

RED HILL VALLEY PARKWAY INQUIRY

TRANSCRIPT OF PROCEEDINGS  
HEARD BEFORE THE HONOURABLE  
HERMAN J. WILTON-SIEGEL  
held via Arbitration Place Virtual  
on Thursday, September 1, 2022 at 9:32 a.m.

VOLUME 52

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1 Arbitration Place Virtual

2 --- Upon resuming on Thursday, September 1, 2022

3 at 9:32 a.m.

4 MS. BRUCKNER: Good morning.

5 I would like to open this hearing.

6 Before we begin the  
7 proceedings today I would like to open this week  
8 of hearing by acknowledging that the City of  
9 Hamilton is situated based on the traditional  
10 territories of the Erie, Neutral, Huron-Wendat,  
11 Haudenosaunee and Mississaugas. This land is  
12 covered by the Dish With One Spoon Wampum Belt  
13 Covenant which was an agreement between the  
14 Haudenosaunee and Anishinaabek to share and care  
15 for the resources around the Great Lakes. We  
16 further acknowledge that the land on which  
17 Hamilton sits is covered by the Between The Lakes  
18 Purchase 1792, between the Crown and the  
19 Mississaugas of the Credit First Nation.

20 Many of the counsel appearing  
21 on this hearing today are in Toronto, which is on  
22 the traditional land of the Huron-Wendat, the  
23 Seneca and, most recently, the Mississaugas of the  
24 Credit River.

25 Today this meeting place is

1 still the home to many indigenous peoples from  
2 across Turtle Island and we are grateful to have  
3 the opportunity work on this land.

4 Commissioner, before we begin  
5 with Mr. Sharma's testimony today I would like to  
6 ask you to enter overview documents 9A and 10A as  
7 exhibits. As you know, commission counsel drafted  
8 and entered as exhibits 10 overview documents,  
9 which in total number roughly 15,000 pages of  
10 evidence and that summarize approximately 45,000  
11 documents.

12 Following Frank Marrocco's  
13 August 15, 2022 order respecting the privilege  
14 dispute, commission counsel have updated overview  
15 documents 9 and 10 to include additional documents  
16 including some documents formerly subject to  
17 privilege claims.

18 The updated versions of these  
19 documents are overview document 9A and overview  
20 document 10A. Commission counsel provided drafts  
21 of overview documents 9A and 10A to counsel for  
22 the participants and invited them to review and  
23 offer comments on these overview documents.

24 Commission counsel received, considered, and  
25 revised overview documents 9A and 10A where



1 call up overview document 9A and show us the first  
2 page, please. Thank you. So overview document 9A  
3 is titled "Overview Document #9A: Events Leading  
4 to the Discovery and Disclosure of the Tradewind  
5 Report" revised September 1, 2022. If I could  
6 please have this marked as Exhibit 9A.

7 EXHIBIT 9A: RHVPI, Overview  
8 Document 9A - Events Leading to the Discovery and  
9 Disclosure of the Tradewind Report (revised  
10 September 1, 2022)

11 THE REGISTRAR: Noted,  
12 counsel. Thank you.

13 MS. BRUCKNER: Registrar, if  
14 you could take this down and bring up overview  
15 document 10A, please. Overview document 10A is  
16 titled "Disclosure of Tradewind Report to Counsel  
17 and Public," revised September 1st, 2022.

18 Registrar, if I could please  
19 have this overview document marked as Exhibit 10A.

20 THE REGISTRAR: Noted counsel,  
21 thank you.

22 EXHIBIT 10A: RHVPI, Overview  
23 Document 10A - Disclosure of the Tradewind Report  
24 to Council and Public.

25 MS. BRUCKNER: Thank you very



1 much, Registrar.

2 Overview documents 9A and 10A  
3 and the documents referred to in the overview  
4 documents will now be made available on the Red  
5 Hill Valley Parkway website. The overview  
6 document are hyperlinked to the documents  
7 referenced in the footnotes so that members of the  
8 public can see the evidence that underlies those  
9 exhibits. Thank you, Registrar, you can take this  
10 down.

11 And Madam Court Reporter, I  
12 think we're ready for Mr. Sharma's evidence and he  
13 has not yet been sworn.

14 DIPANKAR SHARMA; affirmed

15 EXAMINATION BY MR. BRUCKNER:

16 MS. BRUCKNER: Commissioner,  
17 may I proceed?

18 JUSTICE WILTON-SIEGEL: Yes,  
19 please.

20 BY MS. BRUCKNER:

21 Q. Mr. Sharma, I'm going to  
22 start off with some background questions. Can you  
23 tell me a little about your educational  
24 background?

25 A. Yes, I am an electrical

1 engineer. I graduated from University of Ottawa  
2 in electrical engineering.

3 Q. What year did you  
4 graduate from the University of Ottawa?

5 A. 2010.

6 Q. So you are a professional  
7 engineer with a specialty in electrical  
8 engineering?

9 A. That's correct.

10 Q. And you've been employed  
11 with the City of Hamilton since 2017; is that  
12 correct?

13 A. Yes, February (ph) 2017.

14 Q. What's your current role  
15 with the City of Hamilton?

16 A. Currently I am a senior  
17 project manager for infrastructure renewal and  
18 engineering services.

19 Q. And when did you start in  
20 that role?

21 A. In September of 2019.

22 Q. And before you started in  
23 that role, it's my understanding that you were  
24 senior project manager planning programming and  
25 engineering services; is that right?

1 A. That's the current role I  
2 am.

3 Q. And you've been in that  
4 role since 2019?

5 A. Yes.

6 Q. And before that, you were  
7 senior project manager continuous improvement  
8 engineering services from 2018 to 2019; is that  
9 right?

10 A. That's correct.

11 Q. It's my understanding  
12 that you started at the City as a project manager  
13 in street lighting, geomatics and corridor  
14 management in engineering services and were in  
15 that role from about 2017 to 2018; is that  
16 correct?

17 A. No. So I started as a  
18 street light specialist in 2017 and became project  
19 manager in street lighting in around September of  
20 that year, and then later.

21 Q. And both of those two  
22 roles were in street lighting and engineering  
23 services?

24 A. That is correct, yes.

25 Q. What was your

1 professional experience prior to joining the City  
2 in 2017?

3 A. I worked at a consulting  
4 firm prior to that.

5 Q. In electrical  
6 engineering?

7 A. Yes, street lighting and  
8 traffic.

9 Q. Can you describe your  
10 role as senior project manager continuous  
11 improvement in engineering services?

12 A. Yes. So as a senior  
13 project manager continuous improvement, it's a  
14 temporary 18-month role. And the role, the idea  
15 is you get to work with directors and divisional  
16 leaders on process improvement, continuous  
17 improvement, process optimization, quality  
18 management, record management, project management,  
19 and special projects that are assigned to you by  
20 the director.

21 Q. Is that role specific to  
22 engineering services?

23 A. The role that I had was  
24 specific to engineering services but there is  
25 other roles similar to mine in every single

1 division.

2 Q. When you say every single  
3 division, you mean every single division in public  
4 works or throughout the City?

5 A. Every single division in  
6 public works.

7 Q. Can you tell me what  
8 sorts of projects you were working on in your  
9 continuous improvement role?

10 A. Yes. I had multitudes of  
11 projects that ranged from process improvement to  
12 continuous improvement, also about quality. Do  
13 you need specific name of the projects or?

14 Q. Just a general sense of  
15 the kinds of projects you were working on.

16 A. Yeah. Just about process  
17 improvement, optimization, just continuous  
18 improvement projects, looking at any other --  
19 any (indiscernible) that were given to me by the  
20 director.

21 Q. And it's my understanding  
22 that you worked on the -- or engineering services'  
23 response to the value for money roads audit in  
24 2018; is that correct?

25 A. No. I did not work on

1 the response. I think that was handled by a  
2 different team.

3 Q. So what was your role in  
4 the value for money roads audit?

5 A. So my role in value for  
6 money if -- was to supply and coordinate documents  
7 that Domenic Pellegrini was asking for that  
8 related to audit services.

9 Q. So when you said it  
10 wasn't a written response, were you -- or wasn't a  
11 response, were you referring to a written response  
12 that was submitted by engineering services that  
13 you weren't involved in?

14 A. That's correct.

15 Q. Okay. Thank you. Did  
16 you work on any other projects in your continuous  
17 improvement role, aside from the value for money  
18 roads audit, that involved City of Hamilton roads  
19 or the Red Hill Valley Parkway?

20 A. No, I didn't.

21 Q. So you had said that the  
22 senior project manager continuous improvement role  
23 was a temporary 18-month role. Why is that a  
24 temporary role?

25 A. I think the genesis of

1 the role is to get experience in a senior project  
2 manager role and work with divisional leaders. So  
3 it's an opportunity that is provided by the City's  
4 leadership to project managers to learn how the  
5 city works, and the opportunity, once it's given  
6 to you, then it's rolled out to other SPMs or PMs.

7 Q. So is it a temporary  
8 18-month role across all public works departments?

9 A. At that time yes, it was.

10 Q. How did you get selected  
11 for that role?

12 A. So the selection -- the  
13 way the selection process worked was, to best of  
14 my recollection, you send in your application,  
15 there's some questions that you need to answer,  
16 and then you have to go through an interview  
17 process and then you are selected.

18 Q. Do you have any training  
19 or educational background in continuous  
20 improvement project management or anything like  
21 that?

22 A. Yes, I do have a project  
23 management professional designation, PMP, and I do  
24 have certificate in clean (indiscernible) which  
25 relates to process improvement and continuous

1 improvement.

2 Q. Who did you report to as  
3 senior project manager continuous improvement?

4 A. I reported to Gord  
5 McGuire.

6 Q. That was during the time  
7 when he was director of engineering services?

8 A. That's correct.

9 Q. It's my understanding  
10 that in your previous position as a senior project  
11 manager in street lighting you would have been  
12 reporting to Mike Field; is that right?

13 A. Yeah, as a project  
14 manager in street lighting I was reporting to  
15 Mike Field.

16 Q. And Mike Field would have  
17 been reporting to Mr. McGuire before he was  
18 director because he was in the manager geomatics  
19 and corridor management role, right?

20 A. No. So Mike Field was  
21 reporting to Gary Kirchoff who was reporting to  
22 Gord McGuire.

23 Q. What was Gary Kirchoff's  
24 official role during that period?

25 A. Gary Kirchoff was the



1 supervisor for street lighting and geomatics  
2 corridor.

3 Q. And then Gord was the  
4 manager of geomatic and corridor management;  
5 right?

6 A. Yes.

7 Q. And during that period  
8 Mr. McGuire then would have been reported to  
9 Mr. Moore who was the director of engineering  
10 services?

11 A. That's correct.

12 Q. Did you take over the  
13 position of senior project manager continuous  
14 improvement when Mr. McGuire took the role of  
15 director of engineering or was there a bit of gap  
16 between those two events?

17 A. There was a bit of gap in  
18 those two events.

19 Q. Do you know roughly what  
20 month you took over into your role as senior  
21 project manager continuous improvement?

22 A. I think it was sometime  
23 around in 2018, around September. I can't recall  
24 100 percent.

25 Q. Was Gord the one who

1 did -- or sorry, was Mr. McGuire the one who did  
2 the interview process for the selection of that --  
3 for you being promoted into that position?

4 A. Yeah, it was Gord and  
5 Andrea Vargas.

6 Q. Did you have any direct  
7 or indirect reports in the senior project manager  
8 continuous improvement role?

9 A. No, I did not.

10 Q. Was there anyone else  
11 within engineering services whose role was to  
12 engage in continuous improvement projects?

13 A. No.

14 Q. Is there a division or  
15 continuous improvement group within engineering  
16 services?

17 A. No.

18 Q. And you had said that  
19 every director had a senior project manager of  
20 continuous improvement. Do you know who  
21 Mr. Moore's was during his time?

22 A. It was Rob -- yeah, I  
23 can't recall -- it was Rob but I can't recall his  
24 full name, sorry.

25 Q. So I'm going to step a

1 little bit back further in time before we return  
2 to the value for money audit and ask you a little  
3 bit about your time in the street lighting group.

4 A. Yeah.

5 Q. Were you involved in any  
6 lighting projects connected to the Red Hill Valley  
7 Parkway while you were in the lighting group in  
8 2017 and 2018?

9 A. Not really, no.

10 Q. When you say not really,  
11 were you involved in some marginally or in a minor  
12 capacity or role?

13 A. Yeah, so there was a Red  
14 Hill safety report that was being done by CIMA and  
15 at that time I was involved in it very marginally.

16 Q. Is that the roadside  
17 safety audit that you're referring to?

18 A. Yes.

19 Q. Registrar, could you  
20 please pull up HAM58984. Exhibit 2 (skipped  
21 audio), please.

22 So this is an e-mail exchange  
23 in June of 2017 that you're copied on, along with  
24 Mr. McGuire, between Mr. Field and Robert Declair,  
25 who is in traffic operations and engineering, I

1 believe?

2 A. Yes.

3 Q. Take a moment to look at  
4 this e-mail, but Mr. Field references a meeting in  
5 the very top e-mail between you, Mr. Field and  
6 Mr. Decleir the day before, and then he annotates  
7 the subsequent e-mail which I believe he had sent  
8 prior to that meeting to reflect what was  
9 discussed at the meeting.

10 A. Yeah.

11 Q. Registrar, if you could  
12 pull out the second e-mail, paragraph 1 for  
13 Mr. Sharma. Over on image 1. Second paragraph  
14 starts with "as you are aware."

15 So I believe this is a  
16 summary, but you can correct me if I'm wrong.  
17 Mr. Field says to Mr. Decleir:

18 "As you are aware, we are  
19 concerned with the process  
20 that has been followed when it  
21 comes to traffic attaching  
22 cameras to our streetlight  
23 poles. There have been many  
24 internal discussions going  
25 back until 2013 on this file.

1 We feel that we have been  
2 accommodating to date but have  
3 not had the same courtesy  
4 returned to us from traffic.

