

Appendix A

IN THE PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR ST. JOHN'S

BETWEEN:

HER MAJESTY THE QUEEN

PLAINTIFF

AND:

EDWARD BYRNE

DEFENDANT

AGREED STATEMENT OF FACTS

Frances Knickle
Vikas Khaladkar
Special Prosecutions Office
4th Floor, Atlantic Place
215 Water Street
St. John's, Newfoundland & Labrador
A1C 6C9

Counsel for the Plaintiff

Robert Simmonds, Q.C.
Erin Breen
Simmonds, Breen, Sullivan
Suite 101, TD Place
140 Water Street
St. John's, Newfoundland & Labrador
A1C 6H6

Counsel for the Defendant

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I Overview of Offences

1. Edward Byrne (DOB 1963 05 16) committed two offenses under the Criminal Code. Edward Byrne breached sections 380(1)(a) and 121(1)(a)-(3) of the Criminal Code by committing fraud against the Government of Newfoundland and Labrador. The offenses were committed while Edward Byrne was an elected member of the House of Assembly (MHA) of the Government of Newfoundland and Labrador between 1998 and May of 2004.
2. Edward Byrne committed fraud under section 380(1)(a) by submitting falsified, forged or duplicitous expense claims and was reimbursed monies in excess of one hundred thousand dollars (\$100,000) for these claims.
3. Edward Byrne also committed fraud against the government under section 121(1)(a) by paying in excess of eighteen thousand dollars (\$18,000) in personal cheques to the former official at the House of Assembly who, in turn, conferred a benefit upon Edward Byrne. During the time period in question, the former Official processed constituency expense claims for Edward Byrne, in amounts that exceeded his constituency allowance by hundreds of thousands of dollars.

II Background

4. Edward Byrne was first elected as the Member of the House of Assembly for the District of Kilbride in 1993 and re-elected in 1996, 1999 and 2003. Edward Byrne served in the Progressive Conservative (PC) Party's Caucus under three successive leaders and held several shadow portfolios while in opposition, including Post-secondary Education, Employment and Labour Relations, Environment Industry, Trade and Technology. Edward Byrne was also Chair of the Public Accounts Committee. Edward Byrne served as Leader of the PC Party of Newfoundland and Labrador and was Leader of the Opposition from 1998 to 2001. Upon the PC Party forming a majority, Edward Byrne served as Minister of Natural Resources and Government House Leader between November 6, 2003 and June 21, 2006.

House of Assembly Operations

5. During the time period in question, the financial and administrative affairs of the House of Assembly were overseen by the Commission of Internal Economy (IEC), a body of elected members that is constituted by special legislation. The IEC was a committee of the House of Assembly, composed of seven MHA's, including the Speaker, who chaired the Commission. The permanent staff person responsible for the ongoing administration of the legislature is the Clerk of the House of Assembly. The actual day to day administration of finances was handled by the Director of Financial Services, under the supervision of the Clerk of the House of Assembly, John Noel.

6. When MHAs incur out of pocket expenses while representing their constituents, they are later reimbursed for these costs from the House of Assembly's Financial Accounts. During the time period in question, the IEC set the rules on eligible and ineligible expenses, per diem rates, general expense guidelines and actual expense limits related to Travel and Constituency Allowance (TCA) claims. As outlined by the IEC in its annual report,

Each Member (of the House of Assembly) is entitled to an accountable constituency allowance. This allowance is for the payment of expenditures incurred in the performance of constituency business and may cover such items as office rental, equipment, supplies, secretarial and other support services, informational material such as newspapers, advertising, purchase of flags, pins, etc.

7. When a MHA incurred authorized expenses, he or she submitted a signed constituency expense form which was accompanied by supporting documentation. These forms can be prepared by either the MHA or their staff. If prepared by staff, however, the forms still were signed off by the particular MHA – who was required to certify, on the form, that the expenses were properly incurred for constituency business. Once the House of Assembly staff processed the forms, the claim would then be forwarded to the Comptroller General's Office, who would then issue a cheque to reimburse the MHA.

8. Expense claims submitted to the government generated what was known as a "recap". This computerized document identifies the particulars of a claim, including the identity of the claimant, as well the basis of the claim. Each claimant, including all government employees as well as each MHA, has a unique identifying number which will always appear on the recap. The House of Assembly also had an identifying number. The recap would also note the amount to which the claimant was entitled. Claims made under an MHA's constituency allowance were identified as such by number and were distinguishable from claims made by an MHA on another basis; for example in his or her capacity as a Minister, or as a result of sitting on a committee.

9. A thorough review of the processes and/or procedures of the IEC and the use of members of the constituency allowance was undertaken by the auditors assigned to the criminal investigation. This detailed review is reproduced at Appendix A: *Review of Travel and Constituency Allowance Claims – Mr. Edward Byrne, dated August 26, 2007, pages 5-14*, in support of these agreed facts. It became evident from this review, that expenditures in excess of the IEC authorized allowance needed approval from the IEC.

10. The day to day financial management for the House of Assembly and TCA claims were handled largely by the former Director of Financial Services, who could, in turn, enlist the services of other general employees within the offices. With several years in financial management for the House, under various titles, most persons deferred to the knowledge and experience of this official. In interviewing other

employees or elected members of the House, the investigators learned that in particular, MHA's often relied on the former Director of Financial Services experience and knowledge regarding expense claims made under their constituency allowances.

11. The annual allowance set by the IEC for each MHA varied considerably from district to district. The annual allowance for Edward Byrne was posted in the annual IEC reports as follows:

Fiscal Year	IEC Approved Limit
1999	11,600
2000	15,000
2001	15,750
2002	15,750
2003	15,750
2004	18,625

12. From a review of the recap statements and corresponding cheques, it is possible to calculate the amount of expenses claimed by anyone who has submitted claims from year to year. For each recap that has been generated, a corresponding cheque issued from the government is also generated. It was this task that was undertaken by the Auditor General in his review of the accounts of the House of Assembly, and the disparities he discovered that ultimately led to the criminal investigation.

The Auditor General's Reports in relation to Edward J. Byrne

13. Section 15(1) of the *Auditor General Act* requires the Auditor General to report to the Lieutenant-Governor in Council instances the Auditor General becomes aware of during the course of an audit which may involve improper retention or misappropriation of public money or another activity that may constitute an offence under the *Criminal Code* or another Act.

13. The Auditor General for the province of Newfoundland and Labrador, Mr. John Noseworthy, advised that a matter of this nature came to his attention during an audit of the House of Assembly relating to constituency allowance claims by Members of the House of Assembly, including Edward Byrne.

14. In 2006 the Auditor General issued two reports under Section 12(1) in relation to Edward Byrne. In the first report, issued on June 22nd, 2006, John Noseworthy reported through the Minister of Finance, to the Lieutenant-Governor in Council, that a review of expenditures at the House of Assembly identified excess constituency allowance claims by Edward Byrne, MHA, totaling \$326,642, relating to fiscal years 2003 and 2004. The second report, issued on December 5th, 2006, identified further excess constituency allowance claims by Edward Byrne totaling \$141,011, relating to

fiscal years 1999, 2000, 2001 and 2002. The Auditor General identified the following difference between the posted limit and the actual monies claimed as:

Fiscal Year	IEC Approved Limit	Amount Claimed	Excess
1999	11,600	16,656	5,056
2000	15,000	20,616	5,616
2001	15,750	27,894	12,144
2002	15,750	133,945	178,195
2003	15,750	144,024	128,274
2004	15,750	214,118	198,368

The Investigation by the Royal Newfoundland Constabulary

15. As a result of the findings by the Auditor General, the Royal Newfoundland Constabulary was requested to commence an investigation in the early summer of 2006. On October 16, 2006, the accounting firm of Noseworthy Chapman Chartered Accounts was engaged to conduct a forensic audit into the constituency allowance spending of the named Members of the House of Assembly. The partner assigned to this audit was David Howe, FCA.

