in the position that person would have held but for the violation of section 4 or 11.

#### Court order

29(1) When a person has been convicted of a violation of this Act, the Minister may apply by way of notice of application to a judge of The Court of Queen's Bench of New Brunswick for an order enjoining the person from continuing the violation.

29(2) The judge, in his or her discretion, may make the order, and the order may be enforced in the same manner as any other order and judgment of The Court of Queen's Bench of New Brunswick.

R.S.1973, c.H-11, s.27; 1979, c.41, s.63; 1986, c.4, s.25.

#### Administration

30 The Commission is responsible to the Minister for the administration of this Act.

N.B. This Act was proclaimed and came into force September 1, 2011.

N.B. This Act is consolidated to June 13, 2012.

R

# New Brunswick Human Rights Commission


## Guideline on Time Limit Extension for Complaint Initiation

*Human Rights Act, s. 17.1*

Adopted April 15, 1996

Revised May 11, 2011

*This is Exhibit "R"  
the affidavit of Mar  
Ellen Rose sworn this  
15 day of April, 2011.*

  
A Commissioner of Oaths

### 1.0 PURPOSE

The purpose of this Guideline is to ensure that the provision of s. 17.1 of the *Human Rights Act* is administered in a fair, consistent and equitable manner; i.e., that the one year time limit imposed by s.17.1(1) is extended by the Commission under s. 17.1(2) in appropriate and defensible circumstances.

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

### 1.1 LEGISLATIVE PROVISION

Section 17.1 of the *Human Rights Act* provides that:

17.1(1) Subject to subsection (2), every complaint shall be filed within one year after the alleged violation of the Act.

17.1(2) the Commission may, where in the opinion of the Commission circumstances so warrant, extend the time for the filing of the complaint.

### 2.0 GROUNDS FOR EXERCISE OF COMMISSION'S DISCRETION UNDER S. 17.1(2)

The Commission may extend the one year time limit for making a complaint under s. 17.1(1) where:

- a) there is a strong arguable case, both in fact and law;
- b) there is evidence of a substantial loss or damage to the complainant and a clearly identifiable remedy;
- c) the complainant had a *bona fide* reason, as determined by the Commission, for not filing the complaint within the one year time limit; and
- d) the respondent will not be unduly prejudiced by the extension.

### 2.1 INTERPRETATION

2.1.1 "Strong Arguable Case," in the context of this Guideline, includes an analysis of the complainant's allegations and the respondent(s)' response to the allegations.

**2.1.2 “*Bona fide* reason, as determined by the Commission,”** includes, but is not limited to:

- i. mental or physical disability, supported by specific medical documentation from the complainant's health care provider (physician, psychiatrist, psychologist, etc.) indicating the complainant's inability to file within the timeline was directly due to a physical or mental disability;
- ii. the exercise of a statutory or other applicable appeal or review right in a timely and appropriate fashion, such as:
  - a) an internal complaint with the respondent employer, respondent service provider, etc.;
  - b) a grievance procedure;
  - c) an appeal in the courts; or
  - d) an appeal of a WorkSafeNB decision.
- iii. the complainant was involved in active settlement discussions with the respondent(s) within 30 calendar days from the date of filing, which settlement discussions failed to result in a resolution to the matter;
- iv. the complainant's lawyer missed the specified time line to file the complaint although being instructed by the complainant to file the complaint; or
- v. any other justified reason as determined by the Commission.


**2.1.3 “undue prejudice,”** in the context of this Guideline, means an actual loss of evidentiary position as a result of the disappearance of a witness, document or other evidence.

S

THIS IS A REPLY TO THE  
affidavit of Mary Ellen Rose  
sworn this 15 day of Apr  
2013.

May 8, 2012

Ms. Mary Ellen Rose  
Via e-mail:

  
A Commissioner of Oaths

Dear Ms. Rose :

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

This is in response to your recent e-mails to the Honourable Marie-Claude Blais, Q.C., Minister of Justice and Attorney General. As this is a human resources issue, I'm taking the liberty to respond to your message.

The pit and substance of your e-mails relate to the fact that you were not a successful candidate in a Lawyer 1-111 inventory competition with the Employment and Administrative Law Group, Office of the Attorney General.

It is a requirement of the *Civil Service Act* that appointments be made on merit. The recruitment process for the inventory competition was completed in conformity with the requirements of the *Civil Service Act*.

On May 18, 2011 you were informed by our Human resource Advisor that you were not a successful candidate for the inventory competition of Lawyer I-III in our Employment and Administrative Law Group. Therefore, no further action will be taken on this matter from our office.

I wish you the best on your search for employment.

Yours truly,

(original signed by Judith Keating Q.C.)

Judith Keating, Q.C.  
Deputy Minister and  
Deputy Attorney General

cc: Premier David Alward

T

**M.E. Rose**

---

**From:** "Lamoureux, Nadine (JUS)" <Nadine.Lamoureux@gnb.ca>  
**To:** <rose.m@bellaliant.net>  
**Sent:** Friday, April 20, 2012 9:31 AM  
**Subject:** RE: Mary Ellen Rose URGENT COpy of Letter of April 17, 2012 to the Human Rights Commission re CONFLICT

Ms. Rose,

On behalf of Minister Blais, Q.C., I acknowledge receipt of your emails.

A response will be provided to you forthwith.

Sincerely,

Nadine Lamoureux  
Executive Secretary to the Minister of  
Justice and Attorney General  
Secrétaire administrative pour la Ministre de la  
Justice et Procureure générale

Telephone/Téléphone: 506.453.2583  
Fax/Télécopieur: 506.453.3651  
E-mail/Courriel: nadine.lamoureux@gnb.ca  
[www.gnb.ca](http://www.gnb.ca)



*This is Exhibit "T" to the  
affidavit of Mary Ellen  
Rose sworn this 15 day  
of April, 2013.*

*[Signature]*  
A Commissioner of oaths

BRIANA AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

This message is intended for the person to whom it is addressed and is to be treated as confidential or private communications. It must not be forwarded unless permission has been received from the originator. If you have received this message inadvertently, please notify the sender and delete the message. Then delete your response. Thank you for your cooperation.

Ce message est destiné à la personne désignée dans la présente et il doit demeurer confidentiel. Il ne doit pas être réacheminé sans la permission de l'expéditeur. Si ce message vous a été envoyé par erreur, veuillez aviser l'expéditeur et effacer le message. Effacez ensuite votre réponse. Merci de votre collaboration.

---

**From:** M.E. Rose [<mailto:rose.m@bellaliant.net>]  
**Sent:** Wednesday, April 18, 2012 8:22 AM  
**To:** Blais, Marie-Claude (Hon.) (JUS)  
**Subject:** Mary Ellen Rose URGENT COpy of Letter of April 17, 2012 to the Human Rights Commission re CONFLICT

Attorney General Marie-Claude Blais

April 18<sup>th</sup>, 2012

URGENT

Enclosed please find a copy of my letter to the Human Rights Commission dated April 17, 2012 in respect

2/22/2013



U



STRICTLY CONFIDENTIAL  
PRIORITY COURIER

April 26, 2012

This is Exhibit "U"  
the affidavit of  
Mary Ellen Rose sworn  
this 15 day of April  
2013.

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB E2J 2E5

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

  
A Commissioner of Oaths

Dear Ms. Rose:

Re: MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE,  
THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE, PREMIER  
ALWARD, ATTORNEY GENERAL - MARIE-CLAUDE BLAIS, MINISTER OF FINANCE -  
BLAINE HIGGS, THE DEPUTY MINISTER OF THE OFFICE OF HUMAN RESOURCES -  
DOUG HOLT AND THE MANAGER OF THE OFFICE OF THE ATTORNEY GENERAL -  
MARTHA BOWES

Complaint alleging marital status and perceived mental disability discrimination  
respecting employment, pursuant to section 4 of the New Brunswick *Human Rights Act*

This is further to your letter dated April 17, 2012 to Commission Chair, Randy Dickinson, and your  
Complaint Form, dated April 17, 2012, which was received by and filed with the New Brunswick Human  
Rights Commission (Commission) on April 20, 2012.

Please be advised that your Complaint Form and your Time Limit Request will not be sent to an  
"independent Human Rights Commission". The Commission is an at-arms-length organization from the  
Province of New Brunswick and has investigated complaints against the provincial government and its  
departments.

Further, Sarina McKinnon, the Commission's Legal Counsel, has not spoken to anyone outside of the  
Commission, regarding any conversations she has had with you, nor has she provided anyone outside of  
the Commission with your draft complaint or information from your draft complaint form.

As the Commission is not forwarding your complaint to an "independent Human Rights Commission",  
please advise Commission staff, **on or before May 7, 2012**, of your intention as to whether you wish to  
proceed with your complaint as filed with the Commission. If you should decide not to proceed with your  
complaint as filed, you will need to withdraw your complaint.

If you should decide to proceed with your complaint, the Commission's regular complaint process will be  
initiated, which may include a Commission staff person contacting the Respondents to advise them of  
your complaint and this staff person will provide the Respondents with a copy of your Complaint Form  
and your Time Limit Extension Request.

Yours truly,

  
Jill Peters  
Director





**STRICTLY CONFIDENTIAL  
PRIORITY COURIER**

June 14, 2012

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB E2J 2E5

Dear Ms. Rose:

Re: **MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE, THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE, PREMIER ALWARD, ATTORNEY GENERAL - MARIE-CLAUDE BLAIS, MINISTER OF FINANCE - BLAINE HIGGS, THE DEPUTY MINISTER OF THE OFFICE OF HUMAN RESOURCES - DOUG HOLT AND THE MANAGER OF THE OFFICE OF THE ATTORNEY GENERAL - MARTHA BOWES**  
**Complaint alleging marital status and perceived mental disability discrimination respecting employment, pursuant to section 4 of the New Brunswick *Human Rights Act***

This is further to our attached letter dated April 26, 2012, wherein you were requested to "advise Commission staff, **on or before May 7, 2012**, of your intention as to whether you wish to proceed with your complaint as filed with the Commission."

Canada Post tracking information indicates that the April 26, 2012 letter was delivered to you and signed by you on April 27, 2012. To date, we have not received communication from you as to whether you wish to proceed with your complaint or whether you wish to withdraw your complaint.

Please advise the undersigned, **on or before June 22, 2012**, in writing, of your intention of whether you wish to proceed with your complaint or whether you wish to withdraw your complaint.

Please forward your response in writing to my attention by delivering or mailing to the Human Rights Commission at 200 Champlain Street, Suite 320, Dieppe, NB, E1A 1P1, by fax at 506-869-6608 or by email at [Jennifer.leblanc@gnb.ca](mailto:Jennifer.leblanc@gnb.ca). Failure to respond in writing **on or before June 22, 2012**, will result in your complaint being closed as abandoned.

Yours truly,

Jennifer LeBlanc  
Manager of Investigations  
New Brunswick Human Rights Commission



affidavit of Mary Ellen Rose  
sworn this 15 day of April, 2013.

New Brunswick  
Human Rights Commission

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

*[Signature]*  
A Commissioner of Oaths

For office use only  
Date received

NEW BRUNSWICK  
RECEIVED

APR 20 2013

HUMAN RIGHTS  
COMMISSION

Use a pen. Do not use a pencil. Be sure to complete all sections of the form. Contact the Commission if you need help to complete the form.

The Commission must receive your complaint within one year after the alleged incident of discrimination.

**Section A – Your name (You are the Complainant)**

First Name <b>MARY ELLEN</b>	Last Name <b>ROSE</b>
---------------------------------	--------------------------

**ONLY** complete this box if you are complaining on behalf of someone else and identify the relationship (your child, or someone you have power of attorney over or are the guardian of)

Name of that person

First Name	Last Name
------------	-----------

Relationship to you:

<b>For office use only</b>		
HRC File Number: <b>S2012-0071</b>	Section(s) # of the HRA: <b>4</b>	
Area(s) of Discrimination: <b>Employment</b>	Ground(s) of Discrimination: <b>Marital Status</b> <b>Mental Disability</b>	
Business Category:	Checked SNB Corporate Name: <input type="checkbox"/>	
Comments:		
Entered By: <b>Aline Barnett</b>	Entered Date: <b>2012.04.23</b>	Total Number of Pages: <b>29</b>

*Mary Ellen Rose*  
Complainant's Signature

**2012/04/17**  
Date (yyyy/mm/dd)

Page **1** of **29** Pages

**Section B – Who are you complaining about? (This is the Respondent)**

Name of business, organization, association or person <u>PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE, THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE, PREMIER ALLARD, ATTORNEY GENERAL MARIE-CLAUDE BLAIS, MINISTER OF THE OFFICE OF HUMAN RESOURCES BLAINE HIGGS, DEPUTY MINISTER OF THE OFFICE OF HUMAN RESOURCES, DONALD HOLT, MANAGER OF THE OFFICE OF THE ATTORNEY GENERAL, MARTHA BOWES</u>			
Street or mailing address <u>CENTENNIAL BUILDING, P.O. BOX 6000 FREDERICTON, N.B. E3B 5H1</u>			
Town or City and Province	Postal Code	Email	Telephone Number (include area code)
<u>FREDERICTON, N.B.</u>	<u>E3B 5H1</u>	<u>PREMIER david.a.allard@gnb.ca</u> <u>ATTORNEY GENERAL MARIE-CLAUDE.BLAIS@gnb.ca</u> <u>(506) 462-5100-ATTORNEY GENERAL</u>	<u>(506) 453-2144</u>

**Additional Respondent(s)**

SEE WHITE SHEETS ATTACHED FOR INFORMATION RE: EACH RESPONDENT

(2)

Name of business, organization, association or person			
Street or mailing address			
Town or City and Province	Postal Code	Email	Telephone Number (include area code)

(3)

Name of business, organization, association or person			
Street or mailing address			
Town or City and Province	Postal Code	Email	Telephone Number (include area code)

(4)

Name of business, organization, association or person			
Street or mailing address			
Town or City and Province	Postal Code	Email	Telephone Number (include area code)

Mary Ellen Rose 2012/04/17  
Complainant's Signature Date (yyyy/mm/dd)

**Section B – Who are you complaining about? (This is the Respondent)**

Name of business, organization, association or person THE PROVINCE OF NEW BRUNSWICK			
Street or mailing address CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B5H1			
Town or City and Province FREDERICTON, N.B.	Postal Code E3B 5H1	Email PREMIER david.alward@gnb.ca	Telephone Number (include area code) (506) 453-2144

**Additional Respondent(s)**

(2)

Name of business, organization, association or person DÉPARTEMENT OF JUSTICE			
Street or mailing address CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B 5H1			
Town or City and Province FREDERICTON, N.B.	Postal Code E3B 5H1	Email MINISTER OF JUSTICE marie-claude.blais@gnb.ca	Telephone Number (include area code) (506) 453-2583

(3)

Name of business, organization, association or person THE OFFICE OF THE ATTORNEY GENERAL			
Street or mailing address CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B 5H1			
Town or City and Province FREDERICTON, N.B.	Postal Code E3B 5H1	Email ATTORNEY GENERAL marie-claude.blais@gnb.ca	Telephone Number (include area code) (506) 453-2583

(4)

Name of business, organization, association or person THE DEPARTMENT OF FINANCE			
Street or mailing address CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B5H1			
Town or City and Province FREDERICTON, N.B.	Postal Code E3B 5H1	Email BLAINE HIGGS MINISTER OF FINANCE Blaine.Higgs@gnb.ca	Telephone Number (include area code) (506) 444-2627

Maria Ellen Rose  
Complainant's Signature

2012/04/17  
Date (yyyy/mm/dd)

**Section B – Who are you complaining about? (This is the Respondent)**

Name of business, organization, association or person <b>PREMIER ALWARD</b>			
Street or mailing address <b>CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B 5H1</b>			
Town or City and Province <b>FREDERICTON, N.B.</b>	Postal Code <b>E3B 5H1</b>	Email <b>david.alward@gnb.ca</b>	Telephone Number (include area code) <b>(506) 453-2144</b>

**Additional Respondent(s)**

(2)

Name of business, organization, association or person <b>ATTORNEY GENERAL MARIE-CLAUDE BLAIS</b>			
Street or mailing address <b>CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B 5H1</b>			
Town or City and Province <b>FREDERICTON, N.B.</b>	Postal Code <b>E3B 5H1</b>	Email <b>marie-claude.blaiss@gnb.ca</b>	Telephone Number (include area code) <b>(506) 453-2583</b>

(3)

Name of business, organization, association or person <b>BLAINE HIGGS, MINISTER OF FINANCE</b>			
Street or mailing address <b>CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B 5H1</b>			
Town or City and Province <b>FREDERICTON, N.B.</b>	Postal Code <b>E3B 5H1</b>	Email <b>Blaine.Higgs@gnb.ca</b>	Telephone Number (include area code) <b>(506) 444-2627</b>

(4)

Name of business, organization, association or person <b>DOUG HOLT, DEPUTY MINISTER OF THE OFFICE OF HUMAN RESOURCES</b>			
Street or mailing address <b>CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B 5H1</b>			
Town or City and Province <b>FREDERICTON, N.B.</b>	Postal Code <b>E3B 5H1</b>	Email <b>doug.holt@gnb.ca</b>	Telephone Number (include area code) <b>(506) 453-3036</b>

*Mary Ellen Rose*  
Complainant's Signature

2012/04/17  
Date (yyyy/mm/dd)



**Section B – Who are you complaining about? (This is the Respondent)**

Name of business, organization, association or person <i>MARTHA BOWES, MANAGER, OFFICE OF THE ATTORNEY GENERAL</i>			
Street or mailing address <i>CENTENNIAL BUILDING, P.O. BOX 6000, FREDERICTON, N.B. E3B 5H1</i>			
Town or City and Province <i>FREDERICTON, N.B.</i>	Postal Code <i>E3B 5H1</i>	Email <i>Martha.Bowes@gnb.ca</i>	Telephone Number (include area code) <i>(506) 444-5928</i>

**Additional Respondent(s)**

(2)

Name of business, organization, association or person			
Street or mailing address			
Town or City and Province	Postal Code	Email	Telephone Number (include area code)

(3)

Name of business, organization, association or person			
Street or mailing address			
Town or City and Province	Postal Code	Email	Telephone Number (include area code)

(4)

Name of business, organization, association or person			
Street or mailing address			
Town or City and Province	Postal Code	Email	Telephone Number (include area code)

*Mary Ellen Rose* 2012/04/17  
Complainant's Signature Date (yyyy/mm/dd)



**Section C – Identify the area(s) in which discrimination took place**

Please check (✓) only the area(s) that apply to this complaint

<input checked="" type="checkbox"/> Employment	<input type="checkbox"/> Publicity
<input type="checkbox"/> Housing, Commercial Space or Property	<input type="checkbox"/> Professional, Business or Trade Association
<input type="checkbox"/> Services, Facilities or Accommodation	

**Section D – Identify the ground(s) of discrimination (Provide detail in box below)**

Please check (✓) only the ground(s) that apply to this complaint

<input type="checkbox"/> Race	<input type="checkbox"/> Religion	<input type="checkbox"/> Sex
<input type="checkbox"/> Ancestry	<input checked="" type="checkbox"/> Marital Status	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> National Origin	<input checked="" type="checkbox"/> Mental Disability	<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Place of Origin	<input type="checkbox"/> Physical Disability	<input type="checkbox"/> Social Condition
<input type="checkbox"/> Colour	<input type="checkbox"/> Age	<input type="checkbox"/> Political Belief or Activity

**ONLY** for the box you checked above, what is your?

• Race	• Religion	• Sex
• Ancestry	• Marital Status <i>SINGLE</i>	• Sexual Orientation
• National Origin	• Mental Disability <i>NONE</i>	• Sexual Harassment
• Place of Origin	• Physical Disability	• Social Condition
• Colour	• Age	• Political Belief or Activity

*Mary Ellen Rose*  
Complainant's Signature

*2012/04/17*  
Date (yyyy/mm/dd)

Section E – Where in New Brunswick did the discrimination take place? For example, in what city or town or elsewhere in New Brunswick.

FREDERICTON & SAINT JOHN

Section F – When did the discrimination start? Provide dates (Year/Month/Day).

2006/01 MARITAL 2008/05 MENTAL DISABILITY (PERCEIVED)  
YYYY/MM/DD STATUS

Section G – Is it still happening? Yes ☒ No ☐

i) If no, what date did the discrimination stop? (Year/Month/Day)

\_\_\_\_\_  
YYYY/MM/DD

ii) If yes, explain what is happening now. Provide dates (Year/Month/Day).

AS RECENTLY AS APRIL 5TH, 2012, MY APPOINTMENT AND  
HIRING IN A COMPETITION FOR A LAWYER III POSITION WITH  
THE PROVINCE OF NEW BRUNSWICK WOULD HAVE BEEN DEALT  
WITH BUT FURTHER NEGATIVE INFORMATION FROM BIASED  
UNQUALIFIED PERSONS WAS TAKEN IN ONE OR TWO DAYS  
EARLIER TO THE EFFECT THAT I HAD MENTAL HEALTH ISSUES  
AND AGAIN IT WENT OUT INTO THE COMMUNITY THAT I WAS  
NOT BEING HIRED BECAUSE I HAD MENTAL HEALTH  
ISSUES, (MENTAL DISABILITY), BASED ON THE PERCEPTION  
OF BIASED UNQUALIFIED PERSONS. I CLEARED UP THAT  
NEGATIVE INFORMATION IN WRITING ON EASTER MONDAY, 2012  
WITH THE ATTORNEY GENERAL, MARIE-CLAUDE BLAIS AND THE DISCIPLINE OF  
THE PERSONS INVOLVED IN THE HARASSMENT OF ME WAS APPARENTLY  
REINSTATED. I WAS AGAIN TO BE APPOINTED OR MY APPOINTMENT  
CONFIRMED ON APRIL 12TH & 19TH 2012. FURTHER HARASSMENT  
HAS CONTINUED TO OCCUR. I HAVE NOT YET BEEN NOTIFIED THAT I  
AM BEING HIRED. I HAVE NO MENTAL DISABILITY. I EXCELLED AT  
THE INTERVIEW ON JULY 26, 2010 OBJECTIVELY AND I HAVE EXCELLENT REFERENCES

Mary Ellen Rose  
Complainant's Signature

2012/04/17  
Date (yyyy/mm/dd)

You can type this section of your complaint. Make sure that you date, sign, and number every page.

Section H – Describe what happened that you believe was discrimination.

For each ground that you checked in Section D, explain how you were harassed and/or discriminated against.

i) Include who did what and when did it happen. Provide dates (Year/Month/Day)

SEE ATTACHED TYPEWRITTEN STATEMENT OF 19 PAGES.

If you need more space, please add additional pages, and remember to sign, date and number each page.

Mary Ellen Rose  
Complainant's Signature

2012/04/17  
Date (yyyy/mm/dd)

Page 8 of 29 Pages

## HUMAN RIGHTS COMPLAINT

**Re: MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE, THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE, Premier Alward, Attorney General Marie-Claude Blais, Blaine Higgs, Minister of Finance, The Deputy Minister of the Office of Human Resources, Doug Holt, Manager of the Office of the Attorney General, Martha Bowes;**

**Complaint alleging marital status and mental disability discrimination based on perceived mental disability respecting employment, contrary to section 4 of the New Brunswick Human Rights Act.**

1. I, Mary Ellen Rose, of the City of Saint John in the County of Saint John and Province of New Brunswick, make a complaint of mental disability discrimination based on perceived mental disability with respect to my applications for employment as a Lawyer III in Competition # 10-44-03 in the Employment and Administrative Law Group of the Office of the Attorney General, in Competition # 10-44-02 in the Litigation Group of the Office of the Attorney General, in Competition 09-45-10 in the Specialized Prosecution Branch of the Office of the Attorney General and in Competition 08-44-04 as a Crown Prosecutor in the Miramichi region in the Province of New Brunswick and I make a complaint of marital status discrimination with respect to my applications for employment as Child and Youth Advocate in Competition # 06-GNB-01 in the Department of Finance and as a Lawyer III in Competition # 06-44-04 in the Legal Services Branch of the Office of the Attorney General in the Province of New Brunswick against the Province of New Brunswick, the Office of the Attorney General, the Department of Justice, the Department of Finance, Premier Alward, Attorney General, Marie-Claude Blais, Blaine Higgs, Minister of Finance and Minister of the Office of Human Resources, Doug Holt, Deputy Minister of The Office of Human Resources and Martha Bowes, Manager of the Office of the Attorney General and former Human Resources Advisor to the Office of the Attorney General.
2. The Respondent, The Province of New Brunswick, is the government of New Brunswick and is the prospective employer.

The Respondents, The Office of the Attorney General, The Department of Justice and The Department of Finance are government departments in which the competitions were held.

*Mary Ellen Rose*

*2012/04/17*

*PAGE 9 OF 29 PAGES*

Page 2

The Respondent, Premier Alward, is the Premier of New Brunswick.

The Respondent, Marie-Claude Blais, is the Attorney General of New Brunswick and the Minister of Justice.

The Respondent, Blaine Higgs, is the Minister of Finance and former Minister of the Office of Human Resources.

The Respondent, Doug Holt, is the Deputy Minister of the Office of Human Resources.

The Respondent Martha Bowes is the Office Manager of the Office of the Attorney General and former Human Resources Advisor to the Office of the Attorney General and the Department of Justice.

3. I have applied for employment with the Province of New Brunswick in at least the following competitions :

(i) Child and Youth Advocate - Department of Finance - February, 2006

(ii) Lawyer III - Litigation - Legal Services Branch - Office of the Attorney General - November 2006

(iii) Lawyer III - Crown Prosecutor - Miramichi - Office of the Attorney General - May 2008

(iv) Lawyer III - Crown Prosecutor- Specialized Prosecution Branch - May 2009

(v) Lawyer III - Employment and Administrative Law Group - Office of the Attorney General - May 2010

(vi) Lawyer III - Litigation Group - Office of the Attorney General - May 2010

I have won all of the above competitions based on merit and I was to be hired in each of them.

The government has caused severe harassment of this Complainant on a consistent basis since at least 2006 as a result of taking in information from biased and unqualified persons outside the screening committees of the various competitions and outside the government which information is prohibited by the Civil Service Act from being considered at all and by the Human Rights Act as being discrimination based on marital status and perceived mental disability. The particulars of my complaint are as follows:

4. In December of 2005 Attorney General Brad Green directed that this Complainant meet with

*Mary Ellen Rose*

*2012/04/17*

*PAGE 10 OF 29 PAGES*

Deputy Minister Choukri in respect to remedying the situation that the government had caused in a 2002 competition by not giving this Complainant the position of Regional Director of Court Services in Saint John despite the fact that she was the only A rated candidate and had won the competition based on merit. Ray Glennie, Q.C., a Director of the Legal Centre did not want this Complainant taken away from the Legal Centre where she worked and lobbying of the government occurred. As the quality of work of this Complainant was used to obtain the Legal Centre's offices in the Courthouse, the persons involved in lobbying the government to appoint another Applicant and others associated with them attacked my personal life and caused persons in the courthouse and others to make fun of me as not being mature because I was not married and provided inaccurate and irrelevant details as to my private life as a single person. Single persons and married persons etc. are allowed to order their private lives as they see fit. In 2003 the same position became vacant as the person put into the position was not able to do the job.

5. The government could have corrected the situation and hired this Complainant. It did not do so and re-advertised the position. The government again took in information from persons outside the competition and denied this Complainant the position. David Legere, Regional Director of Court Services for Moncton was on both screening committees and he is aware that this Complainant won both competitions based on merit but was not given the position.

6. I then applied for a position outside government in Fredericton Legal Aid as a Family Court Solicitor which is essentially the same type of legal work or very similar to that which I did in the Legal Centre to mitigate the situation that had occurred. This Complainant won that position based on merit. An employee in the courthouse, Beverly Pitre, who had been involved in the prior lobbying and in making fun of this Complainant for not being married in respect to an earlier competition interfered in the Fredericton competition although she had no connection with it. As a result, this Complainant was not given the position. Beverly Pitre was disciplined. Rod MacKenzie, the Managing Director of the Department of Justice, at that time came down on a Saturday morning to the Legal Centre and advised this Complainant that the situation would be remedied and that she would be hired. He did not carry out his representation made in the ordinary course

Mary Ellen Rose

2012/04/17

PAGE 11 OF 29 PAGES

of his duties.

7. This Complainant attempted to mitigate again and won the position of Family Court Solicitor in Saint John based on merit in approximately November of 2005 but again was not given the position as a result of the situation that the government had created by the manner in which it had handled the 2002 and 2003 Department of Justice Regional Director competitions in which I was an applicant.

8. In December 2005 Attorney General Brad Green directed that this Complainant meet with the Deputy Minister of Justice. In January, 2006 Deputy Minister Choukri advised me that the situation would be remedied and that I would be hired and in his words "the sooner the better", what steps he would take to accomplish that, that he had his regional directors reporting to him on a weekly basis, and that he would advise me when he had a position that he could properly put me in. This was confirmed by me by letter dated March 7, 2006 to Deputy Minister Choukri.

9. In February 2006, I applied for the child and youth advocate position in competition # 06-GNB-01 to assist the government in finding an appropriate position in which to hire me. Deputy Minister Choukri instead of finding a proper position as per his unqualified representation made in the ordinary course of his duties began to take in information from persons within and outside government about this Complainant's private life to the effect that she was immature because she was not married and other inaccurate details of her single lifestyle. Single people as well as married people have a right to order their personal life as they wish to do so. The child and youth advocate position was delayed as a result. If it had not been delayed I would have been appointed before the government changed. I addressed the inappropriateness of the information that he was taking in in respect to my not being married and in respect to my single lifestyle in a further letter to Deputy Minister Choukri in May of 2006. I understand that Beverly Pitre was further disciplined as a result of her involvement in making fun of me for not being married and of my single lifestyle and that she was removed from her position with Saint John Legal Aid.

10. In June 2006 Attorney General Brad Green stopped Deputy Minister Choukri from taking in any further discriminatory information from persons within or outside government as to this

Mary Ellen Rose

2012/04/17

PAGE 12 OF 29 PAGES

Complainant not being married and as to her lifestyle as a single person contrary to the Human Rights Act and the workplace harassment guidelines. He arranged for the Child and Youth Advocate competition to proceed and I was interviewed in July of 2006. Objectively, it was an excellent interview and this should be confirmed by the Deputy Ministers and the persons from the Executive Council who were on the screening committee. I won the Competition based on merit and was to be appointed. The government changed and Attorney General Brad Green left instructions for this Complainant to be hired to remedy the situation.

11. The new government cancelled the child advocate competition. A new competition for a Lawyer III in the Litigation Branch of the Office of the Attorney General was advertised in November 2006 to further the directions of Attorney General Brad Green and I applied as I had no alternative. I was interviewed in January 2007 and again won the competition based on merit and was an A rated candidate. The persons involved in the harassment of this Complainant as a result of the manner in which the government had handled earlier competitions and in making fun of me as not being married interfered in that competition also and as a result this Complainant although she won the competition based on merit was not hired. This Complainant requested a review by the Ombudsman. Persons were disciplined or were removed from their positions with the government as a result of the Ombudsman review. After that review the Director of Human Resources for the Department of Justice and Rod MacKenzie, former managing Director of the Department of Justice were no longer in their positions.

12. Two more competitions were advertised in 2007 and the persons within and outside government involved in the harassment of this Complainant arising from the way prior competitions were handled interfered again and the government took in further information from them and again this Complainant was not hired. The Ombudsman did a review and again directed the government to hire this Complainant.

13. In 2008, I applied for a Crown Prosecutor position in the Miramichi region. I had taken work in a call centre as I waited for the government to correct the situation and hire me. The government delayed the competition and took in information directly or indirectly from biased and unqualified

*Mary Ellen Rose 2012/04/17*

*PAGE 13 OF 29 PAGE*



persons involved in the harassment of this Complainant and of other persons associated with them including from the call centre to suggest that in their opinion that I had mental health issues. I won the competition based on merit based on the interview and references. All other applicants in competitions are rated based on the interview and references and no outside information from persons outside of government is taken in concerning them. I provided excellent oral references and written references as part of my application. As a result of the information from outside sources suggesting that this Complainant had mental health issues I was not hired. I requested a review by the Ombudsman. Gillian Miller, my excellent supervisor, verified to the Ombudsman pursuant I understand to the request of the Ombudsman that there were no concerns in respect to me at all and that I was an excellent employee. Immediately subsequent to the Ombudsman's review a new position was advertised for a Lawyer III in the Specialized Prosecution Branch of the Office of the Attorney General. I applied.

14. The harassment continued by persons outside government directly or indirectly providing information to the government to characterize this Complainant as having mental health issues in order to stop me from being hired. As a result of the harassment my position with the call centre Atelka ended and I was given two weeks notice. I requested to speak with the police in respect to criminal harassment as a result of the harassment by persons at the call centre trying to prevent my being hired by the government in a professional position. I spoke to Cst Scaplan before I left the call centre.

15. As a result of the involvement of Gillian Miller, my former excellent supervisor at the call centre, and Cst. Scaplan the government proceeded with the specialized prosecution branch competition and I was to be hired. Attorney General TJ Burke was no longer in the position of Attorney General. I was interviewed on July 22<sup>nd</sup>, 2009. On or about the day after the interview, TJ Burke resigned from the government completely. I understand that this was required by the Premier. The interview was again an excellent interview on an objective basis and I won the competition based on merit.

16. Michael Murphy was appointed as Attorney General and Minister of Justice. He was a

*Mary Ellen Rose 2012/04/17 PAGE 14 OF 29 PAGES*

Page 7

former Cabinet colleague of TJ Burke. He continued to allow unqualified and biased persons involved in the harassment of me or others associated with them to provide information to the government to the effect that I had mental health issues based on their perceptions as biased unqualified persons interpreting ordinary actions and occurrences in a negative way to find a reason that could be used to not hire me. Cst. Hamilton of the Saint John Police Force assisted me in correcting the negative information provided to the government at that time.

17. Cst. Hamilton corrected information provided to the government on or about December 18<sup>th</sup>, 2009 from a person outside government to the effect that I had mental health issues as I had acted strangely in looking at a postman. The government within about 3 hours of this event sent this Complainant a letter saying that the position was filled. The position was not filled. I was on my way to return a letter at the post office that had been delivered to the wrong address. I saw the postman and turned to take it to him instead. He crossed the street and the light changed. I turned and continued on to the post office in accordance with my original intention and gave it to the Clerk there. Cst. Hamilton cleared up this situation. The information is in the police file. The persons involved in harassing me outside the government and not connected with the competition continued to provide inappropriate information to the government contrary to the Human Rights Act and the Civil Service Act to suggest that I had mental health issues based on their unqualified and biased perceptions. Cst. Hamilton continued to clear up the negative information.

18. In late December 2009 or early January 2010, the police contacted the Premier in respect to the information that was being taken in by Michael Murphy from unqualified biased persons to the effect that this Complainant had mental health issues. The information being provided was contrary to the Human Rights Act, the Civil Service Act and common sense.

19. In early January 2010 Michael Murphy was no longer Attorney General and he immediately announced in a news conference that he was resigning from the Legislature within or about 5 weeks time.

20. The new Attorney General, Kelly Lamrock, a Cabinet colleague of TJ Burke and Michael Murphy continued to allow information to come in from unqualified and biased persons out of

Mary Ellen Rose 2012/04/17

PAGE 15 OF 29 PAGES

context as to their perceptions of my behaviour to try to show that this Complainant had mental health issues. No inquiries direct or indirect are allowed to be made in the hiring process at all in respect to mental disability pursuant to section 4 of the Human Rights Act.

21. The situation caused by the outside information that was taken in by Michael Murphy and Kelly Lamrock was not corrected and I requested a review by the Ombudsman. The Ombudsman was a former interim Leader of the Liberal party and likely sat with a person or persons involved in the situation such as Stuart Jamieson MLA at Cabinet meetings in earlier years. He would not declare a conflict despite my insistence that he clearly had a conflict and he would not allow the review to be conducted by an unbiased independent properly qualified person. The Ombudsman was aware or reasonably ought to have been aware that this Complainant won the position based on merit and the only reason that information was taken in from persons outside government to suggest that I have mental health issues was to try to find a reason to use to not hire me. The Ombudsman was aware or reasonably ought to have been aware that the information to the effect that I had mental health issues had been received from biased and unqualified persons outside government involved in the harassment of this Complainant and that it had no objective credibility whatsoever. As a result of the Ombudsman's review and the actions of his Office it went out into the community subsequent to his review that this Complainant was not receiving the position because she had mental health issues. The Ombudsman violated the Human Rights Act.

22. In his reporting letter he violated his mandate and oath of office by failing to properly report the results of his investigation. He sent this Complainant a reporting letter in which he lied and said that there were no outside influences ( the term he used to describe biased and unqualified persons involved in harassing this Complainant who were providing information directly or indirectly to the government to prevent me from being hired in a professional position). In his reporting letter he also made fun of this Complainant as having mental health issues because I objected to the government taking in biased untested improper information from unqualified persons who were using harassment as a method of obtaining the information that they were providing to the government to suggest that I had mental health issues.

23. I made a complaint to the Premier and the Legislative Assembly in March 2010 in respect to the conduct of the Ombudsman. The Premier directly or indirectly continued to take in information from biased unqualified persons involved in the harassment of me to the effect that ordinary actions and occurrences meant that I had mental health issues based on their perceptions. Once I won the Competition based on merit based on the interview and references the proper place to assess my work performance is during the probationary period fairly and impartially as would be done for all other applicants in competitions. On Easter Monday, 2010 this Complainant sent information in writing to Premier Graham to correct negative information to the effect that as she did not speak to someone involved in the harassment that it meant that she had mental health issues. The day after the negative information was corrected the Premier I understand required the resignation of Stuart Jamieson MLA from the Legislature. He indicated his resignation in the Legislature on the next day, Tuesday.

24. The Ombudsman was also required by Premier Graham to resign. He did so the same week as Stuart Jamieson MLA. However, he was allowed to give notice of 1 year which covered up his misconduct in office and that he had completely violated his oath of office and his mandate. The Premier never gave the March 2010 Complaint to the Legislative Assembly nor was any information concerning the situation provided to the Legislative Assembly in the annual reports to the Legislative Assembly by the Ombudsman or the Deputy Minister of the Office of Human Resources pursuant to their legislated duty under Section 36 and 37 of the Civil Service Act. The Premier did not proceed to appoint this Complainant to the position as he could have done as no one had been hired in that position. He proceeded to have the government advertise a new competition for a Lawyer III in the Employment and Administrative Law Group and a Lawyer III in the Litigation Group of the Office of the Attorney General. The government continued to take in information from unqualified biased persons outside the government to the effect that this Complainant has mental health issues based on their perceptions by giving ordinary actions and occurrences a negative meaning to suit their purposes.

25. The Premier did not put in place a review of the specialized prosecution branch competition

as requested by me by an independent unbiased qualified person as the Ombudsman's review was completely invalid as a result of his conduct and the government cannot review its own actions. I applied for the new positions to give the government as much choice as possible in hiring me and remedying the situation immediately but I advised the Premier in writing that I wanted the review in respect to the specialized prosecution branch position to proceed immediately if I was not being hired immediately.

26. I was interviewed for the positions in the employment group and the litigation group on Monday, July 26<sup>th</sup>, 2010. Upon my arrival at the interview at the Justice Building I was required to submit to a search by a young male security guard before I entered the building for the interview to which I had been invited. I was also escorted to the interview room by a young female security guard. This had not occurred in respect to any other interview I had ever attended. It appeared to be a direct attempt by the government to make their own inquiries as to any mental disability of this Complainant contrary to the Human Rights Act by trying to observe if I acted in a way they thought I should not act or to deliberately create a situation where they could say that this Applicant became upset or angry or acted in such other manner that they could improperly characterize as meaning that she had mental health issues. Although I viewed it as completely improper and that it reflected badly on the government I submitted to the search and being escorted to the interview. I excelled at the interview and again it was an A rated interview.

27. Martha Bowes the Human Resources Advisor for that interview and the interviews in respect to the Miramichi Crown Prosecutor position and the Specialized Prosecution Branch Lawyer III position was one of the persons responsible to ensure that the Human Rights laws and Civil Service Act requirements were complied with in respect to the conduct of the interview, any information taken in to affect the hiring pursuant to that competition and to ensure that the candidate who won the competition based on merit based on the oral interview and references was appointed. She did not fulfill that responsibility in any of those competitions. It appears that she was removed from her position as a human resources advisor as a result of what occurred in the competitions for which the interview was held on July 26, 2010.

28. Approximately 3 days after the interview on July 26, 2010 persons involved in the harassment of me followed or observed this Complainant as I went about my ordinary activities on Thursday and Friday of the same week as the interview. Information was then provided to the government to the effect that I was confused or exhibited other signs of mental health issues as a result of my behavior on those dates going from one side of the city to the other and doing various errands on the way. My actions were entirely ordinary and appropriate on those dates. I provided detailed information to the police on or about August 4, 2010 setting out what had occurred and clearly showing that there was nothing inappropriate about my actions whatsoever. Approximately three days earlier I had no difficulty whatsoever going to Fredericton by bus for the interview and doing an excellent interview. I provided details in the information given to the police of my activities and of what occurred on the day that I went to Fredericton for the interview. After the police and the Premier dealt with what occurred on that Thursday and Friday of the same week as the interview and other matters addressed by me in the information that I provided to the police on or about August 4, 2010, further persons were disciplined and Martha Bowes was no longer a human resources advisor but was shown as manager of the Office of the Attorney General. I understand that the Director of Legal Aid was also no longer in his position. It was also made known that I was to be hired and when the government changed Premier Graham advised Premier Alward that I was to be hired. In addition in February 2010 after it went out into the community that I had mental health issues and that I was not getting the position when the Ombudsman did his review of the 2009 specialized prosecution branch position, a competition was immediately advertised in about late February 2010, for an administrative support person in the Crown Prosecutor's Office in Saint John. On approximately the day after I provided the police with the information subsequent to the July 26, 2010 interview, on or about August 4, 2010, that position was immediately shown to be no longer available. I had indicated in information to the police or the Premier my understanding that it was intended by the government to hire Beverly Pitre ( the lady from Saint John Legal Aid who had interfered in my 2004 Fredericton Legal Aid application resulting in my not being given the position even though I had won it based on merit and was to be

*Mary Ellen Rose* 2012/04/17 PAGE 19 OF 29 PAGES

hired) once she and others involved in the harassment had discredited me and prevented my being hired. This should be considered an extremely aggravating factor as it appears that all of the harassment of me and attempts to characterize my ordinary actions and occurrences as meaning that I had mental health issues were deliberate and were to assist a person or persons who had been disciplined or lost their job to have the consequences of their actions reversed.

29. On December, 23<sup>rd</sup>, 2010 the Minister of the Office of Human Resources, Blaine Higgs called a phone number that was not the number I provided on my application. I did not connect with the call as I was not expecting it at that number. I returned the call but did not get a further phone call from Blaine Higgs. The record of the Cabinet meeting would show that I was appointed on that date and that he was calling to make the offer of the government to hire me. The persons involved in the harassment of me continued to provide information to the government to the effect that I had mental health issues based on inappropriate negative meanings being given to ordinary actions and events taken out of context based on their biased perceptions and unqualified opinions. From that date Blaine Higgs continued directly or indirectly to take in information contrary to the Human Rights Act from biased unqualified persons involved in the harassment of this Complainant to the effect that I had mental health issues. I constantly corrected inappropriate information. On or about May 25<sup>th</sup>, 2011, I was advised that the position was filled. I understand that the position was not filled at that time. I had won the competition based on merit and was appointed in December 2010. The offer to hire should have been completed and my work performance evaluated impartially and fairly during the probationary period as it would have been for any other Applicant.

30. Blaine Higgs, as the Minister of the Office of Human Resources, was the Cabinet Minister responsible to ensure that all requirements of the Civil Service Act and the Human Rights Act are complied with and that no human rights violations are allowed in competitions. He has deliberately allowed information to come in to the effect that I have mental health issues to affect the competitions for a Lawyer III in the Employment and Administrative Law Group and for a Lawyer III in the Litigation Group to stop my being hired from

*Mary Ellen Rose* 2012/04/17

PAGE 20 OF 29 PAGES

biased persons who have harassed this Complainant and who are not qualified to form an opinion on what any person's actions mean in respect to their mental health while he was or ought reasonably to have been aware that many of those persons or others including himself will or may avoid the consequences of their actions if this Complainant is not hired.

31. Immediately after I received notification that the position in the employment and administrative law group was filled I corrected the inappropriate information to the effect that I had mental health issues that had been provided to the government by the persons involved in the harassment by written information to the Premier and the position began again to be put in place for me.

32. On or about Friday, June 10<sup>th</sup>, 2011 persons involved in the harassment or others associated with them again followed me. They had a male walk by where I was sitting talking to someone and I glanced up for about half of a second to see who was approaching. This was reported to the government as meaning that I had mental health issues. On Saturday June 11<sup>th</sup>, 2011 when I was outside mowing the lawn, the husband of the lady who was disciplined and off work in August or September of 2010 for about 2 weeks as a result of her participation in the harassment and other persons involved in the harassment reported that I had looked at him which was supposed to have a negative meaning to the effect that I had mental health issues. I simply mowed the lawn and did other activities connected to it. I cleared this information up by providing written information to the Premier and persons were again disciplined or removed from their positions and again the professional position started to be put in place for me.

33. From July until December 2011 the harassment continued intensely and the government records would show that I was to be hired on many occasions during that time period only to have further allegations made by biased unqualified persons outside government to the effect that I have mental health issues based on ordinary actions and occurrences being given a negative meaning and my hiring then did not take place.

34. The Premier as head of the government was also involved in dealing with the harassment of this Complainant and her appointment and is responsible to ensure that all Officers and employees comply with the law including the Human Rights Act and the Civil Service Act. He was

Mary Ellen Rose 2012/04/17

PAGE 21 OF 29 PAGES



responsible to ensure that my appointment was made or that the necessary reviews legislated by the Civil Service Act by unbiased independent qualified persons took place in respect to the specialized prosecution branch competition, the employment and administrative law group position and the litigation group position. He did not do so.

35. On December 20<sup>th</sup> , 2011 I sent a Complaint to the Clerk of the Legislative Assembly in respect to the Premier and the Minister of the Office of Human Resources as inappropriate information prohibited by the Human Rights Act to the effect that I have mental health issues was still being taken in by the government from biased and unqualified persons involved in the harassment of this Complainant. Again after I sent that Complaint I was to be hired. Again further information was provided by biased unqualified persons involved in harassing me to the effect that I had mental health issues and I was not hired.

36. Subsequent to my January 25<sup>th</sup> , 2012 e-mail to Premier Alward he began to deal with the persons involved in the harassment of me together with other employers and many persons were dealt with and disciplined or removed from their positions as a result. Premier Alward appointed or confirmed that I was to be hired. As a result of further negative information from the persons involved in the harassment he did not proceed with hiring me. I have continuously cleared up negative information. As recently as April 5<sup>th</sup>, 2012 my appointment and hiring would have been dealt with but further negative information was taken in one or two days earlier to the effect that I had mental health issues and again it went out into the community that I was not being hired because I had mental health issues. I cleared up that negative information by correspondence on Easter Monday 2012 to Attorney General Marie-Claude Blais and the discipline of the persons involved in the harassment of me was apparently reinstated. I was again to be appointed or my appointment confirmed on April 12<sup>th</sup> , 2012. Further harassment has continued to occur. I have not yet been notified that I am being hired. I have no mental disability. I excelled at the interview on July 26, 2010 on an objective basis and I have excellent oral and written references. I won the competitions based on merit for which the interview was held on July 26, 2010 and I should be appointed to one of the positions immediately and assessed as to work performance

Mary Ellen Rose 2012/04/17

PAGE 22 OF 29 PAGES

impartially and fairly during the probationary period.

37. I believe that the sole reason why I have not been hired by the Respondent, the Province of New Brunswick, is because of the negative information as to my having mental health issues provided by unqualified and biased persons within and outside government based on ordinary actions and occurrences being interpreted by them in a negative way in order that they or other persons associated with them will avoid the consequences of their actions and involvement in harassing me and in providing incorrect information as to my having mental health issues.

38. Since approximately May, 2008 there has been constant interference in my applications for employment in government competitions by information being provided as to perceived mental disability by biased and unqualified persons who have a direct interest for their own well-being or that of others associated with them in discrediting me or in preventing me from being hired by the government. I believe that this is discriminatory.

39. Attorney General Marie-Claude Blais is the Cabinet Minister responsible for the competitions in her department and for ensuring as Attorney General that the requirements of the Civil Service Act and the Human Rights Act are met and enforced. As a member of Cabinet she would be aware of the situation involving this Complainant and of the information taken in contrary to the Human Rights Act. She would also be aware or reasonably ought to be aware that I won the competitions in the employment and administrative law branch, the litigation branch and the specialized prosecution branch based on merit based on the oral interview and references.

40. I believe that I have been discriminated against on the basis of perceived mental disability by the Province of New Brunswick and the other Respondents with respect to employment contrary to section 4 of the New Brunswick Human Rights Act.

41. I believe that I have also been discriminated against on the basis of perceived mental disability by the Premier, the Attorney General, the Minister of the Office of Human Resources and the Deputy Minister of the Office of Human Resources with respect to their failure to order that the specialized prosecution branch competition be reviewed by an independent unbiased

Page 16

qualified person from outside the Province as required by the Civil Service Act as the

Ombudsman's review was completely invalid. This request has been repeatedly made of the Premier and as of March 13<sup>th</sup>, 2012 the request was made in writing of the Deputy Minister of the Office of Human Resources. The request was also made in writing of the Attorney General.

42. I believe that I have also been discriminated against on the basis of perceived mental disability by the failure of the Deputy Minister of the Office of Human Resources to provide the Statement of Reasons that is mandatory and which he is required to provide by his obligations under section 16 and section 33 of the Civil Service Act in respect to Competition 10-44-02 in the Litigation Group and Competition 10-44-03 in the Employment and Administrative Law Group of the Office of the Attorney General pursuant to the written request of March 13<sup>th</sup>, 2012 addressed to him although same was also previously requested of the Premier and also requested of the Clerk of the Legislature in the December 20<sup>th</sup>, 2011 Complaint.

43. The Province of New Brunswick is the prospective employer and is vicariously liable for the actions of all of its Cabinet Ministers, officers and employees.

#### RELIEF REQUESTED:

The Complainant respectfully requests that under the Human Rights Act that the Province of New Brunswick be required:

- (i) to do or refrain from doing any act or acts so as to effect compliance with the Human Rights Act, including but not limited to abstaining from taking in any further information from the biased and unqualified persons involved in the harassment or anyone else connected with them to the effect that this Complainant has mental health issues of any kind ;
- (ii) to rectify any harm caused by the violation of the Human Rights Act including but not

*Mary Ellen Rose*

*2012/04/17*

PAGE 24 OF 29 PAGE.

limited to appointing this Complainant to the position of Lawyer III with the government of New Brunswick and to taking measures to ensure that persons involved in the harassment or others associated with them are not able to sabotage the Complainant or further harass her in her employment position;

(iii) to hire the Complainant based on merit as required by the Civil Service Act and to assess the Complainant impartially and fairly during the probationary period without considering any information contrary to the Human Rights Act from external sources;

(iv) to cease from discriminating against the Complainant by stopping the taking in of information as to perceived mental disability contrary to section 4 of the Human Rights Act and to restore the Complainant to the position that the Complainant would have been in but for the violation of the Human Rights Act;

(v) to immediately require the Deputy Minister of the Office of Human Resources to provide the Statement of Reasons and to immediately put in place the reviews under the Civil Service Act in respect to the employment law branch and litigation branch positions for a Lawyer III, if necessary together with any other necessary terms;

(vi) to immediately require the Premier to have an independent unbiased properly qualified person from outside the Province conduct the review of the Crown Attorney position in the Specialized Prosecution Branch competition as required by the Civil Service Act as the Ombudsman's review is completely invalid as he proceeded in face of a conflict and violated his oath of office and mandate;

(vii) to immediately hire the Complainant as a Lawyer III in the employment and administrative law branch position or as a Lawyer III in any other position that she

Mary Ellen Rose

2012/04/17

interviewed for between May 2008 and 2012 in accordance with her preference and in

accordance with directions given as a result of this Human Rights Complaint to ensure

that the Complainant is able to thrive in any position in which she is hired;

(viii) to pay this Complainant retroactively to June of 2006 or at least to May of 2008 at

the rate of pay for a Lawyer III in the Civil Service of the Province of New Brunswick;

(ix) to compensate this Complainant retroactively to June 2006 or to at least May of 2008

for lost pension benefits and accumulation;

(x) to immediately pay the Complainant's Law Society dues back to May 1, 2011 as dues

for lawyers of the Province are paid by the Province;

(xi) to retroactively reimburse the Complainant for the Law Society dues paid by her

retroactive to June 2006 or to at least May of 2008;

(xii) to pay the Complainant prospectively from the date that this Complaint is decided

until retirement age should the Complainant be prevented by any circumstance or be

unable for any reason to practice law when the Complaint is decided;

(xiii) to compensate the Complainant for any other lost benefits, expenses or lost income

of any kind;

(xiv) to compensate the Complainant for emotional pain and suffering as a result of the

extremely well organized and concerted effort to humiliate and intimidate the

Complainant and to prevent her from practicing law in accordance with her professional

qualifications and experience;

(xv) to compensate the Complainant for emotional pain and suffering as a result of the

severe harassment she has been subjected to from 2006 until the present date;

Mary Ellen Rose 2012/04/17

PAGE 26 OF 29 PAGES

Page 19

(xvi) to compensate the Complainant for any other consequent emotional suffering including that resulting from injury to dignity, feelings or self-respect in such amount that the Board considers just and appropriate:

(xvii) to compensate the Complainant for any other consequent expenditure, financial loss or deprivation of benefit in such amount as the Board of Inquiry considers just and appropriate;

(xviii) such further and other relief as this Honourable Board of Inquiry finds just and equitable;

Dated at Saint John in the County of Saint John and Province of New Brunswick this

17<sup>th</sup> day of April, 2012.

Mary Ellen Rose, Complainant  
c/o 145 Westmorland Road  
Saint John, New Brunswick  
E2J 2E5

Mary Ellen Rose 2012/04/17 PAGE 27 OF 29 PAGES

ii) How were you treated differently from the way the others were treated?

SEE ATTACHED TYPEWRITTEN STATEMENT OF 19 PAGES

If you need more space, please add additional pages, and remember to sign, date and number each page.

Mary Ellen Rose  
Complainant's Signature

2012/04/17  
Date (yyyy/mm/dd)

Page 28 of 29 Pages

**Section I – Read the four statements below and sign and date below each statement.**

- i) I am making a complaint under the New Brunswick *Human Rights Act*. I declare the information I have provided in this form is true to the best of my knowledge and belief.

Mary Ellen Rose  
Complainant's Signature

2012/04/17  
Date (YYYY/MM/DD)

- ii) I understand that if my complaint is accepted, the Commission will send a copy of the accepted complaint to the respondent(s).

Mary Ellen Rose  
Complainant's Signature

2012/04/17  
Date (YYYY/MM/DD)

- iii) I understand that the Commission will also send any supporting medical information and other important documentation to the respondent(s) during the investigation process.

Mary Ellen Rose  
Complainant's Signature

2012/04/17  
Date (YYYY/MM/DD)

- iv) I have signed, dated and numbered each page of my complaint form and any pages that I added to the form.

Mary Ellen Rose  
Complainant's Signature

2012/04/17  
Date (YYYY/MM/DD)

Remember to provide the Commission with any changes to your contact information as the Commission may close your complaint as having been abandoned if we are unable to contact you.

Mary Ellen Rose 2012/04/17



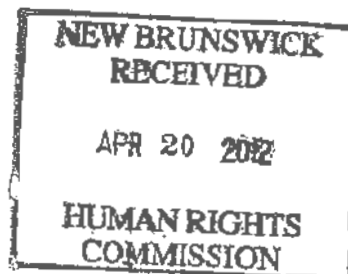
W

affidavit of Mary Ellen Rose  
sworn this 15 day of April, 2013.



Commissioner NEW BRUNSWICK HUMAN RIGHTS COMMISSION  
of oaths TIME LIMIT EXTENSION REQUEST

APRIL 17<sup>th</sup>, 2012



BRIANA AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES

Re: MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF  
JUSTICE, THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE,  
Premier Alward, Attorney General Marie-Claude Blais, Blaine Higgs, Minister of Finance,  
The Deputy Minister of the Office of Human Resources, Doug Holt, Manager of the Office  
of the Attorney General, Martha Bowes;

**Complaint alleging marital status and mental disability discrimination based on perceived  
mental disability respecting employment, contrary to section 4 of the New Brunswick  
Human Rights Act.**

I would request that the one year time period set out in s. 17.1(1) of the Human Rights Act for filing a Complaint against the Province of New Brunswick, the Department of Justice, the Office of the Attorney General, the Department of Finance, Premier Alward, Attorney General Marie-Claude Blais, Blaine Higgs, Minister of Finance, the Deputy Minister of the Office of Human Resources, Doug Holt and Martha Bowes, Manager of the Office of the Attorney General and formerly a Human Resources Advisor pursuant to s. 17.1(2) be extended, if necessary, to cover all the circumstances set out in the Complaint that are outside the one year time limit or at least those going back to May 2008 as there has been a continuous breach of the Act since that date based on discrimination based on perceived mental disability.

The government is aware that I have won many competitions based on merit that I have participated in since January 2006 and it has not stopped the human rights violations nor has it hired me. I understand that pursuant to section 17 (2) that the Commission may where in the opinion of the Commission the circumstances so warrant, extend the one year time period. I would submit respectfully that the circumstances here so warrant. They are set out in detail in my Human Rights Complaint dated April 17<sup>th</sup>, 2012. The government through its legislative processes enacts the legislation such as the Human Rights Act and the Civil Service Act.

If the government is able to ignore and particularly if it willfully ignores the Human Rights legislation and refuses to allow independent unbiased reviews that are legislated to safeguard human rights or to ensure that they are properly carried out in accordance with the mandate of the office and the oath of office that an officer of the government takes, it strikes at the very essence of human rights and other essential rights that must be protected in a free and democratic society.

I would respectfully submit that all of the grounds set out in the Guidelines are met in the circumstances of this matter and that an extension is justified.

I would submit that (a) there is a strong arguable case, both in fact and in law. Mental disability perceived or real is not a ground on which an employer can refuse to

Mary Ellen Rose

2012/04/17

Page 1 of 5 PAGES

hire. Also section 4(4) prohibits any inquiry as to mental disability direct or indirect. The Human Rights Act is clear governing legislation that prohibits the types of information which the government has taken in and based on which it has denied this Applicant employment. This Applicant has no mental disability. When the government takes in information as to ordinary actions and occurrences given with a negative meaning to the effect that it means that I have mental health issues from persons who have never been to university let alone received a psychologists degree, who are biased, harass an individual and stand to benefit or avoid consequences of their own actions, the information they try to provide should be refused outright even on the basis of untested information by biased unqualified persons. However, when it is prohibited by the Human Rights Act the government is in violation of the Act when it takes in any such information. The government has taken in information contrary to the Human Rights Act from biased persons that the government knows are not psychologists and are completely unqualified to interpret actions or form any opinion as to mental health issues or mental disability based on what they observe.

It is discrimination I believe to refuse employment based on mental disability or perceived mental disability. I believe that the government would not and has not taken in information of this type from persons outside the government in respect to any other Applicant. I have won all of the competitions that I have been an Applicant in since at least 2008 based on merit based on the oral interview and references. The time to assess work performance is during the probationary period as it would be for all other applicants. I have not been given any of the positions as a result of the violation of section 4 of the Human Rights Act by the government.

(b) there is evidence of a substantial loss or damage to the Complainant and a clearly identifiable remedy.

I will never practice law again because of the situation that the government has created in the legal profession and in the community unless the government corrects the situation and hires me. I have lost employment income since September 17<sup>th</sup>, 2004 as a result of the discrimination by the government accompanied by loss of pension accrual, loss of enjoyment of vacations, loss of the lifestyle that the professional position would provide, cost of attending interview after interview and other lost benefits. The Complainant has also suffered emotional pain and suffering as a result of the harassment that the government has caused by taking in discriminatory information from the bullies as to perceived mental health issues which has caused them to harass this Complainant continuously to find or create information that they can take to the government. The government has repeatedly caused it to go out into the community to the effect that I am not being hired because I have mental health issues since 2008 based on improper and incorrect information from the biased and unqualified persons involved in the harassment. I have been prevented from practicing law for several years as a result of their actions despite the excellent oral references provided to the government of extremely well

Mary Ellen Rose

2012/04/17

PAGE 2 OF 5 PAGES

Mary Ellen Rose Page 3 Time Limit Extension Request

qualified persons who worked with me as lawyers or who are judges that I appeared before. Excellent written references were also provided.

The identifiable remedy is that the Human Rights Commission can require the government to hire this Complainant as a Lawyer III and put her in the position that she would have been in had the discrimination not occurred and had she been hired when she won the competitions based on merit. The Civil Service Act provides that appointments are to be based on merit. The only reason the government took in the information contrary to the Human Rights Act as to perceived mental disability was in order to find a reason not to hire this Applicant. The Human Rights Commission should find that an aggravating factor that makes the government's conduct even worse.

© the Complainant had a bona fide reason, as determined by the Commission, for not filing the Complaint within the one year time limit; and

This Complainant strongly believes that if she did not jump through all of the hurdles and follow all of the steps the government was taking to remedy this situation and hire her that she would likely be harassed out of any professional position that she was put in. Harassment by courthouse or government employees resulted in her not being hired in the 2003 Regional Director of Court Services competition in Saint John which resulted in another Applicant being hired. This Complainant was harassed out of two call centre positions where she worked as she had no alternative as she waited for the government to correct the situation that it had created and hire her in the professional position. The police were contacted by me when both of those positions ended and details are in the Human Rights Complaint as well as in the police file. I was also prevented by the harassment of one or more courthouse or government employees from being given either of the two Legal Aid Family Court Solicitor positions that I applied for in 2004 and 2005 in order to mitigate what the government had caused by the manner in which it handled the government competitions.

The government is still actively dealing with this matter and the Complainant hopes that the Respondents under the Premier's direction will resolve this matter by hiring her with all fair retroactive pay and compensation. At the end of January 2012, the Premier together with other employers began to deal with the persons involved in the harassment who continuously gave information to the government directly or indirectly attempting to characterize me as having mental health issues when such negative reports of observed behavior would not have been made by an unbiased objective person as they were ordinary actions and occurrences when taken in context. Many persons including bus drivers, police, firemen, deputy ministers and others were disciplined or removed from their positions or otherwise dealt with. The Premier should verify this readily as Cabinet decisions should reflect this and that I was to be hired. The government then took in further negative information. The week of April 5, 2012 I was again to be appointed and the government again took in negative information and it went

Mary Ellen Rose 2012/04/17 PAGE 3 OF 5 PAGES

Mary Ellen Rose Page 4 Time Limit Extension Request

out into the community that I had mental health issues and was not going to be hired. I addressed the situation in writing with Attorney General Marie-Claude Blais on Easter Monday 2012 and the negative information was again cleared up and I understand that I am again to be hired. As of Tuesday, April 10<sup>th</sup>, 2012 the persons disciplined for the harassment of this Complainant were again dealt with and it appears that I was going to be hired. The government has however, begun to do this many times before and then has again taken in further information prohibited by the Human Rights Act from the persons involved in the harassment. Ordinary actions and occurrences have continuously been interpreted in negative ways by biased unqualified persons. I was again to be appointed or my appointment confirmed on April 12<sup>th</sup> and 19<sup>th</sup>, 2012. Further harassment has continued to occur. I have not yet been notified that I am being hired. I have no mental disability. I excelled at the interview on July 26, 2010 objectively and I have excellent references.

This Complainant has no alternative but to file now to preserve the one year time limit in respect to the employment law and litigation branch competition and requests respectfully that the Commission extend the time limit to include claims and all information in the Complaint back to July 2006 or at least back to May of 2008 as there has been a continuous breach of the Act since May of 2008 in respect to discrimination based on perceived mental disability.

(d) the Respondents will not be unduly prejudiced by the extension.

1 No one was appointed under any of the competitions from May 2008 to the present date in which I have been an Applicant and the government can make the appointment immediately in any of those positions. If appointments have been made the date should be checked as it would likely be by later competitions.

2 The Respondents have caused the delay by failing despite repeated request to ensure that if they were not hiring, that proper independent unbiased reviews immediately proceeded as required by the Civil Service Act. The Respondents have repeatedly corrected the bad information and have started to put the professional position in place for this Complainant as recently as last week.

3 Premier Alward directly or indirectly dealt with the persons involved in the harassment after January 25<sup>th</sup>, 2012 together with other employers. Many people in the government as well as with other employers including Deputy Ministers, police officers, firemen, bus drivers and others who participated in the harassment or did not stop it were disciplined or dealt with or removed from their positions. The persons involved in the harassment then provided further inappropriate information to cause the government to change its decision to hire this Complainant in order to avoid the consequences they faced as a result of their behavior.

Mary Ellen Rose

2012/04/17

PAGE 4 OF 5 PAGE

Mary Ellen Rose Page 5 Time Limit Extension Request

4 The government continues to refuse to provide the Statement of Reasons that it is required to provide under the Civil Service Act and refuses to allow the legislated independent reviews by an unbiased qualified person to proceed. It is believed that that is as a result of the government being fully aware that the information it has taken in is prohibited by the Human Rights Act and the Civil Service Act and that an unbiased independent properly qualified reviewer would have great concerns about the conduct of the government and the Ombudsman throughout the competitions in which this Complainant has been an applicant.

5 I have exercised or tried to exercise all statutory or other applicable internal complaints, appeal or review rights under the Civil Service Act in a timely and appropriate fashion and they have not yet been completed as a result of the government's actions.

I would respectfully request that the time extension be granted in all of the circumstances of this matter as more fully set out in my Complaint dated April 17, 2012.

Yours very truly,



Mary Ellen Rose

Mary Ellen Rose

2012/04/17

PAGE 5 OF 5 PAGES

X



Legal Services / Services juridiques  
P.O. Box/C.P. 6000  
Fredericton, NB E3B 5H1  
Tel/Tél. (506) 453-2222  
Fax/Téléc. (506) 453-3275

August 13, 2012

Via facsimile: (506) 869-6608

Jennifer LeBlanc, Manager of Investigations  
New Brunswick Human Rights Commission  
200 Champlain Street, Suite 320  
Dieppe, NB E1A 1P1

Dear Ms. LeBlanc:

Our File: 3179-BM

*This is Exhibit "X" for  
affidavit of Mary Ellen  
Rose sworn this 15 day  
of April, 2013.*

*[Signature]*  
A Commissioner of oaths

Re: Mary Ellen Rose v. PNB et al  
- Complaint alleging mental disability and marital status  
discrimination respecting employment, pursuant to section  
4 of the New Brunswick Human Rights Act

I am representing the Respondents in this matter. Please direct all further correspondence to my attention.

BRIANA AGNEW COM  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC. 31/13

Further to your letter dated July 13, 2012, the Respondents have been asked to provide a response to the time limit extension request and whether they are interested in participating in mediation.

Please be advised that the Respondents do not wish to participate in the mediation process.

With respect to the time limit extension request, this Complaint relates to numerous competitions with the office of the Attorney General (now Department of Justice and Attorney General). For all but two of the competitions at issue, namely competitions number 10-44-02 and 10-44-03, the complainant sought redress with the Office of the Ombudsman based on the same or very similar allegations. The claims were dismissed. It is the Respondents' position that this Complaint ought also be dismissed as being without merit, having already been determined, or in the alternative as being filed outside of the time limitation and absent circumstances warranting an exercise of the Commission's discretion.





With respect to competitions numbered 10-44-02 and 10-44-03 with the Legal Services Branch of the Department of Justice and Attorney General, the Complainant was notified by letter dated May 18, 2011 that she was not the successful candidate (copy attached). The selection committee determined that the Complainant did not qualify for either of the positions being advertised. If the Commission is of the view that the Complainant's allegations may be expeditiously addressed following a review of the Department of Justice and Attorney General's files relating to these competitions, we are prepared to consider that request. Please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "Andrea Folster".

Andrea Folster,  
Solicitor

AF/gp



May 18, 2011

Mary Ellen Rose  
55 Magazine Street, Apt. 704  
Saint John, NB E2K 2S5

Re: Competition # 10-44-03, Lawyer III  
Employment and Administrative Law Group  
Office of the Attorney General  
Fredericton

---

Dear Ms. Rose:

This is to advise that the recruitment process for the above-noted inventory competition is now complete and that you were not a successful candidate.

We would like to thank you for your interest and participation in this competition, and wish you success in your future endeavours.

Sincerely,

Julie Comeau, CHRP  
Human Resource Advisor

/jc

cc: Honourable David Alward, Premier  
Judith Keating, Q.C., Acting Deputy Attorney General





STRICTLY CONFIDENTIAL  
PRIORITY COURIER

August 28, 2012

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB E2J 2E5

Dear Ms. Rose:

Re: **MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE, THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE, PREMIER ALWARD, ATTORNEY GENERAL - MARIE-CLAUDE BLAIS, MINISTER OF FINANCE - BLAINE HIGGS, THE DEPUTY MINISTER OF THE OFFICE OF HUMAN RESOURCES - DOUG HOLT AND THE MANAGER OF THE OFFICE OF THE ATTORNEY GENERAL - MARTHA BOWES**

**Complaint alleging marital status and perceived mental disability discrimination respecting employment, pursuant to section 4 of the New Brunswick *Human Rights Act***

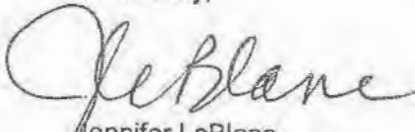
Please find enclosed a copy of the collective response submitted by the Respondents in relation to your complaint and in relation to the Time Limit Extension request.

Please be advised that this will be your only opportunity to respond to the Respondent's response and to provide further information regarding your complaint and your Time Limit Extension request prior to the Commission making a determination in your complaint. Therefore, it is imperative to your complaint to provide a written response.

**If you wish to reply to the Respondent's response, please send a written response on or before September 11, 2012, to my attention by mail or delivery to the Human Rights Commission, 200 Champlain Street, Suite 320, Dieppe, N.B. E1A 1P1 or by faxing it to (506) 869-6608.**

If you have any questions regarding this matter, please feel free to contact me by telephone at either 1-888-471-2233, or my direct line 869-6969. As well, I can be reached by email at [Jennifer.leblanc@gnb.ca](mailto:Jennifer.leblanc@gnb.ca).

Yours truly,

  
Jennifer LeBlanc  
Manager of Investigations

Enclosures



10 11  
affidavit of Mary Ellen R.  
sworn this 15 day of  
April, 2013.

REPLY

  
A Commissioner of Oath

Mary Ellen Rose v. Province of New Brunswick, Department of Justice, The Office of the Attorney General, The Department of Finance, Premier Alward, Attorney General - Marie-Claude Blais, Minister of Finance, Blaine Higgs, The Deputy Minister of the Office of Human Resources, Doug Holt and the Manager of the office of the Attorney General, Martha Bowes

Complaint alleging marital status and perceived mental disability discrimination respecting employment, pursuant to section 4 of the new Brunswick Human Rights Act

BRIAN A AGNEW COM  
MISSIONER OF OATH  
MY APPOINTMENT  
EXPIRES DEC. 31/13

The Applicant has no alternative but to file this reply at this time in light of the insistence of the Human Rights Commission that it is proceeding despite it is aware or reasonably ought to be aware of a serious conflict and that it does not have the capacity to act and must forward the Complaint to an unbiased Human Rights Commission. A Complaint has been made to the Premier in that regard. In light of the letter of the Human Rights Commission dated August 28, 2012 and the time limit set out I have no alternative but to provide this Reply.

It appears that the Human Rights Commission intends to proceed in the face of a conflict deliberately and it appears its intention is to dismiss this Applicant's Human Rights Complaint rather than allow it to be heard by an unbiased independent human rights commission in order it appears to cover up what the government and others have done to this Applicant instead of simply hiring me based on merit as required by the Civil Service Act.

The Professional Code of Conduct is clear. Even if there is a possibility of conflict or an appearance the lawyer must ensure that he or the entity DOES NOT deal with the matter. The Applicant believes that Sarina McKinnon Legal Counsel for the Human Rights Commission had an absolute obligation to ensure an unbiased independent human rights commission from outside the Province handled my complaint in its entirety. This is particularly in the circumstances where the Applicant understands that Sarina McKinnon contacted this Applicant and is aware or reasonably ought to be aware that even before this Applicant filed my Human Rights Complaint incorrect negative information was provided to the government from the Human Rights Commission. There was a subsequent reaction in the Community and amongst the bullies that brought this to my attention from my observations.

This Applicant understands that Andrea Folster as a solicitor and officer of the Court is also aware that the Human Rights Commission has a conflict and should have brought it to the attention of the Cabinet Minister in the government she works for (to which Cabinet Minister the Human Rights Commission reports) if the Human Rights Commission did not themselves acknowledge the conflict and that the Human Rights

09/10/12

Mary Ellen P. 1  
Rose

Commission had no capacity to act. Once there is a conflict there IS NO CAPACITY TO TAKE ANY FURTHER STEPS.

This Applicant understands that the Attorney General is also aware of the conflict and should have also flagged this to the Cabinet Minister to whom the Human Rights Commission reports who sits at the same Cabinet table with her. The Cabinet Minister to whom the Human Rights Commission reports who sits at the Cabinet table that has dealt with my hiring situation for the last two years and who has the ability to affect the employment and other aspects of those at the Human Rights Commission should I believe have recognized the conflict himself even if he is not a lawyer and should have ensured that an unbiased human rights commission from outside the Province handles my human rights complaint in its entirety.

As the government brought in a crown attorney from Nova Scotia to prosecute a prominent Saint John lawyer because there was an appearance of conflict it is beyond belief how the government and the Human Rights Commission feel that there is no conflict nor appearance of conflict in the New Brunswick Human Rights Commission handling my Human Rights Complaint in the circumstances of this matter.

It appears that the concerns are now much greater. It would appear that Andrea Folster has now created a further extremely serious conflict.

A lawyer is an officer of the court and takes an oath upon admission to the Bar. The lawyer has AN ABSOLUTE OBLIGATION to be candid and frank and COMPLETELY HONEST in all dealings with any court or tribunal or anyone else. The lawyer has an ABSOLUTE OBLIGATION to file accurate complete true documents that are NOT false or misleading in any way in any formal proceeding he/ she is filing documents in.

Andrea Folster has filed a response to this Applicant's human rights complaint on behalf of all Respondents that on its face the Premier and the rest of Cabinet would be aware is deliberately false, misleading, inaccurate, unfair and incomplete.

Andrea Folster advises the Human Rights Commission that she is handling the matter for the government. She represents to the Commission that "this Complaint relates to numerous competitions with the Office of the Attorney General ( now Department of Justice and Attorney General)" She further states "FOR all but two of the competitions at issue, namely competitions number 10-44-02 and 10-44-03, the complainant sought redress with the Office of the Ombudsman based on the same or very similar allegations. The claims were dismissed. It is the Respondent's position that this Complaint ought also be dismissed as being without merit, having already been determined or in the alternative as being filed outside of the time limitation and absent circumstances warranting an exercise of the Commission's discretion." To make this statement when the applicant knows or reasonably ought to know from her own knowledge or from the information within the knowledge etc of the persons she is representing or within the knowledge of the persons within the Department of Justice and the Office of the Attorney General in

09/10/12 Mary Ellen Rose P. 2

which she works as she would have an obligation as solicitor to have accurate and complete information before she filed her response, is it appears completely unethical, misleading and false. The Applicant states that the Premier and Cabinet are aware or reasonably ought to be aware that that response is completely unethical, misleading and false based on what the Premier and Cabinet have dealt with during the last two years.

The Applicant states that there are many facts and details that have not been stated in the Response of the Respondents that are within the knowledge of or reasonably ought to be within the knowledge of Andrea Folster in her position as solicitor with the Department of Justice and the Office of the Attorney General and as solicitor for the Respondents as well as within the knowledge of the Respondents that she represents or which reasonably ought to be within the knowledge of the Respondents that she represents in respect to my human rights complaint that clearly show that the Response filed is deliberately false, misleading, inaccurate and incomplete.

The Applicant states that many of those facts and details that are within the knowledge of or reasonably ought to be within the knowledge of some or all of the Respondents and their solicitor are set out below but in addition there are many other facts and details that the Premier and other Respondents are fully aware of which are verified by documents, notes, written information, oral information, discipline proceedings, knowledge or other types of verification in the possession of the government and that should be in government files based on the Premier and Cabinet directly or indirectly having dealt with the hiring of this Applicant since 2010 and the very severe harassment situation in respect to this Applicant that has been caused by the way that the government has dealt with this Applicant in competitions which clearly show that the Response filed is deliberately false, misleading, inaccurate and incomplete.

Martha Bowes was human resources advisor in the 2008 Miramichi crown attorney competition, the 2009 specialized prosecution branch competition and the 2010 employment and administrative law group competition and the 2010 litigation group competition, the latter two competitions being the two numbered competitions that Andrea Folster referred to in her response. Martha Bowes was aware or reasonably ought to have been aware that the government was taking in information from persons involved in the harassment of this Applicant directly or indirectly and that it delayed the 2008 Miramichi competition until it felt it had information which it could use to not hire this Applicant. Martha Bowes was aware or reasonably ought to have been aware that the Ombudsman found the information that the government relied upon to be false and could not support what the government had done and the government was again directed to hire this applicant. During the Ombudsman review information was provided by this applicant's supervisor at the call centre Atelka, Gillian Miller, with the company's blessing in approximately March of 2009 to the effect that I was an excellent employee and there were no concerns in respect to me. The Applicant states that Martha Bowes was aware that after the Ombudsman review of the 2008 Miramichi competition the government was directed or REQUIRED to hire this Applicant and it advertised the 2009 specialized prosecution branch competition to do so. Martha Bowes is aware or

09/10/12 Mary Ellen Rose P. 3

reasonably ought to be aware that the government then began to take in information again from the persons involved in the harassment of this Applicant to affect the 2009 specialized prosecution branch competition to the effect that this applicant had mental health issues.

Andrea Folster and some or all of the Respondents are aware or reasonably ought to be aware that the Ombudsman was removed from office or was required to resign by the prior Premier in April of 2010 as a result of his violation of his oath of office and violation of his mandate in conducting a review of this Applicant's application for employment in the specialized prosecution branch competition. The Response fails to disclose to the Human Rights Commission the information that the Premier and other Respondents clearly know which the government possesses in that regard. It appears that it was deliberately concealed and that misleading information was set out in the Response deliberately in order to have the Commission dismiss my Human Rights Complaint. The Response contains statements that are clearly false when the Response states that there were valid Ombudsman reviews of all but the two numbered competitions 10-44-02 and 10-44-03.

It is also improper for the Response to suggest that as the competitions were reviewed by the Ombudsman that that is a reason the Human Rights Commission should not hear the full complaint of this Applicant. The Human Rights Commission would have an obligation to review itself all information and hear all evidence and cross examination etc at a full and fair hearing and may on any application come to a different conclusion than a different reviewing body. For the Respondents to suggest in the particular circumstances of this Applicant's Human Rights Complaint that as the Ombudsman has reviewed the competitions that this Human Rights Complaint is already determined and should be dismissed is the Applicant states completely unethical, false and deliberately misleading as the Respondents and their solicitor are fully aware that extreme factors exist whereby the Former Premier in April of 2010 removed from office or required the resignation of the Ombudsman as a result of his unethical conduct in reviewing this Applicant's complaint to him in respect to the specialized prosecution branch competition which is one of the competitions at issue referred to in the Response. There are other serious relevant factors as well.

Andrea Folster does not advise the Human Rights Commission that the Ombudsman lied in his reporting letter to this Applicant when he stated words to the effect that **there were no outside influences involved in the specialized prosecution branch competition nor in any of the other competitions that he reviewed.** The Applicant states that the Respondents and their solicitor are all fully aware or reasonably ought to be aware that biased bullies (referred to by the Ombudsman as outside influences) were involved in ALL competitions since at least and including the 2006 Child Advocate Competition and were involved in ALL competitions that the Ombudsman reviewed since and including the 2007 competition and that the Ombudsman was also fully aware that the bullies were involved in all of those competitions. The government has a copy of that letter written by the Ombudsman. As a result of that letter and the unethical conduct of the Ombudsman

09/10/12 Mary Ellen Rose p. 4

and his removal or required resignation as a result the Applicant states that the Respondents and their solicitor are all fully aware or reasonably ought to be fully aware that all of the reviews of the Ombudsman were invalid as a result of the Ombudsman's clearly unethical conduct.

The Ombudsman further made fun of this Applicant in that letter by stating words to the effect that it is only in the mind of this Applicant that there are outside influences (his word for bullies) as well as making other inappropriate statements which is extremely unethical and unprofessional particularly when the Ombudsman was aware that the bullies provided substantial wrong and prohibited information to the government and to him directly or indirectly and the bullies alleged that based on the information that they provided that it meant that this Applicant had mental health issues and should not be hired. The Ombudsman was aware that such wrong and prohibited information was relied upon by the government to not hire this Applicant in the 2009 competition in which he wrote that letter. The Premier and the other Respondents as well as the solicitor for the Respondents are also aware or reasonably ought to be aware that the bullies have continued up to the present date to make allegations based upon ridiculous information that has been continuously shown to be clearly wrong to the effect that this Applicant has mental health issues.

The Response does not state that in 2006 the child advocate competition was delayed and/or affected because the government took in negative information from the bullies trying to prevent this Applicant from being hired based on improper allegations relating to this Applicant not being married and was single and based on this Applicant's single lifestyle in assisting my elderly mother and otherwise in my private life. The Applicant states that such allegations clearly contravened the Human Rights Act and were discriminatory based on marital status. The Response does not state that the Attorney General Brad Green stopped Deputy Minister Choukri from taking in such negative information from the bullies in respect to this Applicant in approximately June of 2006 as it was contrary to the Human Rights Act and the workplace harassment guidelines and that Brad Green had the child advocate position interviews proceed before a panel of Deputy Ministers and persons from the Executive Office and that this Applicant excelled at the interview and that except for the delay caused by the bullies this Applicant could have been hired by the government BEFORE the government changed.

