



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

November 15, 2007

PRESS RELEASE

Please be advised that charges have been filed October 1, 2007 with the court by Nichols Gravel Limited against a number of M.N.R. Officials for the negligent misrepresentation to the illegal enforcement of Pre Operational Conditions on Nichols Quarry licence, **not** so identified in the O.M.B. Decision/Order 1194 or the licence as signed by the Minister March 25, 2003. This enforcement for the past 4 years and 7 months has only been made possible through the outrageous abuse of process to non compliance of Aggregate Act Legislation Section 57 (2) (3) which requires **every** person including M.N.R. staff (2) to comply with the site plan or a condition of licence or (3) who contravenes this act or the regulations is guilty of an offense.

A court date for hearing of charges has been set for November 30, 2007, 1:00 p.m., Haldimand County Administration, Cayuga, Ontario.

We are informed that a Provincial Crown Attorney will attend to advise as to whether or not the Crown will intervene in this case.

This has become a matter of grave public concern when government manipulates legislated law in order to shut down and illegally prevent a business from operating, causing loss of business and employment to the public, which in fact further contravenes Charter Rights and the right to make ones livelihood.

Court deferred to Jan. 4/08

The press is invited to attend these hearings in order to determine if the "rule of law" will prevail, and the public interest shall be served, or will the Crown manipulate the court in order to protect government and staff from the administration of justice.



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

November 12, 2007

Information and Privacy Commissioner Ontario

Dear Sir or Madam:

Please be advised of our request to appeal the decision and response to M.N.R. Reference #A-2007-00040 to our request for records which started May 15, 2007 and was received after, but dated November 1, 2007 and after a 60 day extension was invoked due to the estimate of 1,036 pages of records at the estimated fee of \$1553.00, 50% of which was sent out August 27, 2007.

The M.N.R. has obviously deferred from fulfilling this request, as we have received in total 45 pages of relevant information to our request which only involved costs of meals and lodging related to the enforcement of illegal pre operational conditions to Nichols Gravel Quarry licence as of April 1, 2003.

Our request stated all costs.

With this response the negligent misrepresentation of this Ministry continues as it has since April 1, 2003 with this huge ass covering illegal fiasco.

1. No disclosure for cost of enforcement officers travel time from Aylmer to Hagersville for inspections and investigations 1 hour each way on numerous occasions for a period of over 4 years.
2. No costs associated with numerous inquiries with various individuals related to investigations over a period of 4 years.
3. No costs for aircraft for aerial photos of the quarry.
4. No costs for lawyers and preparation and travel time etc. to court appearances to charges stayed, appealed and then dropped by M.N.R.
5. No costs for lawyers time to defend against the Judicial Inquiry of June 15, 2006 which declared that preoperational conditions do not form part of the licence, which decision M.N.R. did not appeal. It should be noted therefore that this decision is not before the court nor is the original charges which M.N.R. dropped after appeal.

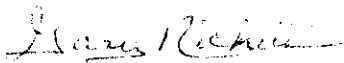
All of this information should be made available. Section 65 5.2 does not apply.

6. No costs for the preparation and execution of a search warrant January 12, 2007 by 27 government officials over a period of 9 ½ hours. This is a stand alone event and should be subject to release of information.
7. No costs for inspectors and enforcement officers time for court appearances.

Please find enclosed appeal fee including all documentation in respect to this M.N.R. case file.

Thank you for your consideration in this matter.

Yours truly,



Gary Nichols

P.S. We have received no written response of our appeal to your office of September 12, 2007 in respect to the decision of the Ministry of the Attorney General dated September 6, 2007 advising that no records exist.