16. On July 23, 2007, an interim report was issued by David Howe in relation to Edward Byrne’s travel and constituency allowance claims for the fiscal years ended March 31, 1999 to March 31, 2004. On August 26, 2007, a final report was issued by David Howe.

17. The auditor from Noseworthy Chapman reviewed recaps and copies of cheques made payable to Edward Byrne for travel and constituency allowance reimbursements that cleared the Government bank account and were returned to Government by the bank. As a result of this review, the auditors were satisfied that travel and constituency allowance reimbursement cheques issued to Edward Byrne were, in fact, received by him.

18. The auditor identified similar differences between the posted constituency limit for Edward Byrne as compared to his actual spending and/or claims. This excess is discussed in further detail under the facts as they relate to the breach of section 121(1)(a). It can be noted at this point that the auditor from Noseworthy Chapman found similar discrepancies in spending as found by the Auditor General.

19. Part of the Interim Report of Noseworthy Chapman identified payments to individuals and several “generic” receipts. As a result of this information, the Investigators interviewed a number of individuals for whom Edward Byrne had submitted invoices as part of a particular constituency expense claim. In all of these instances, Edward Byrne was reimbursed for the amounts claimed as an expense under

the Constituency Allowance, including the amount claimed on the particular generic receipt.

20. Upon interviewing the individuals named on the invoices or receipts, the investigators learned that several individuals were unaware of the receipt or invoice; notwithstanding that the document contained a signature purporting to be that of the individual in question. The signatures, if not the entire receipt or invoice, were false or forged. In other cases, monies had actually been paid to the individual, but not for the work that was claimed on the receipt or invoice. Edward Byrne may have been entitled to reimbursement in some instances. However, since the claim was for work that was never completed, Edward Byrne received monies fraudulently from the government. It is these transactions that form the basis of the charge of 380(1)(a).

III Section 380(1)(a)

Payments to Individuals

21. Below are the facts regarding those fraudulent invoices and/or receipts.

Stephen Raymond

22. On June 11, 1998, a travel expense claim in the amount of \$2,600 was submitted by Edward J. Byrne. Attached to this claim form was a generic receipt dated June 11, 1998, for a *payment of \$2,500 to Stephen Raymond* for services and research provided to Edward Byrne, MHA, for Kilbride. The signature "Stephen Raymond" was on this receipt. A recap dated June 11, 1998, showed that Edward Byrne received a payment of \$2,600.

23. Stephen Raymond is a nephew of Edward Byrne. At the time he was contacted by the investigator, Stephen Raymond was working as a Police Officer with the RCMP in Happy Valley-Goose Bay. On August 6, 2007, Constable Stephen Raymond advised the investigator that he never did any research for Edward Byrne nor did he receive \$2,500.

24. A copy of the receipt in question and a list of questions were faxed to Constable Stephen Raymond. Constable Stephen Raymond responded by advising that he had never seen the generic receipt before and that it definitely wasn't his signature on the receipt. Constable Stephen Raymond again confirmed that he never received \$2,500 from Edward Byrne for services and research.

25. Edward Byrne received \$2,500 in reimbursement for this invoice from the Government of Newfoundland and Labrador.

Trevor Raymond

27. Three separate false receipts were issued relating to Trevor Raymond; another nephew of Edward Byrne.

1) On April 17, 2000, a Travel Expense Claim in the amount of \$10,200 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt dated April 17, 2000, for a payment of *\$2,000 to Trevor Raymond for updating a business volunteer directory*. The signature "Trevor Raymond" was on this generic receipt. There was reimbursement of \$10,200 in total issued to Edward Byrne, as shown by a recap dated April 18, 2000. Included in that payment was reimbursement for the \$2,000 dollars claimed regarding the alleged work done by Trevor Raymond.

2) On December 18, 2000, a Travel and Constituency Allowance Expense Claim in the amount of \$6,000 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt dated December 18, 2000, for a payment of *\$5,000 to Trevor Raymond*. The signature "Trevor Raymond" was on this generic receipt. There was a recap showing payment by the government, dated December 18, 2000, of \$6,000 to Edward Byrne.

3) On April 12, 2002, a Travel and Constituency Allowance Expense Claim in the amount of \$8,612.07 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt for a payment of *\$4,000 to Trevor Raymond*. This generic receipt was addressed to a former official at the House of Assembly and the signature "Trevor Raymond" was on this receipt. A recap dated April 26, 2002, shows a payment of \$8,612.07 to Edward Byrne.

28. On August 8, 2007, Trevor Raymond was interviewed by the police regarding these receipts. Trevor Raymond stated he never did any paid work for Edward Byrne while he was in politics. Trevor Raymond was shown the three generic receipts pertaining to him for the amounts of \$2,000, \$5,000 and \$4,000. Trevor Raymond stated that he never received such money; he never saw the receipts before. Trevor Raymond confirmed that the signatures on the receipts were not his.

29. Trevor Raymond stated he did receive \$600 dollars from Edward Byrne, meaning that Edward Byrne was reimbursed for \$11,000, of which \$10,400 was fraudulent.

Gus Coombs

30. Two false receipts were submitted on a claim by Edward Byrne in relation to Gus Coombs.

1) On January 16, 2001, a Travel and Constituency Allowance Expense claim in the amount of \$6,518.01 was submitted by Edward J. Byrne. Attached

to this claim was a generic receipt dated January 16, 2001, for a *payment of \$4,000 to Gus Coombs*. There was a signature of "Gus Coombs" on this generic receipt. There was a recap showing payment of \$6,518.01 to Edward Byrne as a result of this claim.

2) An undated Travel and Constituency Allowance claim covering the period April 1, 2001, to April 30, 2001, in the amount of \$18,605.99 was submitted by Edward J. Byrne. One of the supporting documents attached to this claim was a generic receipt dated May 11, 2001, for a *payment of \$3,600 to Gus Coombs* for work in the district of Kilbride. There was a signature "Gus Coombs" on this generic receipt. A recap shows payment of \$18,605.99 to Edward Byrne for this claim.

31. Gus Coombs was identified as an individual who ran for the PC Party in the 1999 Provincial Election. On August 13, 2007, the investigator interviewed Gus Coombs. He acknowledged that he received a payment of approximately \$2,000 from Edward Byrne for an expense he incurred while running as a candidate in the 1999 Provincial Election (which would not have been a proper constituency expense). However, upon being shown the generic receipt for \$4,000, Gus Coombs stated that he had never seen the receipt, that he didn't receive the money, and that it wasn't his signature on the generic receipt.

32. Upon being shown the second generic receipt, for \$3,600, Gus Coombs acknowledged his signature on the receipt, could not remember the receipt, and that he didn't think that the amount he was paid was \$3,600. Gus Coombs was asked if he ever did any work in the district of Kilbride, as the generic receipt indicated, and he said that he had not done such work. A cheque was located showing that Gus Coombs did receive a cheque for \$3,600.