5 We will go over this." (As  
6 read)

7 And then he lists a number of  
8 items that he wants to discuss at the meeting.

9 Registrar, you can close that  
10 down, thank you.

11 Do you recall this meeting?

12 A. To the best of my  
13 knowledge, no. It was in 2017.

14 Q. Okay. Do you know why  
15 your group was concerned about traffic's equipment  
16 being installed on lighting poles?

17 A. By the look of this  
18 e-mail, it looks like we wanted make sure that the  
19 poles were structurally sound to hold traffic  
20 cameras on the pole.

21 Q. Registrar, can you pull  
22 out item D on image number 2, please.

23 So this item on the list and  
24 the annotations look like they are specific to the  
25 LINC and the Red Hill Valley Parkway. So

1 Mr. Field says:

2 "We require a fulsome review  
3 of the implications of the  
4 traffic equipment that is  
5 attached to the streetlight  
6 poles along the LINC and Red  
7 Hill and the plan to address  
8 any perceived structural and  
9 operational impacts to the  
10 poles."

11 And then the annotation, which  
12 I think reflects what was discussed at the  
13 meeting, says:

14 "Traffic will look at  
15 reassigning their consultant  
16 from reviewing traffic poles,  
17 pole bases to reviewing the  
18 LINC Red Hill poles to  
19 determine if the poles can  
20 safely carry the traffic  
21 equipment. Street lighting  
22 has considerable concern for  
23 what impact the traffic  
24 equipment is introducing to  
25 these poles considering that

1                   they are over live lane, LINC  
2                   Red Hill traffic. Traffic  
3                   will expedite the study as  
4                   soon as convenient, and in the  
5                   absence of a study, street  
6                   lighting may require traffic  
7                   to remove all equipment.  
8                   Going forward, traffic will  
9                   seek out alternative locations  
10                  for equipment along the LINC,  
11                  Red Hill likely by installing  
12                  their own poles and therefore  
13                  not requiring the use of  
14                  street poles."

15                  Is that the sort of structural  
16                  concern that you had just mentioned?

17                  A.    I think so, yes.

18                  Q.    What traffic equipment  
19                  was attached to the street light poles around on  
20                  the LINC and Red Hill at this point?

21                  A.    In my hindsight I think  
22                  it was traffic cameras that were installed.

23                  Q.    And your group wanted a  
24                  fulsome review because they were concerned about  
25                  structural issues?

1 A. Yes.

2 Q. So there's a reference in  
3 the blue section that I just read out to lighting  
4 possibly requiring traffic to remove all equipment  
5 in the absence of a study to determine if the  
6 poles could safely carry the traffic equipment.

7 So I read this to indicate  
8 that traffic had already -- that traffic had  
9 already installed this equipment and as  
10 referenced, that it was over live lane LINC and  
11 Red Hill Valley Parkway traffic; is that correct?

12 A. I mean, if it says here  
13 in the e-mail I think that's what it means, but I  
14 can't recall if it was over live lane or not.

15 Q. But do you have a  
16 specific recollection as to whether or not the  
17 equipment had already been installed at the time  
18 you were having these meetings?

19 A. Yes, I do -- I do  
20 remember that the cameras were there, yes.

21 Q. Did the traffic group  
22 install this equipment without discussing it with  
23 the lighting group?

24 A. By the look of e-mail,  
25 yes, they did.



1 Q. But you don't have a  
2 specific recollection?

3 A. I don't have a specific  
4 recollection.

5 Q. Are street lighting poles  
6 generally an asset that's considered under the  
7 lighting group's control within the City?

8 A. Yes.

9 Q. In your experience, was  
10 it out of the ordinary for one public works group  
11 to install equipment or do work on an asset  
12 controlled by another public works group without  
13 discussing it with that group first?

14 A. Not really, no. It's not  
15 ordinary, no.

16 Q. Were there other  
17 instances where that occurred in connection with  
18 anything related to the Red Hill Valley Parkway?

19 A. No.

20 Q. Aside from this instance,  
21 were there any instances that you were aware of  
22 where that led to safety concerns by another  
23 public works group?

24 A. Nothing that I'm aware  
25 of.

1 Q. In your experience, were  
2 there open lines of communication between traffic  
3 engineering and operations and engineering  
4 services?

5 A. Yes.

6 Q. Did your group keep them  
7 updated about projects?

8 A. We did, yes.

9 Q. And did they keep your  
10 group updated about their projects that would  
11 relate to your group?

12 A. Yes.

13 Q. So why then do you -- did  
14 you have this sense that there were instances in  
15 which work or work would be done on assets under  
16 one group's control that wouldn't necessarily be  
17 communicated to the group traditionally in charge  
18 of that asset?

19 A. Yeah, so there are  
20 situations where projects aren't coordinated and  
21 sometimes they are missed, so it could be one of  
22 those few instances where it wasn't properly  
23 coordinated. But in most of the cases, traffic  
24 and street lighting, because they go hand in hand,  
25 and they are pretty well coordinated.

1 Q. Were there regular  
2 meetings or some sort of internal communication  
3 process that helped the two groups to stay  
4 connected and updated?

5 A. Yes, there were regular  
6 meetings at that time. It was back in 2017, so I  
7 mean it's hard to recollect how many meetings we  
8 had. But yes, there were.

9 Q. Did the meetings have an  
10 official title or were they just by issue?

11 A. I can't --

12 Q. That was a bad question.  
13 Did they have an official heading or title that  
14 they referred to as coordination meetings or  
15 something along those lines?

16 A. I can't recall. This is  
17 back in 2017.

18 Q. Do you know if other  
19 groups within engineering services had similar  
20 open lines of communication with traffic  
21 engineering and operations?

22 A. I can't talk about the  
23 other groups. I think they do, but I can't be  
24 certain of that.

25 Q. To your knowledge, was

1 there any practice or policy in place that  
2 required traffic to advise lighting of its plans  
3 to install equipment on street lighting poles?

4 A. No.

5 Q. Do you recall what the  
6 outcome of this exchange was about the street  
7 lighting poles?

8 A. To the best of my  
9 recollection I think these cameras were removed  
10 but I can't be certain if they were or not. It  
11 was back in 2017.

12 Q. Do you know if traffic  
13 did perform the study to determine if the light  
14 poles could safely carry their equipment?

15 A. No, I'm not sure if they  
16 did or not.

17 Q. Mr. Registrar, you can  
18 take this down. And if you could take us to  
19 CIM16997, please. And pull up that on one side of  
20 the screen and pull up CIM16997 on the other side  
21 of the screen. So Mr. Sharma -- point 1, I  
22 think -- sorry. It's the attachment,  
23 Mr. Registrar. CIM16997.1. Thank you.

24 So Mr. Sharma, this is the  
25 e-mail on one side of the screen and the

1 attachment to the e-mail, which is an agenda  
2 meeting, on the other side of the screen, just so  
3 you can see them both simultaneously. I have  
4 jumped forward a bit in time. So we're now in  
5 May 22nd, 2018, and Mr. Omrani at CIMA e-mails Mr.  
6 Field and he copies you, and he attaches an agenda  
7 for a progress meeting for the LINC Red Hill  
8 Valley Parkway illumination review environmental  
9 assessment review findings. It's my understanding  
10 that as of May 2018 you were in the continuous  
11 improvement role; is that right?

12 A. Yes. I think around that  
13 time I was in the continuous improvement role.

14 Q. So you are referenced as  
15 an attendee at this meeting about the Red Hill  
16 Valley Parkway LINC illumination review. What was  
17 your role in this project, given that you were in  
18 the continuous improvement role at this point?

19 A. I think I was -- my role  
20 was very minimal in the project. Maybe I think it  
21 was around to help Mike Field coordinate data, but  
22 the project was being led by Mike and (garbled  
23 audio).

24 Q. When you say to help  
25 Mr. Field coordinate data, can you expand a little

1 bit for me on what that means?

2 A. I actually really didn't  
3 do anything this project. I think we were trying  
4 to locate the EA study and that was most of my  
5 recollection for this project, and I was just  
6 helping him out to find the EA study.

7 Q. Okay. So what steps did  
8 you take to help Mr. Field find the EA study?

9 A. I can't recall exactly  
10 what steps we took. I do remember we went to  
11 Hamilton library where they had a copy of the  
12 study.

13 Q. There wasn't a copy on  
14 hand at the City?

15 A. We couldn't locate one.

16 Q. Roughly how long did it  
17 take you to figure out how to get your hands on  
18 the EA study?

19 A. I can't recall exactly  
20 how many days or hours it took us, but we did find  
21 the study and it was at the library.

22 Q. After finding the study,  
23 did you have any other involvement in this  
24 illumination review?

25 A. No, not really.

1 Q. Do you recall what the  
2 purpose of the illumination review project was?

3 A. No, I can't recall.

4 Q. Mr. Registrar, you can  
5 take this down. So now turning back to the value  
6 for money audit.

7 So the value for money audit  
8 was conducted by audit services in and around  
9 2018. Prior to 2018, had you been involved in any  
10 audits or worked with audit services during your  
11 time with the City?

12 A. No, I hadn't.

13 Q. There was an audit about  
14 the use of external consultants in 2017. Did you  
15 have any involvement in that audit?

16 A. No, I did not.

17 Q. In your continuous  
18 improvement role were you involved in implementing  
19 any of the recommendations from the audit about  
20 the use of external consultants?

21 A. Yes, I was.

22 Q. What steps did you take  
23 to implement those recommendations?

24 A. I think, looking back we  
25 started talking about project management and that

1 was one of the recommendations coming out of the  
2 2017 audit. And I was involved in the project  
3 management community practice and they would be  
4 providing input on what documents and how to  
5 implement project charters and project management  
6 plans and standards around public works.

7 Q. So you would have  
8 reviewed the report on the use of external  
9 consultants audit for that purpose?

10 A. I didn't review the  
11 report but I knew that was one of the outcomes of  
12 the report.

13 Q. How did you know that was  
14 an outcome of the report if you hadn't reviewed  
15 it?

16 A. So there's -- there was a  
17 meeting that was done by external consultant and  
18 that was one of the primary business cases for it.

19 Q. Who was the external  
20 consultant for that meeting?

21 A. Stephen Harris, I think  
22 that was his name.

23 Q. Do you know what  
24 organization Mr. Harris was with?

25 A. I'm not sure.



1 Q. Who else was present at  
2 that meeting?

3 A. I think there were all  
4 senior SPMs continuous improvement from each  
5 division in public works that were participating,  
6 I think.

7 Q. So was it the  
8 responsibility of the senior PMs for continuous  
9 improvement to implement the recommendations  
10 coming out of the external consultants audit?

11 A. No. It wasn't their  
12 responsibility. It was -- I think it was the  
13 responsibility of the management to implement  
14 their recommendations.

15 Q. What steps did you  
16 personally take to address those recommendations  
17 coming out of that audit?

18 A. I think at that time we  
19 were just getting started talking about project  
20 management and how to address project management  
21 in public works. That was the scope of it.

22 Q. During your time in the  
23 continuous improvement role did you ever take any  
24 steps beyond that meeting to implement  
25 recommendations from the use of external

1 consultants audit?

2 A. (No audible answer).

3 Q. In order to prepare for  
4 your involvement in the value for money audit, did  
5 you review any past audit reports other than the  
6 external consultants audit report?

7 A. No.

8 Q. When did you first learn  
9 about the existence of the value for money audit?

10 A. I think -- so the value  
11 for money audit, it was around late August 2018 or  
12 late September, first week of September.

13 Q. Do you remember who told  
14 you about the value for money audit or how you  
15 learned of it?

16 A. It was probably discussed  
17 at one of our managers meeting or during a  
18 discussion with me and Gord.

19 Q. What were you told about  
20 the audit at that meeting?

21 A. I think the general  
22 discussion was that there is an audit -- value for  
23 money audit that is happening and that was around  
24 that.

25 Q. Mr. Registrar, could you

1 please take us to OD9A, images 63 to 64,  
2 paragraph 150. So this is a fairly long e-mail  
3 sent to Mr. McGuire by Domenic Pellegrini, who is  
4 the senior internal auditor in audit services, on  
5 August 24, 2018. He sends this e-mail to  
6 Mr. McGuire and Mr. Andoga under the subject line  
7 "Value For Money Questions on Roads."

8 And you'll see, Mr. Registrar,  
9 if you can pull out the first paragraph there. He  
10 says in the first line of the first paragraph:

11 "In the past couple of weeks  
12 I've had a couple of meetings  
13 with your staff. The  
14 objective of these meetings  
15 was to look at how pavement  
16 performance is tracked and  
17 managed both holistically and  
18 for each segment."

19 He goes on to say:

20 "A literature review indicates  
21 that MTO and the  
22 municipalities have reported  
23 problems with underperforming  
24 pavements, so audit services  
25 is interested in knowing

1                   whether the City has such a  
2                   problem either on specific  
3                   roads or systemically. More  
4                   importantly, audit services  
5                   would like to determine  
6                   whether City has a performance  
7                   management system in place  
8                   that would reveal such  
9                   problems. Audit services  
10                  realizes that asset management  
11                  has a system of tracking  
12                  pavement conditions at  
13                  different points in time and  
14                  reporting these, and this is  
15                  very good."

16                  Registrar, if you can close  
17                  this down and pull out the first two paragraphs on  
18                  the next page.

19                  And so he goes on to discuss  
20                  what audit services is interested in. He says:

21                  "However, we're wanting to  
22                  also determine whether the  
23                  performance of the existing  
24                  pavement infrastructure is  
25                  being tracked against how it

1 is expected to perform. The  
2 lifecycle methodology presumes  
3 a cycle of treatment that  
4 occurs at predicated intervals  
5 at predicted costs. How is  
6 asset management determining  
7 whether the pavement segments  
8 in the City's inventory are  
9 tracking (or not) to those  
10 predicted cycles of treatments  
11 (and associated costs)?"

12 And he goes on to identify the  
13 LINC and the Red Hill Valley Parkway as specific  
14 examples. He says:

15 "An example of the above would  
16 be the LINC and Red Hill  
17 Valley Parkway. Stantec, the  
18 professional services company,  
19 prepared a report in June 2007  
20 entitled the Pavement  
21 Sustainability Plan For the  
22 LINC and Red Hill Valley  
23 Parkways."

