

Commission of Inquiry into Certain Allegations
Respecting Business and Financial Dealings
Between Karlheinz Schreiber and
the Right Honourable Brian Mulroney



Commission d'enquête concernant les allégations
au sujet des transactions financières et
commerciales entre Karlheinz Schreiber et
le très honorable Brian Mulroney

Public Hearing

Audience publique

Commissioner

L'Honorable juge /
The Honourable Justice
Jeffrey James Oliphant

Commissaire

Held at:

Bytown Pavillion
Victoria Hall
111 Sussex Drive
Ottawa, Ontario

Wednesday, May 6, 2009

Tenue à :

pavillion Bytown
salle Victoria
111, promenade Sussex
Ottawa (Ontario)

le mercredi 6 mai 2009

APPEARANCES / COMPARUTIONS

Mr. Jack Hughes
Mr. A. Samuel Wakim, Q.C.

The Right Honourable Brian Mulroney

Mr. Richard Auger

Mr. Karlheinz Schreiber

Mr. Paul B. Vickery
Mr. Yannick Landry
Me Philippe Lacasse

Attorney General of Canada

Mr. Robert E. Houston, Q.C.

Mr. Fred Doucet

Mr. Evan Roitenberg
Mr. Guiseppe Battista
Ms Myriam Corbeil
Mr. Peter Edgett
Ms Amy Joslin-Besner

Counsel for the Commission

Ms Marie Chalifoux

Registrar

Ms Anne Chalmers
Ms Mary O'Farrell

Commission Staff

TABLE OF CONTENTS / TABLE DES MATIÈRES

	PAGE
Hearing commences at 9:30 a.m. / L'audience débute à 9 h 30	3163
Sworn: Steven Whitla Assermenté: Steven Whitla	3165
Examination by Mr. Roitenberg / interrogatoire par Me Roitenberg	3166
Recess taken at 10:50 a.m. / Suspension à 10 h 50 Hearing resumes at 11:15 a.m. / Reprise à 11 h 15	3225
Examination by Mr. Grondin / interrogatoire par Me Grondin	3231
Examination by Mr. Houston / interrogatoire par Me Houston	3238
Examination by Mr. Auger / interrogatoire par Me Auger	3246
Examination by Mr. Roitenberg / interrogatoire par Me Roitenberg	3251
Hearing adjourns at 11:48 a.m. / L'audience est ajournée à 11 h 48	3253

EXHIBITS / PIÈCES JUSTIFICATIVES

No.	Description	PAGE
P-40	Binder entitled "Navigant Consulting, Funds Tracing Report"	3172
P-41	PowerPoint slide presentation	3230
P-42	Two binders of documents entitled "Documents Relied Upon, Appendix 3 to Navigant Consulting Report"	2930

1 Ottawa, Ontario / Ottawa (Ontario)

2 --- Upon resuming on Wednesday May 6, 2009,

3 at 9:30 a.m. / L'audience reprend le mercredi

4 6 mai 2009 à 9 h 30

5 31019 COMMISSIONER OLIPHANT: Good morning,
6 counsel. Be seated, please.

7 31020 Mr. Roitenberg...?

8 31021 MR. ROITENBERG: Good morning,
9 Mr. Commissioner.

10 31022 You have in the witness area Steve
11 Whitla, who is a forensic accountant, who will be our
12 next witness.

13 31023 Before we commence with him, though,
14 there are certain remarks that we believe are prudent
15 to put on the record, so I am going to stand aside for
16 Mr. Wolson so those remarks can be put before you
17 properly.

18 31024 COMMISSIONER OLIPHANT: Thank you.

19 31025 Mr. Wolson...?

20 31026 MR. WOLSON: First of all, I'm
21 relegated to the second row of seating today. I hope
22 that is not an indication of things to come.

23 31027 COMMISSIONER OLIPHANT: This isn't
24 the first complaint I have heard about people being
25 relegated to seats other than they are used to.

1 31028 MR. WOLSON: All right.

2 31029 This morning, as you can see -- and
3 the parties are certainly aware -- we are calling a
4 witness from the Navigant firm to give evidence on the
5 forensic side of things.

6 31030 I had indicated to you when we dealt
7 with an issue with a previous witness dealing with a
8 letter outlining "the birds", and I said to you at that
9 time that on the issue of the source of the funds we
10 would be calling Navigant.

11 31031 But before the report is tendered,
12 there should be some statements made about the report
13 and about the position of Commission counsel.

14 31032 COMMISSIONER OLIPHANT: Right.

15 31033 MR. WOLSON: One, there is no
16 evidence, nor do we assert, nor will we assert, that
17 Mr. Mulrone y knew the source of the funds.

18 31034 Second, there is no evidence, nor do
19 we assert, that any payments made are payments for
20 anything other than Airbus -- it's not Airbus, I should
21 say -- anything other than Bear Head. That is what we
22 are asserting.

23 31035 I can tell you in that regard you
24 will be governed by the evidence that you hear, but
25 that is not the intention of submitting a report and

1 the viva voce evidence of Navigant.

2 31036 Third, I tell you that you will hear
3 evidence from the witness that the forensic accounting
4 cannot in a certain way determine whether or not the
5 Britan funds were used to pay Mr. Mulroney.

6 31037 There is other evidence on that which
7 you have heard, which would be the subject of your
8 assessment in the ordinary course when you consider the
9 evidence as a whole and when you write your report.

10 31038 So I make those comments and I put
11 them on the record.

12 31039 COMMISSIONER OLIPHANT: All right.
13 Thank you very much.

14 31040 Are you ready to proceed,
15 Mr. Roitenberg?

16 31041 MR. ROITENBERG: I am,
17 Mr. Commissioner. Thank you.

18 31042 COMMISSIONER OLIPHANT: Mr. Whitla,
19 do you prefer to swear an oath on the Bible or to
20 affirm?

21 31043 MR. WHITLA: The Bible,
22 Mr. Commissioner.

23 31044 COMMISSIONER OLIPHANT: All right.

24 SWORN: STEVEN WHITLA

25 ASSERMENTÉ : STEVEN WHITLA

1 EXAMINATION: STEVEN WHITLA BY MR. ROITENBERG /
2 INTERROGATOIRE : STEVEN WHITLA PAR Me ROITENBERG
3 31045 MR. ROITENBERG: Mr. Whitla, I
4 understand that you are Managing Director in Navigant
5 Consulting's Ottawa office. Is that right?
6 31046 MR. WHITLA: That's correct.
7 31047 MR. ROITENBERG: And that you have
8 been with Navigant since 2005?
9 31048 MR. WHITLA: That's correct as well.
10 31049 MR. ROITENBERG: You have prepared a
11 rather full document. I am going to ask the parties,
12 who all have a copy, to turn to Appendix 1, which is
13 where your curriculum vitae is located.
14 31050 I don't believe any of the parties
15 take issue with your expertise, but I think for the
16 Commissioner's benefit there is a number of matters
17 contained in your curriculum vitae which should be
18 highlighted.
19 31051 Before we do that, though, could you
20 enlighten those of us who are somewhat unaware as to
21 what exactly a forensic accountant is.
22 31052 MR. WHITLA: Certainly, sir. I think
23 the simplest and clearest definition of that would be
24 an accounting analysis that is suitable for application
25 in a court to assist the court in rendering a decision

1 or resolving a dispute. It can be in a litigation
2 context, it can be in a criminal context, it can be in
3 a context such as this inquiry.

4 31053 MR. ROITENBERG: If you could as
5 well, could you enlighten the Commissioner as to your
6 educational background in this regard, what you have
7 gone through, what it has taken you to become a
8 forensic accountant.

9 31054 MR. WHITLA: Certainly. I have been
10 practising forensic accounting since 1990. I am a
11 chartered accountant initially and I am designated as a
12 specialist in forensic and investigative accounting by
13 the Institute of Chartered Accountants. I have been so
14 since the inaugural year for that.

15 31055 As part of doing that process I was
16 asked to write an exam and to be screened by a panel of
17 my peers.

18 31056 MR. ROITENBERG: More particularly,
19 you have been a chartered accountant since 1989?

20 31057 MR. WHITLA: That's correct.

21 31058 MR. ROITENBERG: You received a
22 specialist designation in investigative and forensic
23 accounting in the year 2000?

24 31059 MR. WHITLA: That's correct.

25 31060 MR. ROITENBERG: And further, you

1 were cloaked with the title of Chartered Business
2 Valuator in 2001.

3 31061 MR. WHITLA: That is correct as well.

4 31062 MR. ROITENBERG: I understand that
5 you have testified in a number of noteworthy cases.

6 31063 MR. WHITLA: The largest one in my
7 career would have been the Gomery Inquiry.

8 31064 MR. ROITENBERG: And you were part of
9 a team of forensic accountants from Navigant who were
10 involved in that particular inquiry?

11 31065 MR. WHITLA: At that time the company
12 I was with was known as Kroll Linqvist Avey. Kroll was
13 acquired by Navigant in 2005.

14 31066 MR. ROITENBERG: And you testified as
15 part of the Gomery Inquiry?

16 31067 MR. WHITLA: I did.

17 31068 MR. ROITENBERG: And you have
18 testified in a number of court proceedings as well?

19 31069 MR. WHITLA: No, that was the only
20 time I qualified as an expert witness.

21 31070 MR. ROITENBERG: You have provided
22 valuations and information through your training as a
23 forensic accountant in other situations that have led
24 to cases settling and business purchases and certain
25 valuations.

1 31071 Am I correct?

2 31072 MR. WHITLA: Yes. Some of those are
3 outlined in my CV that you are referring to.

4 31073 MR. ROITENBERG: You are a member of
5 the Canadian Institute of Chartered Accountants?

6 31074 MR. WHITLA: I am.

7 31075 MR. ROITENBERG: Canadian Institute
8 of Chartered Business Valuators?

9 31076 MR. WHITLA: Yes.

10 31077 MR. ROITENBERG: Institute of
11 Chartered Accountants of Ontario?

12 31078 MR. WHITLA: Yes.

13 31079 MR. ROITENBERG: The Alliance for
14 Excellence in Investigative and Forensic Accounting?

15 31080 MR. WHITLA: Yes.

16 31081 MR. ROITENBERG: And the National
17 Association of Certified Fraud Examiners?

18 31082 MR. WHITLA: That is correct as well.

19 31083 MR. ROITENBERG: And you have been
20 involved in your current retainer as it pertains to
21 this Commission of Inquiry since when, sir?

22 31084 MR. WHITLA: We commenced work with
23 the Commission in January of this year.

24 31085 MR. ROITENBERG: Can you explain what
25 it was that this Commissioned asked Navigant, and by

1 extension you, to do?

2 31086 MR. WHITLA: Certainly. In our
3 report at section 1.2, I believe, which is on page 1 --
4 excuse me, in section 1.1, we outline three questions
5 that the Commission was asked to address.

6 31087 Then on the following page we speak
7 specifically that:

8 "Navigant Consulting has been
9 instructed to review, analyze
10 and trace funds into and out of
11 various bank accounts relating
12 to the activities of Mr.
13 Schreiber and, more
14 particularly, tracing the source
15 of funds for the payments Mr.
16 Schreiber alleges he made to Mr.
17 Mulroney in 1993 and 1994."

18 31088 MR. ROITENBERG: That was in essence
19 your mandate?

20 31089 MR. WHITLA: That was our mandate,
21 yes.

22 31090 MR. ROITENBERG: I'm going to ask,
23 Mr. Commissioner, that for the benefit of all parties
24 and for the benefit of yourself that this report and
25 the schedules and appendices attached thereto be marked

1 as Exhibit P-40.

2 31091 COMMISSIONER OLIPHANT: All right.

3 31092 Is that by consent, counsel?

4 31093 MR. GRONDIN: Good morning,

5 Mr. Commissioner.

6 31094 With respect to the supporting

7 evidence, we have no formal objection, but that

8 position should not be construed or interpreted as an

9 admission of the probative value of some of the

10 documents found in those binders.

11 31095 COMMISSIONER OLIPHANT: All right.

12 So you are not objecting to the tendering of the report

13 as an exhibit?

14 31096 MR. GRONDIN: Correct.

15 31097 COMMISSIONER OLIPHANT: Thank you.

16 31098 MR. GRONDIN: Thank you.

17 31099 COMMISSIONER OLIPHANT: Mr.

18 Landry...?

19 31100 MR. LANDRY: No objection,

20 Mr. Commissioner.

21 31101 COMMISSIONER OLIPHANT: Mr.

22 Houston...?

23 31102 MR. HOUSTON: No objection, sir.

24 31103 COMMISSIONER OLIPHANT: Mr. Auger...?

25 31104 MR. AUGER: No objection,

1 Commissioner.

2 31105 COMMISSIONER OLIPHANT: All right.

3 31106 The report of Navigant Consulting
4 will be received and marked as Exhibit P-40.

