



MEMORANDUM

To: Norfolk and Haldimand County Council

July 27, 2005

Dear Councillor:

This letter shall advise you of recent events conspired and provoked by officials of the Ministry of Natural Resources, Norfolk Public Works Managers Eric D'hond't and John Hamilton and consultant John Vallee.

See letter dated June 22, 2005 to Mr. Hamilton which received no response.

It is interesting to note that Mr. D'hond't and Mr. Anderson have been able to shut our companies out of the competition since 1996 with their specification elimination scheme of 100% crushed, and when we succeed in establishing a quarry, they further illegally interfere with our business through enforcement of Mr. Anderson's Haldimand County Litigation Policy and the direction by Mr. Hamilton through Doug Gunton to John Vallee to accept no further aggregate from Nichols Quarry.

If this is in fact an illegal quarry operation, how come we have continued to operate this quarry since October of 2004 until December, and again from April 1, 2005 to the present on a daily basis? Someone should ask M.N.R. Enforcement Supervisor Gary Zacher why M.N.R. has not obtained a court injunction and put a lock on the gate. The simple answer is because it has all been a fraud since issuance of the licence April 1, 2003 with 23 Specific Pre Operating Conditions not so ordered in O.M.B. Decision/Order 1194 July 25, 2001. This was confirmed to be illegal in the court decision January 28, 2005. Is it possible that we have mentally challenged people providing the administration of government, or is this just out of control outright beuacratic dictatorship?

I have made inquiries to one Norfolk County Planner and one retired Regional Planner in respect to the authority of the County to intervene in a contract between a developer and a contractor or a contractor and subcontractor with a valid purchase order for supply of aggregate.

Both planners conceded there is no authority of the County in this respect, except to insure that the project is completed to the standards set by the County. It would be discriminatory and a contravention of the Combines Act to direct who could or could not

supply competitively to any given project. Any dispute between Nichols Gravel Limited and the Ministry of Natural Resources is not a concern of the County. Mr. Hamilton advised me with Judy Boughner present that Ontario Provincial Standards required all aggregate to be supplied from M.N.R. licenced sources, and that is B.S. which further confirmed to me that both Mr. Hamilton and Mr. D'hond't were prepared to misrepresent whatever was needed to keep our Companies out of the competition. This is further confirmed by the wasted tax dollars to haul crushed limestone from Norfolk Quarries and spread on Hwy. 59 north of Delhi and Road 4 to cover the unrecycled garbage concrete spread on the shoulders last fall, when in fact approved granular A representing the low

bid remains in stock at Pit #1 Delhi and Pit 2 & 4 Scotland. This is a most amazing performance of our Public works managers for acting in the Public Interest?

On June 29, 2005 I attended before Justice Jukes at Superior Court where private informations under the Criminal Code were filed to 4 M.N.R. officials, Mr. Vallee, Mr. Hamilton, and Mr. D'hond't for conspiracy to illegal interference with business relations concerning our contracts with Haggerty Bros. Construction Inc. at the Yin and Harvest Glen subdivision developments.

I would further advise that we have discussed on July 15, 2005 these and other matters at the office of lawyer Mr. Brian Greenspan who now has these matters under review. On July 27, 2005 the courts granted an adjournment to August 31, 2005 so that Mr. Greenspan's review can be completed and a decision made on what grounds to proceed.

Upon completion of the Criminal proceedings we shall be filing a joint lawsuit for damages against M.N.R., Norfolk County, Mr. D'hond't and Mr. Hamilton and John Vallee and the Contractor Haggerty Bros. Inc..

Further please be advised that the Brantford Court after their flood have finally located our documents filed to the H-N Region Eric D'hond't and Nil Lambert and Mr. Osier is now preparing a motion for a court date to proceed.

Haldimand County should be aware that our Solicitor earlier in the year requested to the Federal Combines and Competition Bureau an investigation of the Haldimand County Litigation Policy. Last week an investigator attended at Mr. Osier's office where this matter was discussed for approximately one hour. At the conclusion of the meeting the investigator requested further documentation to enforcement of this policy on 834641 Ontario Limited. Upon conclusion of the investigation there could be prosecution and fines imposed.

I would remind you that on 2 occasions February 15, 2004 and March 17, 2005 I directed letters to your attention inquiring if there was any interest in discussions toward resolving these outstanding issues and also described our intended course of action. Since 1994 there has been no attempt or response whatsoever to resolve these matters, and during this time the discrimination to this business and family by various government employees continues.