33. Edward Byrne received \$4,000 as a result of these receipts.

Wayne Clarke

34. Two receipts were submitted by Edward Byrne as part of Constituency expenses in relation to Wayne Clark.

1) An undated expense claim for the period of May 2001 in the amount of \$25,086.86 was submitted by Edward J. Byrne. Attached to this expense claim was a handwritten generic receipt in the name of Wayne Clarke for an *amount of \$3,000*. This generic receipt stated that it was for payment for work done in the district of Kilbride. The signature "Wayne Clarke" was on this receipt. A recap, dated June 19, 2001, shows payment of \$25,086.86 to Edward Byrne as a result of this claim.

- 2) On February 11, 2003, a travel and constituency allowance claim in the amount of \$10,669.75 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt for a *payment of \$5,000 to Wayne Clarke* for a research project. The signature "Wayne Clarke" appeared on the receipt. A recap dated February 14, 2003, shows that Edward Byrne was paid \$10,669.75 for this claim.
35. Wayne Clarke was identified as being an individual who had been involved with the PC Party for several years. On August 1, 2007, Wayne Clarke was interviewed by the investigator and shown the first generic receipt for \$3,000. He stated it was his signature on the receipt; however, he never did any work in the district of Kilbride. Wayne Clark stated that around that time in 2001, he was assisting in running a by-election campaign for Wally Young in the district of St. Barbe. Wayne Clark stated that, at that time, he did receive a payment for his services and expenses and it would have been for approximately \$3,000.
36. Upon next being shown the generic receipt in his name for the \$5,000 amount for a research project, Wayne Clark stated that he had never seen that document before nor did he receive \$5,000. Wayne Clark stated that he never did any research project for the PC Party at that time. Wayne Clark stated that the signature on the receipt was definitely not his. Wayne Clark did receive \$1,700 from Edward Byrne.
37. Edward Byrne was reimbursed for the amounts as a result of these fraudulent claims. Of the \$8,000 claimed, \$3,000 of this was for work that was actually performed by Wayne Clark, but not as part of constituency work.
- Charlie White/John Joy (Work done by Ottenheimer White and Green)***
38. On June 4, 2001, a travel and constituency allowance claim in the amount of \$9,000 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt for a *payment of \$9,000 to Charlie White* for contractual work done on behalf of the official opposition of which Edward Byrne's behalf. There was a signature "Charlie White" on the receipt. A recap dated June 4, 2001, shows that Edward Byrne was paid \$9,000 for this claim.
39. On September 22, 2000, a Travel and Constituency Allowance Claim in the amount of \$10,000 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt dated September 20, 2000, for a *payment of \$10,000 to John Joy* for research conducted on behalf of the Official Opposition. There was a signature "John Joy" on this generic receipt. A recap generated on September 22, 2000, showed a payment of \$10,000 to Edward Byrne for this claim.
40. Charles White is a senior partner in the law firm of White, Ottenheimer and Baker. John Joy is now a Provincial Court Judge in Happy Valley-Goose Bay, but in 2000 was also a lawyer in the firm.

41. On August 7, 2007, one of the investigators spoke with His Honour Judge John Joy by telephone. Judge Joy advised that when he was a lawyer in the law firm of White, Ottenheimer and Baker he had done some work for the PC Party in relation to a constitutional issue regarding the food fishery in Newfoundland and Labrador. Judge Joy said he couldn't recall signing any receipt. The investigator e-mailed Judge Joy a copy of the generic receipt. Judge Joy responded that he had never seen the generic receipt before and that it definitely wasn't his signature on the document. Judge Joy stated that he personally did not receive \$10,000.

42. On August 15, 2007, the investigators interviewed Charles White. Charles White confirmed that the law firm did some work for the PC Party in 2000 and that John Joy was the lawyer who did the work. He said they were engaged to do the study by Edward Byrne but the PC Party was their client. Edward Byrne maintains that this work was done for the Official Opposition. Charles White stated that they billed the PC Party \$10,000 and they received two payments in the form of personal cheques from Edward Byrne. One payment was for \$4,000 and one payment of \$5,000 and they wrote off the remaining \$1,000. Charles White stated that this was the only work their law firm did on Edward Byrne's behalf.

43. Charles White was shown copies of the two personal cheques from Edward Byrne made payable to White, Ottenheimer and Baker. Charles White confirmed that these were copies of the cheques they had received. Charles White was also shown the generic receipt for \$9,000 which was purportedly signed "Charlie White". Charles White stated that he had never seen that document before and that it wasn't his signature on the document. Charles White was then shown the generic receipt pertaining to the \$10,000 amount that John Joy was supposed to have received. Charles White stated that he knew John Joy's signature and the signature "John Joy" on the receipt was definitely not his signature.

44. Edward Byrne received \$10,000 as a result of submitting the receipt purporting to bear the signature of John Joy. Although the receipt bearing the signature of Charles White is also apparently false, Charles White acknowledges that there was work done by their firm, and there was a payment of \$9,000 as stated in the receipt.

Gina Steele

45. On September 4, 2001, a Travel and Constituency Allowance Expense Claim in the amount of \$8,000 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt for a payment of \$1,500 to Gina Steele for work completed during the months of June and July 2001. There was a signature "Gina Steele" on this receipt. There is a recap dated September 4, 2001, showing a payment of \$8,000 to Edward Byrne. Gina Steele had worked as a receptionist in the PC Party Office.

46. On August 4, 2007, Gina Steele was interviewed. Gina Steele was shown the generic receipt for \$1,500 for work completed during the months of June and July 2001.

She stated that she didn't do any work for Edward Byrne or the PC Party in 2001 and that the signature on the document wasn't hers. She stated that she had received a personal cheque from Edward Byrne around the fall of 2000. She stated that Edward Byrne had given her the cheque because he felt bad about her being let go from her job around September 2000.

John Byrne

47. Two receipts involved John Byrne.

1) September 4, 2001, a Travel and Constituency Allowance Claim in the amount of \$8,000 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt for *\$4,000 in the name of John Byrne*. On the receipt was a signature "John Byrne". A recap dated September 4, 2001, showed payment of \$8,000 to Edward Byrne for that constituency claim.

2) On January 30, 2002, a Travel and Constituency Allowance Claim in the amount of \$6,215.22 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt in the amount of *\$2,200 for John Byrne* for work completed on a community services directory. The signature "John Byrne" was on this receipt. A recap dated January 30, 2002, showed payment of \$6,215.22 to Edward Byrne for that claim.

48. The investigation determined that John Byrne worked for Edward Byrne as an Assistant. On August 1, 2007, John Byrne was interviewed and was shown the two generic receipts in his name. With regard to the both receipts, John Byrne stated that he didn't receive either the \$4,000 or \$2,200. Nor did either receipt bear his signature. A further cheque of \$495 was located dated August 9, 2001, for payment to John Byrne. It is unclear for what reason this payment was made.

49. Edward Byrne received \$6,200 from the Government of Newfoundland and Labrador as a result of these receipts.

Vernon Smith

50. On May 28, 2000, there were two Travel and Constituency Allowance Claim Forms totaling \$8,873.65 submitted by Edward J. Byrne. Attached to one of the claim forms was a generic receipt dated May 19, 2000, in the amount of \$5,025 for a payment to Vernon Smith. The signature "Vernon Smith" was on this receipt. A recap dated May 29, 2000, shows Edward Byrne was issued a payment of \$8,873.65.

51. On August 6, 2007, Vernon Smith was interviewed. Vernon Smith stated he did some work for Edward Byrne and the PC Party around December of 1999. Vernon Smith stated he believed he was paid about \$4,000 for this work. Vernon Smith was shown a copy of a personal cheque of Edward Byrne dated December 22, 1999, in the

amount of \$4,025 which was made payable to him. Vernon Smith acknowledged that he received this cheque and that it was his signature on the back of the cheque.