5 EXHIBIT NO. P-40: Binder
6 entitled "Navigant Consulting,
7 Funds Tracing Report"

8 31107 MR. ROITENBERG: As you read from
9 section 1.2, that Navigant Consulting has been
10 instructed to review, analyze and trace funds into and
11 out of various bank accounts, in conducting this review
12 what is it precisely that you looked at and were there
13 any limitations on your ability to complete that
14 review?

15 31108 MR. WHITLA: Certainly,
16 Mr. Roitenberg. That is outlined as well in our report
17 at section 3, and in the appendixes is at the back of
18 the report we lay out specifically the documents we
19 reviewed.

20 31109 But the critical issue for us in
21 conducting this review was the limitations we had in
22 the availability of banking documentation.

23 31110 As you are aware, we were somewhat
24 reliant on the documentation that was produced by
25 Mr. Schreiber, those documents in the possession of the

1 RCMP that were not obtained as part of the LOR process.
2 So in other words, we didn't have access to any of the
3 documentation that the Swiss may have produced and/or
4 the Germans may have produced.

5 31111 MR. ROITENBERG: May have produced in
6 answer to those letters of request?

7 31112 MR. WHITLA: That's correct.

8 31113 MR. ROITENBERG: Those were materials
9 you could not utilize or look to to support any
10 inferences or conclusions or trace?

11 31114 MR. WHITLA: That is correct.

12 31115 MR. ROITENBERG: I understand that in
13 preparation for your testimony this morning that you
14 and your team have prepared a number of slides to help
15 illustrate matters for the Commission.

16 31116 Is that so?

17 31117 MR. WHITLA: That is correct.

18 31118 MR. ROITENBERG: This slide we see on
19 the screen titled "Scope of Review", could you perhaps
20 take the Commissioner, and by extension the rest of us,
21 through this to perhaps help illustrate exactly what
22 you were doing and the scope of the review you
23 undertook?

24 31119 MR. WHITLA: Certainly. We --

25 31120 COMMISSIONER OLIPHANT: Just before

1 you do that, you have gone through with the witness his
2 CV. This is not a trial. Were it a trial for sure you
3 would be asking that he be qualified as an expert in
4 the field of forensic accounting. You haven't done
5 that and I'm wondering whether you have left that out
6 on purpose.

7 31121 Is it necessary or unnecessary that
8 that be done before this witness gives expert evidence?

9 31122 MR. ROITENBERG: I alluded to
10 Mr. Whitla's CV at the outset and advised that it is my
11 understanding that the parties were not taking issue
12 with his expertise, and perhaps I could have been --

13 31123 COMMISSIONER OLIPHANT: I didn't know
14 that. I don't know that.

15 31124 MR. ROITENBERG: Perhaps I could have
16 been clearer in that regard, Mr. Commissioner.

17 31125 COMMISSIONER OLIPHANT: Because if
18 there is an issue, other counsel are entitled to
19 cross-examine Mr. Whitla on the area of expertise that
20 he professes to have, following which I would have to
21 make a decision as to whether he should be qualified.

22 31126 MR. ROITENBERG: That is so. It is
23 my intention to have you place some emphasis on
24 Mr. Whitla's expertise. I don't understand the other
25 parties to be taking issue, but perhaps we can confirm

1 that.

2 31127 COMMISSIONER OLIPHANT: Well, I am
3 going to cure that, because, as you are well aware,
4 perhaps some in the room or not, expert witnesses are
5 entitled to express opinions which can be accepted by
6 the presiding judge, or in this case Commissioner,
7 where other witnesses aren't entitled to express
8 opinions that can be accepted or otherwise.

9 31128 From your point of view, Maître
10 Grondin, do you have any problem with my qualifying
11 Mr. Whitla as an expert in the field of forensic
12 accounting and permitting him to give opinion evidence?

13 31129 MR. GRONDIN: I will be brief this
14 time. None at all.

15 31130 COMMISSIONER OLIPHANT: Thank you.

16 31131 Mr. Landry...?

17 31132 MR. LANDRY: We have no issue,
18 Mr. Commissioner.

19 31133 COMMISSIONER OLIPHANT: No issue.

20 31134 Mr. Houston...?

21 31135 MR. HOUSTON: We take the same
22 position.

23 31136 COMMISSIONER OLIPHANT: All right.

24 31137 Mr. Auger...?

25 31138 MR. AUGER: No issue, Commissioner.

1 31139 COMMISSIONER OLIPHANT: All right,
2 then.

3 31140 Before we proceed further, I will
4 qualify Mr. Whitla as an expert in the field of
5 forensic accounting and he will be entitled to give
6 opinion evidence in respect of that field of expertise.

7 31141 MR. ROITENBERG: Thank you,
8 Mr. Commissioner.

9 31142 Mr. Whitla, I had turned your
10 attention to the slide that we see on the big screen,
11 and I believe there is a little screen for the
12 Commissioner and there is a screen before you.

13 31143 Could you take the Commission through
14 this slide and what we can draw from the illustrations
15 therein.

16 31144 MR. WHITLA: Yes, certainly.

17 31145 The slide is intended to represent
18 primarily the four bank accounts that were the focus of
19 our review. These were the bank accounts -- and we
20 will go through in a second the limitations of that.

21 31146 But these are the primary bank
22 accountants that we were able to conduct some form of
23 analysis on and specifically deal with: As we go
24 across the top, the Britan account, which is the
25 account that I understand that Mr. Schreiber alleges

1 the payments to Mr. Mulroney were withdrawn from; the
2 Frankfurt account, which is the account that is the
3 source of the funds into the Britan account, as based
4 on our analysis; an IAL account 18679.4, which is a
5 U.S. dollar account which we will speak to; and account
6 18679.1, which is a Canadian dollar account, and again
7 is an account where our analysis would say the Thyssen
8 monies were actually deposited.

9 31147 MR. ROITENBERG: Okay. I'm going to
10 ask you if you wouldn't mind explaining what you have
11 on the lower portion of this chart in terms of the bank
12 statements and the supporting documents that you had
13 for each of these accounts.

14 31148 MR. WHITLA: Certainly.

15 31149 What we have attempted to do here and
16 to document for the Commission is really some of the
17 limitations we were up against in doing our analysis.

18 31150 Under the Britan account we show that
19 the bank statements -- we had bank statements that
20 covered the full period of our review. They showed
21 deposits into the account of \$513,000 and withdrawals
22 of \$513,000.

23 31151 Supporting documentation for those,
24 we had documents that would support \$500,000 and we had
25 withdraw support for \$513,500. So basically we had a

1 complete picture for the Britan account.

2 31152 In respect to the Frankfurt account,
3 we had bank statements, complete bank statements that
4 covered the period from October '88 to March '94, and
5 in that we had deposits that totalled \$4.7 million and
6 withdrawals of a total of approximately \$4.7 million as
7 well.

8 31153 The issue that we would point out to
9 the Commission at this point is the supporting
10 documentation related to those bank statements.

11 31154 In that we only had supporting
12 documents with regard to deposits to the total of
13 \$305,000. So of the \$4.7 million that went into the
14 account, we were only provided with supporting
15 documentation for \$300,000 of that.

16 31155 MR. ROITENBERG: Now, I just want to
17 stop you there.

18 31156 MR. WHITLA: Yes.

19 31157 MR. ROITENBERG: Above it you
20 indicate that there were deposits of \$4,733,630, but
21 supporting documents for only \$305,112.

22 31158 What did you utilize to come to an
23 assessment that there were deposits of \$4.7 million?

24 31159 MR. WHITLA: Right. The bank
25 statements identified the in and out flows from the

1 bank account, and so when we looked at the in and out
2 flows we could determine that there was \$4.7 million
3 that had come into the account.

4 31160 What we did not know is in the bank
5 statement if there was a \$500,000 deposit, for example.
6 We did not have the details that would explain to us
7 what that \$500,000 deposit related to.

8 31161 MR. ROITENBERG: So you could see the
9 deposits from the bank statements, but you didn't have
10 any of the individualized deposit statements to show
11 you what actually went in and why at any given time?

12 31162 MR. WHITLA: That's correct.

13 31163 MR. ROITENBERG: Okay. Carry on,
14 please.

15 31164 MR. WHITLA: And again, in reference
16 to the .1 account, the Frankfurt account, we did have a
17 significantly larger portion of the withdrawals.

18 31165 When we move over to the .4 account,
19 the .4 account is a U.S. dollar account, as I mentioned
20 earlier. We had one bank statement, a page of the bank
21 statement which covered the period of October to
22 December 1988. That was the extent of it. And we had
23 supporting documentation for \$21,584,000 of deposits
24 into that account and we only had supporting
25 documentation for \$11,271,000 of withdrawals from that

1 account.

2 31166 This will be of relevance as we move
3 through my testimony.

4 31167 In the 18679.1 account, again we had
5 only one page of the bank statement for that and again
6 that covered the period June 1998 through to December
7 1998.

8 31168 MR. ROITENBERG: I think you mean
9 '88, if I'm not mistaken.

10 31169 MR. WHITLA: I'm sorry, '88. Excuse
11 me.

12 31170 And we had supporting documentation
13 indicating that there was \$4.5 million of deposits into
14 the account and withdrawals of \$7.5 million.

15 31171 So in other words, we have no
16 understanding of the possible sources for, in that
17 case, \$3 million that had to have come into the account
18 if they were eventually withdrawn.

19 31172 COMMISSIONER OLIPHANT: Mr.
20 Roitenberg, are you going to have the difficulty
21 explained in terms of access to some documents and not
22 to others?

23 31173 MR. ROITENBERG: Well, Mr. Whitla
24 touched on it originally, but I am going to pursue it
25 further as we go.

1 31174 COMMISSIONER OLIPHANT: Okay, good.

2 That's good, thanks.

3 31175 MR. ROITENBERG: Mr. Whitla, as I
4 understand it, your report raises a number of points in
5 its summary section of findings. I would like you, if
6 you wouldn't mind, to focus in on the Britan account
7 for moment. If you have any slides to assist in your
8 illustration, feel free to use them.

9 31176 Explain to us the findings in
10 relation to the Britan account.

11 31177 And I'm going to ask you, if you
12 don't mind, to bring the microphone a little closer and
13 to speak up a little bit.

14 31178 MR. WHITLA: Sure. Certainly.

15 31179 The first slide with respect to the
16 Britan account -- and as we move through this, you will
17 understand that this is our explanation of the flow of
18 funds. This slide indicates that this is the Britan
19 account and speaks to the \$300,000 of withdrawals
20 between July 1993 and November 1994 for which
21 Mr. Schreiber apparently alleges were the source of the
22 funds used to pay Mr. Mulroney.

23 31180 MR. ROITENBERG: Okay. I'm just
24 going to stop you there, because we are advised that
25 some of the media are having difficulty seeing the

1 screen. I guess from the back it's rather small, so it
2 might be...

3 31181 I was told there weren't enough
4 copies. I am now told there are of this. So there
5 won't be a need to --

6 31182 COMMISSIONER OLIPHANT: I want
7 everybody to enjoy death by PowerPoint, so we want to
8 make sure that everybody has the document.

9 31183 MR. ROITENBERG: So if everybody has
10 enough copies, we won't have to take a break. I
11 thought we might have to, to make a few more copies,
12 but if we have enough, carry on, sir.

13 31184 MR. WHITLA: Certainly. So in
14 repeating what I just spoke to, the Britan account is
15 the account that we understand Mr. Schreiber alleges he
16 made the payments -- or took the money out of that
17 account to make payments to Mr. Mulroney. So we looked
18 to analyze the activity in that account and compare it
19 to our understanding of the various meetings that took
20 place between Mr. Mulroney and Mr. Schreiber, or
21 alleged to have taken place between Mr. Mulroney and
22 Mr. Schreiber during that period commencing in June of
23 1993.

24 31185 MR. ROITENBERG: So the slide that we
25 had up on the board a moment ago simply indicated that

1 there was this suggestion that there had been a total
2 of \$300,000 withdrawn in cash by Mr. Schreiber between
3 July of 1993 and November of 1994.

4 31186 MR. WHITLA: That's correct.

5 31187 MR. ROITENBERG: Okay. So if we go
6 to the following slide, it seems to indicate a timeline
7 focusing in, first, on June of 1993.

8 31188 MR. WHITLA: That's correct.

9 31189 MR. ROITENBERG: Was this a timeline
10 that you had produced in order to focus further in on
11 the sources and use of funds for the Britan account?

12 31190 MR. WHITLA: We were trying to assist
13 in identifying, as I mentioned earlier, the meetings
14 that potentially took place, combined with the
15 withdrawals of cash from the Britan account and/or
16 transactions in the Britan account.

17 31191 MR. ROITENBERG: Okay. So you have
18 on this slide a meeting on June 3, 1993, as alleged by
19 Mr. Schreiber, between Mr. Schreiber and Mr. Mulroney.

20 31192 You also have a dollar figure of
21 \$1.236199 million.

