Docket No.: 120431879P1

IN THE PROVINCIAL COURT OF ALBERTA
CRIMINAL DIVISION

Between

HER MAJESTY THE QUEEN

and

BRIAN DAVID BUOY

AGREED STATEMENT OF FACTS

Description of Parties

1. BRIAN DAVID BUOY ("Mr. Buoy") is a Professional Geologist. He is also an APEGA accredited consulting engineer. Mr. Buoy is the director and majority shareholder of an environmental consulting business, ENVIRO SCAN TECHNOLOGIES INC. ("Enviro Scan"), based in Edmonton, Alberta.

2. Mr. Buoy and Enviro Scan have been involved in a number of projects involving the remediation of sites with underground storage tanks. Enviro Scan has no employees other than Mr. Buoy. Enviro Scan is registered with APEGA for the purposes of doing consulting engineering work. As a result, Enviro Scan has an APEGA "Permit to Practice". That Permit to Practice and APEGA registration allow Enviro Scan to place its seal on certain types of documents and therefore show that the documents are certified by an APEGA accredited organization. Any report submitted under Enviro Scan's "Permit to Practice" must be done by a person who is a member of APEGA and who has thus been issued a personal seal. Mr. Buoy, as an APEGA accredited consulting engineer, had been issued such a seal.

3. A local family in Daysland, Alberta used to own a Petro Canada gas station (the "Remediation Site") located on the outskirts of Daysland in an industrial park. The legal land description of the gas station site is Plan 8821562 Lot 1B. Members of the local family still live in a home immediately west of the former gas station.

4. Daysland Backhoe and Trucking Ltd. and Daysland Welding Ltd. ("Daysland Ltd.") are corporations that own excavation and trucking equipment. Daysland Ltd. are operated by Mr. Badry and Mr. Mickla. Mr. Mickla oversees the day to day operations of Daysland Ltd. Mr. Badry is the majority owner. Daysland Ltd. eventually purchased the Remediation Site from the local family as a mortgage company had commenced foreclosure proceedings against the local family. Daysland Ltd. owned land adjacent to

the Remediation Site, and Daysland Ltd.'s equipment was generally housed at a shop near the Remediation Site.

Information Regarding Remediation of Sites to Remove Hydrocarbons Using the Land Farm Method

5. Throughout Alberta, numerous underground storage tanks were installed that held gas, oil and other petrochemical products. Many of these tanks were located underneath gas stations. These tanks were usually designed to be functional for no more than 40 years. Unfortunately, the tanks at many of these sites were never removed when the corresponding businesses ceased. Now, thousands of old abandoned underground storage tanks sit underneath numerous locations throughout Alberta.

6. Some of the underground storage tanks pose a significant threat to the environment because remnants of hydrocarbon and other waste remain inside them. No problems may present for some time from these remnants, but, over time, the integrity of the tanks can become compromised. Hydrocarbon waste left from former gas station underground tanks can be particularly problematic. First, the hydrocarbon waste can potentially leach into soil and groundwater underneath and surrounding the underground tanks. Second, the underground tanks and any adjacent polluted area can emit hazardous vapours. The hazardous vapours, depending upon their concentration, can harm any people exposed to them.

7. An effective but expensive remediation method for many of these sites is the "dig and dump" approach. The tanks are dug up and any contaminated soil is taken to a landfill. The "dig and dump" solution results in a transfer of contamination from the original site to a landfill. Once transferred to a landfill, the landfill operator will sometimes then treat the contaminated soil to reduce the level of contamination.

8. In some ways better than the "dig and dump" method, the "land farm" approach for soil containing hydrocarbons ("SCH") is also used, both by owners of contaminated land and by landfill operators. The theory is that if the contamination at a site is not severe, the exposure of the contaminated soil to the atmosphere will result in the hydrocarbons "flashing off." The "flashing off" of the hydrocarbons occurs because hydrocarbon vapours in soil will always volatize into the atmosphere to some degree. Given time and the proper conditions, the hydrocarbons in the soil will essentially evaporate into the atmosphere.