Access/Correction Request
Freedom of Information and Protection of Privacy

Request for: <input checked="" type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction of Own Personal Information	Name of Institution request made to MINISTRY OF NATURAL RESOURCES INFORMATION SECTION 300 WATER ST. P.O. BOX 7000 PETERBOROUGH ONT K9J 5M5
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Request is for access to, or correction of, own personal information records.
Last name appearing on records: same as below or

Details:			<input type="checkbox"/> Mr <input type="checkbox"/> Miss
Last Name	First Name	Middle Name	<input type="checkbox"/> Ms <input type="checkbox"/> Mlle
NICHOLS	GRAUEL	LIMITED	
Address (Suite/Apt. No./P.O. Box No./R.R. No.)		City or Town	Province
Box 172		DELHI	ONT.
Postal Code	Telephone Number(s)	Area Code	Area Code
N4B 2L59	Day <input checked="" type="checkbox"/>	579	582-3354
	Evening <input type="checkbox"/>		

Detailed description of requested records, personal information records or personal information to be corrected. (If you are requesting access to, or correction of, your personal information, please identify the personal information bank or record containing the personal information, if known)

PLEASE PROVIDE:
RECORDS FOR ALL COSTS OF MNR STAFF TIME, MNR AND CROWN LAW OFFICE LAWYERS TIME IN PREPARATION FOR PROSECUTIONS OF CHARGES, AND COURT APPEARANCES, OMB HEARING OF SEPT 5/06, TRAVEL TIME AND RELATED EXPENSES TO THE ENFORCEMENT OF 23 SPECIFIC PRE OPERATIONAL CONDITIONS ON NICHOLS QUARRY LIC103717 FROM APRIL 1 2003 TO THIS DATE JULY 18 2007.
THANK YOU.

Note: If you are requesting a correction of personal information, please indicate the desired correction and, if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

Preferred method of access to records <input type="checkbox"/> Examine Original <input checked="" type="checkbox"/> Receive Copy	Signature <i>Gary Nichols</i>	Date Day: 18, Month: 07, Year: 2007
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For Institution Use Only		
Date received Day: , Month: , Year:	Request Number	Comments

Personal information contained on this form is collected pursuant to Freedom of Information and Protection of Privacy legislation and is to be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Coordinator at the institution where the request is made.

Ministry of Natural Resources

Information Access Section
300 Water Street, P.O. Box 7000
Peterborough, ON K9J 8M5
Phone (705) 755-1653
Fax(705) 755-1621

Ministère des Richesses naturelles

Section de l'accès à l'information
300, rue Water, C.P. 7000
Peterborough, ON K9J 8M5

July 26, 2007

Mr. Gary Nichols
President N.G.L.
Nichols Gravel Limited
P.O. Box 172
Delhi, Ontario
N4B 2W9

MNR Reference Number : A-2007-00040

Dear Mr. Nichols:

The Ministry received your request for information on July 26, 2007, and since this request is very similar in nature to one which you submitted on May 15, 2007, which was subsequently abandoned, it has been decided to process this new request under the same file number, and return to you the five dollar application fee. The following is the text of the request:

“records for all costs of MNR staff time, MNR and Crown Law Office Lawyers time in preparation for prosecutions of charges and court appearances, OMB hearing of Sept 5/06, travel time and related expenses to the enforcement of 23 specific pre operational conditions on Nichols Quarry Lic 103717 from April 1, 2003 to this date July 18, 2007.”

Every effort will be made to process your request as quickly as possible. Please note that the Act is based on a user-pay principle. A copy of the fee schedule is attached. If you have any questions regarding the processing of your request, please contact Bernadette O'Neill, Assistant Coordinator at (705) 755-1625.

Sincerely,



Laura Lee May
Information and Privacy Coordinator

Attach.

Ministry of Natural Resources

Information Access Section
300 Water Street, P.O. Box 7000
Peterborough, ON K9J 8M5
Phone (705) 755-1624
Fax (705) 755-1621

Ministère des Richesses naturelles

Section de l'accès à l'information
300, rue Water, C.P. 7000
Peterborough, ON K9J 8M5

August 1, 2007

Mr. Gary Nichols
President, N.G.L.
Nichols Gravel Limited
P.O. Box 172
Delhi, Ontario
N4B 2W9

MNR Reference Number: A-2007-00040

Dear Mr. Nichols:

Your request for information submitted under the Freedom of Information and Protection of Privacy Act (the Act) was received on July 26, 2007. The request was as follows:

"records for all costs of MNR staff time, MNR and Crown Law Office Lawyers time in preparation for prosecutions of charges and court appearances, OMB hearing of Sept 5/06, travel time and related expenses to the enforcement of 23 specific pre operational conditions on Nichols Quarry Lic 103717 from April 1, 2003 to this date July 18, 2007."

