

B

APPENDIX B

SAMPLE SUBPOENA

COMMISSION OF INQUIRY INTO THE SPONSORSHIP PROGRAM
AND ADVERTISING ACTIVITIES

SUBPOENA

TO

I - Testimony

Pursuant to the authority granted to Justice John H. Gomery by Order in Council P.C. 2004-1110 and Part I of the Inquiries Act, section 4, this is to order you to attend at the Guy-Favreau Complex, Conference Centre (200 René-Lévesque boulevard West, Montréal) before the Commissioner, John H. Gomery on Monday, February 7, 2005 at 9:30 a.m., or on such other date fixed by the Commission, to give oral evidence relevant to the following matters, with definitions as appropriate set forth in Appendix A:

1. the creation, purpose, objectives of the Sponsorship Program and the National Unity Reserve Fund;
2. the selection of communications and advertising agencies in relation to the advertising activities;
3. the management of the Sponsorship Program, National Unity Reserve and advertising activities by the Government of Canada;
4. the receipt and use of any funds or commissions disbursed in connection with the Sponsorship Program, National Unity Reserve and advertising activities by any person or organization, either internal or external to the Government of Canada;
5. the flow of the Sponsorship Program, National Unity Reserve and advertising activities funds within the Government, both to the point that these funds were disbursed to non-Government of Canada sources, including the return of funds or any part thereof to the Government of Canada;
6. any gift, contribution or payment, in any form, made directly or indirectly by any recipient of funds from the Sponsorship Program, National Unity Reserve or advertising activities of the Government of Canada - including services rendered to a political organization, a political party, a member of Parliament, a political party leadership contestant, a candidate in an election, or a political party nomination contestant;
7. the identities of any person or organization who received Sponsorship Program, National Unity Reserve or advertising activity funds, including fees or commissions, the purpose for which those funds were disbursed to that person or organization, and the value for money received by the Government of Canada;
8. contractual and related documents, including tenders, contracts (including drafts), follow-ups, analyses (pre-contract and post-contract),

and all the files at issue in the Sponsorship Program and advertising activities;

9. documents and information produced either by the Government of Canada or yourself before the House of Commons Standing Committee on public accounts; and
10. any other document related to the Sponsorship Program, National Unity Reserve and advertising activities of the Government of Canada.

II- Documents and Information

Further, pursuant to the authority granted to Justice John H. Gomery by Order in Council P.C. 2004-1110 and Part I of the *Inquiries Act*, section 4, this is to order you to produce to the Commissioner, John H. Gomery at the Commission's Office at Guy-Favreau Complex East Tower, Suite 608, 200 René-Lévesque Blvd. West, in Montréal on Monday, July 5, 2004 at 9:30 a.m., all documents in your possession, custody or control, relevant to the matters outlined above.

Further, pursuant to the authority granted to Justice John H. Gomery by Order in Council P.C. 2004-1110 and Part I of the *Inquiries Act*, section 4, this is to order you to produce to the Commissioner, John H. Gomery at the Commission's Office at Guy-Favreau Complex East Tower, Suite 608, 200 René-Lévesque Blvd. West, in Montréal on Monday, July 5, 2004 at 9:30 a.m., the following information:

- I. Provide a list of all persons, including their present and, where relevant, former position(s), together with current addresses, telephone numbers, fax numbers and e-mail addresses, who have any relevant knowledge of, or involvement in, any of the matters identified in section I. Without limiting the generality of the foregoing, the list should specifically include and identify all persons who might reasonably be considered to have relevant and material evidence as witnesses before the Commission at public hearings.

2. Provide documents in connection with :
 - a) the normal or standard rules, procedures, structures, reporting lines, systems and guidelines for approvals, internal controls, implementation and administration of procurement programs and selection of service providers by the Government of Canada, including modifications thereto where relevant; and
 - b) the normal or standard rules, procedures, structures, reporting lines and guidelines for the creation, approvals, internal controls, implementation and administration of the Sponsorship Program, National Unity Reserve Fund and advertising activities of the Government of Canada, and whether, how and by whom there were deviations from, or non-compliance with, the standard norms.

Further, pursuant to the authority granted to Justice John H. Gomery by Order in Council P.C. 2004-1110 and Part I of the Inquiries Act, section 4, this is to order you to produce to the Commissioner, John H. Gomery at the Commission's Office at Guy-Favreau Complex East Tower, Suite 608, 200 René-Lévesque Blvd. West, in Montréal on Monday, July 5, 2004 at 9:30 a.m., the following documents:

- I. Any document in connection with the receipt of funds under the Sponsorship Program, National Unity Reserve, and advertising activities by yourself or and any entity listed in appendix D herein, including without limiting the generality of the foregoing, any contract, invoice, proposal relating with the payment of such funds in connection with, but not limited to, events mentioned in Appendix C. Such documents should include:
 - a) the names, addresses and contact numbers of any person involved in the transfer of such funds to yourself, and any entity listed in appendix D herein;
 - b) the amounts paid both to yourself, (including any entity listed in appendix D herein) and any agency, broken down by fees, commissions and services (with description); and

