

PLEASE READ THE FOLLOWING PRIOR TO COMPLETING THE ATTACHED DOCUMENT

**COMMENCING A PROCEEDING  
FOR A PRIVATE INFORMATION UNDER  
THE CRIMINAL CODE OF CANADA**

As a citizen, you have the right to appear before a Justice of the Peace to lay charges against another person by swearing to an Information. A Justice of the Peace must receive the Information if it meets the statutory provisions of the Criminal Code of Canada.

Upon your swearing on oath to the Information outlining the charge(s), The Criminal Code of Canada requires that the Justice of the Peace refer the matter to a Provincial Court Judge or a designated Justice of the Peace to consider whether to issue a summons or warrant to bring the person charged before the court.

By law, the Provincial Court Judge or designated Justice of the Peace may only issue a summons or a warrant if they have heard and considered the allegations of the informant and evidence of witnesses. Also the Provincial Court Judge or designated Justice of the Peace must be satisfied that the Attorney General has received a copy of the Information and has been given reasonable notice of the hearing and an opportunity to attend the hearing to cross-examine and call witnesses and present any relevant evidence at the hearing. The hearing will not occur at the time the Information is sworn.

If the Provincial Court Judge or designated Justice of the Peace decides there are grounds to do so, a summons or, more rarely, an arrest warrant, may be issued for the accused person to compel him or her to attend in court to answer to the charge(s). *The Provincial Court Judge or designated Justice of the Peace is not required to issue any form of process to bring someone to court if they are not satisfied the allegations set forth in the evidence presented at the hearing support the charge(s).*

A Provincial Court Judge or Justice of the Peace is strictly prohibited from giving any advice about what charges to lay nor can they give you any other type of legal advice, opinion or guidance. If you are seeking a legal opinion or require guidance about this process, or the situation has caused you to consider this process, you should seek advice from a lawyer or legal clinic.

***ONCE THE ATTACHED DOCUMENT IS COMPLETE, PLEASE RETURN TO THE COURT OFFICE SERVICE COUNTER WHERE YOU WILL RECEIVE FURTHER INSTRUCTIONS ABOUT THE NEXT STEP IN THIS PROCEDURE.***

*NOTE: This information sheet has been prepared to provide a simple introduction to the requirements under the Criminal Code for a individual to lay a charge against another person. If you wish further advice on how the law applies in your matter, you should seek legal counsel.*

***IMPORTANT: THIS DOCUMENT MUST BE COMPLETED IN FULL AND LEGIBLE IN ORDER FOR ANY INFORMATION(S) TO BE PROPERLY PREPARED FOR SIGNATURE.***

June 6, 2005

Superior Court of Justice  
Attention: Justice of the Peace

**Description of Events to Ministry of Natural Resources**  
**Extortion, Forgery and Fraud**

On July 25, 2001 the Ontario Municipal Board released the final decision concerning the application for Quarry Licence of Nichols Gravel Limited.

Under O.M.B. Decision/Order 1194 the Ministry of Natural Resources was directed to issue the licence subject to 55 conditions as agreed to by Nichols Gravel Limited at the hearing. **See O.M.B. Decision.** The M.N.R. having been informed in writing by Nichols Gravel Limited that if the licence was **not** issued by April 1, 2003, litigation would be filed against the Crown, Did receive on April 1, 2003 a hand delivered licence #103717 dated March 25, 2003 along with a covering letter dated March 31, 2003 which advised that "23 Specific Pre Operating Conditions" **must** be completed before any material was removed from the property.

Gary Nichols upon reading the instructions in the letter, responded to M.N.R. Inspector Paul Cutmore and Enforcement Supervisor Gary Zacker, **no** boys this is not going to work as this is **not** the direction of the O.M.B. Decision/Order, and further-more we will **not** comply. Nichols Gravel Limited proceeded to develop and work on the property and on April 14, 2003 the licence was suspended and on the following day Nichols Gravel Limited and the officers of the company were served with charges for operating an illegal Quarry. The charges and evidence was heard at Cayuga, Ontario April 29, 04 and June 28, 2004. **See Transcript of Testimony.** In April Gary Nichols requested to M.N.R. Freedom of Information copies of all licences issued from the M.N.R. Aylmer District office after November of 1997. This information was released three days after the last court hearing was completed in June. **See copy of M.N.R. F.O.I. information received from computer file records.**

Upon review of the original licence as signed March 25, 2003 by the Minister the Hon. Jerry Ouellette, it was found that the licence had been issued **exactly** as directed in O.M.B. Decision/Order 1194 and did **not** contain "23 Specific Pre Operating Conditions."