52. Upon being shown the generic receipt in his name for \$5,025, which was dated May 29, 2000, Vernon Smith stated that he had never seen it before and it wasn't his signature on the receipt. Vernon Smith stated that the cheque for \$4,025 was the only money he received.

53. Although there is ambiguity as to whether the work done by Vernon Smith would have qualified as constituency work, Edward Byrne did receive \$1,000 more than he was entitled to as result of this receipt.

Noella Hynes

54. On August 7, 2000, a Travel and Constituency Allowance Claim in the amount of \$3,500 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt in the name of Noella Hynes for \$1,500 for work done on behalf of the Official Opposition. The receipt bears the signature "Noella Hynes". A recap was issued on August 7, 2000, showing a payment of \$3,500 to Edward Byrne.

55. On August 8, 2007, the investigator spoke with Noella Hynes by phone. Noella Hynes acknowledged being given \$1,500 by Edward Byrne. Noella Hynes stated that she had been promised a job by Edward Byrne so she quit the job that she had been working at, only to find out that there was no job with the PC Party. She said that Edward Byrne gave her \$1,500 to help her out until she got another job. She stated she couldn't recall signing anything for the money. Noella Hynes was provided a list of questions and a copy of the generic receipt. Upon review of same, Noella Hynes replied that it wasn't her signature on the generic receipt and she hadn't done any work for the Official Opposition as the generic receipt stated.

56. Edward Byrne received \$1,500 dollars from the Government of Newfoundland and Labrador that he was not entitled to receive as a result of having filed this receipt.

Rod Mahoney

57. Four receipts were submitted involving Rod Mahoney.

1) An undated Travel and Constituency Allowance Claim covering the claim period of April 1, 2001 to April 30, 2001, in the amount of \$18,605.99, was submitted by Edward J. Byrne. Attached to this claim was a generic receipt for *Rod Mahoney for \$4,600*. The signature "Rod Mahoney" was on this receipt. A recap dated May 18, 2001, shows that Edward Byrne was paid \$18,605.99.

2) On September 4, 2001, a Travel and Constituency Allowance Claim in the amount of \$8,000 was submitted by Edward J. Byrne. Attached to this claim was

a generic receipt *in the amount of \$1,000 for Rod Mahoney*. The signature "Rod Mahoney" was on this receipt. A recap dated September 4, 2001, shows that Edward Byrne was issued a cheque for \$8,000.

3) On September 23, 2001, a Travel and Constituency Allowance Claim in the amount of \$9,103.15 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt *in the amount of \$4,000 in the name of Rod Mahoney*. The signature "Rod Mahoney" was on this receipt. A recap dated October 23, 2001, shows a payment of \$9,103.15 to Edward Byrne.

4) On December 5, 2001, a Travel and Constituency Allowance Claim in the amount of \$13,585.82 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt *in the amount of \$8,000 in the name Rod Mahoney*. The signature "Rod Mahoney" was on this receipt. A recap dated December 5, 2001, shows that Edward Byrne was issued a payment of \$13,585.82.

58. Rod Mahoney was interviewed by the investigator on August 1, 2007, and August 8, 2007. He was shown the 4 generic receipts in his name. Rod Mahoney stated that the signatures were his and he couldn't recall getting any of the amounts of money referred to on the generic receipt.

59. According to Noseworthy Chapman's review of the IEC reports, Edward Byrne's constituency allowance for the fiscal year of 2001/2002 was \$15,750 (see Appendix B; Noseworthy Chapman Audit, "Annual Maximums", pages 16-17). From April of 2001 to December of 2001, as a result of these four receipts, Edward Byrne received \$17,600; an amount more than the total yearly allowance.

Derek Connolly

60. Three receipts were submitted involving Derek Connolly.

1) On August 7, 2000, a Travel and Constituency Allowance Claim in the amount of \$3,500 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt *in the amount of \$2,000 in the name of Derek Connolly*. There was a signature on the receipt but the name was spelled "Derrick Connolly". A recap dated August 7, 2000, showed that Edward Byrne was issued a payment of \$3,500.

2) On September 10, 2000, a Travel and Constituency Allowance Claim in the amount of \$1,400 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt *in the amount of \$1,400 in the name Derrick Connolly*. There was a signature again spelled "Derrick Connolly" on this receipt. A recap dated September 13, 2000, shows that Edward Byrne was issued a payment of \$1,400.

- 3) On October 30, 2000 a Travel and Constituency Allowance Claim in the amount of \$4,000 was submitted by Edward J. Byrne. Attached to this claim was a generic receipt in the amount of *\$1,000 in the name of Derek Connolly*. The signature on the receipt was spelled "Dereck Connolly". A recap dated October 31, 2000, shows that Edward Byrne was issued a payment of \$4,000.
61. The investigator interviewed Derek Connolly on August 3, 2007, and August 7, 2007. Derek Connolly was shown the three receipts. Derek Connolly stated it wasn't his signature on the receipts. He indicated that they were even spelled differently than the way he spells his name. Derek Connolly stated he did work for Edward Byrne and the PC Party, but he had been paid by Government issued cheques. He stated he couldn't recall receiving the amounts of money shown on the generic receipts. Derek Connolly acknowledged he did receive a personal cheque from Edward Byrne for \$1,200, but could not remember for what purpose.
62. Edward Byrne received \$3,200 more than he was entitled to as result of these 3 receipts.

William R. Gaulton

63. On July 28, 1999, a Travel Claim in the amount of \$21,748.89 was submitted by Edward J. Byrne. Attached as supporting documentation was a generic receipt *in the amount of \$12,000 to William Gaulton* for services rendered to the Opposition Office. There was a signature "Wm. Gaulton" on this receipt. A recap dated July 29, 1999, showed Edward Byrne was issued a payment of \$20,102.04.
64. On August 3, 2007, and August 16, 2007, William Gaulton was interviewed and shown several documents. In relation to the generic receipt for \$12,000, William Gaulton stated he had never seen the document before and that it wasn't his signature on the document. William Gaulton stated he always signs as "Wm. R. Gaulton". William Gaulton also stated that he never received a \$12,000 payment for services rendered to the Opposition Office.
65. Edward Byrne received \$12,000 dollars as a result of this receipt.

Mary McDonald/Corpus Christi Church

66. On September 4, 2001, a travel and constituency allowance expense claim in the amount of \$8,000 was submitted by Edward Byrne. Attached to this claim was a generic receipt for *a donation of \$1,000 to the Corpus Christi Parish*. The signature of the recipient of the donation on behalf of the Corpus Christi Parish was Mary McDonald.
67. On September 11, 2007, the investigators interviewed Mary McDonald. Mary McDonald stated that she had been a bartender at the Corpus Christi Parish Hall. Mary McDonald stated she had never taken a donation from Edward Byrne. The only time

she had ever taken any money from Edward Byrne was while working as a bartender at the Parish Hall. Mary McDonald stated there was a wedding and Edward Byrne had run a bar tab during the reception. Edward Byrne then paid for the tab with a cheque at the end of the night. The cheque was for \$1,000.

68. Mary McDonald was shown the generic receipt for the \$1,000 donation. Mary McDonald stated she had never seen that receipt before and it was not her signature on the receipt. Mary McDonald stated her name was spelled differently than on the receipt. Mary McDonald was then shown the personal cheque from Edward Byrne for \$976 dollars and made payable to the Corpus Christi Parish. Mary McDonald stated the amount was probably the amount Edward Byrne had accumulated on his bar tab.

