

Board of Directors  
 Campbell River Harbour Authority (CRHA)  
 705 Island Highway,  
 Campbell River, BC  
 V9W 2C2

18 February, 2010

Dear Sirs/Madam:

The undersigned, a member of the Campbell River Harbour Authority, reserves the right to initiate a financial investigation into the past and ongoing affairs of the Corporation. To address the significance of such request, the provisions of the following acts of Parliament assure the member's rights:

CANADA CORPORATIONS ACT – Part II  
 CANADA BUSINESS CORPORATIONS ACT  
 FISHING AND RECREATIONAL HARBOURS ACT  
 CANADIAN CHARTER OF RIGHTS AND FREEDOMS  
 CRIMINAL CODE  
 CANADA SHIPPING ACT

Bringing forth the vagueness of the antiquated CANADA CORPORATIONS ACT, reflecting part II of such Act, and providing few answers as to whether particular by-law provisions are accepted. It is noted that when dealing with issues of vagueness, updated written policies developed several years ago by Industry Canada, will provide guidance on what is acceptable or unacceptable when the Act is unclear or silent on a question. These policies reflect past practice and include information on the types of provisions that are acceptable for by-laws, therefore serving as a comparative framework to examine current CRHA by-laws and its significance to the members needs.

Initially, the extemporized mannerism of signing members to the CRHA is questionable, indicating a manipulative voting practice. Further, three observed practices reflective of covert activity practiced by the Board of Directors are as follows:

- a) The Board of Directors displays hardly any change since the corporation's inception.
- b) All financial statements presented at annual meetings are unaudited.
- c) The by-laws are kept in secret, after several requests to examine such, no document materialized

Obviously, all corporations are required to have frequent independent audits and a steady rotating Board of Directors; specifically, when a not-for-profit corporation exists where its purpose mandates serving the needs of the membership. Given that it is the Corporation's only mandate.

While the investigative interest of the undersigned is extensive, this formal request is decisive of a **commencement of proceedings**. Therefore, the undersigned, member in good standing, request the following initial information:

Note: The Corporation is to keep the following records in the custody of the secretary or another officer specially charged with that duty (sections 109 and 112 of the CCA):

1. a copy of the Letters Patent, any Supplementary Letters Patent and all by-laws of the corporation.
2. the names of all persons who are or have been members.
3. the address and occupation of each such person while he/she is a member, as far as can be ascertained.

4. the names, addresses and occupations of all persons who are or have been directors, and the dates upon which each became or ceased to be a director.

5. minutes of all members' and directors' meetings.

Note: The corporation is also required to keep adequate accounting records at its head office (section 117 of the CCA):

6. financial statements, receipts...etc., required to perform a complete investigation of the corporation's financial activities. All bank statements reflective of deposits and withdraws.

7. detailed financial statements for completed financial periods, the report of the auditor, if applicable and any other documents required to be disclosed at the annual meetings.

**To validate the undersigned's request, the information above-requested must be available within ten (10) working days, upon receipt of this formal request. Failure to adequately address this request, two further steps, within a legal format, will take place. Actually, the below-identified undersigned has given notice in an informal mannerism to the authorities mentioned below, namely; Corporations Canada and the local Judicial Authority.**

#### INVESTIGATIONS BY CORPORATIONS CANADA

Corporations Canada can investigate alleged contraventions of the Act by a not-for-profit corporation. Decisions about whether to investigate will be guided by the following:

1. The CCA, which is fundamentally unchanged since 1917, does not provide access to many of the remedies that are available in other more modern corporate statutes. Please recognize therefore that Corporation Canada's abilities to remedy contraventions of the Act are limited.

2. Private disputes that are primarily between members, directors and their corporation are encouraged to be resolved privately.

The CCA provides aggrieved parties with the ability to seek redress from the courts. For example, section 157.1 of the CCA incorporates by reference section 229 of the *Canada Business Corporations Act* that allows members of a corporation to apply to court for an order directing an investigation into the affairs of the corporation.

In these situations, complainants are encouraged to consult a lawyer in order to determine their options.

*Note: The undersigned augments the above statements with case X067891-1 Duarte V. HMTQ et al, Supreme Court of British Columbia, before the Honourable Mr. Justice Pitfield, April 7, 2006. The following are precedent quotes:*

***"As I appreciate the situation, Mr. Duarte has...KNOWLEDGE... AND EXPERTISE IN RELATION TO MARINE MATTERS"***

***"The courts in this day and age, for whatever reason, are being, to put it mildly, overwhelmed by individuals who wish to be both complainants and their own legal counsel. While that is regrettable, it is a fact of life, and the principal fact of life is that every citizen in this land has the right to the advantage and protection afforded by all of our laws, including the Criminal Code of Canada"***

***The case, above-mentioned, involved the removal of a criminal judge from a private prosecution initiated by the undersigned. Capt. E. G. da Costa Duarte won the case, the judge was removed and reprimanded.***

3. While an alleged contravention of a statutory provision is considered a serious matter, Corporations Canada has a responsibility to the Canadian public to ensure that public resources are used appropriately. The decision to pursue an allegation of non-compliance will be made in accordance with this responsibility.

Respectfully,



Capt. E. G. da Costa Duarte

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**Capt. E. G da Costa Duarte, reserves the right to publish the contents of this document as he chooses. In other words, this document will be made public to anyone that wishes to obtain a copy and distributed to any Canadian Government Department and publish on the internet via several websites, at the discretion of Capt. E. G. da Costa Duarte.**

P.S. The signatory of this formal request is in receipt of a letter from the Campbell River Harbour Authority signed by Tom Forge and dated February 18, 2010. The RCMP was immediately contacted about the validity of a "Notice of Removal by the RCMP". Constable Jacqueline Weiler is now aware of the situation and saw no need to investigate the content of Tom Forge letter. With respect to such letter, Capt. E. G. da Costa Duarte will explore the civil aspects of a law suit against Tom Forge and possible against all directors. Further, Capt. E. G. da Costa Duarte will research an opportunity to initiate a private prosecution against the CRHA and directors, for the following reasons;

Intimidation, oil pollution with a possibility of to have caused food poison, neglect of duty, etc... This process is in the works and not yet formal conducive with sections of the ***Criminal Code of Canada.***

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