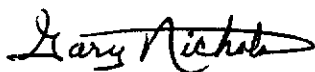
After having managed and operated a business in Norfolk County for 45 years, I can truthfully confirm that this has been a 45 year shaft job at the hands of various municipal purchasing agents due to deception, manipulation, and discrimination through patronage contract awards.

At this time I wish to assure you, that if this is the last objective thing that I accomplish in my lifetime, I shall now pursue these matters until they are all resolved once and for all, and if this in fact means putting people in jail behind bars for their negligent misconduct, it shall be done.

If in fact the courts proceed with charges after the August 31, 2005 date we shall then direct these matters before the Court to their ultimate conclusion and prosecution and further request that Mr. Greenspan review the following negligent misconduct to proceed to criminal charges for:

1. Perjury and falsified and forged documents David Anderson, Frank Gelinas.
2. Falsified and forged gravel test results 1983 Eric D'hond't and Nil Lambert.
3. Conspiracy and falsified and forged M.T.O. Stone Chip Test results March 9, 1994 Road Tour M.T.O. Chris Rodgers, Winston Oostenbrug, David Anderson and Jamie Francisco.
4. Falsified and forged fraudulent letter July 9, 1990 M.T.O. Richard Puccini confirmed by court testimony of M.T.O. Chris Rodgers, 1996 and M.T.O. documents.

Yours sincerely,



Gary Nichols

- c.c. David Anderson
- c.c. Frank Gelinas
- c.c. Eric D'hond't
- c.c. John Hamilton
- c.c. Nil Lambert
- c.c. Jamie Francisco
- c.c. Richard Puccini
- c.c. John Vallee
- c.c. Haggerty Bros. Construction Inc.
- c.c. Dennis Brown Crown Law Office
- c.c. The News Media



14

Nichols Gravel Limited
P.O. Box 172 - Delhi, Ontario N4B 2W9
Phone (519) 582-3354 Fax (519) 582-2143

June 22, 2005

Norfolk County
183 Main St.
Delhi, On. N4B 2M3

Attention: Mr. Hamilton, Director of Roads

Dear Mr. Hamilton

This letter is in response to our conversation in your office with Judy Boughner taking notes, in respect to my inquiries concerning the fax letter from our customer Haggerty Bros. Construction including a copy of the fax from consultant John Vallee advising that no further aggregate would be accepted from Nichols Quarry upon information received that there exist **no** valid licence.

On June 13, 2005 I attended at the office of Douglas G. Vallee where I inquired of John Vallee concerning the direction to Haggerty Bros. of June 10, 2005. Mr. Vallee informed me that he had received a verbal direction from M.N.R. not to use aggregate under licence 103717 as it was not a valid licence no extraction was allowed. I requested a copy of that direction from M.N.R. in writing and Mr. Valle responded that he would get that and fax it to me. To this date I have received no information from Mr. Vallee. My explanation to Mr. Vallee concerning the falsified document and fraud promoted by M.N.R. was disregarded by Mr. Vallee and he stated that he had to follow M.N.R. direction.

On June 16, 2005 in our discussion my inquiry was concerning the fax dated June 10, 2005 from M.N.R. Enforcement Supervisor Gary Zacher to Judy Boughner and how did Norfolk County become involved in this dispute between M.N.R. and Nichols Gravel Limited. You explained that Norfolk County was under the same advisement from M.N.R. as Mr. Vallee, and since Norfolk County would ultimately take over the streets you had directed Doug Gunton to direct John Vallee **not** to accept any further aggregate from Nichols Quarry, but of course this order was authorized by Eric D'hond't. I strongly suspect that Norfolk County did **not** seek solicitor advice on this matter. I am enclosing some documents which I suggest that you review very carefully.

- #1. Is a copy of the O.M.B. Decision/Order 1194 in which you will find **no** direction of "Specific Pre Operating Conditions".
- #2. Is the March 31, 2003 letter from M.N.R. Aylmer District Office imposing "23 Specific Pre Operating Conditions".

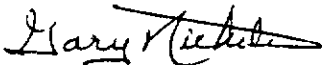
- #3. Is the Revoke Order signed September 30, 2004 by the Minister.
- #4. Is the decision of January 28, 2005 of Her Worship J.P. W. Casey which stayed all charges. I suggest to you that a Revoke order signed 4 months prior to the court decision does not overrule the courts decision. The fact that the Revoke Order was issued for non completion of 10 Specific Pre Operating Conditions which the court found to be illegal and without legislated authority in law makes the Revoke Order a falsified and forged document as well and completely irrelevant.