22 31193 MR. WHITLA: That's correct.

23 31194 MR. ROITENBERG: What is that
24 reflective of?

25 31195 MR. WHITLA: That is the balance at

1 that point in time in the Frankfurt account. As we
2 understand it, Mr. Schreiber has indicated that the --
3 had indicated that the source of the funds to the
4 Britan account had come from the Frankfurt account.

5 31196 MR. ROITENBERG: Okay. You then have
6 a box indicating:

7 "June 4, 1993: Reference in Mr.
8 Schreiber's diary: 'Frankfurt
9 Brian . Max 1236'"

10 31197 Does that have any significance and
11 why is it here on this timeline?

12 31198 MR. WHITLA: If we move to the next
13 slide, I will attempt to explain it.

14 31199 The diary reference, Mr. Schreiber's
15 diary contains that reference and it is attached on top
16 of the next slide, and that is "Frankfurt Brian . Max
17 1236". When we looked at that diary reference and then
18 looked at the balance in the Frankfurt account at that
19 time, you will see that we have isolated the bank
20 statement for the Frankfurt account. And on May 25 of
21 1993 you will see in the far right-hand side isolated a
22 balance of 198.84.

23 31200 Now, that is the actual balance in
24 the Frankfurt account. However, you need to also
25 consider that up above that, at 25-05-93, the top item,

1 there is a withdrawal from the account of 123 \$6
2 million and that is a transfer out to a term deposit.

3 31201 So in other words, if you took the
4 total of what was available from the Frankfurt account,
5 the term deposit plus the balance, you get a balance of
6 \$1,236,198.84. So those are in effect the available
7 funds within the Frankfurt account.

8 31202 The total of that amount would of
9 course not be available until the term deposit matured,
10 which is at the bottom of that red box there and you
11 will see it coming back in, resulting in a balance, at
12 June 25th of '93 of \$1,239,785.

13 31203 So it has increased due to the
14 interest earned on the term deposit, and there is a
15 slight withdrawal from the account.

16 31204 MR. ROITENBERG: So there are two
17 questions that jump out at me from that explanation.

18 31205 The first is: As part of your
19 tracing and review of these funds, you were cognizant
20 of the inflow and outflow of term deposits along the
21 way; yes?

22 31206 MR. WHITLA: Yes.

23 31207 MR. ROITENBERG: And you accounted
24 for those in your analysis where you had the
25 documentation?

1 31208 MR. WHITLA: We did. It is very
2 common within these accounts to have any sizable
3 balance transferred out into a term deposit that would
4 typically mature in a month or two months later and be
5 redeposited into the account along with interest.

6 31209 MR. ROITENBERG: Okay. Now, this
7 notation that you have highlighted from June the 4th,
8 1993, in Mr. Schreiber's diary seems to be reflective
9 of what the bank balance was for the Frankfurt account
10 on that date, or at least what funds were available
11 through that account on that date, June the 4th, 1993.

12 31210 MR. WHITLA: Based on our review of
13 the Frankfurt bank statement, the 1236 in the diary
14 reference certainly could be the balance in the
15 Frankfurt account at that time.

16 31211 MR. ROITENBERG: Now, if we can go
17 back to the prior slide, the next box is June the 23rd,
18 1993, a meeting, as alleged, between Mr. Schreiber and
19 Mr. Mulroney, and again the bank balance is 1236 and
20 change, as reflected by that box.

21 31212 MR. WHITLA: Correct.

22 31213 MR. ROITENBERG: If you go to the
23 fifth slide, the slide after the next, which would
24 build on this timeline, you have another box added to
25 the timeline, July the 12th, 1993, which was the

1 apparent date for the Britan account setup.

2 31214 Is that right?

3 31215 MR. WHITLA: That's correct.

4 31216 MR. ROITENBERG: And you have

5 indicated the bank balance on that date as 1.239775.

6 31217 MR. WHITLA: That's correct.

7 31218 MR. ROITENBERG: Would that be

8 reflective of the totality of funds available through

9 the Frankfurt account, plus what interest had been

10 earned, or including what interest had been earned

11 while that 1.236 was in a term deposit?

12 31219 MR. WHITLA: That's exactly correct,

13 sir.

14 31220 MR. ROITENBERG: If you go to the

15 following slide, you build another box onto this

16 timeline, July the 28th, which is the date that

17 \$500,000 is transferred from the Frankfurt account to

18 the Britan account, and you have in a box 1.239775

19 million, which I understand to have been the bank

20 balance prior to the \$500,000 being transferred to

21 Britan.

22 31221 MR. WHITLA: That's correct.

23 31222 MR. ROITENBERG: If we then look on a

24 continuum from June the 3rd, 1993, or the day after

25 June the 3rd, 1993, where the notation appears in Mr.

1 Schreiber's diary of 1236, from that point forward to
2 July 28th there was 1.236 million available in the
3 Frankfurt bank account, up to and including July 28th,
4 when the transfer was made.

5 31223 MR. WHITLA: That's correct.

6 31224 MR. ROITENBERG: And the balance
7 never dipped below.

8 31225 MR. WHITLA: The balance never dipped
9 below.

10 31226 MR. ROITENBERG: Were there any other
11 transactions, other than the inflow of the 1.236 term
12 deposit and the interest accrued?

13 31227 MR. WHITLA: As I mentioned earlier,
14 there was a slight withdrawal of, I think, \$500,000.

15 31228 If we refer back to the page 5 slide,
16 you will see two small transactions under the 1.236
17 million.

18 31229 MR. ROITENBERG: Now, is that
19 \$500,000 or \$500?

20 31230 MR. WHITLA: That is \$500, and the
21 other one is \$357, I believe.

22 31231 MR. ROITENBERG: Those were the only
23 withdrawals.

24 31232 MR. WHITLA: Those were the only
25 withdrawals.

1 31233 MR. ROITENBERG: The next slide,
2 which would be Slide 7, adds two boxes, one for July
3 the 27th, 1993, and one for August the 27th, 1993.

4 31234 Now, I understand that the July 27th
5 box is present because, although the \$500,000 wasn't
6 transferred from Frankfurt to Britan until the 28th of
7 July, there was \$100,000 withdrawn from Britan on the
8 27th of July, based on the pending transfer of funds.

9 31235 MR. WHITLA: That's correct. There
10 was a term deposit in the Frankfurt account that did
11 not mature until July 28th, and as a result there
12 weren't the funds available, so there was a \$100,000
13 negative balance in the Britan account, effective July
14 27th.

15 31236 MR. ROITENBERG: We also have a box
16 for August the 27th, 1993. That is there for what
17 reason, sir?

18 31237 MR. WHITLA: That is the date that we
19 understand Mr. Schreiber alleges he paid \$100,000
20 Canadian to Mr. Mulroney.

21 31238 MR. ROITENBERG: Okay. We will come
22 back to focus on that \$100,000 withdrawal in a few
23 moments.

24 31239 The next slide adds two boxes,
25 November the 3rd, 1993, and December 17th or 18th,

1 1993. November 3rd is indicative of the next cash
2 withdrawal that you were able to observe from the
3 Britan account.

4 31240 Is that right?

5 31241 MR. WHITLA: That's right.

6 31242 MR. ROITENBERG: And it was, again,
7 in the amount of \$100,000?

8 31243 MR. WHITLA: That's correct.

9 31244 MR. ROITENBERG: And December 17th or
10 18th, 1993, is reflective of a date on which there is
11 an allegation that Mr. Schreiber paid Mr. Mulroney
12 \$100,000 in cash.

13 31245 MR. WHITLA: That's correct.

14 31246 MR. ROITENBERG: Perhaps I will
15 pause. July 27th, the box that is at the bottom on the
16 slide, is one month before the alleged payment of
17 August the 27th, 1993.

18 31247 Is there any documentation that was
19 provided to you for your review that would connect the
20 \$100,000 withdrawn on July the 27th, 1993, to the
21 \$100,000 allegedly paid to Mr. Mulroney on August the
22 27th, 1993?

23 31248 MR. WHITLA: As it was a cash
24 transaction, there would be really no documentation.
25 There was a cash withdrawal and an apparent payment a

1 month later.

2 31249 MR. ROITENBERG: So in terms of being
3 able to connect one to the other from a documentary
4 perspective, you are left with a void of evidence
5 there.

6 31250 MR. WHITLA: That's correct.

7 31251 MR. ROITENBERG: Similarly, the
8 \$100,000 withdrawal on November the 3rd, 1993, and the
9 alleged payment of \$100,000 on December 17th or 18th,
10 1993, were you provided at all with any documents that
11 connect the \$100,000 withdrawal to the \$100,000 alleged
12 payment?

13 31252 MR. WHITLA: None, sir.

14 31253 MR. ROITENBERG: The same void.

15 31254 MR. WHITLA: The same void exists.

16 31255 MR. ROITENBERG: If we could go to
17 the next slide, then, please...

18 31256 This slide adds boxes for July,
19 November and December of 1994. On July 21st, 1994,
20 there is a cash withdrawal of \$50,000 from the Britan
21 account.

22 31257 On November 21st, 1994, four months
23 later, there is a further \$50,000 cash withdrawal from
24 the Britan account.

25 31258 On December the 8th, 1994, there is

1 an allegation that Mr. Schreiber paid Mr. Mulroney a
2 further \$100,000 in cash.

3 31259 In terms of the withdrawals, you had
4 documentary evidence to suggest that the withdrawals
5 were made on those dates.

6 31260 MR. WHITLA: That is correct. The
7 bank statement supports those withdrawals and the
8 timing of those withdrawals.

9 31261 MR. ROITENBERG: Did you have any
10 documentation at all to suggest that those withdrawals
11 were connected to the \$100,000 alleged payment on
12 December the 8th, 1994?

13 31262 MR. WHITLA: There is no documentary
14 evidence connecting those.

15 31263 MR. ROITENBERG: If we turn to the
16 next slide, Slide 10, there is one further box added of
17 December the 14th, 1994. What can you tell us about
18 this transaction?

19 31264 MR. WHITLA: This is the date that
20 the original Britan account was effectively closed.
21 The funds were transferred to a new, I guess you would
22 call it, Britan account, with an account number of
23 62684.3. Again, the account was named Britan.

24 31265 We received no records or documents
25 concerning this account.

- 1 31266 MR. ROITENBERG: Is there any
2 document that shows a reason or rationale for why this
3 transaction occurred, why one Britan account was closed
4 and another opened?
- 5 31267 MR. WHITLA: No, sir.
- 6 31268 MR. ROITENBERG: If we go to the next
7 slide, Slide 11, this seems to indicate, unless I am
8 misreading it, a flow of funds into the Britan account
9 and out from the Britan account.
- 10 31269 Can you explain, in terms of the
11 source of funds into Britan, if you were able to
12 determine from whence those funds came directly?
- 13 31270 MR. WHITLA: Certainly. As this
14 slide documents, the source of the funds -- and we have
15 spoken about it already -- was the Frankfurt account.
16 There was also some interest income earned on the
17 various term deposits that went in and out of the
18 Britan account, and then the outflows, of course,
19 are -- there is \$301,555 in cash.
- 20 31271 The slight difference there was, I
21 believe, transaction expenses at the time of the cash
22 withdrawals -- the \$100,000 cash withdrawals. There
23 would have been transaction expenses charged by the
24 bank.
- 25 31272 And then the last outflow is to the

1 new Britan account.

2 31273 What we have determined, and what we
3 outline in our report, at page 6, in the middle
4 paragraph, relates to the actual source of funds that
5 funded the Frankfurt account, which we can speak to in
6 greater detail, but our analysis -- if I read that
7 paragraph to you --

8 "Our analysis of the facts
9 supports a strong inference that
10 the original source of the
11 monies withdrawn by Mr.
12 Schreiber from the BRITAN
13 account came, in large part,
14 from the funds received from
15 Airbus."

16 31274 MR. ROITENBERG: We are going to come
17 back to that and analyze how you were able to opine
18 that that was the case, but the first step along the
19 way would be to determine whether or not Britan and the
20 Britan account had any source of funds other than the
21 Frankfurt account.

22 31275 MR. WHITLA: The Frankfurt account --
23 other than, of course, the interest that we have spoken
24 about that was earned within the Britan account, the
25 only source of funds into the Britan account was the

1 Frankfurt account.

2 31276 MR. ROITENBERG: Okay. I think the
3 next slide might be instructive, as well, in terms of
4 how you were able to come to that conclusion.

5 31277 MR. WHITLA: Certainly. If I could
6 refer you, sir, to page 14 of our report, we speak
7 about the flow of funds into the Frankfurt account, and
8 we speak about it in regards to a timeframe, which I
9 will get to, being March 13th, 1992 to July 28th, 1993.

10 31278 We write the following:

11 "The source of the funds to the
12 FRANKFURT account which financed
13 the CDN \$500,000 transfer to the
14 BRITAN account..."