It then became obvious that M.N.R. staff had reconstructed and altered the decision as ordered by the Board and imposed "23 Pre Operating Conditions" on the licence as directed by the letter of March 31, 2003 produced by Inspector Paul Cutmore and signed by District Manager Alec Denys.

It was then evident that we had been subjected to conspired extortion of completing "23 Pre Operating Conditions" before we could operate the quarry, when in fact there was **no** such order in the O.M.B. Decision or in the licence as signed by the Minister.

On July 14, 2004 Gary Nichols wrote to the Minister Hon. David Ramsay and included a copy of the original computer file copy of the licence as signed by the former Minister which did **not** contain "23 Specific Pre Operating Conditions" and included as well a copy of the hand delivered April 1, 2003 documentation which came out of the file at M.N.R. Aylmer District office dated by E. Kuisma July 8, 2004. Gary Nichols requested to the Minister to review this matter and resolve it as quickly as possible. **See letter.** The next response received from the Minister was a Revoke Order on Licence 103717 stating that the licence was revoked because Nichols Gravel Limited had not completed 10 of the "23 Specific Pre Operating Conditions". **See Revoke Order.**

About 3 weeks later a response was received from Mr. Ramsay to the letter of July 14, 2004 with no suggestions whatsoever to resolve the matter.

Subject to the fact that Mr. Ramsay completely ignored the letter of July 14, 2004, Mr. Ramsay at the point that he signed the Revoke Order on licence 103717, he then became an accessory to the fact in the promotion of this extortion, forgery, and fraud upon Nichols Gravel Limited.

In this respect it is with regret, that we must also name the Hon. David Ramsay as a participant to be included for charges of forgery, and fraud for Criminal proceedings.

In the cross examinations at trial it was confirmed that under Aggregate Act legislation Section 11 (15) upon releasing the final O.M.B. Decision/Order, there can be **no** petition or review. This means that a final decision cannot be changed by the Minister or anyone else, including the O.M.B. after the decision has been rendered.

What this confirms in fact is that in particular Inspector Paul Cutmore, District Manager Alec Denys and M.N.R. Policy Manager Stuart Thatcher acted without legislative authority when they produced the falsified letter imposing "23 Pre Operating Conditions" on licence 103717 and then completed this fraud with their attempts to enforce the extortion with numerous letters and visits to the property in the intimidation and harassment process that followed and has continued to date. **See letter M.N.R. April 15, 2005**

All of this has been confirmed in the court decision of January 28, 2005 released by Her Worship Justice of the Peace W. Casey. **See decision.**

Since to this date there has been **no** attempt whatsoever by the Crown to resolve this mess, we now request that the negligent misrepresentation of M.N.R. Officials and staff be addressed under the Criminal Code in respect to charges for conspiracy and extortion, as a result of falsified and forged documents with enforcement to fraud.

**Forged Documents: Without legislative authority in law.**

- March 31, 2003 Letter. 23 Specific Pre Operating Conditions **not** O.M.B. Decision/Order.
- Notice of Suspension order dated April 14, 2003. Because 23 Specific Pre Operating Conditions not complied with.
- Revised Notice of Suspension October 1, 2003 To non compliance Pre Operating Conditions.
- Notice of intention to Revoke Licence April 7, 2004. To non compliance Pre Operating Conditions.
- Revoke of Licence signed by the Hon. David Ramsay September 30, 2004. For not completing 10 illegal Pre Operating Conditions.

All of the above named documents are forgeries as an enforcement has been attempted under legislated authority based on the original forgery to extortion and fraud contained in the March 31, 2003 letter which has no authority in law. The only legal and legitimate document issued by this Ministry is the Licence from the M.N.R. computer files signed by the Hon. Jerry Ouellette and all others are fraud without legislated authority for enforcement in law.

We hereby request Criminal Code Charges for conspiracy, extortion, forgery, and fraud to those identified as:

- *MR. BRIAN MESSERSCHMIDT*
- Mr. Paul Cutmore
- Mr. Alec Denys
- Mr. Stuart Thatcher
- The Hon. David Ramsay Minister

Yours sincerely,

  
Gary Nichols