69. The investigator also spoke with Barbara Mulcahy, the parish secretary. Barbara Mulcahy advised she had checked back through their records and could find no record of a donation by Edward Byrne to the parish. Barbara Mulcahy stated that the only amount the parish had received was the sum of \$203.35, and that the \$976 was for a bar tab at the parish hall.

70. A recap dated September 4, 2001, showed a payment of \$8,000 to Edward Byrne for the expense claim. As a result of this fraudulent receipt, Edward Byrne received \$1,000 dollars.

Duplicate Receipts / Multiple Reimbursements

71. The auditors at Noseworthy Chapman identified a number of expenditure claims which resulted in double and triple reimbursement. The following is a synopsis of the multiple/ duplicate billings.

Canadian Helicopters

72. On April 25, 2001, a travel and constituency allowance claim in the amount of \$6,210.83 was submitted by Edward J. Byrne. One of the supporting documents attached to this claim was an invoice in the amount of \$3,944.21 from Canadian Helicopters. The invoice was dated January 10, 2001, and the flight date was January 3, 2001. A recap dated April 25, 2001, shows that Edward Byrne received a payment of \$6,210.83.

73. An undated travel and constituency allowance claim for the period May 1, 2001, in the amount of \$25,086.86 was submitted by Edward J. Byrne. One of the supporting documents attached to this claim was a photocopy of the same invoice in the amount of \$3,944.21 from Canadian Helicopters that had been submitted with Edward Byrne's April 25, 2001, claim. A recap dated June 19, 2001, shows that Edward Byrne received a payment of \$25,086.86.

74. On October 12, 2001, a travel and constituency allowance claim in the amount of \$3,944.21 was submitted by Edward J. Byrne. Attached as supporting documentation to this claim was a photocopy of the same invoice in the amount of \$3,944.21 from Canadian Helicopters which Edward Byrne had previously submitted on his April 25, 2001, and his May 1, 2001, claims. A recap dated October 12, 2001, shows that Edward Byrne did receive a payment of \$3,944.21.

75. Upon review of the personal banking record of Edward Byrne seized from Newfoundland and Labrador Credit Union (NLCU), only one personal cheque of Ed Byrne in the amount of \$3,944.21 being paid to Canadian Helicopters was located.

76. On October 12, 2007, Janice Tipple of Canadian Helicopters was interviewed. Copies of the 3 invoices that Edward Byrne had submitted were faxed to her to review. On October 16, 2007, Janice Tipple of Canadian Helicopters advised the investigators that that there was only one \$3,944.21 invoice from Canadian Helicopters to Edward Byrne and that the others were duplicates.

77. Edward Byrne had in effect claimed and was reimbursed for this \$3,944.21 invoice from Canadian Helicopters 3 times, resulting in an overpayment of \$7,888.42.

Avalon East School Board/Gould's Recreation Association

79. An undated travel and constituency allowance claim in the amount of \$3,380.00 was submitted by Edward J. Byrne. Attached to the claim as supporting documentation was an invoice from the Avalon East School Board to the Gould's Recreation Association in the amount of \$1,380. The invoice number was 728 and it was dated October 29, 2001. There was also a letter from Melanie Clarke of the Gould's Recreation Association dated December 3, 2001, requesting that Mr. Ed Byrne take care of this \$1,380 fee. A recap dated December 17, 2001, shows that Edward Byrne received a payment of \$3,380.

80. On August 20, 2002, a travel and constituency allowance in the amount of \$9,941.09 was submitted by Edward J. Byrne. One of the supporting documents attached to this claim form was a statement from the Avalon East School Board to the Gould's Recreation Association for an amount of \$1,380. This statement referenced an invoice number of 728 and a date of October 29, 2001. A recap dated August 20, 2002, shows that Edward Byrne received payment of \$9,941.09.

Gould's Recreation Association

81. On October 12, 2007, the investigator went to the Office of the Eastern School District and met with Juanita Welcher, the Accounts Receivable Clerk. Juanita Welcher confirmed that there had only been one invoice to the Gould's Recreation Association and that was for an amount of \$1,380. Upon being shown the copies of invoices and statements that had been attached to Edward Byrne's claims, Juanita Welcher was able

to say that they were all for the same invoice of \$1,380 that was dated October 29, 2001. Juanita Welcher also had a copy of a receipt that she had issued to Edward Byrne for the payment of the \$1,380.

82. On October 12, 2007, the investigator also spoke with Melanie Clarke, the former employee of the Gould's Recreation Association. Melanie Clarke vaguely recalled sending Edward Byrne a letter requesting that he take care of the \$1,380 for the rental of St. Kevin's School for the PATT Program. Melanie Clarke also recalled that the Program wasn't run the following summer due to the cost.

83. Upon review of the personal banking records of Edward Byrne seized, only one cheque made payable to the Avalon East School Board in the amount of \$1,380 was located. This cheque referenced invoice number 728 in the memo part of the cheque.

84. In effect, Edward Byrne claimed and was reimbursed for the same \$1,380 invoice from the Avalon East School Board on two separate claim forms.

The Hub

85. On April 25, 2001, a travel and constituency allowance claim in the amount of \$6,210.83 was submitted by Edward J. Byrne. Attached as supporting documentation to this claim was an invoice from The Hub in the amount of \$1,937.75 stamped "PAST DUE". The reference numbers were P4783 and P5455. A recap dated April 25, 2001, shows that Edward Byrne received a payment of \$6,210.83.

86. An undated travel and constituency allowance for the period May 1, 2001, in the amount of \$25,086.86 was submitted by Edward J. Byrne. Attached as supporting documentation to this claim was an invoice from The Hub in the amount of \$1,937.75 stamped "PAST DUE". The reference numbers were the same as in the earlier invoice: P4783 and P5455, on his April 25, 2001, claim. A recap dated June 19, 2001, shows Edward Byrne received a payment of \$25,086.86.

87. Upon review of the personal cheques of Edward Byrne seized from the bank, only one cheque of Mr. Edward Byrne in the amount of \$1,936.21 made payable to The Hub was located. This cheque was dated June 19, 2001.

89. On October 9, 2007, the investigator interviewed Tom Badcock, the Executive Director of The Hub. Mr. Badcock was shown both copies of the statements from The Hub in the amount of \$1,937.75. Tom Badcock advised that the statements were both for the same printing job.

90. Edward Byrne claimed for and was reimbursed for the same \$1,937.75 expense from The Hub on two separate claim forms.

Knights of Columbus, Gould's

91. On April 4, 2000, a travel and constituency allowance claim form in the amount of \$7,415.63 was submitted by Edward J. Byrne. One of the supporting documents attached to this claim form was a generic receipt dated April 1, 2000, acknowledging that the Knights of Columbus received a payment of \$503.13 from Edward Byrne, MHA. This generic receipt was signed Ambrose Howlett. A recap dated April 7, 2000, shows that Edward Byrne was issued a cheque for \$7,415.63.

92. On July 16, 2000, a travel and constituency allowance claim in the amount of \$2,523.13 was submitted by Edward J. Byrne. One of the supporting documents attached to this claim form was a receipt from the Knights of Columbus in the Gould's showing that they had received a \$503.13 donation from Edward Byrne. This receipt was dated April 12, 2000. A recap dated July 17, 2000, shows that Edward Byrne was issued a payment of \$2,523.13.

93. On October 8, 2007, the investigator interviewed Randy Connors, the Treasurer of the Knights of Columbus in the Gould's, in 2000. Randy Connors confirmed that it was his signature on the official receipt from the Knights of Columbus. He said that Edward Byrne did make a donation of \$503.13 to the Knights of Columbus in the Gould's and that this was a one time donation which went towards the purchase of shirts.