24 Mr. Registrar, if you can  
25 close this down.

1                   And he goes on to say that the  
2 introduction to this report states that the City  
3 planned on using perpetual pavement for  
4 construction on the Red Hill Valley Parkway and  
5 construction methods to provide equivalent life  
6 had been used on the LINC. Perpetual pavement is  
7 defined as asphalt pavement designed and built to  
8 last for 50 years, or more, without the need for  
9 major structural rehabilitation or construction.

10                   "The pavement lifecycle costs  
11 reflect no major  
12 rehabilitation/construction  
13 activities would be needed for  
14 50 years."

15                   Registrar, you can close this  
16 down. And he goes on to summarize the tables that  
17 came out of the Stantec report for Mr. Andoga and  
18 Mr. McGuire, including what the expectation or  
19 predicted costs were for surface treatments and  
20 minor and major rehabilitations.

21                   Mr. Registrar, you can close  
22 that out. Thank you. And take us just one page  
23 over for the continuation of the e-mail. And so  
24 he pulls out the LINC and Red Hill Valley Parkway  
25 charts and then he sets out a list of questions at

1 the very bottom of his e-mail that are specific to  
2 the Red Hill Valley Parkway and LINC, which,  
3 Registrar, if you don't mind just calling that out  
4 for Mr. Sharma.

5 So he has a number of  
6 questions arising out of the Stantec report and  
7 the expected lifecycles of the LINC and Red Hill  
8 Valley Parkway. And this is in August 24th, 2018.  
9 You're not copied on this e-mail exchange. Do you  
10 recall if you had any discussions with anyone at  
11 audit services about the value for money audit  
12 prior to or in and around August 24th, 2018, when  
13 Mr. McGuire and Mr. Andoga would have received  
14 this e-mail?

15 A. I think it was early  
16 September or late August but it was around that  
17 time.

18 Q. Registrar, you can close  
19 this down. You can go to image 66, paragraph 153  
20 and call that out, please. This is later the same  
21 day, so August 24th. Actually, if you can call  
22 out the full cite as well, thank you, Registrar.

23 So later the same day  
24 Mr. McGuire forwards this e-mail to Ms. Waite,  
25 Mr. Oddi, Ms. Jacob, Mr. Lamont and Gavin Norman,

1 who I believe are all managers in engineering  
2 services, at this time. And he copies  
3 Ms. Cameron. Again, for your reference, you're  
4 not copied on this e-mail exchange. And he says,  
5 and I'm just going to read out the second two  
6 paragraphs here.

7 As well -- so he says:  
8 "My main concern is that the  
9 auditor was on this floor and  
10 talking with staff about our  
11 programs without my office  
12 having any knowledge of this  
13 inquiry. I have had a  
14 conversation with some  
15 managers and this is meant to  
16 send the same message to all  
17 teams. When anyone approaches  
18 staff regarding compliance,  
19 risk, regulatory or audit  
20 functions, then staff need to  
21 be aware they may escalate the  
22 inquiry to the manager level  
23 at a minimum. We will comply  
24 with all requests but we need  
25 to be aware of the message



1                   that we are sending. The  
2                   manager will decide if this  
3                   requires higher level  
4                   attention and engage me as  
5                   required."

6                   Do you recall if you had any  
7                   discussions with Mr. McGuire or anyone else in  
8                   engineering services in and around August 24th,  
9                   2018, about the processes that should be followed  
10                  in having discussions with the auditor?

11                  A.    I think around  
12                  August 20 -- later in August, 24, 27, that's when  
13                  we started discussing the process should be  
14                  followed.

15                  Q.    What sort of  
16                  conversations were you having as of late August  
17                  about the processes that should be followed with  
18                  respect to the value for money audit?

19                  A.    So I think the process --  
20                  we were having discussions about road load  
21                  management and how to make the process more  
22                  efficient. In the e-mail Gord kind of states that  
23                  there's underlying requirements, regulatory  
24                  requirements of Bill 6 and O Reg 588/17, and I  
25                  think at that time we were trying to put up a

1 financial model. So he wanted to make sure that  
2 all the resources were being (garbled audio) used.

3 Q. Do you recall when you  
4 specifically became involved in the value for  
5 money audit? Like when it became a project that  
6 was on your plate?

7 A. It was around early  
8 September. There is an e-mail I think that  
9 follows this chain, where Gord -- where Mr.  
10 McGuire sends out an e-mail and says to all the  
11 managers to have me cc'd on the conversations that  
12 are happening with audit services.

13 Q. So I think I've seen one  
14 from December but I don't know if I've seen one  
15 from September. But I am going to take you to a  
16 September e-mail that may help a bit.

17 A. About September 20th.

18 Q. Yep. Before we go there,  
19 when you became involved in the project what was  
20 your understanding about your role in the value  
21 for money audit?

22 A. So my role in value for  
23 money audit was to deliver data and comply with  
24 audit requests. If Domenic was asking questions  
25 related to his inquiries I would provide him data

1 and coordinate that data in engineering services.

2 Q. What was your  
3 understanding about what triggered the value for  
4 money audit?

5 A. I'm not sure. I think it  
6 was a very regular process that triggered value  
7 for money audits. I don't know what triggered it.

8 Q. Just to circle back on  
9 that, I think you said on a regular process. What  
10 do you mean by that?

11 A. So I think audits happen  
12 in engineering services. Engineering services  
13 itself is a very multifaceted division. We do  
14 construction. We do designs. They do happen  
15 often, and value for money audit was just one of  
16 those audits that was according to engineering  
17 services.

18 JUSTICE WILTON-SIEGEL: Could  
19 I just ask. I'm not sure whether you said regular  
20 process or an irregular process.

21 THE WITNESS: I said regular.

22 JUSTICE WILTON-SIEGEL: That's  
23 what I thought but I wanted to confirm that, thank  
24 you.

25 MS. BRUCKNER:

1 Q. What were you told about  
2 the purpose of the value for money audit when you  
3 were first brought onto the project?

4 A. I think the purpose  
5 was -- this was during a discussion between me and  
6 Domenic. The purpose of the project was to my  
7 understanding we were getting the value out of our  
8 asphalt that we should have been getting. It was  
9 about evaluating lifecycle cost and making sure  
10 that the value that we're getting for the asphalt  
11 is -- that it's around the standard that we  
12 should be getting.

13 Q. Registrar, could you  
14 please bring up HAM11266 at image 3.

15 So this is an e-mail from you  
16 to Mr. Pellegrini copying Mr. McGuire and  
17 Ms. Cameron on September 20th, 2018.

18 Registrar, if you don't mind  
19 pulling that out for Mr. Sharma.

20 So you say in first line of  
21 this e-mail:

22 "I have recently received an  
23 update from Gord McGuire  
24 regarding value for money  
25 audit that is presently

1                                   underway in engineering  
2                                   services."

3                                   And then you go on -- actually  
4 before we move on from that, what did Mr. McGuire  
5 tell you about the value for money audit before  
6 you sent this e-mail to Mr. Pellegrini.

7                                   A.     So Gord was my direct  
8 supervisor.  If he did want me to work on a  
9 project he would have said that to me, and I think  
10 at that time he said -- he probably said that he  
11 wanted me to work on delivering information to  
12 audit services and creating a process around that.

13                                  Q.     So you said probably in  
14 that answer.  Do you have a specific recollection  
15 of --

16                                  A.     I don't have a specific  
17 recollection.

18                                  Q.     So you go on to say:  
19                                  "As part of continuous  
20 improvement for engineering  
21 services, I would like to  
22 initiate a project to  
23 implement a systemic process  
24 approach for any audits that  
25 will happen in engineering

1 services. The process will  
2 analyze, improve current  
3 engineering services processes  
4 in place to help audit  
5 services with their  
6 investigation. The process  
7 will also look at improving  
8 our current data repository,  
9 ProjectWise, to hold all  
10 information related to any  
11 project or operation work  
12 through engineering services."

13 Did you initiate this project  
14 or is this something that you undertook at  
15 Mr. McGuire's direction?

16 A. This is something that I  
17 undertook at Mr. McGuire's direction.

18 Q. So later on in the  
19 e-mail, you indicate that the current audits, so  
20 that's value for money audit, will form the  
21 business case for the project that you were  
22 putting together. What do you mean by business  
23 case, in this specific context?

24 A. So I think a business  
25 case is -- which is basically the objective or why

1 the project has been done.

2 Q. The business case is the  
3 objective for why the project that you were  
4 implementing was being done?

5 A. Yeah, I mean, it forms  
6 the basis of the project.

7 Q. Can you explain to me why  
8 you selected the value for money audit as the  
9 business case for your project?

10 A. So the audit was going on  
11 and we wanted to make sure we implemented a  
12 process that was streamlined and efficient in  
13 providing information to audit services, and at  
14 that time it was the value for money audit that  
15 was underway and that's why I think it was  
16 selected.

17 Q. What information, if any,  
18 was communicated to you that led you to the  
19 conclusion that there needed to be a streamlined  
20 approach to audits going forward?

21 A. I don't think there was  
22 any information except for a quote asking me to  
23 work on this project that was relayed to me, that  
24 made me, you know, put that project charter  
25 together.

1 Q. Was it Mr. McGuire's  
2 direction that led to the value for money audit  
3 being selected as the business case for your  
4 project?

5 A. I can't really say  
6 definitely it was his direction, but it was the  
7 business case that was selected for the project at  
8 that time because that was the audit that was  
9 happening at that time.

10 Q. And you don't recall if  
11 you made the selection or if Mr. McGuire did or if  
12 someone else did?

13 A. It was probably me who  
14 made the selection, but -- so as the CIS we work  
15 very closely with the director so even if I didn't  
16 make the selection, I think that was -- the  
17 charter should have been reviewed by Gord too, so  
18 he can have a understanding that that was being --  
19 that was the business case that was being raised.

20 Q. Was it your understanding  
21 at this time that either the auditor was having  
22 difficulty collecting documents for the value for  
23 money audit or engineering services was having  
24 difficulty providing documents?

25 A. No.



1 Q. The auditor?

2 Registrar, if you can move  
3 this over on to one side of the screen and bring  
4 up beside it HAM27666. Image 1, thank you.

5 So in his August e-mail, which  
6 is a little hard to locate. It's at the bottom of  
7 the document that was just brought up. Registrar,  
8 if you don't mind pulling out that e-mail for  
9 Mr. McGuire. So this is the first half of it and  
10 it continues on to image 2. So this is the  
11 August 24, 2018 e-mail from Mr. McGuire that we  
12 were looking at earlier. And he had said that his  
13 main concern was that the auditor was on the floor  
14 and talking with staff about our programs without  
15 my office having any knowledge of this inquiry.

16 Registrar, if you can close  
17 the down and take us to image 2 of this document.

18 And as we discussed earlier,  
19 Mr. McGuire goes on to say that when anyone  
20 approaches staff regarding compliance, risk,  
21 regulatory or audit functions, then staff need to  
22 be aware they must escalate the inquiry to the  
23 manager level, at a minimum.

24 And Registrar, you can close  
25 that down. Thank you.

1                   Was your project initiated --  
2    was your project to initiate a systemic process to  
3    respond to the audit's inquiries related to  
4    Mr. McGuire's concern that the auditors were on  
5    the floor talking to engineering services staff  
6    without his knowledge?

7                   A.    No, it wasn't.

8                   Q.    Did Mr. McGuire ever tell  
9    you in and around September that he had concerns  
10   that audit services was on the floor speaking to  
11   engineering services staff without his knowledge?

12                  A.    No.

13                  Q.    Did he raise that topic  
14   during discussions about initiating a systemic  
15   approach to the value for money audit?

16                  A.    So the genesis of the  
17   project was to create a process that was optimized  
18   to deliver information to audit services, and so  
19   he didn't really -- this wasn't the genesis of it  
20   so I'm not -- I can't....

21                  Q.    Did your project, about  
22   putting together this systemic approach, end up  
23   going forward?

24                  A.    No, the project was shut  
25   down.

1 Q. Why was the project shut  
2 down?

3 A. So, I think it was shut  
4 down later in 2019. The charter was reviewed by  
5 the manager for audit services, Brigitte Minard,  
6 and her reasoning at that time was that if there  
7 was a process that was supposed to be put down, it  
8 should have been done through -- it should be done  
9 at a level at public works, not at just at  
10 engineering services.

11 Q. So when you say a level  
12 at public works?

13 A. A level 2, sorry.

14 Q. Level 2. What's level 2?

15 A. Level 2 is documents that  
16 are related to -- that are implemented throughout  
17 public works.

18 Q. So it was her view that  
19 the project had to be undertaken as a whole scale  
20 project throughout public works and not something  
21 specific to engineering services?

22 A. That's correct.

23 Q. And your project was shut  
24 down as a result of that?

25 A. Yeah, and there were

1 other reasons too but I can't recall that e-mail.

2 Q. I've seen some  
3 indications that you were still actively working  
4 on your project as of about December of 2018. You  
5 think that the decision to terminate your project  
6 came sometime in 2019?

7 A. Yes, it was around 2019.  
8 But then my role was -- it winded down to just  
9 coordinating data and information for the audit  
10 services.

11 Q. Do you have a sense of  
12 when in 2019 the decision was made to terminate  
13 your project? First half of the year; later half  
14 of the year?

15 A. I think it was the first  
16 half of the year.

17 Q. Any sense of the month?

18 A. No.

19 Q. Registrar, you can take  
20 this down and if you could please take us to  
21 HAM11266 at image 1, and if you could pull up on  
22 the other side of the screen HAM11268.

23 So again this is a covering  
24 e-mail on one side of the screen and the attached  
25 document, which is the scope for the audit on the

1 other side of the screen, for your reference.  
2 Mr. Pellegrini sent you the scope for the value  
3 for money audit on September 20th, 2018, and you  
4 forward it to Mr. McGuire and Ms. Cameron. Why  
5 did you flip the value for money audit scope to  
6 Mr. McGuire and Ms. Cameron after receiving it  
7 from Mr. Pellegrini?

8 A. I think that was the  
9 business case for our project and Gord was my  
10 supervisor and that's why it was flipped.