As the Ministry of the Attorney General may have records responsive to part of your request, your request is being transferred, in part, to the Ministry of the Attorney

General. This action is taken under section 25 of the Act. Notwithstanding this transfer, the Ministry of Natural Resources will also respond to your request.

If you have any questions regarding this request, please contact Bernadette O'Neill at (705) 755-1625. The contact for the Ministry of the Attorney General is Ruth Maillard, Coordinator, Freedom of Information and Protection of Privacy Office, 720 Bay Street, 5th Floor, Toronto, Ontario M5G 2K1, telephone 416-326-4300.

Sincerely,



Laura Lee May
Information and Privacy Coordinator

Attach.

c.c. Ruth Maillard, Ministry of the Attorney General, Toronto (copy of request)

Ministry of the
Attorney General

Freedom of Information and
Protection of Privacy

720 Bay Street
5th Floor
Toronto ON M5G 2K1

Telephone: (416) 326-4300
Facsimile: (416) 326-4307

Ministère du
Procureur général

Accès à l'information et
Protection de la vie privée

720 rue Bay
5^e étage
Toronto ON M5G 2K1

Téléphone: (416) 326-4300
Télecopieur: (416) 326-4307



Ontario

August 10, 2007

Private & Confidential

Mr. Gary Nichols
Nichols Gravel Ltd.
P.O. Box 172
Delhi, ON
N4B 2W9,

Dear Mr. Nichols:

Re: Our File Number MAG-A-2007-00703 / jt

Your request was transferred to our office in part from the Ministry of Natural Resources for access to records under the *Freedom of Information and Protection of Privacy Act*. It was received in our office on August 10, 2007.

Please note that **file number MAG-A-2007-00703 / jt** has been assigned to this request and should be referred to in all future correspondence.

We will advise you when a decision has been made on your request for access to information.

If you require any additional information, please contact me at (416) 326-4300.

Yours truly,


Jason Thompson
A/FOI Program Clerk

Ministry of Natural Resources

Information Access Section
300 Water Street, P.O. Box 7000
Peterborough, ON K9J 8M5
Phone (705) 755-1653
Fax (705) 755-1621

Ministère des Richesses naturelles

Section de l'accès à l'information
300, rue Water C.P. 7000
Peterborough, ON K9J 8M5

August 20, 2007

Mr. Gary Nichols
President N.G.L.
Nichols Gravel Limited
P.O. Box 172
Delhi, Ontario
N4B 2W9

MNR Reference Number: A-2007-00040

Dear Mr. Nichols:

I am responding to your July 26, 2007 request, made under the Freedom of Information and Protection of Privacy Act (the Act), for:

“records for all costs of MNR staff time, MNR and Crown Law Office Lawyers time in preparation for prosecutions of charges and court appearances, OMB hearing of Sept 5/06, travel time and related expenses to the enforcement of 23 specific pre operational conditions on Nichols Quarry Lic 103717 from April 1, 2003 to this date July 18, 2007.”

The Ministry does not have any records relating to the costs associated with the enforcement of “23 specific pre-operational conditions” on Nichols Quarry licence #103717.

However, if you are looking for records relating to the cost associated with the Ministry's efforts to ensure that the operation of Nichols Quarry was in compliance with licence #103717 and the requirements of the Aggregate Resources Act, then the Ministry does have records and I am issuing a fee estimate and interim decision because it would be unduly expensive to review the large volume of records in order to make a decision regarding disclosure.

In order to arrive at a fee estimate and interim decision, I have consulted with Ministry employees in the relevant branches regarding the nature, approximate volume and contents of the records you are requesting.

