



HUU-AY-AHT TRIBUNAL NOTICE OF RESPONSE RESPONSE OF ADMINISTRATIVE DECISION MAKER

FORM B1

NOTES: This form is to be used for a Response by or on behalf of an administrative decision maker responding to an Application.

If there is not sufficient space on this form for any of the information required, you may attach a schedule and reference it in the space provided. You may also attach documents if necessary.

Responses must be filed with the Tribunal within 14 days of service of the Notice of Application.

APPLICATION RESPONDED TO

This is a Response to Application # **2014-006**

RESPONSE TO GROUNDS Briefly set out your position on the Grounds for Appeal advanced in the application, including any relevant additional facts.

1. The Respondent retained Cindy Stern to provide consulting services to the HUU-ay-aht in respect of consultation on forestry cutting permits. The total expenditure was \$3500. It appears that Ms. Stern began work on the services prior to the execution, on October 10, 2013, of a written agreement. The requirements of section 68 of the *Financial Administration Act* were met, as the written agreement was in place prior to any expenditure being made.
2. The Respondent chose Ms. Stern on the basis that she was the only supplier in a position to provide the particular services that were the subject of the written agreement at issue. As such, the requirements of s. 4(1)(b) of the *Purchasing Policy Regulation* did not apply (*Purchasing Policy Regulation*, s. 5(c)).
3. Executive Council considered the matter of whether the Respondent had failed to comply with the requirements of the *Financial Administration Act* or the *Purchasing Policy Regulation* by authorizing the expenditure in the circumstances outlined above and determined that no disciplinary action against the Respondent was necessary or appropriate.
4. The relevance of *Government Act*, s. 56 to the application is unclear.

RESPONSE TO RELIEF SOUGHT Set out your position on the relief sought in the Application.

The Respondent objects to all relief sought on the following bases:

1. The time limit to appeal the decision at issue has expired and the Applicant has presented no information with respect to special circumstances to justify an extension.
2. Further, it is Executive Council, as the Respondent's employer, and not the tribunal who is responsible for investigating and considering what, if any, disciplinary action should be taken (*Financial Administration Act*, s. 86(2); *Code of Conduct and Conflict of Interest Act*, s. 14(5), 23).

**THIS FORM HAS TWO SIDES
YOU MUST COMPLETE BOTH**



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RESPONSE OF ADMINISTRATIVE DECISION MAKER

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RESPONDENT		
Edwards	James	Executive Director
LAST NAME	GIVEN NAME(S)	POSITION
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
PHONE	FAX	EMAIL ADDRESS
RESPONDENT'S AGENT <small>To be completed only if an agent will be acting on behalf of the Respondent.</small>		
Skeels	Melinda	
LAST NAME	GIVEN NAME(S)	
Suite 500 – 221 West Esplanade	North Vancouver	V7M 3J3
MAILING ADDRESS	CITY/TOWN	POSTAL CODE
(604) 988-5201	(604) 988-1452	mskeels@ratcliff.com ccraighead@ratcliff.com
PHONE	FAX	EMAIL ADDRESS
ADDRESS FOR DELIVERY <small>This will be used to deliver any notices in relation to the Application. Note: the Tribunal's preferred means of communication is through email.</small>		
CHECK ONE: <input type="checkbox"/> Applicant's Email <input type="checkbox"/> Applicant's Fax <input type="checkbox"/> Applicant's Mailing Address <input checked="" type="checkbox"/> Agent's Email <input type="checkbox"/> Agent's Fax <input type="checkbox"/> Agent's Mailing Address <input type="checkbox"/> Use Email or Fax or Address provided in space below:		
SIGNATURE <small>This notice must be signed by the Respondent or Respondent's agent.</small>		
FIRST AND LAST NAMES OF PERSON SIGNING		
January 22, 2014		
DATE	SIGNATURE	
For Office Use Only	Date Received: January 22, 2014	

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