11 Q. To your knowledge, did  
12 Mr. McGuire know what the scope of the value for  
13 money audit was at this time?

14 A. I'm not sure if he did or  
15 did not.

16 Q. Did you or Mr. McGuire  
17 have questions or discussions about the scope of  
18 the value for money audit that you received?

19 A. I think after I sent him  
20 this e-mail we did read the scope document.

21 Q. Did you have any  
22 discussions with Mr. McGuire or discussions with  
23 Mr. McGuire and Mr. Pellegrini about the scope  
24 that's set out in this document?

25 A. No, it was a scope that

1 was provided by audit services and there's nothing  
2 really to discuss about it.

3 Q. Did the scope provided by  
4 Mr. Pellegrini give you some clarity about the  
5 audit?

6 A. It did, yes.

7 Q. How did it help to  
8 clarify the audit?

9 A. I think it covers -- the  
10 scope document generally covers what should be  
11 covered throughout the project.

12 Q. Registrar, you can take  
13 down the covering e-mail. And if you could leave  
14 up the scope and take us to image 2. So you'll  
15 see at the very top of image 2 -- Registrar, if  
16 you can call out the point specific to the Red  
17 Hill Valley Parkway and LINC. Thank you.

18 So there is a specific  
19 reference to the Red Hill Valley Parkway and LINC  
20 in the scope that is sent by Mr. Pellegrini and it  
21 says:

22 "Specific to the Red Hill  
23 Valley Parkway and the LINC,  
24 A, compare the actual  
25 expenditure and treatment

1 cycle to date on these roads  
2 to the budgeted assumptions  
3 made in the lifecycle cost  
4 analysis. B, assess the  
5 performance of the perpetual  
6 pavement used on these roads,  
7 and C, verify whether an  
8 evaluative study has been  
9 performed validating that the  
10 50-year life of these assets  
11 is still attainable at the  
12 cost initially budgeted."

13 Were you aware when you  
14 received the value for money audit scope that  
15 there would be a particular focus on the Red Hill  
16 Valley Parkway and LINC?

17 A. Yes.

18 Q. And how did you become  
19 aware of that in advance of receiving this scope?

20 A. Sorry, you asked in  
21 advance.

22 Q. Yes, sorry in advance.

23 A. No, I wasn't aware in  
24 advance.

25 Q. So you learned of it on

1 receipt of this scope?

2 A. That's correct.

3 Q. So the auditor is  
4 interested in the actual expenditures and  
5 treatment cycles and the 50-year life of these two  
6 assets. Within engineering services, did you have  
7 any discussions with anyone about these lines of  
8 inquiry after you received the scope?

9 A. I think Domenic sent an  
10 e-mail to Rick and me asking about the Red Hill  
11 sustainability report, which I think touched on  
12 each and every aspect of this objective.

13 Q. Before that exchange,  
14 around the time that you received this scope, did  
15 you have any direct discussions or approach anyone  
16 to talk to them about the specific objectives in  
17 auditor's scope?

18 A. No, I did not.

19 Q. Registrar, you can take  
20 this down.

21 At the time that you received  
22 this draft of the value for money audit scope in  
23 September 2018, were you aware of any complaints  
24 or concerns about the Red Hill Valley Parkway?

25 A. No, I wasn't.



1 Q. Were you aware of any  
2 complaints or concerns about lighting on the Red  
3 Hill Valley Parkway from your work in street  
4 lighting?

5 A. No, I wasn't.

6 Q. Were you aware of any  
7 complaints or concerns about low visibility and  
8 pavement markings on the Red Hill Valley Parkway?

9 A. No, I wasn't.

10 Q. Were you aware of  
11 concerns or complaints that the Red Hill Valley  
12 Parkway was slippery when wet?

13 A. No, I wasn't.

14 Q. Were you aware of any  
15 safety reports concerning Red Hill Valley Parkway  
16 around this time?

17 A. During my -- I think the  
18 most knowledge that I had was there was  
19 illumination study that was going on. That was  
20 during my time in street lighting.

21 Q. And I believe you also  
22 said that you were involved in the roadside safety  
23 report that was done?

24 A. That was through the  
25 street lighting.

1 Q. Did you ever learn of any  
2 prior safety assessments done on the Red Hill  
3 Valley Parkway by CIMA in 2013 or in 2015?

4 A. No, I did not.

5 Q. As of 2018, engineering  
6 services has had plans to repave the Red Hill  
7 Valley Parkway. Were you aware of these plans as  
8 of September 2018?

9 A. No, I wasn't.

10 Q. When did you learn of the  
11 planned repaving of the Red Hill Valley Parkway?

12 A. I think I learned about  
13 the plans to repave when there were discussions  
14 around repaving the design, but it wasn't part of  
15 my role or responsibilities even related to value  
16 for money audit and so I didn't really pay any  
17 attention to it.

18 Q. So you said you learned  
19 of it around discussions in design. Do you  
20 remember when those discussions would have  
21 occurred?

22 A. Around design and  
23 construction, I can't recall the exact timelines,  
24 but I do know Domenic, I and Charles, we visited  
25 the Red Hill Valley Parkway when it was getting

1 repaved.

2 Q. So that was during the  
3 repaving project?

4 A. That was during the  
5 repaving project, yes.

6 Q. Do you recall why you  
7 took Mr. Brown and Mr. Pellegrini to see the  
8 project?

9 A. The reason behind it-  
10 that we wanted to provide audit services a better  
11 prospective on how repaving is done and how  
12 asphalt -- it was more of a field trip, I would  
13 call it, on how asphalt is created, how its  
14 tested, and how it's laid down.

15 Q. That would have been in  
16 2019 in connection with --

17 A. Yes.

18 Q. What was your  
19 understanding as to why the Red Hill Valley  
20 Parkway was being repaved?

21 A. I don't really have an  
22 understanding of it. It wasn't part of my role so  
23 I wasn't ....

24 Q. And did anyone ever  
25 communicate to you basis for the repaving?

1 A. No.

2 Q. You weren't involved in  
3 any discussions about the basis of the repaving?

4 A. Not that I can recall.

5 Q. Registrar, you can take  
6 this down and if you could take us to HAM27500 at  
7 images 3 and 4.

8 So this is -- I'm going to  
9 start with the e-mail page, the e-mail in the  
10 middle of the first page here. So on October 15,  
11 2018, Mr. Pellegrini forwards you a request that  
12 he sent to Mr. McGuire on September 14th, 2018,  
13 for 12 roads projects. And he says:

14 "As you can see from my e-mail  
15 below, I sent a list of roads  
16 projects completed between  
17 2010 and 2013 to your  
18 director. I was hoping to get  
19 some documentation, i.e.,  
20 consultant's report or any  
21 other information that you  
22 have, showing how these roads  
23 degraded over time. I want to  
24 know whether they are  
25 degrading at the expected rate

1 or slower than was expected.  
2 That would be good as we would  
3 be getting good value for  
4 money. Or whether they are  
5 degrading faster than  
6 expected. That would be bad  
7 as we would not be getting  
8 good value for money."

9 Mr. Registrar, you can close  
10 this down.

11 And just for your reference,  
12 Mr. Sharma, the e-mail sent to Mr. McGuire on  
13 September 14, 2018 was forwarded to you as on the  
14 second page. And you'll see there are a number  
15 of -- well, 12 roads projects listed there. If  
16 you want to take a second to review it and just  
17 let me know when you're done.

18 A. Yep.

19 Q. Mr. Registrar, if you  
20 could shift this so that we're on images 2 and 3  
21 of this document.

22 So I've just moved a little  
23 bit forward in the e-mail chain. On October 15th  
24 you respond to Mr. Pellegrini. You say:

25 "We are collecting all the

1 required documents as  
2 specified in the list below.  
3 Our plan is to organize the  
4 collected documents for our  
5 road program in phases,  
6 starting from initiation  
7 planning, executing,  
8 monitoring, controlling and  
9 closing. For that reason we  
10 have created two groups, one  
11 to collect information on  
12 performance of roadways, and a  
13 technical group to collect  
14 information on design and  
15 quality aspect of the roads."  
16 Stopping there, can you tell  
17 me who was in each of those two groups? So let's  
18 start with the group to collect information on  
19 performance of roadways.

20 A. So the performance of  
21 roadways would be asset management.

22 Q. Was it someone specific  
23 in asset management or you were just going to  
24 asset management for that information?

25 A. It was -- it would be the

1 manager at that time, and more specifically, Rick  
2 Andoga and his group that worked on roadways.

3 Q. And then the second group  
4 that you list is a technical group to collect  
5 information on design and quality aspects of the  
6 roads. Can you tell me who was in that group?

7 A. It was the design senior  
8 project manager at that time, the manager for  
9 design, and our quality inspector Tyler Renaud.

10 Q. Tyler Renaud, and the  
11 senior project manager for design at that time,  
12 would that have been Mr. Becke?

13 A. That's correct.

14 Q. Do you recall if the  
15 manager of design, Susan Jacobs, was involved in  
16 that group as well?

17 A. Yes, she was.

18 Q. So then you go on to say  
19 a little bit about those two groups and you say  
20 both of these groups have been given deadlines,  
21 first week of November, to gather all the  
22 information that is related to our value for money  
23 audit. As of this e-mail exchange, were you the  
24 point person within engineering services for the  
25 collection of documents for the value for money

1 audit?

2 A. Yes, I was.

3 Q. And were both of these  
4 two groups that you've identified sending  
5 documents specifically to you?

6 A. Yeah. We had a tracker,  
7 a tracking document that was going and they were  
8 sending information to me or to Diana.

9 Q. Diana Cameron?

10 A. Yes.

11 Q. What was Ms. Cameron's  
12 role in assisting you with this project?

13 A. I think it was just  
14 around document collection and relaying it to  
15 Domenic.

16 Q. So was she collecting the  
17 documents of her own accord and sending them to  
18 you, or was she sending things that you had  
19 collected and sent to her over to Domenic, just to  
20 get a sense of the division of your two roles?

21 A. I can't be -- I mean if  
22 the question is about her helping me, so she would  
23 be helping me on my task, but I'm not sure what  
24 she was doing on her point.

25 Q. Was she reporting to you



1 when she was assisting you with this project?

2 A. No she wasn't.

3 Q. Who, in your view, was  
4 she reporting to during this time?

5 A. She is the administrative  
6 assistant for the director of engineering  
7 services.

8 Q. Were there instances then  
9 that she was in communication with audit services  
10 about the value for money audit that you weren't  
11 involved in?

12 A. I'm not sure if I wasn't  
13 involvement with that. I can't recall in time.

14 Q. Do you know if she was  
15 taking steps with respect to value for money audit  
16 without your knowledge or direction?

17 A. I'm not sure if she was  
18 or she wasn't.

19 Q. So part of your role then  
20 was collecting documents to respond to the audit  
21 on behalf of engineering services; is that right?

22 A. That's correct.

23 Q. What processes did you  
24 follow to identify and collect documents or  
25 information that might have been relevant to the

1 value for money audit?

2 A. So one of the processes  
3 is listed in this e-mail where we created two  
4 groups. One was to help measure the performance  
5 on roadways and the other one was to provide  
6 technical and construction documents. So that was  
7 one step.

8 The other step was to create a  
9 document tracker. That was the personal document  
10 for me. To get these documents there were other  
11 meetings that were between me and Domenic where we  
12 discussed how -- timelines of documents that he  
13 needed.

14 Q. How were you identifying  
15 documents that would be relevant to the value for  
16 money audit?

17 A. So those documents are  
18 generally identified by Domenic, if they are  
19 relevant or not.

20 Q. So when you say they are  
21 generally identified by Domenic, was he giving you  
22 lists of documentation or instructions about  
23 certain reports that he wanted provided to audit  
24 services?

25 A. Most of the time, if you

1 go back to the 13 projects that you were showing  
2 me, he would send a list and ask for any relevant  
3 material that would be for construction design  
4 or -- construction design or any tenders. So we  
5 would provide that, and if he did have more  
6 questions he will come back to us and ask for more  
7 questions.

8 Q. Other than the steps that  
9 he was taking to identify documents that he  
10 thought would be relevant to the audit, were you  
11 taking any steps to identify other documents that  
12 he might not be aware of that would be relevant to  
13 the audit?

14 A. No, I wasn't.

15 Q. Did you speak to other  
16 staff in engineering services to identify  
17 documents relevant to the audit?

18 A. I think the idea here was  
19 when -- in any audit, when audit services are  
20 asking for documents and if you think they are  
21 relevant you should supply them to audit services.  
22 And that's the policy for the City, and I think  
23 that's what the policy that was being followed at  
24 that time by the staff member.

25 Q. So when you say in your

1 view that policy was being followed by staff  
2 members, were individuals in design or in asset  
3 management sending you documents that you hadn't  
4 requested or that weren't related specifically to  
5 a request from Mr. Pellegrini because they viewed  
6 them as relevant to --

7 A. I can't recall the exact  
8 amount of documents that I received, but in most  
9 of the cases if we didn't receive a document,  
10 let's say that was necessary for Domenic or for  
11 audit services, Domenic would usually ask for that  
12 document and then we'll just send that document to  
13 him.

14 So to answer your question  
15 more specifically, if the documents were related  
16 to audit's request, they would be sent by staff  
17 members to me and that was being circulated to  
18 audit services.

19 Q. Okay. Were staff within  
20 engineering services provided with a copy of the  
21 value for money audit scope so that they could  
22 take steps to identify documents that might be  
23 relevant to the audit?

24 A. I'm not sure if it was  
25 provided or -- I wasn't -- I'm not sure if it was

1 or not provided to each staff member.

2 Q. Do you know if it was  
3 provide anyone? Like maybe I think you said  
4 Mr. Andoga and Mr. Becke or Ms. Jacobs were  
5 leading the two groups identified in your e-mail,  
6 did they have copies of the scope?

7 A. Yeah, I think that would  
8 be up to Gord because he did have the -- I did  
9 send him the scope document, and if he did discuss  
10 it with managers, I'm not sure if he did or not.

11 Q. So in your view it would  
12 have been Mr. McGuire's role to provide the scope  
13 of the audit to his managers?

14 A. I think so, yes.

15 Q. So when you were  
16 approaching engineering services staff for  
17 information, how were you identifying the  
18 information that they would be looking for? Like  
19 were you sending them requests from Mr. Pellegrini  
20 or doing something else to communicate to them  
21 what they should be looking for?