9. However, the land farm approach is only an effective method where the contaminated soil being flashed off is treated properly. Otherwise, the rate at which the hydrocarbons flash off will be too slow and the soil will remain contaminated for too long. The soil generally must be treated through a combination of: (a) ensuring the soil is spread in a sufficiently thin layer to promote flashing off; and (b) ensuring the soil is

"cultivated" or turned over with heavy equipment periodically to ensure that the vapour exudes from the whole of the contaminated amount of soil rather than only the portion closest to the atmosphere. If done properly, land farming can be a very effective method for the remediation of SCH.

10. Where the volume of contaminated soil is higher or the contamination within the soil is at a higher concentration, the amount of cultivation of soil must be greater and the depth level at which the soil must be spread must be thinner to achieve the best results.

11. While SCH can theoretically be treated on the original polluted site of where the underground tank was located, the amount of original polluted land may be insufficient to remediate on site within the time guidelines prescribed by Alberta Environment and Sustainable Resource Development ("AESRD"). As a result, some of the material is often trucked to another site where more room to land farm exists or where the contaminated soil can be kept in a landfill.

12. AESRD regulates the land farming of SCH. Land farms require registration with AESRD, and people conducting land farming must comply with the *CODE OF PRACTICE FOR THE LAND TREATMENT AND DISPOSAL OF SOIL CONTAINING HYDROCARBONS* (the "Code").

13. The Code provides for minimum standards for site, design, sampling and operation of land farms. The Code provides that different minimum standards will apply to different types of sites. For instance, the Remediation Site was classified as a Class II registered site as all of the SCH was from one source.

14. The Province of Alberta recognized how serious the problem of polluted sites with underground tanks was by creating a program (the "Tank Remediation Program") to provide funding for the reclamation and remediation of such sites. While AESRD assumed responsibility for reviewing land farm documentation from sites to ensure that the sites were clean, the financial portion of the program was administered by the Safety Codes Council. The Tank Remediation program was officially a part of the Alberta Municipal Affairs portfolio.

15. Under the Tank Remediation Program, any landowner seeking reimbursement for tank remediation had to work with an accredited consulting engineer, that is, a member of APPEGA with a minimum of two years experience in remediation work. Reports submitted to the program had to be under the seal of an entity with a Permit to Practice. In addition, the accredited consulting engineer had to fix their personal seal to any documents submitted to the Tank Remediation Program.

Factual Narrative

a. Background Information

16. The gas station at the Remediation Site opened in 1957. As noted above, various members of a local family ran the gas station. The family members always lived in the home adjacent to the gas station.

17. In 1990, the Government of Alberta launched the Tank Remediation Program to encourage owners to remediate property contaminated by leaking underground storage tanks.

18. In 1991, one of the members of the family who ran the gas station at the Remediation Site, while the gas station was still operational, applied to the program for funding to determine the extent to which the underground storage tanks had contaminated the site. The family also took some preliminary steps to determine what work would be needed to remediate the site with a Calgary engineering company.

19. In 2002, an engineer from the Calgary engineering company submitted a proposal to the Tank Remediation Program. 3 remediation options (none of which included land farming at this time) were proposed, and the engineer indicated that the family had not decided which option they favoured.

20. In 2003, the family ceased operating the gas station at the remediation site as the business was failing. The family's mortgage lender started a foreclosure action to recover against the Remediation Site lands.

21. In 2004, Daysland Ltd., former customers of the gas station at the remediation site, approached the family who owned the Remediation Site. Daysland Ltd. suggested that they could use their equipment to excavate the Remediation Site and start the remediation process. Daysland Ltd. and the family proposed to seek reimbursement for such work from the Tank Remediation Program.

22. In 2004, the engineer from the Calgary engineering company then wrote to the Town of Daysland seeking permission to commence a land farming operation. The proposal described the proposed land farm vaguely. The Town of Daysland approved a land farming operation, but the Town of Daysland sought more information regarding the proposed location of the land farm.