The Respondents or some of them are aware of a letter from Dr. Foster which should also be in the government's files that clearly stated words to the effect that there were no concerns in respect to the Applicant and that any assistance she provided or time spent with her mother was to the benefit of her elderly mother and that the actions of the bullies were improperly affecting his patients and that the government should stay out of the private life of his patients in addition to other information that he provided. This letter was provided in around January of 2008 to the Ombudsman as a result of the bullies allegations and subsequently a copy was brought to the government's attention at a later date as the government continued to take in information from the bullies to hurt this Applicant. Subsequent to that letter beginning in the 2008 Miramichi Competition it

09/10/12 Mary Ellen P. 5  
P. 5



appeared that the bullies took on a new tactic to try to prevent this Applicant from being hired as the other attempts had failed and they began to provide negative information to the government alleging that this Applicant had mental health issues or acted strangely etc based on improper negative interpretations of ordinary actions and occurrences as a result of their bias and intent to stop this Applicant from being hired.

The Response does not state that the biased bullies have followed this Applicant and monitored her actions continuously since 2006 and have made reports to the government continuously since 2006 and that the government has continuously taken in such information from the biased unqualified bullies from 2006 until the present date in respect to this Applicant being hired in all competitions that are the subject of the Human Rights Complaint and details of all such information should be in the government files.

The Response does not state that the bullies since 2008 have interpreted ordinary actions and occurrences in accordance with their bias or other limitations and have continuously made new allegations to stop this Applicant from being hired on the basis that what they allege means that this Applicant has mental health issues and that the bullies are still making allegations at this time and have said that their allegations are proof that the Applicant has mental health issues and as a result should not be hired. The Premier and some or all of the other Respondents are aware or reasonably ought to be aware that the government has created it appears a mob mentality in the community where it appears that people not even connected with government and who do not even know this Applicant make false or improper or ridiculous allegations about this Applicant as they understand the government will take in the information and use it to not hire this Applicant. The Premier is aware that this Applicant has continuously cleared up improper and incorrect allegations made by the bullies.

The Response does not state that for the last two years Premier Alward has reviewed this matter and has on many occasions began to put the professional position in place for this Applicant only to have the biased bullies provide further improper and ridiculous allegations that were shown every time to be wrong. The Response does not state that many employees of the government have been disciplined and/or lost their positions with the government as a result of their involvement in the harassment of this Applicant or in taking in information from the bullies or for other reasons connected to their treatment of this Applicant in respect to Competitions and otherwise. The Response does not state that the government and the Premier is aware that many persons including provincial government employees, bus drivers, police officers, firemen and others have engaged in harassment of this Applicant IN THE COMMUNITY IN HER PRIVATE LIFE and have made improper and wrong allegations that ordinary actions and occurrences meant that this Applicant had mental health issues and should not be hired in order it appears to help out friends or others associated with them that had been disciplined or lost their jobs or for other reasons. The government and/or the Premier has details in the file or files which it uses or has used to deal with this matter during the last two years Premier Alward has directly or indirectly dealt with this matter and also in files used for dealing with this matter in prior years relating to the hiring of this Applicant in the competitions that are

09/10/12 Mary Ellen Rose P. 6

the subject of the Human Rights Complaint.

The Respondent's solicitor and some or all of the Respondents are or reasonably ought to be aware that only an expert witness such as an unbiased properly qualified psychologist who is an expert in workplace harassment and bullying can give opinions as to the mental state of an Applicant and their ability to do the work or as to the actions of the bullies and the harassment situation.

The Response does not state that many of the people making such negative allegations against this Applicant are it appears trying to assist friends or others associated with them who have been disciplined or lost their jobs and stand to get their jobs back or avoid other consequences of their discipline if they can discredit this Applicant and stop her from being hired.

The Response does not state that in the months prior to and in May of 2011 and since that date until the present date that the people from whom the government has taken in information are it appears from their conduct biased bullies who have followed and harassed this Applicant and that the Premier has on many occasions continuously since December of 2010 had these individuals dealt with and/or disciplined or otherwise addressed. The Respondents are aware or reasonably ought to be aware that many of the biased bullies do not EVEN KNOW this Applicant and have never had a conversation with her.

The Respondents and their solicitor are aware or reasonably ought to be aware that the sole reason that this Applicant was denied the professional position as a Lawyer III in the Litigation Group competition and the Employment and Administrative Law Group Competition in May of 2011 was based on the improper and incorrect negative information from the biased bullies to the effect that this Applicant has mental health issues. The Respondents and their solicitor are aware or reasonably ought to be aware that the bullies are completely unqualified to give opinions as to someone's mental health and in many cases have limited education, no post secondary education, work at minimum or low wage, resentments towards the Applicant for her professional position and higher income range and a host of other biases.

The Respondents and their solicitor are aware or reasonably ought to be aware that the bullies have in association with others connected with them in the harassment watched this Applicant day and night for several years on it appears almost a daily basis since 2006 and have constantly and continuously reported negative information to the government about this Applicant consisting of whatever they thought would work and that the government would accept to stop this Applicant from being hired. The Applicant states that cross examination of the Respondents will show that the Respondents are aware or reasonably ought to be aware that in about August of 2011 the Minister of the Office of Human Resources Blaine Higgs was being required to announce his resignation for taking in information from the biased bullies to the effect that this Applicant had mental health issues as it was shown and the government had directly or indirectly

09/10/12 Mary Ellen Rose P. 7

observed that this Applicant had no difficulties whatsoever and no adverse allegations were made when this Applicant had interactions with persons NOT ASSOCIATED with the bullies. The Applicant states that cross examination will show that the Respondents are aware that further improper negative allegations were made by the biased bullies to the effect that this Applicant had mental health issues which resulted in Minister Higgs not being required to resign at that time which allegations of the bullies were again found to be incorrect and this Applicant was again to be hired at different times between August and December of 2011 only to have the bullies further harass this Applicant and provide improper negative information about this Applicant's private life to the government to the effect that ordinary occurrences and actions meant that this Applicant had mental health issues and should not be hired.

The Respondents are aware that the bullies continued to make improper allegations about ordinary behaviour and actions of this Applicant and that the government despite being aware that this is contrary to the law and wrong even based on common sense has continued to take in such wrong and improper information. The Respondents are aware that the law under the Civil Service Act requires that all Applicants be assessed in the same way to ensure fairness and that for the two numbered competitions that are referred to in the Response it was by oral interview and references. The Respondents are aware or reasonably ought to be aware that this Applicant on an objective basis was an A rated candidate and won both numbered competitions, 10-44-02 and 10-44-03 based on merit which the Premier and proper, full and complete government files etc should clearly verify. The Respondents are aware that the Applicant has excellent written references and excellent oral references.

The Respondents are aware or reasonably ought to be aware that the reason that the government has taken in information from unqualified biased bullies with a whole range it appears of different biases is in order to not hire the Applicant as the government has itself created animosity towards this Applicant as a result of the way it has handled prior competitions and the wrongdoing of some government personnel that has resulted in government employees and officials being disciplined or removed from their positions as otherwise the government had to hire this Applicant in All of the competitions that she was an Applicant in that are set out in the human rights complaint as she had won all of the competitions based on merit.

The Respondents are aware or reasonably ought to be aware that Michael Murphy was removed from his position as Attorney General in January of 2010 for taking in information from the biased unqualified bullies to the effect that this Applicant had mental health issues during the specialized prosecutor competition. The Respondents have not stated in their response all of the government employees including Cabinet Ministers, Deputy Ministers or Minister, senior management level employees etc or other persons who have lost their position or were disciplined as a result of their behaviour in competitions or in the harassment of this Applicant when the hiring of this Applicant was reviewed by the Ombudsman as a result of his reviews or by the former or current Premiers.

09/10/12 Mary Ellen Rose P.8

The Response does not indicate that the Respondent's solicitor, Andrea Folster was involved in behaviour contrary to the standard set out in the Civil Service Act to administer all competitions with integrity etc and in behaviour contrary to the Professional Code of Conduct of the Law Society of New Brunswick to treat all lawyers with respect when she participated in an interview in July of 2010 as part of a three person selection committee. She was part of a three person selection committee that required this Applicant to submit to a search before entering the building to attend an interview to which this Applicant was invited for the reason it appears of trying to upset this Applicant so that allegations could be made that this Applicant had mental health issues in order to try to stop this Applicant from being hired for the two positions mentioned in her response, numbered 10-44-02 and 10-44-03. The Respondents and the Respondent's solicitor are aware or reasonably ought to be aware that the human resources advisor who was part of that interview, Martha Bowes, was no longer in her position as human resources advisor after the former Premier Graham and the police reviewed, based on information provided by this Applicant to the police in August of 2010, what occurred at that July 2010 interview and the actions of the bullies a few days after the interview who made negative allegations that this Applicant was confused or otherwise displayed strange behaviour that meant that she had mental health issues and should not be hired. The Respondents and their solicitor are aware or reasonably ought to be aware that the scheme at the interview was not successful as this Applicant was not in any way upset by the improper conduct of the employees of the government and submitted to the search by the young male security guard and excelled at the interview. The Respondents or some of them are aware that subsequent to the review of Premier Graham and the police that one or more of the bullies were disciplined and that the bullies were advised that this Applicant was very accomplished and was going to be hired. The Respondents or some of them are aware that when the government changed in September of 2010 that Premier Alward was advised by Premier Graham directly or indirectly that this Applicant was to be hired as a Lawyer III.

The Premier and other Respondents are aware that in or around March of 2012 as a result of Premier David Alward's review subsequent to my complaint to the Clerk of the Legislative Assembly in December of 2011 that the government in concert with other employers dealt with and disciplined many persons who were involved in the bullying and harassment of this Applicant and in making improper negative allegations that this Applicant had mental health issues and many such persons were removed from their positions of employment or otherwise disciplined and that this Applicant was to be hired as a Lawyer III with the government.

The Respondents are aware or reasonably ought to be aware that the government has serious biases as a result of the situation that the government itself created beginning with two competitions in 2002 and 2003 respectively. This Applicant was the ONLY A RATED APPLICANT in the 2002 competition for a Regional Director of Court Services in Saint John and the government did not hire this Applicant because a friend of the Managing Director who was a Director with the Organization where the Applicant was

09/10/12 Mary Ellen Rose P. 9

working objected to her being hired by the government. The Respondents are aware or reasonably ought to be aware that when the person improperly hired in the 2002 competition could not do the job that the government had the opportunity to remedy the situation which it had promised to do and hire this Applicant but instead hired the friend or former associate of the Managing Director. This Applicant won the 2003 Competition on merit as well. The Premier and other Respondents or some of them are aware or reasonably ought to be aware from their review during the last two years that when the Ombudsman reviewed the 2007 Competition that Rod MacKenzie who had been the Managing Director of the Department of Justice in 2002 and 2003 was removed from his current position at that time and the Director of Human Resources for the Department of Justice was removed from her position as a result of their conduct in competitions in which this Applicant was an Applicant. The Premier is aware or reasonably ought to be aware that David Leger Regional Director of Court Services in Moncton was on the Selection Committee of both the 2002 and 2003 competitions in which this Applicant was an Applicant and is able to verify that this Applicant won both of those competitions and should have been hired. The Applicant states that it appears that the government employees clearly knew that what they did was wrong as this Applicant understood as a result of her meeting with Deputy Minister Choukri which was arranged by Brad Green that the results of the 2002 competition were changed in order to hide the fact that this Applicant was the only A rated candidate and should have been hired and that the notes of the oral references that were checked in respect to this Applicant were removed from the file.

The Respondents are aware or reasonably ought to be aware that this Applicant excelled at the 2007 interview for a position in the Legal Services Branch in the Litigation group (similar to the position in the Litigation group competition referred to in the Response as one of the numbered current competitions) and that this Applicant was to be hired but was not hired solely as a result of improper outside information from the bullies related to the Applicant's marital status and that that was the sole reason the Applicant was not given the job. The Respondents are aware or reasonably ought to be aware that the Ombudsman's review showed that this Applicant was a highly A rated candidate and that after the Ombudsman's review in 2007 was completed that the government was directed to hire this Applicant and that they failed to do so. The Respondents are aware or reasonably ought to be aware as a result of the Premier's review during the last two years that as a result of the government failing to hire this Applicant as directed by the Ombudsman that when the Ombudsman next did a review in the fall of 2007 that the Deputy Minister of the Office of Human Resources was required to resign or was removed from office as a result of her conduct in respect to this Applicant being hired.

The Respondents are aware or reasonably ought to be aware that the government was required by the Ombudsman to advertise the 2008 Miramichi crown prosecutor position to remedy the situation and hire this Applicant. As a result of the Ombudsman's review of the 2008 competition in which the government took in improper information from the bullies, the government was required to advertise the specialized prosecution lawyer III position to hire this Applicant.

09/10/12 Mary Ellen Rose p. 10

The Respondents are aware or reasonably ought to be aware that in 2009 immediately after this Applicant's interview for the specialized prosecution branch competition after it was determined that I was well qualified for that position and that I was to be hired, a former Cabinet Minister TJ Burke and friend of Michael Murphy the Attorney General who replaced TJ Burke was removed from government as a result of his treatment of this Applicant in Competitions and as a result of his failure to properly hire this Applicant based on merit. The 2009 specialized prosecution branch interview was arranged in part as a result of the action of a former supervisor of this Applicant Gillian Miller and Cst. Scaplan of the Saint John Police Force addressing the bullying situation and harassment that this Applicant had been subjected to and the bad information that was being given to the government by the bullies.

The Respondents are aware that Attorney General Michael Murphy then began in the summer of 2009 to take in further information from totally biased and unqualified persons involved in harassing this Applicant to the effect that this Applicant had mental health issues in order to find a reason to not hire this Applicant. He took in improper information that ordinary actions and occurrences and behaviour of this Applicant meant negative things and that this Applicant had mental health issues based on information from people who had severe biases and/or who were trying to assist people who had been disciplined, lost their jobs or were otherwise dealt with.

The Respondents are aware or reasonably ought to be aware that this Applicant had no alternative but to request and address with the government that it correct the situation as a result of the situation the government had created in the community as a result of improperly involving biased outside persons in her private employment application. In 2006 Deputy Minister Choukri advised this Applicant in January that he would get her working and the sooner the better to remedy the situation the government had caused. Subsequent to his giving that unqualified undertaking which under the Professional Code of Conduct of the Law Society of New Brunswick MUST be fulfilled once given, that Deputy Minister Choukri then began to take in improper information from the bullies in respect to this Applicant being single and her lifestyle as a single person contrary to the Human Rights Act.

Attorney General Brad Green then stopped Deputy Minister Choukri from taking in any information about this Applicant's private life as a single person and he advised the Liberal government directly or indirectly when the government changed in the fall of 2006 that this Applicant was to be hired. The Premier is aware that right up until the present date including the weekends of August 25 and September 1 that the government has taken in reports from biased bullies that do not like this Applicant to the effect that every time this Applicant goes out in public that her actions mean that she has mental health issues despite the fact that this Applicant accomplishes everything she sets out to do with the capability and confidence of a professionally qualified person and that on an objective basis her actions are ordinary and have no negative meaning whatsoever and that the bad information was once again cleared up.

09/10/12 May Ellen Rose P. 11

The Applicant states that in fact as it appears that because this Applicant has dealt with all issues arising as a result of the bullying and constant harassment in a timely, professional and objective way and it is clear that this Applicant MUST be hired by the government based on merit under the Civil Service Act, that it appears that the government and the Human Rights Commission are now attempting to have the NB Human Rights Commission proceed in the face of a conflict to it appears improperly dismiss my human rights complaint based on a Response filed on behalf of the Respondents that is false, misleading, unethical and inaccurate in order that the government can cover up how it has treated this Applicant during competitions and cover up that it has contravened the Human Rights Act as well as other laws. The Applicant states that the Respondents are aware or reasonably ought to be aware that both the NB Human Rights Commission and the government will have difficulties if an unbiased qualified knowledgeable decision maker from outside the province knows how the government has treated this Applicant in competitions and how it has violated the law and if such unbiased decision maker knows that information was exchanged between the government and the NB Human Rights Commission resulting in information going out into the community to the effect that this Applicant had mental health issues before this Applicant even filed her complaint with the NB Human Rights Commission.

The Applicant states that despite repeated and numerous requests the government has REFUSED to give the Statement of Reasons that it is REQUIRED by law to provide to all Applicants when requested. Despite repeated requests the Deputy Minister of the Office of Human Resources and the Attorney General REFUSED to allow unbiased reviews THAT ARE REQUIRED by the Civil Service Act to take place. The Respondents are aware or reasonably ought to be aware that this Applicant even has a recent reference obtained within the past few months from a New Brunswick Court of Queens Bench Judge that recommends her ability as a lawyer and the same judge is one of her oral references in the competitions.

The Applicant states that Premier Graham, the current Deputy Minister of the Office of Human Resources and the current Attorney General and others have REFUSED or FAILED to put in place an unbiased review by a qualified person from outside the province of the Specialized Prosecution Branch position despite repeated request by this Applicant as the review of that position and indeed it would appear all of the Ombudsman's reviews were invalid as he lied in his March 2010 reporting letter to this Applicant and said that there were NO OUTSIDE INFLUENCES ( the phrase he uses to refer to the bullies) in the specialized prosecution branch competition NOR in any of the other competitions that he had reviewed. The Ombudsman and the government were and are fully aware that improper outside information has been taken in by the government in ALL competitions since at least 2006.

The Applicant states that the government has REFUSED or FAILED to fill the UNDERTAKING made in 2006 to hire this Applicant and that it has and had an obligation to fill in a timely fashion under the Law Society of New Brunswick Code of Professional Conduct and that repeated requests have been made for the government to

09/10/12 Mary Ellen Rose P. 12

properly honor and fulfill its undertaking that should have been filled immediately in 2006.

The Applicant states that the government has created a large number of persons who want to prevent this Applicant from being hired in order to avoid the consequences of their participation in the very severe harassment and bullying of this Applicant such as loss of job or other consequence. The Premier and some or all of the other Respondents are aware or reasonably ought to be aware that during the weekends of August 25 and September 2, 2012 a large number of people within the community with various employers were waiting for this Applicant to be discredited by negative allegations from the bullies to stop this Applicant from being hired in order that they could return to work or keep their jobs or avoid other consequences of discipline as a result of their alleging that this applicant had mental health issues and/or otherwise participating in the harassment.

The Premier and the Respondents are aware or reasonably ought to be aware that as a result of the quality of this Applicant's work as an experienced lawyer that the government gave and paid for office space in the courthouse for the organization this Applicant worked for which was the organization where a Director, Ray Glennie, objected to the government taking her away from the organization in 2002 when this Applicant was the ONLY A RATED candidate for the 2002 Regional Director of Court Services position in Saint John. The Respondents are aware or reasonably ought to be aware that when there is an A rated candidate the government cannot hire any lesser rated candidates and it was unethical for the government to have acceded to that Director's request.

The Applicant states that this Applicant has had no alternative but to wait for the government to address the situation and properly remedy it as the government has created a situation in the community where the Applicant cannot get any other professional position as a result of what the government has done and that the bullies the government has created by taking in information from those people contrary to the law have bullied her out of any other job she has tried to take while she waits for the government to put the professional position in place. The Applicant has no mental health issues and in fact is more capable and effective than many of the bullies. In 2009, a supervisor of this Applicant, Gillian Miller, at a time when the bullies were making negative representations to the government to say that she should not be hired verified to the Ombudsman with the company's blessing that this Applicant was an excellent employee. This applicant won in March of 2009 a competition at Atelka for having the best statistics on her team and excelled even when working in a position and environment that the Applicant should not have had to work in had the government properly hired her based on merit and while being subjected to severe bullying and harassment.

The Applicant states that in fact the information and files in the possession of the government in respect to the Premier's review of the hiring of this Applicant during the last two years and any other relevant information and files would clearly show that

09/10/12 Mary Ellen Rose P.13



basically because government employees and others have been fired or disciplined as a result of their own wrongdoing contrary to the law and their own workplace regulations etc, the government has created a situation whereby the bullies are attempting to allege that a very capable, effective lawyer has mental health issues in order to harm their victim by destroying her livelihood and prevent her from being hired by the government.

The Applicant states that the solicitor for the Respondents and the Premier and other Respondents are aware or reasonably ought to be aware that the Applicant's Human Rights Complaint has merit which is it appears why the government has continued to take in NEW improper information trying to suggest that this Applicant has mental health issues even as recently as within the last two to three weeks from the persons involved in the harassment of this Applicant and why the government has failed to require the Human Rights Commission to forward my complaint to an unbiased human rights commission from outside the Province to be properly dealt with. The Applicant states that in light of the high standards on public lawyers and the particularly high standard that the Department of Justice and Attorney General should meet in order to ensure that the administration of justice is not brought into disrepute and to comply with the requirements of the Law Society Code of Professional Conduct, if the government had a proper position the Applicant states that it would have ensured the unbiased reviews REQUIRED by the Civil Service Act took place a long time ago and that my human rights complaint was immediately forwarded to an unbiased entity to be handled by that entity in its entirety. It appears that the government has deliberately prevented the reviews from proceeding and is attempting to have this Applicant's human rights complaint dismissed by the NB Human Rights Commission (which has a conflict and CANNOT take any steps on the matter) because it knows that the government's position is wrong and that the government will have great difficulty in front of an unbiased reviewer who properly applies the law as a result of its conduct.

The Applicant states that the statement of the Respondents in the Response prepared and filed with the NB Human Rights Commission by their solicitor Andrea Folster that "The selection committee determined that the Complainant (referred to in this Reply as the Applicant) did not qualify for either of the positions being advertised." is completely false and that the Premier and other Respondents are aware that it is completely false. If the selection committee of which Andrea Folster was part improperly recorded answers or did not write down answers or has altered its file and is trying to use its own unethical behaviour to prevent this Applicant from being hired or to prevent a proper review by an unbiased Human Rights Commission from outside the Province this would be very wrong. The Applicant states that the Premier is aware or reasonably ought to be aware that this Applicant WAS AN A RATED CANDIDATE for the Competitions 10-44-02 and 10-44-03 and that this Applicant was fully qualified or he would not have appointed this Applicant to the position of Lawyer III at Cabinet in December of 2010. The Applicant states that the file in respect to the 2002 Regional Director competition in which she was an Applicant was altered and she became aware of that as a result of her meeting in Fredericton with Deputy Minister Choukri.

09/10/12 Mary Ellen Rose

The Applicant states that if the selection committee has altered the results of the two competitions 10-44-02 and 10-44-03 to show that this Applicant was not qualified that would clearly be unethical behaviour. In 2007 this Applicant was interviewed for and won the Competition in the Legal Services Branch for a lawyer position in the litigation section. At that time three section heads were on the selection committee. They wrote and wrote down what this Applicant said. They would stop this Applicant and ask me to wait until they finished writing down my answers. They were all smiles and it was an extremely successful interview. The Premier is aware or reasonably ought to be aware of that or can very quickly verify that the record of that interview shows an extremely highly qualified candidate. In fact the Ombudsman review showed in writing that this Applicant was a highly A rated candidate for that 2007 litigation section position in the Legal Services branch. The Premier and some or all of the other Respondents are aware or reasonably ought to be aware that the Ombudsman after his review directed that I be hired. That 2007 interview was essentially for the exact same position as the litigation position that is one of the two current positions that the Respondents say in their Response that this Applicant does not qualify for.

The Applicant states that as soon as the Ombudsman had in February of 2010 improperly used or created biased incorrect information to the effect that this Applicant had mental health issues and should not be hired, the government immediately advertised a position to hire a person as an administrative assistant in the Crown Attorneys Office in Saint John who was involved in the harassment of this Applicant and who had been removed from her position. This was addressed in information provided to the police or the former Premier and once the former Premier and the police reviewed in August of 2010 what the selection committee ( of which Andrea Folster was a part) had done in requiring a search of this Applicant prior to the July 2010 interview and what the bullies had done a few days after the interview, the position for the administrative assistant was marked cancelled or filled on the government website and the person involved in the harassment of me was NOT given the position I understand. The Premier can confirm that when the government changed in September of 2010 that he was advised that I was to be hired as a Lawyer III by Premier Graham directly or indirectly.

In addition the Premier is clearly aware or reasonably ought to be aware that if I had not qualified the government would not have had to take in improper information from bullies as to mental health issues in order to try to find a reason to not hire me.

In the Response it is stated that "If the Commission is of the view that the Complainant's allegations may be expeditiously addressed following a review of the Department of Justice and Attorney General's files relating to these competitions, we are prepared to consider that request."

In their Response prepared by Andrea Folster the Respondents provide misleading information that attempts to suggest by the May 18, 2011 letter that is attached that the file in respect to this Applicant being hired ended in May of 2011 when the incorrect letter was sent to this Applicant. The Premier is aware as his review is still even

09/10/12 Mary Ellen Rose P.13

continuing at this time that that is false as well as misleading. Since at least 2008 right up until the present date there has been continuous information provided by the bullies contrary to the Human Rights Act and other laws and the Professional Code of Conduct attempting to allege that this Applicant has mental health issues which has been continuously addressed by the government through the process that it has used and all of that information should be in a file or files although likely kept separate from the files the Response refers to and is related directly to the reasons the government has not yet hired this Applicant in either of the two numbered competitions 10-44-02 and 10-44-03 and is related directly to these competitions.

The Premier should be able to advise an unbiased Human Rights Commission as to where the information has been kept since particularly September 2010 until the present date and it should be ensured that an unbiased human rights commission from outside the Province has access to reviewing those files to ensure a full and fair and proper consideration of my human rights complaint for mediation or at any hearing if the Complaint cannot be resolved without a hearing taking place. The Professional Code of Conduct and the high standard it demands of lawyers in public service would certainly it appears require that there be a full hearing by an unbiased Human Rights Commission from outside the province if the government does not resolve this matter properly by hiring this Applicant with all appropriate retroactive pay and all other appropriate relief and that this information be readily available particularly in light of Andrea Folster's offer to the New Brunswick Human Rights Commission and the files should contain ALL of the information provided by the bullies, ALL of the e-mail information provided by me, and ALL other information relevant to the government's meetings with the bullies and review of the information the bullies provided, discipline of the bullies and ANY AND ALL other relevant information of any type whatsoever.

The Applicant states that the selection committee at the July 2010 interview of which she was part advised this Applicant that a decision would be made by September 2010 when this Applicant was interviewed in July, 2010. The Response failed to indicate that this Applicant was called by the Minister of the Office of Human Resources in December of 2010 after Cabinet appointed me to the position for him to make an offer hiring me. This Applicant did not connect with the call and my call to him was not returned by him. If this Applicant had not qualified for the position this applicant would not have been appointed at that time in December of 2010 by the Premier and Cabinet.

The Applicant states that the Human Rights Act prohibits ANY INQUIRY AS TO MENTAL HEALTH IN THE EMPLOYMENT HIRING PROCESS. The Respondents are aware or reasonably ought to be aware that at any formal hearing of the Human Rights Commission any of the bullies that the Premier is aware that the government has persistently taken in opinion information from ( who have been disciplined or lost jobs or have friends etc who have been adversely affected by their involvement in the harassment of this Applicant or other animosities or resentments towards this Applicant) WOULD NOT BE ABLE TO GIVE ANY OPINION EVIDENCE AS TO THIS APPLICANT'S MENTAL HEALTH AS THEY ARE NOT QUALIFIED TO GIVE OPINION

09/10/12 Mary Ellen Rose P.16

EVIDENCE OR FORM ANY OPINIONS.

This Applicant states that she is fully qualified for either of the numbered positions 10-44-02 or 10-44-03 and that the Premier and some or all of the other Respondents are fully aware of that and that she would have been hired except for the discrimination by the government contrary to the Human Rights Act.

Mary Ellen Rose

09/10/12 Mary Ellen Rose P. 17

Z

Legal Services / Services juridiques  
P.O. Box/C.P. 6000  
Fredericton, NB E3B 5H1  
Tel/Tél. (506) 453-2222  
Fax/Télec. (506) 453-3275

October 25, 2012

Via facsimile: (506) 869-6608

Jennifer LeBlanc, Manager of Investigations  
New Brunswick Human Rights Commission  
200 Champlain Street, Suite 320  
Dieppe, NB E1A 1P1

Dear Ms. LeBlanc:

Re: **Mary Ellen Rose v. PNB et al**  
- **Complaint alleging mental disability and marital status discrimination respecting employment, pursuant to section 15 of the New Brunswick Human Rights Act**

Our File: 3179-BM  
*This is Exhibit "Z" to the affidavit of Mary Ellen Rose sworn this 15 day of April 2013.*

  
*A Commissioner of oaths*

BRIAN A AGNEW COM  
MISSIONER OF OATH  
APPOINTMENT  
EXPIRES DEC 31/11.

I am writing further to your email dated August 29, 2012 requesting detailed information on the time limit extension issue in accordance with the 4 considerations outlined in the Commission's Guideline for the Extension of Time for filing a Complaint.

Ms. Rose has alleged discrimination on the basis of an alleged mental disability in relation to the following competitions:

10-44-03  
10-44-02  
09-45-10  
08-44-04  
06-44-04

(The first two digits in the competition number refer to the last two digits of the year in which the competition was conducted or advertised i.e. 06-44-04, in 2006.)

Regarding job competition 06-44-04, attached please find notification from the Office of the Ombudsman dated June 11, 2007 confirming that there was no evidence that the competition was not filled in accordance with the *Civil Service Act* i.e. based on merit.



Regarding competition 08-44-04, attached is a letter from the Office of the Ombudsman dated March 10, 2009 confirming that there was no evidence that the competition was not filled in accordance with the *Civil Service Act* i.e. based on merit.

Re competition 09-45-10, I understand that the Office of the Ombudsman has confirmed that the position was filled in accordance with the applicable legislation, policy, and procedures i.e. merit, however no closing letter was sent to the Department.

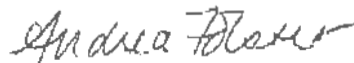
The Respondents deny any specific knowledge of a mental disability or a perceived mental disability but in any case Ms. Rose's candidacy for all competitions was considered. She was not the successful applicant, and the positions were awarded to other candidates on the basis of merit. The process having been reviewed and upheld by a third party i.e. the Ombudsman, there would not be a strong case in fact or law at this point.

In addition, the Complainant has essentially provided no reason for filing a complaint outside the one year time limitation with respect to these competitions.

The Respondents reserve the right to make further submissions on the time limit issue should this matter proceed. However, it is our position that the Commission has enough information to satisfy itself that this complaint ought to be dismissed. Or, in the alternative, are again invited to examine records regarding these competitions as perhaps the most expedient means to the end of dismissing the complaint for lack of merit. In short, regardless of the time limit issue, the complaint is without merit and we do not want the conclusion delayed by the parties adverse positions on the time limit issue.

On a final note, attached is correspondence received by my client from Ms. Rose, it would seem following receipt of my correspondence to you dated August 13, 2012. I would ask that you direct Ms. Rose not to have contact with my clients while this matter is outstanding. Thank you for your assistance in this regard.

Yours truly,



Andrea Folster,  
Solicitor

AF/gp  
Attachments (3)

Nouveau-Brunswick

New Brunswick



# Ombudsman

June 11, 2007

Mr. Yvon G. LeBlanc  
Deputy Minister  
Office of the Attorney General  
P.O. Box 6000  
Fredericton, NB E3B 5H1

**Complaint under the *Civil Service Act*, Section 33  
By Ms. Mary Ellen Rose  
Competition Number 06-44-04  
Lawyers I-III  
Fredericton**

Dear Mr. LeBlanc:

This is to advise that the Office of the Ombudsman has completed its investigation into the above-noted complaint.

As results of the investigation, the Office of the Ombudsman has concluded that there is no evidence to support the complainant's allegation that this competition did not respect merit as required by subsection 6(1) of the *Civil Service Act*.

Ms. Rose has been informed that on having reviewed material she submitted, as well as having reviewed legislation and documents relevant to this competition the Office of the Ombudsman did not identify any administrative errors made by the Board of Examiners or by the Office of the Attorney General in the treatment of her application in regards to Competition 06-44-04.

...2

Tel. / Téléphone :  
(506) 453-2789  
Fax / Télécopieur :  
(506) 453-5589  
E-mail: nbombud@gnb.ca  
Toll free / Sans frais :  
1-888-465-1100

Office of the Ombudsman  
767 Brunswick Street  
P.O. Box 6000  
Fredericton  
New Brunswick  
Canada E3B 5H1

Bureau de l'Ombudsman  
767, rue Brunswick  
Case postale 6000  
Fredericton  
Nouveau-Brunswick  
Canada E3B 5H1





Mr. Yvon G. LeBlanc

-2-

June 11, 2007

Accordingly, no further action is contemplated regarding this complaint and our file is being closed.

I wish to thank the Department for its cooperation during this investigation.

Yours truly,

A handwritten signature in cursive script, appearing to read "S. Gilliland".

Steve Gilliland  
Civil Services Appeals & Investigation

/af

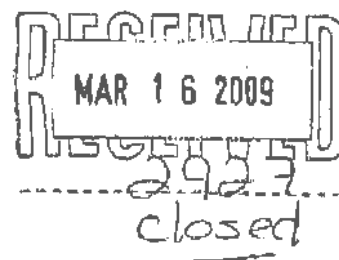
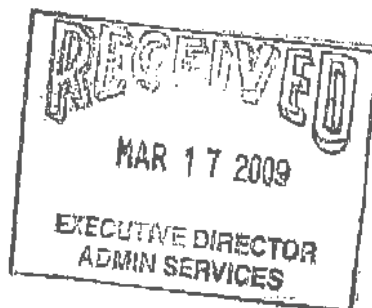
Cc: Ms. Addie Marshall, Director Human Resources Services

# Ombudsman



Child & Youth  
Advocate  
Défenseur  
des enfants et de la jeunesse

March 10, 2009



Mr. Yvon G. LeBlanc  
Deputy Minister  
Office of the Attorney General  
P.O. Box 6000  
Fredericton, NB E3B 5H1

**RE: Complaint under the *Civil Service Act*, Section 33  
By Ms. Mary Ellen Rose  
Competition Number 08-44-04  
Lawyers I-III  
Crown Prosecutors  
Miramichi, New Brunswick**

Mr. LeBlanc:

This is to advise that the Office of the Ombudsman has completed its *Civil Service Act*, Section 33 investigation into the above-noted complaint.

As results of the investigation, the Office of the Ombudsman has concluded that there is no evidence to support the complaint's allegation that this competition did not respect merit as required by subsection 6(1) of the *Civil Service Act*.

Ms. Rose has been informed that on having reviewed materials she submitted, as well as having reviewed legislation and documents relevant to this competition the Office of the Ombudsman did not identify any administrative errors made by the Board of Examiners or by the Office of the Attorney General in the treatment of her application in regards to Competition 08-44-04.

Accordingly, no further action is contemplated regarding this complaint and our file is being closed.

...2

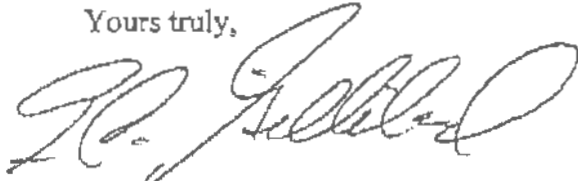
Mr. Yvon G. LeBlanc

-2-

March 10, 2009

I wish to thank the Department for its cooperation during this investigation.

Yours truly,

A handwritten signature in black ink, appearing to read "Steve Gilliland", written in a cursive style.

Steve Gilliland  
Executive Director  
Civil service Appeals & Investigations  
*Office of the Ombudsman/Child & Youth Advocate*

/ac

CC: Bart Myers, Director Human Resources Services



**Bowes, Martha (JUS)**

---

**From:** Bowes, Martha (JUS)

**Sent:** Tuesday, December 16, 2008 3:10 PM

**To:** 'roseme@nb.sympatico.ca'

**Subject:** Lawyer I-III - Competition 08-44-04 - Office of the Attorney General - Miramichi

Dear Ms. Rose:

This is in response to your inquiry received by e-mail on December 1, 2008, and to advise you of the reasons why you were not chosen as the successful candidate in this competition.

All candidates interviewed within this competition were equally assessed by the Board of Examiners through the use of the following modules:

- A. Professional Knowledge
- B. Communication Skills
- C. Professional Status & Organizational Skills
- D. Analytical Thinking
- E. Commitment to Learning
- F. Self Control

During the interview, each candidate was asked questions in each module, thereby enabling the Qualifications Appraisal Board to determine their suitability for the position to be filled. You answered some of the questions quite well and demonstrated some of the skills required such as good Professional Status & Organizational Skills and Self Control. A few of your responses, however, did not provide sufficient detail or examples to demonstrate the skill level required.

As well, prior to your interview, you were given both written and verbal instructions on the Behavioural Event Interview process. It was clearly noted that all responses should be true and specific events in your recent past where you had to demonstrate a competency. Unfortunately, the majority of your examples did not take place in the recent past. For the reasons, the Board was unable to give further consideration to your application.

I hope that the above information has provided you with some feedback to answer your inquiry. However, in cases where inquiries are not answered to the satisfaction of the candidates, they may lodge a formal complaint, in writing, to the Office of the Ombudsman, P.O. Box 6000, Fredericton, NB, E3B 5H1, within fourteen (14) days after the date on which this statement of reasons is provided. All complaints must state the ground on which the complaint is based.

I would like to add that although we were unable to offer you this position, we enjoyed meeting with you to discuss your qualifications and we sincerely appreciate your interest in the Office of the Attorney General.

Yours truly,

Martha Bowes

Human Resource Advisor / Conseillère en ressources humaines

Department of Justice and Consumer Affairs / Ministère de la justice et de la consommation

Office of the Attorney General / Cabinet du procureur général

Tel. / Tél.: (506) 453-6403

Fax / Télécopieur: (506) 453-8718

Email / Courriel: [martha.bowes@gnb.ca](mailto:martha.bowes@gnb.ca)

O'Donnell, Christine (JUS)

Mary Ellen Rose

From: O'Donnell, Christine (JUS)

Sent: Tuesday, November 25, 2008 2:25 PM

roseme@ro-sympatico.ca

Subject: Lawyer II - Competition 08-44-04 - Office of the Attorney General - Miramichi

s. Rose

The recruitment process for the above noted competition is now complete. After careful consideration of all applicants, we wish to advise that an appointment to the position has been made.

The Civil Service Act permits unsuccessful candidates to make written inquiry as to the reasons why they were not selected for appointment. If you wish to do so, please address your inquiry to the undersigned within fifteen (15) days of the mailing of this letter.

The Office of the Attorney General wishes to thank you for the interest you have shown by entering this competition.

Sincerely,

Christine O'Donnell

Chief and Consumer Affairs

Director of the Consumer Affairs

Office of the Attorney General

cabinet du procureur general

Administrative Services / Services administratifs

Telephone: 506-433-6504

Telecopieur: 506-433-5715

mail/courriel: christine.odonnell@gnb.ca

This message is intended for the person to whom it is addressed and is to be treated as confidential or private communications. It must not be forwarded unless permission has been received from the originator. If you have received this message inadvertently, please notify the sender and delete the message. Then delete your response. Thank you for your cooperation.

Ce message est destiné à la personne désignée dans la présente et il doit demeurer confidentiel. Il ne doit pas être réacheminé sans la permission de l'expéditeur. Si ce message vous a été envoyé par erreur, veuillez aviser l'expéditeur et effacer le message. Effacez ensuite votre réponse. Merci de votre collaboration.



Ringuette, Hilda (JUS)

*Mary Ellen Rose*

*yes*

From: Ringuette, Hilda (JUS)

Sent: June 5, 2008 8:40 AM

To: 'roseme@nb.sympatico.ca'

Subject: Lawyer II - Competition 08-44-04 - Office of the Attorney General - Miramichi

I wish to acknowledge receipt of your application for the above mentioned competition.

The screening of all applications will be conducted in the near future and you will be notified of the status of your candidacy once the screening is finalized.

I would like to take this opportunity to thank you for your interest in seeking employment with our Department.

Yours truly,

*Hilda Ringuette*

Department of Justice and Consumer Affairs

Ministère de la Justice et de la Consommation

Human Resources / Ressources Humaines

Room 476 - Centennial Building, Suite 476 - edifice du Centenaire

Tel: 506-45-1400

Fax: 506-45-3387-18

Email / Courriel: [Hilda.Ringuette@pub.gc.ca](mailto:Hilda.Ringuette@pub.gc.ca)

*3hr*  
*Aug 13/08 1:46*  
*Lang 100*  
*Aug 13/08*

*Int - Sept 4 @ 11*  
*English*

Ringuette, Hilda (JUS)

Mary Ellen Rose

From: Stephen W. Lesbirel [steve.lesbirel@marinerpartners.com]  
Sent: May 30, 2008 1:44 PM  
To: Justice Competitions (JUS)  
Subject: RE: Competition Number: 08 - 44 - 04 : Lawyer I-III, Crown Prosecutor, Miramichi  
Attachments: coveritratgencrownpropositioncomp#08-44-04may292008.doc;  
Resumeattgencrowncounselpositioncomp#08-44-04may292008.doc; Sample of work image  
1.jpg; Sample of work image 2.jpg; Sample of work image 3.jpg; Sample of work image 4.jpg;  
Sample of work image 5.jpg; Reference 1 Oral References crownproscmp08-44-  
04may292008.doc; Reference 2 from Mr Justice Henderson - Superior Court of Justice,  
Ontario1.jpg; Reference 2 from Mr Justice Henderson - Superior Court of Justice,  
Ontario2.jpg; Reference 3 from Mr Justice Pickup - Supreme Court of Nova Scotia.jpg;  
Reference 4 from Raymond F Glennie, QC 031113.jpg; Reference 5 from Raymond F  
Glennie, QC 040916.jpg; Reference 6 from Mr Justice Jean-Jacques Fleury - Ont Court of  
Justice General Division (now Superior Court)1 .jpg; Reference 6 from Mr Justice Jean-  
Jacques Fleury - Ont Court of Justice General Division (now Superior Court)2.jpg; Reference  
7 from David A Crowe BA LLB1.jpg; Reference 7 from David A Crowe BA LLB2.jpg;  
Reference 8 from D W Taylor - Director Niagara College.jpg

**RE: Competition Number: 08 - 44 - 04 : Lawyer I-III, Crown  
Prosecutor, Miramichi**

Attached is an application for the above noted position from **Mary Ellen Rose**.

I am forwarding this on behalf of Mary Ellen as she is having problems with her email server.

Please direct any email communication directly to Mary Ellen at [roseme@nb.sympatico.ca](mailto:roseme@nb.sympatico.ca)

Thank you

06/04/2008



**Folster, Andrea (JAG/JPG)**

---

**From:** Forbes, Nancy (JAG/JPG)  
**Sent:** Monday, September 10, 2012 10:51 AM  
**To:** Folster, Andrea (JAG/JPG)  
**Subject:** FW: Mary Ellen Rose URGENT Complaint re Andrea Folster prepared on Saturday and Sunday September 8 & 9 2012

Fyi...

---

**From:** Doucette, Amanda (JAG/JPG) **On Behalf Of** Daigle, Guy (JAG/JPG)  
**Sent:** Monday, September 10, 2012 10:45 AM  
**To:** Forbes, Nancy (JAG/JPG)  
**Subject:** FW: Mary Ellen Rose URGENT Complaint re Andrea Folster prepared on Saturday and Sunday September 8 & 9 2012

Not sure if anything needs to be done about this at the moment.

Amanda

---

**From:** Cormier, Donna (JAG/JPG)  
**Sent:** Monday, September 10, 2012 9:51 AM  
**To:** Daigle, Guy (JAG/JPG)  
**Subject:** FW: Mary Ellen Rose URGENT Complaint re Andrea Folster prepared on Saturday and Sunday September 8 & 9 2012

FYI – complaint re Andrea Folster...

---

**From:** Landry-Guimond, Linda (PO/CPM) **On Behalf Of** Premier David Alward (PO/CPM)  
**Sent:** Monday, September 10, 2012 9:39 AM  
**To:** Cormier, Donna (JAG/JPG)  
**Subject:** FW: Mary Ellen Rose URGENT Complaint re Andrea Folster prepared on Saturday and Sunday September 8 & 9 2012

FYI,

Linda

---

**From:** Rose M  
**Sent:** Sunday, September 09, 2012 10:39 PM  
**To:** Alward, David Hon. (PO/CPM)  
**Subject:** Mary Ellen Rose URGENT Complaint re Andrea Folster prepared on Saturday and Sunday September 8 & 9 2012

Complaint to the Premier and Legislative Assembly

Premier Alward and Clerk of the Legislative Assembly

Saturday, September 8<sup>th</sup>, 2012

URGENT

RE: Andrea Folster

I have no alternative but to address the following situation with you as it appears that the Human Rights Commission intends to proceed in the face of a conflict deliberately and it appears its intention is to dismiss my Human Rights Complaint rather than allow it to be heard by an unbiased independent human rights commission in order it appears to cover up what the government and others have done to this Applicant instead of simply hiring me based on merit as required by the Civil Service Act.

The Human Rights Commission reports to the Cabinet Minister responsible I understand for Post Secondary Training and Labour but in any event to a Cabinet Minister. The government has amended the legislation I understand (after I complained about conflict earlier this year and requested it be confirmed that an unbiased human rights commission was being assigned the Complaint) to provide that the human rights commission did not any longer require the approval of the Cabinet Minister to proceed with a complaint. That did not in any respect cure the conflict as I advised the government. I addressed many serious concerns in writing to the Attorney General and the Premier and I believe the Premier is aware that there IS DEFINITELY A CONFLICT.

The Professional Code of Conduct is clear. Even if there is a possibility of conflict or an appearance the lawyer must ensure that he or the entity DOES NOT deal with the matter. I believe that Sarina McKinnon Legal Counsel for the Human Rights Commission had an absolute obligation to ensure an unbiased independent human rights commission from outside the Province handled my complaint in its entirety. This is particularly in the circumstances where I understand Sarina McKinnon contacted this Applicant and is aware or reasonably ought to be aware that even before I filed my Complaint incorrect negative information was provided to the government from the Human Rights Commission. There was a subsequent reaction in the Community and amongst the bullies that brought this to my attention from my observations. I believe that Andrea Folster as a solicitor and officer of the Court is also aware that the Human Rights Commission has a conflict and should have I believe brought it to the attention of the Cabinet Minister in the government she works for ( to which Cabinet Minister the Human Rights Commission reports) if the Human Rights Commission did not themselves acknowledge the conflict and that the Human Rights Commission had no capacity to act. Once there is a conflict there IS NO CAPACITY TO TAKE ANY FURTHER STEPS. The Attorney General certainly I believe is aware of the conflict and should have also flagged this to the Cabinet Minister to whom the Human Rights Commission reports who sits at the same Cabinet Page 2

table with her. The Cabinet Minister to whom the Human Rights Commission reports who sits at the Cabinet table that has dealt with my hiring situation for the last two years and who has the ability to affect the employment and other aspects of those at the Human Rights Commission should I believe have recognized the conflict himself even if he is not a lawyer and should have ensured that an unbiased human rights commission from outside the Province handles my human rights complaint in its entirety.

If the government brought in a crown attorney from Nova Scotia to prosecute a prominent Saint John lawyer because there was an appearance of conflict it is beyond belief how the government feels that there is no conflict nor appearance of conflict in the New Brunswick Human Rights Commission handling my Human Rights Complaint.

It appears that the concerns are now much greater. It would appear that Andrea Folster has now created a further extremely serious conflict.

A lawyer is an officer of the court and takes an oath upon admission to the Bar. The lawyer has AN ABSOLUTE OBLIGATION to be candid and frank and COMPLETELY HONEST in all dealings with any court or tribunal or anyone else. The lawyer has an ABSOLUTE OBLIGATION to file accurate complete true documents that are NOT false or misleading in any way in any formal proceeding he/ she is filing documents in.

Andrea Folster has filed a response to my human rights complaint that I believe on its face the Premier and the rest of Cabinet would be aware is I believe deliberately misleading, inaccurate, unfair and incomplete.

She advises the Human Rights Commission that she is handling the matter for the government. She represents to the Commission that "this Complaint relates to numerous competitions with the Office of the Attorney General ( now Department of Justice and Attorney General)" She further states "FOR all but two of the competitions at issue, namely competitions number 10-44-02 and 10-44-03, the complainant sought redress with the Office of the Ombudsman based on the same or very similar allegations. The claims were dismissed. It is the Respondent's position that this Complaint ought also be dismissed as being without merit, having already been determined or in the alternative as being filed outside of the time limitation and absent circumstances warranting an exercise of the Commission's discretion." To make this statement when the applicant knows or reasonably ought to know from her own knowledge or from the information within the knowledge etc of the persons she is representing or within the knowledge of the persons within the department of justice and the office of the Attorney General in which she works as she would have an obligation as solicitor to have

accurate and complete information before she filed her response, is it appears completely unethical, misleading and false and I believe that the Premier is aware that that is the case based on what has occurred in the last two years.

There are many facts and details that Andrea Folster in her position as solicitor with the Page 3

Department of Justice and the Office of the Attorney General and as representing the Respondents in my human rights complaint has I believe knowledge of or reasonably ought to know and I have set out many of those facts below that I believe the Premier is fully aware are true and are verified by information or knowledge in the possession of the government and that should be in government files based on what has occurred in the last two years.

Martha Bowes was human resources advisor in the 2008 Miramichi crown attorney competition, the 2009 specialized prosecution branch competition and the 2010 employment and administrative law branch competition and the 2010 litigation branch competition, the latter two competitions being the two numbered competitions that

Andrea Folster referred to in her response. Martha Bowes was aware or reasonably ought to have been aware that the government was taking in information from persons involved in the harassment of this Applicant directly or indirectly and that it delayed the competition until it felt it had information which it could use to not hire this Applicant. Martha Bowes was aware or reasonably ought to have been aware that the Ombudsman found the information that the government relied upon to be false and could not support what the government had done and the government was again directed to hire this applicant. During the Ombudsman review information was provided I understand by this applicant's supervisor at the call centre Atelka, Gillian Miller, with the company's blessing in approximately March of 2009 to the effect that I was an excellent employee and there were no concerns in respect to me. Martha Bowes was I believe aware that after the Ombudsman review of the 2008 Miramichi competition the government was directed or REQUIRED to hire this applicant and it advertised the 2009 specialized prosecution branch competition to do so. Martha Bowes is aware or reasonably ought to be aware that the government then began to take in information again from the persons involved in the harassment of me to affect the 2009 specialized prosecution branch competition to the effect that this applicant had mental health issues.

By her written response, Andrea Folster it appears attempts to deliberately mislead the Human Rights Commission or anyone reading the response. Andrea Folster is aware or reasonably ought to be aware that the Ombudsman was removed from office or was required to resign by the prior Premier in April of 2010 as a result of his violation of his oath of office and violation of his mandate in conducting a review of this Applicant's application for employment in the specialized prosecution branch competition. She fails to disclose to the Human Rights Commission the information that I understand the Premier clearly knows the government possesses in that regard and she appears to be hiding deliberately such information from the Human Rights Commission and misleading it deliberately in order to have the Commission dismiss my Human Rights Complaint. It appears that she deliberately made a statement that she knows or reasonably ought to know is false when she suggests that there were valid Ombudsman reviews or that as the competitions were reviewed by the Ombudsman that that is a reason the Human Rights Commission should not hear the complaint. The human rights commission would have an obligation to review itself all information and hear evidence and may on any application Page 4

of anyone come to a different conclusion than a different reviewing body. Even absent the extreme factors such as exist in my situation where the Ombudsman was required to resign or was removed from office as a result of his unethical conduct in reviewing my complaint to him, Andrea Folster's suggestion would be extremely wrong.

Andrea Folster does not advise the Human Rights Commission that the Ombudsman lied in his reporting letter to this Applicant when he stated words to the effect that **there were no outside influences involved in the specialized prosecution branch competition nor in any of the other competitions that he reviewed.** The government is I believe aware as is the Premier that biased bullies (referred to by the Ombudsman as outside influences) were involved in ALL competitions since at least and including the 2006

Child Advocate Competition and were involved in ALL competitions that the Ombudsman reviewed since and including 2007. The government has a copy of that letter written by the Ombudsman. The Ombudsman further made fun of this Applicant in that letter by stating words to the effect that it is only in the mind of this applicant that there are outside influences (his word for bullies) which is extremely unethical and unprofessional particularly when the Ombudsman is aware that the bullies have provided substantial wrong and prohibited information to the government and to him directly or indirectly and alleged that based on the information that they provided that this Applicant has mental health issues and the Ombudsman was aware that such information was relied upon by the government to not hire this Applicant. The Premier is also aware that the bullies have continued up to the present date to make allegations based upon ridiculous information

I believe that the Premier is aware that no expert psychologist in workplace harassment and bullying would allow to the effect that this Applicant has mental health issues.

She does not advise the Commission that in 2006 the child advocate competition was delayed because the government took in information from the bullies who made many allegations to the government trying to prevent this Applicant from being hired based on allegations to the effect that this applicant was single and based on this Applicant's single lifestyle in assisting my elderly mother and otherwise in my private life. She does not tell the Commission that Attorney General Brad Green stopped Deputy Minister Choukri from taking in such information as it was contrary to the Human Rights Act and the workplace harassment guidelines and that Brad Green had the child advocate position interviews proceed before a panel of Deputy Ministers and persons from the Executive Office and that this Applicant excelled at the interview and that except for the delay caused by the bullies this applicant could have been hired by the government BEFORE the government changed.

Andrea Folster does NOT advise the Commission that the biased bullies have followed this applicant since 2006 and have made reports to the government continuously since 2006 and that the government has continuously taken in such information from the biased unqualified bullies from 2006 until the present date. She does not advise the Commission that the bullies since 2008 have interpreted ordinary actions and occurrences in Page 5

accordance with their bias or other limitations and have continuously made new allegations to stop this applicant from being hired on the basis that what they allege means that this Applicant has mental health issues and that the bullies are still making allegations at this time and have said that their allegations are proof that the Applicant has mental health issues and as a result should not be hired. She did not advise the Commission that the government has created it appears a mob mentality in the community where it appears that people not even connected with government and who do not even know this Applicant make false or improper or ridiculous allegations about this Applicant as they understand the government will take in the information and not hire this Applicant.

She does not tell the Commission that for the last two years Premier Alward has reviewed this matter and has on many occasions began to put the professional position in place for this Applicant only to have the biased bullies provide further improper and ridiculous allegations that were shown every time to be wrong. She does not advise the Commission that many employees of the government have been disciplined and/or lost their positions with the government as a result of their involvement in the harassment of this Applicant or in taking in information from the bullies or for other reasons connected to their treatment of this Applicant. She does not advise the Commission that the government and the Premier is aware that many persons including provincial government employees, bus drivers, police officers, firemen and others have engaged in harassment of this Applicant IN THE COMMUNITY IN HER PRIVATE LIFE and have made improper and wrong allegations that ordinary actions and occurrences meant that this applicant had mental health issues and should not be hired in order it appears to help out

friends or others associated with them that had been disciplined or lost their jobs or for other reasons and that the government and/or the Premier has details in the file or files which it uses or has used to deal with this matter during the last two years.

She does not advise the Commission that only an expert witness such as an unbiased properly qualified psychologist who is an expert in workplace harassment and bullying can give opinions as to the mental state of an Applicant and their ability to do the work or as to the actions of the bullies and the harassment situation.

She does not advise the Commission that many of the people making such negative allegations against this Applicant are it appears trying to assist friends or others associated with them who have been disciplined or lost their jobs and stand to get their jobs back or avoid other consequences of their discipline if they can discredit this Applicant and stop her from being hired.

She does not advise the Commission that in the months prior to and in May of 2011 and since that date until the present date that the people from whom the government has taken in information are it appears from their conduct biased bullies who have followed and harassed this Applicant and that the Premier has on many occasions continuously since December 2010 had these individuals dealt with and/or disciplined or otherwise Page 6

addressed. She has not advised the Commission that many of the biased bullies do not EVEN KNOW this Applicant and have never had a conversation with her.

Andrea Folster did not advise the Commission that the sole reason that this Applicant was denied the professional position as a lawyer III in the Litigation Branch and the Employment and Administrative Law Branch in May of 2011 was based on the information from the biased bullies to the effect that this applicant has mental health issues. She did not advise the Commission that the bullies are completely unqualified to give opinions as to someone's mental health and in many cases have limited education, no post secondary education, work at minimum or low wage, resentments towards the Applicant for her professional position and higher income range and a host of other biases.

She does not tell the Commission that the bullies have in association with others connected with them in the harassment watched this Applicant day and night for several years on it appears almost a daily basis since 2008 and have constantly and continuously reported negative information to the government about this Applicant consisting of whatever they thought would work and that the government would accept to stop this Applicant from being hired. She has not told the Commission information that I understand would also be within the knowledge of the persons that she is representing to the effect that in August of 2011 the Minister of the Office of Human Resources Blaine Higgs was being required to announce his resignation for taking in information from the biased bullies to the effect that this applicant had mental health issues as it was shown and the government had directly or indirectly observed that this Applicant had no

difficulties whatsoever and no adverse allegations were made when this applicant had interactions with persons NOT ASSOCIATED with the bullies. Andrea Folster did not advise the Commission that further negative allegations were made by the biased bullies to the effect that this Applicant had mental health issues which resulted in Minister Higgs not being required to resign at that time which allegations of the bullies were again found to be incorrect and this applicant was again to be hired at different times between August and December of 2011 only to have the bullies further harass this applicant and provide improper negative information about this Applicant's private life to the government to the effect that ordinary occurrences and actions meant that this Applicant had mental health issues and should not be hired.

Andrea Folster did not advise the Commission from information within the knowledge of the persons that she represents that the bullies have continued to make improper allegations about ordinary behaviour and actions of this applicant and that the government despite being aware that this is contrary to the law and wrong even based on common sense has continued to take in such wrong and improper information. She did not advise the Commission that the law under the Civil Service Act requires that all Applicants be assessed in the same way to ensure fairness. She did not advise the Commission that for the two numbered competitions that she refers to it was by oral interview and references. She did not advise the Commission that this Applicant on an Page 7

objective basis was an A rated candidate and won both numbered competitions, 10-44-02 and 10-44-03 based on merit which the Premier and proper government files etc should clearly verify. She did not advise the Commission that the Applicant has excellent written references and excellent oral references. Andrea Folster did not advise the Commission from information that would be within the knowledge of the persons that she represents including the Premier that the reason that the government has taken in information from unqualified biased bullies with a whole range it appears of different biases is in order to not hire the Applicant as the government has itself created animosity towards this applicant as a result of the way it has handled prior competitions and the wrongdoing of some government personnel that has resulted in government employees and officials being disciplined or removed from their positions as otherwise the government had to hire this Applicant in ALL of the competitions that she was an applicant in that are set out in the human rights complaint as she had won all of the competitions based on merit.

Andrea Folster did not advise the Commission that Michael Murphy was removed from his position as Attorney General in January of 2010 for taking in information from the biased unqualified bullies to the effect that this Applicant had mental health issues during the specialized prosecutor competition. She did not advise the Commission of all of the government employees including Cabinet Ministers, Deputy Ministers or Minister, senior management level employees etc or other persons who lost their position or were disciplined as a result of their behaviour in competitions or in the harassment of this Applicant when the hiring of this Applicant was reviewed by the Ombudsman as a result of his review or by the former or current Premier.

Andrea Folster did not advise the Commission that she was involved in behaviour contrary to the standard set out in the Civil Service Act to administer all competitions etc with integrity and in behaviour contrary to the Professional Code of Conduct to treat all lawyers with respect when she participated in an interview in July of 2010. She was part of a three person selection committee that required this Applicant to submit to a search before entering the building to attend an interview to which I was invited for the reason it appears of trying to upset this Applicant so that allegations could be made that this Applicant had mental health issues in order to try to stop my being hired for the two positions mentioned in her response, numbered 10-44-02 and 10-44-03. She did not advise the Commission from information that should be available from Martha Bowes or other respondents that she represents etc that the human resources advisor who was part of that interview, Martha Bowes was no longer in her position as human resources advisor after the former Premier



Graham and the police reviewed the actions of the bullies and what occurred at that July 2010 interview based on information provided by this Applicant to the police in August of 2010. She does not advise the Commission that the scheme was not successful as I was not in any way upset by the improper conduct of the employees of the government and submitted to the search by the young male security guard and excelled at the interview.

Andrea Folster does not tell the Commission that in or around March of 2012 as a result Page 8

of Premier David Alward's review subsequent to my complaint to the Premier and the Clerk of the Legislative Assembly in December of 2011 that in concert with other employers, many persons who were involved in the bullying and harassment of this Applicant were removed from their positions and this Applicant was to be hired as a Lawyer III with the government.

She has not told the Commission that the government has serious biases as a result of the situation that the government itself created beginning with two competitions in 2002 and 2003 respectively. She does not tell the Commission that this Applicant was the ONLY A RATED APPLICANT in the 2002 competition for a Regional Director of Court Services in Saint John and that the government did not hire her because a friend of the Managing Director who was a Director with the Organization where the Applicant was working objected to her being hired by the government. She does not tell the Commission that when the person improperly hired in the 2002 competition could not do the job that the government had the opportunity to remedy the situation which it had promised to do and hire this applicant but instead hired the friend or former associate of the Managing Director. She did not tell the Commission that this Applicant won that 2003 Competition on merit as well. She does not tell the Commission that when the Ombudsman reviewed the 2007 Competition that Rod MacKenzie who had been the Managing Director of the Department of Justice in 2002 and 2003 was removed from his current position at that time and the Director of Human Resources for the department of Justice was removed from her position as a result of their conduct in competitions in which this Applicant was an Applicant. She does not advise the Commission that David Leger Regional Director of Court Services in Moncton was on the Selection Committee of both the 2002 and 2003 competitions and is able to verify that this Applicant won both of those competitions and should have been hired. She does not advise the Commission that the government employees knew what they did was wrong and that the results of the 2002 competition were changed in order to hide the fact that I was the only A rated employee and should have been hired which became apparent when I met with Deputy Minister Choukri.

She does not advise the Commission that this Applicant excelled at the 2007 interview for a position in the Legal Services Branch in the Litigation group similar to the Litigation group competition referred to by her as one of the numbered current competitions she mentioned and that this Applicant was to be hired but was not hired solely as a result of improper outside information from the bullies related to the Applicant's marital status and that that was the sole reason the Applicant was not given the job. She does not tell the Commission that after the Ombudsman's review in 2007 that the government was directed to hire this Applicant and that they failed to do so. She does not tell the Commission that as a result of failing to do so that when the Ombudsman next did a review in the fall of 2007 that the Deputy Minister of Human Resources was required to resign or was removed from office.

She does not tell the Commission that the government was required by the Ombudsman to advertise the 2008 Miramichi crown prosecutor position to remedy the situation and Page 9

hire this Applicant.

She does not tell the Commission that as a result of the Ombudsman's review of the 2008 competition that the government was required to advertise the specialized prosecution lawyer III position to hire this applicant. She does not tell the Commission that in 2009 immediately after this Applicant's interview for the specialized prosecution branch competition that it was determined that I was well qualified and was to be hired and that a former Cabinet Minister TJ Burke and friend of Michael Murphy the Attorney General who replaced TJ Burke was removed from government as a result of his treatment of this Applicant in Competitions and as a result of his failure to properly hire this Applicant based on merit. She does not tell the Commission that the 2009 specialized prosecution branch interview was arranged as a result of the action of a former supervisor of this Applicant Gillian Miller and Cst. Scapian of the Saint John Police Force addressing the bullying situation and harassment that this Applicant had been subjected to and the bad information that was being given to the government by the bullies.

Andrea Folster did not tell the Commission that Attorney General Michael Murphy then began in the summer of 2009 to take in further information from totally biased and unqualified persons involved in harassing this Applicant to the effect that this Applicant had mental health issues in order to find a reason to not hire this Applicant. She does not tell the Commission that he took in improper information that ordinary actions and occurrences and behaviour of this Applicant meant negative things and that this Applicant had mental health issues based on information from people who had severe

biases who were trying to assist people who had been disciplined, lost their jobs or were otherwise dealt with or who had other biases.

She did not tell the Commission that this Applicant had no alternative but to request and address with the government that it correct the situation as a result of the situation the government had created in the community as a result of improperly involving biased outside persons in her private employment application. She did not tell the Commission that in 2006 Deputy Minister Choukri advised this Applicant in January that he would get her working and the sooner the better to remedy the situation the government had caused. She did not tell the Commission that subsequent to his giving that unqualified undertaking which under the Professional Code of Conduct of the New Brunswick Law Society MUST be fulfilled once given that Deputy Minister Choukri then began to take in improper information from the bullies in respect to this Applicant being single and her lifestyle as a single person contrary to the Human Rights Act.

She does not advise the Commission that Attorney General Brad Green then stopped Deputy Minister Choukri from taking in any information about this Applicant's private life as a single person and that he advised the Liberal government directly or indirectly when the government changed in the fall of 2006 that this applicant was to be hired. She did not tell the Commission that right up until the present date including the last two weekends that the government has taken in reports from biased bullies that do not like Page 10

this applicant that every time she goes out in public that her actions mean that she has mental health issues despite the fact that the applicant accomplishes everything she sets out to do with the capability and confidence of a professionally qualified person and that on an objective basis her actions are ordinary and have no negative meaning whatsoever and that the bad information was once again cleared up.

In fact it appears that because this Applicant has dealt with all issues arising as a result of the bullying and constant harassment in a timely, professional and objective way and it is clear that this Applicant MUST be hired by the government based on merit under the Civil Service Act, that the government and the human rights commission are now attempting to have the NB Human Rights Commission proceed in the face of a conflict to it appears improperly dismiss my human rights complaint so that the government can cover up how it has treated this Applicant and that it has contravened the Human Rights Act as well as other laws. It appears that both the Human Rights Commission and the government will have difficulties if an unbiased qualified knowledgeable decision maker from outside the province knows how the government has treated this Applicant in competitions and how it has violated the law and if it knows that information was exchanged between the government and the Human Rights Commission resulting in information going out into the community to the effect that this Applicant had mental health issues before this Applicant even filed her complaint with the human rights commission.

Andrea Foister did not tell the Commission that despite repeated and numerous requests the government has REFUSED to give the Statement of Reasons that it is REQUIRED by law to provide to all Applicants when requested. She did not tell the Commission that despite repeated requests the Deputy Minister of the Office of Human Resources and the Attorney General REFUSED to allow unbiased reviews THAT ARE REQUIRED by the Civil Service Act to take place. She did not tell the Commission that after Premier Graham required the Ombudsman to resign and required Cabinet Minister Jamieson to resign as a result of his role in information being taken in by the government from the bullies that every time Premier Graham began to put the position in place the government again took in improper information from the biased bullies to the effect that ordinary actions of the Applicant and ordinary occurrences within the community meant things that they did not mean and meant that the Applicant had mental health issues and should not be hired. She did not tell the Commission that the Applicant even has a recent reference obtained within the past few months from a New Brunswick Court of Queens Bench Judge that recommends her ability as a lawyer and the same judge is one of her oral references.

She did not tell the Commission that Premier Graham, the current Deputy Minister of the Office of Human Resources and the current Attorney General and others have REFUSED to put in place an unbiased review by a qualified person from outside the province of the Specialized Prosecution Branch position despite repeated request as the review of that position and indeed it would appear all of the Ombudsman's reviews were invalid as he lied in his March 2010 reporting letter to this Applicant and said that there were NO OUTSIDE INFLUENCES ( the phrase he uses to refer to the bullies) in the specialized prosecution branch competition NOR in any of the other competitions that he had reviewed. The Ombudsman and the government were and are fully aware that improper outside information has been taken in by the government in ALL competitions since at least 2006. She did not tell the Commission that the government has REFUSED to fill the UNDERTAKING made in 2006 and that it has an obligation to fill under the Law Society of New Brunswick Code of Professional Conduct and that repeated requests have been made for the government to properly honor and fulfill its undertaking that should have been filled immediately in 2006.

She did not tell the Commission that the government has created a large number of persons who want to prevent this applicant from being hired in order to avoid the consequences of their participation in the very severe harassment and bullying of this Applicant such as loss of job or other consequence. She did not tell the Commission that last weekend and even this weekend the jobs of a large number of people within the community with various employers depend on the bullies preventing this Applicant from being hired. She did not tell the Commission that as a result of the quality of this Applicant's work as an experienced lawyer that the government gave and paid for office space in the courthouse for the organization the applicant worked for which was the organization where a Director objected to the government taking her away from the organization in 2002. She did not tell the Commission that when there is an A rated candidate the government cannot hire any lesser rated candidates and that it was unethical for the government to have acceded to that Director's request. She did not tell the Commission that the government has ENCOURAGED the harassment of this Applicant by many individuals involved with the bullies by taking in information from them when they follow her throughout the community or observe her by other inappropriate means and at other inappropriate times.

Andrea Folster did not tell the Commission that this Applicant has had no alternative but to wait for the government to address the situation and properly remedy it as the government has created a situation in the community where the Applicant cannot get any other professional position as a result of what the government has done and that the bullies the government has created by taking in information from those people contrary to the law have bullied her out of any other job she has tried to take while she waits for the government to put the professional position in place. The Applicant has no mental health issues and in fact is more capable and effective than many of the bullies. In 2009, a supervisor of this Applicant at a time when the bullies were making negative representations to the government to say that she should not be hired verified to the Ombudsman with the company's blessing that the Applicant was an excellent employee. This applicant won in March of 2009 a competition at Atelka for having the best statistics on her team and excelled even when working in a position and environment that the Applicant should not have had to work in had the government properly hired her based on merit and while being subjected to severe bullying and harassment.

Page 12

In fact if Andrea Folster was candid with the Human Rights Commission in her Response and complied with her ethical obligations under the Professional Code of Conduct etc instead of what she provided in her response, the information and files in the possession of the government would I believe clearly show that she should have stated that basically because government employees and others have been fired or disciplined as a result of wrongdoing contrary to the law and their own workplace regulations etc, the government has created a situation whereby bullies are attempting to allege that a very capable, effective lawyer has mental health issues in order to harm their victim and prevent her from working.

She also did not tell the Commission that the government had created a situation whereby the Applicant had to wait for them to put the position in place as they REFUSED to allow the UNBIASED INDEPENDENT REVIEWS REQUIRED BY the Civil Service Act to proceed and REFUSED to immediately honor their undertaking or simply hire based on merit as required by law in each new competition they advertised. Instead the government continued to take in improper information from bullies set it appears on harassing this Applicant and making ridiculous allegations which have been addressed and continuously corrected by the Applicant on proper information since 2006. She has failed to tell the Commission that the government has continuously abused this Applicant by encouraging harassment by taking in information from people obtained by improper monitoring of the Applicant's private life.

The Applicant states that Andrea Folster is well aware as is the Premier that my Human Rights Complaint has merit which is it appears why the government has continued to take in NEW improper information trying to suggest that this Applicant has mental health issues even as recently as last weekend and has failed to require the Human Rights Commission to forward my complaint to an unbiased human rights commission from outside the Province to be properly dealt with. In light of the high standards on public lawyers and the particularly high standard that the Department of Justice and Attorney General should meet in order to ensure that the administration of justice is not brought into disrepute and to comply with the requirements of the Law Society Code of Professional Conduct, if the government had a proper position I believe it would have ensured the reviews went forward immediately and that my human rights complaint was immediately forwarded to an unbiased entity. It appears that the government has deliberately prevented the reviews from proceeding and is attempting to have my human rights complaint dismissed by the NB Human Rights Commission which has a conflict and CANNOT take any steps on the matter as it knows its position is wrong and that it will have great difficulty in front of an unbiased reviewer who properly applies the law.

The Premier is aware or should be aware at this time that the statement of Andrea Folster in her response filed with the Human Rights Commission that this Applicant did not qualify for either position advertised is completely false. If the selection committee improperly recorded answers or did not write down answers or has altered its file and is trying to use its own unethical behaviour to prevent a proper review by an unbiased Page 13



Human Rights Commission from outside the Province this would be very wrong. I believe that the Premier is aware that this Applicant WAS AN A RATED CANDIDATE for the Competitions 10-44-02 and 10-44-03 and that the only reason the government has taken in improper information from bullies and prevented unbiased reviews is because the government has I believe the Premier is aware created a situation where because government employees and officials have done wrong that it has created animosity towards this Applicant that is unfair and entirely the government's creation. The file in respect to the 2002 Regional Director competition was I understand altered to show that this Applicant was not the only A rated Applicant and I understood from Deputy Minister Choukri that the oral references provided were removed from the file presumably to hide what Ray Glennie had done. If the selection committee has altered the results of the two competitions 10-44-02 and 10-44-03 to show that this Applicant was not qualified that would clearly be unethical behaviour. In 2007 this Applicant was interviewed for and won the Competition in the Legal Services Branch for a lawyer position in the litigation section. At that time I believe 3 section heads were on the selection committee. They wrote and wrote and wrote down what I said. They would stop me and ask me to wait until they finished writing it down. They were all smiles and it was an extremely successful interview I believe the Premier is aware or can very quickly verify that the record of that interview shows an extremely highly qualified candidate. In fact the Ombudsman review showed in writing that I was a highly A rated candidate and the Ombudsman directed that I be hired. That interview was essentially for the exact same position as the litigation position that is one of the two current positions that Andrea Folster says in her letter that I do not qualify for.

Andrea Folster did not tell the Commission that as soon as the Ombudsman had in February of 2010 improperly used or created biased incorrect information to the effect that this applicant had mental health issues and should not be hired, the government immediately advertised a position to rehire a person as an administrative assistant in the Crown Attorneys Office in Saint John who was involved in the harassment of this Applicant and who had been removed from her position. Andrea Folster did not tell the Commission that as soon as the former Premier and the police reviewed in August of 2010 what the selection committee ( of which Andrea Folster was a part) had done in requiring a search of this Applicant prior to the July 2010 interview and what the bullies had done a few days after the interview, the position for the administrative assistant was I believe marked cancelled or filled on the government website and the person involved in the harassment of me was NOT given the position I understand. The Premier can I believe confirm that when the government changed in September of 2010 that he was advised that I was to be hired as a Lawyer III by Premier Graham.

In addition the Premier is clearly aware I believe that if I had not qualified the government would not have had to take in improper information from bullies as to mental health issues in order to try to find a reason to not hire me.

I believe the Premier is aware that the statement of Andrea Folster on page two of her Page 14

response to the Human Rights Commission that " The selection committee determined that the Complainant did not qualify for either of the positions being advertised" is completely false.

In her response Andrea Folster advised the Commission that "If the Commission is of the view that the Complainant's allegations may be expeditiously addressed following a review of the Department of Justice and Attorney General's files relating to these competitions, we are prepared to consider that request."

Andrea Folster it appears deliberately leads the Commission to believe that the file in respect to this applicant being hired ended in May of 2011 when the incorrect letter was sent to this applicant. She also does not advise the Commission that since at least 2008 right up until the present date there has been continuous information provided by the bullies contrary to the Human Rights Act and other laws and the Professional Code of Conduct attempting to allege that this Applicant has mental health issues which has been continuously addressed by the government through the process that it has used since I believe 2006 and all of that information should be in a file although likely kept separate from the files she refers to and is related directly to the reasons the government has not yet hired this Applicant in either of the two numbered competitions 10-44-02 and 10-44-03 and is related directly to these competitions.

The Premier should be able to advise an unbiased Human Rights Commission as to where the information has been kept since particularly September 2010 until the present date and it should be ensured that an unbiased human rights commission from outside the Province has access to reviewing those files to ensure a full and fair and proper consideration of my human rights complaint for mediation or at any hearing if the Complaint cannot be resolved without a hearing taking place. The Professional Code of Conduct and the high standard it demands of lawyers in public service would certainly it appears require this information to be readily available particularly in light of Andrea Folster's offer to the New Brunswick Human Rights Commission and the files should contain ALL of the information provided by the bullies, ALL of the e-mail information provided by me, and ALL other information relevant to the government's meetings with the bullies and review of the information the bullies provided, discipline of the bullies and ANY AND ALL other relevant information of any type whatsoever.

Andrea Folster also does NOT advise the Commission that the selection committee at the July 2010 interview of which she was part advised this Applicant that a decision would be made by September 2010 when I was interviewed in July, 2010. She does not advise the Commission that I was called by the Minister of the Office of Human Resources in December of 2010 after Cabinet appointed me to the position for him to make an offer hiring me. I did not connect with the call and my call to him was not returned by him. If I had not qualified I would not have been appointed at that time in December of 2010 and I understand on subsequent occasions by the Premier and cabinet.

Page 15

Andrea Folster does not advise the Commission that from December 2010 until I received the letter in May of 2011 that the bullies provided incorrect information to the government interpreting ordinary actions and occurrences in accordance with their biases suggesting that I had mental health issues and that after the letter was sent to me in May of 2011 the bullies tried a similar stunt to what they did in August of 2010 and again it was reviewed by the Premier directly or indirectly and found to be false information which I believe the Premier can confirm to the Human Rights Commission. It appears that the file will also show and the Premier can also verify that during the last two weeks preceding this e-mail that the bullies have again attempted the same type of stunt again following this Applicant everywhere I went and making false allegations that ordinary actions and occurrences meant something negative and that it meant this Applicant had mental health issues and should not be hired.

I believe the Premier would be aware that in light of the information that Andrea Folster has provided to the Commission and in light of the Commission's insistence on proceeding in the face of a glaring conflict that has now been made even worse by Andrea Folster's conduct, that it certainly appears clear that what Andrea Folster and the Commission were attempting to do was to improperly dismiss this Applicant's Human Rights Complaint without proper review or consideration or hearing and to cover up what information the government has taken in to affect this applicant's private employment application, the very severe harassment and bullying situation the government has caused this applicant to sustain and it appears has encouraged by continuing for years to take in information from these people as well as many other matters that would not reflect well on the government. I believe that is completely unethical and if the Premier allowed that to happen that it would bring the Department of Justice and the Office of the Attorney General and the administration of justice into disrepute and would completely offend the Professional Code of Conduct to which Andrea Folster must adhere as an officer of the court as a member of the Bar of the Province of New Brunswick.

In fact as I understand that Andrea Folster is the Coordinator for the Employment and Administrative Law Section and as such deals with or oversees litigation matters in all levels of court, she should be very familiar with the form of the Statement of Defence required under the New Brunswick Rules of Court in civil matters in the courts which requires the Respondent to admit, deny or indicate that he/she has no knowledge in respect to EACH allegation in the Statement of Claim to ensure that the issues are narrowed etc. Andrea Folster I believe would know that to improperly deny something that the Respondent's Lawyer knows is true is unethical and contrary to the Code of Professional Conduct and the Rules of Court. As she indicates that she is representing all Respondents including the Premier she had an obligation to review the Complaint with all Respondents and ensure that she had all the knowledge of what has occurred within government in any respect in regards to this matter. As the Premier is aware the Premier and others in government have dealt with this matter since the Premier came to power in September 2010 and the contents of my human rights complaint are correct and accurate. The Premier is also aware that the Letter of May 18, 2011 (a copy of which Andrea Folster has sent to the Commission it appears to further the process of misrepresenting the situation to the Human Rights Commission in her written Response) is incorrect and that this applicant fully qualified for either numbered position, 10-44-02 or 10-44-03. The Premier is aware that Andrea Folster's response is false, misleading and it appears intended to allow the human rights commission to assist the government and improperly dismiss this Applicant's complaint in order to hide what the government has done to this Applicant in a competition or competitions. The Premier and Clerk of the Legislative Assembly are aware from their dealings with this matter that what I have set out in this Complaint is correct. The Premier has dealt with this matter through cabinet. The Cabinet Minister to whom the Human Rights Commission reports is also aware of what has occurred and that the Response of Andrea Folster to the Commission is it appears deliberately false, misleading and incomplete. As Andrea Folster is an employee of the government and the Cabinet Minister to whom the Human Rights Commission reports is a senior official of the government Andrea Folster has created a further extremely serious conflict and it appears has deliberately violated her barrister's oath and acted deliberately in an unethical manner to file documents that are false, deliberately misleading and that do not admit the realistic situation that has occurred.

It would be one thing for Andrea Folster to tell the Commission that they did not hire because they believe the information the biased bullies have provided and the government feels that this Applicant has mental health issues and that the government is right in taking in such information and in denying employment based on that information. She did not do so I believe because she is aware that the Human Rights Act prohibits ANY INQUIRY AS TO MENTAL HEALTH IN THE EMPLOYMENT HIRING PROCESS. I believe that Andrea Folster is also aware or reasonably should be aware that at

any formal hearing of the Human Right Commission any of the bullies that the Premier is aware that the government has persistently taken in opinion information from ( who have been disciplined or lost jobs or have friends etc who have been adversely affected by their involvement in the harassment of this Applicant or other animosities or resentments towards this Applicant) WOULD NOT BE ABLE TO GIVE ANY OPINION EVIDENCE AS TO THIS APPLICANT'S MENTAL HEALTH AS THEY ARE NOT QUALIFIED TO GIVE OPINION EVIDENCE OR FORM ANY OPINIONS. As a lawyer who handles court matters Andrea Folster should be aware of the requirements of the Rules of Court etc in that respect.

At a hearing I believe the Premier is aware that it would be very clear that the people involved in the harassment and the people in government who are taking this information in from the bullies simply do not like this Applicant as a result of the situation the government itself has caused and have to find a way to discredit this Applicant in order that many other individuals including government cabinet ministers, deputy ministers, bus drivers, police officers, firemen and other employees of various entities can avoid the consequences of their actions and keep their employment positions or get their jobs back or otherwise benefit from discrediting this Applicant.

As the premier is by this time I believe aware, workplace harassment and bullying are Page 17

extremely serious matters. Experts feel that there should be legislation to protect victims of harassment. It appears that there are more serious concerns when persons in government do not even follow existing rules and laws in order to get the result that they want to obtain and there needs to it appears be unbiased enforcement mechanisms to ensure that a victim of harassment is treated fairly.

The government makes the laws and knows that it makes them for a reason. For biased persons in government to decide that they can ignore the laws and rules of natural justice etc that are made to ensure fairness and ensure hiring is based on merit as REQUIRED by the Civil Service Act and for them to prevent unbiased independent reviews etc that are required by law is I believe very sad and unethical as it appears to undermine our whole system of law and clearly bring the administration of justice into disrepute.

For Andrea Folster and the Human Rights Commission to proceed as they have in respect to my human rights complaint is I believe completely unethical and wrong.

On Sunday, September 2, 2012 there was a broadcast on CBC radio at 8:30 a.m. on Maritime Magazine that the Premier and the Clerk are I believe aware of concerning workplace harassment. Expert psychologists were part of the program. Words were said to the effect that victims of workplace harassment wake up and go to work wondering what the bullies are going to do to them today. Words were also said to the effect that many other people will join in with the bully even though they know what is being done to the victim is wrong.