22 A. I would be sending them  
23 requests from Domenic, yeah, Mr. Pellegrini.

24 Q. Did you ask engineering  
25 services staff to help you identify documents

1 relevant to the audit that might be beyond those  
2 requests sent by Mr. Pellegrini?

3 A. Not that I can recall.

4 Q. Were you ever involved in  
5 collecting documents from or approaching staff  
6 outside of engineering services to collect  
7 documents that might be relevant to the audit?

8 A. No. My scope -- my scope  
9 of work was more geared towards engineering  
10 services.

11 Q. Did Mr. Pellegrini  
12 involve you on any occasions in which he reached  
13 out to staff outside of engineering services for  
14 documents?

15 A. Not that I can recall.

16 Q. Did you take steps to  
17 look in ProjectWise to locate relevant documents  
18 for the audit?

19 A. No, not that I can  
20 recall, no.

21 Q. Do you know of anyone  
22 within engineering services took steps to try and  
23 locate relevant documents in ProjectWise?

24 A. To the best of my  
25 knowledge it could have been Diana, but nothing I

1 that I can say certainly.

2 Q. So Diana may have but you  
3 don't have any specific knowledge that she did?

4 A. Yeah.

5 Q. Did you take any steps to  
6 look in any of the drive systems for documents?  
7 So when I say that I know there's an S drive,  
8 there are N drives, anything within that structure  
9 of drives within the City?

10 A. Most of the documents  
11 that Domenic would ask would go to the prospective  
12 project manager who is handling the project or to  
13 the senior SPM. So I didn't have to look into any  
14 of the drives to locate the these documents, and  
15 most of the documents -- most of the PMs,  
16 actually, were pretty responding in most audit's  
17 request.

18 Q. So was there any approach  
19 within engineering services in place to look for  
20 documents that might be relevant to the value for  
21 money audit that hadn't been specifically  
22 requested by the auditor?

23 A. Could you repeat the  
24 question again.

25 Q. Of course. Was there an

1 approach within engineering services to look for  
2 documents that might be relevant to the value for  
3 money audit that the auditor hadn't specifically  
4 requested?

5 A. I didn't take -- to me in  
6 my role as data coordinator, my understanding was  
7 to ask the relevant person for the documents. I'm  
8 not sure if anybody else took an approach outside  
9 my scope of work. I'm not really sure how can I  
10 answer that question. Within my scope I think we  
11 did supply most of the documents, and people who  
12 were supplying those documents probably would have  
13 looked everywhere, but except outside the scope  
14 that I wasn't assigned, I can't really comment on  
15 it.

16 Q. So just to clarify for my  
17 purposes, it was your understanding that your  
18 scope was specifically to collect the documents  
19 requested by audit?

20 A. That's correct.

21 Q. And you didn't have any  
22 scope to take steps to collect any other relevant  
23 documents or see if there was anything else that  
24 audit might need?

25 A. No. My scope was to help



1 audit services get the documents more efficiently  
2 and more effectively.

3 Q. To your knowledge was it  
4 within someone else's scope to look into whether  
5 or not there were other documents that should be  
6 provided to audit services with respect to the  
7 value for money audit?

8 A. I can't really comment on  
9 it. To my knowledge, I don't really have any  
10 knowledge if audit reached out to anybody else to  
11 have that done.

12 Q. Go ahead.

13 A. Sorry. I don't really  
14 have that knowledge if audit reached out to anyone  
15 else in engineering services to look for  
16 documents. I mean, to tasks that were given to me  
17 by audit services, they were completed.

18 Q. And you don't know if  
19 anyone else considered it their responsibility to  
20 undertake in additional steps to --

21 A. No. I don't know that.

22 Q. In the process of  
23 responding to the specific audit requests that you  
24 were receiving, did you note any gaps or concerns  
25 about locating or accessing relevant documents

1 that had been requested by audit services?

2 A. No.

3 Q. So to your knowledge, any  
4 requests that came to you from audit services was  
5 addressed?

6 A. Yes, most of them,  
7 99 percent of them were addressed.

8 Q. Just for some context for  
9 me, around the time that you were working on  
10 collecting documents for the value for money audit  
11 were you working on other projects in your  
12 continuous improvement role?

13 A. Yes, I was.

14 Q. How many other projects  
15 beyond the value for money audit were you working  
16 on at this time?

17 A. I think I was working on  
18 other divisional and departmental initiatives and  
19 there were other continuous improvement projects.  
20 I was working on the Bell Fibe to-home project  
21 that was being initiated. Through City of  
22 Hamilton there were other continuous improvements  
23 that we were looking at.

24 Q. Would you categorize this  
25 as a fairly busy time for you, in terms of work on

1 your plate?

2 A. Yeah. Pretty busy.

3 Q. You indicate in this  
4 e-mail that you sent to Mr. Pellegrini that you  
5 expect that you will have the information by the  
6 first week of November. And then at the top of  
7 the next image Mr. Pellegrini sends you an e-mail  
8 on November 9th, 2018 and he says would it be  
9 possible to meet with you today to discuss the  
10 progress on the items below.

11 And Mr. Registrar, can you  
12 take us to image 1 of this document, please. The  
13 last bit of this e-mail chain.

14 So at the bottom of image 1  
15 you respond to the question for a meeting and you  
16 say:

17 "Sorry about the late reply.  
18 I was thinking about setting  
19 up a meeting next week. We  
20 are in the process of  
21 finalizing the performance  
22 graphs for 13 projects. In  
23 addition to the individual  
24 project graphs, we are trying  
25 to plot an overall performance

1 graph. This information will  
2 be supplied to you by end of  
3 day Friday."

4 And then on November 19th,  
5 2018 you send a follow-up e-mail with a link to  
6 performance graphs. And I'll give you a moment to  
7 review that e-mail and there's a reference to  
8 13 projects there.

9 Just for some context for us,  
10 I had seen the e-mail that we had looked at  
11 earlier listed 12 roads projects and you reference  
12 performance graphs for 13 projects. Was there a  
13 thirteenth project added to that list at some  
14 point?

15 A. I think it was  
16 13 projects, yes.

17 Q. Do you recall what the  
18 thirteenth project that was added after that  
19 initial e-mail by Mr. Pellegrini forwarded to you  
20 was?

21 A. I'm not sure what project  
22 was added.

23 Q. Do you recall if it  
24 related to the Red Hill Valley Parkway?

25 A. I can't recall now.

1 Q. So the performance graphs  
2 that you're referencing in this e-mail, what  
3 exactly are those performance graphs?

4 A. The performance graphs  
5 here are representations of OCI -- of overall road  
6 condition or time period. It was prepared by our  
7 systems and our roads group so I think that is  
8 what was being sent to Domenic.

9 Q. Sorry, go ahead.

10 A. Sorry, I'm not a road  
11 expert, so I wouldn't be able to comment on what  
12 these graphs meant, and I think I'm here I'm just  
13 trying to explain to him what these lines are and  
14 how he can read these graphs.

15 Q. Did you have any role in  
16 creating these graphs or reviewing the underlying  
17 data that went into these graphs?

18 A. No, I did not.

19 Q. So at the bottom of the  
20 e-mail you direct him to give you a call if he has  
21 any questions. Do you recall if he followed up  
22 with you about these graphs?

23 A. I can't recall, no.

24 Q. Mr. Registrar, you can  
25 take this down and if you could take us to

1 overview document 9, image 133. Paragraph 325.

2 Try one over. Oh, 9A, I'm sorry. OD9A.

3 So a few days before the

4 e-mail exchange that we were just looking at, on

5 November 9th, 2018, you's also provided

6 Mr. Pellegrini with the state of the

7 infrastructure reports for 2010 to 2016. And in

8 this e-mail, at the very bottom, so the last

9 second-last paragraph, you advised that you wanted

10 to arrange a meeting during the week of

11 November 19th and that he should give you a call

12 if he had questions about your e-mail. Did Mr.

13 Pellegrini give you a call in response to this

14 November 9th, 2018 e-mail?

15 A. I can't recall if he did

16 or he did not, but I do remember we did have a

17 meeting -- we did have a meeting with Domenic.

18 Again, there were so many interactions going on I

19 can't be 100 percent if he did or did not give me

20 a call.

21 Q. But do you think there

22 was or did you attend a meeting with

23 Mr. Pellegrini in the week of November 19th, 2018,

24 as set out in this e-mail? Or as proposed in this

25 e-mail?

1                   A.    I probably did.  Again,  
2    me and Domenic, we did have a lot of conversations  
3    around when he would send an e-mail, so if he  
4    needed clarity on a request or -- he would either  
5    give me a call or I would give him a call.  I  
6    can't be 100 percent sure.  It was sometime ago.

7                   Q.    Do you recall any  
8    discussions or the details of any discussions that  
9    you had with him in or around mid to late  
10   November 2018?

11                  A.    Sorry, I'm just trying to  
12   read this.

13                  Q.    Registrar, can you call  
14   this out for Mr. Sharma, just the whole of 325 so  
15   it's a little bit bigger for him.

16                  A.    This is more in relation  
17   to Domenic asking us for a (indiscernible)  
18   reports and evaluating how the decision trees  
19   work.  And there was probably a meeting related to  
20   it with the performance team where Rick was  
21   involved but I can't be 100 percent certain.

22                  Q.    And just to clarify for  
23   my purposes, you don't recall the specifics of any  
24   discussions that you might have had with  
25   Mr. Pellegrini in and around mid to late

1 November 2018?

2 A. No, not that I can recall  
3 right now.

4 Q. Thank you. Mr. Registrar  
5 you can take this down. And if you could please  
6 take us to overview document 9A, image 169,  
7 paragraph 401. If you could call out  
8 paragraph 401, please.

9 So on November 27th, 2018, you  
10 e-mail Mr. Pellegrini under the subject line "re  
11 Red Hill report," and you say:

12 "The Red Hill report that  
13 redacted as advised by legal.  
14 Engineering services received  
15 an FOI on Red Hill; the  
16 complete report and other  
17 related documents are  
18 currently being reviewed by  
19 legal. Once this review is  
20 completed, we will provide the  
21 complete, nonredacted package  
22 for your review. Should you  
23 have any questions please feel  
24 free to give me a call."  
25 Do you recall sending this



1 e-mail to Mr. Pellegrini?

2 A. Yes, I do.

3 Q. Why did you send this

4 e-mail to Mr. Pellegrini?

5 A. So Domenic was requesting

6 information related to our Red Hill report and

7 that he received that was redacted. And I did

8 have a conversation with Gord and I was just

9 relying the message that Gord gave me to Domenic.

10 Q. Did you provide

11 Mr. Pellegrini with a redacted report?

12 A. No, I did not.

13 Q. Do you know who did

14 provide Mr. Pellegrini with a redacted report?

15 A. I'm not sure who did, no.

16 Q. So the subject line of

17 this e-mail starts with the re, but there isn't an

18 earlier e-mail in the chain.

19 A. Yes.

20 Q. Did you send this e-mail

21 in response to an e-mail or call or some other

22 communication from Mr. Pellegrini?

23 A. No, that was just

24 emphasize on the Red Hill Valley report that he

25 was asking for.

1 Q. So why does it say "re"  
2 in the subject line of this e-mail?

3 A. Re, I think what it means  
4 is regarding.

5 Q. Did you write this into  
6 the e-mail?

7 A. Sorry?

8 Q. Did you write "re" into  
9 the subject line of the e-mail?

10 A. I did, yes. I have a  
11 habit of doing that, so.

12 Q. When do you usually write  
13 re into the subject line of an e-mail?

14 A. I think when I'm trying  
15 to emphasize what the subject matter is.

16 Q. The redacted Red Hill  
17 Valley Parkway report referenced in this e-mail is  
18 the 2014 Golder report, right?

19 A. I'm not sure which one it  
20 is.

21 Q. Mr. Registrar, can you  
22 take this down. And take us to HAM61997, at  
23 image 1.

24 So this is an e-mail later in  
25 this chain but you're not copied on. Registrar,

1 if you can pull out the third paragraph, the  
2 position you had advised. So this Mr. McGuire  
3 speaking to council at the City of Hamilton and he  
4 writes with respect to the redacted report. The  
5 position you had advised was to provide the  
6 auditor our 2014 Golder Red Hill Valley Parkway  
7 report records on the Red Hill Valley Parkway  
8 inclusive of the condition assessment, but we  
9 would redact the friction testing related  
10 materials until such time as the MFIPPA response  
11 had been fully analyzed.

12 Does that help to refresh your  
13 memory at all about what redacted report had been  
14 sent to Mr. Pellegrini?

15 A. I wasn't privy to  
16 information between Brenda -- our legal and Gord.  
17 That was the message that Gord gave me, the brief,  
18 and that was what was sent to audit. I wasn't  
19 sure if it was the Golder report or not.

20 Q. Mr. Registrar, can you  
21 take this down. And if you can call up RHV1010.

22 So this is, in my  
23 understanding, the copy of the redacted report  
24 that was provided to audit services. And if you  
25 can on move that over, Registrar, and pull up on

1 the opposite side of the screen GOL2981.

2 This is a copy of the  
3 unredacted 2014 Golder report. And so I want to  
4 just take you through this document to see if we  
5 can refresh your memory as to whether or not  
6 you've ever seen it before.

7 So we're on the cover pages of  
8 both documents right now. Registrar, can you  
9 please take us to the first redaction. So in  
10 RHV1010, if you can take us to image 10, and if  
11 you could take us to image 10 in the corresponding  
12 Golder report as well.

13 So you'll see that in the  
14 report that was sent to audit services there is a  
15 section redacted under friction testing which  
16 references the Tradewind Report. And the redacted  
17 section says:

18 "Friction testing was carried  
19 out on the Red Hill Valley  
20 Parkway in November 2013 by  
21 Tradewind Scientific using a  
22 grip tester. The testing was  
23 completed in both of the  
24 northbound and southbound  
25 through lanes. Complete

1 results of the friction  
2 testing are provided in  
3 Tradewind's Scientific's  
4 report in appendix E."