23. On January 5, 2005, a member of the local family wrote to the Tank Remediation Program. She advised that their new consultant would be Mr. Buoy rather than the Calgary engineer.

24. On January 7, 2005, the Tank Remediation Program received an application from the Calgary engineer for the Registration of a Class II Land Treatment for Soil Containing Hydrocarbons. At this time, the Calgary engineer was explicitly seeking permission to remediate the Remediation Site using the land farm method. The Calgary

engineer estimated that the Remediation Site contained approximately 600m^3 of SCH that needed remediation and that the SCH extended from 1 to 3.5 metres below the surface of the land. The Calgary engineer proposed to use a parcel of land south of the Remediation Site for the land farm. The Calgary engineer included a map showing the proposed land farm site, and the Calgary engineer explained that the proposed land farm site was surrounded by farmland. Finally, the Calgary engineer's plan called for the SCH from the Remediation Site to be spread to a depth of 0.3 meters and cultivated on a quarter-annual basis at the proposed land farm site. The land farm process was to include cultivation through the fall of 2005, and the anticipated schedule called for treatment to be completed by May 2006.

b. Mr. Buoy Takes Steps to Obtain the Land Farm Registration

25. On March 1, 2005, Mr. Buoy submitted a Remediation Proposal to the Tank Remediation Program. Mr. Buoy recommended that the Remediation Site be remediated using the land farm method. Mr. Buoy explicitly wrote that the SCH would be excavated and removed to the land farm area identified by the Calgary engineer. Mr. Buoy wrote: "**The hydrocarbon contaminated soil will be trucked to the adjacent land farm, located on the owner's property.** Clean backfill material will be used to replace the excavated material... [Emphasis added]". When Mr. Buoy was retained and visited the Remediation Site, he realized that the Calgary engineer's estimate of 600 m^3 of SCH was obviously low. Based on the information available to Mr. Buoy at the time, Mr. Buoy opined that 1,225 m^3 of SCH was a more realistic estimate.

26. A Tank Remediation Program employee who reviewed Mr. Buoy's Remediation Proposal wrote handwritten notes on the document that said: "$LF activities expensed/invoices trucking 250 m to south". Those handwritten notes make it clear that the Tank Remediation Program understood that the Remediation Proposal clearly proposed the excavation, removal, and transport of the SCH to the land farm site.

27. The same Tank Remediation Program employee took notes regarding a March 8, 2005 conversation she had with Mr. Buoy. She took notes that she had clarified that the SCH would be moved to a land farm, and that the treated contaminated soil was going to be left on the land farm rather than being moved back to the Remediation Site.

28. On April 18, 2005, Mr. Buoy received three tender bids regarding the land farm project at the Remediation Site. The forms used in the process required the contractors to include and expense for: "excavation of [SCH] soil and direct loading on trucks for on-site land farm disposal". Daysland Ltd. submitted the lowest tender bid. Based on the bids received, Mr. Buoy prepared cost estimates for the Tank Remediation program based upon the "removal, **transport** and disposal of 1225 cubic meters and 2100 metric tonnes of soil" [Emphasis added].

c. Excavation of Remediation Site During September/October 2005

29. During September/October 2005, given that the land farm was now officially registered, Mr. Buoy attended at the Remediation Site with Daysland Ltd. operators and equipment. Mr. Buoy supervised the excavation of the Remediation Site.

30. During the excavation, Mr. Buoy quickly discovered that the actual amount of contaminated soil was far greater than previously estimated. The actual amount of SCH was approximately 4,000 m^3 as opposed to the Calgary engineer's 600 m^3 estimate and Mr. Buoy's prior estimate of 1,225 m^3. The Remediation Plan that Mr. Buoy had submitted was predicated upon the Calgary engineer's prior sampling and Mr. Buoy's review of reports prepared by the Calgary engineer in relation to that work. When Mr. Buoy had prepared the Remediation Plan, he had built in the idea that some further contaminated area could be found. However, the level of contamination at the site was far greater than the extra amount for which he had budgeted.