Words were said to the effect that bullies engaged in workplace harassment have no conscience at all in respect to the harm that they are deliberately doing to their victim, no compassion an ordinary person would have and no difficulty at all with taking away their livelihood nor causing problems for them getting other jobs. It was said words to the effect that the harassment if not stopped can go on for years and the bullies often a supervisor will build a file to get the victim fired so that when other company officials look at it there is this file that justifies what the bully wants to do when they want to fire the person. One expert it was said feels that there should be legislation to protect the victim. It was said that by subjecting persons to what can be years of workplace harassment and bullying can lead to nightmares, loss of sleep, time off work and have other negative health effects caused by the harassment. Words were said to the effect that bullies target their victim and set out to destroy them with no ordinary compassion and no conscience as to the harm they are doing in destroying their livelihood and causing them problems with getting other jobs.

One person interviewed as part of the broadcast admitted to bullying a person or persons and said that it made her feel more important than the other person.

The Premier is aware that I have been targeted and that the bullies have alleged many silly allegations which have all been shown to be wrong. The Premier is aware that this Page 18

applicant has it appears been attempted to be deliberately set up by persons involved in the bullying. In fact it appears that the envelope from the human rights commission containing Andrea Folster's response was delivered by the postman to the wrong address and was delivered next door to the house of a person involved in the bullying who was I understand put off work in August of 2010 for two weeks as a result of her part in the bullying at that time just a few days after the interview this Applicant had with Andrea Folster and the rest of the selection committee in respect to the two numbered positions mentioned above. That lady may have lost her job entirely as a result of further subsequent participation in the

bullying. That lady then brought over to this Applicant a delivery notice addressed to this Applicant which clearly showed this applicant's name and correct address that said there was no answer when the postman tried to deliver it. I believe that the Premier and the Clerk of the Legislative Assembly are aware that the postman is involved with that lady and her husband and others in the bullying of this Applicant. I believe the Premier is aware that negative allegations were likely made by the bullies to the effect that this applicant had mental health issues because she did not answer the door or something else negative to achieve the bullies' purpose as a result of that delivery notice being delivered to the wrong address by the postman.

The Cabinet Minister to whom the Human Rights Commission reports has an obligation I believe to ensure that my Human Rights Complaint is given to an unbiased Human Rights Commission outside the province for hearing as Andrea Folster has certainly created a credibility issue that is serious and that it appears only cross examination of the government respondents and any others as necessary at a full hearing can determine. It appears that in light of the situation the government has created in New Brunswick and Andrea Folster's conduct that a Human Rights Commission from outside the Province is absolutely necessary to ensure that there is a full, fair and unbiased hearing of my Human Rights Complaint. I believe that the Premier should ensure that his Cabinet Minister to whom the Human Rights Commission reports has the Human Rights Commission advise me immediately as to what unbiased impartial Commission the Complaint is being forwarded to for proper handling and determination. I believe that the Premier is also aware that there is much more detailed and extensive information that supports this Applicant's human rights complaint in the files of the government and within the knowledge of the respondents to my Human Rights Complaint who are represented by Andrea Folster which can and will be brought out by cross examination at the hearing.

The making of a human rights complaint also does not in any way eliminate or interfere with the government's obligation to hire an applicant as the Human Rights Act specifically so provides. I believe that the Premier and Clerk of the Legislative Assembly are aware or reasonably should be aware that there is an ethical, moral and legal obligation based on the Civil Service Act, the Human Rights Act, the Professional Code of Conduct and other laws and requirements to immediately hire me as a Lawyer III with retroactive pay to September 17, 2004, full and fair compensation for the extremely severe and lengthy harassment that this Applicant has been subjected to as a result of the government's conduct in handling these competitions and full and fair compensation for Page 19

loss of benefits and all other fair and proper relief. I believe that the Premier and Clerk of the Legislative Assembly and Andrea Folster are aware that any other applicant would have been hired based on the oral interview and references and the person's work performance evaluated during the probationary period. If persons outside government had followed any other Applicant and made allegations that what the person did in their private life meant that they had mental health issues when the Applicant excelled at the interview ( and indeed many other interviews ) and had excellent professional references that if it was anyone other than this Applicant the government would have advised such persons that no such information could be received from them and would have hired the Applicant based on the process set out in the Civil Service act and required by law. It appears that something different has occurred in respect to me because Andrea Folster and/or others in government have friends or others connected with them who wish the many people who have been dealt with to avoid the consequences of their discipline or have it alleviated or removed. I believe that the Premier and the Clerk of the Legislative Assembly are aware that there are many individuals waiting to hear that this Applicant has been discredited and that the government and the Human Rights Commission have succeeded in improperly dismissing my complaint so that they can return to work or continue in their work etc.

For Andrea Folster to know or reasonably ought to know the information set out in this complaint but instead try to create the misleading and false representation that this Applicant was simply not hired because she was not qualified is extremely unethical and contrary to the Professional Code of Conduct. Andrea Folster is I believe extremely biased and involved in the bullying and harassment it would appear based on her conduct and it appears is prepared to provide false, misleading, incomplete and inaccurate statements in a formal legal document in a formal proceeding. It also appears that a biased selection committee was arranged rather than the government ensuring that an unbiased fair selection committee assessed all Applicants to comply with the Civil Service Act requirements of ensuring that all Applicants were treated with dignity and the process was completed with integrity and that hiring was based on merit. Andrea Folster is aware that at the interview of which she was part this Applicant was advised that hiring would take place by September 2010. Andrea Folster is aware and the Premier is aware that as a result of allegations from the persons involved in harassing this Applicant and who were making allegations that this Applicant had mental health issues that the Premier and others in government dealt with this matter continuously until May of 2011 when the letter that is inaccurate and contains false information was sent to this Applicant. The Premier is aware that this Applicant addressed that with the Premier and that the Premier and others in government have dealt with the harassment situation from May 2011 until the present date. The bullies will, I believe the Premier is aware, at this time make fun of this applicant and allege everything she does means it appears that she has mental health issues as this is what the bullies it appears have to allege in order to try to justify inappropriate allegations they have previously made. If the selection committee of which Andrea Folster is

part had complied with the law and treated this Applicant fairly and refused to take in improper information from persons outside government etc and if the Page 20

government had complied with the law and hired this Applicant based on merit even if Andrea Folster and others connected with her do not like this applicant because friends and others in government have been disciplined or dealt with as a result of their conduct during competitions or in the harassment of this applicant or in any other way I believe that the Premier and Andrea Folster are aware that this Applicant would have been hired in September of 2010.

ON CBC radio in the past (and this information was I believe provided to the Premier and the Clerk of the Legislative Assembly in the past) a representative of the NS Public Employees Union I understand on CBC radio indicated words to the effect that there is an epidemic of workplace bullying and that just because someone does not like someone they have no right to interfere with their employment and livelihood. She felt that workplace harassment and bullying should be added to the definition of workplace violence and she was part of a group I understand approaching the government to do that. She said words to the effect that people will not like everyone they work with but that is no excuse to try to destroy someone else's livelihood.

I have had no alternative but to make this Complaint in the circumstances. I believe the Premier is aware that all I did was properly apply for a professional lawyer position with the government in 2002 and won that competition based on merit and that as a result of what occurred in that competition and ever since I have been subjected to very severe harassment resulting from opinions of people who I believe the Premier is clearly aware WOULD NOT BE ALLOWED TO AFFECT ANY OTHER APPLICANT OR ANY OTHER COMPETITION or be voiced in any legal proceeding as they are not capable of giving opinion evidence under the Rules of Court etc.

I believe that Andrea Folster who is an employee of the government has created a further Extremely severe conflict as the Cabinet Minister that the Human Rights Commission reports to sits at your cabinet table and is or reasonably should be aware I believe that the information that she has provided is false, deliberately misleading and designed to have the Human Rights Commission dismiss my human rights complaint without fair or proper or even any consideration or hearing.

I trust you find the same to your satisfaction in the circumstances. I await your immediate written response. I also await immediate notification that the New Brunswick Human Rights Commission will not be handling my Complaint and that it is being forwarded immediately to an unbiased Human Rights Commission from outside the Province.

Mary Ellen Rose



**STRICTLY CONFIDENTIAL  
PRIORITY COURIER**

October 30, 2012

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB E2J 2E5

Dear Ms. Rose:

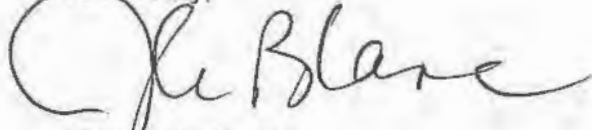
Re: **MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE, THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE, PREMIER ALWARD, ATTORNEY GENERAL - MARIE-CLAUDE BLAIS, MINISTER OF FINANCE - BLAINE HIGGS, THE DEPUTY MINISTER OF THE OFFICE OF HUMAN RESOURCES - DOUG HOLT AND THE MANAGER OF THE OFFICE OF THE ATTORNEY GENERAL - MARTHA BOWES**  
**Complaint alleging marital status and perceived mental disability discrimination respecting employment, pursuant to section 4 of the New Brunswick Human Rights Act**

Additional Information was requested from the Respondent with respect to the Time Limit Extension (TLE) Request in the above-noted complaint. I have enclosed the Respondent's additional information.

If you have any additional information you wish to add, that you haven't already submitted, please forward **on or before November 13, 2012**, to my attention by mail or delivery to the Human Rights Commission, 200 Champlain Street, Suite 320, Dieppe, N.B. E1A 1P1, by faxing it to (506) 869-6608, or by email at [Jennifer.leblanc@gnb.ca](mailto:Jennifer.leblanc@gnb.ca).

If you have any questions regarding this matter, please feel free to contact me by telephone at either 1-888-471-2233, my direct line 869-6969, or by email at [Jennifer.leblanc@gnb.ca](mailto:Jennifer.leblanc@gnb.ca).

Yours truly,



Jennifer LeBlanc  
Manager of Investigations

Enclosures



**M.E. Rose**

**From:** "M.E. Rose" <rose.m@bellaliant.net>  
**To:** <Jennifer.LeBlanc@gnb.ca>  
**Sent:** Tuesday, November 20, 2012 4:58 PM  
**Subject:** Mary Ellen Rose - Human Rights Complaint  
Jennifer LeBlanc

This is Exhibit "AA" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of  
April, 2013.

  
A Commissioner of Oaths

Attached please find the Further Reply dated today's date. Please confirm receipt today. Thank you.

Mary Ellen Rose

BRIANA AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

FURTHER REPLY OF COMPLAINANT

November 20, 2012

MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE,  
THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE,  
PREMIER ALWARD, ATTORNEY GENERAL - MARIE-CLAUDE BLAIS, MINISTER OF  
FINANCE - BLAINE HIGGS, THE DEPUTY MINISTER OF THE OFFICE OF HUMAN  
RESOURCES - DOUG HOLT AND THE MANAGER OF THE OFFICE OF THE  
ATTORNEY GENERAL - MARTHA BOWES

Complaint alleging marital status and perceived mental disability discrimination respecting  
employment, pursuant to section 4 of the New Brunswick Human Rights Act

1 The COMPLAINANT (also referred to herein as the Applicant) provides the following  
information addressing additional information provided by the Respondent subsequent to her  
REPLY.

2. The Applicant states that the New Brunswick Human Rights Commission has a conflict with  
hearing her Complaint and a Complaint has been made to the Clerk of the Legislative Assembly,  
Loredana Catalli Sonier, Premier Alward, Former Acting Leader of the Opposition, Victor  
Boudreau, Leader of the Opposition, Brian Gallant, Leader of the NDP, Dominic Cardy and to  
all Members of the Legislative Assembly dated November 6<sup>th</sup>, 2012 as former requests of the  
New Brunswick Human Rights Commission, the Premier, the Clerk of the Legislative Assembly  
and the Attorney General have been ignored as Jennifer LeBlanc has continued to try to take  
steps to proceed with the matter. This Applicant is still awaiting a response from any of those  
parties to the Complaint as the failure to turn my human rights complaint over to an unbiased  
Human Rights Commission in the face of a blatant conflict that prevents the human rights  
commission from acting on or deciding this matter affects the very integrity of the civil service  
and the integrity of the human rights commission to ensure that it does not act on any matter of  
any type or nature whatsoever where the Applicant's interests affect very powerful government  
officials and/or senior civil servants as well as other government employees or indeed on any  
matter in which it has a conflict.

3. It appears that the New Brunswick Human Rights Commission through Jennifer LeBlanc  
specifically requested further information from Andrea Folster after she had already provided the

4/15/2013

response of the Respondents to provide more information that the New Brunswick Human Rights Commission could use to dismiss the complaint of this Applicant and keep hidden what the government and the human rights commission have done to improperly prevent an unbiased hearing of this Applicant's complaint.

4. The Applicant states that the new Minister of the Department of Post Secondary Education and Labour to whom the human rights commission reports has failed in his duties and in his oath of office in allowing Jennifer LeBlanc to try to take further steps in respect to her Complaint and in not immediately ensuring that an unbiased human rights Page 2

commission handles the matter in its entirety and makes a fair, impartial and just determination whether the government and the Human Rights commission like the result or not. Within approximately two weeks of the Complaint of this Applicant to the Clerk of the Legislative Assembly and the Premier dated September 9, 2012 the premier appointed a new Minister and Deputy Minister of the Department of Post Secondary Education and Labour.

5. The Applicant states that the government and the Human Rights Commission have colluded again to try to hide the manner in which they have treated this Applicant and have again tried to defeat her claim without a public hearing in order to cover up the wrongdoing in the government.

5. The Applicant states that the new Minister of the Department of Post Secondary Education and Labour has a conflict with her complaint as since he is a Cabinet Minister his interests are directly opposed to hers as the interests of Andrea Folster and other government employees as well as the interests of the Respondents place I him in conflict as he is a Minister of the government. As the Human Rights Commission reports to him and certainly at the very least there would be an appearance of conflict as he or the Premier can affect the livelihood and other aspects of employment of any of the employees of the ne3w Brunswick Human Rights Commission.

6. Since my Complaint of November 6<sup>th</sup>, 2012 referred to above to the Clerk of the Legislative Assembly etc., it is the understanding of this Applicant that cross- examination will show that the persons involved in bullying and harassing her who have been providing information to the government have again been disciplined or put off work or removed from their positions as a result of their actions. It is also the understanding of this Applicant that those persons or others associated with them have continued to harass this Applicant and have provided or have attempted to provide since November 6, 2012 further incorrect information to the government to attempt to get their jobs back or otherwise avoid the consequences of their actions right up to the present date.

7. The Applicant states that Andrea Folster has engaged in outright fraudulent conduct in stating in her letter of October 25, 2012 that "The Respondents deny any specific knowledge of a mental disability or a perceived mental disability but in any case Ms. Rose's candidacy for all competitions was considered."

8. The Applicant states that the Premier, the Attorney General and all other Respondents know or reasonably ought to know that Andrea Folster's statement is false as over this Applicant's objection and in the face of excellent professional references the government has taken in and this Applicant understands continues to take in improper information to the effect that this Applicant has mental health issues form their observations of her behaviour from persons who are involved in harassing this Applicant, who are unqualified, have many biases and conflicts and many of whom this Applicant Page 3

understands have jobs or others associated with them who have jobs that are dependent upon this



Applicant being discredited by any means they can do so as if she is hired and the government corrects the situation this Applicant understands that many more government employees and officials will have further discipline or difficulties if the Premier deals with this matter further.

9. The Applicant states that there is a credibility issue that has been created as a result of the very different information provided by the Applicant and the Respondents. The Human Rights Commission CANNOT ( nor can any court or other decision making body) determine credibility based on written submissions.

10. It would appear that the whole reason that the new Brunswick Human Rights Commission requested further information from Andrea Folster AFTER she filed her RESPONSE was so that they can prefer her response and say as it denies any allegation of perceived mental disability being involved they can then proceed to dismiss the complaint.

11. The Applicant states that this offends the very integrity of any legal system in a democratic society where all parties have the right to call witnesses and cross examine and provide and necessary proper reply evidence at any hearing.

12. The Applicant states that at a hearing in front of an unbiased human rights commission from outside the province the respondents can call evidence to attempt to support their position but will not be successful in doing so.

13. The Applicant states that it appears that the respondents are desperate to cover up what has occurred and the wrongdoing that has been done by government officials that they continue to take steps that are completely unethical and wrong to try to cover up the situation.

14. The Applicant states that an unbiased tribunal would be aware that taking in information from the bullies or from anyone with a bias or conflict of any type or indeed from anyone who does not have the proper degrees and professional certification to suggest that what they observe means that this applicant has mental health issues is wrong and that proper expert evidence from a properly qualified expert in workplace harassment and bullying would be necessary for any such allegations to be considered.

15. The Applicant states that such an expert would have great difficulty with the actions of the government, the persons involved in the harassment of her etc and none with her.

16. The Applicant states that the manner in which she has dealt with all information and legal issues in the documents filed in the human rights proceeding as well as in the complaints filed etc shows clearly clarity of mind, excellent legal knowledge and excellent application of legal principles to the issues in the proceeding.

Page 4

17. The Applicant states that cross-examination of the Premier and the Attorney General in addition to other Respondents will clearly show that they are fully aware that they have taken in directly or indirectly improper information from unqualified and biased persons involved in harassing this Applicant with the full knowledge of the government to suggest that she has mental health issues and that they have allowed that perception to go out into the community in order to try to cover up and defeat this Applicant's human rights complaint in order to cover up the way the government has treated this Applicant and the wrongdoing of officials and senior civil servants in the government including Andrea Folster.

18. The Applicant states that persons such as Brad Green, David Legere, Lise LaForge, Gillian Miller, Cst Scaplan, Cst. Hamilton, Bruce Court and many others can all be subpoenaed and have directly dealt with or are aware of persons outside government who have tried to prevent this Applicant from being hired by the government and who have tried to destroy her livelihood by making improper allegations as to mental health issues or other improper allegations.

19. Andrea Folster is improperly representing the Applicants as she has a clear conflict as she will likely be a witness in the proceeding as a result of her involvement in the issues as part of the screening committee and as an employee of the department of justice.

20. In fact it appears that what the government and the human rights commission are attempting to do is by complete violation of ethical rules, legal rules, conflict laws and applicable substantive law simply dismiss without anyone knowing it a completely valid claim for which they have considerable liability and responsibility in addition to the wrongdoing of government employees and officials.

21. On CBC radio within approximately the last week it was reported that a judge directed that biased and improper information in this Applicant understands an immigration matter be removed from the file and that the government department review the matter again once that has been done.

22. This Applicant states that the government, the Premier, the Minister of the Department of Post Secondary Education and Labour and the Human Rights Commission are aware or reasonably ought to be aware that this Applicant has a valid claim that will cause them great difficulty if there is a public hearing and it becomes public knowledge what they have done to this Applicant and that they will likely face great difficulty when the matter is dealt with by an unbiased human rights commission.

23. This Applicant states that Andrea Folster and the Department of Justice and the Premier are fully aware that this Applicant is fully qualified.

24. A copy of the Letter that this Applicant received from Robert Savoie of the Office of Page 5

the Ombudsman date June 11, 2007 states that " In reviewing the competition file including rating guide and the Board of Examiner Assessment related to the five modules of the interview .... the following information was confirmed

Under the Professional Technical module, you received an " A ";

Under the Analytical/ Decision Making Skills Module, you received an "A";

Under the Communication/Interpersonal Skills Module, you received an "A";

Under the Organizational Skills Module, you received an "A";

Under the Positional Suitability Module, you received an "A".

This gave you an overall evaluation of "A" from the Board of Examiners, which placed you on the eligibility list ...for competition 06-44-04. This office is satisfied that the Board of Examiners has respected the merit principle in their assessment of your eligibility. However this Competition was a Candidate Inventory based competition with no obligation to offer a position to the candidates who make the eligibility list. The eligibility list is valid until 03-11-2009.

25. The statement of the Ombudsman representative Robert Savoie that it was an inventory competition only is wrong. The advertisement which is in the file of the government (and of which I have a copy) clearly stated that 3 positions under competition 06-44-03 required written and spoken competence in French and English linguistic capability and 1 position under competition 06-44-04 required written and spoken competence in English linguistic capability.

26. The open competition notice indicated that there were 4 positions immediately available. At the interview Clyde Spinney indicated that they would be filling the English position for which I interviewed by March 1 or March 15, 2007 at the latest.

27. Evidence can be subpoenaed from Clyde Spinney or Lise LaForge at a hearing that will confirm with documentation that will verify same that can be subpoenaed with them that I was to be hired and that as a result of the government taking in inappropriate information from outside persons who were harassing this applicant I was not hired. Lise LaForge or Clyde Spinney can also verify that government employees were disciplined or removed from their position at that time. Evidence can be subpoenaed from Brad Green and will show that the harassment of this Applicant was caused by the government as a result of the way it handled prior competitions involving this Applicant .

28. Evidence can also be obtained from Lise LaForge which will verify that the Ombudsman directed the government to hire this Applicant and that immediately two positions were advertised and that Lise LaForge attended in Saint John as the human resources advisor at one of those lawyer competitions. Lise LaForge or another informed representative of the Respondent the Department of Justice can verify that as a result of the way the Deputy Minister of the Office of Human Resources handled those two competitions and the information that was improperly taken in from outside persons that she was removed from her position with the government.

Page 6

29. All information that the government has taken in from any source must be revealed to the Applicant and if it pertains to the mental health of this applicant an unbiased decision maker would need to require (as did the judge reviewing the Immigration matter) that all biased information be removed as well as the removal of any improper information and any negative information of persons without the proper professional certification interpreting behaviour as meaning the applicant has mental health issues. In a bullying situation it would be necessary for an unbiased expert (from outside the province in light of the high powered New Brunswick officials involved) on workplace harassment and bullying with proper degrees in psychology to evaluate the entire bullying situation, the biases of the bullies or persons involved in the harassment and the mental health of this Applicant if the unbiased human rights commission from outside the province felt that such information could and should be considered despite the law prohibiting any such inquiries direct or indirect as to mental health in the employment hiring process. Bullies operate covertly and may pretend to be friends or wanting to help the Applicant while at the same time providing unfair incorrect and improper information to the government as a result of other biases, friends, conflicts or other factors. The conclusion an expert comes to may result in those persons being viewed as completely inappropriate persons to give an opinion and their opinions viewed as completely improper for any number of biases or conflicts or other reasons.

30. An expert would also likely conclude based on the letter from the Ombudsman of June 11, 2007 and the rating given therein set out above that if there were any mental health issues or any other reasons the government is attempting to use to prevent hiring at this time they are the creation of the government by failing to hire at that time or by the harassment the government is aware that it has caused this Applicant to sustain it would appear on a daily basis since 2006 as a result of the improper way in which the government handled competitions involving this Applicant and as a result that the government is

responsible to compensate this Applicant for loss of income if it does not hire her as a Lawyer III retroactively to at least 2006 and in the future to the date of her retirement together with all other appropriate compensation and relief including compensation for the severe harassment on it appears a daily basis . The government should hire this Applicant as it is clearly aware or reasonably ought to be aware that she is fully qualified as a result of the issues she has dealt with and identified throughout this matter and the professional and ethical way in which she has addressed all matters and the government should ensure that she is evaluated impartially in a fair way during the probationary period as it would for any other Applicant.

31. The evidence of Brad Green should also clearly show that he stopped the persons involved in the harassment from giving any further information as to this Applicant's private life and that he arranged an interview in which this Applicant was highly rated by a screening committee consisting of a number of Deputy Ministers and persons from the Executive Office. The evidence of Brad Green should also show that he left instructions directly or indirectly for this Applicant to be hired as she had objectively won the competition for a child advocate and would have been appointed BEFORE the Page 7

government changed except for improper information that was taken in from the bullies which slowed down the appointment process. The evidence of Brad Green should also clearly show that an undertaking was given by Deputy Minister Choukri and that he left instructions with the new government when the government that this Applicant was to be hired and the undertaking honored. The Law Society Code of Professional Conduct is also clear that undertakings are to be honored and CANNOT be CHANGED once they have been made.

32. Any unbiased human rights commission from another province should be particularly concerned that the government would take in information from people who are not qualified to say someone has mental health issues when they ought to realize that unless they have degrees in psychology and expertise in workplace harassment and bullying no matter what other occupation they are in such as lawyer or judge etc they cannot evaluate another person's mental health. They may decide they think the behaviour is strange etc and may decide not to be friends with that person. There are many different personalities that make up the world and not everyone chooses the same friends. If a person is different than them or they think acts strangely that does not mean the person has mental health. The bias of the observer or their failure to ask the other person even what they are doing and why may be reasons they do not understand the behaviour is completely appropriate and they have the shortcomings in not recognizing their bias or lack of ability to even recognize all the factors that a qualified expert would consider.

33. The government continuously since 2006 when the undertaking was made has continued to take steps to stop the bullying and harassment and to hire this Applicant only to take in further inappropriate information when it looks like the new information might work and they could cover up the whole mess. If the government had looked to do what is right they would have ensured that all appropriate independent reviews had proceeded in a timely fashion and an unbiased properly qualified decision maker could have ensured any unbiased outside expert evidence from outside the province was obtained years ago to ensure the Applicant was not subjected to any further bullying and have ended the situation that it caused in the community before it escalated to the extent it now has reached. The government still has not allowed the unbiased reviews REQUIRED by the CIVIL SERVICE ACT to proceed and has been taking active steps to hire this Applicant since even this past January 2012 which will be verified by the evidence of David Alward under oath at a hearing. His evidence should also show that the bullies have been again dealt with as recently as even within the last two weeks and that he put it into process again for this Applicant to be hired. The evidence of the Clerk of the Legislative Assembly should also verify these facts as well.

34. All the criteria set out in the Commission's Guideline for the Extension of Time for filing a

Complaint have been met.

35. Andrea Folster's statement that the complaint is without merit and they do not want the conclusion delayed by the parties adverse positions on the time limit issue is Page 8

absolutely absurd and it would appear sheer desperation to ensure a public hearing does not occur at which the wrongdoing of government officials and employees will be made public.

36. The Commission should verify with the law Society if it does not know the ethical rules itself that a lawyer who is involved in the issues in the proceeding cannot represent the parties. The Commission should demand that an unbiased proper legal counsel be provided on behalf of the Respondents.

37. A hearing is ABSOLUTELY required and at the end of the hearing an unbiased decision maker can determine what is fair and appropriate. The Applicant states that the government is well aware or reasonably ought to be well aware that at a hearing the people who they may try to hide or deny access to to cover up what has occurred can be subpoenaed along with any appropriate supporting documentation. The Applicant states that the government is trying to ensure that the wrongdoing by government officials, the failure to abide by the laws that they enacted etc are hidden from public review. It would be extremely unethical for the New Brunswick Human Rights Commission to attempt to act as it clearly has a conflict. It would certainly be unethical for it to dismiss the proceedings based on written submissions from a lawyer who has herself participated in the screening committee of one of the competitions which is the subject of the complaint and it appears also participated in a scheme to stop this applicant from being hired for which persons were disciplined in August of 2010 particularly as it appears she will lose her own lawyer position if this Applicant is successful. It would absolutely be unethical for the lawyer to continue to represent the Respondents when she has represented fraudulent information as to this candidate being unqualified and as to their being no allegations as to perceived mental disability when the Premier, the Clerk of the legislative Assembly and other respondents know these statements by her are false. It would appear that the lawyer is trying to pretend that the government did NOT take in such information because the government KNOWS that the information is false and wrong and the government is aware that this lawyer will excel in the lawyer position once it is provided to her. In fact it would appear that the government has gotten in so deep in trying to cover up the situation as to wrongdoing of government officials and senior employee that it will violate it appears any number of further laws and rights of this applicant to ensure that how it and the human rights commission has treated this applicant remains hidden.

38. Instead the government should make sure that what is fair and right is done and that an unbiased human rights commission from outside the province and any other necessary unbiased reviews by properly qualified persons from outside the province take place to ensure that the right result is reached no matter how bad the government looks and that full and fair public hearing are allowed to proceed as the law and justice requires this to take place.

39. If the government feels the Applicant's position has no merit then it should be able to prove that on proper evidence that can be cross examined upon at a full and fair hearing Page 9

in front of an unbiased human rights commission from outside the province rather than unethically having the Cabinet Minister to whom the Human Rights Commission reports dismiss a claim involving credibility issues with no evidence being called which it appears the government and the Human rights Commission are clearly attempting to do.

40. It would appear that there is also a serious concern that where an Applicant in a Human Rights Complaint has an interest that is different from that of the government particularly if senior civil

servants or high powered officials are involved that the government and the human rights commission are in fact NOT dealing at arms length at all and are it appears colluding to defeat the Complaint.

41. After I made the Complaint concerning Andrea Folster of September 9, 2012, the Premier (I understand from the news) removed the Minister and Deputy Minister of the Department of Post Secondary Education and Labour from their positions. In addition I understand that Blaine Higgs was also removed as Minister of the Office of Human Resources and a new position was created and a new Minister appointed for that Department which had previously been combined with the Department of Finance portfolio with Blaine Higgs responsible for both Departments. I also understand that immediately after my Complaint concerning Andrea Folster that MLA Parrot was ousted from the Progressive Conservative Party and now sits as an independent MLA. I understand that he was directly or indirectly providing information to the government from I understand the persons involved in the harassment of me to the effect that I should not be hired as I had mental health issues based on information that I understand that he received from biased bullies who I understand want to get their jobs back or assist others who have lost their jobs or have other biased reasons for their actions. Dr. Parrot has never met me.

42. The letter to Andrea Folster from the Human Rights Commission dated July 13, 2012 on page two indicates that after my Complaint, the Response of the Respondents and my Reply, they assess the matter as to how they will proceed.

43. It appears that they have now allowed a new step in order to try it appears to assist Andrea Folster and the government to provide information to the Human Rights Commission to it appears enable the Commission to find a way to dismiss my Complaint so that it does not go to a Board of Inquiry which is a public hearing where the decision becomes public etc.

44. It certainly appears that at all costs the government does not want the public nor any other governments nor departments of justice across the country to know how they have treated this Applicant and how they have violated the Civil Service Act, the Human Rights Act and other laws, policies and procedures.

45. Whoever is now the Cabinet Minister responsible for the Department of Post Secondary Education and Labour to whom the Human Rights Commission reports is it Page 10

appears in an extremely obvious and serious conflict of interest position. That Cabinet Minister sits at the Cabinet table with the other cabinet ministers and the Premier and it appears that the government has a very clear and urgent need to cover up what it has done to me and to at all costs prevent a board of inquiry from publicly hearing the complaint and making a public decision.

46. It appears in light of correspondence that unbelievably this Applicant has again received from Jennifer LeBlanc of the New Brunswick Human Rights Commission dated October 30<sup>th</sup>, 2012 that it appears that completely unethically the Commission is again it appears trying to proceed despite the extremely blatant and incurable conflict that absolutely prevents it from having ANY authority to act whatsoever.

47. As a lawyer I believe that the Clerk of the Legislative Assembly is aware that the Human Rights Commission CANNOT proceed as it is in a conflict position that CANNOT be cured.

48. It appears that the Commission has violated its own procedure set out on page 2 of the Commission's July 13, 2012 letter to Andrea Folster to allow her to provide further information that she

has provided AFTER my Reply that it appears the Human Rights Commission will use to it would appear assist the government by dismissing my Complaint so that a public hearing in the interest of the government can be avoided.

49. In her response on behalf of all Respondents Andrea Folster indicated that the selection committee for the current two competitions had found that I was not qualified. The selection committee consisted of Andrea Folster, Nancy Forbes and Martha Bowes. Martha Bowes is one of the parties to the human rights complaint as a result of her conduct concerning this matter.

50. Nancy Forbes was also a member of the selection committee in respect to the 2006 Legal Services Branch Competition for a Lawyer III in which I had an interview in January of 2007. I indicated words to the effect in my Reply in the Human Rights proceeding that the 2010 litigation position was essentially the same position as I had interviewed for in January of 2007 and that I had excelled at the interview and that I had received a letter from the Ombudsman Office indicating that I was a strong A rated candidate in that 2007 competition.

51. It appears that suddenly the Human Rights Commission has added a new pleading that is a reply to the reply whereby Andrea Folster by letter of October 25, 2012 provides to the Human Rights Commission a further letter in which she attaches letters from third parties and appears to be expecting the Human Rights Commission to rely on those to dismiss my complaint. By those letters it appears that she attempts to lead the Commission to simply accept that the Ombudsman reviewed the competitions and accordingly the Human Rights Commission should simply rubberstamp what the ombudsman did and dismiss the Complaint. This is completely wrong but extremely Page 11

more serious when Andrea Folster is I believe aware or reasonably ought to be aware that the Ombudsman was removed from his position by the former Premier as a result of violating his oath of office and mandate for lying in his reporting letter to me ( of which the government has a copy) and stating that there were no outside influences when there is a police file, a government file etc indicating that I have been constantly harassed by persons trying to prevent my being hired by the government and that the government has repeatedly taken in information from such persons improperly and has refused to allow independent reviews required by law. The letter of Robert Savoie from the Office of the Ombudsman dated June 11, 2007 clearly shows that I was a highly rated candidate. After the two competitions in July of 2007 which resulted in I understand the removal of the Deputy Minister of the Office of Human Resources after the Ombudsman review it appeared that the Ombudsman then became involved with the Liberal government in taking in improper information from biased and unqualified sources which is completely prohibited by law. He was a former interim leader of the Liberal party.

52. As I believe the Clerk of the Legislature would know or as any litigator would or reasonably should know you DO NOT attach letters to a pleading. In fact the Human Rights Commission's own initial package to Applicants which was sent to me says that it is inappropriate to attach letters to the pleadings.

53. If Andrea Folster wants to adduce such evidence she would have to call AT THE HEARING the person who wrote the letters or e-mails and have them give evidence at the hearing which can then be cross examined upon under oath. This is essential. Now that she has filed those letters it would appear absolutely essential that a hearing take place in order that those people can be cross-examined by me to bring out the truth. It appears that once again based on improper information that Andrea Folster is attempting to mislead the Human Rights Commission and have them dismiss my complaint so the government can hide what has occurred in the competitions in which I was an Applicant and so that it would appear she can keep her own job.

54. The Clerk of the Legislature as a Lawyer would also be aware that a Lawyer CANNOT act where



they have a conflict. If the lawyer is a witness or potential witness in a proceeding THEY CANNOT ACT as a lawyer for any of the parties. Andrea Foister is definitely a potential witness and definitely has a conflict as she participated as part of the selection committee in respect to the two competitions that are within the one year period and are part of my Human Rights Complaint. In addition it appears that she also participated in a scheme to try to upset this Applicant prior to the interview BY REQUIRING AN APPLICANT THAT THEY INVITED TO AN INTERVIEW TO SUBMIT TO A SEARCH prior to allowing the Applicant to enter the building where the interview was to be held. It was I understand an attempt to create a situation whereby they could say that this Applicant acted inappropriately and accordingly had mental health issues of some sort which they could I understand then use to rely upon to not hire this Applicant. The scheme backfired and on an objective basis I excelled at the interview.

Page 12

55.The Premier, the Leader of the Opposition and the NDP Leader should ensure that an unbiased human rights commission from outside the province hears the Complaint and is given it immediately if the government is not immediately hiring me and resolving all other issues in this matter with me as it appears that the government has held up the Complaint from proceeding for several months while it appears that the government and the human rights commission have colluded to try to find a way to stop the complaint from being heard and becoming public.

56.The Leader of the Opposition and the NDP Leader should be horrified that proper

unbiased procedures and measures were not immediately put in place and followed in a timely manner to ensure the integrity of the legislation which the Legislative Assembly enacts such as the Human Rights Act and the Civil Service Act etc are safeguarded and the required hearings etc ensured to proceed with proper impartial unbiased decision makers and any and all other necessary safeguards in place. Otherwise it would appear that the Legislative Assembly should simply close its doors and go home. If employers and particularly the Department of Justice and other officials of the government and members of the Legislative Assembly are not going to follow the laws or ensure that they are complied with what is the point in enacting the laws in the first place.

57.The rules of natural justice which lawyers in other provinces would I believe be familiar with are clear and there MUST be an UNBIASED decision maker and a person MUST have an opportunity to respond to any allegations made against them. The Premier and the Opposition leader who is also I understand a lawyer and the NDP leader should ensure I believe that ALL information provided from outside persons to the government to affect my employment at any time and particularly in respect to the two current competitions is immediately provided to me for my response, review etc.

58.October 2012 was anti-bullying month. There were many CBC news programs on bullying. For example on Rex Murphy's program on Sunday night at 5 p.m. when a female radio host was sitting in for him they did a call in program on bullying in which Professor MacKay who was head of the tax force on cyber bullying in Nova Scotia participated. One of the callers said that bullies try to make it appear that their victim has mental health issues but there is nothing wrong with the victim the bullies just try to make it look that way. On I believe that program as well as other programs it was emphasized that bystanders should be upstanders and speak up to stop the bullying rather than participate in it or do nothing to stop it. One young I understand 15 year old girl indicated that she was bullied and that it appeared that they had followed her and watched her and then written things about her for about six months and that she had no idea of what they were doing until a boy made a comment that brought it to her attention. Other programs on bullying indicate that people will learn that people while pretending to be friends with the victim are participating in the bullying and saying things that aren't true objectively etc while hiding that fact from the person who has been targeted and is being bullied. Andrea Folster as



lawyer on behalf of all respondents states that there is no merit in the complaint. The Applicant states that Premier Alward, Brad Green, David Legere, Lise Page 13

LaForge, Bruce Court, Gillian Miller and others are very aware that there is merit to the Applicant's Complaint.

59. From 2007 until the present date each time the OMBUDSMAN REVIEWED competitions the government was directed to hire this Applicant and each time the government took in improper information to avoid doing so. For example Gillian Miller provided information to the Ombudsman which cleared up the improper information outside persons gave to the government to stop this Applicant from being hired in the 2008 Miramichi Crown Attorney Competition and the government then as a result of the Ombudsman's involvement advertised the 2009 Crown Attorney Specialized Prosecution Branch competition in which this applicant was to be hired. Immediately after the 2009 Crown Attorney position was advertised the bullies harassed this applicant and provided further information to try to stop her from being hired. As a result of the involvement of Gillian Miller and Cst. Scaplan the bullies were addressed and TJ Burke was removed as Minister of Justice. Premier Alward is aware that Michael Murphy who was a friend and colleague of TJ Burke replaced him as Minister of Justice and then began to take in information from the persons involved in the harassment to the effect that this Applicant had mental health issues to avoid hiring her. Cross-examination of the necessary witnesses will bring out all necessary details as this information is readily available. Premier Alward is also aware or reasonably ought to be aware that Michael Murphy was removed as Minister of Justice and Attorney General and forced to resign from the legislature by Premier Graham as a result of the police contacting Premier Graham concerning the information that Michael Murphy was taking in improperly.

60. It is absolutely imperative that ALL information that the government has taken in from the bullies directly or indirectly to affect this Applicant being hired be fully disclosed at a hearing before an unbiased human rights board of inquiry arranged by an unbiased human rights commission from outside the province to ensure that it can be fairly determined ON ALL NECESSARY AND RELEVANT evidence what is a fair and appropriate resolution of the Applicant's Complaint. In light of the extreme efforts that it appears the government has used to date to try to prevent revealing that information it is IMPERATIVE that there be a hearing at which the appropriate people can be subpoenaed and required under oath to give the evidence within their knowledge or the respondents be cross-examined upon their evidence etc.

60. One of the concerns in respect to the young people committing suicide from the bullying is in trying to get support to encourage and help them to ignore the bullies as what the bullies say should not be given any credence by the victim at all and others should stand on the side of the victim and tell the bullies to stop.

61. Any negative information that the bullies are providing the government to affect my livelihood and my employment is completely wrong, false and designed to get the result the bullies want to obtain and to I understand enable them to avoid the consequences of their actions in targeting and bullying me and to prevent me from being hired.

Page 14

62. This Applicant is strong enough to ignore the bullies and what they say. If the government provides the position I am ready to provide quality legal services immediately to the government and as I have offered the Premier many times before I will volunteer time if the Premier will allow me to work with him or whoever he designates to ensure that no one else is subjected to what I have been subjected to by

working to find real effective ways to stop bullying and harassment and to ensure the Civil Service Act and the Human Rights Act are complied with. The problem that I have is that the government IS NOT ignoring the bullies and is taking in at face value I understand whatever they say without even giving me a chance to respond. This would be the equivalent of the bullies saying to the teachers of the students the things that they are saying to bully the other teenager etc and the teacher instead of stopping it or not paying attention to what the bullies say, saying it too and participating in hurting the targeted student rather than giving the student the grades the student earns and protecting the student from the bullies.

63. Nancy Forbes is the Coordinator or Director of the Litigation group in the Department of Justice. The Department of Justice is a party to my Human Rights Complaint. From the one page e-mail excerpt that is it appears extremely bizarre and it appears has been attached by Andrea Folster to her last letter to the Human Rights Commission it appears that Nancy Forbes is aware of the information in the Complaint that I made on September 9, 2012 concerning Andrea Folster. That one page e-mail simply shows a number of officials in the government including the Director of the Legal Services Branch passing the complaint it appears from one to the other with one saying they may not have to deal with it yet. It would appear from this one page document that the government is not concerned about doing what is right but is looking for a way to avoid doing what is right by allowing it appears the bullies to harass me and using the information they provide to stop me from being hired in order to cover up what has occurred. The government holds an anti-bullying day each year. This would appear to be a complete sham if the government succeeds in participating in the destroying of this qualified Applicant who on merit has won numerous government positions which can be verified by David Legere, Lise LaForge, the letter of the Ombudsman and Brad Green to name just a few persons.

64. Nancy Forbes is I believe fully aware that this Applicant excelled at the interview in January of 2007 and was to be hired except for the interference of bullies who were trying to prevent this Applicant from being hired, I believe that the Director of Legal Services is or reasonably also ought to be aware of this as well. If false information has been provided to the government by Nancy Forbes or anyone else in respect to the 2007 competition it has been corrected by the written letter of Robert Savoie of the Ombudsman Office dated June 11, 2007. The question should be why did she not as a lawyer who has taken an oath of office with the Department of Justice ensure that the bullying and harassment stopped many years ago and that this Applicant was hired on merit with the biased and improper information being prohibited from being taken in.

Page 15

65. What I said in my response was completely true. I was a strong A rated candidate in the competition in which I was interviewed in January of 2007 and I won the competition.

I was advised at the interview that it was intended by them to hire by I believe the first of March or mid March 2007 at the latest. Lise laForge who was I believe the human resources consultant at that interview can verify that (just as I understand that David Leger who was on the selection committee in respect to the 2002 and 2003 interviews for a Regional Director in Saint John was I understand able to verify that I had won those competitions). I understand as a result of my meeting with Deputy Minister Choukri which was arranged by Attorney General Brad Green that the files in respect to the 2002 and 2003 Regional Director Competitions had been altered. I understand that after my complaint to the Ombudsman in 2007 in respect to that January interview that persons within the government were removed from their positions, disciplined etc.

66. It would appear clear that Andrea Folster deliberately made a false statement when she said in the Response to my human rights complaint on behalf of all of the Respondents that " The selections committee determined that the Complainant did not qualify for either of the positions being advertised. "

in respect to the 10-44-02 and 10-44-03 positions. I believe that Nancy Forbes is also fully aware that that statement is false. The Department of Justice is a Respondent and all respondents are required to ensure the contents of any legal document in a proceeding filed on their behalf is reviewed by them and is true, correct and complete before it is filed on their behalf. I believe that the Premier is also aware that that statement is false and cross-examination will clearly show that that statement is false.

67. I believe that Nancy Forbes and the Director of Legal Services in the Department of Justice, Guy Daigle, participated in making a deliberately false statement by not ensuring that all information in my complaint that is true was acknowledged as true (whether they liked the facts or not as the facts cannot be changed) and that the false statement of Andrea Folster was changed to reflect that I was fully qualified. It would appear that this is blatant fraud by senior employees in the Department of Justice to get the result that they want as a result I understand of other employees who are friends, colleagues etc being disciplined or removed from their positions etc.

68. In respect to Andrea Folster's additional letter of October 25 2012 it would appear that she was requested to provide further information because the human rights commission knew that her response was not sufficient for them to dismiss my Complaint.

69. If Andrea Folster on behalf of the respondents addressed the contents of my complaint as is required in a Statement of Defence under the rules of court she would I believe have had to acknowledge that all contents were true and I believe that Nancy Forbes, Guy Daigle and all of the Respondents know this or reasonably ought to know this.

70. She states on page 1 of her October 25 letter that "Regarding job competition 06-44-04 attached please find notification from the Office of the Ombudsman dated June 11, 2007

Page 16

confirming that there was no evidence that the competition was not filled in accordance with the Civil Service Act ie. Based on merit." This is reference to the competition in which I had an interview in January 2007. The Ombudsman in his letter to me says that it was an inventory only and he did not address the issue of who was hired as he stated only an inventory had been done and that no one had yet been hired as there was no position available at that time which is contrary to the competition advertisement contents and what Clyde Spinney advised at the interview.

71. I believe that Lise LaForge can verify that there was one litigation position available at that time and that I had won the competition and was to be hired and that I would have been hired during March of 2007 and the only reason I was not hired was because of interference of the bullies and persons outside of government. I believe that she would also verify that persons were removed from their positions or otherwise disciplined after the Ombudsman's review and that the Ombudsman left directions for them to hire me. The Premier can I believe also see from the advertisement of the competition that there was one english position immediately to be filled.

72. Andrea Folster states on page 2 of her October 25 letter that "Regarding Competition 08-44-04 attached is a letter from the Office of the Ombudsman dated March 10, 2009 confirming that there was no evidence that the competition was not filled in accordance with the Civil Service Act, ie. Based on merit."

73. I believe that Martha Bowes and Guy Daigle are aware or reasonably ought to be aware that that statement is not true. I believe that they are both aware that bullies involved in harassing me affected

that competition. I believe that at a hearing evidence can be subpoenaed from Gillian Miller Cst Scaplan and others that information was provided by persons outside the government involved in harassing this applicant to prevent the applicant from being hired. After the involvement of Gillian Miller and Cst Scaplan and others to correct the improper information affecting the competition I believe that the respondents are aware or reasonably ought to be aware that I was to be hired and a further competition 09-45-10 was advertised to correct the situation and hire this Applicant subsequent to the Ombudsman's reviews. There are many other details that can be provided and as a result of Andrea Folster's actions it is absolutely essential that there be a hearing and witnesses called in order that cross examination by me can take place in respect to the people from whom she has filed this information improperly in letter form as well as any other necessary viva voce evidence being adduced by direct and cross examination and proper reply of any and all necessary witnesses.

74. Andrea Folster further states " Regarding 09-45-10 I understand that the Office of the Ombudsman has confirmed that the position was filled in accordance with the applicable legislation, policy and procedures ie. Merit however no closing letter was sent to the department.

75. This statement is absolutely ridiculous and Andrea Folster has now put herself in the Page 17 position of needing to be cross examined on that statement by me at a hearing as it is her

personal statement. Are we just supposed to take her word for it? This type of response in a formal legal proceeding is absolutely ridiculous. It appears that she feels that the Human Rights Commission will take her word for it and will use that statement to dismiss my complaint or refuse the time limit extension. This is extremely concerning in a democratic society which values human rights, natural justice rules and the right to fair unbiased hearings. This statement is even more concerning in respect to competition 09-45-10 as I believe Andrea Folster and all of the respondents are aware or reasonably ought to be aware that the Ombudsman was removed from his position in I believe the first week of April 2010 as a result of his improper conduct in respect to reviewing that competition. The government is aware I believe that as his review is invalid that it has to also be reviewed by an unbiased reviewer under the Civil Service act and to date the government has refused to comply with the law in that respect presumably as the government is trying to hide what occurred in that competition.

76. Andrea Folster then states "The Respondents deny any specific knowledge of a mental disability or a perceived mental disability but in any case Ms Rose's candidacy for all competitions was considered." This would appear to suggest that having to have a proper fair consideration of an applicant by unbiased persons is unnecessary and as long as an applicant is considered that is sufficient. That certainly is NOT the criteria in the Civil Service Act as ALL matters are to be dealt with integrity and based on an objective determination of merit.

77. Allowing biased persons to hide the truth and prevent a full and fair public hearing would certainly NOT meet the standard set out in the Civil Service Act nor the Human Rights Act.

78. It would also appear that Andrea Folster has deliberately made another false statement that will be evident at a full and fair hearing before an unbiased board of inquiry when witnesses can be heard and fully address the very different positions. There are very serious and different positions and only cross-examination at a hearing can address it. If the NB Human Rights Commission or Andrea Folster intend to proceed in these circumstances it would certainly seem to be clear evidence of collusion between the government and the Human Rights Commission as I believe that anyone unbiased with such a conflict as previously addressed or as further herein addressed would I believe clearly know they CANNOT proceed and indeed would want to be sure that an unbiased entity dealt with the matter in its entirety.

79. Andrea Folster has I believe put all of the Respondents in a difficult position as participating in her false statement as they are responsible for ensuring the Response filed on their behalf is true, accurate and complete before it is filed.

80. It would appear that this statement is purposely and fraudulently made to hide what the government has done in respect to this Applicant and to get my Human Rights Complaint Page 18

dismissed so that there will not be a public hearing etc.

81. I believe that the Premier and all of the Respondents are aware or reasonably ought to be aware that continuous allegations have been made by the bullies to suggest that I have

mental health difficulties in order to prevent me from being hired as they believe the government will accept such information. I understand that since my last e-mail to the Clerk of the Legislative Assembly and the Premier that once again the bullies have daily harassed me and have I understand again right up to the present date provided information to the government attempting to suggest that I have mental health issues based on ridiculous information THAT NO expert psychologist in workplace harassment and bullying would ever accept as evidence of mental health issues.

82. Based on what Andrea Folster has filed there absolutely has to be a hearing and on proper evidence it can then be determined what the proper determination of my Human Rights Complaint should be by an unbiased human rights commission from outside the province.

83. It is absolutely essential that I be advised immediately that the NB Human Rights Commission will not be proceeding as they simply have no jurisdiction to proceed in light of the conflict and as to what unbiased human rights commission from outside the province will be handling the complaint.

84. As the Premier and the Legislative Assembly are I understand responsible for the Human Rights Commission declaring a conflict and NOT acting when necessary and for arranging for a proper unbiased Human Rights Commission from outside the province to handle my Complaint in its entirety, I have made a complaint dated November 6<sup>th</sup>, 2012 to the Clerk of the Legislative Assembly, Loredana Catalli Sonier, the Premier, Former Acting Leader of the Opposition, Victor Boudreau, Leader of the Opposition Brian Gallant, Leader of the NDP, Dominic Cardy and to all Members of the Legislative Assembly in respect to the issue of the human rights commission attempting to proceed in the face of a clear conflict in addition to other issues. This is particularly a concern when the NB Human Rights Commission has alluded to its power to simply dismiss a proceeding without any hearing by a Board of Inquiry and it appears its attempt to persist in proceeding after the Minister and Deputy Minister of that Department were removed I understand by Premier Alward for their conduct in respect to my matter subsequent to my Complaint to the Clerk of the Legislative Assembly and the Premier dated September 9, 2012. I am still awaiting a written response to my formal complaint.

85. As Andrea Folster is attempting it appears to proceed in the face of a conflict which is PROHIBITED by the Law Society Professional Code of Conduct and as the senior lawyers and officials in the Department of Justice seem to be participating in that action with her as she is an employee of the province it is appropriate and necessary to address that issue with the Premier and the Legislative Assembly particularly in light of the extremely serious concerns involved and I have done so. I am still awaiting a written Page 19

response to my formal complaint. However the Human Rights Commission should ensure that it does not act on information from a lawyer that appears to be personally involved in a proceeding and who it

appears has deliberately provided false information in her documentation filed on behalf of the respondents in the Human Rights Complaint proceeding. Some details have been set out in this Reply which show the information provided by Andrea Folster is false or incorrect and some documentation and witnesses that can be called and subjected to cross-examination. In addition on cross-examination the government can be required to tell the truth and documents can also be subpoenaed as necessary for presentation at a hearing. It is necessary for a hearing before a Board of Inquiry in order that cross examination can test the information provided and a full and fair determination of the matter attained. As the New Brunswick Human Rights Commission has a clear conflict, IMMEDIATELY this Applicant should be advised as to what unbiased Commission from outside the Province will hear the matter and as to who the new lawyer for the respondents will be.

86. As the government has been taking measures continuously since 2006 to the present date to stop the bullying and hire this Applicant, Andrea Folster's conduct is I believe clearly fraudulent and has also placed her in clear conflict which requires her to be removed as solicitor of record for the respondents.

87. Certainly the accuracy and completeness of the records that she suggests on page 2 of her Oct 25 letter that the NB Human Rights Commission review are brought into complete question by the untrue information that it appears that she has filed in the initial response and her October 25 2012 letter that she filed on behalf of all Respondents. It appears that only at a hearing where I can hear all evidence and see all that is reviewed and introduced and cross-examine on same etc. can we be sure that full and proper information would be produced by the government before an unbiased Human Rights Commission from outside the province.

88. Parties are always able to discuss a resolution and certainly if the Premier wants to discuss this matter he can contact me to do so as I have requested a meeting on many occasions. I believe that such a meeting should have occurred long before now as it would appear pertinent to see someone that bullies are attempting to allege has mental health issues when the government is taking in the type of information that I understand it is taking in from unqualified bullies many of whom do not even know this Applicant and it appears have a lot to gain including getting their jobs back or helping out friends if they discredit me.

89. It would appear that what Andrea Folster is attempting to ask the Human Rights commission to do is to prevent this Applicant from providing information concerning serious wrongdoing of herself and the NB Human Rights Commission to her employer and the body that supervises the NB Human Rights Commission in order it appears to succeed in filing false information and it would appear have the NB Human Rights commission assist her in covering it up.

Page 20

90. Andrea Folster and the NB Human Rights Commission each are in conflict and cannot proceed. This Applicant awaits immediate confirmation that they will be removed from their roles and replaced properly.

91. In fact from the letters that Andrea Folster has filed from the Ombudsman Office it would appear that the letters are incorrect and that the wording is different from what Andrea Folster has said in her response.

The letters dated June 11, 2007 and March 10, 2009 in respect to Competitions 06-44-04 and 08-44-04 state:

"As results of the investigation, the Office of the Ombudsman has concluded that there is no evidence to support the complainant's allegation that this competition did not respect merit as required by subsection 6(1) of the Civil Service Act. Ms. Rose has been informed that on having reviewed material she submitted as well as having reviewed legislation and documents relevant to this competition the Office of the Ombudsman did not identify any administrative errors made by the Board of Examiners or by the Office of the Attorney General in the treatment of her application in regards to Competition #..."

The Applicant states that evidence from Lise LaForge, Cst Scaplan, Gillian Miller and many others will show that there were many administrative errors and inappropriate deliberate actions made by the government in respect to those competitions as taking in any information from bullies is prohibited by the law. I believe that on examination or cross-examination of Lise LaForge and any other appropriate witnesses that it will be clearly shown that these letters are false and the true details of what really happened in these competitions will be revealed at a full and fair hearing.

92. The Applicant states that all requirements for an extension of the time limit for a complaint to be submitted as set out in the Commission's Guidelines for the Extension of Time for filing a Complaint have been fully met and the Commission has also been previously provided with a detailed written submission from this Applicant in that respect. In the circumstances of this matter the Applicant states that it would be unconscionable and a travesty of justice if the time limit was not extended. The Applicant is prepared to make further submissions at any hearing or addressing of this issue or any other issue. The Applicant states that it would be unconscionable for there not to be a full hearing by a public Board of Inquiry of the full Complaint with any time limits fully extended in light of the circumstances involved in this matter, the seriousness of the issues and the importance of the principles involved in a free and democratic society.

Mary Ellen Rose

BB



NEW BRUNSWICK HUMAN RIGHTS COMMISSION  
TIME LIMIT EXTENSION REQUEST REPORT

February 4, 2013

This Report is the property of the New Brunswick Human Rights Commission. It is a confidential, privileged document made available only to the parties to the complaint and their lawyers as part of the Commission's compliance functions. Any reproduction or disclosure of this Report in whole or in part is prohibited without the consent of the Human Rights Commission. The Human Rights Commission and the Province will not be responsible for its unauthorized disclosure.

INTRODUCTION

This is a report prepared by the staff of the New Brunswick Human Rights Commission. The recommendations are based on an analysis of the information obtained from the parties to this complaint. This Report is not a decision of the Members of the New Brunswick Human Rights Commission, but rather, a Report for the Commission Members' review and disposition to determine whether they should grant a time extension with regard to complaint initiation.

FILE NUMBER: M-2012-0071

COMPLAINANT: Mary Ellen Rose

RESPONDENTS: The Province of New Brunswick, the Department of Justice, the Office of the Attorney General, the Department of Finance, Premier Alward, Attorney General Marie-Claude Blais, Minister of the Office of Human Resources Blaine Higgs, the Deputy Minister of the Office of Human Resources Doug Holt, and the Manager of the Office of the Attorney General Martha Bowes.

GROUNDS: Marital Status and Mental Disability

DATE FILED: April 20, 2012

SECTION OF THE ACT: 4 (employment)

AUTHOR OF THE REPORT: Jennifer LeBlanc, Manager of Investigations

RECOMMENDATIONS:

Pursuant to subsection s. 18(2) of the New Brunswick *Human Rights Act* (Act) and the information contained in this Report, it is recommended that the New Brunswick Human Rights

to the Affidavit  
Mary Ellen Rose  
sworn this 4  
day of April, 2013

  
A Commissioner of  
Oath

BRIAN A AGNEW CO  
MISSIONER OF OATH  
MY APPOINTMENT  
EXPIRES DEC. 31/13

Commission (Commission) not extend the time for initiating the Complaint as the Complainant has failed to demonstrate that the circumstances warrant an extension.

Furthermore, it is recommended that the Commission consider this Report, the parties' submissions in response to this Report and legal advice from the Commission's Legal Counsel, Seamus Cox, when determining whether the circumstances warrant the granting of a time limit extension for complaint initiation.

It is further recommended that the Commission continue its regular complaint process with respect to the allegations that are in time, namely completing the investigation of the Complainant's allegations involving the 2010 competitions, # 10-44-02 and # 10-44-03.

## **RELEVANT SECTIONS OF THE NEW BRUNSWICK HUMAN RIGHTS ACT**

### **Discrimination in employment**

- 4(1)** No employer, employers' organization or other person acting on behalf of an employer shall, because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, social condition or political belief or activity,
- (a) refuse to employ or continue to employ any person, or
  - (b) discriminate against any person in respect of employment or any term or condition of employment.

### **Complaints**

- 17** A person claiming to be aggrieved because of an alleged violation of this Act may make a complaint in writing to the Commission in a form prescribed by the Commission.

### **Time limit for making complaint**

- 18(1)** Subject to subsection (2), a complaint shall be filed within one year after the alleged violation of the Act.
- 18(2)** The Commission may extend the time for the filing of a complaint if, in the opinion of the Commission, the circumstances warrant it.

## **DIRECTORY OF NAMES AND ACRONYMS**

<i>Act</i>	<i>New Brunswick Human Rights Act</i>
AG	Attorney General
Alward, David	Premier of the Government of New Brunswick
Barnett, Aline	Commission employee
Bertrand, Johanne	Commission employee
Blais, Marie-Claude	Minister and Attorney General, Justice and Attorney General
Bowes, Martha	Manager, Public Prosecutions, JAG
Choukri, Yassin	Former Deputy Minister, JAG

Comeau, Julie	Human Resource Advisor, JAG
Commission	New Brunswick Human Rights Commission
CSA	<i>Civil Service Act</i>
DHR	Department of Human Resources, formerly Office of Human Resources
Dickinson, Randy	Chairperson, Commission
DOJ	Former Department of Justice
DPETL	Department of Post-Secondary Education, Training and Labour
ECO	Executive Counsel Office
Folster, Andrea	Legal Counsel for the Respondents, JAG
Gilliland, Steve	Office of the Ombudsman Civil Services Appeals & Investigations
GNB	Government of New Brunswick
Higgs, Blaine	Former Minister of the Office of Human Resources; current Minister of Finance
Holt Doug	Former Deputy Minister of the Office of Human Resources; current Deputy Minister Executive Counsel Office
HRCTS	Human Rights Commission Tracking System
JAG	Justice and Attorney General
LeBlanc, Jennifer	Manager of Investigations, Commission
LeBlanc, Yvon	Former Deputy Minister, JAG
Legal Center	Saint John Legal Center
McKinnon, Sarina	Legal Counsel, Commission
OAG	Office of the Attorney General
Peters, Jill	Director, Commission
PNB	Province of New Brunswick
Rose, Mary Ellen	Complainant
TLE	Time Limit Extension

## **BACKGROUND**

1. The Complainant, Mary Ellen Rose (the Complainant), will say that: the Respondent Province of New Brunswick (PNB) is the Government of New Brunswick (GNB) and prospective employer; and the Respondent Office of the Attorney General (OAG), and the Respondent Department of Justice (DOJ), collectively known as Justice and Attorney General (JAG), and the Respondent Department of Finance (Finance) are GNB departments in which employment competitions were held.
2. The Complainant will say that: the Respondent Premier David Alward (Premier Alward) is the premier of PNB; the Respondent Marie-Claude Blais (Minister Blais) is the Attorney General (AG) and the Minister of JAG; the Respondent Blaine Higgs (Minister Higgs) is the former Minister of the Office of Human Resources (OHR) [now known as Department of Human Resources (DHR)], and is currently the Minister of Finance; the Respondent Doug Holt (Holt) is the former Deputy Minister of DHR and is the current Deputy Minister of the Executive Counsel Office (ECO); and the Respondent Martha Bowes (Bowes) is the former Human Resources Advisor to JAG and currently a Manager with Public Prosecutions at JAG.
3. The Respondents named in the preceding two (2) paragraphs will be collectively referred

to as the Respondents.

4. On or about January 12, 2005, the Complainant contacted the Commission regarding allegations of marital status discrimination (single and living with her elderly mother) that allegedly occurred in between 2002 and 2004. The notes in the Human Rights Commission Tracking System (HRCTS) indicate that: the Complainant had been employed with the Saint John Legal Center (Legal Center); in 2002 the Complainant had applied for the position of Regional Director of Court Services in Saint John; the Complainant alleged that she was informally advised she had the position and then heard she was being ridiculed for being single and living with her elderly mother; the Complainant heard that there were 2 lawyers who lobbied for the successful candidate; in 2003, the position became available again and the Complainant felt she should have been appointed however it went through competition again; the negative comments about being single and living with her elderly mother started again; this finally stopped in January 2004; on March 31, 2004, the President of the Legal Center advised the Complainant they were undergoing restructuring and her position would be eliminated effective September 17, 2004; the Complainant alleges she then applied for a position with Legal Aid and she applied but wasn't offered the position and learned that comments were being made again; she wanted to file a complaint of age and marital status discrimination; and she was concerned over the time limit issue.
5. On January 13, 2005, Commission employee Aline Barnett (Barnett) sent a complaint kit and Time Limit Extension (TLE) information to the Complainant however the Complainant never filed a complaint with the Commission at that time.
6. The Complainant will say that the Respondents discriminated against her on the basis of her marital status (single) with respect to her applications for employment in the following PNB [GNB] employment competitions:

<u>COMPETITION</u>		<u>DATE APPLIED</u>
a. # 06-GNB-01	Child and Youth Advocate, Finance	February 2006
b. # 06-44-04	Lawyer III - Legal Services Branch, JAG	November 2006

7. The Complainant will say that she won the above competitions based on merit and was to be hired in each of them.
8. The Complainant will say that: with respect to the Child and Youth Advocate position (# 06-GNB-01) then Deputy Minister of JAG, Yassin Choukri (Choukri) began to take in information from persons within and outside GNB about the Complainant's private life to the effect that the Complainant was immature because she was not married and other inaccurate details of the Complainant's single lifestyle.
9. On September 18, 2006, a New Brunswick general election was held on September 18, 2006 and a new government was formed.
10. The Complainant will say that: with respect to the Lawyer III - Legal Services Branch competition (# 06-44-04) the persons involved in the earlier harassment of the Complainant in making fun of her as not being married, interfered in this competition also and as a result, the Complainant was not hired; the Complainant requested a review by the Ombudsman; persons were disciplined or removed from their positions with GNB as a result of the Ombudsman's review.

11. The Complainant will say that she received a letter, dated June 11, 2007, from Robert Savoie from the Office of the Ombudsman, that states that:

"...

In reviewing the competition file including rating guide and the Board of Examiner Assessment related to the five modules of the interview...the following information was confirmed

Under the Professional Technical module, you received an "A";

Under the Analytical / Decision Making Skills Module, you received an "A";

Under the Communication/Interpersonal Skills Module, you received an "A";

Under the Organizational Skills Module, you received an "A";

Under the Positional Suitability Module, you received an "A";

This gave you an overall evaluation of "A" from the Board of Examiners, which placed you on the eligibility list...for competition 06-44-04. This office is satisfied that the Board of Examiners has respected the merit principle in their assessment of your eligibility. However, this Competition was a Candidate Inventory based competition with no obligation to offer a position to the candidates who make the eligibility list. The eligibility list is valid until 03-11-2009.

..."

12. The Complainant will further say that: this was not an inventory competition; she has a copy of the competition which stated that 4 positions were under competition; and she was advised during the interview that 1 position would be filled by March 1 or 14, 2007.
13. The Complainant has not provided the Commission with Savoie's above-mentioned letter, nor the above-mentioned competition.
14. The Respondent provided the Commission with a letter dated June 11, 2007 to JAG Deputy Minister Yvon LeBlanc (LeBlanc) from the Office of the Ombudsman Civil Services Appeals & Investigations Steve Gilliland (Gilliland). The letter is written in part:

"...

Complaint under the *Civil Service Act*, Section 33

By Ms. Mary Ellen Rose

Competition Number 06-44-04

...

As results of the investigation, the Office of the Ombudsman has concluded that there is no evidence to support the complainant's allegation that this competition did not respect merit as required by subsection 6(1) of the *Civil Service Act*.

Ms. Rose has been informed that on having reviewed material she submitted, as well as having reviewed legislation and documents relevant to this competition

the Office of the Ombudsman did not identify any administrative errors made by the Board of Examiners or by the Office of the Attorney General in the treatment of her application in regards to Competition 06-44-04.

Accordingly, no further action is contemplated regarding this complaint and our file is being closed.

..."

15. The Complainant will say that: in 2007, 2 more competitions were advertised; the persons inside and outside of GNB involved in the harassment of the Complainant interfered again and the Complainant was not hired; and the Ombudsman did a review and directed GNB to hire the Complainant.
16. The Complainant has not provided information regarding what these competitions were nor did she provide information from the Ombudsman stating the Complainant should be hired.
17. The Complainant will further say that the Respondents discriminated against her on the basis of a perceived mental disability with respect to her applications for employment as a Lawyer III in the following PNB [GNB] employment competitions:

<b>COMPETITION</b>		<b>DATE APPLIED</b>
a. # 08-44-04	Crown Prosecutor, Miramichi	May 2008
b. # 09-45-10	Specialized Prosecution Branch, JAG	May 2009
c. # 10-44-02	Litigation Group, JAG	May 2010
d. # 10-44-03	Administrative Law Group, JAG	May 2010

18. The Complainant will say that: she has won all of the above competitions based on merit and was to be hired in each of them; GNB has caused severe harassment of the Complainant on a consistent basis since 2006 as a result of taking in information from biased and unqualified persons outside the screening committees of the various competitions and outside of GNB that the Complainant has mental health issues based on their perceptions by giving ordinary actions and occurrences a negative meaning to suit their purposes; this information is prohibited by the *Civil Service Act* (CSA) from being considered at all and is prohibited by the *Human Rights Act (the Act)* as being discriminatory.
19. The Complainant will say that: with respect to the Crown Prosecutor competition (#08-44-04), GNB delayed the competition and took in information directly or indirectly from biased and unqualified persons involved in the harassment of the Complainant; and the information suggested the Complainant had mental health issues and she was not hired.
20. An email dated December 16, 2008 from Bowes to the Complainant is written in part:

"..."

This is in response to your inquiry received by e-mail on December 1, 2008, and to advise you of the reasons why you were not chosen as the successful candidate in this competition.

All candidates interviewed within this competition were equally assessed by the

Board of Examiners through the use of the following modules:

- A. Professional Knowledge
- B. Communication Skills
- C. Professional Status & Organizational Skills
- D. Analytical Thinking
- E. Commitment to Learning
- F. Self Control

During the interview, each candidate was asked questions in each module, thereby enabling the Qualifications Appraisal Board to determine their suitability for the position to be filled. You answered some of the questions quite well and demonstrated some of the skills requires such as good Professional Status & Organizational Skills and Self Control. A few of your responses, however, did not provide sufficient detail or examples to demonstrate the skill level required.

As well, prior to your interview, you were given both written and verbal instructions on the Behavioural Event Interview process. It was clearly noted that all responses should be true and specific events in your recent past where you had to demonstrate a competency. Unfortunately, the majority of your examples did not take place in the recent past. For the reasons, the Board was unable to give further consideration to your application.

I hope that the above information has provided you with some feedback to answer your inquiry. However, in cases where inquiries are not answered to the satisfaction of the candidates, they may lodge a formal complaint, in writing, to the Office of the Ombudsman...

I would like to add that although we were unable to offer you this position, we enjoyed meeting with you to discuss your qualifications and we sincerely appreciate your interest in the Office of the Attorney General.

..."

21. The Complainant will say that with respect to the Crown Prosecutor competition (#08-44-04, the Complainant requested a review by the Ombudsman.
22. A letter dated March 10, 2009 to LeBlanc from Gilliland is written in part:

"...

Complaint under the *Civil Service Act*, Section 33  
By Ms. Mary Ellen Rose  
Competition Number 08-44-04

...

As results of the investigation, the Office of the Ombudsman has concluded that there is no evidence to support the complainant's allegation that this competition did not respect merit as required by subsection 6(1) of the ***Civil Service Act***.

Ms. Rose has been informed that on having reviewed materials she submitted, as well as having reviewed legislation and documents relevant to this competition the Office of the Ombudsman did not identify any administrative errors made by the Board of Examiners or by the Office of the Attorney General in the treatment

of her application in regards to Competition 08-44-04.

Accordingly, no further action is contemplated regarding this complaint and our file is being closed.

..."

23. The Complainant will say that: immediately subsequent to the Ombudsman's review, a competition was posted for the Specialized Prosecution Branch (#09-45-10) and the Complainant applied; GNB continued to take in the negative information relating to the Complainant's perceived mental disability; a person outside of GNB indicated the Complainant had mental health issues as the Complainant had acted strangely in looking at a postman; within 3 hours of this event, GNB sent the Complainant a letter saying the position was filled; the position was not filled; the Complainant had been on her way to return a letter at the post office when she saw the postman and turned to take it to him instead; the postman crossed the street and the light changed; and the Complainant turned and continued to the post office.
24. The Complainant will say that: the information taken in by former AGs Michael Murphy and Kelly Lamrock was not corrected and the Complainant requested a review by the Ombudsman; the Ombudsman was a former interim Leader of the Liberal party and likely sat with a person or persons involved in the situation; the Ombudsman would not declare a conflict despite the Complainant's insistence that the Ombudsman clearly had a conflict and the Ombudsman would not allow the review to be conducted by an unbiased independent properly qualified person; as a result of the Ombudsman's review, and the actions of his Office, it went out to the community that the Complainant was not receiving the position because the Complainant had mental health issues; and the Ombudsman sent the Complainant a reporting letter in which the Ombudsman lied when he said there were no outside influences and the Ombudsman made fun of her as having mental health issues for objecting to GNB taking in information from biased unqualified persons.
25. The Respondents will say that with respect to competition #09-45-10, the Office of the Ombudsman has confirmed that the position was filled in accordance with the applicable legislation, policy and procedures, however no closing letter was sent to the Complainant.
26. The Complainant will say that: in March 2010 she filed a complaint to the Premier and the Legislative Assembly with respect to the Ombudsman's conduct of the Specialized Prosecution Branch competition; the Ombudsman was required to resign; the Premier never gave the complaint to the Legislative Assembly; the Premier did not appoint the Complainant; the Premier did not put in place a review by an independent unbiased qualified person as the Ombudsman's review was completely invalid as a result of his conduct and the government cannot review its own actions; the Premier then had GNB advertise competitions for the Lawyer III position in the Litigation (# 10-44-02) and Administrative Law Group (# 10-44-03); and the Complainant applied.
27. The Complainant will say that: on July 26, 2010, she was interviewed for the employment competitions # 10-44-02 [Litigation Group] and # 10-44-03 [Administrative Law Group].



28. The Complainant will say that: Bowes was the Human Resources Advisor for the following employment competitions: Crown Prosecutor (# 08-44-04), Specialized Prosecution Branch (# 09-45-10), Litigation Group (# 10-44-02) and Administrative Law Group # 10-44-03; Bowes was one of the people responsible for ensuring that the Act and the CSA were complied with; Bowes did not fulfill that responsibility; and Bowes was removed from her position as Human Resources Advisor as a result of what occurred in the competitions.
29. The information obtained indicates that Bowes was given the position of Manager at the Public Prosecutions Branch, JAG.
30. The Complainant will say that: on December 23, 2010 Minister Higgs called a phone number that was not the number provided on her application; the Complainant did not connect with the call; the Complainant returned the call however did not get a call back; the record of the Cabinet meeting would show that the Complainant was appointed on that date and that Minister Higgs was calling to make an offer of hire to the Complainant; and the persons involved in the harassment of the Complainant continued to harass her by providing information to GNB that the Complainant has mental health issues.
31. The Respondents will say that: with respect to competitions #10-44-02 and #10-44-03, the Complainant was notified by letter dated May 18, 2011 that she was not the successful candidate; and the selection committee determined that the Complainant did not qualify for either of the positions being advertised.
32. A letter dated May 18, 2011 to the Complainant from JAG Human Resource Advisor Julie Comeau (Comeau) is written in part:

“ ...

Re: Competition #10-44-03

...

This is to advise that the recruitment process for the above-noted inventory competition is now complete and that you were not a successful candidate.

We would like to thank you for your interest and participation in this competition, and wish you success in your future endeavors.

... ”
33. The Complainant will say that: on May 25, 2011, she was advised that a position was filled; the Complainant understands however that the position was in fact not filled; and the Complainant had won the competition based on merit and was appointed in December 2010.
34. Less than four hours later, also on March 23, 2012, the Complainant called the Commission again and spoke with Bertrand. Bertrand's notes in the HRCTS indicate that: the Complainant then asked for a complaint kit but would not provide details as to her complaint; Bertrand asked her whether the event/incident occurred in the last 12 months, the Commission's time limit; and the Complainant indicated that some were and some were not and so she wanted to discuss possibility of TLE with a Human Rights

Officer; and the Complainant already had a copy of the Guideline for TLE request.

35. On March 27, 2012, the Commission's Legal Counsel, Sarina McKinnon (McKinnon), spoke to the Complainant. McKinnon's notes in the HRCTS indicates in part, that:
- a. the call lasted 2.5 hours;
  - b. the Complainant will say that:
    - It is a long and complicated matter and that it must be important as McKinnon was calling her;
    - she heard Dickinson talk to the media and noted that the Commission offers mediation services and she would like that;
    - her issue is simple or the remedy is, she just wants to work; she has been successful in winning government applications for employment, but then outside, harassing forces interfere and she loses the positions;
    - outside harassing forces say that she is immature because she is not married and does not have children, they accused her of living at home with her mother and she believes all of this is marital status discrimination under the *Act* and that this is discrimination;
    - because of all of this harassment and outside influence, people have been disciplined and removed from their positions both in the private sector and government;
    - since 2009 or 2006, these harassing people have alluded to the fact that she has mental health issues and all of the actions violate the *Act* and the *CSA*;
    - these outside people follow her and report to GNB actions that they say are strange when they are not- she believes all of this is silly but is preventing her from working as a lawyer for GNB;
    - the most recent incidents occurred in July 2010 and then May 2011 when she applied for the position of a lawyer III with Justice in the Admin Law and Employment Law Branch and the Litigation branch; the Complainant was interviewed on July 26, 2010 and she understands, based on objective information that she was successful and was an A candidate and should have gotten the job, but the outside forces gave information to the government that she has mental health issues and then in around May 20, 2011 she got a letter saying she was not the successful candidate and the position was not filled;
    - she went to the Premier and asked for it to be reviewed by an independent investigator and the government has refused this and it was to be reviewed by the Ombudsman;
    - she excelled at the interview and it was her understanding that she was to be hired but the community people- outside people are harassing her by giving misinformation to the government that she is immature and/or mentally ill;
    - she won the interview on the merits and then this covert harassment kicks in and then she does not get the positions and this is serious harassment and a serious situation and it is being done by people in high positions of authority;
    - on January 25, 2012 she sent an email to Premier Alward and from this people were disciplined- community people, government people, bus drivers, police officers, etc.;
    - she was to be appointed in May 2011 but this was rescinded because people said she had mental health issues and she does not;

- the Complainant then proceeded to tell McKinnon some background information [which is set out in the Complainant's complaint, rebuttal and the TLE report];
  - there are thousands of pages regarding her harassment and that she has been treated differently than any other candidates or any other applicant ever;
  - she has a strong case and she will never be able to practice law because of this harassment if it does not stop; she has experienced real harm, and she did not file with the Commission because she wanted the government to fix it;
  - 2010 for the interview it was different- before it was always in the Centennial building but this time, it was at the Justice building and she believes they did this so that she would have to be searched and this would upset her because they think she has mental health issues, but because she does not, this did not bother her and she did an excellent job in the interview;
  - the day of the interview, she had to come up by bus, no car, and the bus station moved and she had no trouble finding her way to the interview or to shop or to eat- she did her interview no problem, found her way back to the bus station in time, even though the interview may have caused her to be late and she made it back to Saint John and then took the bus back home and the bus driver (one of the harassers) said she looked confused and provided this information to GNB and she did not get the job- this bus driver was disciplined for this; and she was cleared by the Police and was told she was to be hired but then the government changed and they cancelled the position- or so they say;
  - as soon as the government changed, the harassers took steps to lobby the government not to hire her;
  - in December 22, 2010, the Complainant was appointed by Alward and the Human Resources person [Higgs] from GNB called the Complainant but she was not there and they said that she was but that she would not answer her mother's phone and that because she did not she must have mental health issues and when she called them back- she could not reach them and then they never tried again because they believed she had mental health issues; and
  - in May 2011, the Complainant was advised she did not get the position and Premier Alward has refused to meet with her.
- c. McKinnon explained the process to the Complainant:
- the Commission does represent the Complainant or the Respondent;
  - once the Commission received her complaint form and her request for a TLE, it would be reviewed;
  - If there were problems with her complaint form, it would be sent back to her to make revisions;
  - the Complainant asked McKinnon who she should file against and McKinnon advised the Complainant she could not advise her of that;
  - once the Commission had her complaint form and TLE request, the Respondents would be contacted and they would be provided with a copy of her complaint form and her TLE request; the Respondents would be advised of the Commission's mediation process; the Commission's mediation program is voluntary; and the Commission can not force parties to participate;

- the response to the complaint and the TLE are sent to the Complainant to rebut and then a TLE report is prepared which contains an analysis of the information under each part of the 4 part test with a recommendation to the Commission members to either grant or not grant the TLE; the TLE would not affect the portions of her complaint that are not out of time;
- McKinnon advised the Complainant she needed to pass all 4 parts of the test [TLE extension request]:
  - strong arguable case - determined based on what the Complainant and Respondent and therefore, the Complainant needs to be clear in her complaint form, her TLE request and her rebuttal.
  - is identifiable remedy - most people pass this part- but that she needed to identify a remedy- such as employment, GD, etc.
  - bona fide reason for not filing- important part of the test; the Complainant stated she was working with them to remedy it and was lead along thinking it would be fixed but never was, went review route with them;
  - the Respondent will not be unduly prejudiced by the extension - the Complainant said they caused the delay.
- the TLE Report is then sent to the parties and it contains a recommendation - and the Commission members may go with it or not;
- once the complaint is in investigation, the officer would complete the investigation and once completed, a report is written which may contain one of 2 recommendations [to dismiss her complaint/ not to dismiss]; only a Board of Inquiry may make a finding of discrimination, not the Commission;
- there are 3 parties at the Board of Inquiry- the Complainant, the Respondents, and the Commission [representing the public interest];
- the Complainant was working on her complaint form and TLE request but was not sure it was fine so McKinnon advised her that if the Complainant had questions, she could contact McKinnon; the Complainant also asked if she could send McKinnon the complaint form beforehand for McKinnon to review and McKinnon said yes, but that it would not be advice, it would be to ensure that it is filed or completed properly and that even though McKinnon may say that it is fine to proceed, it does not mean McKinnon has pre-determined the merits or that it may not be dismissed at a later date- she said she understood, but appreciates McKinnon's willingness to review it; and
- the Complainant thanked McKinnon for her time and patience in listening to her and said she was glad that she was able to talk to someone with McKinnon's expertise, knowledge and experience.

36. On April 2, 2012, the Complainant sent McKinnon an email containing the Complainant's draft complaint form.

37. In an email dated April 5, 2012 from McKinnon to the Complainant, McKinnon wrote in part:

As per our discussion, I am unable to provide legal advice or direction to you. However, I did agree to review your submission, not to provide legal advice, but in an attempt to ensure that you will be able to file your complaint with the Commission and not require revisions once it is reviewed by our staff. I must stress that just because I have reviewed your submission and provided comments on the same, it does not mean that I have pre-determined the matter or that your complaint will not be dismissed by the Commission at any stage of

the process. I have reviewed it to ensure that there is sufficient information to move the complaint into the Commission's complaint notification stage of its process. Once again, this does not mean that your complaint will not be dismissed by the Commission as there are two sides to every story and the Commission has not yet received the Respondents' response to your allegations.

Taking the above into account, below you will find my comments with regard to your proposed complaint.

..

Part of your complaint is about marital status (MS) discrimination but it ends at one point in time (2008) and then the rest is about perceived mental disability. If the alleged MS discrimination ended at some point (2008), that is when the 1 year time limit kicks in for MS discrimination as MD discrimination is a separate ground. If you believe that the government stopped discriminating against you on MS prior to 1 year from the date you will file your complaint, you will need to apply for a TLE request- which is a separate submission from your complaint form.

..."