94. Upon review of the personal cheques of Edward Byrne seized from the bank, only one personal cheque of Edward Byrne made payable to the Knights of Columbus in the Gould's, in the amount of \$503.13, was located.

95. Edward Byrne claimed for and was reimbursed for the same \$503.13 donation to the Knights of Columbus in the Gould's on two separate claim forms.

Resource Centre for the Arts

96. On September 4, 2001, a travel and constituency allowance claim in the amount of \$8,000 was submitted by Edward J. Byrne. One of the supporting documents attached to this claim was a letter from Jim Prowse of the Resource Centre for the Arts thanking Edward Byrne for a \$500 donation to the Seat Sale fund raising campaign. A recap dated September 4, 2001, showed that Edward Byrne was issued a cheque for \$8,000.

97. On September 23, 2001, a travel and constituency allowance claim in the amount of \$9,103.15 was submitted by Edward Byrne. One of the supporting documents attached to this claim was a faxed copy of an invoice to Edward Byrne in the amount of \$500 from the Resource Centre for the Arts. The date and time on the fax was July 6, 2001, at 1:03 pm. A recap dated October 23, 2001, showed that Edward Byrne was issued a cheque for \$9,103.15.

98. On September 24, 2001, a travel and constituency allowance claim in the amount of \$6,578.09 was submitted by Edward J. Byrne. Attached to this claim as supporting documentation was the same faxed copy of the \$500 invoice from the Resource Centre for the Arts that Edward Byrne had attached to his claim dated September 23, 2001.

99. Two recaps dated September 24, 2001, showed that Edward Byrne received a payment of \$5,578.09 and a payment of \$1,000, for a total of \$6,578.09.

100. On October 6, 2007, the investigator met with Jim Prowse, a former employee of the Resource Centre for the Arts, who advised that the letter from him to Edward Byrne was in relation to a fundraising campaign. People could make a donation and have a plaque with their name on it put on the back of a seat at the LSPU Hall.

101. On October 9, 2007, the investigator went to the LSPU Hall and met with Ruth Lawrence, an employee at the LSPU Hall, who informed the officer that she had checked the seats in the auditorium and there was no seat with Edward Byrne's name on it but there were thirteen (13) seats with Government of Newfoundland and Labrador on them. They could not locate the invoice for the \$500.

102. Upon review of the personal cheques of Edward Byrne seized in the investigation, the auditors could only locate one cheque made payable to the Resource Centre for the Arts for \$500. This cheque was dated August 6, 2001.

103. Edward Byrne submitted and was reimbursed for the same \$500 donation to the Resource Centre for the Arts on three separate claim forms and benefited by \$1,000.

American Express Statements

104. There were three (3) instances of filing multiple claims in relation to use of an American Express credit card by Edward Byrne.

1) *Triplicate Claim of \$4,542.83*

On July 10, 2002, a travel and constituency allowance claim in the amount of \$4,542.83 was submitted by Edward J. Byrne. Attached as supporting documentation to this claim was a photocopy of Edward Byrne's American Express statement dated June 28, 2002, for an amount of \$4,542.83. On August 20, 2002, a travel and constituency allowance claim in the amount of \$9,941.09 was submitted by Edward J. Byrne. Attached as supporting documentation to this claim was the original American Express statement of Edward Byrne dated June 28, 2002, in the amount of \$4,542.83. (Edward Byrne had claimed this amount on his July 10, 2002 claim.) Also attached was a July 29, 2002, American Express statement of Edward Byrne which included the transactions of

the June 28, 2002, American Express statement of Mr. Edward Byrne for \$4,542.83.

Edward Byrne claimed and was reimbursed for the same transactions on his June 28, 2002, which totaled \$4,542.83, on three separate occasions and was overpaid by \$9,185.66.

2) *Duplicate Claim of \$11,021.64*

On April 10, 2003, a travel and constituency allowance claim in the amount of \$12,421.64 was submitted by Edward J. Byrne. One of the amounts written in the claim column was an amount of \$11,021.64. There was no documentation attached to this claim form. Upon review of the American Express statements of Edward Byrne seized under warrant, auditors from Noseworthy Chapman found an American Express statement in the amount of \$11,021.64, dated February 28, 2003. On April 17, 2003, a travel and constituency allowance claim in the amount of \$16,161.15 was submitted by Edward J. Byrne.

There was no supporting documentation attached to this claim, however, upon review of the American Express statements of Edward Byrne seized under warrant, the auditors found an Amex statement in the amount of \$16,161.15, dated March 30, 2003. This statement included the previous balance of \$11,021.64 that Edward Byrne had claimed on his April 10, 2003, claim.

Edward Byrne claimed and was reimbursed for the same \$11,026.64 transactions of his February 28, 2003, on two separate claim forms and benefited by 11,026.64. \$11,000 represents over two thirds (2/3) of Edward Byrne's annual allowance.

3) *Duplicate Billing of \$5,139.51*

On April 17, 2003, a travel and constituency allowance claim in the amount of \$16,151.15 was submitted by Edward J. Byrne. There was no supporting documentation attached to this claim, however, upon review of the American Express statements of Edward Byrne, the auditors found an Amex statement of Edward Byrne in the amount of \$16,151.15, dated March 30, 2003. The total new transactions on the March 30, 2003, claim totaled \$5,139.51. On June 4, 2003, a travel and constituency allowance claim in the amount of \$21,098.75 was submitted by Edward J. Byrne.

There was no supporting documentation attached to this claim. Upon review of the American Express statements of Edward Byrne which were seized under warrant, the auditors found an Amex statement of Edward Byrne in the amount of \$21,098.74 dated May 30, 2003. This amount included an opening

balance of \$10,371.07 from an April 29, 2003, statement which in turn included the March 30, 2003 statement transactions of \$5,139.51 that had previously been claimed on Mr. Byrne's April 17, 2003 claim.

Edward Byrne had claimed the transactions totaling \$5,139.51 on two separate claim forms and benefited by \$5139. 51.

NA Geira's Restaurant

105. There are two duplicates claims in relation to NA Geira's restaurant.

1) An undated travel and constituency allowance claim in the amount of \$11,499.89 was submitted by Edward J. Byrne. Attached to this claim as part of the supporting documentation was an Amex Card receipt in the amount of \$378.88 from NA Geira's Restaurant dated August 3, 2003. A recap dated September 2, 2003, shows that Edward Byrne received a payment of \$11,499.89. On September 8, 2003, a travel and constituency allowance claim in the amount of \$8,403.92 was submitted by Edward J. Byrne.

Attached to this claim as part of the supporting documentation was an American Express Card statement in the name of Edward Byrne dated August 29, 2003. Listed in the transactions on this statement was an expense for NA Geira's Restaurant for \$378.88, dated August 3, 2003. A recap dated September 8, 2003, shows that Edward Byrne received a payment of \$8,403.92.

Edward Byrne claimed for and was reimbursed for the same \$378.88 expense from NA Geira's Restaurant on two travel and constituency allowance claim forms.

2) On September 11, 2002, a travel and constituency allowance claim in the amount of \$10,814.42 was submitted by Edward J. Byrne. Part of the supporting documentation attached to this claim was an Amex Card receipt in the name of Edward Byrne in the amount of \$88.25. The date on the receipt was August 27, 2002, and it was signed Edward J. Byrne. The receipt was for NA Geira's Restaurant. A recap dated September 11, 2002, shows that Edward Byrne received a payment of \$10,814.42.