15 31279 -- which we have already spoken
16 about:

17 "...was a pool of funds, 91% of
18 which was funded from seven
19 deposits to the FRANKFURT
20 account between March 30, 1992
21 and May 13, 1993, totalling CDN
22 \$1,460,232...The remaining 9%
23 comprises a balance in the
24 account..."

25 31280 -- at the commencement of that, on

1 March 13, 1992, a deposit of \$10,000 from an unknown
2 source, as well as interest earned in that account.

3 31281 MR. ROITENBERG: How were you able to
4 pinpoint what was in the Frankfurt account at any
5 particular point in time to have a starting basis from
6 which to assess what funds were in Frankfurt?

7 31282 MR. WHITLA: We did an analysis of
8 the Frankfurt account. Our real difficulty was trying
9 to identify the source of funds that flowed into the
10 Frankfurt account.

11 31283 I think, if we go back to the slide
12 where we discuss our scope limitations, you will see
13 that we really had little information concerning
14 approximately \$10 million of deposits.

15 31284 If we look at the Frankfurt account,
16 you will see that we only had supporting documentation
17 for \$305,000 of the deposits into the account, so we
18 had a difficulty in identifying the source of the funds
19 that came into the Frankfurt account that would then
20 allow for the flow out to the Britan account.

21 31285 So we had to perform an analysis, and
22 I would be happy to speak to you about that.

23 31286 MR. ROITENBERG: I would like you to,
24 but first I want to address a question that the
25 Commissioner raised earlier in terms of the limitations

1 on the documents you had.

2 31287 Let's focus on Frankfurt for a
3 moment. What documents did you have, and what
4 documents would you have liked to have had to be able
5 to perform a more complete analysis?

6 31288 MR. WHITLA: In regards to the
7 Frankfurt account, we had basically complete bank
8 statements, and as I mentioned earlier, we did not have
9 complete, what I would call, source documents.

10 31289 In other words, the source of the
11 deposit, how the deposit was made, who the funds were
12 coming from, those documents were not available to us,
13 in large part, for the Frankfurt account.

14 31290 MR. ROITENBERG: What about for the
15 .4 account, the account that is IAL18679.4 -- which I
16 understand was a U.S. dollar account --

17 31291 MR. WHITLA: Right.

18 31292 MR. ROITENBERG: -- what documents
19 were you in possession of, and what documents were you
20 lacking?

21 31293 MR. WHITLA: In this case we had no
22 bank statements. In other words, we couldn't see the
23 ins and outflows from the accounts, from a bank
24 statement context.

25 31294 However, we did have \$21 million of

1 deposits into that account, so we had a lot of
2 supporting documentation concerning what, in fact, had
3 been deposited into that account.

4 31295 We couldn't, of course, see it on a
5 bank statement, but the supporting documents told us
6 that it had been deposited into that account.

7 31296 We had more difficulty when it came
8 to withdrawals, because we only had \$11 million. In
9 other words, \$21 million comes into the account, and we
10 only had supporting documentation for \$11 million of
11 that leaving the account.

12 31297 MR. ROITENBERG: Did you have
13 information or documentation to suggest that the other
14 \$10 million and change at some point did leave the
15 account, or have you no information at all as to what
16 occurred with that money?

17 31298 MR. WHITLA: We have no information,
18 really, concerning that.

19 31299 MR. ROITENBERG: There is also the
20 18679.1 account. What documentation did you have, and
21 what were you lacking?

22 31300 MR. WHITLA: Again, we had virtually
23 nothing in the way of bank statements; in other words,
24 documents that would confirm various balances in the
25 account, and the ins and outflows, and the quantity of

1 those.

2 31301 We did have supporting documentation
3 suggesting that \$4.5 million had been deposited into
4 the account, and we had withdrawals from that
5 account -- supporting documents for \$7.5.

6 31302 So, in this context, clearly, we were
7 missing a significant amount of what had been deposited
8 into the account, because there had been, in fact, \$3
9 million more taken out of the account than what we had
10 as inflows to the account.

11 31303 MR. ROITENBERG: Now, the documents
12 that you were in possession of, are you aware of where
13 you got them from?

14 31304 MR. WHITLA: The majority of the
15 banking documents that we were able to analyze came
16 from Mr. Schreiber, as part of his productions to the
17 Commission.

18 31305 In addition, we were able to receive
19 from the Government of Canada, via the RCMP, certain
20 banking documents that were in their possession that
21 had not come from the LOR process, as we spoke about
22 earlier.

23 31306 MR. ROITENBERG: And you are aware
24 that there were numerous documents that were in the
25 possession of the Government of Canada which were

1 produced pursuant to the Letter of Request process with
2 Switzerland?

3 31307 MR. WHITLA: Yes, we are.

4 31308 MR. ROITENBERG: And you are aware
5 that requests have been made of the Government of
6 Canada that we were desirous of utilizing those
7 documents?

8 31309 MR. WHITLA: I am aware of those
9 requests.

10 31310 MR. ROITENBERG: And you are aware
11 that the Government of Canada had made requests of the
12 Government of Switzerland that those documents be
13 released?

14 31311 MR. WHITLA: I understand that has
15 taken place.

16 31312 MR. ROITENBERG: And you are aware
17 that, as yet, those documents have not been released.

18 31313 MR. WHITLA: That's my understanding.

19 31314 MR. ROITENBERG: We were dealing, I
20 believe, with Slide 12, and 13, dealing with Frankfurt
21 and being able to analyze where those funds within
22 Frankfurt had come from.

23 31315 MR. WHITLA: That's correct.

24 31316 MR. ROITENBERG: You were able to
25 produce a chart indicating "funds in" and "funds out"

1 from the Frankfurt account, going back to October of
2 1988.

3 31317 Is that right?

4 31318 MR. WHITLA: That's correct.

5 31319 This chart -- and it is in a complete
6 form within the report -- is a summary, I guess you
7 would say, of the Frankfurt account, and it tracks the
8 line portion, which we have isolated at Time Period 3,
9 and the line portion represents the balance in the
10 Frankfurt account over time.

11 31320 It includes term deposits. In other
12 words, if money had been withdrawn from the Frankfurt
13 account, sat in a term deposit, and then was returned
14 to the Frankfurt account, those amounts are included in
15 the actual funds available in the Frankfurt account.

16 31321 The bars going up are the deposits,
17 and the bars going down are the withdrawals.

18 31322 In the Time Period 3 portion, we have
19 highlighted this, because, as we have already
20 discussed, we identified seven deposits that
21 effectively formed or created the pool of funds
22 available to transfer the \$500,000 to the Britan
23 account.

24 31323 MR. ROITENBERG: If I could focus you
25 in on the slide that we have up on the screen, in

1 January of 1990 there seems to be a rather sharp dip
2 down toward the zero balance line.

3 31324 MR. WHITLA: That's correct.

4 31325 MR. ROITENBERG: Can you focus us in
5 on that timeframe perhaps, and give us some
6 understanding of what was in the account at that time?

7 31326 MR. WHITLA: Certainly. The start of
8 Time Period 1 --

9 31327 Actually, Phil, could you pull up the
10 more detailed version of that?

11 31328 It is Slide 25, actually.

12 31329 This is a blowup of the piece of time
13 you are talking about.

14 31330 MR. ROITENBERG: So Time Period 1,
15 according to the graph that I have before me, would be
16 from October the 24th, 1988, through to the 22nd of
17 January 1990.

18 31331 MR. WHITLA: That's correct.

19 31332 MR. ROITENBERG: We see at one
20 point -- and I believe it is around the 24th of October
21 1988 -- a rather large deposit.

22 31333 MR. WHITLA: Yes, sir.

23 31334 There are actually two large deposits
24 in October of `88. You are speaking of the \$500,000
25 deposit?

1 31335 MR. ROITENBERG: I am. That would
2 have been in and around what date, sir?

3 31336 MR. WHITLA: That was approximately
4 October 31st, the 28th to the 31st.

5 31337 MR. ROITENBERG: And this was a
6 deposit that you were able to determine was most likely
7 in relation to a \$500,000 deposit in relation to a \$2
8 million payment from Thyssen.

9 31338 MR. WHITLA: That's correct, based on
10 Mr. Schreiber's statement, as well as the fact that
11 these funds came from the Canadian dollar IAL account.
12 That would be a reasonable assumption, we believe.

13 31339 MR. ROITENBERG: So that was
14 deposited toward the end of October 1988. You then
15 have a rather sharp decline, as we discussed, around
16 January of 1990, and if we focus in on the slide that
17 we have on the screen, I believe you were able to fix a
18 bank balance at January 22nd, 1990, of \$11,559.93.

19 31340 MR. WHITLA: That's correct.

20 31341 Phil, could you flip to the next
21 slide, and we will show the actual bank statement and
22 show that balance.

23 31342 You will see that at 22/01/90 the
24 balance is \$11,559.93.

25 31343 I wish to point out, as well, that

1 that balance is after the 290 --

2 31344 The \$290,000 that you see right in
3 front of the balance --

4 31345 MR. ROITENBERG: Yes, sir.

5 31346 MR. WHITLA: -- that is an actual
6 term deposit coming back into the account.

7 31347 In other words, at that point in time
8 the term deposit outstanding had been returned to the
9 account. There were no other term deposits associated
10 with that account, so that was the true balance in that
11 account at that time.

12 31348 There was then, subsequently, no
13 other activity until March 28th of 1990, when there was
14 a deposit of \$219,000, which then increased the balance
15 up to \$231,000.

16 31349 But, again, that was not until March
17 of 1990.

18 31350 MR. ROITENBERG: So as of the 22nd of
19 January 1990, inclusive of all term deposits affiliated
20 with this account, the bank balance was \$11,559.93.

21 31351 MR. WHITLA: That's correct.

22 31352 MR. ROITENBERG: Notwithstanding the
23 fact that at the end of October 1988 there had been
24 this deposit of \$500,000 in relation to the payments
25 received from Thyssen.

1 31353 MR. WHITLA: That's correct.

2 31354 MR. ROITENBERG: What happened to
3 that \$500,000 deposit related to Thyssen?

4 31355 MR. WHITLA: If we flip back a slide,
5 the various withdrawals are outlined in this slide.
6 There is a \$610,000 payment to Bitucan, which we
7 believe relates to the \$710,000 invoice that was
8 issued, which has already been discussed at these
9 hearings.

10 31356 MR. ROITENBERG: That's \$610,000 for
11 a \$710,000 invoice. Was \$100,000 paid from another
12 account?

13 31357 MR. WHITLA: It was. We have
14 determined that it was paid from the 18679.1 account,
15 which was the Canadian dollar account.

16 31358 MR. ROITENBERG: So we have \$610,000
17 going out to Bitucan, and then we have a number of
18 other withdrawals along the way, which depleted the
19 account down to the \$11,000.

20 31359 MR. WHITLA: That's correct.

21 31360 MR. ROITENBERG: I had taken you away
22 from the seven deposits that you were speaking of
23 earlier that made up the Frankfurt account, or at least
24 that started to make up the Frankfurt account sometime
25 prior during your analysis.

1 31361 Could you go back there, please?

2 31362 MR. WHITLA: Sure. It's Slide 14.

3 31363 COMMISSIONER OLIPHANT: These are the
4 deposits that are shown, as well, I take it, on page 14
5 of the report, are they?

6 31364 MR. WHITLA: That's correct, sir.

7 31365 COMMISSIONER OLIPHANT: Thanks.

8 31366 MR. ROITENBERG: We are now on page
9 14 of the report, page 14 of the individual slides that
10 have been handed out to the individuals in the room,
11 something I have referred to as Slide 13, but it is
12 page 14 within the document that everybody has.

13 31367 You focused on Time Period 3, if I am
14 not mistaken.

15 31368 MR. WHITLA: That's correct.

16 31369 MR. ROITENBERG: Which commences at
17 March the 13th, 1992?

18 31370 MR. WHITLA: That's correct, sir.

19 31371 MR. ROITENBERG: I just want to
20 orient everybody in the room.

21 31372 What we see on the board has three
22 distinct time periods. The time period that we have
23 just finished focusing in on, where we got down to
24 \$11,000, is on the far left-hand side of this slide,
25 Time Period 1, October 24th, 1988, to January 22nd,

1 1990.

2 31373 Yes?

3 31374 MR. WHITLA: That's correct.

4 31375 MR. ROITENBERG: And now you are

5 focusing in on Time Period 3, March 13th, 1992, to

6 December 30th, 1993.

7 31376 MR. WHITLA: That's correct.

8 31377 MR. ROITENBERG: Before we go further

9 into Time Period 3, was there any particular

10 significance of Time Period 2, January 22nd, 1990, to

11 March 13th, 1992?

12 31378 MR. WHITLA: Not for purposes of our

13 analysis, no, there was no significance.

14 31379 MR. ROITENBERG: You simply observed

15 inflows and outflows of funds from the Frankfurt

16 account.

17 31380 MR. WHITLA: That's correct.