- c) the names, addresses and contact numbers of the officials of any agency, who may have relevant information relating to the receipt of such funds by yourself, and any entity listed in appendix D herein.
2. Any document in connection with the receipt of any other grant, contribution, or other payment by the Government of Canada, one of its departments, or by a Crown corporation to yourself or and any entity listed in appendix D herein (including subsidiaries and sub-contractors) through the CCSB agency of record, a communications or advertising agency, including subsidiaries and subcontractors of those agencies. Such documents should include:
 - a) the names, addresses and contact numbers of agencies involved in such transfers of funds;
 - b) the amounts paid both to yourself, (including any entity listed in appendix D herein) and any agency, broken down by fees, commissions and services (with description); and
 - c) the names, addresses and contact numbers of the officials of any agency, who may have relevant information relating to the receipt of such funds by yourself, and any entity listed in appendix D herein.
3. Any document in relation to:
 - a) the normal or standard rules, procedures, structures, reporting lines, systems and guidelines for grants, contributions, or other transfer payments by the Government of Canada or one of its departments, including Crown corporations and agencies, to any communication or advertising agency, including and any entity listed in appendix D herein, and modifications thereto where relevant; and
 - b) the normal or standard rules, procedures, structures, reporting lines, systems and guidelines for approvals and internal controls, in relation to the implementation and administration of the transfer of funds from the Sponsorship Program, the National Unity Reserve Fund and advertising activities to any communication or advertising agency, including and any entity listed in appendix D herein, and whether and how those rules and standards were circumvented or not-complied with.

4. All correspondence, including email, in relation to the Sponsorship program and advertising activities described in chapters 3 and 4 of the November 2003 Report of the Auditor General of Canada to the House of Commons exchanged between yourself, and any entity listed in appendix D herein, or its agents, servants, officials, contractors, or employees (former or present) and Public Works and Government Services Canada from January 1, 1994 to the present.
5. All correspondence, including email, exchanged between yourself, and any entity listed in appendix D herein, or its agents, servants, officials, contractors, or employees (former or present) and communications or advertising agencies (including subsidiaries and subcontractors or those agencies) with whom yourself, and any entity listed in appendix D herein conducted business with, from January 1, 1994 to the present, in the context of chapters 3 and 4 of the November 2003 Report of the Auditor General of Canada to the House of Commons, including and any of their subsidiaries and subcontractors.

Further, pursuant to the authority granted to Justice John H. Gomery by Order in Council P.C. 2004-1110 and Part I of the Inquiries Act, section 4, this is to order you to produce to the Commissioner, John H. Gomery at the Commission's Office at Guy-Favreau Complex East Tower, Suite 608, 200 René-Lévesque Blvd. West, in Montréal on Monday, July 5, 2004 at 9:30 a.m., all documents (including those listed in appendix B) establishing your financial situation and the financial situation of each entity listed in appendix D herein, between January 1, 1994 to the present. Such documents and information must include the financial situation of your spouse, your children and any corporations or trusts in which you, or your spouse and your children have any direct or indirect interest.

Dated this 9th day of June, 2004, in Montreal

John H. Gomery, Commissioner

Appendix A

A. Definitions

- (a) "Advertising activities" includes the advertising activities referred to in the November 2003 Report of the Auditor General of Canada to the House of Commons with regard to the sponsorship program and advertising activities of the Government of Canada and, for greater certainty, includes these activities from January 1, 1994 to the present.
- (b) "Crown corporations and agencies" includes, without limiting the generality of the foregoing, Business Development Bank of Canada ("BDC"), Canada Mortgage and Housing Corporation ("CMHC"), Canadian Tourism Commission, Old Port of Montreal Corporation, National Arts Centre Corporation, National Capital Commission, Via Rail Canada Inc. ("VIA"), Canada Post Corporation, Royal Canadian Mounted Police ("RCMP") and Canada Lands Company Limited.
- (c) "Document" includes any memorandum, data, analysis, report (including internal or other audit reports), minutes, briefing material, submission, correspondence, record (including accounting and financial records), agenda, diary, note, study, investigation, test, file, e-mail or other electronic file or communication or other communication or material in writing both internal to the Government of Canada or sent to or received from external sources), including, without limiting the generality of the foregoing, any document as defined herein that may be subject to Cabinet or Executive privilege, in the possession, custody or control of the Government of Canada, its agents, servants, officials, or contractors including any present or former Government of Canada employee, Minister or exempt (political) staff. For greater certainty, this includes documents in off-site storage or which have been archived, and any electronic files, documents and communications. In the case of electronic files, documents and communications, these should not

be copied or attached in any manner that might result in electronic information about it being lost or changed, and the hard drives should be preserved.