38. On April 5, 2012, McKinnon spoke to the Complainant. McKinnon's notes in the HRCTS indicates in part, that: the Complainant called inquiring whether McKinnon had reviewed her complaint form; McKinnon stated she had and had emailed the Complainant; McKinnon said that the Complainant's marital status complaint is filed out of time- stopped in 2008; the Complainant said that it is the same people but that they changed to mental disability harassment; McKinnon stated that really didn't matter- that each ground is separate and therefore if she wants the marital status allegation dealt with, the Complainant would need to file a TLE request- which is separate from the complaint form; the Complainant then asked about the mental disability component and McKinnon stated that the Complainant is alleging that it was a continuous contravention so that the Respondents might raise it (that it is not) and if so, she would have to file a TLE request but that anything filed within the 1 year would not be impacted re time for filing; and McKinnon went over each page of the complaint kit with the Complainant.
39. The Complainant filed her complaint with the Commission on April 20, 2012.
40. On May 10, 2012, this file was assigned to Manager of Investigations Jennifer LeBlanc (J.LeBlanc) to complete the TLE report.
41. An email dated June 22, 2012 from the Complainant indicates in part that: as GNB was not resolving her matter at that time by hiring her as a Lawyer III then it was necessary that she continue with her human rights complaint; she had advised the Clerk of the Legislative Assembly of this subsequent to receiving Peters' letter dated April 26, 2012; she had requested that they advise the Commission; she continued to feel the Commission had a conflict; she had repeatedly requested that the premier advise her and the Commission which unbiased Human Rights Commission would hear the matter; McKinnon improperly exchanged information with GNB; as a result of an email from the Complainant, the Premier has dealt with the incorrect information that went out into the community; as a result, the Lawyer III position was put on track to be given to the Complainant; she was waiting for notification of her appointment; and if necessary, she would make a complaint to the Law Society against McKinnon if the Commission intends

to proceed in the face of a conflict.

42. On July 13, 2012, the Respondents were advised of the Complainant's complaint.
43. On August 13, 2012, the Respondents filed their response to the complaint and the TLE request with the Commission. The response was sent to the Complainant for rebuttal.
44. On August 29, 2012 J. LeBlanc advised the Respondents Legal Counsel Andrea Folster (Folster) that: the Respondents didn't set out in their response, the 4-part test the Commission considers in TLE requests and requested that the Respondents do so; J. LeBlanc would be preparing a TLE Report that has both parties' positions in it along with an analysis and recommendation for the Commission; and the TLE report will be sent to the parties for a response when it is prepared, prior to it being heard at a Commission meeting.
45. In an email dated September 9, 2012 the Complainant complained to Premier Alward. The email indicates that the Complainant believes, in part, that:
  - a. GNB changed the *Act* where the Commission can appoint a Board of Inquiry as opposed to making the request to the Minister of DPETL after the Complainant complained the Commission had a conflict;
  - b. the Respondents' response is misleading, inaccurate, unfair and incomplete;
  - c. Bowes was aware or ought reasonably to have been aware that GNB was taking in information from persons involved in the harassment of the Complainant and that it delayed the competition until GNB had enough information so as not to hire the Complainant;
  - d. the Ombudsman was removed from office or required to resign as a result of his violation of his oath of office and violation of his mandate when conducting his reviews of the Complainant's complaints Folster has misled the Commission by not revealing this;
  - e. Folster also misled the Commission when she did not state that the Ombudsman lied in his reporting letter when the Ombudsman indicated there were no outside influences involved in any of the competitions reviewed;
  - f. Folster does not advise the Commission that biased bullies have been following the Complainant since 2006 and have made reports to GNB that GNB has continuously taken in such information;
  - g. the bullies are still making allegations;
  - h. GNB and Premier Alward are aware that many persons, including provincial government employees, bus drivers, police officers, firefighters, and others have engaged in harassing the Complainant;
  - i. many of the people making the negative allegations are trying to help friends or others associated with them who have been disciplined or lost their jobs and stand to get their jobs back or avoid other consequences if the Complainant can be discredited and stopped from being hired;
  - j. Folster does not advise the Commission that many of the biased bullies do not even know the Complainant and have never had a conversation with the Complainant;
  - k. the Complainant has been watched day and night on almost a daily basis since 2008;
  - l. Minister Higgs was required to announce his resignation as a result of taking in information from the biased bullies; although he was later not required to announce his resignation;

- m. GNB has developed animosity towards the Complainant as a result of the way it handled prior competitions and the wrongdoing of some government personnel that has resulted in government employees and officials being disciplined and/or removed from their positions;
  - n. Folster did not advise the Commission of all of the government employees including Cabinet Ministers, Deputy Ministers or Minister, senior management level employees etc., or other persons who lost their position or were disciplined as a result of their behaviour in competitions;
  - o. Folster did not admit or tell the Commission [what the Complainant has basically already set out in her complaint form] and as a result Folster has not complied with her ethical obligations under the Professional Code of Conduct;
  - p. the Premier is aware of should be aware that saying the Complainant did not qualify for either competition 10-44-02 or 10-44-03, is completely false;
  - q. if the selection committee improperly recorded answers or did not write down answers or has altered its file and is trying to use its own unethical behavior to prevent a proper review by an unbiased human rights commission from outside the province would be very wrong;
  - r. the Complainant was an "A" candidate; and
  - s. the envelope from the Commission containing Folster's response to the complaint was delivered by the postman to the wrong address; it was delivered next door to the house of a person involved in the bullying who was put off work in August 2010 for 2 weeks as a result of her part in the bullying at that time; this was just a few days after the interview the Complainant had with Folster and the rest of the selection committee for competitions #10-44-02 and #10-44-03; that lady may have lost her job entirely as a result of further subsequent participation in the bullying; that lady brought the delivery notice to the Complainant and it had the Complainant's correct contact information on it; the lady stated the postman tried to deliver it but there was no one home; the Premier and the Clerk of the Legislative Assembly are aware that the postman is involved with that lady and her husband and others in the bullying of the Complainant; the Premier is aware that negative allegations were likely made by the bullies to the effect that the Complainant had mental health issues because the Complainant did not answer her door or something else negative to achieve the bullies' purpose as a result of that delivery notice being delivered to the wrong address by the postman.
46. The Complainant will say that: after she made the September 9, 2012 complaint to Premier Alward, Premier Alward removed the Minister and Deputy Minister of DPETL from their positions; Minister Higgs was removed as Minister of the Office of Human Resources; MLA Jim Parrott (MLA Parrott) was ousted from the Progressive Conservatives and now sits as an Independent MLA; MLA Parrott was directly or indirectly providing information to GNB from persons involved in the Complainant's harassment to the effect the Complainant should not be hired as she had mental health issues based on information she understands that he received from biased bullies who the Complainant understands wants their jobs back or assist other who have lost their jobs or have other biased reasons for their actions; and MLA Parrott has never met the Complainant.
47. On September 11, 2012, the Complainant filed her rebuttal with the Commission.
48. On October 25, 2012, the Respondents filed their additional response to the TLE request.

49. On October 30, 2012, the additional response to the TLE was sent to the Complainant for further rebuttal.
50. The Complainant will say that: up the present date, the bullies have provided information to GNB attempting to suggest the Complainant has mental health issues based on ridiculous information that no expert psychologist in workplace harassment and bullying would ever accept as evidence of mental health issues.
51. On November 20, 2012, the Complainant filed her additional rebuttal to the additional response to the TLE request.
52. In her complaint, the Complainant alleges the marital status discrimination started in January 2006 and the mental disability discrimination started in May 2008. Each of the 6 competitions applied for would be viewed as individual allegations and therefore each allegation would need to fall within the one year time limit as prescribed by the *Act*.
53. With respect to each allegation, the information appears to indicate that:

COMPETITION	GROUND	DATE APPLIED	DATE LEARNED NOT SUCCESSFUL	DATE SHOULD HAVE FILED HR COMPLAINT
# 06-GNB-01	Marital status	February 2006	Unknown	February 2007
# 06-44-04	Marital status	November 2006	Unknown; however Ombudsman letter dated June 11, 2007 regarding her appeal (done after she had found out she was not successful).	In or around November 2007 or at the latest June 11, 2008
# 08-44-04	Mental Disability	May 2008	December 16, 2008	December 16, 2009
# 09-45-10	Mental Disability	May 2009	unknown	May 2010
# 10-44-02	Mental Disability	May 2010	May 18, 2011	May 18, 2012
# 10-44-03	Mental Disability	May 2010	May 18, 2011	May 18, 2012

54. As the Complainant did not file her Complaint with the Commission until April 20, 2012, a portion of her complaint has been filed outside of the one year time limit, namely the following four competitions:



# 06-GNB-01  
 # 06-44-04  
 # 08-44-04  
 # 09-45-10

55. The Complainant learned she was not the successful candidate for competitions # 10-44-02 and #10-44-03 on May 11, 2011, which means that she filed her April 20, 2012 complaint in time and therefore they will not be considered any further in this TLE Report. Rather, it is recommended that the Commission consider those allegations as part of its regular complaint process by continuing with the investigation with respect to those 2 allegations alone.

**ISSUE: Do the circumstances warrant the Commission granting a time limit extension for complaint initiation?**

56. As noted above, some aspects of the Complaint have been filed outside of the one year time limit prescribed by the *Act*. The Complainant has filed a time limit extension request with the Commission.
57. In accordance with paragraph 18(2) of the *Act*, the Commission may extend the period of time for initiating a complaint when "circumstances so warrant". In accordance with the Commission's guideline an extension is deemed warranted when all of the following four criteria are met:
- a) there must be a strong arguable case, both in fact and law;
  - b) there is evidence of substantial loss or damage to the complainant and a clearly identifiable remedy;
  - c) the complainant had a *bona fide* reason, as determined by the Commission, for not filing the complaint within the one year time limit; and
  - d) the respondent cannot be unduly prejudiced by the extension.

**a) Is there a strong arguable case, both in fact and law?**

58. The Complainant will say that: further harassment has continued to occur; she has not yet been notified that she is being hired; and she does not have a mental disability.
59. The Respondents will say that: they deny any specific knowledge of a mental disability or a perceived mental disability but in any case, the Complainant's candidacy for all competitions was considered; the Complainant was not the successful candidate and the positions were awarded to other candidates on the basis of merit; and the process having been reviewed and upheld by a third party, i.e. the Ombudsman, there would not be a strong case in fact or law at this point.

**Analysis:**

60. The Complainant will say that: mental disability, real or perceived, is not a ground on which an employer can refuse to hire; section 4(4) of the *Act* prohibits any inquiry as to

mental disability, direct or indirect; the *Act* prohibits the types of information that GNB has taken in and based on in their decision not to hire the Complainant; the Complainant does not have a mental disability; GNB has taken in information contrary to the *Act* from biased persons that GNB knows are not psychologists and are completely unqualified to interpret actions or form any opinion as to mental health issues or mental disability based on what they observe.

61. The Complainant will further say that: she has won all competitions since at least 2008 based on merit based on the oral interview and references; and the time to assess work performance is during the probationary period as it would be for all other applicants.
62. The Complainant will say that: she was discriminated against on the basis of perceived mental disability by Premier Alward, the AG, the Minister of DHR and the Deputy Minister of DHR with respect to their failure to order that the specialized prosecutions branch competition (#09-45-10) be reviewed by an independent unbiased qualified person from outside of PNB as required by the CSA as the Ombudsman's review was completely invalid; this request has been repeatedly made of Premier Alward and as of March 13, 2012, this request was made in writing to the Deputy Minister of DHR; and this request was also made to the AG.
63. The Respondents will say that: for all but competitions #10-44-02 and #10-44-03, the Complainant sought redress with the ombudsman based on the same or very similar allegations; the claims were dismissed; this complaint should be dismissed as being without merit, having already been determined; or in the alternative as being filed outside of the time limitation and absent circumstances warranting an exercise of the Commission's discretion.
64. The Complainant will say that: all information GNB has taken in from any source must be revealed to the Complainant and if it pertains to the Complainant's mental health, an unbiased decision maker would need to require that all biased information be removed as well as the removal of any improper information and any negative information of persons without the proper professional certification interpreting behavior as meaning the Complainant has mental health issues.
65. The information provided appears to indicate that with respect to competitions #06-GNB-01, # 06-44-04, # 08-44-04, and # 09-45-10:
  - i. the Complainant does not have a mental disability;
  - ii. the Respondent will say they do not perceive the Complainant to have a mental disability;
  - iii. information has not been provided to show whether the Complainant was successful or not in any of the alleged competitions;
  - iv. the June 11, 2007 letter indicating the Complainant was an "A" candidate was not provided;
  - v. the Complainant was considered for all competitions;
  - vi. the Complainant sought review by the Ombudsman for several competitions and the Ombudsman determined that the CSA was followed during the competitions;
  - vii. the alleged harassers have not been identified;
  - viii. it is unclear what information the Respondent is alleged to have relied on;
  - ix. the Complainant has not set out what mental health issues she is perceived by the Respondent to have;

- x. the Complainant has not set out what information has allegedly been given to the Respondents, nor has she set out who allegedly gave them the information; nor has she set out how the Respondents have allegedly taken this information and used in a competition to not hire the Complainant; and
- xi. the Complainant has not provided information as to how she is aware that the Respondents have taken in "information from biased and unqualified" persons that was used against her to not hire her other than the Complainant believes she was the successful candidate only to learn she was not.

**Recommendation:**

66. Based on the above, it is recommended that the Commission finds that the Complainant has not passed this part of the four part test with regard to her allegations marital status and [perceived] mental disability discrimination as she has failed to set out a strong arguable case in both fact and law with regard to her allegations of discrimination (regarding competitions #06-GNB-01, # 06-44-04, # 08-44-04, and # 09-45-10) against the Respondents.

**b) Is there evidence of substantial loss or damage to the Complainant and a clearly identifiable remedy?**

67. The Complainant will say that she will never practice law again unless GNB corrects the situation and hires her; and as a result of not being hired she has lost: pension accrual, vacation time, lifestyle the professional position would provide, cost of attending interviews and other lost benefits.
68. The Respondents will say that: the Complainant's candidacy for all competitions was considered; and the Office of the Ombudsman did not identify any administrative errors made by the Board of Examiners or by the Office of the Attorney General in the treatment of her application.
69. The Complainant will say that: the Complainant lost employment income since September 2004; the Complainant has suffered emotional pain and suffering as a result of the harassment caused by GNB by taking in discriminatory information from the bullies as to perceived mental health issues which has caused them to harass the Complainant; since 2008 GNB has repeatedly caused it to go out to the community that the Complainant is not being hired because she has mental health issues based on improper and incorrect information from the biased and unqualified persons involved in the harassment.
70. The Complainant will further say that she has been prevented from practicing law for several years as a result of the Respondents' actions despite the excellent oral references provided to GNB.
71. The Complainant will say that the identifiable remedy is that the Commission can require GNB to hire the Complainant as a Lawyer III and put the Complainant in the position that she would have been in had the discrimination not occurred and had she been hired when she won the competitions based on merit.
72. The information appears to indicate that with respect to competitions #06-GNB-01, # 06-

44-04, # 08-44-04, and # 09-45-10:

- i. the Complainant has applied for numerous competitions with GNB in an attempt to gain employment;
- ii. the Complainant was considered for all competitions;
- iii. the Complainant was unsuccessful in each of the competitions she applied for;
- iv. the Complainant sought review by the Ombudsman for several competitions and the Ombudsman determined that the CSA was followed during those competitions;
- v. the Complainant can continue to apply for competitions with GNB; and
- vi. based on the information provided it is not evident that the Complainant should have been awarded any of the competitions she applied for.

73. Based on all of the above, there does not appear to be evidence of substantial loss to the Complainant or an identifiable remedy. As a result, it is recommended that the Commission finds that the Complainant has failed this part of the four part test used to determine whether the circumstances warrant that the Commission grant a time limit extension for complaint initiation.

**c) Did the Complainant have bona fide reasons for not filing within the one year time limit?**

74. The Complainant will say that the time limit should be extended to cover all the circumstances set out in her complaint that are outside the one year time limit, or at least, those going back to May 2008 as there has been a continuous breach of the Act since that date based on discrimination based on a perceived mental disability.
75. The Respondents will say that the Complainant has essentially provided no reason for filing the complaint outside of the one year time limit.
76. To meet this part of the test, the guideline dictates that the justification provided must be one that demonstrates that the Complainant had a *bona fide* reason, as determined by the Commission, for not filing within the one year time limit. The guideline reads as follows:

**2.1.2 "Bona fide reason, as determined by the Commission", includes, but is not limited to:**

- i. mental or physical disability, supported by specific medical documentation from the complainant's health care provider (physician, psychiatrist, psychologist, etc.) indicating the complainant's inability to file within the timeline was directly due to a physical or mental disability;
- ii. the exercise of a statutory or other applicable appeal or review right in a timely and appropriate fashion, such as:
  - a. an internal complaint with the respondent employer, respondent service provider, etc.;
  - b. a grievance procedure;
  - c. an appeal in the courts; or
  - d. an appeal of a WorkSafeNB decision.
- iii. the complainant was involved in active settlement discussions

- with the respondent(s) within 30 calendar days from the date of filing, which settlement discussions failed to result in a resolution to the matter;
- iv. the complainant's lawyer missed the specified time line to file the complaint although being instructed by the complainant to file the complaint; or
- v. any other justified reason as determined by the Commission.

**Analysis:**

77. The Complainant will say that GNB is aware that the Complainant has won many competitions based on merit that she has participated in since January 2006 and it has not stopped the human rights violations or hired her.
78. The Complainant will say that: she has no mental disability; she has no choice but to file her human rights complaint now to preserve the one year time limit in respect to the administrative law (#10-44-03) and litigation (#10-44-02) competitions; the Complainant respectfully requests that the Commission extend the time limit to include claims and all information in the Complaint back to July 2006 or at least back to May 2008 as there has been a continuous breach of the Act since May of 2008 with respect to perceived mental disability.
79. The Respondent will say that: the Complainant was considered for each competition; she was not the successful candidate in those competitions; the Complainant has not provided a reason why she filed her complaint outside of the one year time limit; and they are not aware, nor do they perceive the Complainant has a mental disability.
80. The Complainant contacted the Commission on January 12, 2005; the Complainant was alleging marital status discrimination based on competitions she had applied for and comments that were allegedly made regarding her marital status over allegations that occurred between 2002-2004; the Complainant was concerned about the time limit issue at that time; a complaint kit and TLE information was sent to the Complainant however she did not file a complaint at that time.
81. The information provided appears to indicate that with respect to competitions #06-GNB-01, # 06-44-04, # 08-44-04, and # 09-45-10:
  - i. the Complainant was aware, at least since January 2005 of the Commission's one year time limit for complaint initiation;
  - ii. the Complainant does not have a mental disability;
  - iii. the Complainant last went to the Ombudsman for review of a competition process for competition #09-45-10 (applied May 2009); and
  - iv. the Complainant has not provided any other information to support that she had bona fide reasons for not filing her complaint within the one year time limit.
82. Based on the above, it is recommended that the Commission finds that the Complainant did not have a *bona fide* reason for not filing her Complaint within the one year time limit and therefore has not passed this part of the four part test.

**d) Will the Respondents be unduly prejudiced if the Commission grants a time limit extension for complaint initiation?**

83. The Complainant will say that she has tried to exercise all statutory or other applicable internal complaints, appeal or review rights under the CSA in a timely and appropriate fashion and they have not yet been completed as a result of GNB's actions.
84. The Respondent will say that: it is their position that the Commission has enough information to satisfy itself that this complaint ought to be dismissed; in the alternative, the Commission is invited to examine records regarding these competitions as perhaps the most expedient means to the end of dismissing the complaint for lack of merit.

**Analysis:**

85. The Complainant will say that: if GNB is able to ignore and particularly if it wilfully ignores the Human Rights legislation and refuses to allow independent unbiased reviews that are legislated to safeguard human rights or to ensure that they are properly carried out in accordance with the mandate of the office and the oath of office than an officer of the government takes, it strikes at the very essence of human rights and other essential rights that must be protected in a free and democratic society.
86. The Complainant will say that: no one was appointed under any of the competitions from May 2008 to present in which the Complainant has been the applicant and GNB can make the appointment immediately in any of those positions; if appointments have been made, then the dates should be checked as it would likely be by late competitions; and the Respondents have caused delay by failing, despite repeated requests, to ensure that if they were not hiring, that proper independent unbiased reviews immediately proceeded as required by the CSA.
87. The information provided appears to indicate that:
  - i. the Complainant has applied to the Ombudsman for review of some of the competitions;
  - ii. the Respondents have indicated that there are records that exist relating to the alleged competitions; and
  - iii. the Respondents have not identified how the Respondents would be unduly prejudiced by allowing the time limit extension
88. Based on the above, it is recommended that the Commission finds that the Respondents, would not be unduly prejudiced if the Commission granted a time limit extension for complaint initiation.
89. Therefore, it is recommended that the Commission finds that the Complainant has passed this part of the four part test.

**RECOMMENDATION:**

90. Pursuant to subsection s. 18(2) of the New Brunswick *Human Rights Act (Act)* and the information contained in this Report, it is recommended that the New Brunswick Human Rights Commission (Commission) not extend the time for initiating the Complaint as the Complainant has failed to demonstrate that the circumstances warrant an extension.
91. Furthermore, it is recommended that the Commission consider this Report, the parties' submissions in response to this Report and legal advice from the Commission's Legal

Counsel, Seamus Cox, when determining whether the circumstances warrant the granting of a time limit extension for complaint initiation.

92. It is further recommended that the Commission continue its regular complaint process with respect to the allegations that are in time, namely completing the investigation of the Complainant's allegations involving the 2010 competitions, # 10-44-02 and # 10-44-03.

#### **DOCUMENTS REVIEWED:**

1. Letter from the Complainant to Commission Chairperson Randy Dickinson, dated April 17, 2012 and filed with the Commission on April 20, 2012;
  - a. Letter from the Complainant to Minister Marie-Claude Blais, dated April 11, 2012
  - b. Complaint Form dated April 17, 2012 and filed with the Commission on April 20, 2012;
  - c. Complainant's TLE Request dated April 7, 2012 and filed with the Commission April 20, 2012;
2. Letter from Commission Director Jill Peters to the Complainant, dated April 26, 2012;
3. Letter from Manager of Investigations Jennifer LeBlanc to the Complainant, dated June 14, 2012;
4. Response to the Complainant and TLE request, from the Respondents, dated August 13, 2012 and filed with the Commission August 13, 2012;
  - a. Letter from Human Resource Advisor Julie Comeau to the Complainant, dated May 18, 2011
5. Reply [Rebuttal] by the Complainant dated September 10, 2012, filed with the Commission on September 11, 2012;
6. Additional Response to the TLE request from the Respondents, dated October 25, 2012 and filed with the Commission October 25, 2012;
  - a. Letter from the Office of the Ombudsman's Steve Gilliland to Deputy Minister of OAG Yvon LeBlanc, dated June 11, 2007;
  - b. Email from Stephen Lesbireal to Justice Competitions, dated May 30, 2008;
  - c. Email from Hilda Ringuette to the Complainant dated, June 5, 2008;
  - d. Email from Christine O'Donnell to the Complainant, dated November 25, 2008;
  - e. Email from Martha Bowes to the Complainant, dated December 16, 2008;
  - f. Letter from the Office of the Ombudsman's Steve Gilliland to Deputy Minister of OAG Yvon LeBlanc, dated March 10, 2009;
  - g. Email dated September 9, 2012 from the Complainant to Premier David Alward;
7. Further Reply by the Complainant dated November 20, 2012 and filed with the Commission on November 20, 2012;

**STRICTLY CONFIDENTIAL  
PRIORITY COURIER**

February 6, 2013

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB E2J 2E5

Dear Ms. Rose:

Re: **MARY ELLEN ROSE v. PROVINCE OF NEW BRUNSWICK, DEPARTMENT OF JUSTICE, THE OFFICE OF THE ATTORNEY GENERAL, THE DEPARTMENT OF FINANCE, PREMIER ALWARD, ATTORNEY GENERAL - MARIE-CLAUDE BLAIS, MINISTER OF FINANCE - BLAINE HIGGS, THE DEPUTY MINISTER OF THE OFFICE OF HUMAN RESOURCES - DOUG HOLT AND THE MANAGER OF THE OFFICE OF THE ATTORNEY GENERAL - MARTHA BOWES**  
**Complaint alleging marital status and perceived mental disability discrimination respecting employment, pursuant to section 4 of the New Brunswick Human Rights Act**

Please find enclosed a copy of the Time Limit Extension Report. The Report has been sent to the Respondents and to you. If you believe the Report to be inaccurate or incomplete, you may send a written response by mailing or delivering it to the Manager of Investigations, Jennifer LeBlanc, Human Rights Commission, 200 Champlain Street, Suite 320, Dieppe, N.B. E1A 1P1, by faxing it to (506) 869-6608, or by email at [Jennifer.leblanc@gnb.ca](mailto:Jennifer.leblanc@gnb.ca).

Please note this is your only opportunity to respond to this Report and if you intend to respond, you must do so **on or before February 21, 2013**.

The Report will be considered at an upcoming meeting of the Human Rights Commission. Please note that in addition to the Report, the Commission members shall consider any and all additional written responses received from the parties. Further, the Commission members will have access, for their consideration, to all information collected to date.

Following the Commission meeting, written notification of the decision of the Commission members will be forwarded by letter to the parties.

Please contact me if you have any questions.

Yours truly,



Jennifer LeBlanc

Manager of Investigations

Human Rights Commission / Commission des droits de la personne

Enclosure

[www.gnb.ca](http://www.gnb.ca)





This is Exhibit "CC" to  
affidavit of Mary Ellen  
sworn this 15 day of  
April, 2013.

Comments of the Complainant Mary Ellen Rose March 7, 2013

Re: New Brunswick Human Rights Commission

Time Limit Extension Request Report

February 4, 2013

  
A Commissioner of Oaths

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES 8/31/13

1. The biased NB Human Rights Commission has recommended that the time limit not be extended for initiating the complaint as it states that the Complainant has not demonstrated that the circumstances warrant an extension. The rules of natural justice **require that any decision maker NOT have bias. The NB Human Rights Commission has a conflict of interest and cannot decide this matter.**

2. It is recommending that the Commission consider this Report, the parties submissions in response to this report and legal advice from the Commission's Legal Counsel Seamus Cox when determining if the circumstances warrant granting a time limit extension for complaint initiation. The NB Human Rights Commission states that it does not represent either party but represents the public interest in ensuring that the Human Rights Act is complied with. In light of its conflict of interest and the bias resulting therefrom it is not impartial and should have immediately upon receipt of the complaint arranged for an unbiased human rights commission from outside the province to handle it. The NB Human Rights Commission and the Cabinet Minister to whom it reports has an ethical obligation to declare the conflict of interest and refer the complaint to an unbiased commission as in light of the conflict the Commission cannot make any decision on the time limit extension or ANYTHING ELSE. When there is a conflict of interest a lawyer, a judge, the human rights commission, Danny Soucy as Minister of Post Secondary Education Training and Labour or anyone else or any other entity cannot act or take any step and simply **MUST** refer the matter to an unbiased person or entity.

3. The Commission also recommends that it continue its regular complaint process re the allegations that are in time namely involving the 2010 competitions # 10-44-02 and #10-44-03. As it appears the Commission has based its time limit extension request report on false information from the Respondent without requiring that they correct the information it appears any suggestion that the Commission continue its regular complaint process simply means that it will continue to find adversely towards this Complainant based on false information from the Respondents. This is extremely offensive when it is the province that has enacted the Human Rights Act and it is filing false information deliberately in order to avoid complying with it. This would appear to be extremely offensive and would appear to bring the administration of justice into disrepute and affect the entire credibility of the NB Human Rights Commission.

4. As a legal counsel to the commission Seamus Cox would be aware that there is a concern that Sarina McKinnon also a legal counsel with the Commission has acted unethically and it would appear to be in the Commission's interest that this Complaint not be heard publicly where cross-examination can take place as it should at that point be obvious even to the Commission staff that there is a conflict as Sarina McKinnon would be a potential witness and subject to cross examination as the Report is in part based on her evidence. It certainly appears that the Commission has not maintained impartiality. It would appear that Seamus Cox would be very unlikely to give legal advice against Sarina McKinnon his colleague. It would appear that it would also be in the interest of the Province of New Brunswick to whom the Human Rights Commission reports by reporting to Cabinet Minister Danny Soucy, Minister of the Department of Post Secondary Education, Training and Labour that there be no public scrutiny of this complaint in order to cover up the Responses containing deliberately false information that have been filed on the Respondent's behalf etc and to ensure that no public scrutiny of my human rights complaint takes place and that there is no public hearing at which cross-examination of the Respondents including the Premier

4/15/2013

would take place.

5. It appears ESSENTIAL in the interests of the administration of justice and fairness that an unbiased human rights commission handle the matter who would require that the Respondents correct the false information they have filed. For Sarina McKinnon to appear to suggest that the NB Human Rights Commission find that as the Respondents deny what I have indicated that it appears that my request should not be granted and the staff recommends the Commission deny the extension seems to show that the staff at the Human Rights Commission are either really bad at investigative techniques or that they are participating in relying deliberately on the false information in order to dismiss my complaint in the interest of the Province and the individual Respondents. This is extremely concerning when as a member of Cabinet Danny Soucy KNOWS or reasonably ought to know that the information I have provided is correct and that the Responses of the Respondents contain false information designed to get the result the Respondents want to obtain. The Premier and the other Respondents have an ethical obligation and have taken oaths of office and in the public interest should state the truth despite how it reflects on the Respondents at this point in light of their actions to this date. It would appear that the Department of Justice and the other Respondents are deliberately obstructing justice and bringing the administration of justice into disrepute.

6. There is a serious credibility issue as a result of the false information filed by Andrea Folster of the Department of Justice on behalf of all of the Respondents including the Province of New Brunswick, the Premier, Blaine Higgs, Attorney General Marie-Claude Blais and the other Respondents. The Human Rights Commission reports to the Province of New Brunswick and specifically to Cabinet Minister Danny Soucy of the Department of Post Secondary Education, Training and Labour. Other cabinet ministers, provincial government employees, municipal government employees, human rights commission employees such as Sarina McKinnon and others may have jobs or professional positions that are dependent on this Applicant being discredited and not hired and her human rights complaint dismissed without public scrutiny or public hearing in order for those persons to keep their jobs or professional positions or otherwise avoid the consequences of their involvement in the harassment of this Applicant or other wrongdoing in respect to how my private and confidential applications for employment in open competitions have been handled. Credibility issues CANNOT be determined by looking at the responses and simply it appears for the Commission staff to decide that they like the government the best as it certainly appears that is how they have made their recommendation.

7. It would appear that the Commission staff should either ensure that an unbiased Human Rights Commission from outside the province makes a court application to make the Respondents correct the false information in their Responses and properly admit all the information in my Complaint and other documents that is correct including in these Comments to the Time Limit Extension Request Report prepared by the staff of the Commission as would be required in any legal proceeding in the Court of Queen's Bench, or that the Commission should ensure that there is a public hearing of my complaint in its entirety with the time limit extension granted before an unbiased Human Rights Commission from outside the province. Cross-examination can then take place which will test the information the Respondents have provided and clearly show the false information contained in the Responses as false. Otherwise it would appear that the NB Human Rights Commission is a joke and all any employer would have to do to defeat an Applicant's Complaint is to deliberately file false information.

8. Perhaps an unbiased Commission would have better investigative techniques as well to ensure the false information was corrected and the persons who filed it dealt with as it would appear there is no excuse whatsoever for the false statements which would appear to be deliberately made to get the result that the Province of New Brunswick and the other Respondents want to obtain and which information of the Respondents it would appear that the NB Human Rights Commission knew or reasonably ought to have known was false before they prepared the Report as Danny Soucy would have an ethical obligation in the public interest to ensure the Commission did not rely on information he would know or reasonably ought to have known was false by virtue of his position as a cabinet Minister with the Province of New Brunswick.

9. For the Human Rights Commission to try to make decisions as to credibility based on written information without cross-examination is simply wrong particularly as the Cabinet Minister Danny Soucy knows or reasonably ought to know that the information the Respondents have filed is false.

10. It would also appear from the Report of the NB Human Rights Commission staff that if the government had told the truth and filed correct information as all Respondents and Andrea Folster are required to do as a result of their oaths of office and responsibility when filing formal documents within a legal proceeding, the NB Human Rights Commission staff would be recommending the extension to 2006 and would be admitting that an extension is not

necessary in respect to the alleged discrimination based on perceived mental disability as a result of the improper information the government took in from outside sources going back to and including May 2008 as there has been continuous discrimination on that ground since about May 2008 as a result of the government's conduct and each successive competition since that date was designed to remedy the government's conduct in taking in the improper information in the prior competition and failing to hire me based on merit.

11. Sarina McKinnon indicated that if there was a continuous contravention by the Respondents on perceived mental disability from the present date back to 2008 a time limit extension would not have to be granted by the Commission in order for the Complaint back to that date to be considered. See paragraph 38 on page 13 of the Commission Staffs' Report. It appears in the Responses containing false information that the Respondents have simply said no outside information was taken in and that there was no consideration by them of perceived mental disability which Cabinet Minister Danny Soucy knows or reasonably ought to know is false. The Premier and the Chief of Police also know that this is false. It appears that on false information deliberately filed by the Respondents that the Commission staff have decided that there is not a continuous contravention by the Respondents. Cross-examination at a public hearing or confirmation and provision of true information immediately by the Premier, one of the Respondents, should show that there has been a continuous contravention on that ground and this Complaint should proceed to a public hearing in respect to the competitions back to at least May of 2008.

12. Bruce Court who was a City Councillor in January 2012 until May 2012 when the Premier dealt with other employers including the City of Saint John (and who is one of my oral references) would I understand know that the Saint John City Council dealt with the discipline of some of its employees between January and March 2012 as a result of their participation in the harassment of this Applicant since at least the 2010 interviews I understand and their provision of improper information as to their perceptions of my mental health to the provincial government to affect my employment applications in the open competitions. If the Premier will not verify it, perhaps the staff of an unbiased Human Rights Commission from outside the province can through Bruce Court or other objective persons verify that the Respondents' Responses contain false information and that the Respondents have discriminated against this Complainant based on perceived mental disability based on totally inappropriate information from person's engaged in the harassment of this Applicant since about 2008.

13. I understand from Sarina McKinnon when she contacted me that the NB Human Rights Commission staff went and did a presentation at Atelka Call center in or about November 2011 (where Gillian Miller had been my supervisor) in respect to the requirements of the NB Human Rights Act. I understand from the radio and TV news broadcasts in or around February 2012 when Premier Alward was dealing with various employers, one of which I understand was Atelka, that Atelka announced at that time that it was closing its Saint John call centre and had given notices to employees according to the news broadcast.

14. It would be **WRONG** for the NB Human Rights Commission staff to recommend that the NB Human Rights Commission proceed based on a report containing false information which Danny Soucy and/or Commission staff know or reasonably ought to know is false particularly when they know or reasonably ought to know that they have a clear conflict. It appears that they are doing so to deliberately obstruct justice in order to assist the Province of New Brunswick, cabinet ministers, human rights commission staff and others to avoid the consequences of their wrongful conduct in respect to this Applicant and to cover up what the government and the human rights commission and others have done. The Cabinet Minister Danny Soucy, to whom the Commission reports and the Attorney General Marie-Claude Blais and Premier Alward are **RESPONSIBLE** to make sure that the NB Human Rights Commission does not proceed in the particular circumstances of this matter and that an unbiased Human Rights Commission from outside the province handles my matter.

15. The report states re: Time limit for making a complaint on page 2 that

s. 18(1) Subject to subsection (2) a complaint shall be filed within one year after the alleged violation of the Act.

18(2) The Commission may extend the time for the filing of a Complaint if in the opinion of the Commission, the circumstances warrant it.

16. The Commission has a bias as a result of the conduct of Sarina McKinnon and many other factors and circumstances and based on the principles of natural justice **CANNOT** act. The Legal Counsel to the Commission Seamus Cox is also biased as he is a colleague of Sarina McKinnon and cannot be impartial representing the public interest to give legal advice to the NB Human Rights Commission in any event it would appear. If the

Premier who appoints the Commissioners by Lieutenant Governor in Council I understand does not like what they do they can likely be removed from their position and they would I believe know that. If Commission staff does not accede to the wishes of the Cabinet Minister to whom the Commission reports, they too would likely know there would likely be adverse consequences. It appears they already know that or I do not believe the Time Limit Extension Report prepared by the staff would have been prepared on information the staff know or reasonably ought to know is false and I believe the conflict would have been declared long ago.

17. For the NB Human Rights Commission which has discretion under section 18(2) to proceed when it has a serious and clear conflict and resulting bias in favour of the Respondents is certainly prejudicial to me. For the NB Human Rights Commission to attempt to proceed I believe is unconscionable and intolerable in a free and democratic society.

18. The Minister of Post Secondary Education Training and Labour knows or reasonably ought to know that his predecessor Martine Coulombe was removed as Minister of that Department in October of 2012 subsequent to my September 9, 2012 Complaint as a result of I understand the collusion of the Department of Justice and the Human Rights Commission in trying to proceed in the face of a conflict in order to dismiss my complaint without public scrutiny. The Premier should confirm this and have accurate details stated in a proper truthful response as those details are within the knowledge of the Respondents and the Response should contain proper information in order to properly narrow the issues.

19. Re: #4, P.4 - In respect to the contact with the Human Rights Commission in 2005, as a result of discussions with Aline Barnett and because this Applicant had come to learn that the government had used as the reason to not hire me in the 2003 Regional Director Competition for which it had Tom Bishop begin work in April of 2004, the false allegations of the court staff including I understand the lady at Saint John Legal Aid who was disciplined in 2004 to the effect that this Applicant was not doing her work because she went to meetings outside the office and delivered items etc (all of which was required by her employer as part of her employment) that this Applicant was concerned that I may be found by the Commission to be outside the one year time limit. As a result, this Applicant advised Aline Barnett by I believe phone that I was not going to proceed at that time but that I was proceeding through the Ombudsman office. It had not been a year since Tom Bishop had begun work and this Applicant understood that the Ombudsman would investigate. This Applicant immediately proceeded through the Ombudsman office. In addition the e-mail from Aline Barnett provided that if the complaint was not received from me by her within 30 days they would close their file if I decided not to proceed. The Ombudsman investigated and it is the understanding of this Applicant that one of the reasons that Rod MacKenzie and the Director of Human Resources for the Department of Justice at that time, Addie Marshall were I understand removed from their positions after the Ombudsman's review in respect to the competition in which I was interviewed in January 2007 was because the government employees altered the file in respect to the 2002 or the 2003 Saint John Regional Director competition before the Ombudsman reviewed it in 2005 to show that someone other than this Applicant won the competition and that this Applicant was not the only A rated candidate. David Legere who was on the Board of Examiners for those two 2002 and 2003 competitions can and I understand has verified that this Applicant was the only A rated applicant in the 2002 competition and that I won both competitions. The Premier as a result of dealing with this matter since October of 2010 can I believe verify this and has an obligation to do so as one of the Respondents. Martha Bowes and Julie Corneau as a result of being or having been part of the Department of Justice Human Resources branch and Blaine Higgs as former Minister of the Office of Human Resources would it appears know or reasonably ought to know that this occurred. Martha Bowes and Blaine Higgs as Respondents have an obligation to acknowledge this and provide particulars in a truthful response in order to narrow the issues and state proper facts as is required.

20. This Applicant had a long conversation with Aline Barnett and the extremely short paragraph 4 on p. 4 appears to slant the information in favor of the position of the persons involved in the harassment that it appears the Province of New Brunswick has continuously taken information in from who at that time alleged that this Applicant was living with her elderly mother. This is not accurate whether Aline Barnett did not understand what she was told, did not record it properly or is deliberately trying to assist the Human Rights Commission and the government to avoid a public hearing and public scrutiny of what the Commission staff and the government has done to me as a result of my private and confidential applications in open competitions. Aline Barnett, as was Ray Glennie and Rod MacKenzie etc, was advised that the government staff were making fun of me as living with my mother but that this Applicant did not live with her mother and this was immediately straightened out with Ray Glennie and Rod Mackenzie once this Applicant began to hear comments etc which began to show what the government and Ray Glennie had done in the 2002 competition. I also advised them that it was no one's business but mine as to where I did or did not live and that to consider same would be discrimination and improper in any event.

21. That is the reason that I understand that in the second competition in 2003 for the same position when the person they hired in the 2002 competition was I understand not able to do the work, that in order to get Mr. MacKenzie's friend and former colleague into the position that the court staff lobbied on his behalf and followed me, monitored my actions etc in order to say that I was not doing my work in order that the government would have a reason to use to not hire me as the government could not use their allegations that I was immature because I was single or their incorrect allegations that I lived with my elderly mother in the 2003 competition. The government then put Tom Bishop into the Saint John Regional Director position in April of 2004. The court staff would have had no way to properly know what work I was or was not doing and I was carrying a heavy workload. I understand that they simply made the assumptions they needed to make in order to come up with what they needed to come up with in order to get the candidate hired that they wanted hired.

22. When I applied for a Fredericton Family Court solicitor position the lady with Legal Aid who I understand was involved in the lobbying in the Regional Director competitions interfered in my application although she had no connection with the Fredericton competition. She was disciplined in the summer of 2004 I understand as a result of her conduct and Rod MacKenzie came to the Legal Centre in September of 2004 to meet with me and promised that the government would remedy the situation and that I would be hired. He referred to that lady and others as being mean spirited. This lady was I understand removed from her position in 2006 as a result of her conduct towards me. I understand that a lot of the harassment in respect to me has been as a result of persons involved on her behalf. I understand that after the Ombudsman decided he had information on which he could find against me in his review in February of 2010 on the basis that this Applicant had mental health issues based on improper information from the government, the persons involved in the harassment of me and others that negative information immediately went out into the community about this Applicant and that the government immediately advertised a position in order to rehire the lady from Legal Aid who had been removed from her position in 2006. I made a complaint to Premier Graham and the Legislative Assembly in March of 2010 as a result of the Ombudsman's conduct and he was I understand required to resign in April of 2010 but was allowed I understand to give a year's notice as a result of the bias and conflict of interest of Premier Graham.

23. In August of 2010 after the police and Premier Graham dealt with the harassment on the day of my interview, July 26, 2010, for the positions of Lawyer III in the employment and administrative law group and the litigation group and later during that week, on or about August 5, 2010 the position in which I understand they were going to rehire the lady from Legal Aid once they discredited me was no longer available according to the government website and she was not hired I understand. Martha Bowes who is one of the Respondents and who was a member of the Department of Justice Human Resources at that time can I believe confirm and has an obligation to confirm as a Respondent that it was the Department's intention to rehire that lady once I was discredited as having mental health issues based on information from biased unqualified people and that was why the Office of the Attorney General ran the advertisement for an administrative assistant in the Saint John Crown Attorney's office in February 2010 immediately I understand after the Ombudsman decided against me and I understand passed negative information to the government about me. Premier Alward as a Respondent has an obligation to provide accurate truthful information as a result of his interaction with the Chief of police and former Premier Graham directly or indirectly or as a result of inquiries he has the power to make, that after the harassment was dealt with by the police and Premier Graham in early August 2010 that persons were disciplined and Martha Bowes was removed as a human resources advisor and it was made known to the persons involved in the harassment that this Applicant was very accomplished and would be hired. He also has an obligation to correct the false information in the Responses and acknowledge as a Respondent in their Response that Premier Graham left instructions for Premier Alward when the government was changing to hire this Applicant in the employment and administrative law group as a Lawyer III as it is within his knowledge and he has the obligation to be candid and truthful in the Responses and ensure proper information is admitted and provided.

24. Premier Alward also has the obligation to admit in the Respondent's Response that he appointed this Applicant as a Lawyer III in the employment and administrative law Group on Thursday December 23, 2010 at a Cabinet meeting and that I was to be hired but as a result of allegations of biased unqualified persons involved in the harassment of me, to the effect that I have mental health issues, which persons stand to benefit by keeping their jobs or getting rehired or otherwise avoiding the consequences of their involvement in the harassment of me or other wrongdoing, that I have not yet been hired by the government and that he has been dealing with those individuals directly or indirectly together with the Chief of Police right up until the present date and the government has been directly or indirectly taking in improper information from them.

25. As I understand that the persons involved in the harassment knew that since 2008 the government would accept negative information as to my mental health from them to deny me the Lawyer position with the government, they have I understand followed me, monitored my actions etc with the full knowledge of the Premier

and the Chief of Police and have made their own assumptions and improper interpretations or false allegations or have set up situations in order to again it appears come up with it appears whatever the government needs in order that the government will not hire me. The Premier has an obligation to confirm that that has occurred as one of the Respondents to my Complaint and his oath of public office as he has I understand directly or indirectly allowed that negative information to come in from the persons involved in the harassment of me to affect my being hired since at least December 2010. I believe that completely contravenes the Civil Service Act and the Human Rights Act and other laws and that a proper unbiased Human Rights Commission from outside the province would take measures to make the Respondents correct the false Responses.

26. Aline Barnett also sent this applicant some information in 2005 which indicated as follows:

" The New Brunswick Human Rights Act is the provincial law that prohibits discrimination and harassment by businesses, organizations, provincial and municipal governments and individuals in all aspects of employment....

The fundamental principle of the Human Rights Act is that all persons are equal in dignity and human rights....The New Brunswick Human Rights Act prohibits discrimination and harassment based on.....mental disability, marital status.....[I]t is illegal to discriminate against anyone because of his or her personal characteristics, as defined in the Act....Discrimination is prohibited even when it is based on mistaken perception....."

27. A single person as does a married person has a right to choose where they wish to live and that should never have been a consideration in employment by the government regardless of where court staff or Ray Glennie or anyone else thought I lived or did not live, as it would appear to be clearly discrimination based on a personal characteristic. Ironically some of the people involved in the harassment of this Applicant who I believe went straight from living at home to being married have I understand never lived on their own . In addition I understand that some of those people although married live or have lived with their parents or parent.

28. The material sent by Aline Barnett also indicated that:

"Employers... must eliminate and prevent any discriminatory treatment or harassment based on a prohibited ground.....

We can all play an important role in the promotion of equality of opportunity by:

---recognizing that we are all individuals with unique abilities and needs;

---avoiding stereotypes based on ...disability, etc.;.....

---speaking out against discriminatory comments and conduct;

---supporting those who are discriminated against;

---being constantly aware of the need to ensure equality of opportunity and fairness in our daily activities."

29. It would appear that in its conduct and in its Report of February 4, 2013, the Human Rights Commission staff have not adhered to the principles set out above in their own material as they know or reasonably ought to know as a result of their reporting to Cabinet Minister Danny Soucy and other circumstances existing in this matter, that the information they have based the report on is false. The Human Rights Commission staff and Danny Soucy know or reasonably ought to know that this Applicant has been discriminated against by the Province of New Brunswick and the other Respondents on the basis of perceived mental disability based on the information that the government has taken in from the biased unqualified persons involved in the harassment of this Applicant as the government has used the information that they have provided to deny this Applicant the Lawyer III position with the government based on her being perceived by the government to have mental health issues based on that improper information. The Premier and the other Respondents have an obligation to correct the false information in their Responses and to admit this fact. The conduct of the government and the Human Rights Commission is all the more reprehensible when the government and the NB Human Rights Commission cover up that the government has relied on that information and has caused the perception within the community that if this

Applicant is not hired it means that the persons involved in the harassment are right and that this applicant has mental health issues by having a report prepared that states that the Respondents have not taken in any such information from the persons involved in the harassment (who stand to benefit personally from their conduct or others stand to benefit personally including Cabinet Ministers, provincial government employees etc) and that the Respondents are not aware of any perceived or any other type of mental disability. The Respondents are aware or reasonably ought to be aware from the interviews including the January 2007 interview that this applicant is fully qualified and has no mental disability of any type and that the government has created that perception in order to find a reason not to hire and has used that perception it created as a reason not to hire. The letter of Robert Savoie of the Ombudsman office dated June 11, 2007 is provided along with these comments on the report which clearly shows that this Applicant was a strongly A rated candidate for the same type of position as a result of her interview in January 2007 as the positions offered in competitions #10-44-02 and 10-44-03.

30. The material provided by Aline Barnett further stated that:

The Commission staff will listen to your concerns and can offer you advice.....All inquiries are strictly confidential....."

It would appear that Sarina McKinnon did not comply with the confidentiality requirements set out by the NB Human Rights Commission in its own information and her conduct has been addressed with the Premier and the NB Human Rights Commission.

31. Sarina McKinnon advised this Applicant when SHE CONTACTED this Applicant that NO information would be disclosed before this Applicant filed a complaint and once the Complaint was received they would send a copy to the Respondents for their response. It is understood she contacted this Applicant deliberately in the interest of the department of justice to try to obtain information to assist the government in not hiring this Applicant and negative information went out into the community after she dealt with this applicant BEFORE this Applicant filed her Complaint as a result of her discussions with me. This was dealt with by e-mail to the Premier and further information was provided to him resulting in the incorrect information (that was released by the government after Sarina McKinnon I understand gave incorrect information to it) being corrected and once again this applicant was to be hired and it appeared that the government and persons associated with it in the harassment of this Applicant continued to try to look for anything they could use to stop my being hired. It appears that Sarina McKinnon and the Human Rights Commission did exactly what the Ombudsman office did and tried to create or created its own "evidence" to assist the government in finding a reason not to hire.

32. This Applicant deliberately sent the information to Sarina McKinnon that she sent as in light of Sarina McKinnon's conduct during the phone conference etc it was felt by this Applicant that there had been collusion between the government and the NB Human Rights Commission and that Sarina McKinnon had contacted me in the interests of the Department of Justice. As this type of collusion is very difficult to prove as both the government and the human rights commission it appears deny whatever they want to deny despite what is true, as shown by the Responses containing false information filed by the Respondents and the Report prepared by the Commission based on that false information, I sent the information that I sent and immediately afterwards there was a reaction within the community and gloating by the bullies and it appeared that Sarina McKinnon had done exactly what it appeared to me that she was going to do and she gave information it appeared to the government that was it appeared immediately leaked into the community used negatively by the government as a reason to not hire me. Although all of the information that I provided was accurate it was not the Complaint that would be or was in fact drafted by this Complainant. I immediately addressed my concerns with respect to Sarina McKinnon's conduct with I believe the Premier and the Attorney General.

33. It would also appear that the writer of the report is trying to suggest that this Applicant said she lived with her mother when she contacted Aline Barnett. Aline Barnett was clearly told that was the basis on which the Applicant understood that the government denied her the position in the 2002 competition based on inaccurate information it had received. This Applicant clearly told Aline Barnett that she did not live with her elderly mother and had not lived with her elderly mother. The Applicant told Rod MacKenzie that she did not live with her mother and that the information the court staff had given the government was wrong when she met with him at his office in Fredericton in August of 2003 after Ray Glennie told her that the situation would be corrected. That is the reason that this Applicant understands that in the 2003 Saint John Regional Director Competition Rod MacKenzie had the court staff or was aware that the court staff were watching this Applicant with a view to saying that she was not doing her work as they needed a reason to put his friend and former associate into the position, Tom Bishop. Immediately after the court staff said that she was not doing her work( and none of them would have had any



ability to know that ) the position was given to Tom Bishop and it is understood that Ray Glennie was advised by staff in the courthouse or Rod MacKenzie of the reason the government used to not hire this Applicant.

34. In addition this Applicant understands that persons involved in the harassment of this Applicant with it is understood the lady from Legal Aid who was disciplined in 2004 for saying that this applicant was not doing her work lived across from this Applicant from it is believed about 2003 or earlier and were clearly aware that this Applicant lived in her apartment and not with her elderly mother. In fact it is understood as the bullying progressed that these persons along with others committed a criminal offence in about March of 2007 and recorded a private and confidential phone conversation and then edited it to give it the meaning they wanted it to have. This Applicant understands that was a criminal offence and yet it appeared that the Attorney General at that time took in that information and relied upon it to deny this Applicant the position. This should be admitted by the Respondents or it would be able to be brought out in cross-examination at a hearing as Nancy Forbes of the Department of Justice, Office of the Attorney General one of the Board of Examiners in the 2007 and 2010 competitions knows or reasonably ought to know that that occurred. This Applicant dealt with that in her Complaint to the Ombudsman in respect to the January 2007 competition and I understand that those persons and others involved in that incident were dealt with and disciplined although it appears that they got away with committing a criminal offence.

35. The material from Aline Barnett sent to me in 2005 also indicated that:

A Human rights officer will **INVESTIGATE** [emphasis added] and submit a report to the Commission and to the parties involved. If the Commission finds that the evidence supports the complaint, the Officer will try to negotiate a settlement....."

36. It would appear that to the NB Human Rights Commission staff that investigate means in respect to my Complaint to rely upon false information which they and the Cabinet Minister to whom the Commission reports **KNOWS** or **REASONABLY OUGHT TO KNOW** is false.

37. The material provided by Aline Barnett further states that:

" [Employers] can avoid discrimination by:

---**developing a policy against discrimination and harassment, ensuring that employees are aware of it and taking action against those who violate it;**

---**using uniform criteria to assess work performance;**

---**making employment decisions based on merit, not race, age, sex, etc.;**

---**taking appropriate actions against discriminatory jokes and insults;**

38. The material provided by Aline Barnett further states:

"---Do you have any physical disabilities?

---Have you ever been treated for mental illness?

---Check the title that applies to you: \_\_\_Mr. \_\_\_Miss \_\_\_Mrs. \_\_\_Ms.

**ARE THESE QUESTIONS DISCRIMINATORY?**

Yes. These are all examples of violations of the New Brunswick Human Rights Act. Employers.....may not ask questions pertaining to the candidate's race, ...mental disability, marital status .....

Section 3(4)© of the Human Rights Act prohibits written or oral inquiries prior to hiring that ask for information on the personal characteristics listed above.....



Please note that it is illegal to discriminate against anyone because of his or her personal characteristics, as defined in the act.....Discrimination is prohibited even when it is based on mistaken perception, such as a mistake about a person's age or race.

**Employers are legally responsible for ensuring fair employment practices and to be aware of the questions that may not be asked during the pre-employment process"**

39.It would appear extremely inappropriate and wrong and an obstruction of justice for the NB Human Rights Commission to try to cover up the breach of the Human Rights Act by the Province of New Brunswick or any of the other Respondents.

40.The material provided by Aline Barnett in 2005 further states that:

**"[Employers should] ---use the same application form and the same interview questions for all applicants for a particular position.**

**---Avoid asking questions that are unrelated to the job during job interviews and on application forms. Do not ask questions about age...marital status.....disability or any ground listed in the Human Rights Act, ...."**

41.It would appear that the NB Human Rights Commission clearly knows that the government has contravened the Act and that if there was a public hearing or if the matter was referred to an unbiased human rights commission from outside the province it appears that both the Respondents and the NB Human Rights Commission would have severe difficulties as a result of their conduct.

42. Re: paragraphs 6 to 9 on page 4 the Applicant indicates as follows. This Applicant in December of 2005 addressed the situation with the executive assistant to the Minister of Justice, Attorney General Brad Green as she still had not been hired despite the representations of Rod MacKenzie who had been the Managing Director of the Department of Justice in 2002 and 2003 and 2004.The Attorney General then arranged a meeting for her with Deputy Minister Choukri.

43.Subsequent to her meeting with Deputy Minister Choukri at which he gave an unqualified undertaking to get this Applicant working and to hire her, it appeared that the government staff and others were again giving the same type of discriminatory information in respect to this applicant being immature because she was single and because of her single lifestyle to him to stop her being hired.

44.Attorney General Brad Green stopped the Deputy Minister from taking in that type of information and moved forward the child advocate competition in which I was an applicant and I was interviewed for that position and I understand won that competition based on merit. The Premier as a result of having dealt with this matter since 2010 and as a result of inquiries he has authority to make knows or reasonably ought to know that this is correct and that Attorney General Green stopped the discriminatory interference of the persons involved in the harassment and left instructions with the incoming Liberal government when the government changed in or around October of 2006 that this Applicant was to be hired.

45.If the government was not taking in information it was prohibited from taking in by the law from the bullies, there would have been nothing inaccurate ever reported by the bullies that would have stopped or delayed my being hired nor that I would have had to address. The bullies it seems are free as a result of the conflict of interest and bias in the government to report whatever they wish and it has not it appears from what has occurred to date, mattered how many times they have been wrong.

46.Re paragraphs 10-13 on pages 4&5 in addition to information indicated above and in other documentation of this Complainant, a copy of the letter of Robert Savoie of the Ombudsman Office of June 11, 2007 and a copy of the competition notice in respect to competition 06-44-04 is being provided to the NB Human Rights Commission along with my Comments in respect to this Report although by separate e-mail or other means.

47.Re paragraph 14 it appears that in light of the contents of the competition notice, Robert Savoie's letter and the information provided above or in other documentation of this Complainant that the letter of Steve Gilliland of the Office of the Ombudsman provided by the Respondents is wrong and that there were procedural errors by both the government and the Ombudsman office. In addition Nancy Forbes of the Department of Justice who was on

the Board of Examiners in the 2007 and the 2010 interviews knows or reasonably ought to know that this applicant was to be hired by mid March, 2007 at the latest and would have been so hired except for the interference of the biased and unqualified persons involved in the harassment of this applicant from whom the government improperly took in information and allowed them to interfere in my private and confidential employment application in an open competition. Cross examination under oath at a public hearing of Nancy Forbes would reveal this information this Complainant submits if the Respondent Department of Justice of whom Forbes is part does not properly admit this information as it is required to do as a Respondent. Proper investigation by an unbiased Human Rights Commission would also likely result in this information being obtained or admitted before any public hearing.

48.Re paragraphs 15 and 16. The NB Human Rights Commission as a result it would appear of its very serious conflict and bias in favor of the government resulting therefrom is it appears slanting their report and making findings that once cross-examination takes place of the Respondents at a public hearing, information would be revealed that will prove what this Applicant has said is correct if the Respondents will not correct their false responses and properly admit the true facts. The Human Rights Commission does not seem to understand that it cannot determine credibility based on written documents nor can a court based on affidavit evidence. When my Replies clearly indicate that the government has deliberately stated false information in its Responses and the Premier as a result of the failure of the Respondents to tell the truth in its Responses has not required that those responses be corrected and proper facts admitted as true in accordance with the proper rules of a Response, this Applicant is at a definite disadvantage as a result of the wrongdoing of the Respondent's solicitor and the Respondents and the failure of the NB Human Rights Commission to ensure that it has accurate information in its Report.

49. Martha Bowes who is a Respondent and Julie Comeau who were part of the Board of Examiners of the 2008 Miramichi Competition who appeared to be anything but impartial which was addressed in the Complaint to the Ombudsman concerning that competition know or reasonably ought to know as being or having been part of the Office of Human Resources that Addie Marshall was removed as Director of Human Resources for the Department of Justice after the Ombudsman review in the spring of 2007. They also know or reasonably ought to know that there is absolutely no way the Deputy Minister of the Office of Human Resources (now the Department of Human Resources) would have advertised the two positions for which this Applicant was interviewed in the summer of 2007, Crown Attorney in the Saint John Crown Attorneys Office and Labour Relations Officer in Fredericton and particularly would not have interviewed this Applicant for those positions unless she had been required to hire this Applicant and had to do so after the Ombudsman review. Martha Bowes as a Respondent has an obligation to admit these facts.

50.As a result of the conflict of interest and resulting bias the Deputy Minister of the Office of Human Resources in 2007 took in further bad information from the persons involved in the harassment of me which this Applicant understands breached privacy laws and further persons were disciplined and or removed from their jobs or professional positions as a result. The Deputy Minister herself was this applicant understands removed as Deputy Minister of the Office of Human Resources as a result of her conduct. Martha Bowes, one of the Respondents knows or reasonably ought to know that the Department of Justice human resources was directed to hire this Applicant in the 2008 Miramichi Competition as a result of what occurred in the two earlier competitions in the summer of 2007 and as a result of subsequent Ombudsman reviews and that the government would not have advertised the 2008 Miramichi competition nor interviewed this Applicant in it if it had not been required as a result of the Ombudsman reviews to hire this Applicant. Martha Bowes as a Respondent has an obligation to admit these facts.

51.For the NB Human Rights Commission staff to recommend to the Commission that it refuse my request for a time limit extension when the government has filed false documents even though it is required to ADMIT that everything in my Complaint IS TRUE is extremely wrong.

52. Julie Comeau and Martha Bowes both know or reasonably ought to know that a Complaint was made to the Ombudsman in respect to the Miramichi competition in respect to their behaviour as members of the Board of Examiners and that they were NOT an impartial screening committee and that all three members of the screening committee were it appeared looking for a reason NOT to hire this Applicant . This is contrary to Section 16(1) of the Civil Service Act which requires the Board of Examiners to be impartial and that the Deputy Minister of the Office of Human Resources ensure that all competitions are carried out with integrity and impartiality. Martha Bowes as a member of the Board of Examiners knows or reasonably ought to know that the government delayed their hiring decision and waited until persons involved in the harassment of this Applicant in the call centre Atelka

could come up with something to use to suggest that this Applicant had mental health issues as she was immature etc. as a result of her conduct in the call centre. Martha Bowes as a Respondent has an obligation to admit these facts.

53. On November 24, 2008 it is understood that persons within the call centre negatively characterized proper conduct by this Applicant and directly or indirectly provided information to the government that the government then used to deny this Applicant the position based on perceived mental health issues by the biased and unqualified persons involved in the harassment of this Applicant who were providing information improperly to the government to deliberately stop me from being hired as a Lawyer with the government. On November 25, 2008 this Applicant received a letter stating that the position was filled and that she was not being hired.

54. Gillian Miller, my excellent supervisor, verified, with the authorization of the company, to the Ombudsman in his review that I was an excellent employee and that there was nothing immature about this Applicant's conduct in any way. She also directly observed and cleared up the harassment that was occurring within the call centre.

55. Martha Bowes as a human resources advisor in respect to that competition knows that Gilliland's letter is not correct and it appears attempted to cover up for the government what had occurred.

56. Re: paragraph 23. Martha Bowes as human resources advisor in respect to the #09-45-10 competition is aware that paragraph 23 of the Time Limit Extension Request Report is completely correct. Premier Alward is also aware or reasonably ought to be aware that it is correct as a result of his review since December 2011. Cst. Hamilton of the Saint John police force corrected the incorrect information provided by biased unqualified persons outside of government involved in the harassment of this applicant, who stood to benefit or others associated with them stood to benefit if this Applicant was not hired, alleging that the applicant had mental health issues in their opinion including the information that was provided to the government in respect to the postman in December of 2009. Martha Bowes as human resources advisor knows or reasonably ought to know that as a result of that information the government sent the applicant a letter about 3 hours later advising her that the position was filled and she was not being hired. She also knows that at the interview in respect to that competition on or about July 22, 2009 as she was on the Board of Examiners that this Applicant was advised that hiring would take place around the end of August 2009. Martha Bowes is also aware or reasonably ought to be aware as human resources advisor that under the direction of Michael Murphy information continued to come in from the persons involved in the harassment alleging that this applicant had mental health issues until the government thought that it had something it could use when the information in respect to the postman was provided and the letter followed about three hours later from the government to this applicant. Once Cst. Hamilton corrected that information this applicant was to be hired. As a result of further incorrect information taken in by Attorney General Michael Murphy in or around the end of December 2009, Cst. Hamilton directly or indirectly contacted the Premier and Attorney General Michael Murphy was required to resign from the Legislature as a result of his conduct by Premier Graham which resignation was announced in early January 2010. Martha Bowes and the other Respondents know or reasonably ought to know that this information is correct and each has an ethical duty and obligation to admit the facts are true.

57. Re paragraph 24. Former Premier Shawn Graham and Premier Alward know that paragraph 24 is completely correct. It would appear that both Martha Bowes and Premier Alward are obstructing justice by not ensuring that the NB Human Rights Commission has accurate information. Attorney General Marie-Claude Blais appointed Bernard Richard as a Q.C. in November 2011 after it appeared that the government felt that it had prevented this Applicant from being hired despite it knew that the Ombudsman had acted unethically and it appeared had obstructed justice in an investigation under his authority and had been removed by Premier Graham as a result of his conduct. Attorney General Blais it appeared obstructed justice as she failed to require an unbiased review of Competition #09-45-10 as the Ombudsman's review was invalidated as a result of his unethical conduct and to date no such review has been arranged despite many requests of the Premier and others. A valid review is required to be done under the Civil Service Act as this applicant had properly requested such a review.

58. Re: paragraphs 25. The Respondents, including the Premier and Martha Bowes, are aware or reasonably ought to be aware that information was taken in again on this competition from biased unqualified persons involved in the harassment of this applicant by the government based on the improper allegations of those persons to the effect that this applicant had mental health issues and that the applicant was denied the position #09-45-10 on the basis of perceived mental health issues based on the improper allegations of those persons. The Respondents have an ethical obligation and duty to correct the false information in their Responses and to admit all information in the Complainants documents and in the Complainant's comments in respect to the Time

Limit Extension Request Report that are correct. The Respondents also have an ethical obligation and duty to correct the false information that they provided that the NB Human Rights Commission has relied upon in its Time Limit Extension Request Report.

59. The provision of false information by the Respondents in the human rights proceeding would appear to be a deliberate unethical act of the Respondents and it would appear to be a deliberate obstruction of the investigation of the human rights complaint in order it appears to get the result the government wants, which this applicant understands is to have her Complaint dismissed without any public scrutiny or any public hearing where cross-examination could take place, based on the false information provided by the Respondents.

60. Re paragraph 26. Premier Alward as a result of his dealing with my matter and the harassment by persons outside the government since 2010 until the present date is fully aware or reasonably ought to be so aware that paragraph 26 is completely accurate. The Premier is aware or reasonably ought to be aware as a result of his dealing with this matter that this applicant advised the former Premier Graham that she was applying to give the government as much opportunity as possible to remedy the situation but stated that the government still had an obligation to have a proper unbiased review of the specialized prosecutor position completed. The government has failed to do so despite requests to the Premier and others. As a Respondent the Premier has an obligation to admit the facts that are true.

61. Re: paragraphs 28 & 29. In addition to other information provided above and in other documentation this Applicant indicates that it appears that the Respondents are allowing the Commission Report to attempt to suggest that the change of Bowes employment position in 2010 was a promotion and that nothing improper occurred in the 2010 or other competitions since 2008. Premier Alward and Martha Bowes as Respondents KNOW or reasonably ought to know that is not correct. They also know or reasonably ought to know that improper information has again been taken in by the government from biased unqualified persons involved in the harassment of this applicant to affect the competitions #10-44-02 and #10-44-03 by suggesting that this applicant has mental health issues based on their improper perceptions.

62. The Premier and Martha Bowes are also both aware or reasonably ought to be aware that the former Premier Graham and the police dealt with the harassment of this applicant and improper procedures arranged by the Department of Justice in respect to the interview in August of 2010 and that persons were disciplined at that time as a result of their involvement in the harassment of me or other wrongdoing in respect to how this applicant was treated. It was in August of 2010 after I provided the information to the police that Martha Bowes' position changed which was I understand at the same time as the other persons were disciplined or otherwise dealt with. Martha Bowes as a Respondent has an obligation to admit the true facts particularly in light of the content of the Commission Report.

63. The Premier as a result of his dealing with my matter and as a result of his discussions with Premier Graham when the government changed in or around October of 2010 is aware or reasonably ought to be aware that after the harassment was dealt with and the persons disciplined that I was to be hired in the employment and administrative law group position at that time. As a Respondent the Premier has an obligation to admit those facts.

64. Premier Alward, Blaine Higgs, the Former Minister of the Office of Human Resources, Attorney General Marie-Claude Blais ( and Andrea Folster who wrote the Responses of the Respondents as their Solicitor ) all know or reasonably ought to know that Paragraph 30 is completely correct and have an ethical obligation and duty as Respondents to admit those facts.

65. The Complainant states that the Respondents know or reasonably ought to know that Paragraph 31 is a completely false statement. The letter provided by Robert Savoie of the Office of the Ombudsman (a copy of which is provided to the NB Human Rights Commission along with these comments on the Report) dated June 11, 2007 clearly shows that this Applicant was a strong A rated candidate in respect to the 2007 litigation group position interview which was essentially the same position as was interviewed for on July 26, 2010 in respect to competitions 10-44-02 and #10-44-03. This letter verifies that this Applicant is fully qualified. As a result of the animosity that the government has caused towards this applicant as a result of the way it has handled her applications in various competitions more and more people it appears were disciplined and dealt with in each successive competition as a result of their own wrongdoing which increased the animosity towards this applicant.

66. Re paragraphs 31 & 32. The Board of Examiners at the 2010 competition was not an objective Board of

Examiners. Nancy Forbes was on the Board of Examiners in both the 2007 and the 2010 interviews for the litigation position and knows or reasonably ought to know that this Applicant is fully qualified. Premier Alward is aware that cabinet minutes would show that this Applicant was appointed as a Lawyer III in the employment and administrative law group on December 23, 2010 but as a result of the interference of biased unqualified persons involved in the harassment of me that the government did not complete the hiring of me. From December 2010 until May 2011 the Premier, Blaine Higgs, Martha Bowes, and other Respondents know or reasonably ought to know that improper information was taken in continuously from the biased unqualified persons involved in the harassment of this applicant to the effect that this applicant in their opinions had mental health issues until the government felt that it had information that it could rely upon and the letter of May 18, 2011 was sent to this Applicant. Those persons involved in the harassment stood to gain by keeping their jobs or otherwise avoiding the consequences of their involvement in the harassment or other wrongdoing or by assisting others to so gain. The Premier, Blaine Higgs and Martha Bowes as Respondents have an ethical obligation to correct the false information that has been provided in their Responses as do the other Respondents and admit the facts that this Complainant has stated are true.

67. Re paragraph 33. The Premier is aware that this paragraph is correct and as a Respondent he has an ethical obligation and duty to admit those facts and correct the false information that the Respondents have filed.

68. In respect to paragraph 35 this Complainant would state that the wording used by McKinnon or the writer of the Commission staff's report appears to be her own method of thinking or interpreting what she has heard and appears to be slanted to reflect negatively on the Complainant. In light of this Complainant's complaint to the Premier in respect to the actions of McKinnon, the Human Rights Commission and the Department of Justice of which McKinnon and the Human Rights Commission are or reasonably ought to be aware her wording and the version in the Report are likely affected by the conflict of interest and the bias resulting therefrom.

69. Re paragraph 35b. The Complainant would make the following comments in respect to the information set out under 35 b in bullet format in the Report. The Complainant for ease of reference has numbered those points from #1 beginning with it is a long and .....to and including # 21 that begins "in May 2011...", the last two lines under section b on page 11.

70. In respect to #1 the Complainant did not say "it must be important as McKinnon was calling her." The Complainant did ask McKinnon why a Human Rights officer ( such as Aline Barnett) did not call which she understands would be the Commission's usual procedure. Sarina McKinnon gave an unsatisfactory answer to the effect that she has many years experience and was calling to assist me. This created a concern immediately that more was happening at the Commission than Sarina McKinnon was indicating and that she was calling in the interests of the government and the Commission and not to help this Applicant as she claimed.

71. In respect to #4 the wording appears to be designed to create an adverse effect on this Complainant. This Complainant has stated above in detail and in other documentation the situation in respect to marital status discrimination between 2002 and 2008.

72. In respect to #7, this Complainant indicates that the information the persons provide is it appears totally inappropriate and ridiculous but their interference in her private and confidential employment applications in open competitions by making improper allegations as to their opinion of her mental health is extremely serious and would appear to clearly be criminal harassment as it is designed to destroy her livelihood.

73. In respect to # 8 the Complainant indicated that the harassment by persons within and outside government caused by the manner in which the government has treated this Applicant and by the government taking in such information from the persons involved in the harassment of me contrary to the Civil Service Act and the Human Rights Act and other laws has continued right up to the date of her conversation with Sarina McKinnon. The Premier can verify that the harassment which the government has encouraged and participated in by continuing to take in such information from those persons involved in the harassment despite it has been repeatedly wrong has continued right up to the date these comments are being prepared despite requests have been made repeatedly to the Premier that the government and the Chief of Police stop the harassment which is believed to be criminal harassment. The Premier and the Chief of Police are aware and regularly deal with the persons involved in the harassment directly or indirectly to clear up the improper information that is provided and would have a record of their dealings with those persons and any discipline or other measures taken as a result. The Premier is also aware or reasonably ought to be aware that the employment and administrative law group position or the litigation group position interviewed for in 2010 were not filled and are still available. The Premier is also aware

that in January of 2012 he dealt with the persons involved in the harassment of me and other employers of those persons and began to take measures to have this applicant hired but as a result of further improper information from the biased unqualified persons involved in the harassment he did not complete the hiring of this Applicant. The Premier as a Respondent has an ethical duty and obligation to admit these facts and have the false information in the Responses of the Respondents corrected.

74. In respect to #9 this Applicant sent an e-mail to the Premier requesting the unbiased review required by the Civil Service legislation and the Statement of Reasons that the Deputy Minister is REQUIRED to provide in all cases or the Statement of Reasons that he is required to provide in all cases where he is not providing reasons. No statement of reasons has been provided to date pursuant to the law. No unbiased review has been allowed to proceed according to the law to date despite the Civil Service Act clear requirements. The Ombudsman office has a clear conflict and the Premier is aware of this fact and it has been requested that the legislatively REQUIRED review take place and be done by an unbiased properly qualified reviewer with judicial capabilities from outside the province in light of the powerful people involved to ensure a truly fair and impartial review as required by section 16 of the Civil Service Act. This was requested immediately in May 2011. In all prior competitions that took place before the government changed the Civil Service Act to provide for a review first by the Deputy Minister the Statement of Reasons had to be provided in 30 days which it was and the interview of the Ombudsman Office then had to be requested and once requested it immediately proceeded. The Deputy Minister has refused to provide the Statement of Reasons and the reviews have not been able to proceed as a result of his failure to comply with section 16(1) and other requirements in the Civil Service Act. The Premier is aware or reasonably ought to be aware that these facts are true and as a Respondent has an ethical obligation and duty to admit these facts are true and to correct the false information filed by the Respondents.

75. In respect to #'s 10 & 11, this Applicant was interviewed for the same litigation position in January of 2007 as she was interviewed for in July of 2010. A copy of the letter of Robert Savoie of the Office of the Ombudsman dated June 11, 2007 is provided along with these comments on the Report which sets out that this Applicant is a strong A rated candidate and has highly qualified for the position and is on the eligibility list.

76. The Premier has been repeatedly advised in writing that the information that the government is taking in from persons involved in the harassment of this Applicant by following her, monitoring her actions and reporting their inaccurate opinions to the government has no credibility or substance and is pure bullying designed to destroy the Applicant's livelihood as a result of many biases that the bullies have and their self serving private interests as they will it is understood avoid the consequences of their participation in the harassment and keep their jobs or enable others including Cabinet Ministers and possibly Sarina McKinnon or others within the Human Rights Commission to keep their jobs as well or avoid other consequences of their wrongdoing as a result of their treatment of this Applicant. As Premier Alward and the Chief of Police have dealt with the harassment situation since December of 2010 after this government came to power continuously up to the present date they would be required under oath to admit the details of what information they have taken in from those individuals directly or indirectly in respect to allegations by those biased unqualified persons as to this applicant's mental health and to also admit that the government has used that information to stop the hiring of this Applicant for the positions that she has won based on merit. It is imperative that the false information that Andrea Folster has filed with the NB Human Rights Commission be corrected by further proper admissions and information being filed before any further steps are taken by an unbiased human rights commission to deal with this matter and the Premier and other Respondents have an obligation as Respondents to ensure that this is done.

77. The Premier and the Chief of Police have been advised that no expert on workplace bullying and harassment would ever it is believed rely on the information they are taking in from biased unqualified bullies who COULD NOT GIVE ANY OPINION EVIDENCE IN ANY COURT OF LAW OR AT ANY HEARING as to anyone's mental health.

78. In respect to # 12, if accurate information is filed by the Respondents in the Human Rights proceeding, the Respondents and particularly the Premier, would be required to indicate that as a result of this Applicant's Complaint to the Legislative Assembly in December of 2011 in respect to the actions of the Premier and Blaine Higgs that the Premier had the provincial and municipal governments as well as other employers deal with the persons involved in the harassment of this applicant beginning around it is understood the end of January 2012 and throughout February 2012 and into March 2012. Bruce Court who is an oral reference for this Applicant and who was in January to May 2012 a city councillor would be aware that persons involved in the harassment of this applicant were dealt with during that period as a result of the Premier dealing with the situation. As a result of further bad information taken in from the persons involved in the harassment this Applicant understands that the



government stopped the measures to hire this Applicant in around March of 2012. The cross-examination of the Premier and other Respondents in any public hearing will clearly provide details of their actions at that time. The Premier as a Respondent, as well as the other Respondents, have an obligation to admit that these facts are true and to correct the false information that the Respondents have filed.

79. In respect to #13 it was indicated to Sarina McKinnon that I understood that I received the letter that I received in May of 2011 from the Office of the Attorney General in respect to the competition as a result of improper information that the government had again taken in from persons involved in the harassment of me who simply wanted to hurt their victim in any way they could in order that I am not hired who I understood alleged that based on their biased unqualified observations that I had mental health issues, many of whom never had a personal in-depth conversation with me even once and many of whom did not know me. A list should be provided by the government as to what information they did take in from outside persons since 2010 as well as who each person was as that will clarify for Sarina McKinnon and the Human Rights Commission as to who has given the government information to affect my private and confidential application in an open competition which interference is prohibited by the Civil Service Act and as to how that interference contravened the Human Rights Act. It is essential that the Premier as one of the Respondents provide this information as the FALSE Responses that Andrea Folster has filed has it appears influenced the manner in which the Commission's report was prepared and has resulted in it appears improper recommendations and findings based on that false information.

80. In respect to paragraph 15, the Premier has an ethical duty to advise the Human Rights Commission that HE HAS CAUSED or ALLOWED this Applicant to be harassed since December 2010 and has taken in information constantly from persons engaged in the harassment which HAS RESULTED OVER THAT TIME PERIOD IN SUBSTANTIAL WORK AND WRITTEN INFORMATION BEING REQUIRED FROM THIS APPLICANT TO CLEAR UP THE IMPROPER AND INCORRECT INFORMATION THAT HE AND THE CHIEF OF POLICE HAVE ALLOWED TO BE TAKEN IN. The Premier should add up the total of pages including the Formal Complaints of December 2011 to the Legislative Assembly and the Complaint in respect to Andrea Folster's conduct, all e-mails to address the improper information that he allowed to come in and even before December 2010, the Complaint in respect to the Ombudsman's conduct which resulted in his resignation as Ombudsman and further emails necessary to address that situation and subsequent events until the government changed. Although it appears that Sarina McKinnon or the staff writer of the Time Limit Extension Request Report of the NB Human Rights Commission has chosen the wording of "thousands of pages regarding her harassment" to try to minimize this Applicant's legitimate concerns and adversely affect this Applicant, as the Premier KNOWS that the actual total would be in that range he should provide an accurate figure to the Commission as part of his responsibility and ethical duty as a Respondent to correct the false Responses that Andrea Folster HAS DELIBERATELY filed in a formal legal proceeding on behalf of all of the Respondents including the Premier and he should advise the Commission that if the government had not taken in any improper information and had hired this Applicant based on merit as the Civil Service Act requires there would have been no improper information from persons outside government that this Applicant would have had to address.

81. The Premier should also IMMEDIATELY confirm to the Human Rights Commission that this APPLICANT HAS DEFINITELY BEEN TREATED DIFFERENTLY THAN ANY OTHER APPLICANT in a competition for a position in the Civil Service and that the government has violated the Civil Service Act and the Human Rights Act and other legislation including it would appear the Criminal Code in the way that it has treated me.

The Premier has an ethical duty as a Respondent to correct the false information filed by Andrea Folster and to advise the Commission that as a result of the conflict of interest of government officials, employees and others and the bias resulting therefrom, that the government has created a situation whereby the government has continuously taken in negative information from persons involved in the harassment of me in respect to my private life to the effect that what they report means in their unqualified biased opinions that I have mental health issues. The Premier also has an ethical duty to advise the Commission that those persons are aware that if they succeed in providing the government with information the government can use to not hire me, that many persons involved in the harassment or others associated with them will benefit privately and will I understand get to keep their jobs or otherwise avoid the consequences of their involvement in the harassment of me or other wrongful conduct in respect to me. Bruce Court, one of my oral references, as a result of his position as a city councillor would also be aware that the government has created this situation within the community if the Premier and the other Respondents will not tell the truth and correct the false information that has been filed in the Responses by Andrea Folster.

82. In respect to paragraph 16, it appears that the conflict of interest and bias resulting therefrom that I understand

resulted in Sarina McKinnon contacting this Applicant has affected her understanding and/or the wording used in the Report. On cross examination, as Sarina McKinnon is definitely it would appear a witness in this proceeding as a result of her conduct, she would be required to answer questions as to what she was told by anyone within the Human Rights Commission or anyone in government before she called this Applicant, what instructions if any she was given, what biases she had from any source etc all of which would affect her actions and the actions of the human rights commission. It would appear that Sarina McKinnon is a potential witness particularly in light of the Report containing about two pages of information from her as to her conversation with this Applicant which information differs from the false information that the Commission has seemed to accept from the Respondents without question despite it would appear that Danny Soucy the Cabinet Minister to whom the Commission reports would know that the Responses contain false information and the Report of the Commission is based on the false information provided by the Respondents. Depending on what conversations Sarina McKinnon had or what instructions she was given before she contacted me it may very well be that Commission staff also know that they have based their Report on false information provided by the Respondents without requiring them to file correct information before they prepared their Report. It would appear that the NB Human Rights Commission is on that basis alone in a conflict of interest position and cannot be an unbiased decision maker and the NB Human Rights Commission CANNOT take any further steps except to refer the matter to an unbiased Human Rights Commission from outside the Province. There are many other serious conflicts and biases that have previously been addressed with the Premier and which should have been admitted by the Respondents and the NB Human Rights Commission and which should have resulted in the Premier and/or the Minister of the Department of Post Secondary Education, Training and Labour advising the NB Human Rights Commission that they COULD NOT ACT if the Commission did not declare the conflict themselves. The Premier or Martine Coulombe or Danny Soucy should have arranged for a human rights commission from outside the province to handle my Complaint in its entirety long before now.

83. The Premier is aware or reasonably ought to be aware that as a result of the situation that the GOVERNMENT HAS caused by withholding employment and depriving this Applicant of employment income which almost everyone needs in order to survive and as a result of the situation that it has caused in the community and professionally for this Applicant that the government has created a situation whereby this Applicant will never practice law again unless the government corrects this situation. As a Respondent the Premier has an ethical duty to admit that fact contained in the Report of the Commission and to admit that the Applicant does have a strong case. The Premier has an ETHICAL DUTY AND OBLIGATION AS A RESPONDENT to correct the false information filed by Andrea Folster and to advise the NB Human Rights Commission that the reason the government did not hire this Applicant in the employment and administrative law group competition and had the letter of May 18, 2011 of Julie Comeau sent to this Applicant was because the government had accepted improper negative information to the effect that this Applicant had mental health issues from biased unqualified persons involved in the harassment of this Applicant who stood to benefit privately along with government employees and Cabinet Ministers etc. and others if they discredited this Applicant and succeeded in having the government not hire this Applicant. This completely violates the Human Rights Act. The Premier is aware that this Applicant has won MANY Lawyer III positions based on merit and that he should direct immediately that she be hired and her employment begin immediately with all appropriate retroactive pay and other compensation and relief of any type and nature whatsoever as a result of the reprehensible way the government has treated this Applicant.