5 This report also covers the  
6 results of friction testing on the LINC and that  
7 is the section that is redacted from this section.

8 And, Registrar, if you could  
9 please take us over to the next page, so image 11  
10 in each document. So you'll see that in the  
11 document sent to audit services there is a  
12 subsequent redaction. It's under section 6;  
13 analysis and recommendations, and the section that  
14 has been redacted says:

15 "On the remaining portion of  
16 the Red Hill Valley Parkway  
17 the existing cracks in the  
18 surface course should be  
19 rooted and sealed to prevent  
20 the ingress of water and  
21 incomprehensible material into  
22 the pavement structure.  
23 Following the routing and  
24 sealing is it recommended that  
25 a single layer of

1 microsurfacing be applied. By  
2 carrying out the mill and  
3 overlay where required and  
4 applying microsurfacing, the  
5 issue of relatively low FN on  
6 the Red Hill Valley Parkway  
7 would also be addressed. The  
8 new surface coarse mix to be  
9 used on the Red Hill Valley  
10 Parkway should incorporate  
11 aggregates that have good  
12 polished stone value. It is  
13 recommended that the PSV of  
14 the potential aggregate  
15 sources be tested in the  
16 laboratory."

17 And then there's another  
18 redaction, or rather, a missing piece of  
19 information.

20 So, Registrar, could you  
21 please take us to page 100 of each of these  
22 documents.

23 Page 100 is the last page in  
24 the report of appendix D, which is one of the  
25 appendices attached. The version that was sent to

1 audit services does not continue past page 100.

2 It's the final page of the document, but the

3 unredacted Golder report has a subsequent

4 appendix, appendix E.

5 Registrar, could you please

6 take us to image 101 of the Golder report. So

7 you'll see appendix E is labelled "friction

8 testing results." And then if you could take us,

9 Registrar, in the same document over to 102 as

10 well. So the appendix E that's attached to this

11 version or the unredacted version of the 2014

12 Golder report is the Tradewind friction testing

13 report.

14 So having taken a look at

15 these redactions, does this help refresh your

16 memory whether or not you have any of familiarity

17 with the 2014 Golder report that was provided to

18 the auditor?

19 A. So going through this

20 material, sitting here right now, I do understand

21 that it was the Red Hill, the Tradewind report and

22 the Red Hill Valley report that was done by

23 Golder, but at that time I didn't know if it was

24 the Golder report. I knew there was a Red Hill

25 report that was redacted and given to the auditor.

1 Q. Did you ever see a copy  
2 of the redacted report?

3 A. No, I did not.

4 Q. Do you know how it was  
5 sent to the auditor? If it was sent by e-mail or  
6 if it was sent in hard copy form?

7 A. I'm not sure how it was  
8 sent.

9 Q. Did you ever direct  
10 anyone to send it to the auditor by inter-office  
11 mail or in hard copy in some other form?

12 A. No, I did not.

13 Q. Do you know who redacted  
14 the report?

15 A. I'm not sure who did, but  
16 I do know Golder reports are being handled by Gord  
17 and Diana. So it could be one of those but I  
18 can't be 100 percent sure who did.

19 Q. Okay. Just circling back  
20 on that, when you say you knew that Golder reports  
21 were being handled by Gord and Diana, can you  
22 expand a little bit on that? How did you know  
23 that Ms. Cameron and Mr. McGuire would be  
24 addressing Golder reports?

25 A. So I was -- I think if



1 you go back in some of the e-mails, I was trying  
2 to locate PMTR reports, and I was having a very  
3 hard time finding the exact PMTR reports and at  
4 that time Gord had advised me that he would be  
5 looking at talking to Ludomir or with -- I think  
6 it was Gary who was in charge of the project, or  
7 with Gary Moore, to find the Golder reports.

8 MS. BRUCKNER: On that point,  
9 Registrar, could you take us out of this set of  
10 documents and into overview document 9A.

11 Actually, I'm sorry, before we  
12 leave, can we mark the redacted version of the  
13 Golder report RHV1010 as Exhibit 145, I believe.

14 THE REGISTRAR: Noted,  
15 counsel. Thank you.

16 EXHIBIT NO. 145: Red Hill  
17 Valley Parkway Report titled Performance Review  
18 after Six Years in Service dated January 2014;  
19 RHV1010

20 BY MS. BRUCKNER:

21 Q. Circling back on your  
22 point.

23 Could you take us, Registrar,  
24 to overview document 9A, 152 at paragraph 363.

25 So this is an e-mail that

1 Ms. Cameron sends to Mr. Moore, copying Mr.  
2 McGuire and you on November 16th, 2018. And she  
3 says:

4 "I've been tasked with  
5 summarizing Golder's category  
6 12 work for the audit from  
7 2013 to present. I have the  
8 value of assignments from  
9 ProjectWise for the 2015 to  
10 2016 and 2017 to 2018 roster  
11 years, however, the only  
12 information in 2013 to 2014  
13 roster folder is the scoring.  
14 Can you please provide me with  
15 the value of assignments Excel  
16 file."

17 Does this exchange relate to  
18 Mr. McGuire and Ms. Cameron being in charge of  
19 collecting the Golder reports or information  
20 related to Golder?

21 A. It could be, yes. I'm  
22 not 100 percent sure if it was. I didn't have the  
23 knowledge about Golder, what would Golder had done  
24 at that time, so it would be.

25 Q. Mr. Registrar, you can

1 take this down.

2 Mr. Sharma, did you ever  
3 receive an explicit direction from someone,  
4 Mr. McGuire or anyone else within engineering  
5 services, not to look for the Golder reports or  
6 that Mr. McGuire would be handling the Golder  
7 reports specifically?

8 A. Not that I can recall.

9 Q. So what was the basis of  
10 your understanding that Ms. Cameron and  
11 Mr. McGuire were responsible for looking after the  
12 Golder reports with respect to the value for money  
13 audit?

14 A. I think most of the  
15 communications that were related to the Golder  
16 reports were being done between Diana, Gord and  
17 the audit services, and this is how I understand  
18 it now. Back then, looking at the e-mail right  
19 now, Diana had her task to follow-up on and I had  
20 my own task that we both were following up on. So  
21 that's my complete understanding of it.

22 Q. So you weren't involved  
23 in the redaction of the 2014 Golder report that we  
24 were looking at?

25 A. No, I wasn't.

1 Q. What information were you  
2 provided when you sent that e-mail to  
3 Mr. Pellegrini about the redacted report? The  
4 redactions, sorry, go ahead.

5 A. Sorry, I didn't catch the  
6 last part of your question.

7 Q. What information were you  
8 given and from whom in order to write that e-mail  
9 to Mr. Pellegrini about the redactions and the  
10 basis for those redactions?

11 A. I think the information  
12 was given by Gord and that's the way the e-mail  
13 was worded to Domenic.

14 Q. Okay. What did Mr.  
15 McGuire tell you about the redactions or the  
16 report that had been redacted before you sent that  
17 e-mail to Mr. Pellegrini?

18 A. I think what he must  
19 have -- what he had told me at that time the  
20 report was redacted as advised by legal, and  
21 that's what was sent to Domenic.

22 Q. And he didn't give you a  
23 copy of the redacted report for your own purposes  
24 in your conversations with Mr. Pellegrini?

25 A. No, I didn't need one.

1 Q. Did you ask him for a  
2 copy of the redacted report?

3 A. No, I didn't need one,  
4 (inaudible).

5 Q. At this point, it's my  
6 understanding that you were the point person for  
7 engineering services in terms of providing  
8 information to the value for money audit. Did you  
9 find it odd or out of the ordinary that  
10 Mr. McGuire was taking the role -- the lead role  
11 on this and not providing you with a redacted copy  
12 of the report?

13 A. No, I did not find it out  
14 of the ordinary, no.

15 Q. Why not?

16 A. There -- you know, there  
17 are certain things that are above my pay grade,  
18 especially, I mean if your director is saying that  
19 it was advised by legal. And I didn't have any --  
20 I didn't have any reason to question him so I  
21 didn't find it out of ordinary he was advising me.

22 Q. Okay.

23 A. Sorry.

24 Q. Go ahead.

25 A. And I think it was -- it

1 was around December when Domenic was given a copy  
2 of the report.

3 Q. So I'm going to take you  
4 to Mr. Pellegrini's review of the unredacted  
5 report shortly, but before we get there, you had  
6 advised earlier that when you were collecting  
7 documents for the audit in your role you were  
8 producing documents that had been specifically  
9 requested by Mr. Pellegrini. Did Mr. Pellegrini  
10 ever specifically request a copy of the 2014  
11 Golder report prior to November 27, 2018?

12 A. Nothing that I can recall  
13 right now, no.

14 Q. Were you ever advised  
15 about how Mr. Pellegrini learned of the 2014 audit  
16 report or why it was provided to him in redacted  
17 form?

18 A. No.

19 Q. Do you know why the  
20 redacted version of the 2014 Golder report would  
21 have been sent to Mr. Pellegrini if he hadn't  
22 specifically requested it?

23 A. I'm not sure. I really  
24 didn't send the report so I'm not sure why it was  
25 sent.

1 Q. You didn't communicate to  
2 Mr. Pellegrini, at any point, any information  
3 about the existence of the 2014 Golder report?

4 A. I mean, if Domenic would  
5 have asked me for the Golder report I would have  
6 tried finding the Golder report for him, but I  
7 don't think he did ask me for the Golder reports.  
8 So I don't know. If I wasn't involved in finding  
9 these reports for him, how would I told him about  
10 these reports.

11 Q. So you don't have any  
12 sense as to how or why the original 2014 redacted  
13 Golder report was sent to audit services?

14 A. No.

15 Q. How did you learn of the  
16 existence of the 2014 Golder report appending the  
17 Tradewind report?

18 A. So I didn't -- so I  
19 didn't really know there was a Golder report or a  
20 Tradewind Report that was in existence until --  
21 and I have never read that report. My role in the  
22 audit services was merely to coordinate data and  
23 information that was being sent. My -- looking at  
24 these e-mails right now and understanding what  
25 that Red Hill Valley Parkway report was, I do see

1 that my involvement started back when that e-mail  
2 was sent out to Domenic, but I wasn't privy to  
3 what the information was in the Golder report or I  
4 wouldn't even look for it if Domenic wouldn't have  
5 asked me.

6 Q. Just on that point, why  
7 were you the one that sent the e-mail to  
8 Mr. Pellegrini about the redacted report if you  
9 weren't involved in providing it to audit services  
10 or Mr. Pellegrini?

11 A. Domenic might have called  
12 me, probably would have called me to ask that he  
13 had received a redacted report, and then I would  
14 have went to Gord and asked him about it and that  
15 was the message that Gord would have given me.

16 Q. And you said probably  
17 there. Do you have a specific recollection of  
18 receiving a call from Mr. Pellegrini or going to  
19 Gord about the redacted report after receiving  
20 that call?

21 A. I don't have a specific  
22 recollection. A lot of times Domenic walked by my  
23 desk, he asked me questions or he would have  
24 called. So I can't really recall if it was -- he  
25 was there or if he was just calling me. But in



1 general, he did pick up the phone when he needed  
2 something.

3 Q. So you had said in one of  
4 your prior answers that you didn't learn of the  
5 existence of the 2014 Golder report appending the  
6 Tradewind Report until and then you actually  
7 trailed off a bit. Can you tell me when exactly  
8 you learned about the existence of the 2014 Golder  
9 report appending the Tradewind Report?

10 A. Sitting here now, I do  
11 understand that Golder report was a Tradewind  
12 report and what it means. But at that time, to  
13 me, I think when there were interactions about --  
14 there were interactions about the e-mail about the  
15 redactions, I knew there was a Red Hill Valley  
16 Parkway report but I didn't know there was a -- it  
17 was called a Tradewind report or what was the  
18 content in the report.

19 Q. So removing hindsight  
20 from the equation, when did you realize that the  
21 2014 Golder report and Tradewind report existed?

22 A. Again, I think it was  
23 towards the end of the audit when it was made  
24 public, that's when we all realized that there was  
25 a Tradewind report.

1 Q. So you learned about it  
2 in connection with the press release advising of  
3 the 2014 Golder report and Tradewind report?

4 A. That's correct.

5 Q. Registrar, can you take  
6 us into HAM61997 at images 2 and 3, please.

7 So just for context, this is  
8 returning to the e-mail chain that is started by  
9 your e-mail to Mr. Pellegrini about the redacted  
10 report. On December 3rd, 2018, Mr. Pellegrini  
11 responds, and this is the e-mail that kind of  
12 crosses over between the two pages that are up, to  
13 your e-mail, and he copies then Mr. Brown, who is  
14 the City auditor, and Brigitte Minard who is also  
15 with the office of the City auditor, I believe  
16 she's the deputy City auditor. And he says that  
17 audit needs an unredacted version of the report  
18 and can't wait for legal services to complete its  
19 review. He goes on to ask for the name of the  
20 lawyer on the file, and then you'll see the next  
21 e-mail up on December 3rd, 2018.

22 Mr. McGuire responds to this  
23 e-mail from Mr. Pellegrini, and he adds in Diana  
24 Cameron and Bradina McNeil. At this point, you're  
25 still copied on the e-mail chain. And he says,

1 possibly there is some miscommunication. Yes,  
2 Registrar, if you can pull that out for us. Thank  
3 you. He says:

4 "Possibly there is some  
5 miscommunication here, and we  
6 are happy to have you review  
7 the file. We have a copy here  
8 and we can arrange with Diana  
9 and you can arrange with Diana  
10 to come and see the copy. The  
11 solicitor on the file is cc'd  
12 as well and she is Bradina  
13 McNeil. The data we have  
14 withheld at legal service's  
15 advice is related to friction  
16 testing and subject to an FOI  
17 and FIPA request on that  
18 subject. There is ongoing and  
19 pending litigation on this  
20 matter, and we're following  
21 their advice. The MFIPPA  
22 process will be shorter than  
23 months, from my understanding.  
24 We have redacted the  
25 paragraphs and there is one

1 appendix of 13 pages related  
2 to the friction  
3 characteristics that we  
4 discussed, and as noted, are  
5 available here for your  
6 review."