- (d) "Employee" includes any present or former employee, agent, servant, official, or contractor of the Government of Canada.
- (e) "Government of Canada" includes, without limiting the generality of the foregoing, all elected or non-elected persons, institutions, departments and organizations employed by, working within, or part of the Government of Canada. By way of illustration, this includes:
 - i) Present and former Cabinet Ministers, including Prime Ministers, and persons employed by and working in their offices, including their ministerial, constituency and other offices;
 - ii) Present and former exempt (political) staff;
 - iii) Employees of the Government of Canada;
 - iv) Prime Minister's Office ("PMO");
 - v) Privy Council Office ("PCO");
 - vi) Treasury Board, including the Treasury Board Secretariat;
 - vii) Public Works and Government Services Canada ("Public Works") and its predecessors, successors and assigns; and specifically, includes Communication Canada and Communications Co-ordination Services Branch ("CCSB"), and Advertising and Public Opinion Research Sector ("APORS");
 - viii) Department of Finance;
 - ix) Department of Justice;
 - x) Tourism Canada;
 - xi) Canada Customs and Revenue Agency;
 - xii) Health Canada; and
 - xiii) Crown Corporations and agencies, and their employees.
- (f) "Minister" includes any present or former Cabinet Minister, including

Prime Minister.

- (g) "Sponsorship Program" means the Sponsorship Program referred to in the November 2003 Report of the Auditor General of Canada to the House of Commons with regard to the sponsorship program and advertising activities of the Government of Canada and, for greater certainty, includes the sponsorship activities from January 1, 1994 to the present.
- (h) "National Unity Reserve" means the fund established for the purposes of Canadian national unity which was administered by the PMO and abolished in the Budget presented by Minister of Finance Ralph Goodale to the House of Commons on March 23, 2004.

Appendix B

- I. With respect to yourself and family members:
 - a) Bank records including bank records inside or outside Canada, including but not limited to:
 - List of bank accounts;
 - List of investment accounts;
 - Chequing accounts - statements, cancelled cheques, deposit/withdrawal slips, transfer documents;
 - Cheque stubs or cheque copies;
 - Bank reconciliations;
 - Savings accounts - statements, deposit/withdrawal slips and transfer documents;
 - Loan accounts (including mortgages and lines of credit) - statements, payments and loan draws;
 - Foreign currency accounts - statements, cancelled cheques, deposit/withdrawal slips, transfer documents;
 - Investments Accounts - statements, deposit/withdrawal slips and transfer documents;
 - Copy of supporting documents for all investment transactions;
 - Credit Cards - all transactions (transaction slips and monthly statements).
 - b) Pay slips;
 - c) RRSP'S records;
 - d) Income tax returns and declarations of revenue (1994 to the present);
 - e) Telephone records (including cellular phone records);

- f) All documents and records relating to the purchase and financing of any direct or indirect interest in real estate inside or outside Canada;
 - g) Any other financial and accounting records and documents.
2. With respect to any corporations or trusts in which you, or your spouse and your children have any direct or indirect interest, including without limiting the generality of the foregoing, persons, corporations or entities listed in appendix D:
- a) Corporate Records and Documents:
 - Articles of incorporation;
 - Certificate of amendment;
 - Annual reports (both provincial and federal if applicable) for each years ending within the period;
 - Minute books of director(s) meetings;
 - Minute books of shareholder(s) meetings;
 - Shareholder's listing;
 - Share certificates;
 - Officer and director's listing;
 - Merger or amalgamation memorandum or letter;
 - Organisational charts.
 - b) Banking Records:
 - List of bank accounts (including foreign bank accounts);
 - List of investment accounts (including foreign investment accounts);
 - All bank statements together with the cancelled, cashed and paid cheques and any other supporting documents;
 - Bank deposit slips (book);
 - Cheque stubs or cheque copies;
 - Bank reconciliations;
 - Copy of supporting documents for all investment transactions.

c) Accounting Records and Financial Information:

- Narrative description of the accounting system in place in any of the corporations or entities listed in Appendix D, whether in written or graphic form;
- Chart of accounts;
- Audited Financial Statements for each years ending within the period together with notes thereto and auditor's report;
- Unaudited Financial Statements for each years ending within the period together with notes thereto and accompanying Accountant's comments or Notice to reader;
- Internal Financial Statements for each of the years ending within the period;
- Trial balances;
- General ledger;
- Journal entries and supporting details;
- Sales/income journal;
- Accounts receivable listings and/or sub-ledgers;
- Purchases journal;
- Accounts payable listings and/or sub-ledgers;
- Cash receipts and cash disbursements journal;
- Payroll registers;
- List of employees and related chargeable rate;
- List of clients;
- List of suppliers, sub-contractors, external consultants;
- Listing of reports and analyses generated by the accounting system for management and accounting purposes;
- Any proposal, contract and agreement in relation with any of the events referred to, or covered by any of the contracts listed in Appendix C;
- Copies of invoices issued for or by any of the events referred to, or covered by any of the contracts listed in Appendix C
- Detailed income analysis by clients, by months, by projects for each year ending within the period;

- Copies of invoices issued by suppliers, sub-contractors and/or external consultant in relation with events referred to, or covered by any of the contracts listed in Appendix C; showing the detail work performed and/or the detail of the services rendered;
- Expense reports for all employees.

d) Other:

- Phone records (business and cellular), including long distance calls;
- Timesheets for all the employees;
- Diaries, agendas, calendars for all the employees
- Correspondence, including email in relation with events referred to, or covered by any of the contracts listed in Appendix C.