84. Sarina McKinnon's statement that "She [referring to me] did not file with the Commission because she wanted the government to fix it" is simply wrong and it would appear is inserted for the benefit of the government and the Commission in light of her conflict of interest and bias in order to allow the Commission to refuse her time limit extension request. The Premier has the obligation to verify to the Human Rights Commission that this Applicant has repeatedly requested of him and other government officials that they provide the REQUIRED BY LAW Statement of Reasons in order that the REQUIRED Civil Service Act reviews could proceed and that as of the present date the government has failed to provide those Reasons and has contravened the Civil Service Act by doing so. The Premier also has the ethical obligation to advise that he has dealt with the situation himself continuously right up to the present date and has begun to put the position in place for the Applicant on different occasions but then the government has taken in further improper information and he has stopped the hiring of this Applicant. This Applicant also states that as a result of what the Ombudsman, Bernard Richard did during the course of his reviews which resulted in his resignation being required in 2010, whose particular mandate was to prevent abuse in the hiring process under the Civil Service Act, that this Applicant was extremely concerned that the NB Human Rights Commission that reports to a Cabinet Minister and whose Commissioners are appointed by Premier Alward would not likely treat this Applicant fairly. In light of what has transpired to date as addressed in these Comments it would appear that this Applicant's concerns were more than justified.



85. It would appear that under Bona fide reason that 2.1.2 ii a and b are met. In addition bona fide reason is not limited by the examples set out and in fact it appears that the Commission has the discretion to find as an acceptable bona fide reason anything that it in its discretion wants to accept as a bona fide reason. It is certainly suggested that as a result of the situation the government has caused and the reprehensible conduct of the government and the fact that it has even filed FALSE RESPONSES in the Human Rights formal legal proceeding and the fact that the NB Human Rights Commission has prepared a report based on the false information making recommendations adverse to this Complainant, that an unbiased human rights commission from outside the Province WOULD DEFINITELY find that there was a bona fide reason and would find all four parts of the test were met and would recommend the time limit extension and ensure that the entire complaint was fully and fairly heard.

86. In respect to paragraph 17 the Premier and other Respondents have an ethical obligation and professional duty based on their oaths of office to provide details or confirmation to the Commission of the following:

- (1) of who instructed the staff of the justice building to set up a search at the doorway to the building where they arranged to have this Applicant interviewed.
- (2) what information was provided to the security guards that dealt with this Applicant;
- (3) was Martha Bowes the person who arranged the search and was that the reason that she was no longer a human resources advisor and became a manager after Premier Graham and the police dealt in early August 2010 with the harassment that occurred the week of the July 26, 2010 interview ?
- (4) was anyone else in the department of justice or in government dealt with as a result of what occurred before or at the interview and reasons for same
- (5) who was dealt with as a result of the search or anything else that occurred at that time or during the week in which the interview took place as a result of the information this Applicant provided to the police on or about Wednesday August 4, 2010.
- (6) confirmation that Premier Graham advised Premier Alward that this Applicant was to be hired when they met to change power.
- (7) was anyone else interviewed on the same date as this Applicant at the justice Building?
- (8) were any other job applicants searched
- (9) how many other applicants were there and when and where were they interviewed
- (10) was the search procedure set up solely for the reason that this Applicant was coming to the interview that afternoon in that building.
- (11) at what time did they set up the search procedure at the front door and block off the side door
- (12) why did the board of examiners not leave instructions that they had INVITED this Applicant to an interview and exempt her from the search procedure.
- (13) did the persons arranging the interview arrange for the search in order to try to upset this Applicant or cause a situation where she would object to the search so that they could allege this meant she had mental health issues or use it in any other negative way.
- (14) why did the office of the attorney general NOT arrange an objective Board of Examiners as required by the Civil Service Act and the Deputy Minister's duties under section 16 of that Act.

87. Her wording in #17 on page 11 "it was always in the centennial building" should be it was usually in the centennial building as the Crown Prosecutor interview took place in the Attorney General's offices I understand which was not in the Centennial building in 2009. This Applicant understands that there is at least one Cabinet

Minister who like Gillian Miller has not gone along with the bullying and has not accepted the attempts by the bullies to characterize this Applicant as having mental health issues so that it appears that the government can avoid disciplining and dealing with various employees etc. The Premier should confirm if that is the case as cabinet meeting minutes should verify that. This Applicant understands that the Premier and others in government KNOW or reasonably ought to know that she does not have any mental health issues but if they find a way to characterize her as having perceived mental health issues they can use that as a reason to not hire her which will prevent the government and many other employers from dealing with and disciplining persons involved in the harassment and other wrongdoing, it appears, even though under the Civil Service Act and the Human Rights Act and other laws NONE of those people had any right to interfere in this Applicant's private and confidential employment applications for any reason whatsoever. In addition if the government finds a reason not to hire this applicant and prevents all unbiased reviews and hearings it allows the government to act even more reprehensibly and avoid treating this Applicant fairly by hiring her and compensating her for all of the harassment etc that the government has caused and providing to her all appropriate relief.

88. In respect to paragraph 18 it appears that Sarina McKinnon misunderstood what was told to her, used words that she or the preparer of the report would use or the report is slanted in favor of trying to assist the government to get the result that it wants to obtain.

89. The Premier should acknowledge that the government has deprived this Applicant of employment income for several years despite she has won on merit many competitions as indicated by Robert Savoie's letter of June 11, 2007 being one example. The government has a copy of that letter and despite I understand having a copy of this report of the Human Rights Commission for as long as I understand I have had it, the government has not nor have any of the Respondents who are ethically responsible to do so, corrected the information in the report based on the false responses filed by Andrea Folster to show Robert Savoie's evaluation of this Applicant in the 2007 interview for that litigation position in the Legal Services Branch which is essentially the same position that was advertised for in the 2010 litigation group competition.

90. The Premier should also be aware that the bus station was in city centre and is now in a more remote location. The Premier as a Respondent also has the ethical obligation to correct the false information filed by Andrea Folster and to advise the Commission that information was provided to the prior Premier and the police as part of my August 4, 2010 letter delivered to the police station addressing the concerns about the interview, the harassing conduct of other persons involved in the harassment later that week, etc and that after that information was reviewed by Premier Graham and the police that it was decided that this Applicant was to be hired and the bullies were advised of that and Premier Alward was advised of that by Premier Graham when they met to change power. Premier Alward should also advise of the persons who were disciplined and dealt with subsequent to my taking that letter to the police as a result of their improper conduct in respect to me or my hiring in any way. Premier Alward as one of the Respondents has an ethical obligation to advise the Human Rights Commission of this information and to correct the false information filed by Andrea Folster on his and the other Respondent's behalf.

91. The information in the letter to the police indicates I believe that this Applicant was in no way confused as she traveled all the way to Fredericton, shopped and ate along the way to the interview and after the interview which ended about five minutes before the last city bus left for the Acadian bus station that she went to the location of the city bus and returned easily to the station for the return trip home.

92. It appears that Sarina McKinnon did not understand properly what she was told as what she states is it appears incorrect likely as a result of her conflict of interest and bias. It was on the Thursday and Friday (of the same week that the interview took place on Monday) that it is understood that bus drivers and others watched this Applicant as I went from one side of the city of Saint John to the other doing errands and made false reports that I was confused or other negative comments (even though I had had no difficulty in going all the way to Fredericton a few days earlier.) This was addressed in the information to the police provided on or about in writing on August 4, 2010 and the Premier should confirm this as he has an ethical obligation to ensure full and accurate information corrects the false responses that Andrea Folster has filed. The Premier should confirm immediately to the Human Rights Commission in light of the information that they have put in their report and in light of the false responses filed by Andrea Folster as to if the bus drivers, involved in the harassment of me on that Thursday and Friday or at any other time, have been disciplined or removed from their jobs or if they will lose their jobs if I am hired or if the human rights commission does not find a way to dismiss my Complaint without a public hearing and keep covered up the situation that the government has caused within the community and how it has treated me etc.

93. The Premier should also confirm that he and Cabinet appointed this Applicant to the Lawyer III position in the employment and administrative law group in December of 2010 in light of the contents of the report and the false responses provided by Andrea Folster.

94. The Premier as one of the Respondents has an ethical obligation, particularly in light of the false Responses filed by Andrea Folster on behalf of all Respondents and the contents of the report of the Human Rights Commission and #18 on page 11, to confirm to the Human Rights Commission that the position has not been cancelled and the Premier has been dealing with putting this applicant into it right up to the present date.

95. In respect to paragraph 19, it would appear that more accurate wording would be that this Applicant understands that the persons involved in the harassment provided information to the new government to stop her being hired between October and December 23, 2010.

96. In respect to paragraph 20 the following would be noted as it appears that Sarina McKinnon's information is incorrect and the information set out in that paragraph and the words used are likely affected by her bias or that of other employees at the Human Rights Commission or are designed to reflect this Applicant in a negative light to get the result that it appears that both the government and the human rights commission want which it appears is to adversely affect and eventually dismiss this Applicant's legitimate and serious human rights complaint by Commission staff relying upon false statements by the Respondents and manipulating the Time Limit Extension Request Report to get the result the government wants. This makes it all the more important that there be a public hearing by an unbiased human rights commission as Sarina McKinnon is an employee of the NB Human Rights Commission and has given evidence used in the report which appears inaccurate in various respects or the wording etc affected by the Respondents' false Responses that have previously been filed which the Commission appears to accept without question. Cross-examination of Sarina McKinnon is essential as to what she was told before she contacted this Applicant, what biases she had, what instructions she was given, what her knowledge is of any information exchanged between the NB Human Rights Commission and the government before or after her contact with this Applicant, if she made any negative comments as a result of the contact that she initiated with this Applicant to anyone or if anyone else did so and many other areas of cross examination as are necessary of her and the Respondents prior to the report being able to be relied upon as there are serious credibility issues in respect to her information, the information of the Respondents and the resulting information contained in the Report of the NB Human Rights Commission.

97. Paragraph 20 should be corrected and Premier Alward should ethically confirm the following information as this information has been previously provided to the government. On Thursday, December 23, 2010 it is this Applicant's understanding that she was appointed at the Cabinet meeting as a Lawyer III with the employment and administrative law Group in the Department of Justice and that the Minister of the Office of Human Resources, at that time, Blaine Higgs called her to make an offer of employment but this Applicant although at the residence where he called did not connect with the phone call. This Applicant returned the call when she saw it on caller i.d. but Blaine Higgs did not call her back. The Premier has an ethical duty to confirm that contrary to the Responses containing false information that Andrea Folster filed on behalf of all of the Respondents that Blaine Higgs began similar to Michael Murphy to take in information from persons involved in the harassment of this Applicant to prevent her from being hired and that they alleged that she had mental health issues based on their biased unqualified self serving opinions in order for them or others associated with them to keep their jobs, get jobs back or otherwise avoid the consequences of their involvement in the harassment of this applicant. The Premier should also confirm that Blaine Higgs as a result of his conflict of interest and bias resulting therefrom took in this information contrary to the Civil Service Act and under his direction the Deputy Minister has failed to provide the Statement of Reasons REQUIRED to be provided by the Civil Service Act.

98. Under C on page 11 again I have numbered the bullets beginning with the first one under c on p. 11, 1-5, to the last one under c on page 12, 6-12, for ease of reference.

99. In respect to paragraph 7, the Complainant's TLE Request sets out detail. However, as Sarina McKinnon sets out in paragraph 7 on page 12 under c the Commission in determining if there is a strong arguable case considers the Response of the Respondents. As the Responses filed by Andrea Folster ON BEHALF OF ALL Respondents contain false information and attempt to have the commission proceed to evaluate the case on the basis that there has been no harassment and that the government has taken in no information from biased unqualified persons outside government as to perceived mental health issues, it appears that the Respondents, Andrea Folster, the new Minister of Human Resources who replaced Blaine Higgs who was removed in October of 2012 as Minister of Human resources are deliberately obstructing justice and having the NB Human Rights Commission

determine the strength of this Applicant's case based on fraudulent and deliberately false information. The government has had this Report for about a month I understand and none of the Respondents who have I believe taken an oath to act in the public interest have corrected the false information in light I understand of their conflict of interest and the bias resulting therefrom in order it appears to further their own private interests or that of other persons by enabling them to keep their jobs or otherwise avoid the consequences of their wrongful behaviour.

100. The identifiable remedies are set out in detail in this Applicant's complaint, in the relief claimed and in the time limit extension request of this Complainant. It should be noted that in #7 under identifiable remedies Sarina McKinnon states that most people pass this part of the test but that a remedy needed to be identified. In my situation being hired as a Lawyer in the employment and administrative law group as a Lawyer III with all proper related relief would certainly appear to be a clearly identifiable remedy. However, when Commission staff analyses that requirement it appears that they find that this Applicant did not meet that part of the test.

101. In respect to bona fide reason under #7 on page 12, this Applicant has felt she has had no alternative but to request the required reviews under the Civil Service Act and the Statement of Reasons and wait for the government to correct the situation and comply with the law in light of the serious harassment situation that they have created in the community and in light of the conduct of the Ombudsman whose specific mandate and purpose she understands was in part to prevent abuse of Applicants in open competitions by the government. The Ombudsman violated his oath of office and mandate and has appeared to try to cover up government wrongdoing in every review this Applicant requested he do from 2007 to 2010. Even when Robert Savoie reported the strong A rating of this Applicant in the January 2007 interview in that competition he said that it was a candidate inventory only competition contrary to the notice advertised in respect to that competition and contrary to what Clyde Spinney as part of the Board of Examiners told this Applicant at the interview. A copy of the advertisement respecting that competition is being forwarded to the NB Human Rights Commission along with these comments.

102. This Applicant was concerned that the Human Rights Commission would also try to assist the government and would not treat this Applicant fairly and I waited for the government to correct the situation and hire me as I felt I had no alternative. The Premier should confirm that from January 2012 to March of 2012 he took measures to stop the harassment and deal with the bullies and to hire this Applicant and then the government took in further improper incorrect information and stopped the hiring of this Applicant. At that point this Applicant contacted the Human Rights Commission as she felt she had no alternative despite her concerns that the NB Human Rights Commission would have a conflict of interest and would not fairly treat this Applicant. It appears that this Applicant's concerns were completely justified.

103. The Premier has an ethical duty to correct the false information in the Responses filed by Andrea Folster and he should confirm that he removed the prior Minister of Post Secondary Education, Training and Labour, Martine Coulombe and her Deputy Minister as a result of their improper conduct in respect to this Applicant's human rights complaint in October of 2012 and that he removed Blaine Higgs as Minister of the Office of Human resources at the same time as a result of his improper conduct in respect to this Applicant.

104. It appears that the current Minister of Post Secondary Education, Training and Labour, Danny Soucy, is also participating in wrongdoing by not having the government and all of the respondents correct the false information filed by Andrea Folster on their behalf as he, as a member of cabinet, would also be aware that the information in the Responses is false and he would have an obligation as the Cabinet Minister to whom the Human Rights Commission reports to ensure that he advises the Human Rights Commission of the false information and to also ensure that they do not rely on the false information in the report the Human Rights Commission prepared. He has failed to do so and it would appear that he has failed to act in the public interest as a result of the conflict of interest and bias arising therefrom as Cabinet Ministers and other government employees stand to gain personally if this applicant's complaint is dismissed without public hearing on the false information that the government has filed. He has failed to ensure that an unbiased Human Rights Commission from outside the Province of New Brunswick handles my complaint and has also failed to ensure that the Respondents are required to admit that they filed false information and to ensure that they file additional documentation admitting all of the information that I have provided is true and providing the additional details that are now necessary as a result of their conduct and that of the employees of the Human Rights Commission.

105. In respect to the Respondent not being unduly prejudiced it should be clearly found on correct information once the Respondents correct the Responses containing false information that the Respondents have caused this Applicant to be criminally harassed in order to find information to use to not hire her based on merit. It should also

be clearly found on correct information that the Respondents have deliberately obstructed justice by deliberately filing false information and influencing the conduct of the employees of the Human Rights Commission. It should also be found on correct information that the human rights commission employees including Sarina McKinnon know that biased unqualified persons outside government have provided incorrect information concerning this applicant to affect her being hired to the effect that she has mental health issues and that Sarina McKinnon herself participated in initiating contact with this Applicant and then provided negative information to that effect that went to the government and then out into the community at that time.

106. The government has it appears as a result of the conflict of interest and bias resulting therefrom decided that it does not want to hire this Applicant and it appears that it will go to any lengths to find a reason not to do so. In addition it appears that it has teamed up with persons with any numbers of biases who have joined in to bully this applicant and prevent her being hired rather than the government ensuring that the legal proceedings and legislated reviews proceed properly and with integrity.

107. It appears that the government and the Human Rights commission staff have as a result of a clear conflict of interest and bias resulting therefrom lost all perspective and are all willing to allow the Human Rights Commission to proceed on false information simply to "win" and it appears have government ministers, employees, human rights commission employees and other individuals in the community benefit privately at the expense of the reputation of this Applicant who simply applied for and won based on merit MANY government competitions.

108. For the Commission staff via Jennifer LeBlanc to say that they are going to send this Report based on false information from the Respondents to the Commission meeting for a determination over the objection of this bona fide human rights Complainant who has clearly advised them that the Respondents' Responses contain false information makes a mockery of the human rights complaint process and it would appear CLEARLY brings the administration of justice into disrepute.

109. For the report to suggest that the NB Human Rights Commission is able to represent the public interest impartially at any Board of Inquiry would also appear to be clearly unrealistic and a misrepresentation as it appears that the NB Human Rights Commission has set up the Report and has taken other action already to assist the New Brunswick government to get the result that the government wants to obtain. Cross examination of the Premier and Sarina McKinnon and anyone else necessary at a hearing will test the improper information and it would appear clearly show improper actions on the part of both the Respondents and the NB Human Rights Commission.

110. It would also appear that to try to protect the interests of Sarina McKinnon that the report contains false statements deliberately in respect to her conduct. Sarina McKinnon unsolicited by this Applicant at the end of the phone conversation advised me that she would look at the draft Complaint if the Applicant wished to send it to her. This was the opposite of what Sarina McKinnon had said at the beginning of the conversation. This also signaled to the Applicant that it appeared clear that Sarina McKinnon had ulterior motives in contacting this Applicant.

111. This Applicant then sent a draft complaint to McKinnon designed to see if she was really acting on behalf of the Respondents. Immediately after she sent it to Sarina McKinnon there was a reaction in the community amongst the persons involved in the harassment to the effect that this Applicant was not being hired and had mental health issues. The Premier under cross examination if he will not candidly in accordance with his oath of office in the public interest provide the information now, would it is submitted be required to admit that negative information was given to the government as a result of Sarina McKinnon's contact with this Applicant BEFORE this Applicant filed her complaint and that the government then allowed negative information to go out into the community to the effect that this Applicant had mental health issues and was not being hired. This Applicant then completed her complaint as she originally intended and not as a result of anything said by Sarina McKinnon and filed it with the Human Rights Commission.

112. This Applicant then provided additional information to the Premier as the Premier is aware indicating that there was nothing inappropriate in any way in respect to my conduct nor the information that I provided when Sarina McKinnon contacted me and the incorrect information that had gone out into the community was corrected and it appeared that this Applicant was again to be hired.

113. The Complainant did not contact McKinnon with any questions. It appears that the statements made that do not conform with what I have provided are self serving and are for McKinnon's personal benefit or the personal

benefit of the Human Rights Commission or other employees as this Complainant believes the Premier knows that McKinnon deliberately contacted this Applicant to try to obtain information the government could use to not hire her and deliberately provided negative information for the government to use subsequent to Sarina McKinnon contacting this Applicant.

114.Paragraph 12 of the bullets would appear to be embellished and self serving as well.

115.On page 13, paragraph 41 it appears that the Report has deliberately obscured what occurred in order to appear misleading and adversely affect this Complainant. My e-mail of June 22, 2012 was in response to the inquiry of Jill Peters as to if I was withdrawing my Complaint as an unbiased Human Rights Commission would not be ascribed to handle my complaint and the NB Human Rights Commission intended to proceed.

116.I stated in part in that e-mail as follows:

New Brunswick Human Rights Commission

200 Champlain Street, Suite 320

Dieppe, N.B.

E1A 1P1

Attention : Jennifer LeBlanc

Manager of Investigations

.....

Please be advised that if the government is not resolving my matter at this time and hiring me as a Lawyer I will with the appropriate relief it is necessary that I proceed with the Human Rights Complaint and I am certainly going to do so. I immediately advised the Clerk of the Legislative Assembly and the Premier of this subsequent to receipt of the April 26, 2012 letter from Jill Peters, Director of the Human Rights Commission by e-mail dated May 1<sup>st</sup>, 2012. I requested that they advise the Human Rights Commission.

The following paragraph in that May 1 2012 e-mail stated "In light of the deadline stipulated in the letter from the Director of the Human Rights Commission dated April 26, 2012 that was delivered by the post office person last Friday morning to notify her as to if I am withdrawing my Complaint as they do not intend to have unbiased persons handle the complaint, the government should ensure that she is advised immediately that I have no intention of withdrawing my human rights Complaint if the government is not immediately hiring me and fully resolving all issues in this matter. It appears that Sarina McKinnon as a lawyer in the employ of the human rights commission knows I believe that biased information was exchanged with the government or has the obligation to know or reasonably ought to know that that occurred and has the ethical duty under the Professional Code of Conduct to ensure that the New Brunswick Human Rights Commission does not proceed in the face of a conflict.

I have also repeatedly requested that the Premier advise me and the Human Rights Commission as to what unbiased human rights commission will be handling my matter in its entirety in the particular circumstances of my matter as if there is a conflict or even an appearance of conflict the Commission cannot proceed if the government is not resolving my matter by hiring me immediately with all appropriate relief.

There is a conflict that cannot be cured and I believe that the Premier is aware of that and can confirm that to you.

.....

As I believe the Premier can verify to you, I understand that positions of Cabinet Ministers and other employees may be or have been dependent on my being discredited by the bullies and certainly there is a conflict with the New Brunswick Human Rights Commission handling my matter as it reports to a Cabinet Minister.



.....

One serious issue is that there appears to have been improper information exchanged between the government and the Human Rights Commission as a result of contact that I received from the Legal Counsel for the Commission Sarina McKinnon before I filed my complaint and it appears incorrect information went out into the community as a result of that exchange. I understand that as a result of my e-mail addressing those concerns that the Premier has dealt with that matter and the incorrect information that I understand went out into the community was I understand corrected and the Lawyer III position was again at that time put on track to be given to me. I understand that the Premier can confirm this to you as well.

.....

If it is necessary to make a complaint to the Law Society in respect to Sarina McKinnon if the Commission intends to proceed in the face of a conflict as the Director suggests[,] that can be addressed as Sarina McKinnon has an obligation to advise you under the Professional Code of Conduct that if there is a conflict or even an appearance of conflict the Commission cannot proceed to deal with my matter.

I understand that the Premier is aware that such a conflict exists and that if my matter is not resolved that he will direct that such an independent unbiased human rights commission handle my matter. "

Cc. Premier Alward

117.It was my understanding that the Commission sent this letter to me in order to try to assist the government as it was hoping that I would withdraw my Complaint if they were intending to handle my complaint as I believe they knew that it was certainly my understanding that they would not treat this Applicant impartially in light of the conflict of interest and bias of the NB Human Rights Commission and the personal benefits that I understood would result to government and human rights commission employees and others if my Complaint was dismissed without a public hearing or any public scrutiny.

118.In respect to paragraph 45 referring to my Complaint to the Premier and the Legislative Assembly in respect to Andrea Folster, the Premier AND the Minister of Post Secondary Education, Training and Labour (as a result of his being a Cabinet member to whom the Commission reports) has an ethical obligation in light of that e-mail being referred to in the Report of the NB Human Rights Commission and in light of the False Responses filed by Andrea Folster to IMMEDIATELY confirm to the Commission that all information referred to in paragraph 45 a through s (which the Commission refers to under the preface "The [September 9, 2012 e-mail] indicates that the Complainant believes in part:....") is completely true and accurate.

119.As a result of Andrea Folster's false assertion that no outside information was taken in by the government to affect this Applicant's application in the open competitions and the other false information in the Responses or the failure of the government to admit what the Applicant has stated is true, which is contrary to what this Complainant has indicated, I presume the intent of the Commission staff that prepared the Report is to leave the impression that this Applicant has mental health issues as what she said is not true based on the Respondent's position.

120.This would appear to be extremely unethical conduct, deliberate fraudulent conduct and obstruction of justice by all Respondents, the Human Rights Commission, Cabinet and the Clerk of the Legislative Assembly all who know that the government has caused extremely severe harassment of this Applicant and appear to be prepared to go to any lengths to fabricate facts to avoid responsibility for the situation that it has caused and to prevent my human rights complaint from being heard before an unbiased human rights commission. In light of the oaths of office taken by all cabinet members to protect the public interest and to not act in the interest of particular cabinet members or other employees each member of cabinet HAS A DUTY AND ETHICAL OBLIGATION to ensure that all information filed with the Human Rights Commission by the Respondents which includes the Province of New Brunswick is completely true and correct and that the rules of natural justice are followed and an unbiased decision maker hears the matter. The Respondents can call whatever evidence they are able to properly call and can make whatever submissions they wish to make in respect to this Applicant's complaint but to collude with the NB Human Rights Commission to proceed on false information filed by the Respondents and/or the Human Rights Commission is unethical, immoral, unconscionable and intolerable in a free and democratic society.

121. In respect to 45 (a) the Applicant states that there was a radio broadcast on CBC radio to this effect.

122. In respect to 45 (b) under cross-examination (if the Premier or the other Respondents are not correcting the information in the Responses filed by Andrea Folster now in accordance with their public duty or oath of office) the Premier would be required to admit that the government has taken in information from biased unqualified people deliberately engaged in the harassment of this Applicant to prevent me from being hired contrary to what is stated in the Responses of the Respondents and that other information stated on the behalf of all Respondents is deliberately false as well such as the statement that this Applicant is not qualified which is clearly shown to be false by the letter of Robert Savoie.

123. In respect to paragraph 45 c again it appears that the Human Rights Commission in its report has presented the information in such a way as to mislead or suggest that as the Respondents deny what the Applicant has stated it must not be true when the Commission has BEEN ADVISED and it is believed KNOW and the Cabinet Minister they report to KNOWS or reasonably ought to know that the Responses filed by Andrea Folster contain false information.

In the e-mail I state

"Martha Bowes was human resources advisor in the 2008 Miramichi crown attorney competition, the 2009 specialized prosecution branch competition and the 2010 employment and administrative law branch competition and the 2010 litigation branch competition, the latter two competitions being the two numbered competitions that

Andrea Folster referred to in her response.

Martha Bowes was aware or reasonably ought to have been aware that the government was taking in information from persons involved in the harassment of this Applicant directly or indirectly [in respect to the Miramichi competition] and that it delayed the competition until it felt it had information which it could use to not hire this Applicant. Martha Bowes was aware or reasonably ought to have been aware that the Ombudsman found the information that the government relied upon to be false and could not support what the government had done and the government was again directed to hire this applicant. During the Ombudsman review information was provided I understand by this applicant's supervisor at the call centre Atelka, Gillian Miller, with the company's blessing in approximately March of 2009 to the effect that I was an excellent employee and there were no concerns in respect to me. Martha Bowes was I believe aware that after the Ombudsman review of the 2008 Miramichi competition the government was directed or REQUIRED to hire this applicant and it advertised the 2009 specialized prosecution branch competition to do so. Martha Bowes is aware or reasonably ought to be aware that the government then began to take in information again from the persons involved in the harassment of me to affect the 2009 specialized prosecution branch competition to the effect that this applicant had mental health issues.

The Premier, Martha Bowes, Andrea Folster and the other Respondents know or reasonably ought to know that as a result of the involvement of Gillian Miller and Cst. Scaplan in May of 2009 when I requested to speak to the police when my employment at Atelka was ending due to the harassment, that Attorney General TJ Burke was removed from his position as Attorney General. It was on the TV news the day after my interview on Wednesday, July 22, 2009 that he was leaving the Legislature completely even as a back bencher for private practice and it is my understanding that the Director of the specialized prosecution branch assessed that I was fully qualified based on merit. The Premier knows or reasonably ought to know this and should confirm it immediately in light of the contents of the report. Martha Bowes should also confirm as she has a duty as a Respondent to correct any false information in the Responses filed by Andrea Folster or incorrect or misleading information in the Human Rights Commission Report, that this Applicant was interviewed in September 2008 and that the government directly or indirectly took in information from the persons involved in the harassment of this applicant at the call centre until November 25 2008 when it relied on incorrect information provided from the evening of November 24, 2008 and this applicant was then sent a letter by the government to the effect that this applicant was not successful and the position was filled.

Gillian Miller can also confirm that this Applicant was harassed within the call centre and that she regularly assisted this applicant to clear up the incorrect information. She can also verify under oath that a supervisor at the centre was disciplined for passing information directly or indirectly from the centre to the government to stop this applicant from being hired.



Cst Scaplan should also be able to verify this as a result of his dealings with Gillian Miller and this matter subsequent to meeting with me at the centre on the day my work ended there on two weeks paid notice as a result of the harassment.

124. In respect to 45 d the Premier knows or reasonably ought to know that the Ombudsman was required to resign in April 2010, although he was allowed to give a year's notice, as a result of his improper conduct in dealing with the review of this Applicant's Complaint and the Premier has an ethical obligation as a Respondent to admit that fact in the Commission's Report.

125. The response of Andrea Folster suggests that as the Ombudsman has reviewed the matter the human rights complaint is without merit. This is wrong as she knows or ought to know the Ombudsman was required to resign as a result of his improper conduct and his 2010 review was completely invalid and in light of his statements in respect to his other reviews that those reviews were it appeared without merit as well as he lied and denied that the government took in information from any outside persons in any of the competitions that he reviewed. The Ombudsman knew that the government took in information from outside persons improperly in EVERY competition it appears that he reviewed. Cross-examination of the Respondents including Martha Bowes should clearly show this fact. However the Premier as a Respondent has an ethical obligation to admit the facts that are true that the Complainant has provided or stated and the Report of the NB Human Rights Commission staff should reflect his admissions and correct the portions of the Report based on the false information in the Respondent's Responses.

126. In respect to 45 e, Premier Alward has a copy of the 2010 Complaint to Premier Graham and the Legislative Assembly in respect to Bernard Richard and a copy of the March 10, 2010 reporting letter of Richard is attached. The Premier, Martha Bowes and others in government KNOW or reasonably ought to know, by virtue of their position and the manner in which the Premier has dealt with my situation constantly since December 2010 until this present date, that there were outside influences involved in every competition the Ombudsman reviewed that provided improper information to the government contrary to the Human Rights Act. All Respondents have an obligation to admit these facts and correct the false information that was filed on their behalf by Andrea Folster in the Responses in the Human Rights proceeding.

127. In respect to 45 f the Premier knows or ought to know by reason of his having dealt with my matter since December 2010 that this has occurred and as a Respondent should IMMEDIATELY verify to the NB Human Rights Commission that this is true as he has an ethical duty to correct the false information filed in the Responses by Andrea Folster on the Respondents behalf. Brad Green can verify under oath if necessary at a hearing that persons involved in the harassment of this applicant were involved in providing negative information about this applicant's personal life to Deputy Minister Choukri and that Attorney General Green stopped that information from being taken in and set up an interview in July of 2006 for this Applicant in respect to the 2006 child advocate position. In spring 2007, Lise LaForge (human resources advisor), Nancy Forbes and others know or reasonably ought to know that as a result of the persons involved in the harassment providing negative information to the government that I was not hired in the competition in which I was interviewed in January of 2007 and persons were dealt with and disciplined as a result of the Ombudsman review including I understand the Director of Human Resources. In Fall of 2007 Julie Comeau knows or reasonably ought to know as she worked with human resources in 2007 that the Deputy Minister of the Office of Human Resources was removed as a result of her conduct in taking in improper information from persons outside government to affect the two competitions ran in the summer of 2007 and in which this Applicant was interviewed both of which were ran as a result of the Ombudsman directing that this Applicant be hired. Julie Comeau knows or reasonably ought to know that as a result of the persons who were disciplined or removed from their positions after the Ombudsman review of the competition for which I was interviewed in January 2007 that the government would NOT have run those competitions and certainly would NOT have interviewed me if it had not been required to do so. In the 2008 Miramichi competition Gillian Miller cleared up with the Ombudsman improper information that outside persons within the call centre had given to the government directly or indirectly to affect the competition. In respect to the 2009 specialized prosecution branch competition Michael Murphy was required by Premier Graham to resign from the Legislature as a result of his role in taking in information from it appeared anyone outside government who would give it to him to suggest that this Applicant had mental health issues of any type in order to prevent this Applicant being hired in light I understand of his conflict of interest and the bias resulting therefrom as a result of his friend and colleague TJ Burke being removed as Attorney General in order it is understood to give a private benefit to his friend and others by discrediting this Applicant and justifying their conduct. The information was provided by biased unqualified persons and was not information that would in any way properly evaluate anyone's mental health but was the type of information bullies would provide to hurt someone and accomplish their purpose. Cst. Hamilton corrected regularly from about November 2009 until about January 2010 the improper

information that Michael Murphy took in. In respect to the 2010 competition Premier Alward KNOWS that improper information has continued to be taken in right up to the present date from unqualified biased persons in an effort to discredit me so that the government does not hire me and if they are successful MANY persons benefit privately by keeping their jobs or professional positions or otherwise avoiding the consequences of their involvement in harassing this applicant or other inappropriate conduct in dealing with this applicant in respect to her private and confidential applications in open competitions. Premier Alward as a Respondent has an ethical duty to confirm that this information that I have provided as a result of the contents of the Report of the staff of the NB Human Rights Commission is correct in light of the false information contained in the Responses filed by Andrea Folster on behalf of all Respondents.

128. In respect to 45 g Premier Alward KNOWS this is true and has an obligation to verify that and correct the false information Andrea Folster filed on behalf of all Respondents.

129. In respect to paragraphs h and i, Bruce Court who was a city councillor in 2012 can verify under oath as a result of a subpoena at any hearing that the City of Saint John together with the government dealt with such employees as bus drivers etc as a result of their monitoring, following or reporting on my activities in order to prevent my being hired as a Lawyer III with the government of New Brunswick in the early months of 2012 and that once further improper information came in from those persons or others associated with them the government stopped the discipline action of those employees in or around March of 2012 and stopped the process of putting in place the Lawyer III position for this Applicant;

130. In respect to j, as a result of his position as a councillor and the action of the city in dealing with its employees and the harassment situation Bruce Court should also be able to indicate that the province has taken in information from people associated with others involved in the harassment of me and that persons involved report on my actions that they observe without even knowing me or talking to me. He should be able to provide the Human Rights Commission with specific names of the bus drivers etc and this Applicant can indicate that the majority of those drivers do not know this Applicant and originally participated in the harassment I understand to help out friends or other employee colleagues and now continue to participate in order to save themselves from discipline by trying to justify their conduct by I understand further harassment.

131. Also in respect to j the Premier and the Chief of Police would have a list or record of who has given them information and what they have provided and once this List is disclosed this Applicant can indicate who on the list does not know her but in light of the matters that have had to be addressed many of the people involved do not it appears know me and have reported adversely on my mental health or other actions anyway.

132. In respect to k the Premier and the Chief of Police know this is true. Bruce Court by virtue of his position as a councillor and the actions of the city in dealing with the harassment can also it would appear verify that this has occurred.

133. In respect to l, this Applicant stated

"[Andrea Folster] has not told the Commission information that I understand would also be within the knowledge of the persons that she is representing to the effect that in August of 2011 the Minister of the Office of Human Resources Blaine Higgs was being required to announce his resignation for taking in information from the biased bullies to the effect that this applicant had mental health issues as it was shown and the government had directly or indirectly observed that this Applicant had no difficulties whatsoever and no adverse allegations were made when this applicant had interactions with persons NOT ASSOCIATED with the bullies. Andrea Folster did not advise the Commission that further negative allegations were made by the biased bullies to the effect that this Applicant had mental health issues which resulted in Minister Higgs not being required to resign at that time which allegations of the bullies were again found to be incorrect and this applicant was again to be hired at different times between August and December of 2011 only to have the bullies further harass this applicant and provide improper negative information about this Applicant's private life to the government to the effect that ordinary occurrences and actions meant that this Applicant had mental health issues and should not be hired. "

134. The Premier I understand and the Chief of Police would be able to verify under oath by subpoena (if the Premier will not require that the false information Andrea Folster has filed on behalf of ALL RESPONDENTS including the Premier be corrected in the responses filed with the Human Rights Commission as I understand ethically and by law he is required to do) that the cabinet position of Blaine Higgs HAS been in jeopardy at various times right up to the present time as a result of his having taken in information from persons involved in the

harassment of this Applicant to adversely affect the hiring of this Applicant. As a result of the NB Human Rights Commission reporting to the Minister of Post Secondary Education, Training and Labour who is a member of Cabinet it is the position of the Applicant that Danny Soucy and Martine Coulombe are both aware that the Cabinet position of Higgs has been and is in jeopardy if this Applicant is hired.

135. In respect to m the Premier, Martha Bowes the chief of police and other members of cabinet all know that this is true and that all of the Respondents have an obligation to admit this in their Responses and to correct the false information they have filed with the Human Rights Commission and file details of same.

136. In respect to n, the lawyers in the government ought to be fully aware that preparation of responses to pleadings is NOT an exercise in creative writing and they cannot change the facts or deny that things are true which really are true. Andrea Folster and Guy Daigle and Nancy Forbes and all of Cabinet know that improper information has been taken in from persons outside government and that persons within government have been removed from their positions as a result of their own wrongdoing in dealing with this Applicant's bona fide applications in open competitions and are required to admit that and should provide a list of those persons. Alternatively this evidence can be brought out in cross examination of the Premier or anyone else appropriate at a hearing and the government should not be able to have the commission prepare a report based on information the government knows is false to prevent this applicant's claim or any portion of it or to prevent a public hearing on the full complaint particularly when the Minister of Post Secondary Education, Training and Labour to whom the NB Human Rights Commission reports knows or reasonably ought to know by reasonable inquiries that he could make that the report is based on false information by virtue of his cabinet position.

137. In respect to o, any lawyer should know the rules of preparing pleadings or responses in any legal type proceeding which require the lawyer to be honest and not participate in preparing the pleading if the lawyer knows that clients want false information put into it. This is required by the rules of Professional Conduct of the Law Society of New Brunswick. The rules also require the lawyer to admit what is true in a complainant or plaintiff's pleading in order to properly narrow the issues for the trial judge or other trier of fact.

138. In respect to p, the Premier has been provided directly or indirectly by me a copy of the letter of Robert Savoie dated June 11, 2007 which clearly indicates that this Applicant is FULLY QUALIFIED AND A STRONG A RATED APPLICANT AND WAS PUT ON THE ELIGIBILITY LIST IN 2007 in respect to a litigation position which was essentially the same position as the litigation position advertised in July of 2010 and being one of the two positions listed in paragraph p of the Commission's report.

139. In respect to q it would be within the power of the Premier to review the 2002 competition file to see what it shows and he can verify with David Legere, Regional Director of Court Services in Moncton that this Applicant was the only A rated candidate but was not hired which would it appears show that a competition file was altered in the past. Also in light of the rating this Applicant received at the January 2007 competition where Nancy Forbes was part of the Board of Examiners it would appear that a different rating at the July 2010 interview where Nancy Forbes was again a member of the Board of Examiners would be inappropriate and is as a result of the conflict of interest and bias resulting after the review of the competition in which this Applicant had an interview in January 2007. Nancy Forbes, the Premier and others can in cross-examination be required to name persons who were disciplined subsequent to that review by the Ombudsman.

140. In respect to r see the letter of Robert Savoie dated June 11, 2007.

141. In respect to s, I stated:

"The Premier is aware that this applicant has it appears been attempted to be deliberately set up by persons involved in the bullying. In fact it appears that the envelope from the human rights commission containing Andrea Folster's response was delivered by the postman to the wrong address and was delivered next door to the house of a person involved in the bullying who was I understand put off work in August of 2010 for two weeks as a result of her part in the bullying at that time just a few days after the interview this Applicant had with Andrea Folster and the rest of the selection committee in respect to the two numbered positions mentioned above. That lady may have lost her job entirely as a result of further subsequent participation in the bullying. That lady then brought over to this Applicant a delivery notice addressed to this Applicant which clearly showed this applicant's name and correct address that said there was no answer when the postman tried to deliver it. I believe that the Premier and the Clerk of the Legislative Assembly are aware that the postman is involved with that lady and her husband and others in the bullying of this Applicant. I believe the Premier is aware that negative allegations were likely made by

the bullies to the effect that this applicant had mental health issues because she did not answer the door or something else negative to achieve the bullies' purpose as a result of that delivery notice being delivered to the wrong address by the postman. "

142. The Premier is aware that the contents of the above paragraph is correct. In addition it was addressed with the Premier that the postman came on the Friday following that incident and apologized to this applicant as I called the post office and requested that they have it redelivered properly. I indicated to the Premier that it was not believable that he did not know which house he was at. The postman said to me that if someone had been home at the other house when he delivered it there he would have realized he was at the wrong house but as no one was home there he thought he had delivered it to 145 (where I live) and he left the notice at the other house that he had attempted delivery. I indicated to the Premier in light of my understanding of the postman's involvement in the bullying that I did not believe his response. In addition the Premier can make inquiries and can verify that the lady to whose house it was delivered was disciplined and provide the details of same. In fact the Premier as a Respondent is obligated to ensure that the Response filed on his behalf and on which the Human Rights Commission relies to prepare its report contains proper information and all false information should be corrected immediately. If it comes to his attention at anytime that the report contains information from the Respondents that is not correct ethically or that is shown as being stated by this Complainant but not as having been verified as correct by the Respondent when it is in fact correct he and all other Respondents HAVE A DUTY AND ETHICAL RESPONSIBILITY TO IMMEDIATELY CORRECT IT OR CONFIRM IT. As I understand the government has had the Report of the staff of the NB Human Rights Commission as long as I have had it they should have acknowledged long before now to you that this and all other items referred to by you in 45 a through s are true and not simply what the applicant believes as the Human Rights Commission staff appear to try to suggest in the Report it appears in order it appears to adversely affect this Applicant in the view of anyone reading the Report. In addition the Premier and all other Respondents are obligated to advise the Commission and correct the false information in the Responses filed by Andrea Folster. The Cabinet Minister to whom the commission reports is also under his oath of office obligated to ensure the commission does not rely on information that he knows is false in the preparation of its report and as a member of cabinet he knows or reasonable inquiries by him would show that there is false information in the responses filed by Andrea Folster.

143. In respect to paragraph 46, cross-examination of the Premier at any hearing will show he removed the Minister and Deputy Minister of Post Secondary Education, Training and Labour and Blaine Higgs as Minister of the Office of Human Resources in October of 2012 subsequent to my e-mail of September 9, 2012. Details and Reasons can be brought out on cross-examination if the Respondents, including the Premier, will not provide the reasons and accurate information in their responses as they are required to do.

144. In respect to MLA Parrot it was on the CBC TV and radio news that Premier Alward ousted him from the Progressive Conservative Party shortly before the Cabinet Ministers were removed. Premier Alward has an obligation to ensure accurate information is in the report by the Commission and is obligated to indicate the reasons for the removal of MLA Parrot if they relate to this Applicant in any way and to confirm that paragraph 46 is true and not just what the Applicant believes as the Commission Report appears to indicate and he and the other Respondents should provide full particulars. As the Cabinet Minister to whom the Human Rights Commission reports would know or reasonable inquiries by him would show the true details as a result of his position as Cabinet Minister he has an obligation to ensure the report reflects all true information in the possession of cabinet and not framed adversely towards this Applicant in the private interests of one or more cabinet ministers or other MLA's or government employees to enable them to keep their jobs or otherwise avoid the consequences of their own wrongdoing.

145. In respect to paragraph 48 the respondents in filing their additional response rather than admitting what is true in the Complainant's Reply and providing accurate details to narrow the issues further, they it appears again deliberately try to obstruct justice by filing further false statements and information designed it appears to protect the private interests of cabinet ministers, government employees and others contrary to the law, ethical obligations and it appears also the criminal code as obstruction of justice would appear to be a criminal offence.

146. In respect to paragraphs 52, 53 and 54, it would appear that the Commissions statement is contrary to what Sarina McKinnon told this Applicant and contrary to the facts. There has been a continuous discrimination since May 2008 and particularly since July 2009 by the government officials and employees taking in improper information from biased unqualified persons involved in the harassment of me to the effect that in their opinion I have mental health issues and that has affected the decisions of government in all competitions they have interviewed this applicant in and in all measures they have taken right up to the present date in respect to

stopping the harassment and hiring this Applicant. Based on what Sarina McKinnon told this Applicant and what she states in the Commission's own report a Time Limit Extension would not be necessary going back to 2008 as there has been a continuous course of discrimination alleged based on perceived mental health issues as a result of the information the Premier knows (and the rest of Cabinet including the Minister of Post Secondary Education, Training and Labour to whom the Commission reports KNOW or reasonable inquiries of the Premier would inform them) has been taken in from biased persons NOT qualified to give opinion evidence involved in the harassment of this Applicant. No matter how much the Commission or the Respondents want to pretend the information in the Responses filed by Andrea Folster are true they simply are not true and I need immediate confirmation further measures are not being taken based on the Report of Commission staff that is based on it appears fraudulent information designed it appears to deliberately obstruct justice and to get the result that the government wants to obtain. The government it appears has continued to take in information from the same people as Michael Murphy and TJ Burke took information in from, right up to the present date.

147. In respect to paragraph 55, if the Commission continues to rely on the false information set out in the responses prepared by Andrea Folster on behalf OF ALL RESPONDENTS it would appear that the Commission's "PROCESS" is a sham and is deliberately designed to obstruct justice and further the private interests of Cabinet Ministers and others. The Minister of Post Secondary Education Training and Labour to whom the Commission reports knows or reasonably ought to know the information the Commission staff are relying upon filed in the Responses prepared by Andrea Folster is false when it deliberately states there ARE NO PERSONS OUTSIDE GOVERNMENT GIVING INFORMATION TO AFFECT MY APPLICATIONS WHEN SHE AND ALL OF THE RESPONDENTS AND THE CHIEF OF POLICE ALL KNOW THAT THIS IS FALSE. It appears she was told this statement was necessary in order to dismiss my complaint as it was NOT in her original Response filed on behalf of all Respondents.

WHEN the Commission can further the private interests and allow members of Cabinet, government employees, its own human rights commission employees and others to benefit privately by keeping their jobs or otherwise avoiding the consequences of their own wrongdoing it is ABSOLUTELY UNETHICAL AND CONTRARY TO THE RULES OF NATURAL JUSTICE FOR THE COMMISSION TO PROCEED OR FOR THE PREMIER OR THE CABINET MINISTER to whom the commission reports TO ALLOW THEM TO PROCEED.

148. It appears very clear that the Human Rights Commission has a conflict and that the Cabinet Minister of the Department of Post Secondary Education training and Labour is in conflict of interest and that if the Human Rights Commission adversely affects this Applicants complaint based on false information, persons will benefit privately such as other Cabinet Ministers, human rights commission employees etc.

149. In respect to paragraph 59, the Premier, The Minister of Post Secondary Education Training and Labour , all other Cabinet Ministers and the Chief of Police to name a few ALL KNOW THAT THIS INFORMATION IS FALSE.

150. It is particularly reprehensible if the Respondents are allowing this statement in the report based on their false information when they KNOW that if this applicant is not hired the information in the community will be that the harassment was successful and that their information was accepted and that this applicant has mental health issues.

151. In fact what it appears is the real situation is that this applicant is dealing with people that it appears are completely unethical despite the high positions they hold within government and it appears clear criminal offences are being committed by those persons. The question appears to be if the Human Rights Commission is now participating in the wrongdoing, who IS going to stop the wrongdoing by government officials including the Premier.

152. Paragraph 63 also it appears is unethical and ALL RESPONDENTS are aware it is untrue. If they wish to say that this Applicant has mental health issues and state the reasons that is one thing but to deny that they are taking in improper information WHEN THEY KNOW THEY ARE TAKING IT IN is it appears fraudulent. All respondents should also know that human rights considerations are separate from any determination of the Ombudsman but when the RESPONDENTS KNOW THAT HE LIED BY SAYING THAT THERE ARE NO OUTSIDE INFLUENCES INVOLVED and the Respondents it appears are trying to say the same lie as they seem to feel it worked for the Ombudsman (even though he was required to resign as a result of I understand saying that there were no outside persons involved and making fun of this Applicant for saying so.) It appears that the Human Rights Commission in its report based ON THE FALSE INFORMATION that the government has filed is now doing the same thing the Ombudsman did and is lying and saying there were no outside influences when



THEY KNOW OR REASONABLY OUGHT TO KNOW THERE ARE and the Human Rights Commission seems to be endorsing the provision of false information by the Respondents and appears to be suggesting that this applicant believes things that are not true such as people are involved in the harassment of her and are interfering in her employment applications.

153. It appears that the government and the NB Human Rights Commission as a result of the conflict of interest and resulting bias in order to allow cabinet ministers, government employees and others to benefit privately is simply going to obstruct justice and ensure this Applicant is not hired unethically and completely contrary to the requirements of the Civil Service Act, the Human Rights Act and the Rules of Natural justice.

154. In respect to paragraph 65, it appears that the Human Rights Commission has found based on the failure of the Respondents to tell the truth that this Applicant has not met that part of the four part test and has not proven that she has a strong arguable case.

155. For the NB Human Rights Commission to state:

"The information provided **appears to indicate** (emphasis added) that with respect to competitions #08-44-04 and 09-45-10 ;

**i. The Complainant does not have a mental disability**

**ii. The Respondent will say they do not perceive the Complainant to have a mental disability"**

in the circumstances of this matter would appear to be unethical particularly where As a result of the involvement of Cst. Hamilton the chief of police KNOWS that Michael Murphy was removed as Attorney General and Minister of Justice and required to resign from the Legislature as a result of taking in information from biased unqualified persons outside government involved in the harassment of this applicant suggesting that I have mental health issues in their opinion and that that information was used under Michael Murphy's direction to deny me the lawyer III position.. Martha Bowes knows that this Applicant was sent a letter advising her the position was filled after the government improperly took in information from a person outside government who was biased and unqualified to comment on the meaning of anyone's behaviour and that the position was not given as it was alleged on improper untested information that this Applicant had mental health issues.

156. In respect to 65 iii it is the failure of the respondents to tell the truth which it appears leads to this statement by the commission The cabinet minister the HR Commission reports to knows or reasonably ought to know or could make reasonable inquiries to confirm that this applicant has won each competition based on merit. I have provided a copy of the letter of Robert Savoie which states my strong A rating and that I was put on the eligibility list in the January 2007 competition. Martha Bowes, the Premier and other Respondents know or reasonably ought to know that for the 2008 Miramichi competition and the 2009 specialized prosecution branch competition improper information was taken in to try to suggest that I had mental health issues as otherwise I had won the competitions based on merit AND THEY HAD TO HIRE ME.

157. Re 65 iv Letter is attached of June 11, 2007 of Robert Savoie.

158. Re: 65 v The complainant was not considered as required by section 16 of the Civil Service Act fairly and impartially. The Premier as a respondent is aware of this and has a duty to confirm this statement.

159. RE vi The Premier knows that the Ombudsman was required to resign as a result of his conduct and the Ombudsman failed to follow the law and set out his real findings in each competition and lied that there were no outside influences IN ANY OF THE COMPETITIONS THAT HE REVIEWED as stated in the March 10, 2010 reporting letter a copy of which the Premier has. The Ombudsman was it appeared covering up for the government in every competition he reviewed instead of fairly and impartially reviewing the competitions and stating his findings that the Applicant won each competition on merit and setting a time frame in which the Applicant was to be hired.

160. Gillian Miller and Cst. Scaplan as a result of their involvement in May 2009 can it is believed indicate that this Applicant was to be hired after the 2008 Miramichi competition. Shortly after their involvement she was interviewed and it is believed the Director of the specialized prosecution branch would confirm that I won that

competition based on merit as otherwise it would not have been necessary for Michael Murphy to take in information from persons outside government to the effect that this Applicant has mental health issues.

161.Re 65 vii - The Premier and the Chief of police have the information which will identify ALL persons involved in following this Applicant, monitoring her actions and providing reports to the police and the government in order to prevent her from being hired. The Premier as a Respondent has an ethical duty to provide this information.

The information in the Responses filed by Andrea Folster saying to the effect that there are no outside influences and that there is no harassment is false and designed to obstruct justice and to get a private benefit for cabinet ministers and others who would lose their jobs or positions or otherwise be adversely disciplined.

162.Re 65 viii - It is within the Respondent's power and particularly that of the Premier to specifically provide a LIST OF ALL INFORMATION THEY HAVE TAKEN IN and specifically confirm that they have denied all lawyer positions beginning with the Miramichi competition until the present date to this applicant based on allegations by unqualified biased persons involved in the harassment of this applicant to the effect that she has mental health issues of some sort. The premier has an ethical obligation as a Respondent to correct the false information filed by Andrea Folster and to confirm the true information.

163.Re 65 ix The premier can specifically set out this list as he and the chief of police have taken in information from the persons involved in the harassment. As he is a Respondent it is his ethical obligation to do so and his failure to do so is it appears deliberate obstruction of justice.

164.Re 65 x The premier can set out all of the details and has an ethical obligation to do so as one of the Respondents and has an ethical requirement to ensure the member of his cabinet to whom the Human Rights Commission reports corrects the report based on false information and that he has all information from the Premier and the chief of police necessary to do so.

165.Re:65 xi The persons involved in the harassment have daily harassed this applicant by watching the house where she lives and whenever she goes out. They harassed me at the call centre and the information there was corrected with the assistance of Gillian Miller. Gillian Miller also corrected the improper information provided by those persons to the Ombudsman during his review of the Miramichi competition with the blessing of the company and confirmed to this Applicant that she had done so.

166.Bullies like to gloat and make comments etc which they did regularly during the harassment. The premier is aware that the Ombudsman was removed as a result of his conduct in respect to the 2009 specialized prosecution competition review.

167.The premier is aware that cabinet appointed this applicant on Thursday December 23, 2010 based on merit as she had won the competition and Blaine Higgs called her to make the offer. Both as Respondents have an obligation to provide this information.

168.It appears the inability of the commission to find that I have a strong case in fact and law is as a result of the failure of the Respondents to tell the truth and as a result of their deliberate conduct designed to obstruct justice and conceal the information that would show the statements in the applicant's documents are all correct and would justify her position in order it appears to prevent public scrutiny and a public hearing where this Applicant could cross-examine the Respondents to bring out the truth if they will not tell the truth and ethically and properly provide it.

169.In respect to issue b re time limit extension - re if evidence of substantial loss or damage to the complainant and a clearly identifiable remedy?

Re 67 - identifies substantial harm. The fact that the respondents in 68 have provided false information can be proven at the hearing based on cross-examination. Even the letter of Robert Savoie of June 11 2007 shows an administrative error on his part as the notice of the competition clearly shows one English position **was available** and it was not an inventory only competition yet he echoed the position of the government that it was an inventory only competition. Cross-examination will show he covered up the government's wrongdoing and the taking in of information from people outside the competition and required that the government hire me which resulted in two further competitions being ran to hire this Applicant.

**170.Re 69, 70 and 71 - all show substantial loss or damage to this applicant and a clearly identifiable remedy**

Re: 72 - The findings set out in I-vi are it appears all as a result of the failure of the respondents to tell the truth and are all based on the information in their false Responses.

171.Proper information that the Respondents had an ethical obligation to file to properly and ethically narrow the issues would have admitted all information in the Complainant's complaint and other documents is correct. It would have indicated that she won all competitions based on merit and that the Ombudsman's reviews covered up for the government in all of the competitions rather than stating his true findings and setting a time period for her to be hired.

172.The letter of Robert Savoie shows that I am a strong A rated candidate and was put on the eligibility list .

173.Cross examination at any hearing would also elicit clear evidence that it was only as a result of outside interference by persons involved in the harassment of this applicant that I was denied each of the positions.

174.Re # 73 the Report states

Based on all of the above there does not appear to be evidence of substantial loss to the Complainant or an identifiable remedy"

It appears that in essence what the Report is saying is that because Andrea Folster on behalf of all of the Respondents has filed false responses, the recommendation in the report is against this applicant. I have suffered substantial loss and there is very clearly an identifiable remedy as my comments to the Report, my Complaint and all other documentation I have filed clearly show. Once the false information of the Respondents is corrected and it should be immediately corrected and the Report on which it is based by Commission staff should also be immediately corrected, my complaint in all respects is clearly justified. It appears that the Respondents have deliberately filed fraudulent information in order to obstruct justice and get the result the government wants to obtain.

175.Re issue c re time limit extension - did the complainant have bona fide reasons for not filing within the one year time limit?

Re 76 - The Report states: To meet this part of the test, the guideline dictates that the justification provided must be one that demonstrates that the complainant had a *bona fide*

Reason, **as determined by the Commission**, for not filing within the one year time line.

2.1.2 states Bona fide reason as determined by the commission **includes but is not limited to** i-v. (emphasis added)

176.It would appear that it clearly brings the administration of justice into disrepute for the NB Human Rights Commission who reports to a Cabinet Minister who has colleagues who deliberately filed or allowed false information to be filed in a legal proceeding to determine in their discretion if this Applicant meets the test. This violates the rules of natural justice that a decision maker **MUST** be unbiased.

177.In addition it states that the reasons **INCLUDE** but are not limited to and in v it states any other justified reason as determined by the Commission. It would appear that a truly unbiased commission once it has the truth, instead of the false responses provided by the Respondents would properly find in the circumstances of how the Respondents have treated this Applicant that she does meet the test even on that basis alone.

178.In addition it appears even on the test provided that I meet both ii a & b and iii. Again it appears the failure of the respondents to tell the truth has resulted in the finding that this Applicant has not met that part of the test.

179.The Report relies upon the false information set out in paragraph 79 provided by the Respondents. The Premier has an ethical duty as a Respondent to correct the false information immediately.



180.Re 80 This would appear irrelevant to the current competitions and appears designed to adversely affect the Complainant to get the result the Respondents want. The Complainant has earlier in these comments addressed the contact with Aline Barnett and there is nothing negative in that contact that should in any way affect this Applicant's complaint.

181.Re: 81 i The complainant was also aware of the time limit extension criteria from 2005 and it would appear the complainant meets ii a& b and iii at this time in addition to the other comments made above in these comments in respect to the exercise of the discretion by the Commission in the particular circumstances of my matter.

ii The respondents for the purposes of having the Human Rights Commission under their control find that I did not have a bona fide reason for not commencing the complaint within the one year period are stating and allowing the Commission to state that the Complainant does not have a mental disability in a formal legal document that affects the rights of this applicant. For the government to cause or allow harassment of this Applicant by persons outside government in order to provide information to the government to suggest that this Applicant has mental health issues and for it to allow information to go out into the community continually since 2008 until the present time in that respect and particularly since Michael Murphy began taking in information in 2009 is completely unethical and it would appear a complete obstruction of justice.

182.The provincial government as the Premier and all of the respondents are well aware if they do not hire this Applicant will have created the understanding in the community to the effect that this Applicant has mental health issues if she is not hired and persons will make fun of this Applicant in light of the information they took in and what they have done since at least 2009 . This Applicant does not have any mental health issues. It is great that they have had the Human Rights Commission set that out in their report but Bruce Court should be able to confirm for you that in reality that is the reason the government used in May 2011 for not hiring this applicant. It has continued to allow persons to harass me in my private life since then to continue to provide information to that effect to the government until he left council in May 2012 and he may also be aware from the information within the community that it has continued right up until the present date.

183.It would appear in the circumstances of this case a particular reason the commission should allow the extension here is that the government HAS FILED FALSE INFORMATION AND CROSS-EXAMINATION WILL SHOW THEY HAVE DONE SO and WILL JUSTIFY THE EXTENSION FULLY IF IT IS NEEDED AND THE COMPLAINT FULLY.

184.It is respectfully submitted that any impartial commission would ensure the extension was granted where credibility is an issue and can only be tested on cross-examination if the respondents are not being made immediately to correct the false information.

185.In addition the government it is shown is prepared to provide false information as although I gave it a copy of the Robert Savoie letter and it would have known from the interview itself that this was the evaluation, it has denied that falsely and even once I sent it a copy of the letter it has not provided that letter to the Commission nor has it corrected its false responses nor has it corrected the information in the report that is false or incomplete which it is within its power to correct although it has I understand had a copy of this report for the same length of time that I have had it.

186.In respect to 81 iii the Premier and the other Respondents know or reasonably ought to be aware that the Ombudsman was removed as a result of his unethical conduct in respect to the 09-45-10 competition and have an ethical duty to admit that fact.

The respondents have also failed in respect to what is stated in 81 iii to provide correct information that shows that this Applicant has repeatedly requested the Statement of Reasons that the Deputy Minister is required to provide from the Premier in May of 2011, by Complaint to the Clerk of the Legislative Assembly in December 2011 and from the Deputy Minister in May 2012 and from the premier and the Clerk right up to the present date and it has not been provided although it is legislatively required to be provided or a statement must be provided as to why it has not been provided. Neither statement have been provided. A review by the Ombudsman or another unbiased reviewer cannot proceed until that statement is provided. The premier is also aware that review has continuously been requested since May 2011 and it is solely as a result of the government's obstruction of justice it would appear by preventing this review contrary to the requirements of the Civil Service Act that it has not taken place.

187. The false Responses also have failed to indicate that the Premier has dealt with this matter right up to the present date by taking in information from persons involved in the harassment of this Applicant in order to find a way to prevent this Applicant from being hired in order that the premier, cabinet ministers and others it would appear can benefit privately by keeping their jobs or otherwise avoiding the consequences of their involvement in the harassment or other wrongful conduct.

188. In respect to #82 the Report indicates that based on i-iv in 81 they recommend the commission find the Complainant did NOT have a bona fide reason for not filing her complaint within the one year time limit and has not passed this part of the four part test. It appears that one of the main factors is iii and that once again it is as a result of the false information that was provided in the Response filed by Andrea Folster on behalf of all of the respondents that has negatively affected the assessment. Once again the Cabinet Minister to whom the Human Rights Commission reports, Danny Soucy knows or reasonably ought to know that the government has prevented the independent review by an unbiased entity by refusing to provide the Statement of Reasons REQUIRED by the Civil Service Act and over the objections of this Applicant has "reviewed" the matter itself right up to the present date but in reality what they really have been doing is looking for any reason not to hire in order to be able to allow it appears cabinet ministers, government employees, municipal employees and others to keep their jobs or avoid other consequences of their involvement in the harassment of this Applicant (which harassment has taken place with the full knowledge of the Premier and Cabinet and the chief of police) or any other wrongdoing in respect to this applicant's private and confidential applications for a lawyer III position with the government in open competitions.

189. The Premier should also have ensured that the Responses indicated that right up to the present date he has dealt with my hiring in respect to the competitions and as to the discipline of the bullies.

190. Re: Issue d re time limit extension - will the Respondents be unduly prejudiced if the Commission grants a time limit extension for complaint initiation.

Re #84 This paragraph is extremely concerning as based on the false Responses filed by Andrea Folster the Respondents are it appears indicating that the Commission has enough information to dismiss this Complainant's complaint. That would appear to be unethical and a clear intention to obstruct justice as if the Respondents admitted the information in this Complainant's Complaint and Replies that are true in order to properly narrow the issues and stated true information in its two Responses the Commission would it appears recommend the time limit extension in each part of the 4 part test.

191. In addition it appears that the time limit extension based on the information provided by Sarina McKinnon should not be required in respect to the alleged discrimination based on perceived mental disability as there has been continuous discrimination since 2008 and although there has been more than one competition each competition was to correct the fact that the government failed to hire me in the one before it based on merit and accordingly there has been a continuous discrimination.

192. In #88 it is recommended that the Commission find that the Respondents would not be unduly prejudiced if the Commission granted a time limit extension for complaint initiation. It is recommended that the commission find that the Complainant has passed this part of the 4 part test.

193. As a result of the Respondents filing false information and in the other circumstances of this matter, there is no confidence in any information the Respondents provide nor any records that they intend to produce. Cross examination is absolutely necessary to test any evidence the Respondents intend to call as it appears they have no difficulty with providing false information in a legal proceeding to get the result that they want to obtain.

194. In respect to #90 the report of the NB Human Rights Commission staff is it appears based on false information deliberately filed by the Respondents and that the Commission is attempting to proceed in the face of a clear conflict that the Human Rights Commission has and also in the face of a clear conflict that the Minister of Post Secondary Education, Training and Labour has, Danny Soucy, in light of his being a member of Cabinet. It appears that the government and the human rights commission will be able to cover up that Andrea Folster and the Respondents deliberately filed false information in their responses and that the Minister to whom the Human Rights Commission reports knows or reasonably ought to know that the information was false and that under his authority they proceeded to prepare a report adversely affecting this Complainant based on that deliberately false information if this Applicant's complaint is dismissed without public scrutiny or a public hearing. It appears that the actions of Andrea Folster, The Respondents, Danny Soucy and the Human Rights Commission are deliberately

fraudulent and an obstruction of justice in order to get private benefits for people who would otherwise lose their jobs or be otherwise disciplined.

195. In respect to #90 it is submitted that the Report and the recommendation in #90 are not valid in light of the conflict of interest of the Human Rights Commission and the conflict of interest of Danny Soucy and are based on false information deliberately filed by the Respondents. It appears that the government and the human rights commission have willfully ignored the requirements of the rules of natural justice that apply to the human rights commission and that a decision maker cannot have a bias and the Respondent must be given an opportunity to answer all allegations against him or her.

196. It is submitted that it brings the administration of justice into disrepute for the Cabinet Ministers who are part of the legislative process in enacting the laws to base their decision on information from biased unqualified people alleging the Applicant has mental health issues and make it known in the community that they have relied upon information from those people in order to avoid disciplining them or members of government or cabinet or to not have to remove them from their jobs yet in the Response to the Human Rights Commission denies that it has ever done so and provides false information in order to get the Complainant's Complaint dismissed.

197. Any legal advice that Seamus Cox intended to give concerning if the circumstances warrant a time limit extension for complaint initiation would certainly not appear to be impartial in light of the conduct of Sarina McKinnon, the government, the Respondents and Danny Soucy and would appear to be a further conflict as it appears that he is a colleague of Sarina McKinnon and contrary to her representation they have not acted impartially it appears since their involvement commenced contrary to their mandate which she said was to be impartial and not represent either the Complainant or the Respondent.

198. It appears that the Human Rights Commission and Danny Soucy know or reasonably ought to know that the report is based on false information yet it appears that

they are deliberately proceeding based on that false information,

199. It appears that as the Report finds there is not a strong arguable case ( despite the fact that it is proceeding on false information from the Respondents) that when the Commission staff refer to recommending that the commission continue its regular complaint process re the allegations that are in time involving competitions #10-44-02 and #10-44-03 what they really mean is to proceed to have them dismissed to cover up what the government and the human rights Commission have done to benefit privately persons who would otherwise be disciplined or removed from their position or to prevent the government from having to pay substantial sums of money to this Applicant pursuant to the relief claimed and enable it to cover up how it has treated this Applicant by not having to explain why it is compensating and retroactively paying this Applicant.

Respectfully submitted

Mary Ellen Rose

**M.E. Rose**

---

**From:** <Loredana.CatalliSonier@gnb.ca>  
**To:** <Rose.M@bellaliant.net>  
**Sent:** Wednesday, November 07, 2012 2:48 PM  
**Attach:** ATT00042.txt  
**Subject:** Read: Mary Ellen Rose URGENT Letter of Tuesday November 6, 2012  
Your message was read on Wednesday, November 07, 2012 2:48:58 PM (GMT-04:00) Atlantic Time (Canada).

This is Exhibit "DD"  
to the affidavit of  
Mary Ellen Rose sworn  
this 15 day of April,  
2013.



A Commissioner of Oaths

BRIAN A AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC 31/13

ATT00044

Final-recipient: RFC822; Loredana.Catallisonier@gnb.ca  
Disposition: automatic-action/MDN-sent-automatically; displayed  
X-MSEch-Correlation-Key: Zai21lPYpEKL8qzDjagISg==  
Original-Message-ID: <CC5C6BE541EB47138CE562FE80FE27B2@your2bz14ey8yz>  
X-Display-Name: Catalli Sonier, Loredana (LEG)

**M.E. Rose**

---

**From:** <Loredana.CatalliSonier@gnb.ca>  
**To:** <Rose.M@bellaliant.net>  
**Sent:** Tuesday, October 16, 2012 9:54 AM  
**Attach:** ATT00005.txt  
**Subject:** Read: Mary Ellen Rose URGENT Letter of Monday October 15, 2012  
Your message was read on Tuesday, October 16, 2012 10:54:28 AM (GMT-04:00) Atlantic Time (Canada)

ATT00007

Final-recipient: RFC822; Loredana.CatalliSonier@gnb.ca  
Disposition: automatic-action/MDN-sent-automatically; displayed  
X-MSEch-Correlation-Key: 57I+2NanFkKpxwcoaPUkOg==  
Original-Message-ID: <141FBA62810C4602A3B42D96AC31205F@your2bz14ey8yz>  
X-Display-Name: Catalli Sonier, Loredana (LEG)

**M.E. Rose**

**From:** "Kathy Gibbons" <kathy.gibbons@atelka.com>  
**To:** "MER" <roseme@nb.sympatico.ca>  
**Sent:** Saturday, November 08, 2008 3:00 PM  
**Subject:** RE:

Hi, just to let you know, there will be no meeting of all of us. The issue is finish with Tyler. And he wants no further discussion of any type about this, as he stands by what he has been saying all alone, that he has absolutely no feelings for you and that he has never made any indication that he did. I will no longer be able to follow this, as after speaking to my head office superior, we fully investigated the allegations and as our letter states we find no findings to back you up. Again if you would like to continue, we ask you to take the proper steps and file a case with Human Rights and have them fully investigate the issue. As you are aware I have met with all names involve and no one can tell me anything about the case, they all say that is has never happened. Even the few extra names you gave me, they were not aware of any situation here involving both parties. I am sorry I can no longer continue to investigate the situation as due to our findings.

Thank you for your time today.



**Kathy Gibbons**  
 H.R. / Recruitment/Training  
 Saint John and Fredericton, NB

1-877-448-4905  
 ext. 4450 Saint John or 4110 Fredericton  
[Kathy.Gibbons@atelka.com](mailto:Kathy.Gibbons@atelka.com)  
[www.atelka.com](http://www.atelka.com)

**From:** MER [mailto:roseme@nb.sympatico.ca]  
**Sent:** Saturday, November 08, 2008 1:31 PM  
**To:** Kathy.Gibbons@atelka.com  
**Subject:**

Kathy:

I confirm our conversation yesterday and that if you wish to reach me this weekend you will email me. If I do not hear from you by 3 pm today I will be out for the rest of the day til later in the evening.

I hope your emergency matter yesterday has now resolved and all is well.

Mary Ellen

*This is Exhibit "EE" to the  
 affidavit of Mary Ellen Rose  
 sworn this 15 day of April,  
 2013.*

KIANA AGNEW COM-  
 MISSIONER OF OATHS  
 BY APPOINTMENT  
 EXPIRE, DEC. 31/13

*[Signature]*  
 A Commissioner of oaths

4/14/2013



# EXHIBIT 2

Nouveau-Brunswick

New Brunswick



# Ombudsman

June 11, 2007

*This is Exhibit "E" to the  
affidavit of Mary Ellen Rose  
sworn this 15 day of April,  
2013*

Mrs. Mary Ellen Rose  
55 Magazine St. Apt. 705  
Saint John, NB E2K 2S5

*[Signature]*  
A Commissioner of Oaths

BRIAN A. AGNEW COM-  
MISSIONER OF OATHS  
MY APPOINTMENT  
EXPIRES DEC. 31/13

Dear Mrs. Rose:

This letter is in response to your complaint, which was filed with the Office of the Ombudsman, May 8, 2007 in regards to competition 06-44-04 Lawyers I-III.

Our investigation under section 33 of the *Civil Service Act* was conducted to determine if competition 06-44-04 was based on merit as required by the Act. In that regard, this Office contacted the Office of the Attorney General, met with officials from the department, reviewed the competition requirements and reviewed all files related to the competition.

In reviewing the competition file, including rating guide and the Board of Examiner assessment related to the five modules of the interviews (A. Professional/Technical knowledge; B. Analytical/Decision Making Skills; C. Communication/interpersonal skills; D. Organizational Skills; E. Positional Suitability), the following information was confirmed.

Under the Professional/Technical knowledge module, you received an "A".

Under the Analytical/Decision Making Skills module, you received an "A".

Under the Communication/Interpersonal Skills module, you received an "A".

Under the Organizational Skills module, you received an "A".

Under the Positional Suitability module, you received an "A".

...2

Tel. / Téléphone :  
(506) 453-2789  
Fax / Télécopieur :  
(506) 453-5599  
E-mail: nbombud@gnb.ca  
Toll free / Sans frais :  
1-888 465-1100

Office of the Ombudsman  
767 Brunswick Street  
P.O. Box 6000  
Fredericton  
New Brunswick  
Canada E3B 5H1

Bureau de l'Ombudsman  
767, rue Brunswick  
Case postale 6000  
Fredericton  
Nouveau-Brunswick  
Canada E3B 5H1



This gave you an overall evaluation of "A" from the Board of Examiners, which placed you on the eligibility list along with fifteen (15) other applicants for Competition 06-44-04. This Office is satisfied that the Board of Examiners has respected the merit principle in their assessment of your eligibility. However this competition was a Candidate Inventory based competition with no obligation to offer a position to the candidates who make the eligibility list. The eligibility list for Competition 06-44-04 is valid until 03-11-2009.

Section 12(1) and 12(2) reads as follows:

**From among the qualified candidates in a competition the Deputy Minister of the Office of the Human Resources shall select and place the most qualified candidates on a list, to be known as an eligibility list, as the Deputy Minister of the Office of the Human Resources considers necessary to provide for the filling of a vacancy or anticipates vacancies.**

**Subject to the regulations made by the Board, an eligibility list is valid for such period of time as may be determined by the Deputy Minister of the Office of Human Resources.**

Based on our inquiries into this matter, this Office is satisfied that the Board of Examiners and Department Officials have abided by the applicable legislation, policy and procedures in regards to Competition 06-44-04( Lawyers I-III). Under these circumstances, we are proceeding to close your file.

I regret to be unable to provide you further assistance in this matter and I wish you well in the future.

Yours truly,



Robert Savoie  
Investigator  
Civil Service Appeals & Investigations  
Office of the Ombudsman

/af

# EXHIBIT 3

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

June 10, 2013

**PRIVATE AND CONFIDENTIAL**

Premier David Alward  
670 King Street, Room 212  
Centennial Building  
Fredericton, NB  
E3B 5H1

Dear Premier Alward:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Mary Ellen Rose of Saint John, a suspended lawyer (non-disciplinary matter), has filed an affidavit alleging that you and nine other Members of the Legislative Assembly have breached sections 4, 5 and 6 of the *Members' Conflict of Interest Act*. She claims that she applied for several different job competitions since 2004 and although she was successful, she was not hired.

Members of the Legislative Assembly on both sides of the House are identified in the complaint but the allegations are interrelated and flow from these several competitions.

Her affidavit is 183 pages in length and is accompanied by 93 pages of exhibits and 45 pages of explanations.

My perusal of the file shows that the Ombudsman, Bernard Richard, Q.C. and the Human Rights Commission have dealt with the complaints in some detail. However, because Ms. Rose has formally requested an investigation under ss. 36(1) and (2) of the Act, I must determine whether there is any merit to her allegations.

Normally, as required under section 37(2) of the Act, I would call upon you to answer her affidavit but I suggest that I first conduct some preliminary steps with respect to Ms. Rose.

In the meantime, do you want me to prepare and remit to you a copy of her 321 page affidavit and supporting documents?

Yours truly,

A handwritten signature in cursive script, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

July 2, 2013

**PRIVATE AND CONFIDENTIAL**

Premier David Alward  
670 King Street, Room 212  
Centennial Building  
Fredericton, NB  
E3B 5H1

Dear Mr. Premier:


**Re: Mary Ellen Rose Complaint**

A few of the ten members who are the subject of this lawyer's complaint about interfering with her appointment to various jobs for which she unsuccessfully applied dating back as far as 2004, have researched their files and written to me refuting her allegations.

In order to expedite my investigation, I have extracted the enclosed material from her 321 page affidavit with supporting documents in which she claims to be your involvement. Would you please examine, or cause to have examined, the records available to you and forward a letter to me with your response. A similar letter to this is being sent to each of the members on Ms. Rose's list who have not already refuted her allegations.

If at all possible, I want to conclude this investigation within the next few weeks so that the new Commissioner can begin with a relatively clean slate.

Sincerely,

  
Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Enclosure

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

June 10, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Blaine Higgs  
Minister of Finance  
670 King Street, Room 371  
Centennial Building  
Fredericton, NB  
E3B 5H1

Dear Minister Higgs:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Mary Ellen Rose of Saint John, a suspended lawyer (non-disciplinary matter), has filed an affidavit alleging that you and nine other Members of the Legislative Assembly have breached sections 4, 5 and 6 of the *Members' Conflict of Interest Act*. She claims that she applied for several different job competitions since 2004 and although she was successful, she was not hired.

Members of the Legislative Assembly on both sides of the House are identified in the complaint but the allegations are interrelated and flow from these several competitions.

Her affidavit is 183 pages in length and is accompanied by 93 pages of exhibits and 45 pages of explanations.

My perusal of the file shows that the Ombudsman, Bernard Richard, Q.C. and the Human Rights Commission have dealt with the complaints in some detail. However, because Ms. Rose has formally requested an investigation under ss. 36(1) and (2) of the Act, I must determine whether there is any merit to her allegations.

Normally, as required under section 37(2) of the Act, I would call upon you to answer her affidavit but I suggest that I first conduct some preliminary steps with respect to Ms. Rose.



In the meantime, do you want me to prepare and remit to you a copy of her 321 page affidavit and supporting documents?

Yours truly,

A handwritten signature in cursive script, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

## Landry-Richard, Rosanne (COI)

---

**From:** Landry-Richard, Rosanne (COI) on behalf of Ryan, Patrick (Hon./QC) (COI)  
**Sent:** Friday, June 21, 2013 12:06 PM  
**To:** Ouellette, Nick (FIN)  
**Subject:** FW: Scanned from COI-S237N-1 06/21/2013 12:08  
**Attachments:** DOC130621.pdf

Mr. Ouellette,

As promised.

PAAR

-----Original Message-----

**From:** Conflict Interest Commissioner (<mailto:coicopier@gnb.ca>)  
**Sent:** Friday, June 21, 2013 1:09 PM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Scanned from COI-S237N-1 06/21/2013 12:08

Scanned from COI-S237N-1  
Date: 06/21/2013 12:08  
Pages:7  
Resolution:200x200 DPI

---

June 21/2013 - Justice Ryan spoke with Mr Ouellette, sent attached information to him. Ouellette will call Justice Ryan once he goes through this. RR.

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

June 10, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Marie-Claude Blais, Q.C.  
Justice and Attorney General  
670 King Street, Room 412  
Centennial Building  
Fredericton, NB  
E3B 5H1

Dear Minister Blais:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Mary Ellen Rose of Saint John, a suspended lawyer (non-disciplinary matter), has filed an affidavit alleging that you and nine other Members of the Legislative Assembly have breached sections 4, 5 and 6 of the *Members' Conflict of Interest Act*. She claims that she applied for several different job competitions since 2004 and although she was successful, she was not hired.

Members of the Legislative Assembly on both sides of the House are identified in the complaint but the allegations are interrelated and flow from these several competitions.

Her affidavit is 183 pages in length and is accompanied by 93 pages of exhibits and 45 pages of explanations.

My perusal of the file shows that the Ombudsman, Bernard Richard, Q.C. and the Human Rights Commission have dealt with the complaints in some detail. However, because Ms. Rose has formally requested an investigation under ss. 36(1) and (2) of the Act, I must determine whether there is any merit to her allegations.

Normally, as required under section 37(2) of the Act, I would call upon you to answer her affidavit but I suggest that I first conduct some preliminary steps with respect to Ms. Rose.

In the meantime, do you want me to prepare and remit to you a copy of her 321 page affidavit and supporting documents?

Yours truly,

A handwritten signature in black ink, appearing to read "Ryan", with a stylized flourish at the end.

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

July 2, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Marie-Claude Blais, Q.C.  
Justice and Attorney General  
670 King Street, Room 412  
Centennial Building  
Fredericton, NB  
E3B 5H1

Dear Minister Blais:

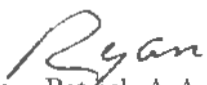
**Re: Mary Ellen Rose Complaint**

A few of the ten members who are the subject of this lawyer's complaint about interfering with her appointment to various jobs for which she unsuccessfully applied dating back as far as 2004, have researched their files and written to me refuting her allegations.

In order to expedite my investigation, I have extracted the enclosed material from her 321 page affidavit with supporting documents in which she claims to be your involvement. Would you please examine, or cause to have examined, the records available to you and forward a letter to me with your response. A similar letter to this is being sent to each of the members on Ms. Rose's list who have not already refuted her allegations.

If at all possible, I want to conclude this investigation within the next few weeks so that the new Commissioner can begin with a relatively clean slate.

Sincerely,

  
Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Enclosure

Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

**PRIVÉ ET CONFIDENTIEL**

le 10 juin 2013

L'honorable Danny Soucy  
Éducation postsecondaire, Formation et Travail  
Complexe Chestnut  
470, rue York, 3<sup>ième</sup> étage  
Fredericton (Nouveau-Brunswick)  
E3B 3P7

**Objet : Mary Ellen Rose c. plusieurs parlementaires**

Monsieur le ministre,

Mary Ellen Rose, de Saint John, avocate suspendue (affaire non disciplinaire), a déposé un affidavit selon lequel 10 parlementaires, dont vous-même, ont contrevenu aux articles 4, 5 et 6 de la *Loi sur les conflits d'intérêts des députés et des membres du Conseil exécutif*. Elle soutient qu'elle a postulé à plusieurs concours de recrutement depuis 2004, et ce, bien que reçue, sans se procurer un emploi.