18 31381 MR. ROITENBERG: Nothing in relation

19 to payments from Thyssen, at least as far as your

20 analysis revealed?

21 31382 MR. WHITLA: That's correct.

22 31383 MR. ROITENBERG: So Time Period 3,

23 the far right-hand portion of this slide, commencing at

24 March 13th, 1992 -- if you could assist us in your

25 analysis, please.

1 31384 MR. WHITLA: Certainly. We have
2 drawn that line at March 13th, 1992, because, at that
3 point in time, the balance in the account, based on
4 what we had available to us, was \$82,941.

5 31385 In other words, the balance in the
6 account hit a point where it was not sufficient to fund
7 the \$500,000 transfer to the Britan account, so we used
8 that as our starting point, and then noted that between
9 that date and the withdrawal on July 28th, 1993, to the
10 Britan account, there were seven significant deposits.

11 31386 MR. ROITENBERG: I think, if we were
12 to go to the next slide, you have broken down those
13 seven significant deposits by date, by Canadian dollar
14 amount, and by U.S. dollar amount.

15 31387 MR. WHITLA: That's correct.

16 31388 If I could walk through and explain
17 this slide to you, and what is here, that might be
18 helpful.

19 31389 In the blue part of the slide, those
20 are the actual deposits into the Frankfurt account. We
21 have looked at those from -- the deposit date is
22 identified, of course, based on what is in the bank
23 statement.

24 31390 The Canadian dollar amount is the
25 actual amount deposited into the bank statement.

1 31391 We then converted those amounts into
2 U.S. dollars, based on an exchange rate in effect on
3 that date, which would have represented the average
4 exchange rate for that date.

5 31392 Then, Mr. Schreiber indicated in his
6 statement to the Commission that it was typical for him
7 when he received Airbus payments to then in turn make a
8 25 per cent payment of those amounts received with
9 regard to Airbus to the Frankfurt account.

10 31393 So we sought to look at that and see
11 if there was any potential links between the amounts
12 that were deposited into the Frankfurt account -- as
13 you remember, we don't have the actual deposit
14 information -- and compare that to the deposits that
15 were made that we understand came from Airbus, which
16 are in the middle column, the green column that says
17 "Deposits from Swiss Bank Corporation, New York".

18 31394 As I think you are aware, sir,
19 contained in our materials is a German prosecutor's
20 report. Within that German prosecutor's report -- I
21 think it was prepared for purposes of extradition of
22 Mr. Schreiber -- it documents and lays out specifically
23 those deposits into the .4 account that came from
24 Airbus.

25 31395 While we don't have the actual

1 corroboratory evidence for that, we have placed some
2 reliance on that report.

3 31396 So back to the analysis. What we did
4 was we compared our converted U.S. dollar amount
5 deposits into the Frankfurt account to the U.S. dollar
6 deposits into the account 18679.4, and the resulting
7 percentages are in the far yellow column.

8 31397 As you can see, they are all
9 relatively close to the 25 per cent that Mr. Schreiber
10 had mentioned was his common practice.

11 31398 MR. ROITENBERG: I'm going to operate
12 from the assumption that anybody listening to what you
13 are sharing with the Commission is as baffled by
14 numbers as I am. So let's start with that proposition.

15 31399 You have used reference to .1, .4. I
16 want to make sure everybody understands what you are
17 speaking of.

18 31400 MR. WHITLA: Sure.

19 31401 MR. ROITENBERG: Within a bank
20 account number 18679 there were sub bank accounts which
21 were designated by digits following the bank account
22 number. Is that right?

23 31402 MR. WHITLA: That's correct.

24 31403 MR. ROITENBERG: So there was a .0
25 account, a .1 account, a .2, .3, .4, et cetera,

1 et cetera?

2 31404 MR. WHITLA: That's correct.

3 31405 MR. ROITENBERG: There were also
4 accounts, unless I'm mistaken -- and please stop me if
5 I am -- that had as the client bank account 18679 and
6 these were also sub accounts, such as Frankfurt.

7 31406 MR. WHITLA: That's correct. The
8 Frankfurt client is identified as IAL 18679 and it is
9 identified as "Rubrik Frankfurt".

10 31407 MR. ROITENBERG: Okay. So when you
11 speak of .1 or .4, you are speaking of sub bank
12 accounts under the umbrella of 18679?

13 31408 MR. WHITLA: Yes. The distinction
14 between the points, between .1, .2, .3 and .4, for
15 example, was the currencies contained within those
16 accounts.

17 31409 So, for example, .1 was a Canadian
18 dollar currency account, the .4 account was a U.S.
19 dollar currency account.

20 31410 MR. ROITENBERG: Okay. Now, you have
21 said that you had information from the statement that
22 Mr. Schreiber provided to the Commission, which has
23 since become an exhibit before the Commission and
24 adopted as true by Mr. Schreiber, where he advised that
25 it was his -- I will use the word pattern, to take

1 25 per cent of the funds that were being paid through
2 that .4 U.S. dollar account, take roughly 25 per cent
3 and put it into Frankfurt.

4 31411 Is that right?

5 31412 MR. WHITLA: That's correct.

6 31413 MR. ROITENBERG: I'm going to guess
7 that you didn't just take Mr. Schreiber's word for
8 that, but you actually went back and looked at these
9 transactions to determine whether there was some
10 support for that assertion.

11 31414 MR. WHITLA: We certainly did. And
12 in fact while we are only speaking here about the seven
13 deposits, we actually looked at all the deposits into
14 the Frankfurt account.

15 31415 If you look at that in the big
16 picture from 1989 forward, there is a total of 27
17 deposits into the Frankfurt account. That is excluding
18 interest, of course.

19 31416 And of those 27, 24 follow this
20 pattern.

21 31417 So in other words, monies come into
22 the .4 account and within a week, two weeks, monies go
23 out, monies go out to the -- monies go out or there
24 is -- sorry, monies are deposited into the Frankfurt
25 account and in all 24 of those instances it is

1 approximately 25 per cent of the amount that is
2 deposited into the .4 account.

3 31418 MR. ROITENBERG: Twenty-four out of
4 27 probably isn't that bad in the law of averages, but
5 were you able to determine any commonality between the
6 three that didn't match that pattern?

7 31419 MR. WHITLA: They are effectively
8 unknown deposits. One of them we believe was a large
9 payment, again related to Airbus early on in the
10 exercise, but we had no understanding of what those
11 other deposits really related to.

12 31420 MR. ROITENBERG: Okay.

13 31421 You have talked of and at the outset
14 made mention of the fact that you were of the view that
15 the payments into the Swiss Bank Corporation came from
16 Airbus, the Swiss Bank Corporation account in New York
17 that was the U.S. dollar .4 account.

18 31422 Why were you of the view that these
19 funds were coming from Airbus?

20 31423 MR. WHITLA: Primarily based on two
21 factors.

22 31424 One, as I told you, we were able to
23 access one of the few supporting documents, the
24 prosecutor's report that had been prepared in Germany.
25 In that prosecutor's report he outlines on a yearly

1 basis funds that came into the .4 account in connection
2 with Airbus.

3 31425 So in other words, it outlines
4 \$500,000 deposit to .4 account is related to Airbus.

5 31426 MR. ROITENBERG: Okay. There seems
6 to have been a rather large amount of money -- you have
7 pinpointed some 21-plus million dollars coming through
8 that account.

9 31427 Were there other sources of funds
10 that were coming into these accounts -- and I say these
11 accounts in terms of the 18679 grouping of accounts --
12 that was a parallel amount or even similar in dollar
13 figure to that which was flowing through the .4
14 account?

15 31428 MR. WHITLA: No, sir.

16 31429 MR. ROITENBERG: Were there any other
17 accounts which were taking in U.S. dollar payments?

18 31430 MR. WHITLA: Not that we are aware
19 of, sir.

20 31431 MR. ROITENBERG: Did that fact take
21 on any significance for you?

22 31432 MR. WHITLA: It did. As we
23 understand it, the payments from Airbus were made in
24 U.S. dollars.

25 31433 MR. ROITENBERG: Do you have

1 information as to whether any other success fees or
2 payments that were going into these IAL accounts were
3 being paid in other currencies?

4 31434 MR. WHITLA: We do. We believe
5 that -- we understand that certain of the other
6 payments were either being made in Canadian dollars
7 into the .1 account and/or were in Deutsche Marks, into
8 the Deutsche Mark account.

9 31435 MR. ROITENBERG: Okay. When I look
10 at this slide, if you could and if you can't, tell me.
11 Can you take us through an example of any one of these
12 payments that would assist the Commission in seeing how
13 the money flowed through the .4 into Frankfurt?

14 31436 MR. WHITLA: Certainly. Again, we
15 don't have all the documentation to support that this
16 in fact did occur, but if we click on number five
17 there, deposit number five and pull it up, what you
18 will see is this is the -- again, we were given the
19 majority of the deposit slips for the .4 account. The
20 background document is that deposit slip.

21 31437 It identifies \$300,000 U.S. being
22 received into the account on a value date of August 24,
23 1992.

24 31438 We have left the portion of number
25 five of our chart above, and then what we have shown

1 below is a diary reference in Mr. Schreiber's diary on
2 August 25, 1992, which shows "Strobl", which we
3 understand was Mr. Schreiber's banker, as stated in his
4 statement to the Commission; under the number 300,
5 which would be the \$300,000, and then an apparent
6 splitting of those amounts with a "150" with no
7 identifier, an "F", being "75", an "M" at "37" and an
8 "S" at "37".

9 31439 If we then go to the next slide, this
10 is the actual bank statement for the Frankfurt account
11 and, as you can see at the bottom of that statement
12 highlighted, there is an \$89,100 deposit on August
13 26th -- sorry, 28th -- in that amount. And when we do
14 our conversion of the \$75,000 U.S., it would result in
15 approximately \$89,100.

16 31440 So if you were to assume that
17 Mr. Schreiber's reference to the "F" in the diary
18 reference represented the Frankfurt account, then that
19 would explain this transaction.

20 31441 MR. ROITENBERG: And this was within
21 how long after the deposit in U.S. dollars into the .4
22 account?

23 31442 MR. WHITLA: This occurred within
24 four days of the deposit into the U.S. dollar account.

25 31443 MR. ROITENBERG: I take it you

1 observed some sort of timing pattern between the
2 deposits into the .4 account and the deposits into
3 Frankfurt?

4 31444 MR. WHITLA: That's correct. In all
5 instances, of course, the deposit was first made into
6 the .4 account and then there would be, while not
7 directly linked, a subsequent deposit into the
8 Frankfurt account, typically within a few days.

9 31445 I think the largest gap we noted was
10 a one-month gap.

11 31446 MR. ROITENBERG: Were there other
12 specific examples that you analyzed of these deposits
13 and the correlation?

14 31447 MR. WHITLA: Certainly. The next
15 one, at No. 7 -- and this is an interesting one because
16 it only occurred in two instances.

17 31448 The bank statement on the next page
18 actually noted -- sorry, what I failed to mention was
19 that in all of these seven cases, as in the majority of
20 the 24 we spoke to, they are all identified within the
21 bank statements as been currency transactions; so in
22 other words, exchange of funds from one currency to
23 another.

24 31449 In the instance of deposit number 13
25 on May 13, '93 the bank statement actually identifies

1 that the actual currency was a U.S. dollars, as you
2 will see there. So it says 340 U.S. There is an
3 exchange rate and then that translates into the deposit
4 of \$431,460.

5 31450 MR. ROITENBERG: So although you
6 don't have any statements even for this transaction
7 which show specifically the money going from .4 to
8 Frankfurt, you have the currency transaction which
9 reveals an identical amount as to what would have been
10 24.8 per cent being transferred into Frankfurt and an
11 illustration of the fact it was a currency exchange
12 from U.S. dollars into Canadian funds?

13 31451 MR. WHITLA: That is correct.

14 31452 MR. ROITENBERG: Were there any
15 transactions that you observed which led you to
16 question this patterning?

17 31453 MR. WHITLA: No, there were not.

18 31454 MR. ROITENBERG: If you wouldn't
19 mind, can you in a nutshell for the Commissioner
20 summarize the flow of funds that you saw coming from .4
21 through to Frankfurt and into Britan?

22 31455 MR. WHITLA: Certainly. Phil, could
23 you just flip back to the summary slide? Just the
24 bigger one that lays out the full flow of funds. There
25 we go.

1 31456 So in this slide again what we have
2 noted on -- and it is again at the bottom of page 6 of
3 our report.

4 31457 MR. ROITENBERG: I'm just going to
5 stop you there. For those following on the handouts,
6 it is page 13.

7 31458 MR. WHITLA: Thirteen. And there we
8 have --

9 31459 MR. ROITENBERG: It's not?

10 31460 MR. WHITLA: It should be slide 13.
11 --- Pause

12 31461 MR. ROITENBERG: Well, we have one
13 report it is page 8; on the slide itself it says page
14 13. I think people are operating from two different
15 sets of handouts.