31. At the time, the Tank Remediation Program could potentially advance up to $100,000 to reimburse owners of contaminated sites. Here, during the course of initial excavation of the Remediation Site (and prior to any land farming activities), $100,000 worth of work was completed by September 16, 2005. Under the Tank Remediation Program, the owner of the Remediation Site was responsible for any remediation costs over that which the Tank Remediation Program would reimburse the owner.

32. During this period, given the escalating costs, Mr. Buoy, Mr. Badry, Mr. Mickla and the local family all agreed that they would treat the SCH on the Remediation Site lands rather than hauling the SCH to the approved land farm site.

33. Previously, the idea was that the SCH would be excavated, loaded into trucks, moved a few hundred metres to the adjacent Daysland Ltd. farm property, spread thinly over as much farmland as was needed to run the land farm, and then tilled periodically while the hydrocarbons relatively quickly flashed off out of the land farm soil.

34. Now, the Remediation Site owners and Mr. Buoy and the local family agreed to excavate all the contaminated soil on the Remediation Site, spread the contaminated soil across the Remediation Site, and till the contaminated soil periodically. This method was substantially cheaper than hauling the SCH to the approved land farm site because the costs of transporting the unanticipated SCH to the land farm were saved.

35. Mr. Buoy explained this process when he was interviewed by AESRD investigators:

> We had an approval to operate a land farm several hundred meters south of the property. We began excavation that fall. It was determine through, in that excavation process, that there was going to be considerable more SCH, soil contained hydrocarbon material that we had originally thought there would be.

> We stockpiled the material on site and backfilled that site, and then a discussion was held between myself, the owner of DAYSLAND BACKHOE, Ted and possibly [local family member] as well. I don't remember for sure if he was involved in the discussion or not, but he may have been. And we determined that we had a site – the site adjacent that we just excavated was now flat, it would be able to contain and hold the SCH material and that we would probably be able to land farm it as well or better than we would have had we removed it and trucked it back that 500 meters of 300 meters south into the field where we had been approved to. So I decided at that time that that would be acceptable, and we put then – then we took that stockpiled material and spread it across the original site that we had just remediated with backfill – clean backfill material. That was the fall of 2005. (Page 5 – 6 Transcript)

36. No notification of this change in land farm location was provided to AESRD or the Tank Remediation Program despite a requirement in the Code of Practice that such notification be made.

37. The effect of this course of action, combined with the additional SCH encountered after work had begun, was that the amount of land located within the Remediation Site lot was far smaller than the proposed land farm. As a result, the SCH that previously was proposed to be spread across a large land farm at a depth of 0.3 metres had to be spread at a far deeper depth. The deeper depth was significant for two reasons: (a) hydrocarbons would flash off the SCH at a lesser rate than if the amount of exposure to the atmosphere (due to the greater packing of the volume of the SCH) were more akin to that originally planned; and (b) the nature of the tilling of the land farm soil had to be changed. Now, the SCH was to be tilled by forming the SCH into windrows with a backhoe type machine. Previously, the plan was to till the soil using a farmer's disc type plow. The disc method would have resulted in more of the SCH being exposed to the atmosphere after each till. These two changes would have increased the amount of time needed to treat the SCH, but these two changes also still would result in the treatment of the SCH using the land farming method.

d. Sale of the Remediation Site to Daysland Ltd.