Further to that M.N.R. information of June 30, 2004 from M.N.R. computer file confirmed no "23 Pre Operating Conditions" on the licence as signed by the Minister March 25, 2003.

Someone should ask Mr. Zacher about that, and what in the hell he thinks he is, enforcing?

Please be advised that if Mr. John Vallee has not so informed Haggerty Bros. Inc. that this matter of accepting aggregate from Nichols Quarry has been resolved by June 28, 2005 we shall proceed with appropriate action against the M.N.R., Mr. John Vallee and Norfolk County.

Sincerely,



Gary Nichols

- c.c. Haggerty Bros. Inc.
- c.c. Mayor Rita Kalmbach
- c.c. Eric D'hond't
- c.c. Gary Zacher, Emilia Kuisma, Alec Denys M.N.R.
- c.c. John Vallee

ARRELL, BROWN, OSIER, MURRAY & ROSEWELL LLP

BARRISTERS, SOLICITORS, ETC.

41 CAITHNESS ST. W
CALEDONIA, ONTARIO
N3W 2J2

HARRISON ARRELL, Q.C. (1898-1967)
FRANK J. BROWN, B.A., LL.B.
PAUL J. OSIER, B.A., LL.B.
W. PETER MURRAY, LL.B.
ELAINE ROSEWELL B.A., LL.B.

TELEPHONE (905) 765-5414
FAX (905) 765-5144
Paul J. Osier - Ext. #34
Ashleigh—Assistant Ext. 30
ashleigh@abomlawyers.com

June 30, 2005

By Fax: 416-868-1990

Mr. Brian Greenspan
Greenspan Humphrey Lavine
15 Bedford Road
Toronto, Ontario
M5R 2J7

Dear Sir:

Re: Gary Nichols

Further to our telephone conversation of the other day this is to confirm that I represent Gary Nichols who would like to engage your services to attend a Hearing. The initial Return Date is July 6, 2005 at 1:30 p.m. in Simcoe, Ontario. I understand that you are not available on this date. I have asked Mr. Nichols to appear and set a new date. Would you be so kind as to contact Mr. Nichols at 1-519-582-3354 so that he may attend at your office to review the matter?

Yours truly,

ARRELL, BROWN, OSIER, MURRAY & ROSEWELL LLP



per Paul J. Osier
PJO:ah

C.C. — **Greenspan Humphrey Lavine**
BARRISTERS

Brian H. Greenspan

Greenspan Humphrey Lavine
BARRISTERS

Peter W. S. Copeland

Nichols Quarry victimized by province

by Bill Jackson

Although Gary Nichols doesn't feel entirely vindicated just yet, he was granted a brief reprieve earlier this year from a Superior Court judge who ruled "charges against (his) company... cannot be allowed to proceed..."

The Nichols Quarry on Regional Road 9 west of Highway 6 has been the subject of legal and public scrutiny for more than six years and problems for Nichols himself might still not be over. The MNR will be appealing the decision.

For now his company "is legally entitled to be operating the quarry by virtue of the order of the OMB (Ontario Municipal Board) directing the MNR (Ministry of Natural Resources) to issue the license," reads the judge's decision.

"All we want to do is make a living," Nichols said in an interview.

Nichols Gravel Limited was charged by the MNR under the Aggregate Resources Act between March 31, 2002 and August 2, 2003 with unlawfully operating a quarry without the authority of a license.

Nichols had purchased the Walpole farmland in 1999 with the idea of starting a gravel pit. After a flurry of community backlash and an OMB hearing in 2000, the

OMB ordered the MNR to issue a quarry license.

It wasn't issued until March, 2003 and was suspended two weeks later after the MNR issued a notice stating the company failed to comply with 23 conditions.