Des parlementaires des deux côtés de la Chambre sont désignés dans la plainte, mais les allégations sont interreliées et découlent des divers concours.

L'affidavit de la demanderesse, qui fait 183 pages, est assorti de 93 pages de pièces et de 45 pages d'annotations.


J'ai parcouru le dossier et noté que l'ombudsman Bernard Richard, c.r., et la Commission des droits de la personne ont traité les plaintes de façon assez détaillée. Cependant, puisque M<sup>e</sup> Rose a officiellement demandé une investigation pour contravention aux paragraphes 36(1) et 36(2) de la loi, je dois déterminer si ses allégations ont quelque fondement.

Habituellement, comme l'exige le paragraphe 37(2) de la loi, je vous appellerais à répondre à l'affidavit de M<sup>e</sup> Rose, mais je me propose d'abord de prendre des dispositions préliminaires à l'égard du dossier de celle-ci.

Entre-temps, désirez-vous que je prépare et que je vous transmette copie des 321 pages de l'affidavit et des documents à l'appui?

Veillez agréer, Monsieur le ministre, l'assurance de mes sentiments les plus distingués.

Le commissaire aux conflits d'intérêts,

A handwritten signature in black ink, appearing to read 'Ryan'.

L'hon. Patrick A.A. Ryan, c.r.

PAAR/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

**PRIVÉ ET CONFIDENTIEL**

le 2 juillet 2013

L'honorable Danny Soucy  
Éducation postsecondaire, Formation et Travail  
Complexe Chestnut  
470, rue York, 3<sup>ème</sup> étage  
Fredericton (Nouveau-Brunswick)  
E3B 3P7

**Objet : Plainte de Mary Ellen Rose**

Monsieur le ministre,

Quelques-uns des 10 parlementaires qui sont désignés dans la plainte de l'avocate en question pour entrave à sa nomination à divers postes qu'elle a brigüés sans les décrocher depuis aussi loin que 2004 ont consulté leurs dossiers et m'ont écrit pour réfuter ses allégations.

Afin d'accélérer mon investigation, j'ai tiré l'extrait ci-joint de l'affidavit de 321 pages de l'avocate, affidavit qui comprend des documents à l'appui, extrait qui, prétend-elle, fait état de votre ingérence. Auriez-vous l'obligeance d'examiner ou de faire examiner les dossiers à votre disposition et de m'expédier une lettre énonçant votre réponse? Une lettre comme la présente est envoyée à chaque parlementaire sur la liste de M<sup>e</sup> Rose qui n'a pas encore réfuté ses allégations.

Si possible, je voudrais conclure l'investigation dans les prochaines semaines, de sorte que le nouveau puisse assumer ses fonctions sans affaire pendante.

Veuillez agréer, Monsieur le ministre, l'assurance de ma considération distinguée.

Le commissaire,

  
L'hon. Patrick A.A. Ryan, c.r.

PAAR/rlr

Pièce jointe



Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

June 10, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Troy Lifford  
Human Resources  
670 King Street, Room 345  
Centennial Building  
Fredericton, NB  
E3B 5H1

Dear Minister Lifford:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Mary Ellen Rose of Saint John, a suspended lawyer (non-disciplinary matter), has filed an affidavit alleging that you and nine other Members of the Legislative Assembly have breached sections 4, 5 and 6 of the *Members' Conflict of Interest Act*. She claims that she applied for several different job competitions since 2004 and although she was successful, she was not hired.

Members of the Legislative Assembly on both sides of the House are identified in the complaint but the allegations are interrelated and flow from these several competitions.

Her affidavit is 183 pages in length and is accompanied by 93 pages of exhibits and 45 pages of explanations.

My perusal of the file shows that the Ombudsman, Bernard Richard, Q.C. and the Human Rights Commission have dealt with the complaints in some detail. However, because Ms. Rose has formally requested an investigation under ss. 36(1) and (2) of the Act, I must determine whether there is any merit to her allegations.

Normally, as required under section 37(2) of the Act, I would call upon you to answer her affidavit but I suggest that I first conduct some preliminary steps with respect to Ms. Rose.

In the meantime, do you want me to prepare and remit to you a copy of her 321 page affidavit and supporting documents?

Yours truly,

A handwritten signature in cursive script, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

July 2, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Troy Lifford  
Human Resources  
670 King Street, Room 345  
Centennial Building  
Fredericton, NB  
E3B 5H1

Dear Minister Lifford:

**Re: Mary Ellen Rose Complaint**

A few of the ten members who are the subject of this lawyer's complaint about interfering with her appointment to various jobs for which she unsuccessfully applied dating back as far as 2004, have researched their files and written to me refuting her allegations.

On our June 17<sup>th</sup>, 2013 meeting I provided you with the extracted material from her 321 page affidavit. Would you please examine, or cause to have examined, the records available to you and forward a letter to me with your response. A similar letter to this is being sent to each of the members on Ms. Rose's list who have not already refuted her allegations.

If at all possible, I want to conclude this investigation within the next few weeks so that the new Commissioner can begin with a relatively clean slate.

Sincerely,

A handwritten signature in cursive script that reads "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

June 10, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Bruce Fitch  
Environment and Local Government  
Marysville Place  
20 McGloin Street  
Fredericton, NB  
E3A 5T8

Dear Minister Fitch:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Mary Ellen Rose of Saint John, a suspended lawyer (non-disciplinary matter), has filed an affidavit alleging that you and nine other Members of the Legislative Assembly have breached sections 4, 5 and 6 of the *Members' Conflict of Interest Act*. She claims that she applied for several different job competitions since 2004 and although she was successful, she was not hired.

Members of the Legislative Assembly on both sides of the House are identified in the complaint but the allegations are interrelated and flow from these several competitions.

Her affidavit is 183 pages in length and is accompanied by 93 pages of exhibits and 45 pages of explanations.

My perusal of the file shows that the Ombudsman, Bernard Richard, Q.C. and the Human Rights Commission have dealt with the complaints in some detail. However, because Ms. Rose has formally requested an investigation under ss. 36(1) and (2) of the Act, I must determine whether there is any merit to her allegations.

Normally, as required under section 37(2) of the Act, I would call upon you to answer her affidavit but I suggest that I first conduct some preliminary steps with respect to Ms. Rose.

In the meantime, do you want me to prepare and remit to you a copy of her 321 page affidavit and supporting documents?

Yours truly,

A handwritten signature in black ink, appearing to read "Ryan", written over the printed name.

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

July 2, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Bruce Fitch  
Environment and Local Government  
Marysville Place  
20 McGloin Street  
Fredericton, NB  
E3A 5T8

Dear Minister Fitch:

**Re: Mary Ellen Rose Complaint**

A few of the ten members who are the subject of this lawyer's complaint about interfering with her appointment to various jobs for which she unsuccessfully applied dating back as far as 2004, have researched their files and written to me refuting her allegations.

Now that you have received the affidavit and supporting documents and in order to expedite my investigation, would you please examine or cause to have examined, the records available to you and forward a letter to me with your response. A similar letter to this is being sent to each of the members on Ms. Rose's list who have not already refuted her allegations.

If at all possible, I want to conclude this investigation within the next few weeks so that the new Commissioner can begin with a relatively clean slate.

Sincerely,

  
Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

**PRIVÉ ET CONFIDENTIEL**

le 10 juin 2013

Madame Martine Coulombe  
Ancien édifice de l'Éducation - Édifice de l'est  
C. P. 6000  
Fredericton (Nouveau-Brunswick)  
E3B 5H1

**Objet : Mary Ellen Rose c. plusieurs parlementaires**

Madame la députée,

Mary Ellen Rose, de Saint John, avocate suspendue (affaire non disciplinaire), a déposé un affidavit selon lequel 10 parlementaires, dont vous-même, ont contrevenu aux articles 4, 5 et 6 de la *Loi sur les conflits d'intérêts des députés et des membres du Conseil exécutif*. Elle soutient qu'elle a postulé à plusieurs concours de recrutement depuis 2004, et ce, bien que reçue, sans se procurer un emploi.

Des parlementaires des deux côtés de la Chambre sont désignés dans la plainte, mais les allégations sont interreliées et découlent des divers concours.

L'affidavit de la demanderesse, qui fait 183 pages, est assorti de 93 pages de pièces et de 45 pages d'annotations.

J'ai parcouru le dossier et noté que l'ombudsman Bernard Richard, c.r., et la Commission des droits de la personne ont traité les plaintes de façon assez détaillée. Cependant, puisque M<sup>e</sup> Rose a officiellement demandé une investigation pour contravention aux paragraphes 36(1) et 36(2) de la loi, je dois déterminer si ses allégations ont quelque fondement.

Habituellement, comme l'exige le paragraphe 37(2) de la loi, je vous appellerais à répondre à l'affidavit de M<sup>e</sup> Rose, mais je me propose d'abord de prendre des dispositions préliminaires à l'égard du dossier de celle-ci.

Entre-temps, désirez-vous que je prépare et que je vous transmette copie des 321 pages de l'affidavit et des documents à l'appui?

Veillez agréer, Madame la députée, l'assurance de mes sentiments les plus distingués.

Le commissaire aux conflits d'intérêts,

A handwritten signature in black ink, appearing to read 'Ryan'.

L'hon. Patrick A.A. Ryan, c.r.

PAAR/rlr



Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

June 10, 2013

**PRIVATE AND CONFIDENTIAL**

Dr. Jim Parrott  
Member of the Legislative Assembly  
Jewett House  
Legislative Assembly Complex  
96 Secretary Lane  
Fredericton, NB  
E3B 1C5

Dear Dr. Parrott:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Mary Ellen Rose of Saint John, a suspended lawyer (non-disciplinary matter), has filed an affidavit alleging that you and nine other Members of the Legislative Assembly have breached sections 4, 5 and 6 of the *Members' Conflict of Interest Act*. She claims that she applied for several different job competitions since 2004 and although she was successful, she was not hired.

Members of the Legislative Assembly on both sides of the House are identified in the complaint but the allegations are interrelated and flow from these several competitions.

Her affidavit is 183 pages in length and is accompanied by 93 pages of exhibits and 45 pages of explanations.

My perusal of the file shows that the Ombudsman, Bernard Richard, Q.C. and the Human Rights Commission have dealt with the complaints in some detail. However, because Ms. Rose has formally requested an investigation under ss. 36(1) and (2) of the Act, I must determine whether there is any merit to her allegations.

Normally, as required under section 37(2) of the Act, I would call upon you to answer her affidavit but I suggest that I first conduct some preliminary steps with respect to Ms. Rose.

In the meantime, do you want me to prepare and remit to you a copy of her 321 page affidavit and supporting documents?

Yours truly,

A handwritten signature in cursive script that reads "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

July 2, 2013

**PRIVATE AND CONFIDENTIAL**

Dr. Jim Parrott  
Constituency Office: Fundy-River Valley  
192 River Valley Drive  
Suite 2  
Grand Bay-Westfield, New Brunswick  
E5K 1A4

Dear Dr. Parrott:

**Re: Mary Ellen Rose Complaint**

A few of the ten members who are the subject of this lawyer's complaint about interfering with her appointment to various jobs for which she unsuccessfully applied dating back as far as 2004, have researched their files and written to me refuting her allegations.

In order to expedite my investigation, I have extracted the enclosed material from her 321 page affidavit with supporting documents in which she claims to be your involvement. Would you please examine, or cause to have examined, the records available to you and forward a letter to me with your response. A similar letter to this is being sent to each of the members on Ms. Rose's list who have not already refuted her allegations.

If at all possible, I want to conclude this investigation within the next few weeks so that the new Commissioner can begin with a relatively clean slate.

Sincerely,

A handwritten signature in cursive script that reads "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

Enelasure

Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

**PRIVÉ ET CONFIDENTIEL**

le 10 juin 2013

Monsieur Victor E. Boudreau  
Bureau de l'opposition officielle  
Ancien édifice de l'Éducation - Édifice de l'est  
C. P. 6000  
Fredericton (Nouveau-Brunswick)  
E3B 5H1

**Objet : Mary Ellen Rose c. plusieurs parlementaires**

Monsieur le député,

Mary Ellen Rose, de Saint John, avocate suspendue (affaire non disciplinaire), a déposé un affidavit selon lequel 10 parlementaires, dont vous-même, ont contrevenu aux articles 4, 5 et 6 de la *Loi sur les conflits d'intérêts des députés et des membres du Conseil exécutif*. Elle soutient qu'elle a postulé à plusieurs concours de recrutement depuis 2004, et ce, bien que reçue, sans se procurer un emploi.

Des parlementaires des deux côtés de la Chambre sont désignés dans la plainte, mais les allégations sont interreliées et découlent des divers concours.

L'affidavit de la demanderesse, qui fait 183 pages, est assorti de 93 pages de pièces et de 45 pages d'annotations.

J'ai parcouru le dossier et noté que l'ombudsman Bernard Richard, c.r., et la Commission des droits de la personne ont traité les plaintes de façon assez détaillée. Cependant, puisque M<sup>e</sup> Rose a officiellement demandé une investigation pour contravention aux paragraphes 36(1) et 36(2) de la loi, je dois déterminer si ses allégations ont quelque fondement.

Habituellement, comme l'exige le paragraphe 37(2) de la loi, je vous appellerais à répondre à l'affidavit de M<sup>e</sup> Rose, mais je me propose d'abord de prendre des dispositions préliminaires à l'égard du dossier de celle-ci.

Entre-temps, désirez-vous que je prépare et que je vous transmette copie des 321 pages de l'affidavit et des documents à l'appui?

Veillez agréer, Monsieur le député, l'assurance de mes sentiments les plus distingués.

Le commissaire aux conflits d'intérêts,

A handwritten signature in black ink, appearing to read 'Ryan', written in a cursive style.

L'hon. Patrick A.A. Ryan, c.r.

PAAR/rlr

Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

**PRIVÉ ET CONFIDENTIEL**

le 2 juillet 2013

Monsieur Victor E. Boudreau  
Bureau de circonscription  
328, rue Main  
Suite H  
Shediac, Nouveau-Brunswick  
E4P 2E3

**Objet : Plainte de Mary Ellen Rose**

Monsieur le député,

Quelques-uns des 10 parlementaires qui sont désignés dans la plainte de l'avocate en question pour entrave à sa nomination à divers postes qu'elle a brigués sans les décrocher depuis aussi loin que 2004 ont consulté leurs dossiers et m'ont écrit pour réfuter ses allégations.

Afin d'accélérer mon investigation, j'ai tiré l'extrait ci-joint de l'affidavit de 321 pages de l'avocate, affidavit qui comprend des documents à l'appui, extrait qui, prétend-elle, fait état de votre ingérence. Auriez-vous l'obligeance d'examiner ou de faire examiner les dossiers à votre disposition et de m'expédier une lettre énonçant votre réponse? Une lettre comme la présente est envoyée à chaque parlementaire sur la liste de M<sup>e</sup> Rose qui n'a pas encore réfuté ses allégations.

Si possible, je voudrais conclure l'investigation dans les prochaines semaines, de sorte que le nouveau puisse assumer ses fonctions sans affaire pendante.

Veuillez agréer, Monsieur le député, l'assurance de ma considération distinguée.

Le commissaire,

A handwritten signature in cursive script that reads "Ryan".

L'hon. Patrick A.A. Ryan, c.r.

PAAR/rlr

Pièce jointe

Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

**PRIVÉ ET CONFIDENTIEL**

le 10 juin 2013

Monsieur Bernard LeBlanc  
Bureau de l'opposition officielle  
Ancien édifice de l'Éducation - Édifice de l'est  
C. P. 6000  
Fredericton (Nouveau-Brunswick)  
E3B 5H1

**Objet : Mary Ellen Rose c. plusieurs parlementaires**

Monsieur le député,

Mary Ellen Rose, de Saint John, avocate suspendue (affaire non disciplinaire), a déposé un affidavit selon lequel 10 parlementaires, dont vous-même, ont contrevenu aux articles 4, 5 et 6 de la *Loi sur les conflits d'intérêts des députés et des membres du Conseil exécutif*. Elle soutient qu'elle a postulé à plusieurs concours de recrutement depuis 2004, et ce, bien que reçue, sans se procurer un emploi.

Des parlementaires des deux côtés de la Chambre sont désignés dans la plainte, mais les allégations sont interreliées et découlent des divers concours.

L'affidavit de la demanderesse, qui fait 183 pages, est assorti de 93 pages de pièces et de 45 pages d'annotations.

J'ai parcouru le dossier et noté que l'ombudsman Bernard Richard, c.r., et la Commission des droits de la personne ont traité les plaintes de façon assez détaillée. Cependant, puisque M<sup>e</sup> Rose a officiellement demandé une investigation pour contravention aux paragraphes 36(1) et 36(2) de la loi, je dois déterminer si ses allégations ont quelque fondement.

Habituellement, comme l'exige le paragraphe 37(2) de la loi, je vous appellerais à répondre à l'affidavit de M<sup>e</sup> Rose, mais je me propose d'abord de prendre des dispositions préliminaires à l'égard du dossier de celle-ci.

Entre-temps, désirez-vous que je prépare et que je vous transmette copie des 321 pages de l'affidavit et des documents à l'appui?

Veuillez agréer, Monsieur le député, l'assurance de mes sentiments les plus distingués.

Le commissaire aux conflits d'intérêts,

A handwritten signature in black ink, appearing to read 'Ryan', with a stylized flourish at the end.

L'hon. Patrick A.A. Ryan, c.r.

PAAR/rlr



Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

**PRIVÉ ET CONFIDENTIEL**

le 2 juillet 2013

Monsieur Bernard LeBlanc  
Bureau de circonscription: Memramcook-Lakeville-Dieppe  
488, rue Centrale  
Memramcook, Nouveau-Brunswick  
E4K 3S6

**Objet : Plainte de Mary Ellen Rose**

Monsieur le député,

Quelques-uns des 10 parlementaires qui sont désignés dans la plainte de l'avocate en question pour entrave à sa nomination à divers postes qu'elle a brigués sans les décrocher depuis aussi loin que 2004 ont consulté leurs dossiers et m'ont écrit pour réfuter ses allégations.

Afin d'accélérer mon investigation, j'ai tiré l'extrait ci-joint de l'affidavit de 321 pages de l'avocate, affidavit qui comprend des documents à l'appui, extrait qui, prétend-elle, fait état de votre ingérence. Auriez-vous l'obligeance d'examiner ou de faire examiner les dossiers à votre disposition et de m'expédier une lettre énonçant votre réponse? Une lettre comme la présente est envoyée à chaque parlementaire sur la liste de M<sup>e</sup> Rose qui n'a pas encore réfuté ses allégations.

Si possible, je voudrais conclure l'investigation dans les prochaines semaines, de sorte que le nouveau puisse assumer ses fonctions sans affaire pendante.

Veuillez agréer, Monsieur le député, l'assurance de ma considération distinguée.

Le commissaire,

A handwritten signature in cursive script, appearing to read 'Ryan'.

L'hon. Patrick A.A. Ryan, c.r.

PAAR/rtr

Pièce jointe

# EXHIBIT 4

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.  
August 7, 2013

L'hon. Patrick A.A. Ryan, c.r.

**PRIVATE AND CONFIDENTIAL**

**PRIORITY COURIER**

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB  
E2J 2E5

Dear Ms. Rose:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Enclosed are copies of the ten responses received by me in reply to your affidavit alleging breaches of the Members' Conflict of Interest Act. The last response was received on Tuesday, August 6, 2013. I thought it advisable to send them to you in one package rather than as each was received.

In view of the fact that you have decided not to cooperate any further with the investigation or to provide me with a copy of the Human Rights Commission's decision of June 26, 2013, to turn to the court for redress and to unilaterally and incorrectly determine that I have no jurisdiction, I am suspending the investigation and will render my report before leaving office on August 31, 2013. My report will contain exhibits.

Until then I am prepared to accept service at my office of any Judicial Review documents that you wish to serve on me.

Insofar as retired Justice Landry is concerned I am informed by him that he has been advised that his appointment takes effect September 1, 2013. I suspect that he would probably be prepared to follow the same procedure with respect to service as me.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner

Encl.

/dma

# EXHIBIT 5

July 30, 2013

Honourable Patrick A. A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Edgecombe House  
736 King Street  
Fredericton NB E3B 5H1

RECEIVED  
JUL 30 2013  
COIC/CCI *RL*

Dear Justice Ryan:

**Re: Mary Ellen Rose Complaint**

This is in response to your letters dated June 10, 2013 and July 2, 2013 upon the above-captioned matter. I have reviewed the material provided regarding Ms. Mary Ellen Rose's complaint alleging that I have interfered with her appointment to Lawyer III positions in the Civil Service and have contravened sections 4, 5 and/or 6 of the Members' *Conflict of Interest Act*.

As per the *Civil Service Act*, the Deputy Minister of Human Resources has delegated the power of appointment for the Civil Service to Deputy Ministers; for the Department of Justice and Attorney General to the Deputy Attorney General. I have no involvement in the hiring process for departments, and had no involvement in Ms. Rose's applications. All competitions are filled on the basis of merit in accordance with the *Civil Service Act*.

Ms. Rose is also alleging false information was shared and that there was collusion and a conflict of interest between the Department of Justice and Attorney General and the New Brunswick Human Rights Commission. The NB Human Rights Commission is an independent body and is at arms' length to my office and the Department of Justice and Attorney General. As a Respondent to Ms. Rose's human rights complaint, I can confirm that no false information was provided to the commission and that no collusion exists.

I trust that the above satisfies your inquiry.

Sincerely,



Honourable David Alward  
Premier



# EXHIBIT 6

**CONFIDENTIAL**

June 25, 2013

The Honourable Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Edgecombe House  
736 King Street  
Fredericton, New Brunswick E3B 5H1

RECEIVED

JUN 27 2013 *Ref*

COIC/CCI

Justice Ryan:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

I am writing further to your correspondence dated June 10, 2013, concerning the allegations made against me and nine other Members of the Legislative Assembly by Mary Ellen Rose of Saint John, your subsequent conversation with my Executive Assistant, Nicholas Ouellette, and the excerpt of the affidavit of Ms. Rose setting out the allegations against me that you provided to Mr. Ouellette.

The excerpt of the affidavit of Ms. Rose sets out a series of allegations against me in my former capacity as Minister of Human Resources. The allegations are numerous and interrelated but, generally, Ms. Rose alleges that I conspired with the Premier, the Attorney General and other members of the Executive Council to prevent Ms. Rose from being hired in the Office of the Attorney General, that I inappropriately influenced senior civil servants to deny Ms. Rose's hiring and to breach legislative obligations, and that I acted inappropriately and illegally and breached provisions of several statutes, including the *Members' Conflict of Interest Act*.

To the best of my knowledge, I have never met Ms. Rose, and I have only vague recollections of ever having spoken to her. I believe I may have spoken with Ms. Rose by telephone at some point in early 2011, but I have no recollection of the specifics of any conversation I may have had with her.

I have asked my staff to gather information from my files with respect to interactions I may have had with Ms. Rose. These records are few in number.



On December 24, 2010, my constituency office records show that Ms. Rose contacted that office and left a message for me. My constituency assistant, Therese D'Astous, has no record of the specifics of the message Ms. Rose left for me. Ms. D'Astous believes she provided the information about the telephone message to my former Executive Assistant, Bill Oliver. Neither Ms. D'Astous nor Mr. Oliver has any recollection of the specifics of any conversations they may have had with Ms. Rose at that time, other than that the telephone message related in some way to some appointment.

On January 18, 2011, Ms. Rose called my executive office in the Department of Finance. This office served jointly as my executive office in the Office of Human Resources during the time that I served as Minister of Human Resources. Our records indicate that, on that date, Ms. Rose stated that she had spoken with me previously on a matter and was following up, and left a message for me requesting that I call her. I do not recall whether I returned Ms. Rose's telephone call, and do not recall the specifics of any conversation I may have had with her at the time.

The Department of Human Resources, the current successor of the Office of Human Resources, was consulted to determine whether there it has any record of any correspondence between Ms. Rose and me in my capacity as Minister of Human Resources. No record of any such correspondence was able to be located.

Having perused the excerpt of the affidavit of Ms. Rose and the records found in my offices, I deny all of the allegations Ms. Rose has made against me.

I am advised that you indicated to Mr. Ouellette that the allegations set out in item 11 of the excerpt of the affidavit of Ms. Rose may be relevant to the records I have. Item 11 sets out allegations that I called Ms. Rose to offer her employment, for some reason was unable to complete the offer, subsequently obtained certain information about Ms. Rose, and decided thereafter, on the basis of that information, not to complete the offer.

I specifically deny each of the allegations set out in Item 11. I did not know Ms. Rose prior to any telephone call she placed to my office, and if I spoke to her, it would not have been a conversation initiated by me. It would only have been to return a telephone call she placed to me. I did not place a telephone call to Ms. Rose to offer her employment, and I made no decision not to continue with any offer of employment. Any decision by me not to return any of her phone calls was unrelated to any competition or other hiring process.



The Honourable Patrick A.A. Ryan, Q.C.  
June 25, 2013  
Page 3

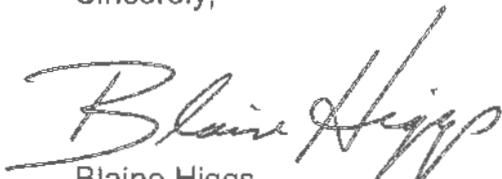
Furthermore, as Minister of Human Resources, it was not my role to contact applicants in a hiring competition, whether successful or unsuccessful, to advise them of the outcome of the competition. In fact, it was not the function of any person within the Office of Human Resources to do so; specific human resources functions within departments were at the relevant time (and continue to be) performed by staff within each department. That is to say, the making of hiring decisions and the communication of notifications of the outcome of a competition within the Office of the Attorney General were and are performed by staff within that department.

Moreover, authority for specific hiring decisions of civil servants within a department rests with the Deputy Minister of that department, not with any member of the Executive Council.

Accordingly, it is my assertion that the allegations by Ms. Rose that I had any role in the decision whether to hire her, or any role in notifying her in the outcome of a hiring competition, are false and without any basis in fact.

I trust this is the information you require, but please do not hesitate to contact me or my office should you require any additional information.

Sincerely,



Blaine Higgs  
Minister

# EXHIBIT 7

July 23, 2013

RECEIVED

JUL 25 2013

COIC/CCI *RL*

Hon. Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Edgecombe House  
P.O. Box 6000, 736 King Street  
Fredericton, NB E3B 5H1

Dear Mr. Justice Ryan:

I have reviewed the material provided regarding Ms. Mary-Ellen Rose's complaint alleging that I, as Attorney General, have interfered with her appointment to lawyer competitions within my department as well as with her recent complaint to the Human Rights Commission.

As per the *Civil Service Act*, the Deputy Minister of Human Resources has delegated the power of appointment for the Department of Justice and Attorney General to the Deputy Attorney General. Appointments to the Civil Service are based on merit and are free from favoritism. To fill a vacant lawyer position by competition, selection standards are identified, screened in candidates are assessed by interview, and individuals who are deemed the most qualified as per the *Civil Service Act* are placed on an eligibility list for selection by the Deputy Attorney General. As Attorney General, my private interests cannot, and have not, been served in the hiring process within the Department. All competitions for the Department are filled on the basis of merit in accordance with the *Civil Service Act*.

The Department is more than willing to give the Conflict of Interest Commissioner full access to the three competition files in question, for your review, to complete your investigation if required.

Ms. Rose is also alleging false information was shared and that collusion existed between the Department of Justice and Attorney General and the NB Human Rights Commission to have her complaint dismissed. The NB Human Rights Commission is an independent body and is at arms' length to the Attorney General. The Department confirms that no false information was provided to the Commission and no collusion exists between the two organizations.

I trust that the above satisfies your inquiry.

Sincerely,



Hon. Marie-Claude Blais, Q.C.  
Attorney General

Minister/Ministre

Justice and Attorney General/Justice et Procureur général

P.O. Box/C.P. 6000 Fredericton New Brunswick/Nouveau-Brunswick E3B 5H1 Canada Tel./Tél. (506) 453-2583 Fax/Télé. (506) 453-3651

[www.gnb.ca](http://www.gnb.ca)



# EXHIBIT 8

July 2, 2013

Hon. Patrick A. A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Officer of the Legislative Assembly  
P.O. Box 6000  
Fredericton, NB E3B 5H1

Commissioner Ryan:

Thank you for your letter of June 10, 2013, concerning Ms. Mary Ellen Rose of Saint John, New Brunswick.

I have been assured by staff of the Department of Post-Secondary Education, Training and Labour (PETL) that Ms. Rose has not applied for any employment opportunities or has been involved in any correspondence with PETL regarding employment opportunities during my time as Minister, effective October 9, 2012.

I will not require a copy of the affidavit and supporting documentation.

I trust this information will prove helpful during your preliminary investigation.

Sincerely,

  
Hon. Danny Soucy  
Minister

LP/mm/8445

RECEIVED  
JUL 04 2013  
COIC/CCI



Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

July 5, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Danny Soucy  
Post-Secondary Education and Training  
470 York Street  
Chestnut Complex, 3<sup>rd</sup> Floor  
Fredericton, NB  
E3B 3P7

Dear Minister Soucy:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

Please respond to Ms. Rose's allegations contained in the extract from her complaint which I sent to you on July 2, 2013. You should also mention the e-mails to and from her of May 17, April 22 and 23, 2013.

Yours truly,

A handwritten signature in black ink, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

/rlr

RECEIVED

JUL 22 2013

COIC/CCI

*RW*

July 18, 2013

Hon. Patrick A. A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Office of the Legislative Assembly  
P.O. Box 6000  
Fredericton, NB E3B 5H1

Commissioner Ryan:

Thank you for your letters of July 2, 2013 and of July 5, 2013 concerning the complaint made by Ms. Mary Ellen Rose.

In response to the allegations contained in Ms. Rose's affidavit, I can state that as Minister of the Department of Post-Secondary Education, Training and Labour (PETL), I have had no contact with the staff or members of the Human Rights Commission (HRC) on this matter nor to the best of my knowledge did any member of my department have contact with the HRC in the disposition of this matter.

The HRC operates at arm's length from PETL in order to ensure the investigative process and the decisions ultimately made by the HRC are not only fair and impartial, but are also seen to be fair and impartial. To this end, I would not be aware of, be informed of or be involved in decision-making on cases that are filed with HRC. I believe it would be inappropriate for me as Minister to attempt to influence the outcome of cases or to interfere in any way with the functioning of the HRC as they carry out their investigative responsibilities.

In the matter of Ms. Rose's communication to me, I received two emails from her dated April 22 and April 23, 2013 to which I responded on May 17, 2013. In that email, I stated that I had no knowledge of the cases filed with HRC, stated that PETL could have no involvement in the day to day activities of the HRC in relation to cases and noted the arm's length relationship between the HRC and PETL. I also noted the safeguards in




Hon. Patrick A. A. Ryan  
July 18, 2013  
Page 2 of 2

place should Ms. Rose want to explore other avenues should she not be satisfied with the process of her case before the HRC.

I hope this information addresses the issues raised in Ms. Rose's affidavit and I thank you, once again, for the opportunity to provide a response in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Soucy', is written over the printed name and title.

Hon. Danny Soucy  
Minister

DP/8445



# EXHIBIT 9

## Landry-Richard, Rosanne (COI)

---

**From:** Rose M  
**Sent:** Sunday, June 09, 2013 11:47 PM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose Complaint

RECEIVED

JUN 10 2013, 2

COIC/CCI

Conflict of Interest Commissioner,

The Honorable Patrick A.A. Ryan, Q.C.

June 8, 2013

My understanding from other complaints dealt with as set out on your website is that once the MLA the subject of the Complaint responded to the complaint that I would have the opportunity to respond to any AND ALL information provided in response to the complaint as it appeared all other complainants had the opportunity to do.

I understand that what has occurred instead is more harassment while the persons involved in the harassment have tried to prove that they are right without allowing me any opportunity to respond. I understand once again they have provided information based on their improper assumptions or bias and it has once again been accepted at face value.

It appears that the persons involved in the harassment have again engaged in gloating behaviour in the last few days. I understand that improper information has once again gone out into the community as a result of the harassment. I understand that the information provided and taken in at face value was designed to humiliate and embarrass me and to stop my being employed and to stop the situation from being corrected by the Conflict of Interest Commissioner all of which and the manner in which it has been done I understand completely offend the Law Society Code of Professional Conduct applicable to ALL members despite what capacity they are in and what position they occupy.

It has once again I understand resulted in SEVERE ABUSE of me since April 24, 2013.

It has also continued to SEVERELY affect my mother's quality of life and she has I understand been the target of unscrupulous persons involved in the harassment even though she does not know what they are doing.

I should be provided with ALL information from any source to respond to immediately. The Conflict of Interest Commissioner should I understand ( as there are credibility issues conduct an inquiry as THAT IS THE ONLY WAY TO RESOLVE CREDIBILITY ISSUES through cross-examination and calling of all necessary witnesses in response or reply ) conduct an inquiry and has for that purpose all of the powers of a commissioner under the Inquiries Act.

I understand that as very powerful officials are involved that once again the persons involved in the harassment with extremely severe biases have been allowed to harass me and again provide improper information. I understand that this has been done to cover up once again what has occurred so as not to affect the Premier and other MLA's. I believe that this IS VERY WRONG. Those present and former MLA's, government officials and employees should NEVER have caused this situation by taking in information from people the LEGISLATION they enacted PROHIBITED them from taking information in from completely. It is their responsibility that this situation has occurred at all and the

2

only way to test the evidence now is through cross-examination.

I understand in any other case it would have been made public that a complaint was made and that it is being investigated.

I understand once again instead it has been attempted to allow those persons to suggest that I have mental health issues and this is a reason to once again dismiss my human rights complaint ON DELIBERATELY FALSE INFORMATION filed by the Respondents. In respect to the Federal situation involving Prime Minister Harper NDP MLA from Nova Scotia Peter

Stouffer, I believe, said in respect to that situation on a news broadcast words to the effect that it would be very serious if false statements were made and particularly if they were put in writing and signed.

Here it appears that the Respondents are going to get away with filing deliberately false responses in order to have my human rights complaint deliberately dismissed based on those false allegations which the Minister responsible for the Department knows or reasonably ought to know is false and HAS AN ETHICAL OBLIGATION to give correct and truthful information to the NB Human Rights Commission who reports to him.

Instead it appears that he has sent me an e-mail letter containing deliberately untrue statements approximately one month after I sent a letter to him and copied the conflict of interest commissioner on I believe the Monday, April 22, 2013 before the matter was to be dealt with by the Human Rights Commission based on the first report prepared by Commission staff which the Minister knew or reasonably ought to know was based on deliberately false information in the Responses of the Respondents by virtue of his position as Cabinet Minister. Attached below following my e-mail to you is a copy of that letter. It would appear that the Minister made a deliberate decision to send this letter to me in order it appears to further or there was the opportunity to further the private interests of himself, other MLA's, government officials and employees who would be able to keep their jobs or otherwise avoid the consequences of their actions etc if my human rights complaint was dismissed and the situation was continued to be covered up.

It would appear that this letter was sent about three days AFTER it appeared that once again the persons involved in the harassment after about a month of severe harassment had found something they could provide to say they were right and that I had mental health issues and that I should not be hired.

Instead of proving that they were right I would respectfully submit to the Conflict of Interest Commissioner that it proves that what I have said is correct and that THERE HAS BEEN FURTHER CONTRAVENTION of the HUMAN RIGHTS ACT by taking in FURTHER information as to my mental health which is clearly prohibited by the Act. In fact I would submit that it would clearly bring into question the mental health of whoever took in the information that I understand has been taken in to stop my being hired and to stop the situation from being corrected.

3

It appears that these people will STOP AT NOTHING to discredit me BECAUSE THE GOVERNMENT HAS CREATED A SITUATION where they are allowed to and it would appear are rewarded for bullying and harassing me in order to protect their own careers, jobs and reputations and hide what has occurred.

There should be a public inquiry or a public hearing by a TRULY UNBIASED IMPARTIAL PERSON where ALL the information that has been taken in by the government directly or indirectly is given to me and I HAVE THE OPPORTUNITY TO RESPOND TO IT AND CROSS-EXAMINE ON IT.

This is the ONLY WAY TO GET AT THE TRUTH. If these people wanted to hide what they have done they should NOT have done those actions in the first place because the LAW requires that TRUTHFUL RESPONSES be provided by the Respondents in ANY COURT ACTION or HUMAN RIGHTS COMPLAINT PROCEEDING.

I will address SOME of the MOST SERIOUS harassment that I understand has occurred since April 24, 2013. Any other information MUST be provided to me for response in accordance with the rules of natural justice and I believe commonsense.

To allow people who do not like someone and who stand to gain personally to keep providing information to enable them to keep their jobs and stop my being hired or compensated is I believe EXTREMELY WRONG.

It appears that the respondents are attempting to continue to cover up what has occurred and proceed on false information in their responses to have my remaining human rights complaint completely dismissed. I believe the Commissioner is aware that this is completely unethical and that if truthful information was provided my complaint would have to go to a Board of Inquiry.

In addition if the Respondents are required to provide their written response and all information on which it is based to my complaints to the Conflict of Interest Commissioner and I am given an opportunity to respond and then to cross-examine I believe that the Commissioner is aware or reasonably ought to be aware that a public inquiry or impartial public hearing will show that my Complaints to the conflict of Interest Commissioner and my human rights complaint fully extended are entirely justified.

On I believe Thursday, May 9, 2013 just before mother's day weekend my mother and I had worked outside most of the afternoon in her garden. There was loud noises from road construction right in front of my mother's house as they were putting in new sidewalks. I understand that this may have been a deliberate attempt to cause a situation whereby city workers or other persons associated with them could say that I had acted strangely etc as they have I understand attempted to allege that I am afraid of noise or look strangely at men etc. The road construction crews were there for I believe a couple of weeks or more.

4

I believe the Commissioner or whoever has been taking in information would be aware that there was nothing strange in my behaviour whatsoever. I went out regularly as I told the Commissioner my understanding was that NO FURTHER INFORMATION SHOULD be taken in from ANY of those persons and a hearing should be held where they can call any proper evidence and I would properly respond according to section 36 and the other provisions of the Members' Conflict of Interest Act.

Instead it appears that once again further improper information has again continually come in from April 24 until this week when once again I understand they feel they have succeeded in stopping my being hired by suggesting information means WHAT THEY WANT IT TO MEAN when in reality that is absolutely not the case.

I understand that another of the improper types of information that the government has taken in and which has again been provided since I understand April 24, 2013 is that when my mother looks out her windows at her flowers etc or gestures when she talks to me in her living room or looks out her window to see what people are doing that are outside etc that it is said she is gloating and the bullies try to use that to stop my being hired and avoid the consequences of their actions.

It would appear that if the CITY Council and the city solicitor deliberately allowed the city staff to place workmen outside and continued to take in reports from them or anyone else as to what our actions meant that this is DELIBERATE harassment designed to destroy my reputation and credibility and enable the city to avoid disciplining its staff.

OF COURSE my mother is going to look out at the work being done. This would be normal for anyone in addition to all the things she has looked out at for the last fifty plus years when and as she wished. For you not to tell her what they are saying if you have taken in any further allegations as to her behaviour having a negative meaning is I believe SEVERE abuse of a ninety year old woman and extremely severe abuse and harassment of me their target.

I understand that after working all afternoon we gathered things up to go in for dinner. I came back out and they would have observed me put into the garage three ( I believe) large bags of lawn waste and I then went back down to the perennial garden where we were working and I checked for any other tools and pushed in a section or two of the fence that we had put around it that afternoon that was not down as far as it should be and I understand they would have watched me do that as well. I then went up by where I had placed the old fence and ensured it was secure. I then went in to get dinner ready.

Immediately it appeared that there was a HUGE reaction from the bullies and it appeared that a large lady was bent over outside on the steps of the Griffen house. The van had not been there for a couple of days or more and it had appeared until then that they were away and there was no one there. The next day the van was back parked as close as it could be to my mother's kitchen window instead of in the ordinary place by their kitchen window

5

and it appeared the bullies were again in gloating fashion and felt they had stopped whatever was being done to correct the situation. That night the light bulb blew and it was a bright flash which I believe anyone watching should have known was a light bulb blowing out as it was switched on and it occurred just after I closed the living room drapes as I turned on the light as I usually do. I then switched to another brighter bulb. The new light intensity continued consistently from that night forward. There was then it appeared a big reaction from the bullies outside by the store and lots of noise outside etc.

If there was an allegation that I was gloating I believe anyone rational would know that was NOT the case. The bullies gloat so it appears they try to say we are like them which I am extremely thankful to my wonderful mother that I WAS NOT BROUGHT UP THAT WAY. I do not resent other people nor do I try to take away from them what they have worked hard for just because I cannot have it or have not worked to get it.

On Friday, May 10, 2013 I went to Canadian Tire and got plants for my mother. I was carrying them so I asked the girl for a tray to put into the bag for additional support which she gave to me. There was no problem whatsoever and it transported the plants well. When I arrived however another girl with I believe short black hair was pointing at me and saying to another girl words to the effect that she didn't care what they say she thought I was strange. I paid no attention. I believe the Conflict of Interest Commissioner would have been made aware that there is it appears a bias and connection with the persons involved in the harassment amongst some staff at Canadian Tire. I understand that improper negative reports have been made in the past in order to assist the persons involved in the harassment to obtain the result that they want to obtain. Nothing negative has occurred on an objective basis. I then went over and met my mother and carried her heavier groceries. We took the bus home together. When the bus arrived it was the driver named Larry who I understand is very involved in the bullying with his wife and he immediately changed the sign from Causeway bus to no service. My mother usually tries to get on the bus so she can sit down while the bus driver takes his or her break or goes to the mail etc and they in the past have usually allowed people to do that if the people are there when the bus arrives. This has occurred when I have been with my mother and when I have taken the bus on my own. My mother went over to see if she could get on so she could sit down comfortably in the bus as there would be about a ten minute wait but he got out quickly and left and did not let anyone on. A large lady standing beside me said to me it says no service and she was smirking. I think anyone who takes the bus knows that whether he switched the sign or not it was the Causeway bus and they have not usually changed the sign from my observations over the years that I HAVE HAD TO TAKE THE BUS BECAUSE THE BULLIES HAVE INTERFERED IN MY INCOME. They have hurt my mother as well as when I was working I drove her most places when I could and when we went shopping etc or for groceries I would drive and she would NOT have to take the bus or walk. The bullies have created a situation where they have abused an elderly lady and caused her loss of enjoyment of life by interfering in our private lives. It appears as long as they hurt me they did not care that they hurt her too and NOW it appears that they have deliberately targeted her behaviour and are trying to say IT

6

MEANS WHAT IT DOES NOT MEAN AND HAS NEVER MEANT in order that they can hurt me and avoid the consequences of their own actions. When he came back he switched the sign back to the causeway bus and my mother got on. If any negative comments were made they would be wrong.

On Saturday May 11, 2013 my mother and I worked in her back yard. I weeded the lilac bushes and worked in the perennial garden etc. As I was working in the perennial garden the man from the house below my mother's house (who I understand has made complaints about the back door curtain and who is I understand extremely involved in the harassment came up behind me although he was still on his property and started speaking to me that he was going to clear up the mess in his yard because we must be tired of looking at it etc. I ignored him. He continued talking to me. I still ignored him. Anyone dealing with this situation should know that THE LAST THING THIS MAN SHOULD BE DOING WAS COMING UP AND TALKING TO ME LIKE HE has not been involved in harassment designed to destroy my life. My mother was up closer to the house working on her flowers on the side of her garage. She heard him the second time and exclaimed Mary Ellen he's talking to you and she came over to where he was. I continued to work on the flowers and she talked to him. He told her what he had said to me as if he was being a good neighbour. If he was an honest person you would think he would have also told her what he has been doing and why I would not answer him. I believe the government and the Conflict of Interest Commissioner would know that if I had spoken to him the clearing up of my reputation and the situation being remedied would have ended right then. My mother gets annoyed with me and thinks I am being rude. I EXPECT THE CONFLICT OF INTEREST COMMISSIONER to meet with us this week and TELL HER WHAT THEY HAVE BEEN doing if further inappropriate information has again been taken in as I understand it has been and for an IMMEDIATE PUBLIC INQUIRY to be convened in order that I can properly cross-examine and address anything that has been provided as THERE WILL BE NO OBJECTIVE SUBSTANCE TO ANY OF IT once I have had the opportunity to respond.

I went down and bought a mother's day card for my mother at about dinnertime on Saturday. I also bought Kentucky fried chicken from money my mother gave me to get it. A girl at the cash was talking to another fellow who worked there who was blocking the line. They continued talking and a fellow at another cash asked if he could help me. I told him what I wanted and the girl told him it would be about a ten minute wait. He then stopped waiting on me. I told him that I wanted to order it. He said you want to order now. I said yes. He rang it in wrong and the girl came over to help him. I showed him my coupon and the price he rang in was very wrong. She corrected it. However, one matter I would like to address is that I believe I have been told there would be a long wait before and I would often go and do something else and then come back. That night I had nothing else to do as that was my last stop. If any negative allegations have been made in the past when I have left when they told me there would be a long wait this would be very wrong. I understand that there are persons involved in the harassment in the food court. I waited. The girl waited on me when the food was ready and she told me she gave me two

of one thing rather than one as I had had to wait so long. I told her that was great. She was very nice. Nothing negative occurred. If any negative allegations were made they would be wrong. I took the bus home as it had started to rain hard when I came out of the mall.

My mother was deprived once again of the type of mother's day that I believe many of the people involved in the bullying were jealous of whereby she would receive nice gifts and I would take her out for lunch (or dinner) and for a drive etc. My mother and I have NEVER BOTHERED ANYONE. We simply enjoyed life together and did many things we both enjoyed. The people involved in the bullying I understand made fun of that behind our backs at that time and said that meant that I was immature. On an objective basis it meant NOTHING of the kind.

On Monday, May 13, 2013 my mother and I went to vote. My mother walked down with me but as the wind was so heavy I put her on the bus coming back. I waited until it came. I have done this before. One example is when we went to get her glasses at the transit commission a long time ago and I walked back after I waited with her for the bus. It was I believe addressed in an e-mail at that time. As I believe that I said then I would not use the bus pass my mother gave me (not usually anyway) for a short distance like that. (particularly when it appears the employees of the transit commission are interfering in my livelihood and depriving me of income.) I understand at that time they tried to say I was afraid to take the bus. I understand in September last year when we did walk to the Superstore that an employee involved in the bullying came and talked to my mother and they tried to prove the opposite of what they are now trying to prove and were saying I understand that she can walk and did not need to take the bus as her legs were fine. I believe I addressed it in an e-mail at that time. It appears as I have said before that the persons involved in the harassment WILL SAY whatever they think WILL WORK to hurt me and absolve themselves of the consequences of their behaviour.

When I walked back to my mother's house after we voted there was a black SUV sitting in the bottom part of the Griffins driveway. When I went into the house my mother told me that the bus driver had been nasty and that he had also let her off about two houses before the stop. There was road work going on but the bus was going up the street and he should have found a way to let her off at or closer to the stop. It appears that likely some sort of negative allegation would have been made.

On Tuesday, May 14, 2013 I went to Canadian Tire after dinner and as I was there a black haired girl (who appeared to be the same girl as the one who had been talking about me on the Friday before) came through the area where I was and was telling a boy what to do it appeared for the evening and they came right over to where I was and went by me. They then left. He came back a short time later and asked some other people there and me if there was anything he could help us with. When he asked me I asked for a tray as I had asked the girl the Friday before I believe. His exact words were "No skin off my nose" and he went to get a flower tray. I remember those words as they were extremely strange words for someone in customer service. That was not the attitude of the girl the

Friday before. He got one for me and instead of letting me put it in my bag and going back to what he was doing as I was pushing it in he began to push it in too. His fingers touched mine for about a second. In hindsight it would appear that this was on purpose and that he did it deliberately so that he could create a situation that he and the black haired girl could use to say in her words or the words of the girl from Friday if they are not the same girl that I was "strange". I simply finished pushing the tray down into the bag and it fit perfectly. I thanked him for the tray. There was nothing negative in my behaviour in any respect. He also said that they would be closing the cash in about five minutes in the garden centre area. I asked if the girl would wait for me as I simply had to put the flowers in my bag as I knew what I wanted by then and had asked for the tray as I was getting ready to get the flowers and leave. He said he would tell her and that would be okay. He also then answered the questions of a female customer who was in the area as well.

I quickly put the flowers I had decided on into the bag and went to the cash. He rang my plants in and the black haired girl came in with a cash tray. They were both smirking. He asked me about the plants and if I was putting them in the trunk. I said no I was walking and that's why I had wanted the tray for support for them in the bag. The girl was there while he handed me the Canadian Tire cash and my mother's change. He then went out of that area and the girl continued to talk to me as I finished putting the flowers into my bag. I asked her words to the effect how often they got new varieties in etc. There was nothing negative. I then went out towards the gate leading out of the garden centre. The fellow was standing there by the gate and he told me to have a good night. I said you too and continued on out of the garden centre. It appeared that the behaviour and attitude of the boy and the girl had changed from when I first observed them. It appears in hindsight that it may have been a deliberate set up by the black haired girl as I believe she would have known that on

the prior occasion I had asked the other girl for a tray to go into the bag and would likely again ask whoever was there for a tray. It appears that they found a way to try to prove that I was "strange". This would appear to be deliberate harassment designed to destroy my livelihood. When I left they both appeared very happy and were smirking etc as I paid and left. On an objective basis there was nothing negative. If any negative comments were made they would be wrong.

One of the VERY DISTURBING ASPECTS OF THIS WHOLE HARASSMENT SITUATION THE GOVERNMENT HAS CAUSED ( which should be very disturbing to the conflict of interest commissioner and anyone who has done work with children or dealt with complex matters involving children is that young people have it appears been shown by government officials and MLA's that it is OKAY to bully and harass and tell untrue information and that the government will take in that information to bully and harass someone out of a job to cover up their own wrongdoing and the persons involved in the harassment can get away with destroying their target. This appears to be COMPLETELY contrary to the war on bullying that it appears every other province is fighting and taking a strong stand against.

9

It appears as this matter has gone along that views that are completely improper of people who probably do not even know what the Human Rights Act is let alone the contents of it such as if you are not married like them or do not have children you are in their improper view immature have been used to affect employment contrary to the law. It appears that view that I understand is held by persons involved in the harassment is also I understand to the effect that if you are not married you must want to be and any time you speak with a man it must mean that you are after him. In any other province I believe and certainly hope their views would be given about two seconds and they would I believe be thrown out. We have all different sorts of people with all different sorts of backgrounds, opinions and capabilities in this world. You cannot stop people from perceiving the world in their own way even if it is particularly wrong or inappropriate. However the LAW ENACTED BY THE LEGISLATURE such as the Civil Service Act and the Human Rights Act prohibits those opinions from affecting someone's employment as employment is particularly protected as it is so important to everyone's well-being and survival.

It appears that the Commissioner should be aware from the information that I understand has come in since April 24, 2013 that if I speak to or look at a male or don't speak to them there is I understand likely going to be some sort of negative allegation as long as the government or the Commissioner will take in improper information from these people in order to discredit me and enable the government to escape taking responsibility for this HORRENDOUS BULLYING AND HARASSMENT situation.

If I am talking to a man at any time or a male clerk or looking at them there is a proper reason although likely the bullies will always say that it means something negative.

MY COMMENT TO THE COMMISSIONER is that these people it would appear should get a life and stop engaging in useless gossip based on their improper perceptions that have no basis in reality. I believe experts would tell you that gossip reveals more about the character of the person gossiping than it does about the person gossiped about. It would also appear that these perceptions were based on jealousy and resentment of my career as a Lawyer.

As a professional I have worked with men as equals for years which may be something foreign to many of the women involved in the harassment. Being a mother or a parent is a very important thing to do in this world. However, NOT INTERFERING IN THE PRIVATE LIVES OF (AND NOT MAKING FUN OF) OTHER PERSONS WHO CHOOSE a different lifestyle is not only ALSO VERY IMPORTANT but it is the law.

In fact instead of "proving" that there is something wrong with me the fellow at Canadian Tire has I believe proven that what I have said is completely true. I was making an appropriate request of the only clerk available at that time to help the customers in that area and he was asking us if he could help us. I understand that he took advantage of that contact to create a situation that the persons involved in the harassment could use to stop my being hired and to enable them to avoid the consequences of their involvement in the

10

harassment etc.

When I worked at ICT the second call centre that I worked at the Conflict of Interest Commissioner should be aware ( as this information is I believe in the police file) that I worked between two young fellows for about two months. There was NEVER any problem and absolutely nothing that the persons involved in the harassment could use to get me fired or stop

my being hired in the government position. As a result I understand that my supervisor there DELIBERATELY changed the seating arrangement to put one of those boys on the other side of my computer facing me to the left and another young fellow to the right and they stood up so that they were towering above me. I understand that the persons involved in the harassment were desperate at that time to find anything they could use to hurt me( and my supervisor's job was I understand in jeopardy if she did not find a way to get rid of me ) . I understand that shortly after she changed the seating arrangement there were allegations that I was looking at them ( which I would have had the right to do in a public place in any event and if they were towering above me it would be hard to miss them) when in fact I was simply looking at the top part of my computer screen etc. It appears that once again as a result of the Canadian Tire situation that the persons involved in the harassment have proven that they will manipulate the situation and do whatever they have to do to it appears set up a situation that they can say means what they want it to mean.

In addition I understand that some of the Wal Mart staff are also associated with the persons involved in the harassment. Another ordinary situation that may very well have been used is as follows. At Wal Mart they have an unusual system in the days of electronic detection etc that if you have a bag when you come in you are to get it tagged by a sticker their welcome person puts on before you can go into the store. On one day during this period when I went to Wal Mart the welcome person was not right at the door but he was an older man and was to the left and down the aisle a short distance. As I understand is required ( and a nuisance, they should have a better system for their customers or a welcome person who is where they should be) I went over to where he was and advised him I had a bag. He asked for it and said as he put the ticket on it words to the effect "that this is the winning ticket." I said not if you give it to me it isn't and I believe we both laughed. I then started back to where there was a cart and a lady took it so I immediately turned around and took the cart that was behind me where the man was. I then went and did my shopping in Wal Mart. The security video should show this. There was absolutely NOTHING negative about my conduct whatsoever.

When I went back to Wal Mart on another occasion when I went to the cash it appeared the man was standing there near the register I was to go to in the express section which would appear to be an unusual place for the greeter to be. I had no contact with him. Whether this was gloating or another attempt to set up a situation I do not know. It is unlikely it was coincidence especially if he had made prior negative remarks about the situation I addressed above.

11

CBC has had a series of articles that would probably be available to the Conflict of Interest Commissioner and which I have mentioned in the prior correspondence with the government around the time I believe that these broadcasts took place.

One broadcast was about men having a much higher opinion that females including their partner were more interested in them than what in reality was the case.

Another broadcast was about single people leading very content fulfilled lives although married people may make fun of them or look down on them when in fact it may be the married people that were dissatisfied with their relationship etc as it had not turned out as great as they thought it would be or had not worked out the way they thought it would work out or had not satisfied them the way they thought that it would.

Another broadcast was about women having the right to say no to sexual advances and once they do so that should be the end of it and the male should accept that despite he is attracted to the female. A sexologist said on the program words to the effect that she had asked a female friend who skied with 8 men if they wanted to sleep with her and the friend said of course they did but once she made it clear she was just there to ski that was the end of the sexual advances. In the broadcast it was said I believe words to the effect that once the female has said no if the male is attracted that can add an extra spark to the relationship even though the sexual advances are ended.

What the Conflict of Interest Commissioner is seeing here I believe is a VERY SEVERE BULLYING AND HARASSMENT SITUATION where the persons involved in the harassment it appears WILL DO ANYTHING they can do in order to discredit me for their own self serving interests or the interests of others associated with them.

I understand that they have created the situation where if I talk to or look at a male they will say that it means something negative. If I don't talk to or look at a male I understand that they will say that means something negative. Either way it appears they win and stop my being hired and escape the consequences of their involvement in the harassment.

I then went to Sobeys after I was at Canadian Tire on Tuesday May 14, 2013. The cashier whose name was I believe Shari W on the receipt was very talkative and asked me about the tea and words to the effect as to what English breakfast



meant. There was nothing negative in our discussion although it appeared another sobeys girl was standing close by listening. If any negative comments were made they would be wrong. I then went and caught the bus. Also while I was at Sobeys I was looking in the freezer section at the Breyers Frozen Yogurt ( which was in a special section I understand as it was on sale that week) as my mother wanted butterscotch ripple if they had it. They had honey ripple as well as other flavors and I did not get it. There was a fellow stopped behind me with a cart for it appeared no apparent reason as I did so and he was it appeared in a strange position in the middle of the aisle. I went around him when I finished and paid no attention to him. The bus driver was Linda who I understand is Larry's wife. She was

12

very quiet and sober and I simply had my pass punched and continued on.

The next day when I walked to the mall there was all kinds of city trucks and crews etc on Ellerdale as I went along it and on Ellerdale as I returned. At the CAA cross walk where I often cross there was a crew working in a large bucket with the sidewalk completely blocked. If I crossed where I usually crossed I would have had to walk under the bucket or out on the street so I continued down the same side of the street for safety reasons.

When I returned as it was still there when I started up the street I crossed at the bottom for safety again and went up the other side of the street. When I was coming down Ellerdale street towards Ridge Street a large city truck was stopped facing me and just sat there for a while. It then pulled out and went by me.

I understand one of the allegations is that the city workers have tried to allege that I am afraid of noise etc. As a result of the roadwork they did right outside my mother's house and their actions on this day on Ellerdale street any objective observer would see clearly that I AM NOT afraid of noise and simply continue on to do what I want to do. I believe that they have clearly proved the opposite of the allegations that I understand they have made.

On Thursday night, May 16, 2013 another very strange thing occurred. It would appear to be VERY unusual for road crews to be working at around 10 o'clock at night in the dark and on other nights they had finished I believe at about 8 p.m. Just as my mother was going to bed there was all kinds of VERY LOUD noise outside her window as they worked outside. I imagine that she looked outside as she told me what they were doing. She was also testing her flashlight which she uses at night as one had burnt out and she was using a new one. If any negative comments were made and I understand they were they would be very wrong. Her actions were very ordinary and would be as anyone would I believe do.

On Thursday and Friday, May 16 and May 17, 2013 there were no buses. I understand one of the allegations they have tried to make is that if my mother does not go out it means what I have said is not true when I said she is very capable in my last e-mail copied to you. My mother in my opinion is very capable for a ninety year old. If they have a different opinion that would simply be their right to their opinion.

A doctor on the radio addressing the care of the elderly said that the person helping or taking care of the elderly person must do as they feel is right as they will never get all family members to agree in most cases. People have different ideas of what is mature, immature etc. It does not mean someone has mental health issues if they live differently from other persons. In fact people who harass others an expert may very well say has a mental health disorder like an anti social disorder as I believe it is not normal behaviour to follow people, try to set them up etc etc. I understand they have since my April 2013 e-mail tried to prove what I said was wrong in order to stop my being hired. This I believe the Commissioner should find is DELIBERATE HARASSMENT AND BULLYING for

13

selfserving purposes. These people I believe for their selfish reasons have interfered in my mother's ordinary enjoyment of life and taken away many pleasures that my mother would have had if my employment was in place and she will never be able to get those years back. A letter has previously been provided from Dr. Foster and it clearly said those persons should stay out of our private lives. While they have been trying to characterize me as immature in order to avoid the consequences of their own actions and hurt me I have continued to try to professionally address all of their conduct and issues and have assisted my mother and enjoyed life with her to the extent that we can despite their severe and unwarranted and I believe illegal interference.

On a CBC Broadcast it was I understand indicated that in the United States a teacher was prevented from ever teaching in a public school again as he had ran an experiment whereby students reported on one other and pretended to be his body guard etc. It was indicated students came from other schools to sit in his class. Two students during the broadcast

indicated extremely negative experiences and I understand the experiment only ran for about five days. I have been watched, reported on, harassed in other ways etc for SEVERAL YEARS NOW AND NO ONE HAS STOPPED IT. ( despite I understand it IS CRIMINAL HARASSMENT).

One male student said that the teacher came to him and said he understood he had said a certain thing. The student said words to the effect that his best friend just stared straight ahead and had been the one who had made the report. It appeared that his best friend had reported on him in a five day experiment. The female student said words to the effect that it was a very negative and disturbing experience.

On Saturday, May18, 2013 it was the long weekend. I went to Kents and got some plants that were on sale there for my mother. We then went up town. It appeared that the bus drivers were in gloating mode. A very loud woman hollered its good to see you Ryan even if its on a Saturday. When we returned home and went to the mall one of the drivers that I understand was involved in the bullying with glasses and a grey beard appeared to be smirking and in a belligerent mood. Sitting where my mother usually sits was the female driver, Linda, all smiles ( or smirking) and when my mother went and sat behind her as my mother usually sits there which I believe this female driver would know they spoke to each other and talked for a short while. Anyone sitting near would have heard my mother say to me that she is one of the bus drivers ( referring to the lady named Linda). My mother and I talked for a while about ordinary things and she appeared to be listening. My mother has no idea that this lady has been trying I understand to destroy my career and could not even understand that as this lady does not know me, has never had any conversation with me in which she could even form her own opinion as to my capability etc. After a while Linda went and stood beside and talked to the male driver as he drove. When they got to the Transit Commission he got up and appeared to make a point of looking in my direction before he left and she then settled in. Her attitude was all happy and she appeared to be smirking at me. I understand that somewhere between Tuesday night and Saturday that the persons involved in the harassment had provided

14

information that resulted in discrediting me and they now felt they had succeeded in bullying me and had destroyed my life. It amazes me how they COULD ever being in public service explain to or satisfy the Conflict of Interest Commissioner or anyone else how she would be interfering in my life or employment as a bus driver in public service who does not know me and has had very little contact with me and on an objective basis there was never anything out of the ordinary ever.

On Saturday morning after I left Kents I went and cashed one of my HST cheques. I save them for when I want to use them. My mother and I made a day of it and went to the mall after we left uptown. We had dinner at the mall. As I ordered Mrs. DeGrace who is the wife of a retired police officer and her husband were at Deluxe. She was standing near me and appeared to be watching as I ordered. They were laughing and looking over in our direction as we ate. When they finished he walked by smiling and she came over and said is she treating you Marion. I am extremely tired of people making it appears very bad assumptions in accordance with their bias. Although it is NONE of her business as this lady hardly knows me and this may have been the only conversation she has had with me since I returned home in 1996!, I said HST cheques come in handy. She said huh? Then she said HST, oh. She then said Keep them cheques a coming. If these people think this type of behaviour is mature or polite or proper, I have a different opinion. She then left. She didn't talk any further with me or my mother. It appeared her purpose there was done.

If I go to the store for my mother she gives me the money. Other than HST or money my mother gives me for Christmas birthdays etc I have NO MONEY. These people once they make assumptions about another person that they have no knowledge about it appears that they are convinced they are right. It appears that the government IS STILL taking in information that I have not told the truth about my income. THIS CAN BE PROVEN OBJECTIVELY and if that is an issue the CONFLICT OF INTEREST Commissioner should call evidence so we can clear that up. If I don't go to the store they say I am afraid. If I go for my mother or spend money doing something they say that I am not telling the truth about having money. DOES THIS SOUND LIKE HARASSMENT TO THE COMMISSIONER???

Quite frankly I believe that it is financial abuse for the government to have deprived me of employment income based on the WRONG allegations of the persons involved in the harassment and I believe it is extreme abuse for the Conflict of Interest Commissioner to let them CONTINUE to make such allegations just because they need to FIND SOMETHING to discredit me. If I had money I would have said so. I would be kayaking and doing all the things I love to do. For those people that are alleging that I am afraid of noise or of going out etc etc the Conflict of Interest Commissioner can also disprove this practically by having someone provide me with money so that I can travel to and afford kayaking or any of the other adventurous things I like to do and I will do them tomorrow.

One other thing I will mention is that on Thursday May 16, my mother had to go back up

to Saint Joseph's Hospital for her eye. I believe some of the bullies knew this. IF IT WAS PURPOSELY ARRANGED THAT THERE WOULD BE NO BUS SERVICE UP WESTMORLAND in order to try to find a way to make allegations to help out the bus drivers I believe anyone connected with this should be fired AS they are in public service and to use it to suit their own private purpose of trying to save their jobs and to inconvenience a ninety year old lady is EXTREMELY wrong.

I believe most of the road work had been done and there was no objective reason it had to be closed. I called for a taxi to go to Saint Joseph's Hospital. I put my mother in the front seat so she could see better and I sat in the back. She talked with the taxi driver. While I waited for my mother it appeared that there were a lot of men waiting. When we arrived one moved over so that my mother and I could sit together. I sat beside him. When my mother came back from one part of her appointment a male had taken her seat and the man next to me could have moved over again as the seat beside him was vacant. He did not do so and my mother sat beside him. When the man beside me left I told her and she came back and sat in her original seat. The man across from us said musical chairs and the man beside me and my mother laughed. My mother and I talked and I read some as she waited to finish her appointment. I paid no attention to the men and read as I waited for my mother. If any negative allegations were made if this was another set up like I understand occurred the last time my mother and I went to the eye clinic it would be very wrong.

After we left the eye clinic we went to where the bus stop was as I wanted to see its location and then as there was almost an hour wait we went and got a snack at the cafeteria. If any negative allegations were made they would be wrong.

When we caught the bus I asked for a transfer and the driver asked me for what bus. ( This is not I believe a usual question. ) I said the Causeway bus. He told us his bus changed to Crescent Valley and we should get off at the Golden Ball stop. My mother was standing there as well for this conversation. If any negative allegations were made they would be wrong. When we got on the causeway bus at the Golden Ball stop it was the driver ( who appeared to be smirking and gloating on Saturday May 18, 2013 ) but he was it appeared angry and hostile on Thursday morning, May 16, 2013. He said you know I don't go up Westmorland. I said you go down Valley Street. He said yes. It was a rainy type day. My mother said you mean we have to walk all the way up. He said yes. Quite frankly I did not want to walk all the way up either. My mother had been up early through an ordeal with her eye and was quite tired. Some of the bullies KNEW my mother would be going to the eye doctor. If this was done purposely in order that the bullies could try to prove some point by saying she was not capable because she did not want to walk it that would be EXTREMELY wrong and ANYONE involved in such a decision should be fired. This is I believe pure harassment. My mother's eye was quite sore. She rested in the afternoon.

On Friday, May 17, 2013 the buses were not running either and my mother did not go to

the mall.

On Monday, May 20, 2013 it appeared that suddenly things had changed again and the persons involved in the harassment were again trying desperately to find something they could use to hurt me.

On Tuesday night, May 21, 2013 I brought in my mother's plants that she had outside by the door. There appeared to be a reaction from the bullies afterwards. If there was an allegation that this was gloating or anything else negative that would be very wrong.

On I believe Wednesday, May 22, 2013 the driver was I understand Larry who when I gave him my pass to stamp stood up all smiles and said "Is that your last one?" He could see that it was the #10 spot on a 10 ride pass. It appeared that he was gloating also.

On Thursday afternoon May 23, 2013 there was a lull in the rain although it was still damp. The weather had been colder than my mother expected after the warmer period in April and some of the flowers she had still could not be put in. A few were looking very poor and like they would not survive. Although it is not I understand a good idea to put them in during the wet period my mother thought they might have a chance if they were put in. We went outside for a bit of fresh air. It was not raining. She weeded a bit on the side of her garage as she wanted to see if she wanted me to transplant ( not on that day ) any flowers from that side to another area. We had done that last year.

We went back in as soon as I was done. I understand this was said that we were gloating. These people do not understand that they may be it appears obsessed with hurting other people but we do not watch them. Life is too short. They have taken away many years from my mother at a time when EVERY DAY IS PRECIOUS and I expect the Commissioner to call evidence in a public inquiry where I CAN CROSS-EXAMINE OR ADVISE ME THAT I will be compensated or hired so my mother can enjoy life with me every day BEGINNING NOW as we used to do before people who do not even know us and others who were jealous of my career and what we did together INTERFERED in OUR PRIVATE LIVES.

On Saturday, May 25, 2013, I cleaned out the garage as I had waited and waited for a resolution. My mother was going to purchase a new mower and I wanted proper room for it and to access other things in her garage. It is my right to clean the garage WITHOUT everyone having their opinion on what it means. IS THAT REALLY WHAT WE EXPECT IN A FREE AND DEMOCRATIC SOCIETY. IMMEDIATELY there was a reaction from the bullies. The Griffin van was again parked it appeared in a gloating position close to my mother's kitchen window. Eleanor Urquhart called my mother.

I understand that it was alleged that this meant my mother knew what the bullies were doing etc. Again it appears the bullies will make any assumption that fits their agenda. My mother was simply happy that I cleaned the garage.

17

It appeared again everything had changed and the persons involved in the harassment were again in gloating mode on Monday May 27, 2013. My mother and I went to the mall. I met her there. I have begun to walk again to get in shape to be able to do the things that I like to do if the opportunity arises or to fight this matter in court or any public inquiry or law society complaint forums depending on whatever path the Commissioner chooses. If the Commissioner wants to have someone try to negotiate a settlement privately I am not out to destroy the government and I believe the Conflict of Interest Commissioner can see that from how I have professionally conducted myself. However, if the Commissioner is not going to stop the NB Human RIGHTS COMMISSION from proceeding based ON DELIBERATELY false evidence then it appears I have no choice but to prepare for a judicial review proceeding and any other necessary steps or other hearings such as in respect to my conflict of interest complaints.

These people try to suggest that my mother or I gloat but I believe any impartial experienced properly qualified person would say to you all they are doing is living in their home. IT IS NOT ME FOLLOWING THESE PEOPLE MILES TO THEIR HOME OR ON THEIR DAILY ACTIVITIES OR SITTING OUTSIDE THEIR HOUSE IN CONCERT WITH OTHERS OR STANDING AT A BUS STOP TO GLOAT OR MAKE A POINT WHEN THEY THINK THAT THEY HAVE WON AND DESTROYED ME. I believe any rational person let alone an expert could tell you who is gloating and who the Bullies are. In addition the police in the last month have had full opportunity I believe to see impartially what these people are doing on the street as the last two weeks when I worked outside in the front for example on Tuesday, May 28 and Wednesday June 5 a camera focused on the store area and in front of my mother's house would have shown cars parking directly in front of my mother's lawn as I worked etc. On June 4 as my mother and I finished out front at about lunch time a black car went down the street with someone hollering out of it and almost immediately after it there was a police car siren that turned onto Northumberland Avenue and the siren almost immediately stopped. My mother turned to look and pointed I believe. I did not look as I believe it was someone connected with the harassment.

On Monday, May 27 my mother and I went to Sears and she purchased her new mower. If allegations were made that I paid for it again this would be wishful thinking of the bullies in order to get the result they want. I would love to be able to pay for it or pay for many things we could enjoy together. The government has deprived me of the ability to do that by withholding the job and creating the horrific situation that it has created in the community and province. At Sears a female was waiting on us and my mother liked her. A male clerk came over to us and asked if he could help us. My mother said she was waiting for the female clerk who was checking on an item for her. When he continued I politely told him that the female clerk had told her she was going to check to see if she could order a certain mower and we would wait for her. He did not seem happy. She told us that she would try to see if she could order in another lawn mower similar to a small one a man just ahead of my mother had purchased as it was the last one. Although the one the man purchased was a bit cheaper it would appear that my mother got much better

18

value for the machine she purchased. The lady there saw her write out the cheque and as I told the government before although it is none of their business but because I understand false allegations from the bullies stopped the job at an earlier time, that ALL MONEY IN THE ACCOUNT IS CLEARLY TRACEABLE TO HER INCOME. The female clerk was very helpful and my mother liked her. When we went to pay for it, it again appeared that the male clerk was asked to take

over. My mother did not look happy. I was reading the manual on the lawnmower. The lady waiting on my mother then came back and said that as he had not taken his break she would finish the sale. I don't think this was a coincidence. If any negative allegations were made they would be wrong. While my mother was paying for her mower, John Fudge came where I could see him and he was all smiles. It appeared that he was gloating and made a point of my seeing him. He did not come over to us and my mother did not see him. The store security tape should show him on it while we were in that area. The lady allowed me to call a cab from the desk and we then went to parcel pickup. I spoke to the man at parcel pickup and my mother signed for her mower. I asked words to the effect if she wanted me to sign for it and she said she would and she did. I advised the man that a cab was coming and we waited for the cab. He was pleasant and on an objective basis there was nothing negative.

When the cab arrived they put the mower in the back and I put my mother in the front. I then put my hand on the door handle to open my door. For no reason whatsoever the cab driver touched my hand as I was opening the door. I simply continued to open the door. If any negative allegations were made in respect to me they would be wrong. When we arrived at my mother's house I helped him lift the mower out of the back of the van. A light came out when we took the mower out. He said he forgot that he had a light there and he put it back in as I took the mower towards the garage. As we had driven past the cemetery office at Fernhill it appeared that Barb Dickinson was standing with her front door open talking to someone. This was not likely a coincidence in light of the appearance of John Fudge and was probably further gloating.

If it was not for my mother I would not eat or have the basic things that I have on a daily basis. For the position to be with held because of false allegations and for the government and any legislative officer like the Ombudsman to try to prevent a public hearing based on information taken in at face value from the persons involved in the harassment without giving me an opportunity to respond and cross-examine is I believe extremely wrong and would appear to clearly show bias. A trial judge as I am sure the Commissioner is aware does not cover up that a statement of claim has been filed nor allow the claim to be dismissed without a trial and any necessary cross examination when there are two different positions and clear credibility issues. The Commissioner should be aware that a case can look very different after cross-examination.

On Tuesday, May 28, 2013 I believe that I went to Canadian Tire and purchased with money given to me by my mother some plants to finish the front part of her walkway and between her weigelia and honeysuckle bushes. I carried them and walked each way. My mother had purchased a pass for me if I wanted to take the bus. I was not afraid or any of

19

the other kinds of silly allegations that I understand the bullies would likely make. That was my choice for exercise.

When I went there the black haired girl that I mentioned above was looking at me from where the other lady said she was picking out the old herbs that had not survived. The older lady who waited on me mentioned this as we were talking about the cold wet weather and she said that they had lost a lot of their plants despite their efforts to protect them.

My mother put hers outside to keep them hardened off and we brought them in at night on different occasions. On I believe Tuesday night May 21 when I understand the bullies were desperate to try to find something to discredit me there was a big reaction after I went outside and brought in the plants my mother put outside to try to keep them hardened off until they could be planted because of the cold weather as she was afraid before May 25 the full moon in light of the cold and wet weather that they would not survive if planted. As I have said before if we cannot do these types of ordinary things without it affecting my career you HAVE TO TELL MY mother. She has done this type of thing over the years without having to account to anyone (SHE STILL BELIEVES she can do what she wants in a democratic society. If you are going to allow the severe bullying you should have told her long ago as by not doing so it is contributing to the abuse that I am sustaining as she understandably simply cannot understand you would be taking in the type of information that I understand the government has continuously taken in for years.)

I put in the plants when I returned and made my mother a snack. There was a huge reaction from the bullies. Probably an allegation was made that I was immature because I gave my mother an improper dinner. We had a late dinner because I finished putting in the plants. After I made dinner I then went out and mowed the lawn. It appeared that the neighbour who lived below my mother was outside making noises. It appears that they think this scares me away. If for any reason I go inside or change what I am doing I understand they make that type of allegation that again fits their agenda but has NOTHING to do with reality. After I had mowed my mothers lawn I tried to put out her little donkey but the screws holding it together with the cart had broken and I could not get it together as the wood had given way. I went inside and got some tape and tried to hold it together that way but the black duct tape would not hold. I was working just above the perennial garden near the back of my mother's property. I then went inside and got three screws and worked on it to try to put it

back together but the wood had given way and the screws would not hold as it is very old and was given to her by friends who are now deceased. As it had sentimental value I tried to put it together so it could stay out. My mother watched from her doorway as I worked on it. I asked her to open the garage so I could put the donkey back in as I told her it would not stay together and I would have to work on it further. If anyone was listening they would have heard me say that. She opened the garage and I put the donkey in. If there were allegations that I was afraid or that we were gloating or anything else negative they would be VERY WRONG. I also left a patch near the garage for whippersnipping. I did not think anything of it until Thursday, May 30, 2013. As I was mowing near the yard of the people who owned the rottweilers it appeared that a young child was suddenly moving back and forth near the area that I was approaching to mow. If the people who own that house whose jobs or one of their jobs may be in jeopardy if I am hired have involved a child in the bullying and harassment this is absolutely wrong. I mowed everything I wished to mow in that area and if any negative allegations were made they would be wrong. Over by the garage (which borders the property of the lady who I understand was disciplined in 2010 for her involvement in the harassment ) the patch of dandelions etc that I left for whippersnipping had been disrupted by the plowing during the winter so I did not use the lawnmower at that time until I whippersnipped and saw what condition it was in etc.

It sounded like Mr. Griffin called my name when I was out in the daytime on Tuesday putting in the flowers. I paid no attention as I knew if that was the case it would result in a negative allegation.

If it was to bring to my attention that a shingle was missing I believe the Conflict of Interest Commissioner should tell him to mention it to my mother sometime when she is outside but making sure he has no contact with me as I want nothing to do with him and he should bring his own ladder. In the past he has mentioned it to my mother and has offered to put it up. He has his own ladder and I believe I have mentioned that ladder in earlier e-mails I believe as it appeared at a time when they were trying to say my mother was watching them or something else negative that he went up on the roof which would likely draw her attention ( OR ANYONE else's out of normal curiosity). My mother's ladder that will reach that area takes two people to handle and I want nothing to do with them as I believe the Commissioner would know by now that any contact would I believe clearly result in negative allegations. I understand on Friday June 7 he went out with a small boy as my mother waited for the bus and spoke to her. It appears in hindsight that he was in gloating mode but his efforts would be wasted on her as she cannot understand that anyone would do what those people have I understand done. He could have mentioned the shingle to her then. My mother took the bus to the mall and I walked stopping at Shoppers for some sale items she wanted only to be told by a male and female clerk that the sale starts on Saturday. Another clerk told me they have no flyer for Friday as their other sale ends on Thursday. My mother thought all sales started on Friday like Sobeys Lawtons etc. In fact I believe Shoppers is the only store where there is one day that there is no sale. If any negative allegations were made they would be wrong.

I do NOT believe that my mother's shingle fell off the week before May 28, 2013 all by itself. My mother came in and told me it had fallen off. I went outside to get it for her . It was sitting on top of her drain spout in full view of her deck when she went out to get her flowers from beside the door. I do not believe the slate shingle fell from the top part of her house and landed where it was propped up on top of the rain spout at the particular time when the bullies it appeared were desperate to find anything they could use to discredit me. If any negative allegations were made they would be wrong. I believe the Conflict of Interest Commissioner should immediately ensure they put the shingle back

21

up.

In the summer of 2009 (which I believe I have previously addressed with the government or the Ombudsman in an e-mail at some point in time ) when the bullies were desperate to stop my being hired after Gillian Miller and Cst Scaplan dealt with the matter on my behalf after my employment ended with the Atelka Call Centre Mr. Griffin came over and told my mother that a shingle had fallen off and he would help put it up. I understand as a result of the brief contact with me that he and the female neighbour who lives on the other side of my mother gave false negative information to the government to try to stop my being hired at that time. I believe the Conflict of Interest Commissioner with all his years of practical experience would find it a little bit hard to believe that a shingle in the exact same area just out of reach so I could not put it up myself had again just fallen at a critical time. I would ask the conflict of interest commissioner to make sure that none of the other persons involved in the harassment approach her to put it up once I give this information to you with an ulterior motive to come and make contact with me to provide some other false information to discredit me. In hindsight I believe that that shingle also did not just "fall off". I believe that was deliberate as well as the shingle was neatly placed when I found it on the ground.

On Tuesday, May 28, 2013 while I was outside I understand that my mother received a call that Audrey was in the hospital and that she had had a heart attack and had to go by ambulance. It appears that once again when it appears



critical that the persons involved in the harassment find something to use to hurt me that Audrey suddenly has to go to the hospital. This occurred last August 2012 and I addressed the situation at that time in an e-mail or e-mails. My mother told me that they offered to send someone to get her if she wanted to go up but she had told them that the family would be there and she would go up to see her the next day. She called Albert Fudge that night to see how Audrey was as she understood he had been up there. The next day, Wednesday, May 29 my mother left after lunch to go to the hospital. I was astonished to find out when she returned that the buses were suddenly NOT going up Westmorland Road that day. My mother told me that she had to walk down to Ellerdale street to catch the bus and that the driver coming down Valley Street drove her over to Ridge Street as he told her going to the mall he comes down Valley but going to town they go up Ridge Street. There had been no advertisement of the bus route change that we were aware of. She said the driver told her that they did not know until about nine o'clock.

The Conflict of Interest Commissioner should be EXTREMELY concerned if they deliberately stopped the buses from going up my mothers street because they knew that she would be going to the hospital to see Audrey as she had told persons involved in the bullying ( who are I understand associated with the bus drivers) that she would be going to the hospital on Wednesday. They all ought to be ashamed of themselves and anyone involved in the decision should be fired if they manipulated the public bus service and inconvenienced a ninety year old woman for their own selfish interests as a result of their interference in my private and confidential employment application which is I believe

22

clearly PROHIBITED by law. I understand that when my mother went to the patient information and asked for Audrey at the hospital she was told that she was in Emergency and to go out the doors (to the outside of the hospital) and on the sidewalk to the emergency department. I asked her why would they tell her that when there was an inside corridor directly to the emergency department. She said when she got to it from the outside there was a security guard and a nurse (I believe) there and the female I believe took her to where Audrey was. She said that Phyllis told her about the inside corridor. My mother does not go to the hospital very often. We have both been very fortunate and she would not be familiar with the route to the emergency department. If any negative allegations were made this would be VERY wrong. If my mother was deliberately given wrong information in order that the persons involved in the harassment could make negative allegations they should be fired together with anyone else involved particularly if the security guard and the female with him were purposely waiting for her to come after she was given the bad information.

I believe that the Conflict of Interest Commissioner should have an unbiased police force make it clear that these people will be charged criminally if they harass my mother in any way such as stopping the bus service or giving her bad information in order to hurt me and avoid the consequences of their harassment or other improper conduct.

It is one thing if they have targeted me but at ninety my mother does not deserve any of this. In addition for her own safety the Conflict of Interest Commissioner should ensure that someone immediately tells my mother what is going on.