16 31462 But in any event, it is summarized as
17 you said at what page of the report, sir?

18 31463 MR. WHITLA: On page 6 of our report.
19 31464 Maybe if I just walk you through this
20 slide, we can speak to it.

21 31465 We know or we believe and have
22 accepted as a reasonable fact the Airbus payments were
23 made at this point in time into the Swiss Bank
24 Corporation New York. That again is based on, one,
25 Mr. Schreiber's statement; but, two, and more

1 importantly, is the German prosecutor's report who lays
2 out the specific deposits which we see being deposited
3 into the .4 account as being related to Airbus.

4 31466 We then have the IAL, the transfer
5 document, or the transfer amount there being Canadian
6 \$1,000,460. In that reference, while we are not and
7 can't categorically say this took place, we believe
8 that a reasonable inference can be made that the funds
9 flowed based on this patterning and the information
10 supplied by Mr. Schreiber, et cetera, that this
11 patterning occurred such that the funds flowed over to
12 the Frankfurt 18679 account.

13 31467 MR. ROITENBERG: Okay. Now, this
14 shows us, through your analysis, where the funds came
15 from, at least to the inference that you are prepared
16 to make, into eventually the Britan account.

17 31468 As you said earlier, there is no
18 documentary evidence at all that shows the funds
19 withdrawn from the Britan account were in fact used for
20 the alleged payments to Mr. Mulroney.

21 31469 Is that right?

22 31470 MR. WHITLA: That is correct.

23 31471 MR. ROITENBERG: Even if one were to
24 go with the theory that the money that came out of
25 Britan as alleged by Mr. Schreiber eventually made its

1 way to Mr. Mulroney, are you aware of any evidence that
2 would show that Mr. Mulroney as the recipient of those
3 funds would have any way of knowing as to what the
4 source of funds was?

5 31472 MR. WHITLA: There is no such
6 evidence that we are aware of.

7 31473 MR. ROITENBERG: As you are aware,
8 Mr. Schreiber had stated in his testimony that he
9 deposited potentially \$500,000 Canadian in the
10 Frankfurt account in 1988 and that these funds formed
11 part of the monies transferred to the Britan account.

12 31474 From your analysis, is there any way
13 that you found that supports that assertion?

14 31475 MR. WHITLA: No, sir. I think as we
15 have already discussed, we determined that that
16 \$500,000 had been fully utilized by 1990. So those
17 funds would not have been available in 1993 to make the
18 transfer.

19 31476 MR. ROITENBERG: Your report
20 indicated that you could not identify the ultimate
21 recipient of millions of dollars of funds received by
22 Mr. Schreiber or these bank accounts controlled by him.

23 31477 Is that right?

24 31478 MR. WHITLA: That's correct.

25 31479 MR. ROITENBERG: Do you have an

1 illustration that shows what was observed in that
2 regard or what was lacking in terms of your analysis in
3 that regard?

4 31480 MR. WHITLA: Certainly. I think what
5 needs to be made clear to the Commission is that there
6 is millions of dollars flowing through these bank
7 accounts of which the ultimate recipient, based on the
8 documentation we were provided with, is unknown.

9 31481 We have identified -- Phil, if you
10 can flip it up -- in particular extensive cash
11 withdrawals of which, again, because it is a cash
12 withdrawal there would be no evidence to support.

13 31482 That is on the last slide right
14 there.

15 31483 So in other words, \$1.3 million of
16 Canadian; Swiss francs of 3.7, I think the translation
17 rate would be about 1.2 Canadian. So that would be
18 approximately \$3 million Canadian; Deutsche Marks would
19 be again somewhere around 2.5 to 2.7 Canadian; and the
20 French francs is relatively insignificant.

21 31484 MR. ROITENBERG: So all those funds
22 that we see up there in that slide were funds that we
23 were unable to identify going to any particular
24 individual?

25 31485 MR. WHITLA: That is strictly just a

1 cash amount, sir. There are numerous instances in our
2 report where amounts are actually transferred to other
3 accounts and we don't know the ultimate recipients of
4 those funds either.

5 31486 MR. ROITENBERG: In reviewing these
6 banking records, including the withdrawals in cash from
7 the Britan account, were you able to reveal any
8 evidence that showed any payments to Mr. Mulroney?

9 31487 MR. WHITLA: None of the banking
10 records we've reviewed had any indication that
11 Mr. Mulroney was the recipient of the funds.

12 31488 MR. ROITENBERG: Mr. Commissioner, I
13 note it is approximately 10 to 11:00. I don't believe
14 I have much more for Mr. Whitla. I would like to
15 confirm that and, in fact, if given the time, I may be
16 able to shorten what I do have left for Mr. Whitla.

17 31489 It might be the opportune time for
18 the morning break.

19 31490 COMMISSIONER OLIPHANT: Just before
20 we leave, I just want to, to use Mr. Roitenberg's word,
21 in a nutshell, do I understand that you are saying it
22 is reasonable to conclude that the monies that
23 Mr. Mulroney received from Mr. Schreiber originated
24 from Airbus?

25 31491 MR. WHITLA: That's correct. We

1 believe, while we can't categorically say that's
2 what --

3 31492 COMMISSIONER OLIPHANT: It is
4 reasonable to conclude that the monies that came into
5 Mr. Mulroney's hands came from Airbus?

6 31493 MR. WHITLA: I think that is a
7 reasonable assumption.

8 31494 COMMISSIONER OLIPHANT: But there is
9 nothing to indicate that he was aware of that?

10 31495 MR. WHITLA: That is correct as well.

11 31496 COMMISSIONER OLIPHANT: All right.
12 We will break for 15 minutes.

13 31497 MR. ROITENBERG: I just want to
14 qualify something that Mr. Commissioner said because it
15 might have been my misunderstanding of something you
16 had said earlier.

17 31498 My understanding was it was
18 reasonable to conclude that the money that flowed into
19 the Britan account came from Airbus, but there was
20 nothing that you found to link the money that came out
21 of Britan, that that was necessarily the same funds
22 that were given to Mr. Mulroney.

23 31499 MR. WHITLA: Mr. Roitenberg, you are
24 correct, exactly. We don't know if those funds
25 actually were the funds, if any funds were received by

1 Mr. Mulroney.

2 31500 MR. ROITENBERG: Okay. So just to
3 follow up on the Commissioner's question, it is
4 reasonable to conclude that the money that flowed into
5 Britan came from Airbus, but to make the link from
6 those funds to Mr. Mulroney, you have to go by what
7 Mr. Schreiber tells you were the source of the money
8 that he took out of the bank and handed over in cash?

9 31501 MR. WHITLA: That's correct.

10 31502 MR. ROITENBERG: Thank you.

11 31503 COMMISSIONER OLIPHANT: Okay. Thank
12 you.

13 31504 We will break for 15 minutes.

14 --- Upon recessing at 10:50 a.m./ Suspension à 10 h 50

15 --- Upon resuming at 11:15 a.m. / Reprise à 11 h 15

16 31505 COMMISSIONER OLIPHANT: Be seated,
17 please.

18 31506 Mr. Roitenberg, just before you
19 proceed, I just want to get something firm in my mind.

20 31507 I confess, Mr. Whitla, that as much
21 as I am enjoying hearing you, I think my eyes glazed
22 over a little bit just before the break.

23 31508 I just want to confirm with you that
24 in a summary way the money that ended up in Britan, it
25 can be reasonably concluded came from Airbus

1 commissions?

2 31509 MR. WHITLA: What we say in our
3 report, sir, is that a reasonable inference can be made
4 and that the monies that ended up in the Britan account
5 were in fact a pool of funds of which 91 per cent were
6 funds that originated with Airbus, or apparently
7 originated with Airbus.

8 31510 COMMISSIONER OLIPHANT: All right.
9 But that from your perspective as a forensic
10 accountant, you are not able to determine whether the
11 Britan funds were used to pay Mr. Mulroney?

12 31511 MR. WHITLA: That's correct. We have
13 no way of linking the Britan fund withdrawals to
14 Mr. Mulroney.

15 31512 COMMISSIONER OLIPHANT: Okay. Thank
16 you.

17 31513 MR. ROITENBERG: Thank you,
18 Mr. Commissioner.

19 31514 Mr. Whitla, I have just a couple of
20 other questions.

21 31515 First is, I was asking you about
22 documents that you are lacking, and I put to you the
23 notion that we had made a request, that is the
24 Commission had made a request, to the Attorney General
25 for Canada who had in turn made a request to the Swiss

1 authorities that documents provided to Canada pursuant
2 to the letters of request be released and that as yet
3 we have not had a positive response.

4 31516 I am advised that in fact we have had
5 a negative response, that they will not provide those.

6 31517 Are you aware of that, sir?

7 31518 MR. WHITLA: I was aware of that with
8 regard to the Swiss documents. I was not aware of it
9 with regard to the German documents.

10 31519 MR. ROITENBERG: Okay. Well, I'm
11 speaking of the Swiss documents.

12 31520 MR. WHITLA: Just the Swiss.

13 31521 MR. ROITENBERG: Okay.

14 31522 COMMISSIONER OLIPHANT: Your
15 information is that the Swiss government has refused to
16 give permission to the Canadian government to release
17 the documents to the Commission?

18 31523 MR. ROITENBERG: For our use, yes.

19 31524 COMMISSIONER OLIPHANT: For our use.
20 This has nothing to do with banks refusing. It is the
21 Government of Switzerland --

22 31525 MR. ROITENBERG: That's right.

23 31526 COMMISSIONER OLIPHANT: -- that has
24 refused a request by the Government of Canada.

25 31527 MR. ROITENBERG: That's correct.

1 31528 Now, if I could, there was just one
2 other area that I wanted to cover briefly with you.

3 31529 If you could go to the slide before
4 you, just as an overview again of the Frankfurt funds,
5 I asked you specifically with regard to a deposit of
6 \$500,000 made at the end of October of 1988 to this
7 account ostensibly traced back to payments made by
8 Thyssen in 1988.

9 31530 Do you recall me asking you about
10 that?

11 31531 MR. WHITLA: Yes, I do.

12 31532 MR. ROITENBERG: Was there at any
13 time subsequent to that any other deposits made that
14 can be traced back to the source being Thyssen?

15 31533 MR. WHITLA: No, there is not. In
16 regard to that account, sir.

17 31534 MR. ROITENBERG: Yes, in regard to
18 that account. That account was the sole source of
19 funds of the Britan account?

20 31535 MR. WHITLA: That's correct.

21 31536 MR. ROITENBERG: Now, much time has
22 been spent on the slides and I know that there were
23 some additional slides or blowups or segments that were
24 utilized in this slide presentation that are not
25 schedules or charts contained within your report. So

1 I'm going to provide my copy to our Registrar and ask
2 that it be marked as Exhibit P-41, just to complete the
3 picture for Mr. Commissioner.

4 31537 I am as well going to ask that the
5 two books of documents be marked as Exhibit P-42.

6 31538 I believe you have a copy of the two
7 books of documents in support of the report, if those
8 could be marked as P-42.

9 31539 And with that, Mr. Whitla, I am going
10 to thank you for making it somewhat understandable for
11 somebody even as numerically challenged as myself.

12 31540 I believe some of my colleagues may
13 have some questions.

14 31541 MR. WHITLA: Certainly.

15 31542 COMMISSIONER OLIPHANT: Just before
16 we do that, I take it that the package of slides that
17 is to go in as P-41 and the document books, two in
18 number, as P-42 are going by consent.

19 31543 Maître Grondin? Yes?

20 31544 MR. GRONDIN: Yes.

21 31545 COMMISSIONER OLIPHANT: Thank you.

22 31546 Mr. Landry...?

23 31547 MR. LANDRY: By consent, yes.

24 31548 COMMISSIONER OLIPHANT: Thank you.

25 31549 Mr. Houston...?

1 31550 MR. HOUSTON: Yes, sir. Thank you.

2 31551 COMMISSIONER OLIPHANT: Mr. Auger...?

3 31552 MR. AUGER: Agreed.

4 31553 COMMISSIONER OLIPHANT: Thanks.

5 31554 The package of slides, then, in

6 document form, will be received and marked as Exhibit

7 P-41.

8 EXHIBIT NO. P-41: PowerPoint

9 slide presentation

10 31555 COMMISSIONER OLIPHANT: And the two

11 binders of documents relied upon by Navigant will be

12 received and marked as Exhibit P-42.

13 EXHIBIT NO. P-42: Two binders

14 of documents entitled "Documents

15 Relied Upon, Appendix 3 to

16 Navigant Consulting Report"

17 31556 COMMISSIONER OLIPHANT: And that is

18 the extent of your examination thus far at least.

19 31557 MR. ROITENBERG: It is the extent of

20 my examination thus far, Mr. Commissioner. Thank you.

21 31558 COMMISSIONER OLIPHANT: Thank you.