38. On October 13, 2005, Dayslands Ltd. purchased the Remediation Site pursuant to a judicial sale for $20,000.

39. On October 21, 2005, the Tank Remediation Program advised the local family who had previously owned the Remediation Site that they were extending the time allotted to complete the land farm until March 31, 2006.

e. Mr. Buoy's November 8, 2005 Report to the Tank Remediation Program

40. On November 8, 2005, Mr. Buoy submitted a report to the Tank Remediation

Program outlining the work conducted during the excavation stage of the remediation of the Remediation Site. The report included laboratory data from samples taken from the SCH on the Remediation Site. Mr. Buoy explained how the SCH had been treated and used the laboratory data to show that treatment had been completed. However, Mr. Buoy also said:

> The [SCH] was hauled to the approved land farm site, Plan 8821562, Lot 1B, **0.25 kms to the south** [emphasis added]

41. As noted above, the SCH had not been transported to the proposed land farm site.

42. At this point, Daysland Ltd. was supposed to continue tilling the SCH at the Remediation Site at least 4 times per year. Unlike the initial excavation, Mr. Buoy was not required under the Tank Remediation Program and did not propose to supervise the tilling of the land farm.

43. In 2006, the Tank Remediation Program was altered. New funding was available to complete further remediation at the Remediation Site.

f. Mr. Buoy's November 2007 Work Cost Proposal to Obtain Further Funding for Daysland Ltd. to Till the SCH

44. On November 2, 2007, Mr. Buoy submitted a work cost proposal on behalf of Daysland Ltd. seeking further funds to complete further land farming at the Remediation Site.

45. An individual at the Tank Remediation Program also took a handwritten note regarding receiving a telephone call from Mr. Buoy on November 2, 2007. Mr. Buoy indicated that he had found three times more volume of SCH than anticipated and that the thickness of the land farm would not allow for a proper disc-pass. Rather, the soil was to be moved with a backhoe. Mr. Buoy indicated that this situation was "not ideal, but no other option."

46. As such, even though Mr. Buoy had previously filed a written report saying that the SCH had been moved to the land farm site, Mr. Buoy also was advising the Tank Remediation Program to some degree that the land farm was present at the Remediation Site and gave some notification of the change in land farming method.

47. As a result of Mr. Buoy's application, the Tank Remediation Program made further funding for remediation of the Remediation Site available.

g. Daysland Ltd. Invoices the Tank Remediation Program for Land Farming

48. Through the remainder of 2007, 2008, and until September 2009, Daysland Ltd. sent multiple invoices to the Tank Remediation Program through Mr. Buoy for the costs of land farming. The Tank Remediation Program paid those invoices.

49. On November 19, 2007, Mr. Buoy submitted another proposal for Land Farm Closure seeking some final funds to complete the land farming activities and ensure that the Remediation Site was remediated to the 2005 standards.

h. Mr. Buoy's Closing Report of December 28, 2009

50. After the additional funding from the Tank Remediation Program had been exhausted, Mr. Buoy submitted a closing report to the Tank Remediation Program on December 28, 2009. Mr. Buoy again wrote that the land farming had been completed at the approved land farm site. He included a drawing showing the location of the land farm at the approved land farm site rather than the Remediation Site. He also wrote that he took the laboratory samples for the land farm from the approved land farm site rather than the Remediation Site (although he actually took the samples from the SCH treated on the Remediation Site). Ultimately, Mr. Buoy concluded:

> ...all aspects of the requirement within 6.1.1 through 6.1.4 have been met, **and the site can be returned to agricultural land as it was before the Land farm for SHC was implemented in October 2005. [emphasis added]**

i. The Inspection Program Sweep

51. In October 2010, AESRD organized a compliance "Sweep" targeting land farming sites in the Red Deer District. AESRD commonly uses "Sweeps" to ensure that activities not governed by environmental approvals are being conducted properly. In addition, an educational component is normally built into the "Sweep" process to try to promote better compliance with AESRD rules and regulations in these less regulated areas.

52. The potential "targets" to be inspected are advised in advance that they may be inspected and of the requirements of the legislation applicable to the given type of activity.

53. Pursuant to this Red Deer based tank remediation "Sweep", inspectors identified 28 sites that had been registered as land farms. The Inspectors chose to inspect 21 of these 28 sites including the Remediation Site.