7 Returning to that paragraph  
8 where he's discussing the basis for the redactions  
9 to the 2014 Golder report. Were you involved in  
10 any of those discussions about redacting the  
11 friction testing information?

12 A. No, I wasn't involved,  
13 no.

14 Q. When Mr. McGuire  
15 approached you or spoke to you about the e-mail  
16 that you sent on November 27th, did he communicate  
17 any additional information about the basis for  
18 those redactions to you?

19 A. No, he did not.

20 Q. Did Mr. McGuire help you  
21 to draft the e-mail you that sent to Mr.  
22 Pellegrini?

23 A. I think that was the  
24 message that Gord related, and I just took that  
25 and sent it to Domenic.

1 Q. Do you recall if he  
2 dictated the e-mail to you?

3 A. I don't think he dictated  
4 the e-mail to me, no.

5 Q. But he directed you in  
6 terms of what the content of the e-mail should be?

7 A. Yeah, that was his  
8 message, yes.

9 Q. Was anyone else present  
10 when you and he had that conversation?

11 A. Not that I can recall,  
12 no.

13 Q. Did you and Mr. McGuire  
14 have any discussions about an FOI request in or  
15 around the time that you were drafting that  
16 e-mail?

17 A. I think this was -- this  
18 is one of the e-mails that Gord cc'd me on, and  
19 that's how I found out about the FOI that was  
20 happening.

21 Q. Did you have any  
22 involvement in collecting materials for the FOI  
23 request?

24 A. No, I did not.

25 Q. So Mr. McGuire tells Mr.

1 Pellegrini that he can arrange with Ms. Cameron to  
2 see a copy of the 2014 Golder report. Did you  
3 have any discussions with Mr. McGuire or Mr.  
4 Pellegrini about the offer for Mr. Pellegrini to  
5 come and see the unredacted version of the report?

6 A. I think the e-mail -- the  
7 e-mail itself kind of invited Domenic to come see  
8 the report in Gord's office, and in around -- and  
9 I think at that time Domenic left for vacation or  
10 he was off for some time, and when he came back,  
11 it was around December 3rd that he came, yeah.

12 Q. Did you have any  
13 discussions around this e-mail before or after it  
14 got sent out about Mr. Pellegrini coming to this  
15 at the office?

16 A. No, I did not.

17 Q. So you mentioned a moment  
18 ago that the report was in Mr. McGuire's office,  
19 and I don't actually see a reference to that in  
20 this e-mail. How did you know that the unredacted  
21 version of the 2014 report was in Mr. McGuire's  
22 office?

23 A. If you go to the e-mail  
24 on December 3rd where Domenic or Gord is saying  
25 that he could come to his office, there is an

1 e-mail chain here where he's asking Domenic he can  
2 come to his office and read the report.

3 Q. That's information that  
4 you learned from reviewing e-mails in your prep?

5 A. That's correct.

6 Q. Did you have any  
7 understanding about the terms of Mr. Pellegrini's  
8 review of the 2014 Golder report before Mr.  
9 Pellegrini visited the office?

10 A. Sorry, I don't understand  
11 the question. What do you mean "terms"?

12 Q. Let me rephrase. What  
13 understanding, if any, did you have about the  
14 conditions under which Mr. Pellegrini could review  
15 the 2014 Golder report?

16 A. I didn't -- I didn't have  
17 any knowledge. The report was in Gord's office  
18 and he could have reviewed it.

19 Q. Did you have any  
20 understanding about there being restrictions on  
21 his ability to review the report or take copies of  
22 the report or otherwise take any actions during  
23 his review of the report?

24 A. No, I did not, no.

25 Q. Mr. Registrar, if you can

1 take us in this same document to image 1. So this  
2 is an e-mail that Mr. McGuire forwards to Ms.  
3 McNeil, and he copies then Dan McKinnon, and this  
4 is the e-mail that we had briefly looked at  
5 before. But, Registrar, if you can pull out the  
6 full content of this e-mail, please.

7 At the very bottom you'll see  
8 that there are two paragraphs where Mr. McGuire  
9 says:

10 "However, today the auditor  
11 visited my office while I was  
12 in a meeting and made copies  
13 of the report. He mentioned  
14 that staff allowed it, but I  
15 have previously discussed  
16 access to these files with him  
17 and thought that our approach  
18 was understood. I'm concerned  
19 that the audit now has records  
20 that may be released prior to  
21 MFIPPA response. This may  
22 influence our position on this  
23 file. I may be overreacting,  
24 but feel this is an element  
25 that requires some higher



1 level understanding. As such,  
2 I've copied in Dan McKinnon."  
3 For your reference, Mr.  
4 Sharma, you've been removed from this portion of  
5 the e-mail exchange. Was it your understanding  
6 that Mr. Pellegrini was only permitted to read the  
7 unredacted copy of the 2014 Golder report when he  
8 visited engineering services on December 4th,  
9 2018?

10 A. No, that wasn't my  
11 understanding, no.

12 Q. Did Mr. McGuire ever  
13 communicate that those restrictions had been in  
14 place to you?

15 A. No, he did not.

16 Q. Were you present when Mr.  
17 Pellegrini attended in engineering services to  
18 review the 2014 Golder report on December 4th,  
19 2018?

20 A. Yes, I was.

21 Q. Who else was present when  
22 Mr. Pellegrini attended to review the report?

23 A. It was I and Diana. Our  
24 office was -- our cubicles were right in front of  
25 Gord's office, right across the hallway, so we

1 both were there.

2 Q. Where was the unredacted  
3 2014 Golder report when Mr. Pellegrini attended at  
4 the office?

5 A. I think it was in Gord's  
6 office.

7 Q. And it's my understanding  
8 that Mr. McGuire wasn't in the office when Mr.  
9 Pellegrini attended?

10 A. No, he wasn't.

11 Q. Around what time did Mr.  
12 Pellegrini arrive at the office?

13 A. I'm not sure what was the  
14 time.

15 Q. Do you know if it was in  
16 the morning or afternoon?

17 A. Probably late morning,  
18 early afternoon. I can't be 100 percent sure what  
19 time it was.

20 Q. Did you have any  
21 discussions with Mr. Pellegrini when he attended  
22 to review the unredacted report?

23 A. No, I did not.

24 Q. Do you recall if he had  
25 any discussions with Ms. Cameron when he attended

1 to review the report?

2 A. Not that I can recall,  
3 no.

4 Q. What did Mr. Pellegrini  
5 do on arriving at the engineering services office?

6 A. I wasn't in the office  
7 with him; I was sitting on the desk. But I think  
8 he reviewed the report and made a copy and left.

9 Q. So you said you weren't  
10 in the office with him.

11 A. In Gord's office, sorry.

12 Q. So he made a copy of the  
13 report and left. Just for clarification purposes  
14 for myself, would Mr. Pellegrini had been able to  
15 use the copy and scanning machines in engineering  
16 services without authorization from staff?

17 A. Yeah. Yeah. They were  
18 open to everybody.

19 Q. So there's no code or  
20 anything that you would have to enter in order to  
21 make a scan or a copy?

22 A. No.

23 Q. Did Mr. Pellegrini make  
24 the copies of the report himself?

25 A. To the best of my

1 recollection, I think he did, yes. He didn't make  
2 it in front of me. I was.... I think he did,  
3 yeah.

4 Q. When you say "he didn't  
5 make it in front of me," can you expand a bit on  
6 what you mean by that?

7 A. I mean because I was  
8 sitting on my desk and the copier is not in front  
9 of me, so he probably went to the copier and made  
10 the prints, but I think that's a better question  
11 for him.

12 Q. Where are the copiers in  
13 engineering services located, in reference to Mr.  
14 McGuire's office?

15 A. So in our office, let's  
16 say this was in the centre, Gord's office is --  
17 our cubicles are here and there's a little  
18 corridor in the middle and one copier was towards  
19 the GMs office and the other copier was -- I think  
20 it was towards geomatics.

21 Q. Do you recall if Mr.  
22 Pellegrini needed to ask for staff assistance in  
23 order to locate those copiers?

24 A. No, I don't recall.

25 Q. Did Mr. Pellegrini speak

1 to any engineering services staff, Ms. Cameron,  
2 yourself or anyone else who was present, and  
3 ask -- or to indicate that he was going to make  
4 copies or to ask permission to make copies of the  
5 report?

6 A. I can't recall if he did  
7 or he did not.

8 Q. I think you said that it  
9 was yourself and Ms. Cameron that were present.  
10 Do you recall any other engineering services staff  
11 being present during this time period?

12 A. I mean, we have the whole  
13 engineering services floor that was present at  
14 that time, but relevant -- more relevant to this,  
15 it would be just Diana and I who were sitting  
16 there.

17 Q. Did Mr. Pellegrini  
18 advised either you or Ms. Cameron that he was  
19 going to take copies of the unredacted report  
20 before he did so?

21 A. I can't recall if he did  
22 or he did not.

23 Q. So there's a reference in  
24 Mr. McGuire's e-mail at the bottom where he  
25 indicates that Mr. Pellegrini told Mr. McGuire

1 that staff allowed it when he took the copies. Do  
2 you recall, is that true, from your perspective,  
3 or do you have a memory one way or the other?

4 A. I don't have a memory one  
5 way or the other, but if he would have asked me, I  
6 would have 100 percent not said no. He's the  
7 auditor.

8 Q. So at this point in time,  
9 did you have any directions from Mr. McGuire or  
10 anyone else not no to allow Mr. Pellegrini to take  
11 copies of the report when he attended at the  
12 office?

13 A. No, I did not.

14 Q. To your knowledge, did  
15 Ms. Cameron have instructions of that nature?

16 A. I'm not sure if she did  
17 or she didn't.

18 Q. Did you have any  
19 instructions from Mr. McGuire or anyone else not  
20 to review the report that was left out from Mr.  
21 Pellegrini and Mr. McGuire's office?

22 A. No.

23 Q. But you didn't review  
24 that report or see it when Mr. Pellegrini came in  
25 to take a look at it?

1 A. No, I did not, no.

2 Q. Why didn't you take a  
3 look at the report?

4 A. It was in Gord's office  
5 and, you know, if something is lying in somebody's  
6 office, I wouldn't reach out and take a look for  
7 it, and I wasn't really interested in the material  
8 for the report; it wasn't something that was very  
9 specific to my role.

10 Q. So Mr. McGuire says in  
11 the last paragraph of this e-mail to Ms. McNeil:

12 "I'm concerned about the  
13 audit. I'm concerned that the  
14 audit now has records that may  
15 be released prior to our  
16 MFIPPA response. This may  
17 influence our position on this  
18 file. I may be overreacting,  
19 but feel this is an element  
20 that requires some higher  
21 level of understanding. As  
22 such, I've copied Dan."

23 Did Mr. McGuire ever express  
24 any concerns about the audit releasing the 2014  
25 Golder report to you?

1 A. No, he did not.

2 Q. Did you have any  
3 discussions with Mr. McGuire about Mr.  
4 Pellegrini's visit or about Mr. Pellegrini taking  
5 copies of the unredacted report in and around  
6 December 4th when he attended at the office?

7 A. Not that I can recall,  
8 no.

9 Q. Were you present when Mr.  
10 McGuire was advised that Mr. Pellegrini had taken  
11 copies of the 2014 Golder report?

12 A. Not that I can recall. I  
13 know Gord was in a meeting and he probably came  
14 back from the meeting and that's when he was  
15 advised, but I can't be certain of when was it  
16 done.

17 Q. You don't have any  
18 recollection of Mr. McGuire's reaction on learning  
19 that Mr. Pellegrini had taken the 2014 Golder  
20 report?

21 A. I think when Gord was  
22 told about -- when Gord was told about the copy of  
23 the report or when he had the knowledge that  
24 Domenic did take the copy, he wasn't very happy,  
25 but I wasn't -- I can't really comment on how he



1 was reacting or -- you know.

2 Q. So you said he wasn't  
3 very happy. How did you know that he wasn't very  
4 happy?

5 A. I think the position in  
6 the -- in this e-mail here now says that it was  
7 Domenic wasn't supposed to take a copy of the  
8 report, and I guess it was that, that he wasn't  
9 supposed to take a copy of the report and he did.  
10 But again, I can't be 100 percent sure that if he  
11 wasn't allowed. I wasn't privy to that  
12 information at that time.

13 Q. So just to clarify,  
14 you're referencing Mr. McGuire's comments in this  
15 e-mail for that statement that you didn't think  
16 that Mr. McGuire was very happy. Do you have any  
17 independent recollection of an interaction with  
18 Mr. McGuire in and around this time where it was  
19 clear where he indicated that he wasn't happy that  
20 Mr. Pellegrini had taken the report?

21 A. I can't recollect, no. I  
22 don't remember exactly. I don't.

23 Q. At the bottom of this  
24 e-mail, Mr. McGuire says "this may influence our  
25 position on this file." Do you have any sense of

1 what Mr. McGuire is referring to with that  
2 comment?

3 A. No, I don't.

4 Q. Did Mr. McGuire or anyone  
5 else ever express concerns to you that City staff  
6 would have to change their position on how to  
7 address the Tradewind Report or the 2014 Golder  
8 report after Mr. Pellegrini took copies of the  
9 redacted information from his office?

10 A. No, he didn't.

11 MR. LEWIS: Registrar, could  
12 you take this down and take us to overview  
13 document 9A, image 192, paragraph 436.

14 JUSTICE WILTON-SIEGEL: I'm  
15 just going to note the time, Ms. Bruckner. It's a  
16 bit past the time when we normally take our break.  
17 Can you advise when it would be appropriate to  
18 take a break.

19 MS. BRUCKNER: I was going to  
20 finish off a couple more e-mails in this chain  
21 which I think would take about five minutes, but  
22 I'm also happy to break now if that's preferable.

23 JUSTICE WILTON-SIEGEL: I  
24 think it might be preferable. If it's now 20 to,  
25 we'll return I guess at 5 to. Thanks very much.

1 --- Recess taken at 11:39 a.m.

2 --- Upon resuming at 11:55 a.m.