On September 13, 2002, a travel and constituency allowance claim in the amount of \$2,537.20 was submitted by Edward J. Byrne. Attached as supporting documentation to this claim was an August 22, 2002, American Express Card statement in the name of Edward Byrne. The amount of the statement was \$2,537.20. One of the transactions shown on this statement was an expense from NA Geira's Restaurant in the amount of \$88.25, dated August 27, 2002. A recap dated September 13, 2002, shows that Edward Byrne received a payment of \$2,537.20.

Edward Byrne claimed for and was reimbursed for the same \$88.25 expense from NA Geira's Restaurant on two travel and constituency allowance claims.

Costco

106. On August 13, 2003, a travel and constituency allowance claim in the amount of \$9,681.58 was submitted by Edward J. Byrne. Attached as supporting documentation to this claim was the bottom part of an American Express statement in the name of Edward Byrne showing an amount due of \$7,181.58. When the auditors from Noseworthy Chapman examined American Express statements of Edward Byrne they noted that this \$7,181.58 was for a July 30, 2003, statement. Listed in this statement was a purchase from Costco Canada #539 in the amount of \$344.98 on July 21, 2003. A recap dated August 13, 2003, shows that Edward Byrne received a payment of \$9,681.58. An undated travel and constituency allowance claim in the amount of \$11,499.89 was submitted by Edward J. Byrne. One of the attached supporting documents to this claim was an Amex Credit Card receipt dated July 21, 2003, showing a \$344.98 purchase from Costco Canada #539. This receipt was signed Edward J. Byrne. A recap dated September 2, 2003, shows that Edward Byrne received a payment of \$11,499.89. Edward Byrne claimed and was reimbursed for the \$344.88 purchase from Costco Canada #539 on his August 13, 2003, claim and again on his undated claim which was paid to him on September 2, 2003.

Purchases of a Personal Nature claimed under the Constituency Allowance***McDonald Home Hardware***

108. An undated travel and constituency allowance expense claim, covering the period April 1, 2001, to April 30, 2001, in the name of Edward J. Byrne, was submitted for \$18,605.99. Attached to this claim was an April 29, 2001, Amex statement of Edward Byrne for an amount of \$2,450.34. The full amount of this Amex statement was claimed on the constituency allowance claim form. One of the purchases on this Amex statement was an April 25, 2001, purchase of \$1,149.99 from McDonald Home Hardware in the Gould's. A recap dated May 18, 2001, shows that Edward Byrne received a payment of \$18,605.99.

109. On September 10, 2007, one of the investigators went to McDonald Home Hardware and spoke with Dan McDonald, the owner/operator of the store. Dan McDonald advised the officer that he recalled the purchase of \$1,149.99 that was made by Edward Byrne. The purchase was a Coleman Barbecue.

110. On September 20, 2007, the investigators interviewed Gerry Conroy, who had been Edward Byrne's Executive Assistant. During the interview, Gerry Conroy was questioned as to whether Edward Byrne would have purchased a Barbecue to give as a

donation. Gerry Conroy stated that Edward Byrne had given his wife, Marie Conroy, an expensive Barbecue for her birthday a number of years back. He said that the brand name was Coleman and it could have been purchased at McDonald Home Hardware. Mr. Conroy informed us that his wife's birthday is May 1st.

111. On October 2, 2007, upon review of records seized from McDonald Home Hardware, the original credit receipt for the \$1,149.99 purchase on Edward Byrne's Amex Card #3732 6770 5941 007 was located. The signature on the card was "G. Conroy".

112. On October 4, 2007, Gerry Conroy was re-interviewed again and shown the Amex receipt for \$1,149.99. Gerry Conroy acknowledged that it was his signature on the receipt but that he didn't recall signing the receipt. He stated that he didn't buy the barbecue. It may have been a case where Edward Byrne had arranged for the purchase of the barbecue and asked him to go in and pay for it. Gerry Conroy stated that he had used Edward Byrne's card on numerous occasions when he was Edward Byrne's Executive Assistant.

Kent Building Supplies

113. An undated travel and constituency allowance claim in the amount of \$11,499.89 was submitted by Edward J. Byrne. Attached as a supporting document on this claim form was a MasterCard Credit Card receipt with account # 5491 9811 5900 5277 in the name of Edward Byrne for a \$519.34 purchase from Kent Building Supplies. The receipt was dated June 11, 2003, and it was signed Edward J. Byrne. A recap dated September 2, 2003, shows that Edward Byrne received a payment of \$11,499.89.

114. On September 13, 2007, one of the investigators spoke with Leslie Humby, the Office Manager of Kent Building Supplies, 60 Old Placentia Road, Mount Pearl, Newfoundland and Labrador, who advised that they have the original receipt of the purchase and a copy of the invoice outlining what was purchased and where it was delivered.

115. On October 2, 2007, records from MBNA Canada Bank were seized and the officers learned that card #5491 9811 5900 5277 was an account in the name of Edward J. Byrne and Bernadette Ottenheimer.

116. Upon review of records seized from Kent Building Supplies on 60 Old Placentia Road, Mount Pearl, Newfoundland and Labrador, the original transaction receipt for \$519.34 signed by Edward Byrne, and a copy of the invoice in the name of Edward Byrne, were located. This invoice showed that the purchase was for twenty (20) sheets of 7/16 OSB and 240 feet of pine clapboard. The invoice also showed a delivery charge of \$35 with the lumber being delivered to Edward Byrne, 87 Hodgewater Line.

117. From an interview conducted with Gerry Conroy, the former Executive Assistant of Edward Byrne, it was learned that Edward Byrne has a cabin on Hodgewater Line.

118. Edward Byrne paid for a personal expense, building supplies, by using his constituency allowance.

Ashford Sales- Purchase of Utility Trailer

119. On September 11, 2002, a travel and constituency allowance claim in the amount of \$10,814.42 was submitted by Edward J. Byrne. One of the supporting documents attached to the claim was the yellow copy of a MasterCard receipt showing a \$1,895.14 purchase from Ashford Sales in Mount Pearl. The account number was 5316 9506 9002 1104. The purchase was made on September 10, 2002, and the signature on the receipt was Edward J. Byrne. A recap dated September 11, 2002, shows that Edward Byrne received a payment of \$10,814.42.

120. On July 31, 2007, Gerry Conroy, the former Executive Assistant of Edward Byrne, was interviewed. In relation to the \$1,895.14 purchase from Ashford Sales, Gerry Conroy stated that Edward Byrne had purchased a utility trailer for the purpose of towing around election signs (Note: this would not be an acceptable expenditure of the constituency allowance). Gerry Conroy further stated that Edward Byrne sold him the trailer a couple of years ago for about \$300 or \$400.

121. On August 10, 2007, one of the investigators executed a Production Order at Ashford Sales and obtained a true copy of the invoice. It was made out in the name of Edward Byrne and dated September 10, 2002. It showed that the trailer purchased was a SPUG 4' X 7" Utility Trailer and that it was purchased on a MasterCard #5316 9506 9002 1104.

122. On October 1, 2007, one of the investigators interviewed Ward Rideout, a former employee of Ashford Sales Ltd. He recalled being the salesman who sold Edward Byrne the Utility Trailer.

123. On October 17, 2007, the investigator received a fax from Shelley Stanley of CUETS (Credit Union Electronic Transaction Services) Financial Services confirming that account number 5316 9506 9002 1104 is an account in the name of Edward J. Byrne and Bernadette Ottenheimer.