Our preliminary estimate is that there are approximately 1,036 pages of records, which include electronic travel claim, purchasing card monthly statements, monthly vehicle diary and receipts. We expect the following exemptions may apply to some of this information:

Section 19 – Solicitor-client privilege
Section 21 – Personal Information

Section 57 of the Act, requires the charging of fees in connection with requests for access to government held information. The estimated fee for the records that may be released is \$1,553.20 calculated as follows:

Search time (43 hours x \$30.00 per hour)	\$1,290.00
Record preparation (3.20 hours x \$30.00 per hour)	\$96.00
Photocopies (836 pages x \$0.20 per page)	<u>\$167.20</u>
Total	\$1,553.20

Alternatively access to the records can be provided on CD-ROM at a cost of \$10.00 for the CD, thereby eliminating the photocopy cost. This will reduce the fee associated with processing your request to \$1,396.

The Act states that a government organization may require a requester to pay a deposit equal to 50 percent of the estimated fee. Your written acceptance of the fee and a deposit of \$776.60 or \$698.00 (for copies of the records on CD-ROM), payable to the Minister of Finance, is required before we can fully process your request. Please remit payment to the Information and Privacy Coordinator, Ministry of Natural Resources, P.O. Box 7000, 300 Water Street, Peterborough, Ontario K9J 8M5. VISA, Mastercard or American Express payments can be made by calling Kris Kannakko at 705-755-1653 and providing your account number and expiry date.

If you disagree with any aspect of the fee, or wish to revise your request in order to reduce the fee, please discuss the matter with Bernadette O'Neill at (705) 755-1625.

Please note that, according to the Act, there are certain circumstances in which a government organization is required to waive fees associated with a request. Should you wish to apply for a fee waiver, please provide me with a written application as soon as possible. Be sure to include your reasons, as well as copies of any documents that support your application.

Since this is only an interim decision you may not appeal the application of exemptions at this time. You may, however, ask for a review of the fee estimate within 30 days of receiving this letter by writing to the Information and Privacy Commissioner, Suite 1400, 2 Bloor Street East, Toronto, Ontario M4W 1A8, telephone 1-800-387-0073.

In the event that you wish to appeal the fee estimate to the Information and Privacy Commissioner, please provide the Commissioner's Office with:

MNR Reference Number A-2007-00040

Page 3

1. The request number assigned to your request
2. A copy of this decision letter
3. A copy of the original request for information which you sent to this institution

In addition, you must send an appeal fee of \$25.00 to the Commissioner's Office. Please include the fee with your letter of appeal, in the form of either a cheque or money order made payable to the Minister of Finance.

Sincerely,

Laura Lee May
Information and Privacy Coordinator



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

August 27, 2007

Ministry of Natural Resources
Information Access Section

ATTENTION: Laura Lee May, Information and Privacy Coordinator

M.N.R. Reference # A-2007-00040

Dear Madam:

In respect to your letter of August 20, 2007 with estimated fee to fulfill our request for information of July 26, 2007, please be advised that we accept the fee estimate for copies estimated at 1036 pages with 50% of estimated fee in the amount of \$776.60 enclosed for advance payment in order to proceed.

We further advise that we do not want or require copies of documents from our own files seized under Search Warrant dated January 9, 2007. We do however, require the cost of preparation by Ministry lawyers and staff as well as for the 29 government personnel involved in execution of the Search Warrant.

Thank you for your co operation in this matter.

Yours sincerely,

Gary Nichols

Ministry of the
Attorney General

Freedom of Information and
Protection of Privacy

720 Bay Street
5th Floor
Toronto ON M5G 2K1

Telephone: (416) 326-4300
Facsimile: (416) 326-4307

Ministère du
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720 rue Bay
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Toronto ON M5G 2K1

Téléphone: (416) 326-4300
Télécopieur: (416) 326-4307



Ontario

September 6, 2007

Private & Confidential

Mr. Gary Nichols
Nichols Gravel Ltd.
P.O. Box 172
Delhi, ON N4B 2W9

Dear Mr. Nichols:

Re: Our File Number: MAG-A-2007-00703 / jt


This is further to your request under the *Freedom of Information and Protection of Privacy Act* (the *Act*), which was partially transferred by the Ministry of Natural Resources to this office. This is to advise that no records responsive to your request were found.