22 31559 Maître Grondin...?

23 31560 MR. GRONDIN: I will have a few

24 questions, Mr. Commissioner.

25 EXAMINATION: STEVEN WHITLA BY MR. GRONDIN /

1 INTERROGATOIRE : STEVEN WHITLA PAR Me GRONDIN

2 31561 MR. GRONDIN: Good morning,
3 Mr. Whitla.

4 31562 MR. WHITLA: Good morning, sir.

5 31563 MR. GRONDIN: I will start by saying
6 that if my colleague Mr. Roitenberg is challenged by
7 all this information, being myself the owner of one
8 bank account and having some time to deal with
9 remembering my NIP, it was quite a challenge, too.

10 31564 COMMISSIONER OLIPHANT: I won't
11 comment on that.

12 31565 MR. GRONDIN: And the account is not
13 in Switzerland, by the way.

14 31566 So, Mr. Whitla, I would like to draw
15 your attention to pages 4 and 5 of your report, please.
16 From subsection 3.1, that is entitled "Bank Accounts of
17 Interest", you list numerous bank accounts or sub
18 accounts that are controlled by Mr. Schreiber or his
19 companies; correct?

20 31567 MR. WHITLA: That is correct.

21 31568 MR. GRONDIN: If you go to the next
22 page, page 5, under the subheading 3.1.2 "Other Bank
23 Accounts", we see other bank accounts controlled either
24 by Mr. Schreiber or his companies; correct?

25 31569 MR. WHITLA: I'm not sure that I can

1 give you a categoric answer that certain of those
2 accounts -- or that Mr. Schreiber would admit that he
3 controls those accounts.

4 31570 I know that he has admitted that he
5 controls the 18679 IAL accounts. Beyond that, it is
6 not clear to me which ones he would say that he
7 actually controls.

8 31571 MR. GRONDIN: Okay. But you do refer
9 in your report on certain occasions to the fact that
10 banking documents suggest that he had the authority
11 over such accounts.

12 31572 MR. WHITLA: Certainly, yes.

13 31573 MR. GRONDIN: And when we go over the
14 various schedules that are attached to your report, we
15 notice further bank accounts that are apparently at
16 least linked to Mr. Schreiber or his companies:
17 correct?

18 31574 MR. WHITLA: There are certain other
19 accounts where we see transfers out to accounts that
20 are identified as Mr. Schreiber accounts.

21 31575 MR. GRONDIN: Right. I have
22 personally counted approximately 25 of such bank
23 accounts. Would that be a fair number?

24 31576 MR. WHITLA: That is probably a
25 reasonable number. I'm not sure exactly what the

1 number is, but that is probably a reasonable number.

2 31577 MR. GRONDIN: And you mentioned
3 during your testimony that you had been working on this
4 file I understand since January --

5 31578 MR. WHITLA: That's correct.

6 31579 MR. GRONDIN: -- of this year.

7 31580 MR. WHITLA: That's correct.

8 31581 MR. GRONDIN: And I understand that
9 you produced this report last week, I believe April
10 29th, that is with the conclusions following your
11 analysis; correct?

12 31582 MR. WHITLA: That's correct.

13 31583 MR. GRONDIN: Did you work alone on
14 that file or were you assisted by other people?

15 31584 MR. WHITLA: There was a team of
16 Navigant people who worked on the file.

17 31585 MR. GRONDIN: So then it means that
18 since January a team of competent people from Navigant
19 spent a great deal of time working on these various
20 bank accounts and flow of monies between the accounts
21 and --

22 31586 MR. WHITLA: Right. There was a team
23 of effectively six of us working not necessarily
24 fulltime, but on this since January analyzing the
25 accounts.

1 31587 MR. GRONDIN: Spending a major
2 portion of your time. Would that be fair to say?
3 31588 MR. WHITLA: Most of the team was
4 spending a major portion of their time, yes.
5 31589 MR. GRONDIN: Okay. To be able to
6 arrive at that result --
7 31590 MR. WHITLA: That's correct.
8 31591 MR. GRONDIN: -- in April, four
9 months after.
10 31592 So then would you agree with me that
11 the banking arrangement, if I may call it like that, of
12 Mr. Schreiber is not that of the standard individual,
13 much more complex?
14 31593 MR. WHITLA: There are a significant
15 number of accounts and I would suggest that one would
16 think it was a relatively complex --
17 31594 COMMISSIONER OLIPHANT: Could I ask
18 you to put your microphone up, please.
19 31595 MR. WHITLA: Sure. I was told to put
20 it down like this, but I will bring it up for your
21 benefit.
22 31596 MR. GRONDIN: And would you agree,
23 sir, that apart probably for Mr. Schreiber himself,
24 nobody can really know the extent of all his bank
25 accounts and the relationship and flow of money between

1 the various bank accounts?

2 31597 MR. WHITLA: I think that if a person
3 had access to all and could follow every piece of
4 deposits and withdrawals from these accounts, you could
5 eventually put it all together. But it would need of
6 course all the banking records to be provided to you.

7 31598 So minus having all exhaustive
8 banking records, it would be largely dependent upon
9 Mr. Schreiber to assist in that regard.

10 31599 MR. GRONDIN: Even to know the exact
11 number of bank accounts, because we understood from the
12 examination of Mr. Schreiber by Mr. Wolson that not all
13 of his bank accounts had been revealed to the
14 Commission. Fair?

15 31600 MR. WHITLA: Yes. You would need
16 Mr. Schreiber's assistance in that regard.

17 31601 MR. GRONDIN: Right. So would you
18 agree with me, Mr. Whitla, that a third party cannot
19 know about the organization system and flow between the
20 various bank accounts of Mr. Schreiber unless he is the
21 bank manager and has access to all the bank accounts?
22 But a third party doesn't have that access?

23 31602 MR. WHITLA: Again, I will just
24 repeat my previous answer. Without having complete
25 100 per cent access to all the banking records, one

1 could not accomplish that.

2 31603 MR. GRONDIN: All right. Actually,
3 when going over all these accounts and complex flow of
4 money between the accounts, you almost felt like it had
5 been made intricate and complex on purpose.

6 31604 But I would draw your attention
7 now --

8 31605 COMMISSIONER OLIPHANT: Just a
9 minute. Is that your statement or are you suggesting
10 that is something that Mr. Whitla said?

11 31606 MR. WHITLA: It's not my statement,
12 sir.

13 31607 MR. GRONDIN: Would you agree that
14 the arrangement that you described, the partial
15 arrangement, is rather complex?

16 31608 MR. WHITLA: I stated that it was
17 relatively complex.

18 31609 MR. GRONDIN: Okay.

19 31610 I will now draw your attention to
20 page 2 of the report, the third paragraph. That says
21 that:

22 "This report is based on the
23 scope of review as described in
24 Section 2.0."

25 31611 If you turn to the next page, page 3,

1 we see the heading "Scope of Review". I understand
2 that this is what you are referring to at page 2;
3 correct?

4 31612 MR. WHITLA: That's correct.

5 31613 MR. GRONDIN: And the scope of review
6 includes all the limitations that you described earlier
7 in your testimony; that is that the Commission was
8 unable to have access to all of the relevant documents,
9 not provided with a complete set of bank statements and
10 supporting documents and not provided with any original
11 documents.

12 31614 That's correct?

13 31615 MR. WHITLA: That's correct.

14 31616 MR. GRONDIN: So that we must
15 understand, therefore, that the report is based on
16 these limitations?

17 31617 MR. WHITLA: These certainly are
18 identified as being limitations in our report.

19 31618 MR. GRONDIN: Thank you, Mr. Whitla.
20 No further questions.

21 31619 MR. LANDRY: I have no questions,
22 Mr. Commissioner.

23 31620 COMMISSIONER OLIPHANT: No thanks.
24 Thanks, Maître Landry.

25 31621 Mr. Houston, any questions, sir?

1 31622 MR. HOUSTON: I do. Thank you, sir.

2 31623 COMMISSIONER OLIPHANT: All right.

3 --- Pause

4 31624 MR. HOUSTON: It sure is fun carrying
5 around all these books, Mr. Commissioner.

6 31625 COMMISSIONER OLIPHANT: It's cheaper
7 than having a membership at a gym.

8 31626 MR. HOUSTON: That may be true, sir.

9 EXAMINATION: STEVEN WHITLA BY MR. HOUSTON /
10 INTERROGATOIRE : STEVEN WHITLA PAR Me HOUSTON

11 31627 MR. HOUSTON: Good morning.

12 31628 MR. WHITLA: Good morning, sir.

13 31629 MR. HOUSTON: I represent Mr. Doucet,
14 sir. I have some questions to follow up on
15 Mr. Grondin's questions about some of these accounts.

16 31630 I'm not going to suggest my
17 arithmetic is any better than my colleagues, but I have
18 counted in the pages 4 and 5 some 21 different accounts
19 that are numbered, by my calculation, and at least 15
20 more which by my calculation has the number of accounts
21 referred to directly or indirectly in your account of
22 somewhere between 35 and 40 accounts.

23 31631 Does that sound about familiar to
24 you?

25 31632 MR. WHITLA: Again, it's a

1 significant number. Somewhere in the neighbourhood of
2 25 to 40 is probably a reasonable number of accounts.

3 31633 MR. HOUSTON: Just to identify some
4 of these additional accounts, sir, your report has a
5 number of schedules.

6 31634 By the way, sir, did you identify a
7 company called Rockcliffe Enterprises as a company
8 owned by Mr. Schreiber?

9 31635 MR. WHITLA: We are aware of that
10 company, yes.

11 31636 MR. HOUSTON: If you would turn to
12 your Schedule 14 -- do you have that, sir?

13 31637 MR. WHITLA: I do, yes.

14 31638 MR. HOUSTON: If I look at page 2 of
15 4, near the bottom of the page there is an entry for
16 payment of \$700,009.78 to Rockcliffe Enterprises in it
17 looks like 19th of November 1992.

18 31639 MR. WHITLA: I see that, sir, yes.

19 31640 MR. HOUSTON: And there is a
20 reference to an account number 0124329, which would
21 appear to be Rockcliffe Enterprises account.

22 31641 MR. WHITLA: Yes.

23 31642 MR. HOUSTON: Would that be correct?

24 31643 MR. WHITLA: That would be correct.

25 31644 MR. HOUSTON: Did you have access to

1 that account?

2 31645 MR. WHITLA: We did not, sir.

3 31646 MR. HOUSTON: Would you turn the
4 page. I see on the next page there is a reference to a
5 number of payments -- by the way, these payments are
6 coming from IAL 18679.1?

7 31647 MR. WHITLA: Yes, that is correct,
8 sir.

9 31648 MR. HOUSTON: On the following page
10 we see a number of payments in 1993, beginning in March
11 of 1993, \$50,022; the next month \$50,009. There are
12 some cash withdrawals and then another payment in June
13 of \$50,023.

14 31649 I won't go through all of it, but
15 would you agree with me that there are a number of
16 entries on that page of payments to Rockcliffe
17 Enterprises in 1993?

18 31650 MR. WHITLA: There are.

19 31651 MR. HOUSTON: My arithmetic, again
20 not challenging my friends, has that number somewhere
21 in excess of \$250,000 in 1993 alone.

22 31652 Do you have any information or
23 documents to support what those payments were for?

24 31653 MR. WHITLA: We do not.

25 31654 MR. HOUSTON: The same schedule also

1 refers to another account. If you turn back to page 2,
2 just above the entry for the \$700,000 figure, there is
3 "Karlheinz Schreiber Account #2106 5962 10" and there
4 are a number of entries for that account.

5 31655 Did you have access to those
6 documents?

7 31656 MR. WHITLA: We did not.

8 31657 MR. HOUSTON: You have included in
9 the material the reference to Bitucan accounts, one in
10 Bank of Nova Scotia, and you referred to Bitucan
11 account referable to Bank of Montréal.

12 31658 MR. WHITLA: Yes. I think we
13 referred to two separate Bitucan accounts.

14 31659 MR. HOUSTON: Just for the record,
15 they are at P-42, 9 and 10. It's your Appendix,
16 Mr. Whitla.

17 31660 MR. WHITLA: Yes.

18 31661 MR. HOUSTON: At Tab No. 9 we see
19 bank statements for Bank of Nova Scotia beginning at
20 March of 1989.

21 31662 MR. WHITLA: Yes.

22 31663 MR. HOUSTON: Over a number of
23 months. Is that correct?

24 31664 MR. WHITLA: Yes, that is correct,
25 sir.