54. On October 21, 2010, an AESRD investigator and inspector were assigned to inspect the Remediation Site. The investigator specifically intended to inspect the approved land farm site. The investigator left voicemails for Mr. Buoy and one of the local family members who had previously owned the Remediation Site. The investigator explained the "Sweep" process and advised of his intention to inspect the property.

55. On October 25, 2010, the local family member returned the investigator's call. The local family member alleged that the Remediation Site had not been properly treated.

56. Mr. Buoy also returned the investigator's call. The investigator made the following notes regarding that telephone call:

> BB called back and provided the following information:
> - land farming went well
> - only issue was that land farming went into a 4th years (exceeded the 2 yr period in the Code of Practice)
> - Treated material placed back on site
> - **Land farm is located on agricultural land**
> - **"can't tell where it is"** [emphasis added]

57. The investigator next spoke to Daysland Ltd. representatives by telephone. Daysland Ltd. also advised that the Remediation Site had been cleaned up and land farmed.

58. The investigator made an appointment with Daysland Ltd. to come inspect the approved land farm site on October 26, 2010. A representative of Daysland Ltd. was present during the inspection of the approved land farm site. The investigator and inspector did not inspect the Remediation Site. The Daysland Ltd. representative explained to the AESRD employees that the land farm had been conducted at the approved land farm site. The land farmed SCH had then been moved back to the Remediation Site.

59. On November 2, 2010, Mr. Buoy contacted the investigator by telephone. Mr. Buoy confirmed that the land farming had occurred at the approved land farm site.

j. Mr. Buoy Advises that the Land Farm Was Conducted at the Remediation Site

60. On November 4, 2010, on his own initiative, Mr. Buoy left a voicemail for the investigator. Mr. Buoy indicated that the land farm was not in the location identified in the closure report.

61. On November 5, 2010, on his own initiative, Mr. Buoy sent a letter to the investigator and a senior AESRD official. He advised that he would be submitting an amended closure report that would indicate that the land farm location was the same as the "property location". He indicated that the site had been "resampled" and that he would provide the laboratory results when available.

62. On December 20, 2010, the investigator contacted Mr. Buoy by telephone. Mr. Buoy indicated that he was working on the amended closure report. Mr. Buoy admitted again that the contaminated material was not farmed at the approved land farm site. Mr. Buoy also confirmed that the laboratory samples referred to in his December 28, 2009 closure report had been taken from the SCH treated on the Remediation Site, not the approved land farm site.

63. On December 21, 2010, Mr. Buoy provided an amended closure report to the Tank Remediation Program. The amended closure report clarified that the land farming had been conducted on the Remediation Site rather than the approved land farm site. The amended closure report also presented new sampling data that showed relatively small exceedances of AESRD criteria in two small locations. Mr. Buoy recommended that some additional land farming activities be undertaken to address these two areas.

64. On January 7, 2011, Mr. Buoy met with the investigator. Mr. Buoy advised the investigator that the land farm had been completed on the Remediation Site. He advised that after so much more SCH was found than originally expected, Daysland Ltd., a member of the local family, and Mr. Buoy had decided to land farm on the Remediation Site to save costs. Mr. Buoy had chosen to file reports consistent with the original proposal rather than seeking allowances from the Tank Remediation Program to land farm at the Remediation Site. Mr. Buoy was clear that the reports he filed were all correct but for describing the location of the land farm incorrectly. Mr. Buoy advised the investigator that, on his own initiative, he had decided to advise AESRD about the inconsistencies in his reports because he knew it was wrong.

65. As requested, Mr. Buoy cooperated with the investigator and provided copies of requested documentation that he had in his possession.

k. Tank Remediation Funds and Mr. Buoy

66. Enviro Scan and Mr. Buoy received approximately $14,000.00 to $16,000.00 as fees for his work on this project. They received these funds from the Tank Remediation Program. Included among these fees were a few smaller disbursements, but the bulk of these funds were payable as fees for Mr. Buoy's work.