The person responsible for this decision is Lori Sterling, ADAG, Crown Law Office Civil.

You may, within thirty days from the date of receipt of this letter, appeal the Ministry's decision, to the Information and Privacy Commissioner, 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8. An appeal fee of \$25.00 is required by cheque or money order, made payable to the Minister of Finance.

In the event of an appeal, please provide the Information and Privacy Commissioner with a copy of this decision letter and the original request for information that you sent to this office.

Yours truly,


Ruth Maillard
Coordinator

Encl.

Ministry of Natural Resources

Information Access Section
300 Water Street, P.O. Box 7000
Peterborough, ON K9J 8M5
Phone (705) 755-1653
Fax (705) 755-1621

Ministère des Richesses naturelles

Section de l'accès à l'information
300, rue Water. C.P. 7000
Peterborough, ON K9J 8M5

November 1, 2007

Mr. Gary Nichols
President N.G.L.
Nichols Gravel Limited
P.O. Box 172
Delhi, Ontario
N4B 2W9

MNR Reference Number: A-2007-00040

Dear Mr. Nichols:

I am responding to your July 26, 2007 request, submitted under the Freedom of Information and Protection of Privacy Act (the Act), for access to:

“records for all costs of MNR staff time, MNR and Crown Law Office Lawyers time in preparation for prosecutions of charges and court appearances, OMB hearing of Sept 5/06, travel time and related expenses to the enforcement of 23 specific pre operational conditions on Nichols Quarry Lic 103717 from April 1, 2003 to this date July 18, 2007.”

I have decided to grant full access to some of the records and partial access to other records, as indicated in the disclosure column of the attached index of responsive records. Where the disclosure column indicates 'withheld', access has been denied in full to the corresponding record. Access to information contained in the records has been denied in accordance with the following sections of the Act:

- Section 14 - credit card numbers have been severed under subsection 14(1)(l) as the disclosure of this information could facilitate the commission of an unlawful act.
- Section 19 – disclosure of this information would reveal expenses incurred by crown counsel
- Section 21 – disclosure of personal identifiers would be an unjustified invasion of personal privacy.

I am unable to provide access to some of the responsive the records you have requested because they are excluded from the scope of the Act under section 65(5.2) and 65(6)3; some of the records relate to an on going prosecution and other records were collected, prepared, maintained and/or used by the ministry in relation to employment-related matters in which the ministry has an interest. A copy of section 65(5.2) and 65(6) of the Act are attached for your reference.

The Ministry does not have any records relating to the costs associated with the enforcement of "23 specific pre-operational conditions" on Nichols Quarry licence #103717.

Section 57 of the Act allows for fees to be charged for providing access to records. The fee has been calculated as follows:

Search time (43 hours x \$30.00 per hour)	\$1,290.00
Record preparation (1 hour x \$30.00 per hour)	\$30.00
Photocopies (45 pages x \$0.20 per page)	\$9.00
Sub total	\$1329.00
Less Deposit	\$776.60
Balance owing	\$552.40

Due to the minimal number of pages of responsive records that were located the remaining fee associated with the processing of your request has been waived and a copy of the responsive records are attached.

You may request a review of this decision by the Information and Privacy Commissioner, Suite 1400, 2 Bloor Street East, Toronto, Ontario M4W 1A8, telephone 1-800-387-0073.

In the event that you wish to launch an appeal to the Information and Privacy Commissioner, please provide the Commissioner's Office with:

1. The request number assigned to your request
2. A copy of this decision letter
3. A copy of the original request for information which you sent to this institution

Please include the \$25.00 appeal fee in the form of a cheque or money order, payable to the Minister of Finance, with your letter of appeal to the Commissioner's office.

Sincerely,



Laura Lee May
Information and Privacy Coordinator

Attach.