Although none of this information should in ANY WAY EVER BE TAKEN IN WHICH WOULD STOP THE BULLYING as there would be no point in it it appears if the government did not accept the information at face value, I would ask that the Conflict of Interest Commissioner contact me for a practical solution so you can have a chance to see first hand that my mother does not know what the persons involved in the harassment are doing nor that people who pretend to be her friends or call her regularly etc are involved.

Particularly if the government is going to put at risk my mothers' health and safety by not stopping the harassment IMMEDIATELY at this time I believe you should contact me immediately. I have made this offer I believe you would find before in an e-mail to the Clerk of the Legislative Assembly in order to try to get the professional position in place (if they were going to persist in taking this type of improper information in even though it is prohibited by law) as I would then have a car and be able to take my mother places and enjoy life together as we did before the harassment began as EVERY DAY IS PRECIOUS particularly at the age of 90. AT that time I had suggested that they have Sgt Donny Cooper contact me ( as my mother knows him) and I could suggest a practical way they could see for themselves. I believe they have seen every day when she goes out and they target her and approach her and offer drives or talk to her etc that she responds kindly and appropriately every time. In fact they are I understand using the fact that she does not know to hurt me. ( and now it appears to hurt her also in their desperation and it appears selfishness to save their own jobs or protect their other interests. At this time it may be more appropriate for the Conflict of Interest Commissioner to ask Bruce Court as I trust him or Gillian Miller as I trust her or the MLA who I understand has put his or her job on the line to stand up for what is right rather than go along with the cover up to contact me. You could put a wire on me BY AN UNBIASED police force (NOT THE SAINT JOHN police) and what you would undoubtedly hear my mother say when I try to tell them about people watching us in the house or outside etc is that NO ONE is watching us and I have to get over that fear and they would see her become very distressed. When I try to ask her not to look out the windows or not to do something I KNOW

the persons involved in the harassment will use she has told me I HAVE TO GET OVER that fear and she will sometimes deliberately go and do it to help me get over the fear. You MUST tell her in accordance with the Law Society Code of Professional Conduct for her own safety as the government has created this situation WHAT the PERSONS INVOLVED IN THE HARASSMENT ARE DOING AND WHO IS INVOLVED. She thinks that Audrey and John Fudge and Albert Fudge only say nice things about me because I understand that is what they have told her.

There should be a public inquiry to bring out the severity of the harassment and show the truth if you are going to destroy my life based on the manipulations and lies of people who are deliberately telling my mother things that are not true and covering up what they are doing to hurt her and me.

In addition what you could also do is arrange for Albert and Audrey to be available at that time so after we have done what I have suggested above they could then come while Bruce Court or one of the other two people mentioned above at the Commissioner's choice are still there and while I have the wire on you could require them to tell my mother what they have said about her and me, who is involved in the harassment etc. I believe you would then see first hand that they either will not do it or my mother's response will show that they have deliberately lied to her and to you.

My mother to my utter dismay can find more reasons that are practical and appropriate to look out the windows and doors, point, gesture and do many things that I can only in horror watch and imagine the inappropriate type of information the bullies are likely giving to the government.

On Tuesday night, May 28 Eleanor Urquhart apparently made a point of telling my mother that Kents had flowers on sale. I understand that the bullies have tried to allege that if my mother buys a lot of flowers that it means I have NOT told the truth about having no money. This is EXTREME ABUSE I BELIEVE for the government to create the situation where I HAVE NO money except what my mother gives me and HST and then take in information from BUSYBODIES who simply it appears once again make inappropriate assumptions to fit their agenda as I understand their allegations are simply what they wish to be true rather than what IS true.

On Wednesday I went to Canadian Tire again and got the flowers that my mother puts on the grave. She paid for them. The woman that waited on me the day before smirked at

Page 24

another younger girl and they exchanged a smile as I went by them. The younger girl waited on me. I understand that one of the scams at Canadian Tire may be to have different people wait on me so that they can say negative things and I understand the thinking is that if a whole bunch of people say negative things the government should accept that they are true without giving me an opportunity to respond. If it is bullying and harassment that is not the case. I believe any expert would tell you that people go along with it and make fun of the target EVEN THOUGH THEY KNOW IT IS WRONG. I had taken the tray with me to Canadian Tire that the lady gave me the day before as it was a better tray than I had been given before as it held more flowers and I was able to get ALL flowers for the grave in one trip. When my mother returned from the hospital we went over together to put the flowers on the grave. As we went out the door as it was getting a bit damp my mother put on her rain bonnet that a lot of elderly ladies I believe use. My mother has tumours in her arm and they have now started to more frequently affect the feeling in her hands and fingers and one hand in particular. As it was bothering her she was having difficulty tying the rain bonnet. I tied it for her. If there were any negative allegations that this was gloating or anything else negative it certainly was NOT negative in any way.

At the grave as we put in the flowers ( I put them in and my mother showed me what she wanted ) a silver or grey car I believe although I could be wrong on the colour parked directly across from where we were facing towards the outside of the cemetery as we worked. It appeared that the person walked by us going towards the car as we worked as well. Neither of us paid any attention as we were working on what we were doing. It also appeared that a white jeep drove by as we were putting the flowers in. I understand that a police woman who lives in a house on Kilburn Street has a jeep of that description. It appears that there was a huge reaction of the bullies after we went back from putting in the flowers. As we went over to the grave a very large lady and a male were sitting ( I believe ) on the wall about halfway along Westmorland from Northumberland Avenue to the Cemetery. I understand that these people work for the NB Association of Community Living for whom Mrs. Griffen works and it would appear in retrospect that this was an intimidation tactic or a gloating tactic.

On Thursday, May 30, 2013 the buses were AGAIN not running it would appear at a critical time I understand when the persons involved in the harassment were trying to stop my being hired. My mother wanted to go to the mall and I walked down with her to the bus stop. I called first and confirmed with transit dispatch that the buses were NOT going up



Westmorland. He laughed when he said no not today. I asked if they were coming down Valley Street to go to the mail as that was what I understood they had done before when my mother had caught the bus in that area. The dispatcher told me that they were coming down Ridge Street. I told my mother and she said before they came down Valley Street. We went and waited at the stop at the bottom of Ridge Street by the playground on Ellerdale Street. The bus DID come down Valley Street. My mother took the bus and I continued on my walk to Canadian Tire. I got flowers from the money my mother gave me for her pot and hanging basket that go on her front veranda and

Page 25

shepherd's hook. I returned home and potted the plants and took them outside and set them up. I was just getting ready to go meet my mother when she arrived home as we had arranged to meet at the stop by Ridge Street so I could walk with her and carry the groceries at a certain time when my mother returned home. A lady who used to work at Zellers had offered her a drive home. My mother I believe had not seen her in years. I understand the lady said her house looked nice. I believe that the Conflict of Interest Commissioner knows that this was NOT likely a coincidence and that this lady was I understand associated with the persons involved in the harassment and likely had ulterior motives in offering the drive while I believe PRETENDING to be nice. On Friday my mother again went to the hospital to visit Audrey.

The bullying has been very intense since April 24. Some of the following are very concerning that happened the week of May 27, 2013 in addition to what was set out above for each date.

A large group of city workmen seemed to be putting some very small patches of pavement in potholes at the bottom of Kilburn. They were close to where I usually cross. As I usually do I looked quickly both ways and crossed the street where I usually do. If any negative allegations were made they would be wrong.

On one return trip with flowers as I approached the large Ellerdale apartment building at the bottom of Margaret Street two police cars were parked on the side of the entranceway facing my approach. One was right at the bottom blocking the sidewalk. I went in between the two as an officer started to go to the one closest to the street and I continued on my way.

On one return trip when I passed the Villa High Rise apartment it appeared that 4 city workers were on the sidewalk just past the Villa driveway. There did not appear to be any truck nearby nor any reason for them to be there. One was laying down on the sidewalk right in my path. I paid no attention to them and simply continued up towards Kilburn.

On one return trip when I neared the house where the police officer lives on Kilburn it appeared that the man who lives next door to her was standing outside talking to another male near where I usually cross the street. I passed them and crossed in my usual location looking in both directions as I crossed the street. The fellow is I understand a city worker or government employee of some kind.

On one return trip a lady appeared to be standing on the sidewalk watching my approach. As I went by her she said hi. As I believe it would only be someone involved in the harassment with an ulterior motive I simply paid no attention and continued on. People who would be wanting to talk to me for a useful and proper reason I do not believe would be lingering on the street. If she made any negative allegations they would be wrong.

I went for a walk towards the mall area. On the way back when I was passing by St.

26

Joseph's Cemetery a group of five young people that appeared to be teenagers came from behind me and two girls passed me first. They were smirking. Three young fellows were with them and they lingered and circled around behind me. The girls stopped a distance ahead and waited for them. As I do not believe this was a coincidence and it appears that it was gloating behaviour of persons associated with persons involved in the harassment and was further deliberate bullying I repeat most of what one fellow said so you can come to your own conclusion. One young fellow said did you tell her you would "F" her ( He used the whole word). The other fellows laughed and they continued to walk close to me. When they reached the girls they stopped and I continued on. Anyone watching would have observed that I paid no attention to them at all. This was deliberate. As once again it appears no matter what I do there probably would be some negative allegation unless it was simply gloating and they felt they had already succeeded in discrediting me.

On Saturday, June 1, 2013, I went to Canadian Tire and purchased the lawn waste bags from money my mother gave me. I then went to the mall and met my mother to carry the heavier groceries. As I came around in front of Sears a lady whose name I do not know but I understand is involved with the bullies and lives up by or on or near Northumberland

Avenue walked by me and said hi. I knew who this girl was when we were young children but I have had almost no contact with her except possibly in passing on a very rare occasion since I returned home. I do not believe I have ever had a personal conversation with her since I returned home in 1996. I deliberately did not speak as I understand she is involved in the bullying and was likely there to create negative allegations. For people to try to hurt someone they have basically no contact with and no connection with is I believe not an ordinary trait of a responsible person.

I met my mother at Sobeys and as I was packing up her groceries in the bag I use to carry them a female voice said to my mother oh you have help today. It was Mrs. Gilchrist who I have mentioned before and is I understand involved in the bullying. I just looked at her and did not speak. She spoke briefly to my mother and continued on. This lady lives fairly close to my mother although she has never been to my mother's house nor my mother to her house and my mother I believe knows who she is and speaks to her when she sees her because she lives in her area. However, that comment is particularly annoying as that lady I understand drives and if she has the time to interfere in our private lives to try to destroy my career when she hardly knows us I believe a picture is worth a thousand words and clearly shows her character. She could have offered my mother a drive or helped other people instead of using all the time I understand she has spent following us or arranging to be where we are to try I understand to get some information to hurt me and she could have helped someone instead of trying to hurt people she barely knows.

When my mother and I went to the bus stop, a lady offered my mother a seat inside the bus shelter. It was warm. My mother thanked her but said she was going to stand in the breeze. The lady said it was warm in there. The bus driver let us on the bus and my mother and I chatted as we waited for his return. The lady from the bus shelter got on too. Just before my mother got off at the corner, John Quinlan got on the bus. My mother

27

spoke to him and he told my mother he was at the 90<sup>th</sup> birthday party for Mary O'Brien. I did not speak to him. My mother did not know about it. As we got off the bus my mother said to him that she was over her. The bus driver said, what?. I said you mean older than. My mother does not realize that every word she says will likely be used in a way she would never intend if it suits the purpose of anyone involved in the harassment. John Quinlan called out as we were on the sidewalk by this time, that she is 91 to the bus driver. The driver said words to the effect to my mother that I wouldn't have put you at a day over 80. My mother (using an old expression from when compliments were given) said something to the effect that she didn't have any quarters or he was looking for quarters etc as this was a way of responding to compliments by older folks I believe. We then continued home.

On Saturday June 1, 2013 the neighbors of my mother who own the rottweilers when I went out to put lawn waste in the lawn waste bags began to play their music louder and louder. This went on for a short while as someone must have called them and told them to stop as it stopped very abruptly and they it appeared went inside and all became very quiet.

On Tuesday June 4, 2013, it appeared that the bullies were desperate to find something to discredit me. My mother looked out the windows in the early evening at her hydrangea and potentilla which she does ALL the time in the summer and there was it appeared a huge reaction from the persons involved in the harassment. She has looked out her kitchen windows often and regularly I believe when the Griffen van is gone and sometimes when it appears they have been away for the weekend or longer. In fact I believe last year the Commissioner would find that I wrote an e-mail about this. If there were allegations that she was gloating this was extremely wrong. She is not looking at them. She has looked out her windows whenever she wants for over 50 years and unless you tell her she cannot do so or what you are allowing the bullies I understand to say it means she will continue to do so as this is ordinary and natural behaviour. My mother will also open her back door at night to check if the outside door is locked or to lock it if she thinks of it. She is not gloating nor doing anything else negative.

On Tuesday morning, May 28, 2013 after I put the garbage out the man from the store came over and was looking through it. As he is involved in the harassment he certainly had no business doing so and you should tell him that. I was in the garage finishing up. He started to call out to me MISS, MISS and come toward the garage. I purposely turned around and went towards the back of the garage. He turned around and headed back towards the end of the driveway and stopped and looked at the garbage again. I threw out what was appropriate to be thrown out as a result of breakage, age etc (as a result of the government's failure to correct this situation long ago) in order to make proper room for my mother's new mower and so we could use her garage this year and get around in it. There was nothing negative about my actions in ANY WAY.

On Wednesday, June 5 my mother and I went out and pruned her rose bushes and I took a

dead limb off her lilac tree near her veranda with a saw. I fed some of the flowers etc.

On Wednesday night, June 5 as she has done on different occasions in past weeks and for over 50 years she opened the living room curtains wider to let the sun in at some point in the day as I noticed them that evening. She will do this when there is no sun also in order to make the room brighter. She will adjust the living room drapes at any time as it suits her. Unless you tell her the bullies are putting a negative meaning on this she would never understand as she has done this probably for over 50 years.

On Thursday morning, June 6, 2013, it appeared that there was lots of activity at the bus stop and it appeared that the floor support fellow or someone looking like his build in a bright red shirt was standing at the bus stop visible as you enter my mother's kitchen. It appeared once again the bullies were in full gloating mode.

On Thursday night, she went outside and looked at the lawn in front and the lawn in back after I had mowed them for her because she wanted to see how they looked. Again there was a huge reaction it appeared. She was not gloating, she does this type of thing ALL the time and has for years. During this past week a pretty bird that caught her attention and had landed right on her deck caught her attention and she was watching it out her back door and probably smiling or pointing etc. She wanted me to come see it but I continued doing the dishes. If I had gone and looked I believe the Commissioner would know by now that guaranteed there would be a negative allegation. There probably was anyway.

On Thursday morning it appeared the bullies were clearly gloating again and it appeared that the young floor support fellow or someone that looked like him was at the bus stop gloating again.

I went to Canadian Tire this past week I believe as well to get one package of flowers to add to my mother's front walkway. She gave me the money. She also asked me to price pruning shears as hers were not working well when we tried to use them. They happened to be on sale. When I met her at Sobeys we went towards the bus stop and I told her about them. We went into the doorway of Sears as the bus left as we approached it. I showed her the ad for the shears and she wanted them. I took the heavier groceries and went back to Canadian Tire and purchased the Shears as they were on sale until I believe Thursday. The money I used to buy them was given to me by my mother. I then walked home for exercise as it was a beautiful day. If any negative allegations were made they would be wrong.

On Friday my mother and I met at the mall and got groceries at Sobeys. There was nothing negative on an objective basis.

On Saturday, June 8, 2013 my mother was in the front hall and I understand looked out the door by likely pulling the curtain back to see her flowers in the planter and how they were doing. This likely led or will lead to some sort of negative allegation. She will do

this whenever she wants to see them.

My mother has looked out her kitchen windows when the Griffen van was gone for days and it appeared to be no one home. She looks at their drain spout to see the weather when it is raining. Whatever my mother is doing IS IN RESPECT TO LIVING IN AND ENJOYING HER HOME WHICH SHE HAS DONE FOR THE PAST 50 years. She is NOT looking at them. The allegations of the bullies ARE HARASSMENT. They may have mean intentions etc but they cannot and should NEVER BE ALLOWED to ascribe how they think, their intentions and opinions to either my mother or me.

The Conflict of Interest Commissioner is probably aware of the case law that if a person is fleeing a crime scene where they have no reason to be nor connection with that area that fleeing in and of itself cannot be used to infer guilt. It appears that alleged criminals have more protection than an applicant for a position in the New Brunswick Civil Service! You cannot just say that a person thinks the way you do or has the intention you want them to have in order to get the result that you want to obtain.

TO INVADE OUR PRIVACY AND SAY THAT IF CURTAINS ARE CLOSED A CERTAIN WAY ETC THAT IT IS GLOATING IS I BELIEVE HARASSMENT. It also simply is not true. I understand that the Commissioner will likely find a file where the people who live below my mother ( the man who kept trying to talk to me mentioned above ) have I

understand made many complaints that I am looking at them or gloating or that it means something else negative if the curtain is crooked etc. If the Commissioner wants to come take a look at how it goes up ( and my mother has used that curtain for many years) it will on occasion be crooked or slightly different. However I try to centre it each night as best I can. There is usually light on all sides. This is NOT GLOATING NOR INTENTIONAL. The bullies likely will never accept that from what I understand they say as it again does not fit with their agenda.

If any other negative information has been provided by the persons involved in the harassment that is not addressed by the above, it should be provided to me IMMEDIATELY for response.

I would also ask the Conflict of Interest Commissioner to have the appropriate Cabinet Minister (who I understand is Danny Soucy) or the Premier confirm to me that I can go to the law library in the courthouse to do research and finish preparation that I must do for the judicial review application and that NONE of the persons involved in the harassment in the courthouse will bother me nor make negative allegations.

In addition as the government and the Respondents have failed or refused to correct the false information in the responses I believe particularly as it appears that they have provided a copy of my complaint to you to the human rights commission and they have advised I understand that it will be part of their file presented to the Commission along with their second report that has now been prepared by Jennifer LeBlanc recommending

30

that my human rights complaint be dismissed, that the Conflict of Interest Commissioner has an ETHICAL OBLIGATION under the Law Society Code of Professional Conduct which applies to law society members in public office to advise the NB Human Rights Commission that the government HAS TAKEN IN Information as to mental health to affect my employment applications in respect to the subject of my human rights complaint from persons who have engaged in severe harassment activities in respect to me concerning the two competitions the subject of the Human Rights Complaint. I believe further that the Commissioner has an obligation to ensure that they correct ANY improper information or that you report their failure to do so to the Law Society as I understand it is extremely serious to deliberately file false information and the Law Society Code of Professional Conduct places an obligation on you or any lawyer to report such conduct as set out in the Code of Professional Conduct.

I attach the letter sent to me by The Honourable Danny Soucy by e-mail on May 17, 2013 and it appears it was sent when they felt they had something they could use to discredit me. I believe that the Conflict of Interest Commissioner should be aware and your investigation should have revealed that the statement he makes in that letter as follows "I must assure you, as Minister, I have no knowledge of cases filed with the Commission or of any details of these cases." is not true and that as a Cabinet Minister he is aware of my complaint and that the responses filed by the Respondents including three of his fellow MLA's contain FALSE statements. I believe the Conflict of Interest Commissioner is also aware at this time that those Responses contain false statements.

The second Report of Jennifer LeBlanc should be available to the Commissioner from the government and my comments will be provided by Friday, June 14, 2013.

Would the Commissioner please have someone confirm tomorrow that I can go to the law library whenever I wish to do so to do research and that the courthouse staff will not harass me.

In light of the lack of response from Danny Soucy before April 24 and the Response of Jennifer LeBlanc on April 23, 2013 I continued to wait for this matter to develop as fully as possible before proceeding with any other proper independent reviews by any and all other necessary appropriate entities.

I trust the above is to your satisfaction in the circumstances.

Mary Ellen Rose

cc Premier Alward

Copy of Letter of Danny Soucy of May 17, 2013 at 1:58 p.m.

31

Thank you for your emails of April 22, 2013 and April 23, 2013.

While I can understand your concern, I must be clear that although I am the Minister responsible for the Human Rights Commission (Commission), the relationship between the Commission and the Department of Post-Secondary Education, Training and Labour (PETL) is at arms-length. This means that PETL can have no involvement in the day to day activities of the Commission in relation to cases brought before them.

This arms-length relationship was strengthened by recent changes to the *Human Rights Act* that eliminated the Minister from the process of appointing a Human Right Board of Inquiry. The Commission now makes a request for a Human Rights Board of Inquiry directly, thereby preserving the independence of the work of the Commission from any perceived or actual interference from outside.

I must assure you, as Minister, I have no knowledge of cases filed with the Commission or of any details of these cases.

I believe the process of the Commission will be fair and unbiased in its investigation of your complaint and safeguards such as the Ombudsman, the Conflict of Interest Commission and the judicial review process through the courts will ensure the scrutiny you request is available to you.

I hope my response has addressed your concerns.

Sincerely,

Hon. Danny Soucy

Minister

**From:** Rose M

**Sent:** Tuesday, April 23, 2013 10:58 AM

**To:** Soucy, Hon. Danny (PETL/EPFT)

**Subject:** Mary Ellen Rose Human Rights Complaint

Danny Soucy, Minister of Post Secondary Education, Training and Labour

Tuesday, April 23, 2013

I have received the following response, set out below, from Jennifer LeBlanc this morning in respect to my e-mail letter sent to both of you on yesterday's date and copied to Seamus Cox.

I am now immediately proceeding to send to the Law Society a Complaint in respect to Seamus Cox and the Attorney General Marie Claude Blais. It is my understanding that it is unethical for Jennifer LeBlanc and Seamus Cox to submit documents that you and the

32

Attorney General know contain false information ( which I understand they also know or reasonably ought to know)provided by the Respondents without correcting that false information and revising the Report prepared by Jennifer LeBlanc based on the false information BEFORE it goes to the Commission Members even apart from the other concerns including the conflict issues.

As there is no urgency from the point of view of the Human Rights Commission and as it is MY COMPLAINT will you please confirm and have Jennifer LeBlanc confirm that you will wait for input FROM THE LAW SOCIETY and the results of my complaint in respect to Seamus Cox and the Attorney General BEFORE TAKING ANY FURTHER MEASURES in respect to my complaint. I trust I will have your professional courtesy in that regard.

If you refuse to wait, a court on judicial review would I believe take a very dim view of the deliberately false information provided by the Respondents AND the failure to declare the conflict of interest AND the failure to await the input from the law society in order that ethics, fairness and impartiality and any other issues can be addressed in the interests of all involved and in the interests of the administration of justice.

I await **your** immediate written response **this morning**.

Mary Ellen Rose

cc. Jennifer LeBlanc

Seamus Cox

Patrick A.A. Ryan, Q.C., Conflict of Interest Commissioner

Premier David Alward

Copy of Response of Jennifer Leblanc dated April 23, 2013

Ms. Rose,

I received your email dated April 22, 2013. All of your submissions will be taken into consideration by the Commission and you will be advised in writing of the Commission members' decision.

Jennifer

# EXHIBIT 10



June 28, 2013

The Hon. Patrick A. A. Ryan, Q.C.  
Conflict of Interest Commissioner  
736 King Street, Edgecombe House  
Fredericton, N. B. E3B 5H1

Dear Justice Ryan:

It was a pleasure to meet with you on Monday, June 17 to discuss the matter brought to your attention by Mary Ellen Rose relating to sections 4, 5 and 6 of the **Members' Conflict of Interest Act**.

Please be advised after a thorough search of the Department of Human Resources correspondence log going back to February 13, 2007, no records were found relating to her name.

Additionally, I have no record of any direct correspondence from Ms. Rose to myself, nor have I received any briefings from my department concerning Ms. Rose.

If I can be of further assistance please feel free to contact my office at any time.

Regards,

A handwritten signature in black ink, appearing to read "Troy Lifford".

Hon. Troy Lifford

RECEIVED

JUL 04 2013 *RL*

COIG/CCI





# EXHIBIT 11



June 19, 2013

Hon. Patrick A.A. Ryan, Q.C.  
Office of the Conflict of Interest Commissioner  
Edgecombe House  
P.O. Box 6000  
Fredericton, NB E3B 5H1

Mr. Ryan:

**SUBJECT: Mary Ellen Rose v. Several Members of the Legislative Assembly**

I wish to acknowledge receipt of your letter dated June 10, 2013, in which you advise receipt of an affidavit from Mary Ellen Rose. In order to properly prepare to answer her affidavit, I would like to request a copy of Ms. Rose's affidavit and supporting documents.

Sincerely,

Minister Bruce Fitch  
Environment and Local Government

RECEIVED

JUN 27 2013

COIC/CCI



Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

June 27, 2013

**PRIVATE AND CONFIDENTIAL**

Hon. Bruce Fitch  
Environment and Local Government  
Marysville Place  
20 McGloin Street  
Fredericton, NB  
E3A 5T8

Dear Minister Fitch:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

I am in receipt of your letter of June 19, 2013.

As per your request, please find enclosed the affidavit and supporting documents from Mary Ellen Rose.

Yours truly,

A handwritten signature in cursive script, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Commissioner

Enclosures

/rlr

June 28/13  
Picked up by Annie  
Fitch's secretary

RECEIVED

AUG 06 2013

COIC/CCI

August 2, 2013

Hon. Patrick A.A. Ryan, Q.C.  
Edgecombe House  
P.O. Box 6000  
Fredericton, NB E3B 5H1

Mr. Justice Ryan:

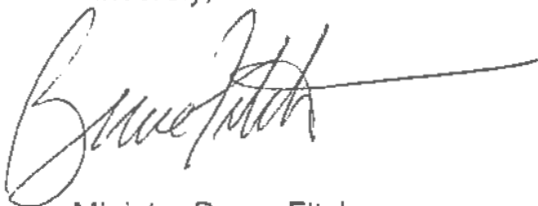
**Subject: Mary Ellen Rose v. Several Members of the Legislative Assembly**

After reviewing the allegations made against me by Ms. Mary Ellen Rose, I offer you the following information.

I have not requested, received or encouraged the gathering of information regarding Ms. Rose's state of mental health, or any other personal matters, to be used against her in her attempts to gain permanent employment with the provincial government.

While I do understand, from her affidavit, that Ms. Rose feels she was treated unfairly and/or harassed by city employees or policing officials, the provincial government is not involved in the management of human resources for the City of Saint John. Therefore, I cannot comment on any disciplinary or dismissal actions that the City of Saint John may or may not have taken towards employees Ms. Rose feels have wronged her.

Sincerely,



Minister Bruce Fitch  
Environment and Local Government



# EXHIBIT 12

Le 13 juin 2013

Honorable Patrick A.A. Ryan  
Maison Edgecombe  
C.P. 6000  
736, rue King  
Frédéricton, N.-B. E3B 5H1

RECEIVED

JUN 13 2013

COIC/CCI

Honorable Patrick A.A. Ryan,

J'ai reçu une lettre de vous, ce matin, m'informant d'une plainte reçue de la part de Mme Mary Ellen Rose concernant mon implication dans une contre-verse aux articles 4, 5, et 6 de la Loi sur les conflits d'intérêts des députés et des membres du Conseil exécutif.

Je dois vous aviser que je ne connais pas Mme Rose et n'ai aucun souvenir d'avoir entendu son nom durant la période de temps que j'étais au département du poste secondaire. Par ce fait même je n'ai jamais offert d'emploi à Mme Rose.

Je vous remercie de votre attention et veuillez agréer, M. Ryan de mes sentiments les plus distingués.



Martine Coulombe  
Députée de Restigouche la Vallée

Aug. 2/13  
Sent for translation  
RUV

# EXHIBIT 13



James C.W. Parrott M.D.  
MLA for Fundy-River Valley

Hon. Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Edgecombe House  
P.O. Box 6000  
Fredericton, New Brunswick  
E3B 5H1

RECEIVED  
JUL 30 2013  
COIC/CCI *RL*

July 18, 2013

Re: Mary Ellen Rose Complaint

Dear Commissioner Ryan:

In reference to your letter of July 2, 2013 regarding Mary Ellen Rose complaint, I would like to inform you that I do not have any knowledge of this complaint, nor have I been in touch either in writing or in person, with Mrs. Mary Ellen Rose.

Sincerely,

Jim Parrott, M.D.  
MLA, Fundy-River Valley



# EXHIBIT 14

*Legislative Assembly of New Brunswick  
P.O. Box 6000  
Fredericton, N.B.  
E3B 5H1*

*Tel: (506) 453-2548  
Fax: (506) 453-3956*



*Assemblée Législative du Nouveau-Brunswick  
Case postale 6000  
Fredericton, (N.-B.)  
E3B 5H1*

*Tél: (506) 453-2548  
Fax: (506) 453-3956*

Le 15 juillet 2013

RECEIVED

JUL 19 2013

COIC/CCI

L'hon. Patrick Ryan  
Commissaire aux conflits d'intérêts  
Maison Edgcombe  
C.P. 6000  
Fredericton, NB  
E3B 5H1

**Objet: Plainte de Mary Ellen Rose**

Monsieur le commissaire,

La présente accuse réception de votre lettre en date du 2 juillet 2013 concernant une plainte déposée à votre bureau par Mme Mary Ellen Rose.

La présente confirme que je n'ai aucune connaissance de Mme Rose ou des accusations de sa plainte. Ce nom ne m'est pas familier du tout.

Si vous désirez plus de renseignements, n'hésitez pas de me rejoindre.

Je vous prie d'agréer, Monsieur le commissaire, mes salutations les plus distinguées.

A handwritten signature in black ink, appearing to read 'V. Boudreau'.

Victor Boudreau  
Député de Shédiac-Cap-Pelé

Aug 2/13  
Sent for translation  
LUR

# EXHIBIT 15

RECEIVED

JUL 15 2013

COIC/CCI

July 10, 2013

The Office of the Conflict of Interest Commissioner  
P. O. Box 6000  
Fredericton NB E3B 5H1

Attention: Hon. Patrick A.A. Ryan, Q.C., B.A., B.C.L.  
Conflict of Interest Commissioner

Dear Commissioner Ryan:

I acknowledge receipt of your correspondence dated July 2, 2013 with respect to a complaint made by Mary Ellen Rose.

I have reviewed the extract from the complainant's affidavit included with as an attachment to the correspondence.

I have no knowledge of the allegations contained therein. I submit that the allegations against me are without merit.

I do not know the complainant and submit that I did not intervene in the hiring process related to the conduct of an Open Competition for a position of Lawyer III in the Prosecutions branch, nor am I aware of an attempt by any other person to do so.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'Bernard LeBlanc', written in a cursive style.

Bernard LeBlanc  
Member of the Legislative Assembly  
Memramcook- Lakeville-Dieppe

# EXHIBIT 16

**Landry-Richard, Rosanne (COI)**

---

**From:** Landry-Richard, Rosanne (COI)  
**Sent:** Tuesday, April 23, 2013 2:58 PM  
**To:** Rose M  
**Subject:** Your e-mails

Ms. Rose,

On official matters this office does not correspond by e-mail.

Thank you,

Rosanne Landry-Richard

# EXHIBIT 16.1

## Landry-Richard, Rosanne (COI)

---

**From:** Rose M  
**Sent:** Monday, April 22, 2013 4:17 PM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose Copy of Letter to Danny Soucy and the NB Human Rights Commission of April 22, 2013

Rosanne Landry-Richard  
Monday, April 22, 2013

Please provide a copy of my letter to Danny Soucy, Minister of Post Secondary Education Training and Labour and Jennifer LeBlanc of the NB Human Rights Commission dated April 22, 2013, which follows below, to the Conflict of Interest Commissioner, The Honourable Patrick A.A. Ryan, Q.C.

Thank you for your assistance.

Mary Ellen Rose

TO: April 22, 2013

The Honourable Danny Soucy, Minister of Post Secondary Education,  
Training and Labour

Jennifer LeBlanc, Manager of Investigations

NB Human Rights Commission

By e-mail to: Danny Soucy at [danny.soucy@gnb.ca](mailto:danny.soucy@gnb.ca)

Jennifer LeBlanc at [Jennifer.LebLANC@gnb.ca](mailto:Jennifer.LebLANC@gnb.ca)

Dear Sirs:

I have made a Complaint to the Conflict of Interest Commissioner, the Honourable Patrick A.A. Ryan, Q.C. which includes amongst other matters addressed a complaint in respect to Danny Soucy to whom the New Brunswick Human Rights Commission reports and his failure to stop the New Brunswick Human Rights Commission from proceeding in the particular circumstances of this matter and his failure to arrange an unbiased Human Rights Commission from outside the province to handle my complaint in the particular circumstances of this matter. I have also made conflict of interest complaints in respect to the Premier, the Attorney General and Blaine Higgs in addition to other matters addressed with the Conflict of Interest Commissioner.



# EXHIBIT 16.2

## **Landry-Richard, Rosanne (COI)**

---

**From:** Rose M  
**Sent:** Tuesday, April 23, 2013 10:07 AM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose Complaint to the Conflict of Interest Commissioner

Rosanne Landry-Richard  
Tuesday, April 23, 2013

Would you please confirm this morning that The Honourable Patrick A.A. Ryan, Q.C. has received my Letter dated April 16, 2013 with my accompanying affidavit sworn April 15, 2013 concerning Complaints to the Conflict of Interest Commissioner in respect to the Members of the Legislative Assembly set out therein. I have received confirmation that it was delivered to your office on April 17, 2013.

Would you also please confirm this morning that he has received my e-mail of April 22, 2013 enclosing a copy of my Letter to Danny Soucy, Minister of Post Secondary Education Training and Labour who is the subject of one of the complaints.

I trust the above is to your satisfaction and I thank you for your attention to this matter. I await your response.

Mary Ellen Rose

# EXHIBIT 16.3

## Landry-Richard, Rosanne (COI)

---

**From:** Rose M  
**Sent:** Tuesday, April 23, 2013 11:16 AM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose Complaint to the Conflict of Interest Commissioner

Danny Soucy, Minister of Post Secondary Education, Training and Labour  
Tuesday, April 23, 2013

I have received the following response, set out below, from Jennifer LeBlanc this morning in respect to my e-mail letter sent to both of you on yesterdays date and copied to Seamus Cox.

I am now immediately proceeding to send to the Law Society a Complaint in respect to Seamus Cox and the Attorney General Marie Claude Blais. It is my understanding that it is unethical for Jennifer LeBlanc and Seamus Cox to submit documents that you and the Attorney General know contain false information ( which I understand they also know or reasonably ought to know)provided by the Respondents without correcting that false information and revising the Report prepared by Jennifer LeBlanc based on the false information BEFORE it goes to the Commission Members even apart from the other concerns including the conflict issues.

As there is no urgency from the point of view of the Human Rights Commission and as it is MY COMPLAINT will you please confirm and have Jennifer LeBlanc confirm that you will wait for input FROM THE LAW SOCIETY and the results of my complaint in respect to Seamus Cox and the Attorney General BEFORE TAKING ANY FURTHER MEASURES in respect to my complaint. I trust I will have your professional courtesy in that regard.

If you refuse to wait, a court on judicial review would I believe take a very dim view of the deliberately false information provided by the Respondents AND the failure to declare the conflict of interest AND the failure to await the input from the law society in order that ethics, fairness and impartiality and any other issues can be addressed in the interests of all involved and in the interests of the administration of justice.

I await **your** immediate written response **this morning**.

Mary Ellen Rose  
cc. Jennifer LeBlanc  
Seamus Cox  
Patrick A.A. Ryan, Q.C., Conflict of Interest Commissioner  
Premier David Alward

Ms. Rose,

I received your email dated April 22, 2013. All of your submissions will be taken into consideration by the Commission and you will be advised in writing of the Commission members' decision.

Jennifer

# EXHIBIT 16.4

## **Landry-Richard, Rosanne (COI)**

---

**From:** Rose M  
**Sent:** Thursday, May 02, 2013 8:11 AM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose Copy of Letter dated Thursday, May 2, 2013

The Clerk of the Legislative Assembly

Thursday, May 2, 2013

**URGENT**

I understood that once I made a complaint to the Conflict of Interest Commissioner that pursuant to section 36 of the Members' Conflict of Interest Act that the Legislative Assembly could no longer deal with this matter and would no longer be able to take in ANY negative information from the persons involved in the harassment.

However, the harassment continues and it appears that they must be reporting the information to someone. I continue to believe that this is very wrong particularly if I do not have the opportunity to respond.

It appears that all the persons involved in the harassment need is one trick in order to adversely affect me. As the government's conduct in taking in information from them and their attempts to set up situations to get the information they need to stop my being hired has taken place over the past several years with their watching my actions constantly this is very unfair. It is more unfair and further harassment I believe for someone to NOT tell me that NO FURTHER INFORMATION WILL BE TAKEN IN FROM THEM.

I can address any bullying and harassment that has occurred if any negative information has been given to the government since my last e-mail at any time if I am provided with the information and given the opportunity to respond.

Over the past week since last Tuesday, April 23, 2013, the harassment seemed less overt and when I went out most persons were it appeared more respectful. However, on Wednesday, May 1, 2013 that appears to have changed and the harassment was very overt and constant yesterday or perhaps it was once again gloating.

I would address the following. On Tuesday night the harassment seemed very intense. One of the persons involved in the bullying called my mother just after she had closed one of the kitchen blinds. The phone rang and she went to answer it. That person kept my mother talking until well after dark and the call ended around 9:20 p.m.. She then immediately went and closed her other kitchen blind. She also then went back into her den and closed the den drapes as they were open as well as she had not had a chance to close them. From the reaction of the persons involved in the harassment it appears that negative information was given by the persons involved in the harassment between Tuesday night and Wednesday. I did not go to the window to close the blinds as the government is I believe aware from past incorrect negative allegations of the persons involved in the harassment that if I did so there would likely be negative allegations although my actions would be ordinary at any time.

As I have repeatedly told the government and as I indicated in my written complaint to Page 2

the Deputy Minister of the Office of Human Resources on March 13, 2012, my mother does not know that the government takes in this type of information to affect my being hired. She simply does not understand that the government would take in such information from such persons nor that these people are being nice to her face and saying negative things to the government to affect my being hired etc. I confirm that I have repeatedly asked the government to tell her that her ordinary actions are being used by the persons involved in the harassment who call her and pretend to be nice to her yet I understand give completely untrue and negative information to the government.

The man who called her on Tuesday night around 8:40 or 8:45 p.m. I believe but in any event just as we began to close the drapes etc usually DOES NOT call her but waits until she has called him usually around 9 p.m. with the gas guru information which he has I understand asked her to call him to give to him. He also sent her a postcard of his trip to

California within I believe approximately the past two weeks or so. If he was on his trip celebrating that the persons involved in the harassment had destroyed me as I understand the bullies felt at that time that they had done so and in their view "won" and had prevented my being hired, his actions are particularly I believe despicable. As I understand he has been involved in the bullying and the providing of incorrect negative information his sending my mother a postcard and failing to tell her about his involvement in the bullying and harassment is I believe very wrong.

If he has now provided further negative information as a result of his contact on Tuesday night April 30, 2013, it would be incorrect and if the above does not clear up any negative information that was provided I can I believe address any negative information on objective information and fully satisfy you that objectively there is NOTHING negative if I am given the opportunity to do so.

I have also offered in the past to discuss objective ways that you can see for yourself that my mother does not understand what the bullies are doing nor that they are using ordinary actions and occurrences or setting up situations in totally inappropriate ways.

She does not understand that that man likely called her at that time to set up a situation that they could say meant something negative as it appears that the persons involved in the harassment were desperate to find something to hurt me. To use my 90 year old mother is I believe as I have indicated in the past completely wrong.

If it was said that she was gloating because only one blind was put down before dark this would be very wrong. There are I believe any number of reasons why such a thing could occur and it would be for ordinary daily living reasons and have no negative meaning whatsoever. The phone call would I believe be registered on my mother's phone line as the call was about half an hour and the other persons that I understand watch our actions would I believe KNOW that she was in the den on her phone and that as soon as the call ended she went out and closed the second kitchen blind and then went back into her den and closed the den drapes that she had not yet closed when the call came.

Page 3

It would appear that the only reason he called her rather than waiting for her call as he usually has done except for I believe this past Tuesday night was so that a situation would be created that they could use to hurt me.

I believe that this is very wrong. As I have had to address this matter I will address some further situations that appear to be clearly criminal harassment. One of the difficulties with the bullying and harassment and with the government failing or refusing to allow me to address any information BEFORE it is relied upon is that I never know what ordinary actions or occurrences will be distorted, set up, used inappropriately etc. This is very wrong.

On or around I believe April 11, 2013 I went with my mother to the eye clinic. We were not there very long when a lady and man came in. The man went inside somewhere and the lady positioned herself across from me and talked NON STOP about her life in the trailer park and her apartment after that which is run down and the problems that she had with it, that she was from Roachville outside of Sussex, about her cat or cats and many other details of her personal life that it would appear very unusual for someone to come into an eye clinic and talk about to someone she does not know who is simply waiting for another patient. It appeared that it was a complete set up. I simply interjected politely as little as possible (as it appeared as has been I understand the pattern with the persons involved in the harassment that if I exercised freedom of choice and did NOT speak to her that that would likely be used to say it meant something negative). If the man with her did not have an appointment and if she was called there or came there solely to try to create a situation that the persons involved in the harassment could use to say that there was something wrong with me this would be I believe VERY wrong and would be I believe deliberate criminal harassment designed to destroy my livelihood. After my mother had returned from her treatment and as she was getting ready to leave the man came back and said to the lady ready to go and she just stood there looking at me. She then turned to the man and said she had to go to the bathroom. When she came out of the bathroom she had a photo in her hand and she came over to me and said words to the effect that this was her daughter and son-in-law and their family. She pointed out the boys ( who were about 4 or 5 years old) that she had talked about during her conversation and politely I told her the boys were very cute and that it was a lovely family photo. I also showed the photo to my mother as she wondered what the lady was showing me and the lady took it out of its casing so she could see it better. The lady then appeared very pleased with herself and left with the man immediately. My mother finished getting ready and we then left.

If she recorded the conversation that would be very wrong. As I have I believe advised the government in the past the law society Rules of Professional Conduct provide that a lawyer is NOT to record another lawyer. If the government, including

the Attorney General, has had other people indirectly record conversations with me in order to find something to use to hurt me I believe that the Attorney General has contravened this rule.

Page 4

One of the serious concerns is that private recordings can be altered to give the effect that the person recording it wants to give and would be completely unreliable and should NEVER be accepted particularly without giving me a chance to respond.

Objectively there was NOTHING negative about my conduct in any respect on that Thursday at any time and if ANY negative information has been provided by that lady or anyone else, I should be given the opportunity to respond.

Quite frankly I believe that lady's conduct was very rude and VERY inappropriate but if she came solely to position herself across from me and get something to use to hurt me this would be I believe deliberate criminal harassment.

On last Thursday, April 25, 2013 my mother and I went over to the new Walmart on the West side as my mother wanted to see it. We had a good day looking around there as my mother had not been over to that mall in a long time. It would appear that the bus drivers were again trying to use ordinary situations to create something negative. As my mother and I were getting off the first bus on our way there I simply requested a transfer and the driver handed it to me as I got off. When I handed the second driver the transfer on our way to that mall as I went by he made motions like he was dropping it and his motions naturally attracted my glance which was about two seconds I believe at most. He is one of the drivers that I understand was involved in the bullying. When we were leaving that mall after my mother and I were seated I went up to get a transfer but the driver was not there. When he came back I went up to get a transfer while the bus was still in the parking area for the bus stop but he began to move and kept moving the bus as he got the transfer and handed it to me. This took as long as it took him to give me the transfer. There was nothing negative about my actions in ANY respect. If any negative allegations were made by any of the bus drivers they would be very wrong.

As I have said before I cannot stop other persons from having inappropriate perceptions or in accordance with their bias saying that ordinary actions have some negative meaning. However, if I am given an opportunity to address any negative information at any time I believe it will be shown objectively that there is NOTHING negative.

Since I have had to write this e-mail I would make one final comment. On Sunday my mother wanted to go out for a walk with me as I was taking items to recycling. I told her it might be too far for her that day but she wanted to try it. We got about halfway there and I could see that she was tired so we turned back and she sat down and waited for me while I took the recycling to another depot and then we finished the walk after she had rested a bit. I understand that a lady came and talked to her while she rested. If that lady was involved in the harassment and any negative comments made they would be very wrong. Our actions were very reasonable and in accordance with our preference and we enjoyed the afternoon.

One thing that appeared very strange was that as I returned to where my mother was

Page 5

waiting for me a man who I did not know that had gone down the little hill a ways ahead of me turned around and came back towards me and began talking to me. As this appeared to be a set up as there was no reason whatsoever for him to turn around and come back as he was a ways ahead of me I simply walked past him and said words in response to him to the effect, yes quite a drop, referring to the little hill and continued on to meet my mother. I believe the Premier is aware that if I had turned and acknowledged him or talked to him ( although there would have been nothing wrong with my actions in doing so) that it would likely have been said that that meant something negative. If there were any negative allegations in respect to how I handled the situation they would be wrong. It appears that in light of the harassment situation that the government has created that if I speak to or look at any males who are involved in the harassment that a negative intention would likely be imputed by those persons NO MATTER what I did even if it is simply looking around me in a public place. There would be nothing negative at any time but I understand the government has allowed the persons involved in the harassment to know that it will take in allegations that ordinary actions in that respect mean something negative that they do NOT mean. The record of information that the government has taken in should show improper incorrect information that the government has taken in to that effect which has previously been corrected by me. The government does not seem to understand that any inappropriate intention or negative meaning that the bullies ascribe is as A RESULT OF THEIR BIAS and there is nothing negative objectively in any respect. I believe that the Conflict of Interest Commissioner could tell the government from his years as a trial judge that what eye witnesses see may be



shown to be totally incorrect on cross examination and their version was the result of their bias and that different eye witnesses looking at the same thing can see different things depending on their bias or point of view.

It appears that after Tuesday night, April 30, 2013, in light of the actions of the persons involved in the harassment on Wednesday that they again feel that they have now again successfully provided negative information to hurt me. There was nothing negative about my mother's actions in any respect nor about my actions at any time. It appears that 9 million things can happen ( I have picked that figure out of the air) and the bullies can watch for months or years but if there is ONE THING that they can provide that they can distort or use negatively out of context etc at a critical time when they need to provide information to avoid the consequences of their conduct that they are aware that is ALL they need to do to absolve their conduct and hurt my livelihood. I believe that this is very wrong and is criminal harassment. People who are involved in the harassment will it appears always say that something is negative that SIMPLY IS NOT NEGATIVE. I believe that it should be made known to ME IMMEDIATELY that no further information will be taken in from these people OF ANY TYPE in order that I do not have to be concerned any further about the bullying and harassment affecting my livelihood, reputation, etc and in order that I can be confident that I can live free of harassment as everyone in a democratic society is I believe entitled to do.

As I have said I believe to the government before, an expert on workplace harassment and

Page 6

bullying would I believe be able to clearly show that my mother does not understand the type of information that the persons involved in the harassment are providing to the government to stop my being hired and that her actions ARE NOT negative in any respect. In addition I can also suggest to the Conflict of Interest Commissioner or anyone else he designates if he requests some practical ways this may be able to be seen objectively as well if the persons involved in the harassment are providing incorrect negative information (that is I believe prohibited and should be rejected outright BEFORE it is taken in) .

If anything else negative has been provided to the government by the persons involved in the harassment it should be PROVIDED TO ME immediately for my objective response.

It should also be confirmed to me immediately THAT NO FURTHER information will be taken in from those persons at all ( as I believe such information is prohibited) particularly NOT WITHOUT giving me a chance to first comment on it.

Mary Ellen Rose

cc. Premier Alward

cc. Conflict of Interest Commissioner

# EXHIBIT 16.5

## Landry-Richard, Rosanne (COI)

---

**From:** Rose M  
**Sent:** Wednesday, June 12, 2013 4:57 PM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose Complaint

RECEIVED

JUN 13 2013

COIC/CCI

MR

Conflict of Interest Commissioner

The Honourable Patrick A.A. Ryan, Q.C.

Wednesday, June 12, 2013

I provide the following information as it appears that the harassment has continued and that information is still being taken in from the persons involved in the harassment to affect the employment of the person that they have targeted even after my e-mail to you sent on June 9, 2013.

It appeared almost IMMEDIATELY the harassment began again on Monday morning June 10, 2013.

On Monday morning my mother and I went to the grave and fed and checked on the flowers there. We then went for a walk as it was a hot sunny day around the top part of the cemetery near where the grave is that we visited looking at stones, sitting for a rest on a bench etc etc. We have done this I believe every year since I have returned from Ontario in 1996 at various times. As some of the persons involved in the harassment work in the cemetery if any negative allegations were made they would be wrong.

We then came back and checked the flowers in my mothers gardens at her home. In the afternoon we went out and worked in the front part of her house. I weeded the walkway and replenished the sand between the stones after I had removed the weeds. I have done this every year or second year I believe since I put it in for my mother ( or at least many times in past years). I put the entire walkway down myself as a surprise for her while she was away on a day trip. I believe some of the people and particularly the women who say negative things about me would NOT be able to do this.

As I worked out front on Monday afternoon if you had a camera or watched unbeknownst to those persons you would have seen activity at the store, a vehicle or vehicles parked in front of it and while my mother was sitting on the front stairs talking to me as I worked on the walkway after she weeded her pinks, a Toyota Jeep SUV type vehicle and another vehicle on the same side of the road going towards the mail stop two abreast (in a single lane for traffic) and talk right in front of us although I could not hear what was said. My mother of course looked as this was something happening right in front of her. I continued to work on the walkway. If any negative allegations were made they would be wrong.

When she went inside to rest I went in and put dinner in the oven to cook which I went in and checked a couple of times as I worked on the walkway. I finished around dinnertime and then went in and put dinner together which had finished cooking while I worked on the walkway. My mother was extremely pleased ( and went out to look at the walkway ) as it looked very nice with the weeds removed.

On Tuesday morning I overslept which is the first time in a very long time and I had to

2

rush to get the garbage out at around 8 a.m. and I made it just before the garbage truck came. There was a young fellow and his mother in the driveway and he called out to me hi as I came down the driveway with the last bag. As I reached the bottom of the driveway I said hi in reply and he asked me if I had seen any buses. I said words to the effect you are waiting for the school bus. I told him words to the effect I don't think so, at least not the school bus. He responded and I then said have a good morning and I continued back to the house. His mother appeared to be on a cellphone with her back to us as the young fellow came over to where I was and was talking to me. There was nothing negative on an objective basis.

Later Tuesday morning, June 11, 2013 I fed the plants before the rain we were expecting so the plant food would hopefully do them a lot of good. I also weeded some until the rain started to sprinkle lightly. I had also put out two loads of laundry and everything dried well except for just a few items. If any negative allegations were made they would be very wrong.

I then went to Superstore. As I left the driveway to go to superstore there was a red car parked facing my mother's house. Usually the cars park facing the side of the store. There was also a black truck parked in front of the store. When I started to get ready to go there were no cars at the store. I believe the Premier knows and the Conflict of Interest Commissioner would now be aware that they watch what we are doing even within my mother's house and would have been aware that I was getting ready to go out.

As I neared what years ago used to be Bourques Welding ( I believe) a city truck was coming up the road and suddenly swung right off the road in front of me and parked blocking the sidewalk facing me. There was no rational explanation for this and no roadwork in that area. It appears to have been a deliberate bullying and intimidation tactic. Had an unbiased police force assisted me they would have been able to have someone objective see this as it happened or could have arranged a way to videotape it objectively. In addition they could have arranged to have a wire on me on occasion so they could hear what these people say and what they do.

The license plate of the City truck was LBK 447. I simply continued walking towards the vehicle and walked around it on the passenger side. There was a very small space on the sidewalk on the drivers side and I went by on the passenger side in case the driver opened the door.

As I continued on down the road there appeared to be a city worker directing traffic close to what is now Woodlawn Centre. There again appeared to be no reason that traffic needed to be directed.

It would appear that the city truck deliberately tried to intimidate me in order to cause a situation whereby they could make negative allegations.

3

Also around Woodlawn Centre a police car went by me, license plate number JDR 131 it appeared, going in the direction of the intersection of Loch Lomond Road and Westmorland Road.

As I neared the superstore the police car turned into the superstore. When I got the items that I went for I passed two cashiers that had larger grocery orders going through and as I had 7 items I went to express. Just as I reached it a man went in before me and his order went through first. Objectively there was nothing negative whatsoever.

One should not have to be concerned that when you go to the grocery store that the personnel are going to try to set up a situation to make negative allegations or say something means something it simply does NOT mean.

On one occasion at Superstore in the past several weeks when the bullies were looking for something I understand negative to use to hurt me, one female clerk rang in a plastic cylinder of potato chips. ( Like Pringles or Lays come in ). I told her it was not mine. She held it up and kept saying she did not know how it got there. Well there would appear to be two ways. Either she put it there or the customer before me or after me added it to my items. The security video from the store should show this and exactly how it got there. It would also show on that occasion that I did not stop at anytime and pick out any chips. I simply said it is not mine and she removed the item and continued to ring in the order.

The government has created an absolutely impossible situation for me. I simply cannot guard against a large number of people trying to set me up or make unfair negative allegations which it appears is the situation the government has created. This is it appears deliberate bullying and should be stopped by making it clear **NO MORE ALLEGATIONS WILL BE TAKEN IN FROM THESE PEOPLE.**

On Tuesday June 11, 2013 I went a short distance from the cash and transferred the bags to a larger bag for carrying. I then put the cart back at the entryway where other similar carts were and I left.

As I neared the train crossing there were loud sounds of an approaching train. As I understand Irving owns the trains and Blaine Higgs worked for Irving for years and it is I understand alleged that I am afraid of noise by the persons involved in the harassment, was this really a coincidence. Any objective observation would have seen that I continued to approach

the train and went right up to the area next to it to watch it and wait on the sidewalk until it was safe to cross. It appears that with surprising frequency train whistles have blown as I approached ( probably pretty much every time during the period the persons in the harassment were looking for something negative and if a train went through it was usually a couple of railway cars ). This time it appeared to be a fairly long train.

As I waited and watched there were it appeared two persons waiting in an unusual place

4

and watching the train along its tracks to my left. Once it was safe to cross I continued on to the walk light. A large Kents truck went by as I waited at the light. A young fellow and girl was ahead of me waiting at the light which again appeared unusual as the train took a while and you would think they would have had plenty of time to cross before I had any opportunity to catch up with them.

In any event they continued up Loch Lomond Road in front of me. At the corner of Loch Lomond Road and Westmorland Rd. they were stopped waiting for cars when I approached. As the cars were stopped when I looked I continued past them and started to cross the street. A camera would have shown that it appeared they were hurrying to try to get ahead of me. I walk at a good pace often despite fairly heavy loads and I continued to walk paying no attention to them. They eventually fell behind me and I continued up Loch Lomond Road until the small townhouse development where I turn and I went in through that development and came out on Westmorland Road just above where the truck abruptly turned off the road and parked right in front of me blocking my path. I looked down Westmorland Rd. before I turned to go up it and there appeared to be a Rogers truck doing work with a bucket up at the bottom part of Westmorland just before Woodlawn Centre.

I continued on to my mother's house. I then unpacked the groceries and put dinner into the oven. My mother and I visited. I then finished cooking dinner as she went up to have a rest.

One other thing I will mention is that there was a radio broadcast on Maritime Noon this week, yesterday I believe, where by the guest, a doctor I understand, was talking I understand about an elderly gentleman who did not want to have an operation ( knee or hip replacement it sounded like ). My understanding of what the doctor said was that he was likely of the generation that was tough as nails and probably continued in a lot of pain for about 20 years even though he would have qualified earlier for the operation. The doctor said words to the effect that it was his decision as to if he wanted to have the operation and they should respect his decision.

I believe that the Conflict of Interest Commissioner should stop the interference by persons involved in the harassment of me in the personal lives of my mother and myself immediately. I understand that the people next door to my mother have even made complaints if the smoke detector goes off that it means I do not know how to cook. Ridiculous yes but it is also a further example that people cannot know what is happening inside and cannot interpret it just by listening and making assumptions based on what they hear to accord with their agenda and bias. My mother has a very sensitive smoke detector upstairs (which is a good thing ) that will go off on occasion depending on how strong the aroma is it appears. There is nothing negative.

In fact Barb Dickinson I believe you will find out her hand on one occasion when she was cooking dinner and had to go to the emergency department. Her brother Mark I

5

understand forgot he had turned on the bathtub to fill it up and flooded out his basement.

I understand as well that if my mother eats in the living room and does not eat her full meal there are allegations that there is something wrong with it. There seems to be no understanding that seniors may not eat as much or their stomachs may be more sensitive to certain types of foods etc than younger people.

Instead of these people being mature it would appear that they have less breadth of human experience and less understanding and respect for human nature than I have. Rather than watching people to find fault I have spent my life trying to help people. Elderly people and particularly my mother like to be as independent as they can be and as set out in Dr. Foster's letter previously provided to the government independence is very important to my mother. She is more likely to let me help her when other people are not around and are unaware than if they are present or watching. Taking away my income and interfering in our lives has greatly detracted from my mother's enjoyment of life as we did many things

together constantly which as I have said before I believe they made fun of at that time. Dr. Foster also indicated in the letter that my mother very much enjoyed spending time and doing things with me. There certainly was nothing immature or negative on an objective basis about my spending time with my mother yet I believe the Commissioner knows or reasonably ought to know at this time that some of the people made fun of me for doing so. In reality I believe an expert would find their opinions were based on jealousy and resentment of my career etc but in any event were completely inappropriate.

It appears that what the government has caused is clear HARASSMENT designed to destroy my livelihood which I believe is CLEAR CRIMINAL HARASSMENT and a criminal offence. It appears that I cannot make mistakes etc like everyone else because the persons involved in the harassment are going to say it means something negative. In fact it means we are all human and NO ONE can live without making a mistake or doing something that a mean person or bully will make fun of probably on a daily basis. If we were to watch them and pick on everything they did etc I believe you would find they or anyone else could be victimized in the same way that they are victimizing me.

The bottom line appears to be that these people need to eliminate me in order to keep their jobs and avoid the consequences of their improper actions. It appears that that is exactly what they will connive and manipulate situations in order to do if the Conflict of Interest Commissioner allows the government to continue to take in information from them.

I believe that the Conflict of Interest Commissioner should stop the harassment now and require that I be fully compensated and set up negotiations through whatever entity you wish in order to do so. I believe the government should have mediated a resolution of my human rights complaint through an unbiased human rights commission from outside the province and properly admitted my entire complaint is justified rather than deliberately making false statements and proceeding to try to have my complaint improperly

6

dismissed in order to cover up what the government has done. I believe that if my matter has to go through any more judicial reviews etc that the judge or court of appeal if necessary if it has to go to that level, should have extreme concern for the government's conduct particularly when it appears the government claims to take a stand against bullying and have anti bullying days.

Tuesday night there was a loud engine roared about nine times outside my mother's living room window.

As it was dark in the living room earlier than usual as it was a dark rainy day we closed the living room drapes around 8:30 p.m.. This can vary when it is darkish out as sometimes it gets dark in the living room quickly and other times it does not do so.

If any negative comments have been made that the above does not address I should be advised immediately and given the opportunity to respond.

I would again ask for IMMEDIATE confirmation that I can go to the courthouse law library to finish preparation for the judicial review application and that there will be no harassment by any police or courthouse personnel who I understand are involved in the harassment.

I trust the above is to your satisfaction in the circumstances. I await your immediate response.

Mary Ellen Rose

cc. Premier Alward

# EXHIBIT 16.6

## Landry-Richard, Rosanne (COI)

---

**From:** Rose M  
**Sent:** Friday, June 14, 2013 11:57 PM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose RE Copy of Comments of Complainant re Case Analysis Report in Human Rights Proceeding

The attachment to these Comments of Mary Ellen Rose RE the Case Analysis Report in the human rights proceeding is not provided in this e-mail as the attachment is an exhibit to the Affidavit filed with the Conflict of Interest Commissioner.

Trusting same is to your satisfaction.

Mary Ellen Rose

COMMENTS OF THE COMPLAINANT, MARY ELLEN ROSE RE: CASE ANALYSIS REPORT of Jennifer LeBlanc dated May 23, 2013

Friday, June 14, 2013

1. The letter of Jennifer LeBlanc dated May 23, 2013 accompanying the Case Analysis Report states "If you believe the report or the investigation to be inaccurate or incomplete you may send a written response...My e-mail address is Jennifer.Lebanc@....
2. The Complainant states that Jennifer LeBlanc knows or reasonably ought to know that the Report is deliberately based on false information which the Complainant has clearly alerted Jennifer LeBlanc to and which information Jennifer LeBlanc could have required to be corrected simply by verifying with the Saint John police chief that indeed information has been taken in from persons within the community outside government to affect the Complainant's private and confidential employment applications with the government particularly in respect to competitions 10-44-02 and 10-44-03 the subject of the second report of Jennifer LeBlanc. The contents of the Report the Complainant states are a further travesty of justice and a deliberate attempt to assist the government to cover up what has occurred and give the government the result that it wants to obtain which is to defeat the Complainant's human rights complaint, cover up what has occurred and avoid compensating the complainant although the entire complaint with the time limit fully extended is fully justified based on merit. The Complainant respectfully submits that Alex Abbandonato and Jennifer LeBlanc should have made the finding that the entire complaint was justified and had merit and the recommendation should have been to forward the Complaint to a Board of Inquiry if their investigation had been impartial, honest and thorough. The report of Jennifer LeBlanc and Alex Abbandonato, the Complainant states, clearly brings the administration of justice into disrepute. The Complainant states that on judicial review the court should likely find that it was clear and deliberate obstruction of justice designed to assist the government in getting the result that it wants to obtain and that a criminal offence or offences under the Criminal Code of Canada has been committed by some staff or officials of the NB Human Rights Commission and by some employees, officials and/or MLA's of the Province of New Brunswick which is a Respondent along with 3 MLA's and other government employees.
3. The Complainant states that Jennifer LeBlanc or Alex Abbandonato know or reasonably ought to know or reasonably ought to have found out as a result of their investigation that the government deliberately has taken in ridiculous and incorrect information from persons involved in very serious harassment of this Complainant to the effect that this Complainant has mental health issues in the perceptions of those persons and has done so right up to the present date to affect competitions 10-44-02 and 10-44-03 and the hiring of this Complainant completely contrary to the Human Rights Act.
4. In fact the Complainant states that cross examination of the Premier and/or other Respondents or other persons subpoenaed to a hearing will show that the May 23, 2013 Report was prepared once the persons involved in the harassment had again harassed



severely this Complainant and said occurrences meant what they wanted them to mean. In fact the Complainant states their behaviour and what they have reported to the government and the Conflict of Interest Commissioner directly and/or indirectly will prove the seriousness of the harassment and that this Applicant is astute, strong and able to function well under severe harassment designed to destroy her and her livelihood.

5. The Complainant states that the government has deliberately failed to admit or to provide all of the improper information prohibited by the Human Rights Act and the Civil Service Act that it has taken in from biased unqualified persons outside government since at least December 2010 to the effect that this Applicant in their perceptions has mental health issues and has failed to disclose that it has used that information to deny this Applicant the Lawyer III position in competitions 10-44-02 and 10-44-03 as well as in other competitions.

6. The Conflict of Interest Commissioner the Complainant states has been put in the position by the government and Jennifer LeBlanc of having the ethical obligation to advise the NB Commission Members before June 26, 2013 ( or require the Premier to do so) that the government HAS taken in information as to perceived mental health from people outside government who are biased and not qualified to form opinions on anyone's mental health who want to hurt the Complainant and prevent her from being hired as a Lawyer III and has used that information to affect her being hired in competitions 10-44-02 and 10-44-03. The Complainant states that her Human Rights Complaint with the time limit fully extended as requested certainly has merit.

7. [The Human Rights Act PROHIBITS ANY SUCH INQUIRIES DIRECT OR INDIRECT and prohibits ANY such information from being considered on an employment application or in the hiring process. The Human Rights Act clearly states that if a person in fact did have mental health issues but is capable of doing the job then they ARE TO BE GIVEN the job and not discriminated against and the prospective employer IS NOT ALLOWED TO ASK ANY QUESTIONS AS TO MENTAL HEALTH DURING THE HIRING PROCESS. All persons are to be evaluated as to their ability to do the job **once hired** on their work performance and all persons will be held to the same standards. ] The Complainant states that within the last few months Randy Dickinson the Chair of the Human Rights Commission in New Brunswick stated words to the effect of the information set out in square brackets on a public radio broadcast on CBC Radio. It appears that the NB HUMAN RIGHTS COMMISSION Staff and Commission Members deliberately give a public image that complies with the Human Rights Act requirements but in reality deliberately contravene the terms of the Human Rights Act in order to assist the Province of New Brunswick and other Respondents. As the Province of New Brunswick is their employer and the MLA's who are Respondents have the power to fire them if they do not get the result that the government wants to obtain there is certainly a conflict of interest and the Law Society Code of Professional Conduct and the Members Conflict of Interest Act and the Rules of Natural Justice it is respectfully submitted REQUIRE the NB Human Rights Commission lawyers and the

3

Premier and Attorney General and the Minister to whom the Commission reports to acknowledge the conflict and ENSURE an UNBIASED Human Rights Commission handles this Complainant's matter in its entirety, particularly in the circumstances of this particular complaint.

8. The Complainant states that my human rights complaint must go to a hearing where cross examination can take place. The Complainant further states that the NB Human Rights Commission NOW has a FURTHER DIRECT CONFLICT as one of the Commission Members who decides complaints has made statements as to the law the Commission must follow and the law that the Commission must apply which deliberately it appears are opposite to what Jennifer LeBlanc and Alex Abbandonato have done in their Report dated May 23, 2013 which is now going to be submitted to the Commission members of whom Randy Dickinson is not only a member but THE CHAIR. In that report based on deliberately false information, the staff who prepared it have made a recommendation that

"the ...Commission pursuant to...19(2)...of the...Human Rights Act dismiss the Complaint at this stage of the proceedings as being without merit."

9. It appears that by their recommendation Jennifer LeBlanc and Alex Abandonnato are attempting to have the Commission members make a decision deliberately contrary to the LAW AND to what RANDY DICKINSON has TOLD THE PUBLIC ON PUBLIC RADIO is the Law and the STANDARD that the NB Human Rights Commission ensures is maintained in New Brunswick. The NB Human Rights Commission staff and Randy Dickinson have caused a situation whereby there should CERTAINLY be a PUBLIC HEARING where ALL RESPONDENTS can be cross examined upon before AN IMPARITAL UNBIASED entity at a full hearing of this Complainant's full complaint with the time limit extended.

10. The Complainant states that if the Commission is truly at arms length from the government and if it is truly concerned that the right result be obtained and the law fairly and impartially applied that because it has been alerted that the respondents have filed Responses containing purposely false information that the Commission Members should postpone their deliberations on this matter and write to the police chief, the Attorney General, the Conflict of Interest Commissioner and the Premier and point blank ask them if any information has ever been taken in to affect this applicant's confidential and private application for a Lawyer III position in open competitions 10-44-02 and 10-44-03 based on allegations by persons outside government that this applicant has mental health issues in their perceptions. The TRUTHFUL answer is clearly a resounding YES. A FULL TRUTHFUL ANSWER would also admit that serious harassment had been caused by the government taking in this information from those biased persons outside government to the Complainant since December 2010 right up to the present date.

11. The other question that you would think an objective investigator would put in writing to the Premier and the Attorney General and the Conflict of Interest

4

Commissioner ( who can access Cabinet Minutes to verify the answer) is whether or not this Complainant was appointed on December 23, 2010 as a Lawyer III in the Employment and Administrative Law Group of the Department of Justice, Office of the Attorney General. Cabinet Minutes should clearly verify that this occurred. If I was not fully qualified this Complainant states that that appointment would never have been made by Cabinet at that time. Cabinet Minutes should also show and a written request of the Conflict of Interest Commissioner or the Premier should also verify that Blaine Higgs then began to take in information as to perceived mental health from biased unqualified persons outside government who do not like this Applicant and were trying to destroy her employment opportunity and her livelihood. No where in the report does it state that Alex Abbandonato or Jennifer LeBlanc made these inquiries in writing of the Premier, the Attorney General, the Conflict of Interest Commissioner or the Chief of Police and NOWHERE does it attach their respective written responses.

12. The Complainant states that once the Commission Members know that such information has been taken in THERE HAS TO BE A HEARING TO DETERMINE THE EFFECT OF the NON COMPLIANCE WITH THE VERY CLEAR requirements of the Human Rights Act. If the Commission does NOT make such an inquiry it is the Complainant respectfully submits clearly negligent and it would appear participating in the deliberate obstruction of Justice by the Commission staff. Surely the Commission Members would want to know if the staff are NOT following the law and take any necessary measures to ensure that the Commission corrects any such failure. For reports to be provided by Commission staff that are at the very least completely wrong or inaccurate ( although this Complainant states that the Commission Members with proper investigation should find that Jennifer LeBlanc DELIBERATELY prepared two Reports based on information SHE KNOWS OR REASONABLY OUGHT TO HAVE KNOWN IS FALSE when the answer is very easily obtainable and which even the most basic, skills-limited investigator should be able to find out in any investigation), the Commission should be very concerned that they CANNOT rely on any investigation or any report given to them by Commission staff and in particular it would appear any report prepared by Jennifer LeBlanc.

13. The Commission should further be EXTREMELY CONCERNED AND SHOULD DEMAND WRITTEN RESPONSES TO BE PUT IN THE FILE AND AVAILABLE FOR THE JUDGE ON A JUDICIAL REVIEW as to why it appears that the only persons interviewed as potential witnesses with will say statements enclosed ARE PERSONS WHO WOULD SUPPORT THE POSITION OF THE GOVERNMENT?! This Complainant further states that it would appear that the answer is fairly obvious and would appear to clearly be that if a fair and impartial investigation was done the NB HUMAN RIGHTS COMMISSION STAFF COULD NOT COLLUDE WITH OR ASSIST THE GOVERNMENT TO GET THE RESULT THE GOVERNMENT WANTS.

14. As the Complaint of this Complainant to the Conflict of Interest Commissioner has

5

been made part of the Human Rights Complaint file, the Commission MEMBERS should be extremely concerned as should any Judge on Judicial Review as to why the Cabinet Minister who would not go along with the other Cabinet Ministers ( whose name the Conflict of Interest Commissioner or the Premier or the Attorney General should be able to provide to Jennifer LeBlanc or Alex Abbandonato) was not asked in writing if the government took in any information as to the Complainant's perceived mental health from persons outside government to affect her private and confidential employment application in competitions 10-44-02 and 10-44-03 and if those persons have been involved in following, watching and reporting on this Complainant? In addition to any other questions a prudent investigator would it appears

ask, it appears that would certainly be information that would be crucial before any Report was prepared or finalized. It is submitted that the Commission Members should have those questions asked and answered in writing before there are any deliberations on the Report of Jennifer LeBlanc and Alex Abbandonato dated May 23, 2013.

15. On the radio this morning in fact there was a news broadcast indicating to the effect that the Minister of Health in Alberta fired or removed the entire board that was supposed to be at arms length from the government because it did not make the decision that the government wanted made that supposedly arms length boards are entitled to make contrary to government wishes without any repercussions. It is submitted that the NB Human Rights Commission staff know, that if they do not give the result that Danny Soucy, the Minister of Post Secondary Education Training and Labour to whom they report who is a Member of Cabinet or other Cabinet Ministers or the Premier wants them to obtain, that there will likely be adverse consequences for them particularly where the careers and ministerial positions of these high ranking MLA's may also hang in the balance as well as Ministerial positions of Liberal MLA's who were Cabinet Ministers in the former Liberal government involved in wrongdoing in respect to this Applicant's employment applications. In addition the former Attorney General, Kelly Lamrock in the Liberal government who was involved in taking in inappropriate information concerning this applicant in respect to her employment applications also has now it appears joined the NDP party. It appears the Human Rights Commission staff likely know from the information in their file that NO MATTER WHAT GOVERNMENT IS IN if they fail to dismiss this Complainant's human rights complaint without public scrutiny and if they fail to cover up what has occurred that they will likely lose their own professional positions and/or face other personal adverse consequences.

16. In fact a judge upon judicial review should be extremely concerned that there is no protection whatsoever for a Complainant when the NB Human Rights Commission staff appear to collude with the government rather than remain impartial as their mandate requires. It appears that the Commission staff have it appears deliberately failed to conduct a proper investigation that easily would have revealed that improper information prohibited by the Human Rights Act (and which infraction is so serious that the Act makes it an offence to take in such information) was taken in by government to affect this Complainant's private and confidential employment applications in respect to

6

competitions 10-44-02 and 10-44-03. It appears that Commission staff then prepared two reports based on deliberately false information that they knew or reasonably ought to have known was false recommending the dismissal of a large part of the Complainant's complaint by the first report and then recommended dismissal of the remainder of the Complainant's Complaint by the recommendation in the second report. The Commission staff then it appears appeared as Counsel and gave legal advice to the Commission members that Jennifer LeBlanc advised the Complainant was private and confidential and would not be given to her although the Commission staff CLAIM THAT THEY ARE IMPARTIAL and do not represent either the Complainant or the Respondent and that the Commission Members are independent and can make a decision different than what the Commission staff recommends. It would appear that there are SO MANY SERIOUS PROBLEMS WITH HOW THIS SYSTEM HAS BEEN MANIPULATED IN RESPECT TO THIS COMPLAINANT'S COMPLAINT THAT it brings the entire human rights complaint process into doubt in New Brunswick and particularly where the government is involved as many human rights complainants may not have access to legal counsel and would be powerless to address the serious concerns that have presented themselves as a result of the behaviour of the government and the Commission staff and Commission Members in respect to this Complainant's complaint. It is very unlikely that if Commission staff is giving them legal advice that Commission Members who ARE NOT lawyers nor judges would not understand that there are serious conflicts of interest nor improper investigations being conducted and reports being prepared based on Responses by government MLA's officials and employees that contain deliberately false information which is used by Commission staff in their reports despite commission staff knew or reasonably ought to have known by any proper impartial investigation that the information WAS false and should not be used.

17. In fact it would appear that the Commission Members if they are truly impartial should turn the matter over to an unbiased police force who has not previously been involved as it appears that there are concerns of fraud and deliberate obstruction of justice by Jennifer LeBlanc, Anthony Abbandonato and/or other Commission staff as a result of their actions in respect to this matter.

18. The Complainant attaches her reply document which was Comments by the Complainant in respect to the first Report prepared by Jennifer LeBlanc as the details and information set out in those Comments are relevant to the serious concerns that have developed concerning the handling of this matter by Commission staff and particularly by Jennifer LeBlanc in respect to the facts, background, issues and other relevant information dealt with in the second report. It also addresses portions of information that are the same as was put into that first report as has now been put into the second report.

19. The Complainant states that as it appears Jennifer LeBlanc and other Commission staff are prepared it appears to conduct an improper investigation exhibiting incompetence and/or negligence and/or deliberate participation in fraud and obstruction of justice as a result of the Two Reports that have been prepared that it should be

7

concluded by any impartial decision maker that the statements of Commission staff are self serving at the very least and/or deliberately fraudulent in order to get the result they want to obtain in the report. The language used and statements made in the May 23, 2013 report seem to try to depict this Complainant as having mental health issues, making stupid requests or statements and anything else they can use to get the result the government wants to obtain. The Complainant states that Cross-Examination IS ABSOLUTELY ESSENTIAL as a result of the credibility issues that are flagrantly obvious as shown by the two Reports not only in respect to statements made by government MLA's , officials and/or employees but also by NB Human Rights Commission staff and officials and that once cross examination at a hearing has taken place there will be no doubt about the merit of the complainant's entire complaint with the time limit fully extended.

20. It appears that what the Commission staff Member Bertrand has said in the second report has expanded to what they think will fit their agenda. In the first report paragraph 34 contains her statements. Although the paragraph began Less than 4 hours later paragraph 33 dealt with a different subject and this was the first paragraph dealing with Bertrand's comments.

21. Paragraph 34 in the first Report states

" Less than 4 hours later, also on March 23, 2012 the Complainant called the Commission again and spoke with Bertrand. Bertrand's notes in the HRCTS indicate that: the Complainant then asked for a Complaint kit but would not provide details as to her complaint; Bertrand asked her whether the event/incident occurred in the last 12 months, the Commission's time limit; and the Complainant indicated that some were and some were not and so she wanted to discuss possibility of TLE with a Human Rights Officer; and the Complainant already had a copy of the Guidelines for TLE Request."

22. Paragraph 34 DOES NOT SAY THAT HER NOTES INDICATE IN PART. IT STATES HER NOTES INDICATE THAT and sets out the details in paragraph 34.

23. In the second Report it appears that what she states changes. Paragraph 14 of the second Report states:

" Less than 4 hours later, also on March 23, 2012, the Complainant called the Commission again and spoke with Bertrand. Bertrand's notes in the HRCTS indicate, in part, that the Complainant stated that she still had not received a call back from Dickinson and asked how long it would take."

24. The Complainant states that it would appear Paragraph 15 has been fabricated to further the agenda of the Commission and the government as this was not what was discussed. The Complainant states that she called back and requested the Complaint Kit as she was concerned that the Human Rights Commission in light of her contact with the person answering the phone even at that early stage were trying to delay or adversely affect her complaint being filed. It appears in light of what has occurred since that date

8

that the Complainant's concerns were extremely warranted.

25. In respect to paragraph 15, in light of the E-mail that Bertrand says that she sent to Dickinson saying that it was not necessary for him to call the Complainant and as the Commission had Sarina McKinnon call although the Complainant asked to speak with a senior Human Rights Officer as set out in paragraph 34 in the first Report which seems to be conveniently left out of the second Report, that it is not understandable why Dickinson would call her a long time after her initial call except that he had done so at the request of the Attorney General or someone else in government as the government at the time of his call was trying to find a way to dismiss her complaint.

26. In respect to paragraph 16 a and b beginning at the bottom of page 5 in the second Report and continuing until page 7 halfway down the page the Complainant states that this is exactly the same information as set out in the first Report. The Complainant refers the Commission to her Comments concerning the first report in respect to the same information.

Particularly the Complainant would note that it appears that the author of the report uses words that tries to make the harassment that the Complainant has been subjected to seem silly and reflect badly on the Complainant. The Premier and/or the Conflict of Interest Commissioner should confirm to the Commission members in writing that the harassment situation is extremely severe and should not be minimized in any way. Any attempts by the authors of the two Reports to make it appear that the harassment is not real should be straightened out by the Premier and/or the Conflict of Interest Commissioner ( whom the government it appears has involved by filing a copy of the Complainant's complaint to the Conflict of Interest Commissioner on her human rights Complaint ) immediately. The Conflict of Interest Commissioner and the Premier from their communications with this Applicant and the documents sent to or filed with them should confirm that this Applicant does not use the words "harassers" or "harassing forces" used in the two reports by it appears Jennifer LeBlanc.

27. In respect to paragraph 16c on pages 7 to 8 of the second report, the Complainant states that it is the same as paragraph 35c on pages 11 to 12 of the first report except in the first point under c on page 11, there appears to be a typographical error and not is left out which word appears in the earlier report. Also on page 12, the second and third points from the top of the page which pertain to the Time Limit Extension request are omitted in the second Report. The Complainant refers the Commission Members to her Comments made in respect to those paragraphs in the document containing her comments in respect to the first report.( a Copy of which is attached hereto and forms part of these Comments.)

28. The Complainant states that paragraphs 17, 18 and 19 on pages 8 to 9 of the second report are the same as paragraphs 36, 37 and 38 on pages 12 to 13 of the first report except in the last line of paragraph 38 the report replaces the words complaint kit with the words complaint form.

9

29. A new self serving paragraph 20 has been added to the second report. This was not what was discussed. It would appear that this is clear fabrication as if Dickinson was sent an e-mail as paragraph 15 on page 5 of the second report states from Bertrand on March 23, 2012 stating that it was not necessary to call back the Complainant, why would he call the Complainant back on April 11, 2012 over two weeks later after the Complainant was contacted by Sarina McKinnon if he was responding to the initial contact. It simply does not make sense. It is stated that on cross-examination it should be elicited from the Attorney General or McKinnon or Dickinson that he called as a result of contact from the government as a result of a complaint to the Attorney General as a result of concerns due to the behaviour of Sarina McKinnon.

30. In respect to paragraph 21 of the second report, the Complainant states that the letters of April 11, 2012 to Attorney General Blais and the letter of April 17, 2012 are listed under documents reviewed and considered on page 26 of the second report and both letters are professional, appropriate and express very serious concerns. These letters are in the file for the Commission Member's review. Despite the serious concerns set out in those letters neither the Attorney General nor Randy Dickinson provided a required proper and full response addressing the concerns. In fact as the e-mail letter to Attorney General Blais was sent on April 11, 2012 and Randy Dickinson's sudden phone call to this Applicant was on April 11, 2012, it appears that the Complainant is correct when she expresses concerns that he called her at the Attorney General's request or the request of someone else in government and it appears again false information is being set out in the second report in paragraphs 20 and 21 in order to obtain the result that the NB Human Rights Commission and the government want to obtain. This time it appears that that incorrect information is being provided by the Commission staff with the FULL PARTICIPATION of the COMMISSION CHAIRPERSON. It is stated in light of the contents of the second report that there is NOW A FURTHER CONFLICT involving directly the Chairperson of the NB Human Rights Commission and cross examination is clearly necessary of the Chairperson and Bertrand as part of the complaint proceeding in light of the credibility issues. As a Commission Member has now it appears given or participated in evidence being given that appears to be untrue on its face, it would appear that there is another CLEAR CONFLICT and this matter should IMMEDIATELY BE REFERRED to an unbiased human rights commission in another province for deliberation and handling in its entirety.

31. In respect to paragraph 22, the fact that Sarina McKinnon declared a conflict on April 24, 2012 and requested to be restricted from accessing the HRCTS would have been pertinent in the first report made in February 2013 and yet it was hidden and is NOT EVEN MENTIONED IN THE FIRST REPORT. As Sarina McKinnon who is legal counsel to the Commission has admitted the conflict of interest this matter should IMMEDIATELY have been referred on April 24, 2012 to an unbiased human rights Commission from outside the province for handling in its entirety.

32. The Complainant states that the Conflict of Interest Commissioner who is a former

trial judge and court of appeal judge and who has been involved in this matter by the government filing my complaint to him in the human rights proceeding, should IMMEDIATELY ADDRESS WITH DANNY SOUCY the MLA to whom the Commission reports that just as another lawyer cannot act when a partner or associate has a conflict, no one else in the human rights commission could act once Sarina McKinnon admitted there was a conflict. Also she will be a witness that needs to be cross examined at the hearing. It appears that the conflict has worsened as NOW Randy Dickinson is further in conflict as a result of the contents of the second report and must be cross examined at any hearing.