Table of Fraudulent Transactions

124. Below is a table listing each of the above transactions and the amounts by which Edward Byrne benefited as a result. The Crown seeks restitution for these amounts, totaling **\$117, 812**. This amount represents the total that the Crown alleges in respect of criminal activity, it is without prejudice to, nor does it limit, any additional amounts that

are being claimed against Edward Byrne and that he may owe as a result of civil claims made by the Government of Newfoundland and Labrador.

\$2500	Stephen Raymond
\$10,400	Trevor Raymond
	Gus
\$4000	Coombs
\$5000	Wayne Clark
\$10,000	John Joy
\$1500	Gina Steele
\$5705	John Byrne
\$1000	Vernon Smith
\$1500	Noella Hynes
\$17,600	Rod Mahoney
\$3200	Derek Connolly
\$12,000	William Gaulton
\$976.	Mary McDonald (Corpus Christi Church)
\$1149	Mc Donald's Home hardware (Barbeque)
\$519	Kent Building Supplies
\$1895	Ashford Sales (Utility Trailer)
\$7888.42	Canadian Helicopters
\$1380	Avalon East School Board
\$1937	The Hub
\$503	Knights of Columbus
\$1000	Resource Centre for the Arts
\$466	NA Geira's
\$344	Costco
\$9185.66	American Express (triple billing)
\$11,026	American Express (double billing)
\$5139	American express (double billing)
\$117, 812*	

IV Breach of section 121(1)(a)-(3) Fraud on the Government

125. From a review of Edward Byrne's bank account disbursement and credit card account charges, Noseworthy Chapman noted thirty-three (33) personal cheques of Edward Byrne, totaling \$18,125.00, to a payee identified as an official with the Government of Newfoundland and Labrador at the time. All of the cheque payments to the official of the Government of Newfoundland and Labrador were equal dollar amounts, i.e. \$500. \$400, \$2,500, etc.

126. There were twenty-seven (27) instances where Edward Byrne received a reimbursement cheque for a constituency claim, on either the same day as or within three days prior to the date of the cheque payable to this official. There were three (3) air travel tickets in the name of the wife of this official claimed for reimbursement under Edward Byrne's travel and constituency allowance.

127. Edward Byrne acknowledges that he received monies in excess of that to which he was entitled as a result of an agreement to pay unlawful consideration to the official.

128. In reviewing Edward Byrne's spending, the auditor from Noseworthy Chapman could not reconcile these personal cheques with any purchases from the official's company.

129. The following table shows the breakdown of personal cheques of Edward Byrne paid to this official.

Cheque payments			Corresponding Claims		
Date	Cheque #	Amount	Memo Cheque	Reimbursement Date	Amount
21-Aug-00	127	500.00	Wedding Gift		
15-Dec-00	189	400.00			
19-Jun-01	500	500.00		19-Jun-01	25,086.86
06-Aug-01	123	1,000.00			
05-Nov-01	036	500.00		05-Nov-01	500.00
30-Nov-01	038	750.00			
17-Dec-01	048	200.00		17-Dec-01	3,380.00
14-Feb-02	112	500.00		14-Feb-02	4,500.00
25-Mar-02	128	500.00			
12-Apr-02	154	2,500.00		12-Apr-02	11,714.00
10-May-02	119	500.00		10-May-02	5,500.00
06-Jun-02	160	500.00			
21-Aug-02	no #	500.00		20-Aug-02	9,941.09
29-Oct-02	226	700.00	Christmas Ornaments	29-Oct-02	4,700.00
14-Nov-02	233	400.00		14-Nov-02	3,000.00
06-Dec-02	269	400.00	Christmas Bulbs	06-Dec-02	3,300.00
09-Dec-02	241	400.00	Christmas Ornaments		
20-Dec-02	244	1,000.00	Christmas Ornaments		
25-Jan-03	280	400.00	Plates		
11-Feb-03	202	750.00	Plates		
28-Feb-03	257	200.00	Plates	28-Feb-03	4,600.00
13-Mar-03	260	500.00	Promotional Items		
10-Mar-03	295	350.00	Scarf promo	10-Mar-03	4,600.00
15-May-03	360	400.00		14-May-03	5,500.00
20-May-03	364	300.00		20-May-03	7,000.00
27-May-03	372	200.00		27-May-03	4,090.00
05-Jun-03	376	500.00	Coat of Arms Plates	04-Jun-03	21,098.75
27-Jun-03	329	400.00	Plates	24-Jun-03	16,500.00
??-Aug-03	426	400.00			
27-Oct-03	480	500.00		27-Oct-03	13,712.35
20-Nov-03	486	500.00	Christmas Bulbs	18-Nov-03	6,950.50
10-Mar-04	ML 001	575.00		10-Mar-04	9,472.00
12-Mar-04	498	400.00		12-Mar-04	9,472.00
Total		18,125.00			
Number of instances		33	Number of instances	21	

Airline Ticket Purchases

Purchase Date Passenger Amount Destination

21-Feb-02 \$1,344.65 St. John's to Miami Return
 16-Apr-03 \$425.94 St. John's to Toronto Return
 25-Apr-03 \$88.15 St. John's to Ottawa Return (may be: taxes & fees on a reward ticket)
 \$ 1,858.74

130. Edward Byrne acknowledges that his expenses were not correctly reported and were not properly posted to his constituency account. If the amounts had been accurately reported, it would have shown the excess expenditures as uncovered by the Auditor General in his 15(1) report to the Lieutenant-Governor in Council.

131. As discussed earlier (see paragraphs [16] and [18]), both the Auditor General and the auditors from Noseworthy Chapman calculated that Edward Byrne exceeded his constituency allowance by significant amounts. The auditors from Noseworthy Chapman identified the amounts as follows:

Fiscal Year	Number of Claims	Total Per Annum Paid	HST (included)	Total Net of HST	Annual Limits	Excess Net of HST	Excess Claims Percentage
1999	10	\$16,656.25	(432.75)	16,223.50	11,600.00	4,623.50	40%
2000	8	\$20,615.50	(914.35)	19,701.15	15,000.00	4,701.15	31%
2001	10	\$27,894.43	(1,940.27)	25,954.16	15,750.00	10,204.16	65%
2002	27	\$133,944.93	(10,498.29)	123,446.64	15,750.00	107,696.64	684%
2003	24	\$145,823.22	(16,865.75)	128,957.47	15,750.00	113,207.47	719%
2004	25	\$211,694.25	(24,470.02)	187,224.23	18,625.00	168,599.23	905%
Total	104	\$556,628.58	55,121.43	501,507.15	92,475.00	409,032.15	

132. The auditors from Noseworthy Chapman noted that Edward Byrne reached his annual limit by the following dates:

Fiscal Year	Date Allowance Exceeded Limit	Month in Fiscal Year
1999	March, 28, 1999	12 th
2000	July 6 th , 1999	4 th
2001	October 12 th , 2000	7 th

2002	May 15 th , 2001	2 nd
2003	April 11 th , 2002	1 st
2004	April 14 th , 2003	1 st

133. The Auditor General, John Noseworthy, stated that the excess spending would not have been discovered but for the government's request in 2004 to do a review of the House of Assembly's finances. It was only when the Auditor General reconciled each cheque issued by the government to MHA claims that the excess spending of constituency allowances was uncovered¹.

These Agreed Facts are agreed to and signed by

Edward Byrne – Accused

Robert Simmonds, Q. C. – Counsel for Accused

Erin Breen – Counsel for Accused

Frances Knickle - Crown Attorney

Vikas Khaladkar – Crown Attorney

Dated this _____ day of _____ at St. John's., Newfoundland and Labrador.

1. ¹ Statement of John Noseworthy, dated December 12th, 2006 at page 11.
2.