Requester Report Rapport du demandeur

Request Number / Numéro de la demande : A-2007-00040

Total Documents / Nombre de documents : 11

Total Pages / Nombre de pages : 87

Pages	Disclosure / Divulgué	Exemptions - Exclusions
000001 - 000002	Withheld / Non divulguée	s.19
000003 - 000003	Withheld / Non divulguée	s.19, s.21
000004 - 000005	Withheld / Non divulguée	s.19
000006 - 000006	Withheld / Non divulguée	s.19, s.21
000007 - 000007	Withheld / Non divulguée	s.14, s.19, s.21
000008 - 000010	Withheld / Non divulguée	s.19
000011 - 000011	Withheld / Non divulguée	s.19
000012 - 000012	Withheld / Non divulguée	s.19, s.21
000013 - 000013	Withheld / Non divulguée	s.19
000014 - 000015	Withheld / Non divulguée	s.14, s.19
000016 - 000016	Withheld / Non divulguée	s.19
000017 - 000017	Withheld / Non divulguée	s.19
000018 - 000018	Withheld / Non divulguée	s.19, s.21
000019 - 000019	Withheld / Non divulguée	s.19
000020 - 000020	Withheld / Non divulguée	s.14, s.19
000021 - 000021	Withheld / Non divulguée	s.19
000022 - 000023	Withheld / Non divulguée	s.14, s.19
000024 - 000024	Withheld / Non divulguée	s.19
000025 - 000025	Withheld / Non divulguée	s.19, s.21
000026 - 000026	Withheld / Non divulguée	s.19
000027 - 000027	Withheld / Non divulguée	s.14, s.19
000028 - 000029	Withheld / Non divulguée	s.19
000030 - 000030	Withheld / Non divulguée	s.19, s.21
000031 - 000031	Release / Divulguée	
000032 - 000035	Partial / Partielle	s.21
000036 - 000036	Release / Divulguée	
000037 - 000038	Partial / Partielle	s.21
000039 - 000039	Release / Divulguée	
000040 - 000040	Release / Divulguée	
000041 - 000050	Partial / Partielle	s.21
000051 - 000051	Not Relevant / Non pertinente	
000052 - 000052	Partial / Partielle	s.14, s.21
000053 - 000053	Release / Divulguée	
000054 - 000055	Partial / Partielle	s.21
000056 - 000056	Partial / Partielle	s.14, s.21
000057 - 000058	Partial / Partielle	s.21
000059 - 000059	Partial / Partielle	s.14, s.21
000060 - 000060	Partial / Partielle	s.14
000061 - 000062	Partial / Partielle	s.21
000063 - 000064	Partial / Partielle	s.14, s.21

Requester Report Rapport du demandeur

Request Number / Numéro de la demande : A-2007-00040

Total Documents / Nombre de documents : 11

Total Pages / Nombre de pages : 87

Pages	Disclosure / Divuligation	Exemptions - Exclusions
000065 - 000069	Partial / Partielle	s.21
000070 - 000070	Partial / Partielle	s.14
000071 - 000071	Not Relevant / Non pertinente	
000072 - 000072	Release / Divulguée	
000073 - 000076	Partial / Partielle	s.21
000077 - 000077	Not Relevant / Non pertinente	
000078 - 000078	Release / Divulguée	
000079 - 000087	Not Relevant / Non pertinente	

Page(s) 000001 to 000030

Is(Are) exempted pursuant to section(s)

14, 19, 21

of the Freedom of Information and Protection of Privacy Act

Application of Act

(5.2) This Act does not apply to a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed. 2006, c. 34, Sched. C, s. 11.

(6) Subject to subsection (7), this Act does not apply to records collected, prepared, maintained or used by or on behalf of an institution in relation to any of the following:

1. Proceedings or anticipated proceedings before a court, tribunal or other entity relating to labour relations or to the employment of a person by the institution.
2. Negotiations or anticipated negotiations relating to labour relations or to the employment of a person by the institution between the institution and a person, bargaining agent or party to a proceeding or an anticipated proceeding.
3. Meetings, consultations, discussions or communications about labour relations or employment-related matters in which the institution has an interest. 1995, c. 1, s. 82.