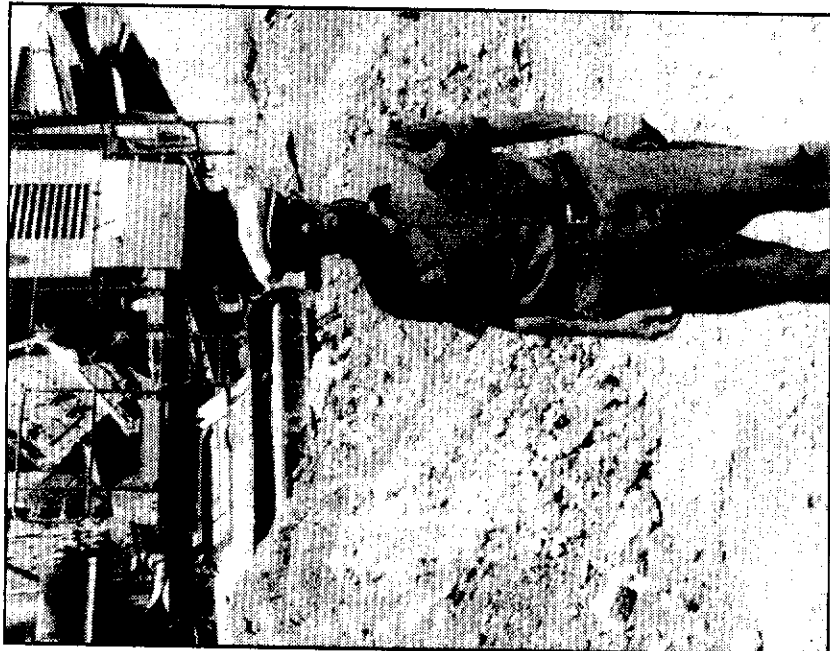
Throughout the recent court trial, it was made clear that no one had the right to change the OMB order. The MNR inspector said he had the right as an inspector to add 'pre-operating' conditions not specified as such by the OMB.

"As the court previously heard it was not possible to comply with pre-operating conditions when the quarry was not in operation. The term pre-operating conditions is one which only (MNR) Inspector Cutmore used."

The judge concluded "the doctrine of abused process does exist..." and that the "interference in the proper administration of valid orders by Ministry personnel in what appears to be a highly politicized situation is not to be tolerated."

To an extent Nichols, 67, can understand community backlash and people who don't want a quarry near their homes. The fact remains, people need gravel and he'd like to make it.

Nichols said the MNR is



Gary Nichols stands by the \$300,000 rock crusher he says he wouldn't have bought if he knew the problems he would face

still harassing him - something that's cost him million of dollars, he claims.

There is a lawsuit filed against the MNR for \$2 million in losses, Nichols purports.

"As far as I'm concerned we've complied with all the conditions," he said.

For more information access www.injusticecanada.com.

Local group looking for skaters

Caledonia Skating Club is excited to welcome back Synchronized team let us know by con

If you're 18 and over and wish to skate on an adult team let us know by con

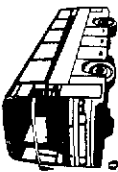
FRONT LINE TOURS

A division of CASINO COACH

Cap'n Bob & Lil

Telephone/Fax: (905) 765-3837

70 Argyle Street North, Caledonia, ON N3W 1B9



TTC050012454

July 19	Singing Wakers Family & Lunch	\$69.00
Aug 5-7	Gospel Singing Convention-Indiana	call for info
Aug 6	Casino Rama & Lunch	\$5.00
Aug 7	Blue Jays vs New York (trans. & admss.)	\$72.00
Aug 8	Shopping U. S.	\$26.00
Aug 8-10	Orillia-Sightseeing, Cruise, BBQ, Theatre, etc.	call for info
Aug 12	Cirque du Soleil - Ontario Place	\$92.00
Aug 15	Seniors Jubilee-Roy Thompson Hall	\$59.00
Aug 17-26	Mississippi & Ohio Cruise	call for info
Sept 17	Quilt Show-Toronto (trans & admss.)	\$39.00
Sept 19-26	Branson, MO	call for info
Sept 24	Gaither Homecoming - Toronto	call for info
Sept 30-Oct 2	Act II - Mystery Tour (colour tour)	call for info
Oct 12	Legends & Laughs & Lunch	\$69.00
Oct 12-14	Fall Colour Tour	call for info
Oct 15-18	Montreal - Colour Tour	call for info
Nov 18-20	Erie Christmas Shopping	call for info
Nov 20&21	Bobby Vinton - Niagara Falls	call for info
Nov 24-27	New York, New York	call for info
Coming Soon	Medieval Times (Toronto)	Coming Soon

CISTERN CLEANING

A DIRTY CISTERN IS A CONCERN!

We Offer Prompt & Reliable Service
At A Reasonable Price!

Call

Jordan Pare 905-692-3045 Dave Pare

D. ZYLSTRA'S BUILDERS INC.

- Concrete forming and lifting
- Lifetime of experience