1 31665 MR. HOUSTON: By the way, sir, when
2 you had access to the Bank of Nova Scotia documents,
3 did you have access to cancelled cheques?
4 31666 MR. WHITLA: I believe we did not,
5 sir.
6 31667 MR. HOUSTON: Indeed, did you have
7 access to cancelled cheques on any of the accounts that
8 you examined?
9 31668 MR. WHITLA: I would have to -- I
10 know we did have withdrawal information for some of
11 those. I'm not sure -- I don't believe we had, other
12 than maybe in one instance, a cancelled cheque.
13 31669 MR. HOUSTON: Do you recall in your
14 report --
15 31670 MR. WHITLA: I'm sorry, sir, we did
16 have five related to those --
17 31671 MR. HOUSTON: I'm coming to them in a
18 moment.
19 31672 MR. WHITLA: Okay. Sorry.
20 31673 MR. HOUSTON: But before we get to
21 the cheques drawn on the Bank of Montréal that are the
22 next tab, do you recall in your report, sir, there is
23 reference to cheques of over \$4 million, \$5 million
24 drawn on the account in New York City?
25 31674 MR. WHITLA: I'm sorry, which account

1 are you speaking to, sir, the SBC? That is the
2 transfer of the monies in that we infer potentially
3 went to the Frankfurt account?

4 31675 MR. HOUSTON: Page 28 of your report.
5 31676 Do you have that, sir?
6 31677 MR. WHITLA: Yes, I do.
7 31678 MR. HOUSTON: You refer to a cheque
8 in the amount of U.S. \$4,499,995.
9 31679 MR. WHITLA: Yes.
10 31680 MR. HOUSTON: And just down the page
11 there is reference to, it looks like the same cheque
12 number, but the number is \$4,500,000.
13 31681 That is just rounded off? We see it
14 down the page.
15 31682 MR. WHITLA: That's correct, sir.
16 31683 MR. HOUSTON: That particular cheque,
17 did you have access to it?
18 31684 MR. WHITLA: I believe we had a copy
19 of that cheque, yes, sir.
20 31685 MR. HOUSTON: And to whom it was
21 payable?
22 31686 You said it was written from
23 Kensington, payable to whom?
24 31687 MR. WHITLA: Yes, it was payable to
25 IAL, sir.

1 31688 MR. HOUSTON: I see.

2 31689 And on page 31 there is reference to
3 some confusion of some cheque in the amount of
4 \$4 million. Do you see that payment to Karlheinz
5 Schreiber down at the bottom of page 31?

6 31690 MR. WHITLA: Yes, sir.

7 31691 MR. HOUSTON: Did you have access to
8 that cheque?

9 31692 MR. WHITLA: We had access to the
10 banking documents, but we didn't have I believe the
11 actual cheque.

12 31693 In both cases they just reference a
13 cheque number.

14 31694 MR. HOUSTON: But you were looking at
15 bank documents which referred to a cheque number and an
16 amount of \$4 million U.S. payable -- how did you know
17 it was payable to Mr. Schreiber, by the way?

18 31695 MR. WHITLA: The bank documents
19 identified that, sir.

20 31696 MR. HOUSTON: All right. Then when
21 we look at your Tab No. 10, you have the copies of
22 cheques which we have seen a number of times in this
23 inquiry: four cheques in the amount of \$90,000 and one
24 of \$250,000; correct?

25 31697 MR. WHITLA: Yes, sir.

1 31698 MR. HOUSTON: Did you have any bank
2 statements for the Bank of Montréal?

3 31699 MR. WHITLA: I don't believe we did,
4 sir.

5 31700 MR. HOUSTON: Do you have any
6 documents from the Bank of Montréal account of Bitucan
7 for the year 1988?

8 31701 MR. WHITLA: No, sir.

9 31702 MR. HOUSTON: Apart from looking at
10 the face of these cheques, can you help the
11 Commissioner at all to determine whether there is any
12 confirmation that these cheques were in fact negotiated
13 through that account?

14 31703 MR. WHITLA: Sir, if these accounts
15 had cleared the bank, the amount -- if we look at
16 cheque 104 there, for example, if that was a cancelled
17 cheque, the bank would have noted the \$90,000 amount
18 down in the scripting along the bottom of the cheque as
19 having -- so in other words, as it clears the bank, the
20 \$90,000 amount is included in that scripting along the
21 bottom of the cheque, if it was fact the cancelled
22 cheque.

23 31704 MR. HOUSTON: But you have no bank
24 documents referable to Bank of Montréal?

25 31705 MR. WHITLA: We do not.

1 31706 MR. HOUSTON: You have no idea when
2 that particular account was opened and when it was
3 closed?

4 31707 MR. WHITLA: I don't believe so, sir.

5 31708 MR. HOUSTON: All right, sir. Thank
6 you very much.

7 31709 Those are my questions,
8 Mr. Commissioner.

9 31710 COMMISSIONER OLIPHANT: Thank you,
10 Mr. Houston.

11 31711 Mr. Auger...?

12 EXAMINATION: STEVEN WHITLA BY MR. AUGER /
13 INTERROGATOIRE : STEVEN WHITLA PAR Me AUGER

14 31712 MR. AUGER: Just a follow-up to
15 Mr. Doucet's counsel's questions.

16 31713 You in your report and in the course
17 of your retainer did not review any accounts generated
18 by Mr. Doucet?

19 31714 MR. WHITLA: That's correct.

20 31715 MR. AUGER: And the same is true in
21 relation to Mr. Mulroney. Your retainer did not
22 encompass your review of any of Mr. Mulroney's
23 accounts?

24 31716 MR. WHITLA: That's correct.

25 31717 MR. AUGER: My friends had taken you

1 to pages 4 and 5 of your report and highlighted that
2 Mr. Schreiber had provided virtually dozens of bank
3 records in relation to his accounts; right?

4 31718 MR. WHITLA: That's correct, sir.

5 31719 MR. AUGER: And indeed at Appendix
6 3 -- sorry, it is actually Appendix 2 of your report
7 you set out under "Scope of Review" the particulars of
8 those accounts, including the relevant time frames;
9 correct?

10 31720 MR. WHITLA: That's correct, sir.

11 31721 MR. AUGER: And obviously you and
12 your colleagues in the course of your retainer reviewed
13 that written documentation in order to generate your
14 report and opinion?

15 31722 MR. WHITLA: That's correct, sir.

16 31723 MR. AUGER: And I take it that you
17 will be able to confirm to the Commissioner that in the
18 course of reviewing literally hundreds of pages of
19 Mr. Schreiber's bank records, you didn't see one
20 redaction or blacked out material?

21 31724 MR. WHITLA: That's correct, sir.

22 31725 MR. AUGER: Just following up on
23 Appendix 2 at the bottom, you also in the course of
24 your retainer had the benefit of -- bullet 2 says:

25 "Mr. Schreiber's personal

1 diaries for the period January
2 1, 1990 to December 31, 1994".
3 31726 You had the benefit of those
4 documents as well?
5 31727 MR. WHITLA: Yes, we did, sir.
6 31728 MR. AUGER: And you will be able to
7 confirm to the Commissioner that in the course of
8 reviewing virtually hundreds of pages of diaries of
9 Mr. Schreiber's, not one line was blanked out or
10 redacted?
11 31729 MR. WHITLA: In the copies we
12 reviewed, sir, there was no redactions noted.
13 31730 MR. AUGER: In your opinion, you had
14 told the Commissioner that, if I got this right, 91 per
15 cent of the funds in Frankfurt could be traced to
16 Airbus.
17 31731 MR. WHITLA: I'm sorry, 91 per cent
18 of the funds that were available for the \$500,000
19 transfer to the Britan account would have originated
20 back, based on an inference, would relate back to
21 Airbus.
22 31732 MR. AUGER: And am I right in terms
23 of the remaining 9 per cent you are not able to opine
24 because you don't have the information?
25 31733 MR. WHITLA: We do have the

1 information. In fact, if I can refer you to the
2 slide -- actually, why don't we just go to the bottom
3 of page 6 of the report.

4 31734 MR. AUGER: Thank you.

5 31735 MR. WHITLA: So if you look there,
6 there is the box that is entitled "Frankfurt". There
7 are other amounts identified above, which is the
8 \$143,000.

9 31736 MR. AUGER: I'm sorry, I am looking
10 at page 6 of your report --

11 31737 MR. WHITLA: Yes.

12 31738 MR. AUGER: -- or the slides?

13 31739 MR. WHITLA: Right. No, six of the
14 report, sorry.

15 31740 MR. AUGER: Thank you.

16 31741 MR. WHITLA: There is a, which we had
17 up as a slide earlier, there is the slide that flows
18 the money from Airbus through the SBC New York account
19 into the .4 account and then, based on the 25 per cent
20 patterning and other factors, we then flow it to the
21 Frankfurt account.

22 31742 So that represents the 91 per cent of
23 the funds we are talking about.

24 31743 And it is mixed into the Frankfurt
25 account with other amounts, \$82,000 of which was the

1 balance in the Frankfurt account at March 13, '92.
2 There is interest income earned on investments, of
3 \$49,605, and there is an additional \$10,000 of an
4 unknown deposit.

5 31744 So that would explain the 9 per cent,
6 sir.

7 31745 MR. AUGER: In your earlier evidence,
8 in terms of time period three -- and I am looking at
9 the handout that we were given on page 9. I just
10 wanted to follow up, because you had told the
11 Commissioner that these were seven significant
12 deposits.

13 31746 MR. WHITLA: Yes.

14 31747 MR. AUGER: And you have highlighted
15 seven significant deposits.

16 31748 Is there any meaning in terms of your
17 description of "significant deposits"?

18 31749 MR. WHITLA: Yes, sir. There is only
19 one other deposit, which is the unknown \$10,000
20 deposit, which is a tiny little blip in the up that you
21 will see that we haven't numbered.

22 31750 MR. AUGER: Very good. Thank you
23 very much.

24 31751 Thank you, Commissioner.

25 31752 COMMISSIONER OLIPHANT: Thank you,

1 Mr. Auger.

2 31753 Mr. Roitenberg, any redirect?

3 31754 MR. ROITENBERG: I have one brief
4 area of re-examination, Mr. Commissioner.

5 EXAMINATION: STEVEN WHITLA BY MR. ROITENBERG /
6 INTERROGATOIRE : STEVEN WHITLA PAR Me ROITENBERG

7 31755 MR. ROITENBERG: It's in furtherance
8 of a question or line of questioning that Mr. Auger put
9 to you regarding Mr. Schreiber's productions of
10 documents to the Commission.

11 31756 You are aware that on March 24, 2009
12 an interview occurred between the Commission and
13 Mr. Schreiber?

14 31757 MR. WHITLA: I'm aware of that, yes.

15 31758 MR. ROITENBERG: And you are also
16 aware that on that date at that time Mr. Schreiber
17 agreed to answer questions of a representative of
18 Navigant Consulting?

19 31759 MR. WHITLA: That's correct, sir.

20 31760 MR. ROITENBERG: Thank you, sir.

21 31761 COMMISSIONER OLIPHANT: All right.

22 31762 Is there any reason why Mr. Whitla
23 can't be excused at this point in time?

24 31763 MR. ROITENBERG: There is none,
25 Mr. Commissioner.

1 31764 COMMISSIONER OLIPHANT: Mr. Whitla,
2 thank you very much for coming to assist us. Your help
3 is appreciated. You are free to leave, sir.

4 31765 MR. WHITLA: You are welcome, sir.

5 31766 MR. ROITENBERG: Assuming,
6 Mr. Commissioner, that all parties would be as baffled
7 as I was by the numbers, we had scheduled the entire
8 day for Mr. Whitla's testimony.

9 31767 COMMISSIONER OLIPHANT: So it only
10 took half a day to baffle you.

11 31768 MR. ROITENBERG: Yes. It usually
12 takes far less than that to baffle me.

13 31769 COMMISSIONER OLIPHANT: Are you
14 telling us that we are through for today?

15 31770 MR. ROITENBERG: I'm trying not to
16 actually say that out loud, but I think that would be
17 the inference that you should be comfortable drawing.

18 31771 COMMISSIONER OLIPHANT: All right.
19 31772 We will make that part of the
20 agreement, then. I am comfortable in drawing the
21 inference.

22 31773 I take it, then, that we will be
23 adjourning until tomorrow morning to hear from
24 Mr. Schreiber?

25 31774 MR. ROITENBERG: That is so.

1 31775 COMMISSIONER OLIPHANT: All right.

2 31776 So 9:30 tomorrow morning, then,
3 counsel, and ladies and gentlemen, at which time
4 Mr. Schreiber will be recalled.

5 31777 Thank you and good morning.

6 31778 MR. ROITENBERG: Thank you, sir.

7 --- Whereupon the hearing adjourned at 11:48 a.m.,
8 to resume on Thursday, May 7, 2009 at 9:30 a.m. /
9 L'audience est ajournée à 11 h 48, pour reprendre
10 le jeudi 7 mai 2009 à 9 h 30

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

We hereby certify that we have accurately
transcribed the foregoing to the best of
our skills and abilities.

Nous certifions que ce qui précède est une
transcription exacte et précise au meilleur
de nos connaissances et de nos compétences.

Lynda Johansson Jean Desaulniers

Fiona Potvin Sue Villeneuve