67. The total amount that the Tank Remediation Program advanced with respect to this project was approximately $142,274.81. The Calgary engineer received approximately $5,131.00. The remaining funds were all paid directly to Mr. Buoy. Mr. Buoy then advanced the funds, less his fees as detailed above and payment of certain larger disbursements, to Daysland Ltd.

68. The flowing through of payments to Daysland Ltd. through Enviro Scan was acceptable and normal under the Tank Remediation Program. Funds payable to contractors conducting work to complete remediation jobs supervised by APEGA

professionals were sometimes first provided to the professional consultant who then was to disburse the funds to the contractor.

I. AESRD's Assessment of the Remediation Site

69. An AESRD Soils and Contaminated Sites specialist has prepared reports and given opinions regarding the Remediation Site. She has assessed the work done by Mr. Buoy as well as a third consultant that has done some work at the Remediation Site subsequently.

70. The AESRD expert calculated that, given the volume of SCH found at the site, the SCH would have had to have been spread at a depth of approximately 1.54 metres on the Remediation Site rather than the 0.3 metres proposed at the approved land farm site. The AESRD Code of Practice calls for a maximum depth of 0.3 metres.

71. The AESRD expert also advises that the Remediation Site is substantially cleaner as a result of Mr. Buoy's remediation efforts. While AESRD now disputes exactly what year of Code of Practice guidelines apply due to a variety of factors (many related to Daysland Ltd. as opposed to Mr. Buoy), the AESRD expert has advised that the Remediation Site appears to be substantially in compliance with the SCH guidelines that operated during the time when Mr. Buoy did most of his work at the Remediation Site. No conclusive opinion has yet been given on this topic as AESRD has asked Daysland Ltd. to complete some further testing at the site.

Agreements

72. The parties agree that:

a. Mr. Buoy will plead guilty to Count 3 (s. 227(a) of the *Environmental Protection and Enhancement Act* knowingly provide false or misleading information pursuant to a requirement under the *Environmental Protection and Enhancement Act*) on Information 120431879P1. All remaining charges as against Mr. Buoy on the Information will be withdrawn upon the Court's acceptance of the plea.

b. Mr. Buoy agrees that he will be sentenced on all facts forming part of the circumstances of the offences that could constitute the basis for separate charges pursuant to s. 725(1)(c) of the *Criminal Code of Canada*.

c. The facts contained within this Agreed Statement of Facts are fully admitted and acknowledged by Mr. Buoy and will solely form the facts to be considered by the Judge pronouncing sentence upon Mr. Buoy;

d. This Agreed Statement of Facts may be filed and relied upon even if

signed in counterpart or by facsimile copies of the signatures of any person or both.

CONSENTED TO WITH RESPECT TO FORM AND SUBSTANCE THIS 13 day of May, 2013.

Alberta Justice, Specialized Prosecution Branch
Per:

Craig A. Kallal
Counsel for the Attorney General of Alberta

Brian David Buoy

Witness to Brian David Buoy's Signature

McLennan Ross LLP
Per:

Sean D. Parker
Solicitor and Agent for Brian David Buoy

AFFIDAVIT OF EXECUTION

CANADA
PROVINCE OF ALBERTA
TO WIT:

I, SEAN D. PARKER, of the City of Edmonton, in the Province of Alberta, MAKE OATH AND SAY THAT:

1. I was personally present and did see BRIAN DAVID BUOY named in the within instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

2. The same was executed at the City of Edmonton, in the Province of Alberta, and that I am the subscribing witness thereto.

3. I know the said BRIAN DAVID BUOY and he is in my belief of the full age of eighteen years.

Affirmed ~~SWORN~~ BEFORE ME at Edmonton, in the Province of Alberta, this 13 day of May, 2013.

SEAN D. PARKER

A Commissioner for Oaths in and for the Province of Alberta

Craig A. Khallal
Barrister & Solicitor