33. The Conflict of Interest Commissioner should confirm to Danny Soucy that an unbiased human rights Commission from outside the province should be given all documentation to date and full carriage of my human rights complaint proceeding as the NB Human RIGHTS COMMISSION CANNOT PROCEED in light of the conflict. In addition it is respectfully submitted that in light of the conflict of Danny Soucy a Board of Inquiry CANNOT be formed by the Labour Board which also is under the authority of Danny Soucy as Minister of Post Secondary Education Training and Labour.

34. In respect to paragraph 23, the Complainant states that it appears that the letter of Jill Peters is deliberately false as once Sarina McKinnon declared a conflict on April 24, 2012, the NB Human Rights Commission DEFINITELY had a conflict. It would appear in light of what both the government and the NB Human Rights Commission have done to me as a Complainant that the NB HUMAN RIGHTS COMMISSION DEFINITELY SHOULD NEVER INVESTIGATE complaints against the government or any of its departments and the Conflict of Interest Commissioner should MAKE sure that legislative safeguards are put in place FOR ALL APPLICANTS as many applicants may have no legal training and no ability to access a lawyer. It is respectfully submitted that the manner in which I have been treated as a complainant in the human rights proceeding has clearly brought the administration of justice into disrepute. It appears that the Director of the Human Rights Commission does not understand what a conflict is and it is a concern that the Human Rights Commission may be proceeding in cases of clear conflict where applicants have no legal training nor ability to get legal counsel.

35. In respect to paragraph 23 in the second report, it would appear that the Director Jill Peters was participating in the deception to hide the conflict or the improper release of confidential information to the government if she did not understand that there was a conflict despite Sarina McKinnon declared a conflict on April 24, 2012 two days before the Director's letter. It appears that her wording in her letter was very careful and said that Sarina McKinnon did not have a conversation or share any of the Complainant's information with anyone outside the Commission. However, she does not deny that information went out of the Commission to the government and she does not say that no one else released that information to someone within the government nor that no one else gave out negative information that it appears clearly went out into the community from the government immediately after Sarina McKinnon contacted this Complainant.

36. In respect to the last sentence of paragraph 23 and 24 the Complainant immediately advised the Premier and/ or Clerk of the Legislative Assembly and /or other senior government official that she DEFINITELY WAS PROCEEDING and requested that they REQUIRE the NB Human Rights Commission transfer my Complaint in its entirety to an unbiased Human Rights Commission in light of the CONFLICT.

37. The Complainant respectfully submits that when the Letter of June 14, 2012 was written that the NB Human Rights Commission already knew that the Complainant was proceeding and that this was a further attempt to get rid of my Complaint to avoid public scrutiny as they knew it was a valid complaint by saying if I did not reply by a certain date TD THEM that it would be considered abandoned. In the earlier letter it was said that it WAS NECESSARY for me to withdraw my complaint if I was not proceeding. I immediately advised them that I WAS DEFINITELY PROCEEDING.

38. In the first Report, Jennifer LeBlanc states in paragraphs 42, 43 and 44 that on July 13 she advised the Respondents of the Complaint, on August 13, the respondents filed their Response and it was sent to the Complainant for rebuttal and on August 29 she advised the Respondents they did not set out the 4 part test in respect to time limit extension requests in their response and requested that they do so. The Complainant states that it appears that Jennifer LeBlanc KNEW that the RESPONSE of the respondents prepared by Andrea Folster WAS NOT SUFFICIENT to prevent the time limit from being extended in respect to my Complaint and it appears that she advised them of what was needed in order for her to be able to do so. In their initial response the Respondents made the false statement in words to the effect that I was not qualified. The first report said that I did not provide the Letter of Robert Savoie of the Office of the Ombudsman that said I WAS A STRONG A RATED CANDIDATE IN EVERY CATEGORY for the position I interviewed for in January 2007 in respect to competition # 06-44-04 which was essentially the same position as advertised in competition 10-44-02 in the litigation group which is one of the two competitions the subject of this Report. I provided that letter along with my

document containing my Comments in respect to the first Report. More detail is set out in those comments which form part of these second Comments.

39. It was in the next Response prepared by Andrea Folster that the false statement then appeared stating words to the effect that the government had taken in NO INFORMATION FROM OUTSIDE PERSONS to affect my complaint. Andrea Folster and all of the Respondents KNEW that that statement WAS COMPLETELY FALSE and I have addressed that in my document containing my Comments to the FIRST REPORT which is attached to these Comments and Forms part of these Comments.

40. It would appear that Jennifer LeBlanc advised Andrea Folster that such statement was needed in order to prevent my complaint from being extended and a full public hearing taking place on my complaint as the Human Rights Act PROHIBITS any information as to mental health coming in at all in the hiring process and if ANY such information came

12

in it meant that my Complaint HAD MERIT and would HAVE TO BE HEARD. Accordingly it appears that she alerted Andrea Folster to that and the False Statement then appears in Andrea Folster's second Response to the effect that NO information was taken in from outside persons which meant that my statement that they took in information from biased self serving unqualified persons as to their perception of my mental health which affected my applications in the open competitions was not correct. As the Conflict of Interest Commissioner, the Premier, the Attorney General and others are fully aware or reasonably ought to be fully aware, that statement in the respondents Response prepared by Andrea Folster is FALSE. I believe that ALL or at least one of those individuals HAVE THE ETHICAL OBLIGATION TO ADVISE IN WRITING the Commission members of that prior to June 26, 2013 the date Jennifer LeBlanc indicates the second Report and all other documentation will be before the NB Human Rights Commission Members.

41. Paragraph 27 in the second Report is the same as paragraph 45 with the following exceptions. Specifically my comments in respect to paragraph 45 in the first Report also apply to this Report.

42. In the second Report Jennifer LeBlanc and Anthony Abbandonato have added under paragraph 27 subsections i to iii, v, xx, xxiv and xxvi which do not appear under section 45 in the first REPORT.

43. The Complainant states that it appears that the concerns set out in i, ii and iii under paragraph 27 in the second report as concerns set out in an e-mail complaint concerning the conduct of Andrea Folster have NOW BEEN PROVEN TO BE TRUE BY THE CONDUCT OF NB HUMAN RIGHTS COMMISSION STAFF AND MEMBERS as shown clearly the Complainant respectfully submits in the documentation before the Commission.

44. Subparagraph v under paragraph 27 should be verified by the Conflict of Interest Commissioner to Danny Soucy and the NB Human Rights Commission that THIS IS THE ETHICAL OBLIGATION ON BOTH SARINA MCKINNON AND ANDREA FOLSTER REQUIRED BY THE LAW SOCIETY OF NEW BRUNSWICK RULES OF PROFESSIONAL CONDUCT.

45. In respect to paragraph xx under Paragraph 27, the Premier ultimately is responsible as the HEAD of the PROVINCE and his oath of office to ensure ethical, fair, impartial, proper legal operation of all arms length bodies when illegal or other improper conduct is brought to his attention if the officials directly responsible DO NOT CORRECT THE SITUATION. The Complainant would state that this is particularly his responsibility when he is a Respondent to the particular complaint and a Response to which he is a party contains DELIBERATELY FALSE INFORMATION. As Andrea Folster is an employee of the Province reporting or responsible ultimately to the Premier who has it appears clearly DONE WRONG and violated her oath of office and the Law Society Rules of

13

Professional Conduct and as the Attorney General HAS DONE NOTHING TO CORRECT THE FALSE INFORMATION, a Complaint to the Premier was ABSOLUTELY NECESSARY. AS this Complainant STRONGLY BELIEVES IN THE INTEGRITY OF THE LITIGATION PROCESS and the RESPONSIBILITY of Litigators it appears that the serious situation whereby false information was put before the Human Rights tribunal by Andrea Folster as if preparation of a pleading in a legal proceeding was an exercise in creative writing is EXTREMELY WRONG, EXTREMELY UNETHICAL and IT WOULD APPEAR A DELIBERATE OBSTRUCTION OF JUSTICE.



46. Although xxi under paragraph 27 appears in the first report and the Commission Members can see further comments there, the Complainant states that the obligation on the Premier as set out in the preceding paragraph above addressing paragraph xx is all the stronger when Andrea Folster has made a statement that this Applicant did NOT QUALIFY for the positions when the PREMIER KNOWS THAT HE APPOINTED THIS APPLICANT ON DECEMBER 23, 2010 and would not have done so if she did not qualify!

47. The Complainant further states that the concern set out in subparagraph xxiv added under 27 in the second report that "for Folster and the Commission to proceed as they have with respect to the Complainant's human rights complaint is completely unethical and wrong" was correct based on actions to that date but the Complainant states has been proven EVEN MORE CORRECT and EXTREMELY MORE CONCERNING by the actions of Danny Soucy, Andrea Folster, staff and Commission Members of the NB Human Rights Commission and others within government since that date.

48. In respect to paragraph xxvi under paragraph 27 in the second report this Complainant did await notification that her complaint WOULD BE REFERRED IN ITS ENTIRETY TO AN UNBIASED HUMAN RIGHTS COMMISSION as COMPLYING WITH the rules of natural justice and the law society code of professional conduct are NOT OPTIONS. It appears that the government and the NB Human Rights Commission do not know what they are doing nor their ethical obligations and do not understand that after Sarina McKinnon who the second report states DECLARED A CONFLICT on April 24, 2012, that Seamus Cox her colleague could NOT THEN PROCEED to give the Commission members advice and do not seem to understand that the Commission Members could NOT then proceed to deal with the Complaint.

49. Paragraph 28 in the second report is the same as paragraph 46 in the first report. See the Comments of the Complainant concerning paragraph 46 in the first report for the comments in respect to that paragraph.

50. Paragraph 29 is the same as paragraph 47 in the first report and states that the Complainant filed her rebuttal on September 11, 2012.

51. The Complainant states that her concerns as set out by the authors of the second

14

report in paragraph 30 of that second report appear entirely warranted in light of the conduct of government employees and officials and NB Human Rights Commission staff and Commission members since November 6, 2012. Exactly what the Complainant predicted has it appeared occurred and that based on false information it appears that the Commission staff have colluded with the government to dismiss this applicant's human rights complaint by dismissing part by a Commission decision after Jennifer LeBlanc's first report and by now proceeding to try to have the remainder dismissed by this second report. The Complainant properly tried to get help to prevent this unethical behaviour which on a judicial review a court may find is a path of deliberate and persistent obstruction of justice to prevent a public hearing, to cover up what the government and what commission staff and members have done and to avoid having to properly compensate and provide relief to this Complainant.

52. Cross examination as to the reasons for removal of the prior Minister of Post Secondary Education, Training and Development, Martine Coulombe and her Deputy Minister on or around September 27, 2012 almost immediately subsequent to the e-mail of this Complainant to the Premier on September 9, 2012 and as to any other conflicts of interest is essential. For example to determine such as if Jennifer LeBlanc is related to Bernard LeBlanc a former Liberal cabinet Minister who has been involved in the improper treatment of this Complainant as an Applicant in the competitions 10-44-02 and 10-44-03 as he was Minister of Justice when the interview for these competitions took place and is one of the MLA's who are the subject of the Complaint to the Conflict of Interest Commissioner. Please see the entire complaint and in particular the portions applicable to Bernard LeBlanc which has been attached it appears to this report by the government and Jennifer LeBlanc and Anthony Abbandonato.

53. In respect to paragraph 31 as set out in the second report of Jennifer LeBlanc the Complainant states that Sarina McKinnon herself recognized that there was a serious conflict. It appears the Commission staff and Director have just deliberately refused to accept that the NB Human Rights Commission cannot proceed despite it knows that there is a conflict and that its own Legal Counsel has declared that CONFLICT or that it does not know the law and does not understand that it CANNOT proceed once the conflict has arisen and been declared by Sarina McKinnon. Sarina McKinnon is a necessary witness as a result of what has occurred. The Conflict of Interest Commissioner who is a retired trial judge and court of appeal judge should ensure that Danny Soucy is made aware (particularly as my Complaint to the Commissioner has been made part of this human rights proceeding by it appears the government and the human rights commission staff) that the Conflict DECLARED BY SARINA MCKINNON affects the whole Commission including the



Commission Members. As CLEARLY ON THE INFORMATION SET OUT IN THE SECOND REPORT (DATED MAY 23, 2013 recommending the dismissal of my complaint ) it is stated that Sarina McKinnon declared a conflict it appears that AT THAT TIME IMMEDIATELY MY ENTIRE COMPLAINT SHOULD HAVE BEEN FORWARDED TO AN UNBIASED HUMAN RIGHTS COMMISSION. It appears that at this time ALL INFORMATION INCLUDING ALL REPORTS PREPARED BY

15

COMMISSION STAFF should NOW IMMEDIATELY BE referred to an unbiased human rights commission outside the province for handling in its entirety just as the province brought in a prosecutor from Nova Scotia to prosecute a matter in which there was a conflict.

54. In respect to paragraphs 32, 33 and 34 this Complainant has CONTINUOUSLY TRIED TO GET THE HUMAN RIGHTS COMMISSION TO acknowledge the conflict and follow ethical legal requirements. It appears that only in this second report dated MAY 23, 2013 DOES THE HUMAN RIGHTS COMMISSION FINALLY ADMIT THAT ON APRIL 24, 2012 Sarina McKinnon KNEW and the Human Rights Commission KNEW OR REASONABLY OUGHT TO HAVE KNOWN that IT DEFINITELY HAD A CONFLICT AND COULD NOT PROCEED UNDER THE LAW AND ETHICAL REQUIREMENTS as SARINA MCKINNON ACKNOWLEDGED AND DECLARED THE CONFLICT.

55. Despite that it appears the NB Human Rights Commission and Jennifer LeBlanc in particular has continued with dogged determination and persistence to try to have this Complainant's complaint deliberately dismissed on information that she knew or reasonably ought to have known was false and based on recommendations that it appears were deliberately made based on that false information and in the face of A CLEAR, SERIOUS AND BLATANT CONFLICT that finally it has been ADMITTED that Sarina McKinnon KNEW The CONFLICT EXISTED and HAD DECLARED THE CONFLICT!

56. It is stated by the Complainant as set out in paragraph 35 of the second report by Jennifer McKinnon and Anthony Abbandonato that the second full paragraph is ABSOLUTELY CORRECT and that the information set out by the authors of the second report in the report VERIFIES that the COMPLAINANT'S CONCERNS ARE CORRECT, WARRANTED and HAVE BEEN REPEATEDLY BROUGHT TO THE ATTENTION OF THE GOVERNMENT AND THE COMMISSION IN ORDER TO GET THEM TO ACT ETHICALLY AND FOLLOW THE LAW, ALL TO NO AVAIL.

That paragraph states

" As indicated as there is clearly a conflict, the NB Human Rights Commission has no authority to proceed. It would appear to be completely unethical and in contravention of the rules of natural justice and other rules and laws for you to attempt to be proceeding rather than to ensure unbiased decision makers with no stake in the outcome fairly address my matter in the interests of justice. When there is a conflict of interest lawyers, judges etc cannot handle a matter and simply must refer it to an unbiased lawyer or an unbiased decision maker. The failure of the NB Human Rights Commission to understand this is a great concern and in the serious circumstances of this matter appears to affect the very credibility of the NB Human Rights Commission and appears to clearly bring the administration of justice into disrepute."

57. It appears that MY COMPLAINT IN ITS ENTIRETY should immediately be given to

16

an unbiased human rights commission for handling in its entirety and that if necessary the Commission should get advice from an outside lawyer to confirm the conflict ( that Sarina McKinnon HAS ALREADY DECLARED ON APRIL 24, 2012). It should be made clear that the new commission should deal with all aspects of the Complaint including my Time Limit Extension Request as the NB Human Rights Commission HAD NO AUTHORITY TO TAKE ANY STEPS IN LIGHT OF THE CONFLICT declared by its legal Counsel on April 24, 2012.

58. In respect to paragraph 36 on page 14 of the second report the excerpt from her e-mail that Jennifer LeBlanc has cited shows clearly that the Commission staff are claiming solicitor client privilege in respect to the advice that Seamus Cox or any other lawyer is giving to the NB Human Rights Commission. The ethical requirements of the Law Society of New Brunswick, this Complainant respectfully states, are VERY CLEAR and are set out in my Complaint to the Conflict of Interest Commissioner that the government and the NB Human Rights Commission have attached to this proceeding as set out in the list of documents at the end of the second report. Once Sarina McKinnon declared the conflict with my matter as Commission staff and members are REQUIRED TO BE IMPARTIAL, Seamus Cox, any other lawyer, any

commission member and any commission staff **COULD NOT DEAL WITH THIS COMPLAINANT'S HUMAN RIGHTS COMPLAINT** any further at all and had to refer it out as the Conflict declared by Sarina McKinnon applies to them as well. The ethical requirements are clear that an associate, a colleague, another lawyer etc **CANNOT DEAL WITH THE MATTER ONCE A LAWYER HAS A CONFLICT. Once Sarina McKinnon declared her conflict on April 24, 2012, the entire COMMISSION the COMPLAINANT RESPECTFULLY SUBMITS COULD TAKE NO FURTHER STEPS as required by the Law Society Rules of Professional Conduct and the Rules of natural justice and other laws that apply to any decision maker, lawyer etc.**

59. In respect to paragraph 37 of the second report on page 14, the Complainant states that that information clearly shows that this Complainant has exhausted EVERY EFFORT to try to have the human rights commission comply with the law and ethical requirements and **NOT PROCEED IN THE FACE OF A CONFLICT**. It appears that the NB Human Rights Commission **DELIBERATELY HID THE FACT THAT SARINA MCKINNON KNEW THERE WAS A CONFLICT AND HAD DECLARED THE CONFLICT ON APRIL 24, 2012** until this last report dated May 23, 2013. It is stated that this was extremely unethical to hide that fact and not include it in the first report and **ABSOLUTELY PROHIBITED FOR THE NB HUMAN RIGHTS COMMISSION TO HAVE TAKEN ANY STEPS SINCE APRIL 24, 2012** as a result of Sarina McKinnon's admission that there was a conflict and the declaration of it.

60. In respect to the contents in paragraph 37 of the second report on page 15 (the top 3 paragraphs on the page) quoting excerpts from a letter of the Complainant dated April 22, 2013 to Danny Soucy the Minister of Post Secondary Education Training and Labour, the Complainant respectfully submits that that letter is correct and extremely warranted and

17

that if proper action was taken subsequent to that letter the Commission Members would **NOT** have dealt with the first report nor made any determination in respect to the Time Limit Extension request.

61. The Complainant further states that if truthful information was provided in the Responses of the Respondents to my human rights complaint ( which include the Province, the Premier, the Attorney General and Blaine Higgs, all latter 3 being members of Cabinet ) and stated that the government contrary to the Human Rights Act requirements took in information as to this Applicant's perceived mental health from biased persons not qualified to form opinions in respect to competitions 10-44-02 and 10-44-03 **which the Complainant respectfully submits that ALL OF CABINET SHOULD ACKNOWLEDGE TO YOU HAS OCCURRED**, that it is **CLEAR** that the government has **VIOLATED THE HUMAN RIGHTS ACT WHICH PROHIBITS ANY SUCH INQUIRIES DIRECT OR INDIRECT OR ANY INFORMATION AS TO MENTAL HEALTH FROM BEING CONSIDERED AS PART OF THE EMPLOYMENT PROCESS** In respect to ANY applicant.

62. It is respectfully submitted that what the government has done to this Applicant is particularly heinous and deliberate obstruction of justice as the government is **THE VERY ENTITY THAT ENACTED THE HUMAN RIGHTS ACT TO PROTECT ALL APPLICANTS** and it appears that senior government officials and other Respondents are **DELIBERATELY LYING IN FORMAL LEGAL DOCUMENTS** to cover up that they did not comply with the law in order to have this Complainant's human rights complaint dismissed **WITHOUT ANY PUBLIC SCRUTINY ON DELIBERATELY FALSE INFORMATION**.

63. In respect to the third paragraph on page 15 under paragraph 37 in the second report if Seamus Cox proceeded to act at the hearing on April 24 , 2013 it appears that he has clearly acted unethically in light of the declaration of conflict that his colleague Sarina McKinnon made on April 24, 2012 as set out in the report of Anthony Abbandonato and Jennifer LeBlanc in paragraphs 21 and 22 on page 9 of this second report dated May 23, 2013.

64. In respect to paragraph 38 again there appears to be **NO UNDERSTANDING BY JENNIFER LEBLANC OR ANYONE ELSE AT THE HUMAN RIGHTS COMMISSION THAT THEY CANNOT TAKE ANY STEPS** and cannot put the matter before the Commission after there was a conflict ( and it is submitted respectfully that this is an even more serious concern as the May 23 Report shows that they hid the fact that on April 24, 2012 Sarina McKinnon admitted the Conflict and declared it until this report dated May 23, 2013.) The Complainant states that there appears to be the even more serious concern that Commission staff and Commission Members **DELIBERATELY TOOK STEPS TO ADVERSELY AFFECT MY COMPLAINT KNOWING THAT THERE WAS A CONFLICT AND THAT IT WAS WRONG TO TAKE ANY STEPS** and that the **LAW REQUIRED MY COMPLAINT IN ITS**

18

ENTIRETY TO BE REFERRED IN APRIL 2012 to an unbiased human rights commission for handling in its entirety and the unbiased commission from outside the province should have been brought in to do the hearing and take any other necessary steps long before now JUST as the province brought in a prosecutor from Nova Scotia to handle a prosecution in which the government had a conflict.

65. In respect to paragraph 39, the Complainant states that that letter is very appropriate and another attempt to prevent the government from proceeding unethically and contrary to law to it appears deliberately adversely affect my human rights complaint. As there was no response from Danny Soucy that they would await input from the Law Society ( or any impartial body appointed by the Law Society as a result of any conflict) and as the NB Human Rights Commission proceeded (this Complainant submits) unethically and in the face of a conflict, and this Complainant was advised by Jennifer LeBlanc that the Commission Members proceeded on April 24, 2013 and refused her time limit extension request , this Complainant did not proceed with the complaints to the Law Society. I have been awaiting further developments as a result of my Complaints to the Conflict of Interest Commissioner which is yet another attempt to have the government and the New Brunswick Human Rights commission staff and Members comply with the LAW ENACTED BY THE LEGISLATURE and ethical requirements.

66. In respect to the third paragraph on page 16 under paragraph 39 this Applicant as stated in that paragraph CERTAINLY HOPES THAT ANY JUDGE ON A JUDICIAL REVIEW would take an extremely dim view of what appears to be deliberate unethical actions based on Deliberately false information designed to DELIBERATELY OBSTRUCT JUSTICE and get the result in my human rights complaint that the Province of New Brunswick and the other Respondents wanted to obtain while preventing public scrutiny and a public hearing of my human rights complaint before an unbiased entity.

That third paragraph states:

" If you refuse to wait, a court on judicial review would I believe take a very dim view of the deliberately false information provided by the Respondents AND the failure to declare the conflict of interest AND the failure to await the input from the Law Society in order that ethics, fairness and impartiality and any other issues can be addressed in the interests of all involved and in the interests of the administration of justice."

66. In respect to 40, 41, 42 and 43 the Complainant states that these paragraphs are correct and that the Conflict of Interest Commissioner should advise Danny Soucy and any judge should indicate CLEARLY on any judicial review that those paragraphs are the LAW AND MUST BE COMPLIED WITH by the government and the NB Human Rights Commission.

67. The Complainant submits that in respect to paragraph 44

1) section 19 certainly DOES NOT GIVE THE NB HUMAN RIGHTS COMMISSION THE RIGHT TO PROCEED ON INFORMATION IT KNOWS OR REASONABLY

19

OUGHT TO KNOW IS FALSE,

2) section 19 does NOT give it the right to proceed in the face of a conflict,

3) section 19 does not give it the right to ignore the rules of natural justice which require that a person must have the opportunity to respond to and cross-examine on any statements made against him or her and that a decision maker must be unbiased;

4)section 19 is SUBJECT TO THE ETHICAL REQUIREMENTS that once there is a conflict the Human Rights Commission CANNOT PROCEED.

5)section 13 does not give the NB Human Rights Commission power to administer the Act by taking in false information and basing its reports of commission staff on that false information that denies that information as to the perceived mental health of this Complainant (provided by biased persons involved in the harassment of this Complainant who are not qualified to form any such opinions and simply want to destroy the Complainant in order to avoid the consequences of their own improper conduct) was taken in by government officials and employees to affect this complainant's private and

confidential employment applications in open competitions including #s 10-44-02 and 10-44-03 WHEN THE HUMAN RIGHTS ACT ITSELF MAKES IT AN OFFENCE FOR ANYONE TO TAKE IN SUCH INFORMATION IN THE EMPLOYMENT HIRING PROCESS.

68. It would appear that the statements of Jennifer LeBlanc and Anthony Abbandonato, the authors of the May 23, 2013 report in paragraph 44 are ridiculous and offensive in the circumstances of this matter.

69. It would appear that the Conflict of Interest Commissioner should recommend to Danny Soucy and that any judge on judicial review should find clear concerns in light of the actions that government and the NB Human Rights Commission have taken in respect to this Complainant's human rights complaint that the NB Human Rights Commission SHOULD NOT investigate ANY human rights complaint of ANY complainant in which the province, government officials and/or employees are respondents!

70. Paragraph 45, it is respectfully submitted is not in any way justified by paragraph 44 in the second report dated May 23, 2013 and it is respectfully submitted that the statements of Jennifer LeBlanc and Anthony Abbandonato in paragraphs 44 and 45 should be found particularly OFFENSIVE TO ANYONE WHO CARES ABOUT THE PROPER ADMINISTRATION OF JUSTICE!

71. The Complainant states again that the information provided in the Comments of the Complainant to the first report prepared in February 2013 is attached to these comments and forms part of them.

72. The Complainant states in respect to paragraphs 46, 47 and 48 in the May 23, 2013 report that the Conflict of Interest Commissioner (or the Premier who is a Respondent) should REQUIRE DANNY SOUCY, the Minister of Post Secondary Education, Training and Labour to whom the NB Human Rights Commission reports to verify to the

20

Commissioner that he has had the information in the NB Human Rights Commission file corrected by his cabinet colleagues who are also Respondents to the human rights complaint to admit that paragraphs 46, 47 and 48 are correct and to admit all other allegations or statements that are correct in the Complainant's human rights complaint and other documents including any documents containing her comments in respect to the first and second reports prepared by commission staff in February and May 2013 respectively. The Conflict of Interest Commissioner (or the Premier who is a Respondent) should also require Danny Soucy to require the Respondents who are cabinet colleagues to provide to the Human Rights Commission ALL information that they have taken in directly or indirectly from persons outside government alleging that in their biased self serving opinions that the Complainant has mental health issues and it should be confirmed that they provided this information in respect to her private and confidential employment applications in open competitions to prevent the Complainant from being hired as a Lawyer III and in order to avoid the consequences of their involvement in the harassment of the Complainant or their other improper conduct and that those persons are entirely unqualified to form any such opinions or give any opinion evidence.

73. The Complainant states that the Cabinet Minister, Danny Soucy, knows or reasonably ought to know as a result of his Cabinet position that the government deliberately contravened the Human Rights Act and that offences have been committed right up to the present date by government officials and/or employees taking in information as to perceived mental health of the applicant in the employment hiring process which they used as a reason not to hire her in respect to competitions 10-44-02 and 10-44-03 completely contrary to the Human Rights Act and the Civil Service Act after the Premier and Cabinet HAD APPOINTED HER TO THE LAWYER III POSITION IN THE EMPLOYMENT AND ADMINISTRATIVE LAW GROUP ON DECEMBER 23, 2010. The Complainant states that the Conflict of Interest Commissioner and or the Premier who is a Respondent should have this verified in the human rights complaint file. Once so verified the Complainant states that the NB Human Rights Commission Members are aware that her Complaint is fully justified and that she is entitled to all relief claimed including the time limit extension.

74. Further information in respect to what occurred on the date of the interview on July 26, 2010 is set out in the Comments to the first report attached hereto and in the Complaint to the Conflict of Interest Commissioner.

75. In light of the information that has been provided in paragraphs 50 to 54 inclusive on pages 17 to 22 of the May 23, 2013 Report, the Complainant states that cross examination at a hearing is ABSOLUTELY ESSENTIAL. The Complainant further states that it appears that at any hearing or judicial review, an unbiased human rights tribunal and any judge should come to the conclusion easily that government officials and employees and the NB Human Rights Commission

staff have lied so many times and have said whatever they think will get the result they want to obtain rather than the truth based on realistic facts that NOTHING should be accepted from any of them at face value. This Applicant

21

has indicated to the Conflict of Interest Commissioner in her affidavit that the only way it would appear that there can be ANY certainty of a clear record of what occurred at an interview is if the INTERVIEWS ARE RECORDED SIMILAR TO COURT PROCEEDINGS by a method that cannot be tampered with in light of what it appears has been done to this Applicant. I have also expressed the serious concern that this SHOULD BE DONE IMMEDIATELY TO PROTECT ALL APPLICANTS before more lives are affected profoundly by improper actions of government officials and employees in open competitions. It is respectfully submitted that this has been verified by actual letters from various government officials and employees that are set out in the Complainant's complaint to the Conflict of Interest Commissioner or attached as an Exhibit thereto whereby they have contradicted each other or said things that were shown to be completely incorrect. Those letters are attached as an Exhibit or set out in the Complaint to the Conflict of Interest Commissioner that it appears the government has had filed in the Human Rights Complaint file. Danny Soucy should ensure that not only the 183 page complaint to the Conflict of Interest Commissioner BUT ALL EXHIBITS TO THE COMPLAINT to the Conflict of Interest Commissioner ARE ALSO IN THE FILE AS THEY WILL BE REQUIRED TO FORM PART OF THE RECORD FOR ANY JUDICIAL REVIEW APPLICATION in light of the human rights commission staff Jennifer LeBlanc and Anthony Abbandonato referring to and considering that complaint as set out on page 26 of the report of May 23, 2013.

76. The Complainant states that paragraphs 50 to 55 are more significant for what THEY DO NOT SAY than for what they say. As Andrea Folster DELIBERATELY MADE FALSE STATEMENTS IN BOTH RESPONSES that she prepared and filed on behalf of the Respondents there certainly can be no confidence in the information set out in paragraphs 52 and 53 on pages 17 to 22. Details of the behaviour of Nancy Forbes, Martha Bowes and other government officials in respect to other competitions since 2006 is set out in the Complaint to the Conflict of Interest Commissioner and in the documentation of the complainant filed in the human rights proceeding. This includes many details, in the document containing my comments to the first report prepared in February 2013 by Commission staff, which are relevant to the concerns as to the evaluation of the board of examiners that appears to be completely biased against this Applicant that rated candidates in the open competitions 10-44-02 and 10-44-03. The Complainant states that if the government wanted to ensure fairness and impartiality they would NOT have selected this Board of Examiners and in particular Martha Bowes. The Complainant further states that section 16 of the Civil Service Act REQUIRES the government to ensure THAT THERE IS AN IMPARTIAL BOARD OF EXAMINERS. In addition the first Report prepared by Commission staff in February 2013 referred to the fact that this Applicant had NOT provided the Letter of Robert Savoie of the Office of the Ombudsman IN RESPECT TO COMPETITION 06-44-04 indicating that this Applicant was a strong A rated candidate in the competition in the litigation group for a Lawyer III as set out in his letter. The original instructions from the human rights commission (in writing) was NOT to attach letters which presumably would be properly introduced in evidence at a hearing if proper procedure was followed. Here it appears that Andrea

22

Folster attached all sorts of inappropriate information to her Responses which it is respectfully submitted that this Applicant has shown objectively to be wrong in her Complaint to the Conflict of Interest Commissioner and in her documentation in the human rights complaint. In the May 23, 2013 Report the authors do not EVEN MENTION that letter nor that they reviewed that file. It is respectfully submitted that any OBJECTIVE REAL INVESTIGATOR WOULD HAVE REVIEWED THAT FILE AND WOULD HAVE RECOGNIZED that the information provided on pages 17 to 22 is completely worthless and that the hiring committee was biased and determined to prevent the hiring of this Applicant and that they WERE NOT LIKELY TO RECORD my responses properly NOR to rate them properly. Cross examination is necessary in any event as in the 2002 competition it appears that the file was altered before a review by the Ombudsman which information and details are set out in the Complaint to the Conflict of Interest Commissioner which forms part of the documentation in my human rights complaint file.

77. It is further stated by the Complainant that the selection committee's position and the Statement of Andrea Folster in the Response that this Complainant did not even qualify DOES NOT MAKE SENSE when all truthful information is provided as if I did not qualify they WOULD NOT HAVE HAD TO TAKE IN INFORMATION AS TO MENTAL HEALTH IN ORDER to find a reason not to hire me. This is addressed in detail in the Affidavit filed with the Conflict of Interest Commissioner as it appears the whole reason Martha Bowes and Michael Murphy allowed TOTALLY INAPPROPRIATE INFORMATION TO COME IN FROM OUTSIDE GOVERNMENT from totally biased and unqualified people as to this Complainant's mental health was in order to FIND A REASON NOT TO HIRE THIS APPLICANT BASED ON MERIT.

78. It appears all of a sudden it has been added in this report of May 23 , 2013 that they were looking for someone bilingual. If that was the case it would have been a requirement in the competition advertisement and there were English positions available in both competitions 10-44-02 and 10-44-03 or they would NOT have interviewed this Applicant for both positions. They cannot add it as a requirement now nor hold it against the applicant in assessing me. The bilingual preference was not even mentioned in the first report of Commission staff of February 2013 and at the interview I was specifically told that there was an immediate opportunity in the employment and administrative law group and that the decision would be made by September, 2010. The Premier as a Respondent should also confirm that it was a Lawyer III position in the employment and administrative law group to which I was appointed by him on December 23, 2010. It appears creative writing has been used and that Commission staff have written these reports based on deliberately false information provided by government officials and employees. It appears that anything will be stated that the authors believe will get the result that they want to obtain even though it is not based on reality nor the truth.

79. The dates that #'s 5 and 7 began work should have been provided as it may very well be that these persons were hired long after I was appointed on December 23, 2010.

23

80. It appears to have been intentionally deceptive of Jennifer LeBlanc and Anthony Abbandonato to not have attached the Letter of Robert Savoie in respect to the 06-44-04 open competition to their report nor to have mentioned that the Applicant was a strong A rated candidate nor to have mentioned that it was exactly the same type of position as the position advertised in the Litigation branch in the 2010 advertised competitions #s 10-44-02 and 10-44-03.

81. In respect to paragraph 58, it is completely incorrect and the authors of the report should have been able to accurately ascertain the facts even from the Complainant's comments in respect to the first report (attached to and forming part of these comments as they relate to and provide significant detail in respect to matters addressed by the authors in the second report), the information in the conflict of interest complaint and through a proper investigation which it appears clearly was not conducted by them.

82. The Complainant took information to the police station in respect to the harassment at the interview and during the week following the interview on or about August 4, 2010. The Complainant has clearly stated and the police file should clearly verify that immediately subsequent to that information being provided that the persons involved in the harassment were removed from their positions or otherwise disciplined and that it was put into process for the Complainant to be hired. The Chief of police and Premier Alward ( who is a respondent) should have verified that to the authors of the Report during any investigation. The Conflict of Interest Commissioner should also be able to require the verifying information be provided to him and provide same to the authors of the May 23, 2013 report. Both the Conflict of Interest Commissioner and Premier Alward as well as the Cabinet Minister who this Complainant understands would not go along with the other Cabinet Ministers in accepting the information from the persons involved in the harassment of this Complainant should be able to verify that this Complainant WAS APPOINTED TO THE LAWYER III POSITION WITH THE EMPLOYMENT AND ADMINISTRATIVE LAW GROUP ON DECEMBER 23, 2013 BY THE ALWARD CABINET. They should also be able to verify that Blaine Higgs as Minister of the Office of Human Resources ( now the Department of Human Resources) called this complainant to make the offer but did not complete it because he began to take in information from biased persons not qualified to give opinions outside government as to the Complainant's mental health in order that he could use that information as a reason not to hire the Applicant in respect to competitions 10-44-02 and 10-44-03. They should also be able to verify that Blaine Higgs did so to further the private interests of other persons or that by doing so there was the opportunity to further the private interests of other persons.

83. In respect to paragraph 59, it is stated that information in the conflict of interest complaint and in the other human rights documentation of the Complainant which Jennifer LeBlanc and Anthony Abbandonato have included as part of the file being submitted to the commission members clearly shows that it was unlikely and is

24

unrealistic to believe that Martha Bowes and the two other persons on the qualification appraisal board fairly evaluated this complainant for either position and that their assertions cannot be taken at face value.

84. In respect to paragraph 60 in the second report the Complainant states that the Conflict of Interest Commissioner can verify by requesting Cabinet Minutes that this occurred. In addition it would appear that as a Respondent Premier Alward is required to verify this to the investigators and could also confirm to them through cabinet Minutes as to what occurred

on December 23, 2010. It appears that NEITHER investigator, Jennifer LeBlanc NOR Anthony Abbandonato requested Verification in writing from the Premier nor did they request a copy of the cabinet Minutes.

85. In respect to paragraphs 63 to 69 the Complainant states that the Premier and the other respondents should

1) verify immediately and correct the false information filed in their Responses to my human rights complaint to show the FULL RECORD of information taken in by the government directly or indirectly in respect to the perceived mental health of this applicant from biased self serving bullies who need to destroy this applicant and prevent her from being hired in order to avoid the consequences of their involvement in the harassment or other improper conduct;

2) verify that this applicant has sustained extremely severe continuous harassment since December 23, 2010 right up to the present date as a result of the government contravening the Human Rights Act and taking in information as to perceived mental health issues from persons that do not like this applicant and are trying to destroy her livelihood who are not qualified to form opinions and could NEVER give opinion evidence in a court of law;

3) verify that paragraph 63 is correct.

86. The Complainant states that the Conflict of Interest Commissioner and Bruce Court should all have been able to verify that this applicant has been subjected to extremely severe harassment which should not be minimized by the authors of the May 23 2013 report who appear to have done a negligent and useless investigation designed to contact it appears only persons that support the government's position.

87. In respect to paragraph 70, the Complainant states that she has addressed those contents in detail in the Complaint to the Conflict of Interest Commissioner and in her Comments in respect to the first report of Commission staff prepared in February of 2013 and other human rights complaint documentation. It appears to be a deliberate and flagrant omission for the Respondents (and particularly the premier ) to NOT have admitted to the NB Human Rights Commission that the Ombudsman was required to resign from office as a result of his violation of his oath of office and mandate in his review of this Complainant's application in the 2009 specialized prosecution branch

25

competition as a result of his lying in his reporting letter and other improper conduct. Details are set out in the Complaint to the Conflict of Interest Commissioner that Jennifer LeBlanc and Anthony Abbandonato have included in the documents they have reviewed and in the human rights complaint file. The Conflict of Interest Commissioner should have been able to verify this to the investigators as he could request cabinet minutes showing what occurred. As the Premier and other Respondents know or reasonably ought to know that the Ombudsman's review of the 2009 competition and other competitions were not proper reviews it appears that paragraph 70 is a continued attempt of the respondents to deliberately give false information and to obstruct justice.

88. Further details in response to the allegations of the respondents set out in paragraph 70 and showing that this Applicant INDEED HAS AN EXTREMELY STRONG CASE WHICH IN FACT IS FULLY JUSTIFIED IF THE RESPONDENTS PROVIDE TRUTHFUL INFORMATION is set out in the Comments of this Complainant to the first report of Commission staff and that document is attached hereto immediately following and forms part of these comments in respect to the second report.

89. It would appear that the Respondents have again deliberately lied in the information provided to the investigators in paragraph 73. The Applicant requested a statement of reasons in respect to competitions 10-44-02 and 10-44-03 from the Respondent, Deputy Minister Doug Holt in writing in March of 2012 and Doug Holt acknowledged receipt of her 9 page complaint and request for reasons by a read acknowledgement shortly after she sent it to him. He has not however, provided the statement of reasons nor provided a statement as to why reasons were not being provided which he is MANDATED to do under the Civil Service Act if he is not providing the statement of reasons. If he has denied receiving the request for reasons cross examination is certainly necessary as his failure to provide them has been dealt with on many occasions with the Premier, and is fully set out in the Complaint to the Conflict of Interest Commissioner. The Conflict of Interest Commissioner should also be able to require that Doug Holt produce the written request sent to him as part of the Commissioner's investigation. The Premier should also be able to verify that it has been requested from him ON MANY OCCASIONS that the deputy Minister of the office of human resources, Doug Holt provide the statement of reasons and respond to the request sent to him and that the request for the statement of reasons was also made in the December 2011 complaint to the clerk of the legislative Assembly in respect to the Premier and Blaine Higgs.

90. The Conflict of Interest Commissioner should be extremely concerned that the Respondents WOULD ALLOW PARAGRAPH 76 TO STAND IN THE MAY23, 2013 REPORT WITHOUT CORRECTING IT as they have had the report of May 23, 2013 the Complainant understands for as long as she has had it. The Conflict of Interest Commissioner should investigate the MLA's who are respondents for their decision NOT to correct paragraph 76 as it would appear that they have done so in order to further the private interests of others or that they would know that there is the opportunity to further the private interests of themselves or other persons BY NOT CORRECTING IT. THE

26

CONFLICT of INTEREST COMMISSIONER and ANY JUDGE ON JUDICIAL REVIEW SHOULD BE HORRIFIED that the Premier and Cabinet would cause the SEVERE HARASSMENT OF THIS APPLICANT SINCE December 2010 by taking in information from biased unqualified persons that this applicant in their opinions or perceptions has mental health issues and use that information to affect her being hired as a Lawyer III in competitions 10-44-02 and 10-44-03 ( and knowing or reasonably ought to know that prior governments had done this in respect to prior competitions) and then NOT CORRECT a report that states in paragraph 76 (after making the statements that it makes in paragraph 75), :

"76. The respondents maintain that they did not perceive the Complainant

to have a mental disability. The Complainant was considered for all

competitions, however she was not an "A" candidate and therefore

not eligible for the position.

90. It would appear that paragraph 76 is a cold calculated deliberate false statement again made to get the result that the Respondents and the NB Human Rights Commission staff want to obtain which is to dismiss the Complainant's complaint to cover up and prevent public scrutiny of their conduct at a public hearing.

91. The Complainant states that for the authors of the report to mention multiple competitions and say that the Complainant was NOT an A candidate when they have the Letter of Robert Savoie of the Office of the Ombudsman dated June 11, 2007 in their file which was forwarded as part of this Complainant's comments in respect to the first report of February 2013 and to NOT ATTACH that letter is it would appear further deliberate obstruction of justice. That letter is ALSO ATTACHED as an EXHIBIT to my Complaint to the Conflict of Interest Commissioner which forms part of the file along with the second report as it is listed as a document reviewed and considered and the Letter should be available as part of the file and to any judge on judicial review.

92. In respect to paragraph 77 the Complainant states that the information clearly set out in her human rights complaint and all other documentation including her comments to the first report of Commission staff of February 2013 and the information set out in detail in her conflict of interest complaint and the exhibits attached clearly show that:

1) the human rights complaint of the Complainant is fully justified with the time limit fully extended as requested;

2) the Respondents have provided false information deliberately and the authors of the report have based their reports of February 2013 and May 23, 2013 on the false information;

3) a proper investigation and truthful information would not result in the conclusions

27

adverse to the Complainant that it appears the authors of the report have reached in paragraph 77 and

4) In respect to vii, viii and ix of paragraph 77, the Complainant states that a proper investigation done by a competent impartial unbiased human rights commission would have required truthful information in the responses and admission by the respondents of the information the Respondents have taken in over this Complainant's objections from persons outside government as well as details of the information in respect to perceived mental disability including the names dates and times and locations. The Complainant states all information set out in vii, viii and ix would have been obtained



by competent impartial investigators in a human rights commission where there was no conflict. In the alternative on cross examination at a hearing as a result of the credibility issues all of these details can be obtained from the Respondents and anyone else necessary subpoenaed together with any records of such information or any other necessary relevant documents.

93. It would appear that the current investigators and authors of the February and May 23 2013 reports are prepared to allow the government to take in information prohibited by the Human Rights Act in secret and refuse to give the Complainant the opportunity to respond and then try to suggest the Complaint is not justified if the secret information is not disclosed. The Complainant states that the fact that the government won't provide the details of the information as to perceived mental health that they have taken in appears to clearly show that they know to take in such information was wrong and in fact the Complainant states it is clearly an offence under the Human Rights Act. The job of the investigators in the Human Rights Commission was to uncover information the government does not want to disclose and it appears that the authors of the current report have not done so and have it appears been clearly negligent in their investigation.

94. In respect to paragraph 79 the Complainant states that the recommendation is NOT in conformity with the law, with the information reasonably available and is made the Complainant respectfully submits as a result of the bias of the authors of the report and the conflict of interest that existed in April 24 2012 and WHICH CONFLICT WAS DECLARED BY SARINA MCKINNON. The Complainant states that NO STEPS SHOULD HAVE BEEN TAKEN BY ETHICAL PERSONS SUBSEQUENT TO APRIL 24, 2013 EXCEPT TO BRING IN an unbiased human rights commission from outside the province to handle this Complainant's complaint in its entirety as required by LAW and the RULES of Natural Justice and the Law Society Rules of Professional Conduct and the Member's Conflict of Interest Act.

95. It is submitted that the recommendation in 80 is wrong and that this Complainant's Complaint is fully justified and should be fully extended as requested in the time limit extension and heard by a Board of Inquiry from outside the province to ensure impartiality. It is stated that ALL STEPS TAKEN BY THE NB HUMAN RIGHTS COMMISSION AFTER APRIL 24, 2012 when Sarina McKinnon declared a conflict

28

(which fact has been hidden and not disclosed by the NB Human Rights Commission until the May 23, 2013 report) are invalid. It is stated that the NB Human Rights Commission should get advice from outside counsel if they are NOT TOLD that they have NO AUTHORITY TO ACT in light of the conflict of interest and ALL THEY CAN DO IS REFER THE ENTIRE MATTER TO an unbiased human rights commission from outside the province.

96. By including the Complaint of this Complainant to the Conflict of Interest Commissioner as part of the human rights complaint file the Complainant states that the government and the NB Human Rights Commission have placed an ethical obligation on the Conflict of Interest Commissioner to advise the NB Human Rights Commission IN WRITING BEFORE June 26, 2013 that the government HAS taken in information from persons involved in the harassment of the Complainant to the effect that she has mental health issues based on their unqualified perceptions and has used that information to deny her the positions 10-44-02 and 10-44-03 as well as other Lawyer III positions. The Conflict of Interest Commissioner also has direct information or the ability to get it from Cabinet Minutes that Premier Alward appointed this Applicant on December 23, 2010 and that Blaine Higgs called this Applicant to make her an offer but never completed it.

97. The Conflict of Interest Commissioner also has direct information or the ability to get it that Andrea Folster has deliberately prepared pleadings that make false statements in respect to the government never having taken in information from persons outside government and has made false statements in respect to it not having taken in information in respect to the Complainant's perceived mental health from persons involved in the harassment of the Complainant in addition to providing false information in respect to other matters which false information should have been corrected by the Respondents, 3 of whom are subject to the Members' Conflict of Interest Act.

98. The Complainant states that the Conflict of Interest Commissioner has the ability and the professional obligation to call evidence in respect to the complaints before him which is essential in light of the credibility issues as there is no other way to test the evidence and he has all the powers of a Commissioner under the Inquiries Act to do so. After a full public inquiry there should be no doubt whatsoever that the Responses prepared by Andrea Folster are deliberately false. The Complainant respectfully submits that the same information would be available on cross-examination of the respondents at a public hearing before a Board of Inquiry on my human rights complaint in light of the credibility issues involved in the Human Rights Complaint proceeding and the Judge on judicial review should have serious concerns as to the failure of the NB Human rights Commission to uncover proper and available information during its investigations and its failure to

recommend a hearing and even more importantly its failure to ensure the matter was entirely handled by an unbiased human rights commission THAT DID NOT HAVE A CONFLICT OF INTEREST.

99. However, the Complainant states that at this time the Premier KNOWS and the

29

Conflict of Interest Commissioner knows or reasonably ought to know that INFORMATION AS TO PERCEIVED MENTAL HELATH of this Complainant was DELIBERATELY taken in by the government to affect the hiring of me in the employment competitions 10-44-02 and 10-44-03 contrary to the Human Rights Act and such information as to perceived mental disability was deliberately used by the government to deny the Complainant the Lawyer III position and that the government has caused DELIBERATE SEVERE HARASSMENT in order to discredit this Applicant to try to cover up that it has done so and to avoid disciplining or removing from their positions many persons within government and many persons of various employers including the City of Saint John from whom it has taken in information to affect this Applicant's private and confidential employment applications.

100. The second Report of Jennfier LeBlanc now appears to add another author, Alex Abbandonato. Jennifer LeBlanc has not disclosed if she has any conflicts or if she is related to Bernard LeBlanc or Yvon LeBlanc.

101. It would appear that this second Report is clear proof that either the NB Human Rights Commission staff are completely inept and incapable of investigating human rights complaints or they are deliberately ignoring evidence that is known to the Premier and other Respondents that they should easily have been able to obtain that clearly showed inquiries direct or indirect were made by the government as to this Complainant's perceived mental health in complete violation of the Human Rights Act from people who would not be able to give any such opinions but who do not like this Applicant and want to destroy her livelihood.

102. In fact the May 23, 2013 Report should have stated that offences under the Human Rights Act have occurred from at least the date of the interview in July of 2010 right up until the present date as the Conflict of Interest Commissioner or the Premier should verify that information as to the Complainant's mental health as PERCEIVED BY PERSONS INVOLVED IN THE HARASSMENT OF THE COMPLAINANT ( which harassment should give insight on a practical basis as to their character ) has been taken in continuously by government to affect the hiring of the Complainant in respect to Competitions 10-44-02 and 10-44-03 in complete contravention of the Human Rights Act requirements.

103. The Conflict of Interest Commissioner as a former trial judge and appeals court judge should IMMEDIATELY verify TO THE NB Human Rights Commission that NOTHING JUSTIFIES the RESPONDENTS NOR ANDREA FOLSTER DELIBERATLEY MAKING FALSE STATEMENTS in order to defeat the Complainant's Human Rights Complaint. In fact it would appear that he should confirm that it is a criminal offence in addition to an offence under the Human Rights Act and a clear deliberate obstruction of justice.

104. In fact the Complainant states that a judge on judicial review should find that this

30

situation basically comes down to the government going to EXTREME LENGTHS to destroy this Applicant in order to cover up wrongdoing of MLA's and other officials and employees.

105. The Complainant states that as predicted by her and set out in her documentation earlier in this proceeding that this second report is PROOF that the government and the NB Human Rights Commission are NOT at arms length and that on cross examination or on judicial review it should be found that the government and the NB Human Rights commission are and have been colluding to dismiss this Complainant's human rights complaint from the time that she commenced it.

106. The Complainant states that her Complaint is fully of merit and that the Conflict of Interest Commissioner should verify this to the NB Human Rights Commission or require the Premier to verify it and correct the false information filed in the responses as the premier is a respondent as they have put the Conflict of Interest Commissioner in the position of doing so. At the very least the Complainant states that the Conflict of Interest Commissioner should verify or require the Premier to verify that there has been information as to perceived mental health of the Complainant taken in from people outside government that are not qualified to form any such opinions and who may very well have mental health issues themselves which information has been used to affect the hiring of the Complainant in competitions 10-44-02 and 10-44-03 contrary to the Human Rights Act. He should also verify that his investigation has shown or steps taken as a result of

the complaint made to him have shown that the persons involved in the harassment are severely harassing, following, watching and manipulating circumstances to provide any information they can provide to hurt this Complainant to protect their own jobs or professional positions or to avoid other adverse consequences of their behaviour.

Respectfully Submitted,

Mary Ellen Rose

Attached to these Comments re the second report of May 23, 2013 and forming part of these comments please find the Comments of the Complainant Mary Ellen Rose in respect to the Report of Commission Staff of February 2013.

# EXHIBIT 16.7

## **Landry-Richard, Rosanne (COI)**

---

**From:** Rose M  
**Sent:** Friday, June 28, 2013 1:20 PM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Conflict of Interest Complaints – Mary Ellen Rose

Rosanne Landry

Friday, June 28, 2013

I would request your response by return e-mail today providing the following information:

1) I understand that The Honourable Patrick Ryan, Q.C. is no longer the Conflict of Interest Commissioner from a CBC news Broadcast on Thursday, June 20, 2013 and that a former trial judge, the Honourable Mr. Justice Landry has been appointed by Premier Alward in a cabinet meeting on that Thursday.

Would you please confirm if that is the case.

2) If so, would you please provide the following information immediately:

- a) the date of the last day in office of the Honourable Patrick Ryan, Q.C. as Conflict of Interest Commissioner;
- b) the date that he forwarded my Conflict of Interest Complaint to Members of the Legislature or to anyone else and specifically the names of all persons to whom he forwarded it as I understand that it has been released by your office;
- c) if any written responses have been received by your office from any of the Members of the Legislative Assembly who are the subjects of the Complaints;
- d) the date that the new Conflict of Interest Commissioner assumes the position as the biography of Conflict of Interest Commissioner Ryan is still on the website today.

I await receipt of the requested information from you today or at least I would request that I be provided with the responses to 1 and 2a and 2 d immediately today as it is a public office and my complaints are before it.

I trust the above is to your satisfaction in the circumstances and I thank you in advance for your professional courtesy and co-operation in this matter.

Mary Ellen Rose

# EXHIBIT 16.8

## Landry-Richard, Rosanne (COI)

---

**From:** Rose M  
**Sent:** Tuesday, July 02, 2013 10:45 AM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Conflict of Interest Commissioner - Complaints - Mary Ellen Rose

Rosanne Landry

Tuesday, July 2, 2013

May I please have the information this morning that I requested in the e-mail to you on Friday, June 28, 2013.

I trust the same is to your satisfaction in the circumstances. I thank you in advance for your prompt attention to this matter and I await your immediate response.

Mary Ellen Rose

# EXHIBIT 16.9



**Landry-Richard, Rosanne (COI)**

---

**From:** Rose M  
**Sent:** Wednesday, July 31, 2013 8:04 AM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose - URGENT

Mary Ellen Rose

145 Westmorland Road

Saint John, New Brunswick

E2J 2E5

July 30, 2013

The Honourable Patrick A.A. Ryan, Q.C.

Legislative Building, Centre Block

P.O. Box 6000

Fredericton, New Brunswick

E3B 5H1

Canada

Dear Sir:

Re: Notice of Application in Court of Queen's Bench (Trial Division)

I acknowledge receipt of your letters dated July 3, 2013 and July 22, 2013. It is my understanding from the Members' Conflict of Interest Act that once a new Conflict of Interest Commissioner has been appointed, you have no further statutory authority to proceed.

I have commenced an application in the Court of Queen's Bench of New Brunswick (Trial Division) for judicial review of the actions of the New Brunswick Human Rights Commission in respect to the handling of my human rights complaint and I have joined in other related issues.

It is my understanding that you have not used your usual procedure in respect to my complaints as a result of incorrect and improper information provided to you directly or indirectly by one or more of the MLA's the subject of the complaints.

I have requested judicial review of what has occurred in respect to my conflict of interest complaints under the Members' Conflict of Interest Act and that you be prevented from proceeding as you no longer have statutory authority to do so as well as other related relief.

Would you please confirm by return e-mail today (and I will acknowledge by e-mail that I have received your response if you wish) that you will extend professional courtesy to me and facilitate service by signing an acknowledgement of service pursuant to the Rules of Court Form 18 which I have prepared (in anticipation of your professional courtesy and cooperation) and which is ready for your signature. I would appreciate your response

Page 2

on Wednesday, July 31<sup>st</sup>, 2013 and I will then send the documents together with the acknowledgement of receipt card in the mail to you. Please return the signed acknowledgement of receipt card to me forthwith.

Would you please also provide to me two copies of the complete record of your administrative proceedings for me to include in the record as the court will need it for the judicial review. Please certify that it is complete and include a list of all documentation in your file along with the documentation provided and set out on the list any documents not provided in order that the court may rule upon the production of anything not provided as is necessary. The documentation to be provided would include but not be limited to:

- 1) My affidavit complaint sworn April 15, 2013;
- 2) My letter to you dated April 22, 2013;
- 3) My letters to you in respect to developments during your handling of the complaint;
- 4) Any information provided to you by the Respondents to the complaints or received by you from any other source in written form;
- 5) Summaries of any oral information provided to you by the Respondents to the complaints or received by you from any other source;
- 6) ANY AND ALL other information sent, received or used by you since you received my complaints concerning Members of the Legislative Assembly and since you released my complaints to the Members of the Legislative Assembly including but not limited to copies of the letters you sent to each MLA sending them the complaint, showing the date and all other particulars and any notification that you sent to the Speaker of the Legislative Assembly;
- 7) any and all other relevant information, material or documentation.

Would you please also confirm that you or your administrative assistant will facilitate service on the current Conflict of Interest Commissioner who I understand was appointed on June 20, 2013 and that you will provide to him the acknowledgement of service and documents that I have for service on him as he is also a party to this application for judicial review pursuant to Rule 69 of the Rules of Court and that you will return the acknowledgement of service to me or have it returned to me. Your anticipated co-operation and courtesy in this regard and that of the new Conflict of Interest Commissioner is anticipated and appreciated. Upon your confirmation, I will forward those documents to you as well for provision to him and request that you or he

Page 3

return the acknowledgement to me forthwith.

I thank you for your anticipated professional co-operation and courtesy in this matter.

Yours sincerely,

# EXHIBIT 17

Conflict of Interest Commissioner  
Officer of the Legislative Assembly

The Hon. Patrick A.A. Ryan, Q.C.

July 3, 2013



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

L'hon. Patrick A.A. Ryan, c.r.

**PRIVATE AND CONFIDENTIAL**

**PRIORITY COURIER**

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB  
E2J 2E5

Dear Ms. Rose:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

I have informed the ten Members of the Legislative Assembly of your complaint against each of them.

It is my intention to grant you the opportunity of appearing before me in the near future to address your concerns, the specifics of which, I will advise you shortly.

In the meantime, I presume that you will be providing me, as part of your complaint, with a copy of the latest report from the Human Rights Commission.

I intend to make the necessary determination for the disposition of your complaint so that when the new Commissioner is eventually sworn-in he will be in a position to commence office with a reasonably fresh slate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner

/rlr

*Sent July 3 / 13  
Priority Courier*

# EXHIBIT 18

Conflict of Interest Commissioner  
Officer of the Legislative Assembly



Commissaire aux conflits d'intérêts  
Fonctionnaire de l'Assemblée législative

The Hon. Patrick A.A. Ryan, Q.C.

L'hon. Patrick A.A. Ryan, c.r.

July 22, 2013

**PRIVATE AND CONFIDENTIAL**

**PRIORITY COURIER**

Ms. Mary Ellen Rose  
145 Westmorland Road  
Saint John, NB  
E2J 2E5

Dear Ms. Rose:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

In my letter to you of July 3, 2013 I indicated that I expected a copy of the current Human Rights Commission report following the Commission meeting on June 26, 2013. I need this to continue the investigation.

If you wish, please forward your copy to me and I will make a copy of it as well as prepare an extra copy for you and return your copy plus one for your records.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ryan".

Hon. Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner

/rlr

# EXHIBIT 19

## **Landry-Richard, Rosanne (COI)**

---

**From:** Rose M  
**Sent:** Monday, August 19, 2013 11:52 AM  
**To:** Landry-Richard, Rosanne (COI)  
**Subject:** Mary Ellen Rose Response to August 7, 2013 Letter of P. Ryan

Mary Ellen Rose

145 Westmorland Road

Saint John, New Brunswick

E2J 2E5

Monday, August 19, 2013

Former Conflict of Interest Commissioner

The Honourable Patrick A.A. Ryan, Q.C.

Legislative Building, Centre Block

P.O. Box 6000

Fredericton, New Brunswick

E3B 5H1

Canada

Dear Sir:

Re: Notice of Application in the Court of Queen's Bench of New

Brunswick (Trial Division) Court File No. S/M/51/13

Re: Judicial Review of the Decisions of the NB Human Rights

Commission dated April 24, 2013 and June 26, 2013 and other relief

I acknowledge receipt on Monday, August 12, 2013 of the Acknowledgement of Service of the judicial review documents duly executed by you and thank you for your prompt acknowledgement of service. Your professional cooperation and courtesy in returning the acknowledgement forthwith is appreciated.

In respect to paragraph 2 of your letter dated August 7, 2013 I would indicate as follows. Your conclusion that I have decided not to cooperate any further with your investigation is simply incorrect as you should be aware. I have not unilaterally nor incorrectly determined that you have no jurisdiction. The authorities that I have checked which indicate that you have no jurisdiction state essentially as follows:

The exercise of a power derived from statute has only the powers the



statute gives to the person exercising them. A person ceases to have the right to exercise statutory powers upon the expiry of appointment, resignation, death, upon the appointment of a new conflict of interest commissioner etc. unless the statute provides that the appointment continues for the purpose of completing ongoing proceedings and rendering decisions. If a decision was signed while the appointment was in effect, it does not matter that the decision was released some time after the appointment ended.

Page 2

The Members' Conflict of Interest Act clearly shows that you have no authority after a new Conflict of Interest Commissioner was appointed on June 20, 2013.

It was announced on a CBC news broadcast that a new Conflict of Interest Commissioner, Landry was appointed on June 20, 2013.

It appears very strange that you would wait until August 7, 2013 to provide to me the statements of the ten members of the Legislative Assembly that are the subject of the complaints and then suggest that you are going to render your decision because I would not cooperate. It would appear you would have been well aware that there would not have been sufficient time for me to even respond before September 1<sup>st</sup>, 2013 to the contents of those letters let alone for you to hear evidence as is necessary where there are credibility issues and which is provided for under the Members' Conflict of Interest Act.

It would appear that the only reason that I received the letter from you of August 7, 2013 is BECAUSE I commenced the judicial review proceeding.

The timing of that application was wholly CAUSED by what appears to be the unilateral and arbitrary and totally improper actions of the Human Rights Commission staff and Commission members which concerns will be addressed in the judicial review application as you are aware.

There are serious concerns that you have been influenced by the very powerful members of the Legislature who are the subject of the complaints and it appears in light of the contents of their letters that they expect that you will be dismissing my complaints ( similar it appears to what the New Brunswick Human Rights Commission has done) without any proper consideration or public hearing.

Although these issues will be dealt with in the judicial review application, in light of your letter I will give a couple of examples.

It would appear had you sent to me the letter of Blaine Higgs on or about June 25, 2013 for comment at that time, that at that time you should have referred the matter to the police for investigation as it appears that there is a deliberate attempt to obstruct your investigation and to provide fraudulent information to get the result that he wanted obtained.

Blaine Higgs has not indicated to you in that letter that he met with a man named David Trott and discussed my applications with him for a Lawyer III position in the Litigation Group and the Employment and Administrative Law Group of the Legal Services Branch of the Department of Justice, Office of the Attorney General. It also appears that he failed to mention to you that that man CALLED me from Blaine Higgs Office and asked me for the competition numbers of those two competitions. That phone call would register on his

Page 3

phone lines and should be readily available to the police. The man advised me that he knew Blaine Higgs who he said was a friend and offered to speak to him to help me to MAKE SURE THAT BLAINE HIGGS and others in government were not taking in any improper information from persons outside government as to my mental health or anything else negative as that had occurred under the prior Liberal government and David Trott knew that that had occurred and **he offered to help me**. This man acknowledged to me that the government was taking in information from persons outside government to the effect that I had mental health issues or other negative information subsequent to his discussions with Blaine Higgs and on a number of occasions that man came and met with me and then advised me that he was immediately going to meet with or talk to Blaine Higgs and subsequently confirmed to me that he cleared up the negative information that was being provided to the government by persons within the community involved in the harassment. I believed that it was wrong for Blaine Higgs not to meet with me particularly as he was meeting with this man to discuss my private and confidential employment matters. I attempted to contact Blaine Higgs as I was very concerned that he would meet with this man and discuss my private and confidential employment applications without me present and WITH NO WRITTEN AUTHORIZATION from me.

Blaine Higgs has NEVER spoken to me and he is or reasonably ought to be aware of that. The man told me that Blaine Higgs did not want to meet with me and that I had to go through him which I did on numerous occasions until about March of 2011 as I had no other alternative. I believe that a police investigation will find that this man became involved in the harassment whether influenced by Blaine Higgs or other persons and that he and other persons involved in the harassment have given negative information to the government right up to the present date. In fact I believe you are aware that such information has been taken in after I made my complaint to you in April of 2013. Are you really prepared under oath to deny that the government has taken in information from persons outside government to the effect that I have mental health issues or other negative information or to deny that has occurred in a written decision?

There are very serious concerns that require police investigation it would appear particularly in light of Blaine Higgs' letter. I understand that around the time I received a letter saying that I was not being given the job in May of 2011, that the niece of David Trott was hired by the government. There may be many more serious concerns that will be revealed by proper cross-examination at a hearing of the complaints under the Members' Conflict of Interest Act or in a public hearing before the New Brunswick Human Rights Commission or a proper unbiased police investigation.

Another example of a serious concern would be that the letter of Premier Alward states that he can confirm as a Respondent to my human rights complaint that no false information was provided to the commission and that no collusion exists. In one of the responses of David Alward and the other Respondents to my human rights complaint it is stated words to the effect that the Respondents deny any knowledge of a perceived mental

Page 4

disability yet David Trott specifically went to meet with Blaine Higgs because such information was improperly being taken in and he on a number of occasions cleared up improper information that was used to suggest that I had mental health issues. In fact on one occasion I told him that my mother had wanted me to go out and get the pigeons off of her roof and he told me that if I went out and did that, that they (referring to the people involved in the harassment) would use that to say that I had really lost it (meaning that I had mental health issues.) What it appears really was happening is that as a result of being targeted by the bullies at that time I was not able to do what I wanted to do without it being given an unreasonable interpretation in accordance with the bullies objectives in order that they could get the result they wanted to obtain. Indeed on the news at that time were items about concerns and measures being taken in Fredericton and Halifax to deal with problems with pigeons. I believe that you are aware from the information provided by the government to you since I made my complaint to you that persons are STILL watching my every action etc and putting unreasonable and negative interpretations on them to accomplish their objectives of destroying my livelihood.

In December of 2010 David Trott came and met with me in respect to the actions of the people involved in the harassment around the time and immediately after I received the phone call from Blaine Higgs on December 23, 2013 right during the Christmas holidays in light of the urgent nature of the actions of the persons involved in the harassment in interfering in my being given the Lawyer III position. David Trott confirmed that Blaine Higgs had called me to make the offer and he confirmed to me that he went and met with Blaine Higgs and cleared up the negative allegations of the persons involved in the harassment and it was understood that I would get the phone call from Blaine Higgs completing the job offer very shortly. When it appeared that Blaine Higgs was continuing to take in inappropriate information from the persons involved in the harassment as to my mental health I called him to attempt to arrange to meet with him. It appears that rather than meet with the person and see first hand that there were no concerns he chose to allow the bullies to continue to harass me and rely upon their improper information which was repeatedly cleared up by David Trott who repeatedly came and met with me to get the information to clear up the negative allegations and then confirmed to me that he had cleared up the incorrect information that had been given to Blaine Higgs. Although there are many details and facts that can be

provided and that would be revealed upon cross examination of Blaine Higgs and David Trott, it appears that Blaine Higgs has DELIBERATELY obstructed your investigation and mislead you in writing by not admitting that he took in information directly or indirectly as to my perceived mental health from biased persons who cannot form such opinions and by failing to admit that he met with David Trott and discussed my employment applications.

It also appears deliberately deceptive that Blaine Higgs did not mention to you that I made a complaint to the Clerk of the Legislative Assembly in respect to him and Premier Alward in respect to their actions in December of 2011. I received an acknowledgement from the Clerk of the Legislative Assembly at that time that she received that complaint. I

Page 5

believe that Bruce Court or another city councilor at that time could confirm in the judicial review proceeding or an impartial police investigation as to what actions were taken to deal with some persons involved in the harassment after I made that complaint in December of 2011.

It also appears deliberately deceptive that Blaine Higgs did not mention to you that while he was Minister of the Office of Human Resources ( now the Department of Human Resources) that in March of 2012 I MADE A FORMAL COMPLAINT to Doug Holt, Deputy Minister of the Office of Human Resources pursuant to the Civil Service Act and provided to him a copy of my complaint of December 2011 in respect to the Premier and Blaine Higgs and a copy of my complaint in March of 2010 in respect to the Ombudsman. Receipt of all of this documentation was acknowledged by Doug Holt to me. Blaine Higgs remained Minister of Human Resources until I understand about October of 2012. He reasonably ought to have been aware of this complaint and the statutory obligation of his Deputy Minister to respond to it and yet he does not mention it. Doug Holt never provided the statement of reasons he was required to provide or the statement as to why he was not providing reasons which he was STATUTORILY obligated to do. One or the other MUST be provided under the terms of the Civil Service Act. If I was not qualified or there was any valid reason why he was not providing a statement it would appear he would have honored his statutory duty. It would appear that the Letter of Blaine Higgs to you as Conflict of Interest Commissioner in the course of your investigation was deliberately false and fraudulent and designed to obstruct your investigation.

It would appear that Premier Alward has also deliberately obstructed your investigation in writing and mislead you when he states in the last full paragraph of his letter that as a respondent to my human rights complaint he can confirm that no false information was provided to the commission and that no collusion exists. One of the statements of the Respondents in one of their Responses to my human rights complaint was to the effect that the Respondents deny any specific knowledge of a mental disability or a perceived mental disability of Ms. Rose. It would appear that his written statement to you in his letter of July 30, 2013 is deliberately intended to obstruct justice as information was deliberately taken in by Blaine Higgs directly or indirectly in respect to my mental health and David Trott specifically met with me and then met or talked with Blaine Higgs on MANY occasions to clear up that the negative information from the persons involved in the harassment was wrong. Premier Alward clearly knows this or reasonably ought to know this and that a complaint was made in December of 2011 in respect to him and Blaine Higgs and an objective police investigation should clearly show he dealt with that complaint and that he has continued to deal with the matter of my being hired and that directly or indirectly he has continued to take in negative information about me from the persons involved in the harassment right up to today's date. Premier Alward also clearly knows that on December 23, 2010 Cabinet appointed me to a Lawyer III position and any objective police or other investigation should show this or cross-examination at a public

Page 6

hearing should show these facts.

As a further example, it would appear that cross examination and a proper objective police or other investigation will also show the letter of Marie Claude Blais is deliberately false and intended to obstruct the investigation and is designed to cover up any wrong doing as it does not deal with the true facts.

One further example is that it would appear that the letter of Victor Boudreau is entirely without credibility and is deliberately false and designed to obstruct your investigation and that cross examination is clearly needed. Victor Boudreau is I understand the former executive assistant to the former Ombudsman Bernard Richard. I made a complaint to Premier Graham in March of 2010 and receipt of that complaint was acknowledged to me by the executive assistant of Premier Graham and former Attorney General Kelly Lamrock. That complaint was it should be easily confirmed dealt with my Premier Graham and Cabinet and Bernard Richard was required to resign as a result of his conduct. For Victor Boudreau to claim he is not familiar with my name is simply not credible and any objective police or other investigation

and cross examination at a public hearing together with any necessary evidence from other witnesses should show that clearly. It would appear that his letter is deliberately false and intended to obstruct the investigation and is designed to cover up any wrong doing as it does not deal with the true facts.

As one final example, the letter of Bernard LeBlanc also appears to be completely without credibility and deliberately intended to obstruct your investigation. Cst Jeff Hamilton specifically dealt with clearing up information the government improperly took in about me from persons involved in the harassment and it should have been confirmed to you by Bernard LeBlanc in his letter to you **BASED ON TRUE FACTS** and not on facts as they would like them to be, that as a result of Cst. Hamilton's involvement Michael Murphy was removed from his position. Bernard LeBlanc replaced Michael Murphy as Minister of Justice and Cst Jeff Hamilton specifically met with me and took in further information to clear up incorrect negative information of the persons involved in the harassment **AFTER** Bernard LeBlanc was Minister of Justice and he confirmed to me that he would further contact the government and deal with the harassment situation. I made a complaint to the Ombudsman in respect to competition 09-45-10 when Bernard LeBlanc was Minister of Justice and I made a complaint to the Premier concerning the Ombudsman's conduct in March of 2010 as indicated above. For Bernard LeBlanc to not acknowledge that I made those complaints and that he was aware of them and their results and that his department ran further competitions in which I was an applicant in May of 2010, as well as many other things which I would deal with in reply had you sent his July 10 letter to me in a timely manner, is simply not a forthright response by him. An objective police investigation and cross examination in light of the credibility issues would it appears have been immediately warranted as it appears his letter and particularly the last paragraph thereof is a deliberate attempt to obstruct justice and simply does not

Page 7

provide accurate and forthright information.

In fact Bruce Court offered to be one of my references on July 22 of 2010 for the competitions in Bernard LeBlanc's department for which I had an interview on July 26, 2010 because of the bullying that was occurring. He met with me briefly the next day on Friday, July 23, 2013 and gave me his card for his contact information to give at the interview which I did.

One of my written references that is not one of the ones I attached to my affidavit complaint to you that was provided to me by a former judge in Ontario who I appeared in front of over a period of years mentions on his own initiative words to the effect that he tells lawyers they cannot change the facts and that I was a formidable advocate and that I did not try to change the facts but made my arguments based on the true factual situation.

In fact it would appear that the harassment has now grown to the extent that the persons involved in the harassment are trying to categorize my mother's ordinary actions as gloating. Instead of trying to suggest that it means I have mental health issues for pointing out what the persons involved in the harassment are doing and for trying to get it stopped, it would appear that any objective responsible government minister, you, or anyone else should be concerned about the actions of any official who would take in this type of negative information from persons involved in the harassment of me particularly without meeting with me, without allowing cross-examination to test the information and any other number of proper safeguards designed to protect against such abuse.

In fact the persons involved in the harassment have acted the way they did in 2010 when David Trott and Blaine Higgs met concerning the negative information they were providing at that time as to my mental health. I understand now that those persons or others associated with them are trying to suggest that my mother's actions or my actions mean that we are gloating as they understand the government will now accept that type of information to prevent hiring me at this time. About two weeks ago, they acted as they did in 2010 when they were gloating about characterizing me as having mental health issues when my mother went out and put a bag in the lawn waste area late at night so it would not blow away that she had gathered garbage in earlier that day which she just noticed as she was closing the drapes at night. There was a huge reaction of the bullies as has occurred in the past and you would likely find someone reported this as gloating rather than the normal action it was. On last Friday night I brought my mother's slippers in which she had washed and put out back on her veranda to dry during the afternoon. As they had not dried by evening when the sun was no longer on her back veranda but now on her front veranda she put them on her front stairs in the sun to finish drying. There was a huge reaction of the bullies when she did so and a huge reaction of the bullies when I checked at her request to see if they were dry. They were and I brought them back in for her. For you or anyone else to cover up or assist the government to cover up that it has been taking in this type of information from persons involved in harassing me is

Page 8

extremely wrong. To try to suggest or imply that I have mental health issues for recognizing what the bullies and the government are doing and taking measures to get it stopped is I believe completely unethical and wrong.

My judicial review proceeding is extremely warranted and it appears not only had you stopped any investigation but you were no longer conflict of interest commissioner as of June 20, 2013 when a new conflict of interest commissioner was appointed. The calling of any necessary witnesses, and there are many who would know that the government has engaged in deliberate wrongdoing to cover up the harassment it has caused to me and to try to characterize me as having mental health issues, would appear absolutely crucial in order to test the evidence of the ten members the subject of complaints to you and to test evidence in the human rights complaint proceedings and other matters as well.

In fact it would appear that by persons involved in the harassment trying to claim I have mental health issues or am gloating etc, that this is just a variation on bullies hurting their victim by repeatedly alleging that the victim is fat and ugly and everybody hates the victim. An international expert on cyber bullying stated on a CTV news broadcast last week words to the effect that for persons to repeatedly say someone is fat and ugly and everybody hates them is crossing the line and is bullying or harassment. For the government to allow persons to continuously harass me from even 2010 until the present date, which I believe you are aware of has occurred, to try to prove that I have mental health issues or otherwise give the government a reason not to hire me is extremely wrong and has occurred based on true facts and has crossed the line and is clear bullying and harassment.

In fact the public union of employees in Nova Scotia based on a news broadcast that I mentioned I believe in my affidavit complaint to you has tried I understand to get the government to characterize workplace harassment as workplace violence to allow victims to be compensated in light of the harm it does to the victims and can cause nightmares and other effects as indicated in the article of Ginette Pettipas Taylor as it destroys or interferes in their livelihood and ability to survive and it can go on for years. It would appear that when the interest of government MLA's are at stake because they did wrong in causing or not stopping or participating in the harassment or other wrongdoing, that we now see the extreme lengths that they and other officials will go to in order to cover up the harassment and the improper negative information prohibited by law that they took in rather than stop it and do what is right.

It appears that the Members of the Legislative Assembly such as Blaine Higgs and Premier Alward, as examples, are trying to change the facts to pretend the harassment does not exist when in fact they are aware and I believe you are aware also that it continues at the present time. It appears that their position is that it is alright for them to cover up the harassment and violation of my human rights etc if they can say I have mental health issues based on the incorrect information they are improperly taking in. As

Page 9

a retired court of appeal judge I believe that you KNOW that this is NOT okay and the whole purpose of cross examination on true facts is to test the information and the conclusions that the persons using the information have reached etc. I can certainly see why the government would want to pretend that they did not take in this type of information as even on common sense there is certainly a concern that they would do so despite it is specifically prohibited by the law.

Would you please have Rosanne Landry-Richard confirm immediately by e-mail that my letter to the Conflict of Interest Commissioner Landry has been provided to him NOW and that he will return NOW the acknowledgement in light of the return date of the judicial review proceeding on September 26, 2013. As your letter of August 7, 2013 to me indicates that you speak to him I trust that he is aware of the court proceeding for judicial review and likely has the documents or can very quickly be given them. As you are aware, as a retired judge, an application must be served at least 20 days before the hearing date. It appears that this is a deliberate delay tactic and I would appreciate your immediate professional courtesy and cooperation in confirming by return e-mail to me today that he will immediately return the acknowledgement of service.

Would you please confirm by return e-mail today that you or Rosanne Landry will provide the documents to him at this time, if he does not already have them, together with the acknowledgement, my letter to him and the addressed envelope on which postage has been affixed for him to return the signed acknowledgement to me. Would you please confirm today that it will be returned to me this week as soon as possible. I trust same is to your satisfaction in the circumstances.

Would you also please provide to me immediately two copies of the letters you sent to each MLA with the excerpts you sent them from my affidavit and two copies of my complete affidavit with exhibits attached as part of the record of your investigation together with any and all other documentation. Your anticipated cooperation and courtesy in that respect is appreciated as the record is required as part of the judicial review proceeding.

Yours sincerely,

Mary Ellen Rose

# EXHIBIT 19.1



**CONFIDENTIAL**

August 23, 2013

The Honourable Patrick A.A. Ryan, Q.C.  
Conflict of Interest Commissioner  
Edgecombe House  
736 King Street  
Fredericton, New Brunswick E3B 5H1

Justice Ryan:

**Re: Mary Ellen Rose v. several Members of the Legislative Assembly**

This is further to your telephone conversation with my Executive Assistant, Nicholas Ouellette, regarding your correspondence dated June 10, 2013, my response dated June 25, 2013, and the email you received dated August 19, 2013, from Mary Ellen Rose of Saint John, all concerning the allegations made against me and nine other Members of the Legislative Assembly by Ms. Rose.

In my response dated June 25, 2013, I denied all of the allegations Ms. Rose made against me in the excerpt of her affidavit, which you provided to me as an attachment to your correspondence of June 10, 2013. This denial was made after perusal of the excerpt of the affidavit, and a subsequent review of the records found in my offices.

In her email dated August 19, 2013, Ms. Rose has provided additional information by which she has attempted to cast doubt on the truth of my denial. Specifically, Ms. Rose states that I met with David Trott and that my meeting with Mr. Trott is evidence of my alleged interference in hiring practices and in a specific competition in the civil service.

Mr. Trott is not mentioned in the excerpt of the affidavit of Ms. Rose. As such, the review of my records in the preparation of my response dated June 25, 2013, did not focus on any records filed under the name of Mr. Trott. Instead, my review focused on records filed under the name of Ms. Rose. My response dated June 25, 2013, discloses all facts known to me following the review that was conducted, based on the alleged facts contained in the excerpt of the affidavit of Ms. Rose.

After having reviewed Ms. Rose's email dated August 19, 2013, I further reviewed my records and I can advise that on December 13, 2010, I did meet with Mr. Trott. My records state that the discussion with Mr. Trott did involve a discussion concerning Ms. Rose and a certain competition in the civil service.





The Honourable Patrick A.A. Ryan, Q.C.  
August 23, 2013  
Page 2

However, the discussion with Mr. Trott concerning Ms. Rose was initiated by him. I do not believe I had any knowledge of Ms. Rose or her affairs prior to the meeting. Moreover, the discussion did not involve any commitment by me to involve myself in the selection of the successful candidate. I took no action to intervene either in favour of Ms. Rose or against her, and at no time did I discuss Ms. Rose with the Office of the Attorney General or any other government department.

I have no knowledge of what Mr. Trott may have advised Ms. Rose with respect to our meeting, any ongoing discussions he may have had with her, or any other action that he may have taken in relation to her or her attempt to obtain employment in the civil service.

I therefore again deny the allegations by Ms. Rose that I had any role in the decision whether to hire her, or any role in notifying her in the outcome of the hiring competition.

I must also reiterate that, even if this competition was completed after the time when I was appointed to the Executive Council, as Minister of Human Resources, it was not my role to contact applicants in a hiring competition, whether successful or unsuccessful, to advise them of the outcome of the competition. Nor was it the role of any person within the Office of Human Resources to do so; specific human resources functions within departments were at the relevant time (and continue to be) performed by staff within each department. And, as was also stated in my response dated June 25, 2013, authority for specific hiring decisions of civil servants within a department rests with the Deputy Minister of that department, not with any member of the Executive Council.

The email of Ms. Rose dated August 19, 2013, goes on to make other allegations regarding my conversation with Mr. Trott, as well as other matters. All of these allegations are false and without any basis in fact, and I either have no knowledge of them or deny them.

I trust this is the information you require, but please do not hesitate to contact me or my office should you require any additional information.

Sincerely,



Blaine Higgs  
Minister of Finance