3 MS. BRUCKNER: May I proceed?

4 JUSTICE WILTON-SIEGEL: Please  
5 proceed.

6 BY MS. BRUCKNER:

7 Q. Mr. Registrar, call up  
8 OD9A, image 192, paragraph 436. So this is in  
9 reference to the e-mail that we were discussing  
10 between Mr. McGuire, Ms. Minard and Mr. McKinnon  
11 before the break. Ms. McNeil forwards that e-mail  
12 to Ms.(sic) Otti and Mr. Sabo, who are also  
13 solicitors with the City, and she writes:

14 "In my discussion with Gord  
15 today, I asked whether there  
16 was a possibility that the  
17 audit department could  
18 inadvertently release  
19 information about the friction  
20 testing reports that could end  
21 up being discovered by any  
22 councillors before there has  
23 been a chance by public works  
24 and/or legal services to  
25 report on the issue to

1 council. We had no answer  
2 between us, so I'm raising it  
3 with you."

4 Did Mr. McGuire or anyone else  
5 at the City advise you that one of the reasons the  
6 auditor was not provided with an unredacted copy  
7 of the 2014 Golder report was concerns that  
8 councillors could learn of the friction testing  
9 reports before the public works department and/or  
10 legal services could report on that to council?

11 A. No.

12 Q. Registrar, you can take  
13 this down. If you could take us to HAM27661 at  
14 image 1. HAM27666 at image 1.

15 At 4:13 p.m. on December 4th,  
16 2018, so that's the same day that Mr. Pellegrini  
17 has visited engineering services to take a look at  
18 the Golder report, Ms. Cameron forwards you and  
19 Mr. McGuire an August 27th response from Gavin  
20 Norman to Mr. McGuire's August 24, 2018 e-mail  
21 that we've looked at a couple times before about  
22 the auditor speaking to engineering services staff  
23 without his knowledge. And in that e-mail --  
24 Registrar, can you call out the middle e-mail  
25 there. Mr. Norman says:

1 "Seems a bit sneaky to me that  
2 they didn't advise you first  
3 they wanted to investigate  
4 this. They have done it  
5 before with me, i.e., not  
6 talking to my director. I  
7 would think that at this point  
8 they should be satisfied that  
9 you are proceeding with work  
10 to address Bill 6."  
11 Registrar, you can close that  
12 out.

13 So if you look to Ms.  
14 Cameron's forward of this e-mail on December 4th,  
15 2018, there is no content in the covering e-mail.  
16 What was your understanding as to why Ms. Cameron  
17 forwarded you and Mr. McGuire this e-mail chain  
18 from August 2018.

19 A. I'm not sure why this  
20 e-mail was forwarded to us, but Gavin was one of  
21 the managers of Gord, so it could be because he  
22 was sending an e-mail to Gord, that's why it was  
23 sent to him by me. It related to audit, but I --  
24 I'm not 100 percent sure why it was sent.

25 Q. Was this e-mail forwarded

1 to you in connection with discussions around Mr.  
2 Pellegrini's visit to the engineering services  
3 office and review of the 2014 Golder report on  
4 December 4th, 2018?

5 A. Sorry. Can you repeat  
6 that again.

7 Q. Yes. So just to add the  
8 context again, this e-mail is forwarded to you  
9 late on the day on December 4th, 2018, which is  
10 the same day that Mr. Pellegrini visited  
11 engineering services to review the 2014 Golder  
12 report and took copies of the report. Was this  
13 e-mail forwarded to you in connection with  
14 discussions around Mr. Pellegrini's visit to the  
15 engineering services office and review of the 2014  
16 Golder report on December 4th, 2018?

17 A. No, I don't think so.

18 Q. Again, had you had any  
19 discussions with Mr. McGuire or Ms. Cameron about  
20 that visit on December 4th, 2018?

21 A. No.

22 Q. Mr. McGuire didn't  
23 approach you to ask about your interactions with  
24 Mr. Pellegrini on that day?

25 A. I don't think he did ask.

1 Nothing specific that I can recall. I mean, it  
2 was some time ago. No, I can't -- I can't really  
3 recall if he did ask or if he didn't.

4 Q. Did you have any  
5 discussions with Mr. McGuire or Ms. Cameron about  
6 this e-mail chain that's forwarded to you on  
7 December 4th, 2018, after you received it?

8 A. No, no, it was  
9 probably -- I mean, the time there is 4:14. I  
10 probably had left at that time the office, so I'm  
11 not sure if it was discussed or not.

12 Q. Just on that point, what  
13 were your arrive and leave times during this time  
14 period, like when did you arrive at the office and  
15 generally leave?

16 A. Usually around 7 to 3, 7  
17 to 3:30, and if there was a meeting request that  
18 was added at a later time, I would -- if I was  
19 needed, I would attend that meeting.

20 Q. Registrar, if you can  
21 take this down and take us to overview document  
22 9A, image 199, at paragraph 455. So this is the  
23 next day, December 5th, 2018. Mr. McGuire e-mails  
24 Mr. Andoga, Ms. Jacob, Mr. Oddi, Mr. Norman and  
25 Mr. Lamont, copying you and Ms. Cameron, and take

1 a moment to review this e-mail and let me know  
2 when you've had a chance to do so.

3 A. Yep.

4 Q. Did Mr. McGuire discuss  
5 this e-mail with you before he sent it?

6 A. He probably did.

7 Q. Do you recall what  
8 conversations you had about this e-mail before it  
9 was sent?

10 A. Not -- nothing that I can  
11 recall, no.

12 Q. The e-mail starts bold  
13 and underlined, "This e-mail is to go no further  
14 than this distribution list." What was your  
15 understanding about why that sentence was  
16 emphasized in this e-mail?

17 A. I think it was to be  
18 within the managers and the -- this is  
19 communicated only to the managers.

20 Q. Do you know why it was  
21 communicated only to the managers?

22 A. I mean, there's certain  
23 things that are just communicated to supervisors  
24 and managers, and I think that was one of this --  
25 this was one of those instances where managers



1 were advised.

2 Q. Did you have any  
3 discussions with Mr. McGuire about why this was  
4 one of the things that would be communicated only  
5 to managers?

6 A. No.

7 Q. Had Mr. McGuire expressed  
8 concerns to you about his e-mails being circulated  
9 beyond the intended recipients before he sent this  
10 e-mail?

11 A. No, he did not.

12 Q. So you'll see there's a  
13 couple paragraphs in -- no, actually, sorry, it's  
14 the second paragraph. Mr. McGuire says:

15 "As this project moves into  
16 the delivery phase, I am  
17 asking that all communications  
18 to the auditor are through my  
19 office via Dipankar."

20 And that is underlined as  
21 well.

22 Based on our conversation up  
23 to this point, it's my understanding that prior to  
24 December 5th, you had already been appointed as  
25 engineering services point person for the value

1 for money audit document collection efforts; is  
2 that right?

3 A. Yes.

4 Q. Do you know why Gord was  
5 re-emphasizing that point in this e-mail?

6 A. There was an e-mail that  
7 was sent on -- I think it was around this time by  
8 Rick Andoga that didn't cc me on the response and  
9 I think that's why he was emphasizing here why the  
10 communications should go through me.

11 Q. So it's your  
12 understanding that that was emphasized because of  
13 that incident with Mr. Andoga in which he had sent  
14 something without running it through you?

15 A. Possibly, yes.

16 Q. Did you have any  
17 discussions with Mr. McGuire where he indicated  
18 that that was the basis for this?

19 A. I think there's an e-mail  
20 chain in these documents that kind of indicates  
21 where that communication happened. I think it was  
22 around December 3rd or 4th.

23 Q. Yeah, there is an e-mail  
24 chain that indicates that Mr. Andoga did send some  
25 information to audit without running it through

1 you. I just wondered if you had had a specific  
2 conversation with Mr. McGuire before he sent out  
3 this e-mail where he indicated that this was sent  
4 because of that interaction between audit services  
5 and Mr. Andoga?

6 A. Nothing that I can  
7 recall.

8 Q. So this e-mail references  
9 submissions. So:

10 "The plan is to begin  
11 submissions to the auditor  
12 this week, which I expect will  
13 generate questions."

14 In the context of this e-mail  
15 and the value for money audit, is the reference to  
16 submissions here to a collection of documents that  
17 you put together, or is that a reference to  
18 written submissions for the audit.

19 A. I think the reference  
20 here is the data that needs to be delivered to  
21 audit services.

22 Q. So that's the data that  
23 you had been collecting?

24 A. Yeah.

25 Q. Registrar, you can take

1 this down. If you could take us to overview  
2 document 9A, image 200, paragraph 459 to 460. So  
3 on December 5th, 2018, you e-mail Mr. McGuire,  
4 copying Ms. Cameron, about an audit catalog. So  
5 you've referenced a couple of occasions so far  
6 that you were keeping a list of documents that  
7 were going to audit services. Is that the audit  
8 catalog?

9 A. Possibly, yes. I just  
10 want to take a look at the document, if you have  
11 it.

12 Q. Yeah, absolutely, I can  
13 take you to the document. Registrar, we'll have  
14 to pull this up in native. So this is the  
15 versions that is appended to that e-mail that we  
16 were just looking at from December 5th, and the  
17 document is HAM35732. That's the attachment to  
18 that e-mail. Is that the list or the repository  
19 of information that you had been putting together  
20 of things that were being collected and sent to  
21 audit services?

22 A. Yes, at that point in  
23 time, yes.

24 Q. Registrar, can you take  
25 this down for a second and take us back to OD9A.

1 Thank you.

2 How much of your time was  
3 spent preparing that audit catalog that we were  
4 just looking at?

5 A. Preparing that audit  
6 catalog?

7 Q. Yeah. Like, was it  
8 something that was prepared over the entire length  
9 of time that you were working on collecting  
10 documents?

11 A. It was a light document  
12 that was made to track my own information that I  
13 was sending to audit services. It was light  
14 because the audit went for however long it ran for  
15 and if you were sending information, we would add  
16 that -- or I would add that to the tracker or the  
17 audit catalog here.

18 Q. So the process that you  
19 were following, then, in terms of getting  
20 information into that tracker was you would add  
21 whatever you had sent to the audit into it?

22 A. So the process of it I  
23 would follow is if Domenic would request -- would  
24 it be possible just to see that tracker one more  
25 time?

1 Q. Sure. Registrar, can you  
2 take us back to the Excel sheet.

3 A. Perfect. Thank you. The  
4 process that we would -- the process that I would  
5 follow is if Domenic would be asking me questions  
6 or sending me requests, for example, here we have  
7 the 13 projects that he was asking questions  
8 about, I would list them and I would highlight  
9 them, right, if the documents weren't supplied to  
10 him at that time, and if I did supply the  
11 documents, and then I would mark them as -- yes,  
12 it has been supplied to him.

13 Q. Did you have any process  
14 in place to keep track of documents that weren't  
15 being provided directly through you to Mr.  
16 Pellegrini? So, for example, a document that was  
17 sent by someone else within engineering services  
18 to the auditor?

19 A. No, I didn't.

20 Q. So this catalog, then,  
21 specifically represents information that you had  
22 collected and provided to Mr. Pellegrini?

23 A. Most of it. So it  
24 originated as a document that -- or a tracker that  
25 I was using to send information to audit services.

1 I think somewhere later Diana also updated  
2 catalog, but I'm not -- I'm not sure what time she  
3 started updating, but it was preliminary. The use  
4 for the document was for me to track my documents  
5 that I was sending, and reports and data.  
6 Whatever Domenic was asking for.

7 Q. So this version of the  
8 catalog dates to December 5th, 2018, or at least  
9 is attached to your December 5th, 2018 e-mail. As  
10 of December 5th, 2018, had Ms. Cameron had any  
11 involvement in putting documents on to this list?

12 A. No.

13 Q. Registrar, can you take  
14 this down for a moment, but keep it on hand as I'm  
15 going to ask to pull it up again. I just want to  
16 take a look --

17 A. Just by looking at the  
18 document, I think most of the entries there were  
19 mostly mine. I don't think there was -- yeah.

20 Q. So you're fairly certain  
21 that as of December 5th, 2018, what's represented  
22 on that catalog is information that you  
23 specifically put there because you had sent it to  
24 audit?

25 A. I wouldn't say fairly

1 certain, but pretty possible, yes. But not 100  
2 percent.

3 Q. Can you give me a sense  
4 of the certainty level?

5 A. That's a good question.  
6 So around December -- you said this document was  
7 sent around December 5th to Gord, and maybe he  
8 could have added some reports to it. I can only  
9 review so much, but Diana could have added reports  
10 to it, so that's what I'm saying. I can't be 100  
11 percent certain because I sent the copy and I'm  
12 not sure at what point in time these copies were.

13 Q. So just for reference,  
14 the version that we were looking at is the one  
15 that you sent to Mr. McGuire and Ms. Cameron on  
16 December 5th, 2018, so it's not something that's  
17 coming back to you from them; it looks like you  
18 send it directly to them. Does that help a bit in  
19 terms of assessing whether or not you think that  
20 they would have added anything to it at this  
21 point?

22 A. Yeah, I can't be 100  
23 percent if they did.

24 Q. So in your December 5th  
25 e-mail -- Registrar, if you don't mind calling out



1 459 and 460 again. So you indicate in this e-mail  
2 to Mr. McGuire and Ms. Cameron that there are a  
3 couple of reports from Golder that are missing.  
4 What steps did you take to identify consultant  
5 reports that might be relevant from Golder, such  
6 that you were sending this e-mail to Mr. McGuire  
7 on December 5th about missing Golder reports?

8 A. If you go back to the  
9 catalog now.

10 Q. Registrar, if you can do  
11 that for Mr. Sharma, please.

12 A. If you can zoom in to  
13 line 16, "pavement and materials policy review."  
14 That's good too. So I think these are the reports  
15 that I am referring to, and to answer your  
16 question, how did I know that these were the  
17 reports, I think Domenic asked me to look at PMTR  
18 reports and that's how I would have got these  
19 reports here.

20 Q. So just to make sure I  
21 have that right, it's lines 15 to 17, so the three  
22 PMTR reports for phase 1, 2 and 3 are the reports  
23 from Golder that you weren't able to locate?

24 A. I think so, yes.

25 Q. What steps did you take

1 to try and locate those reports?

2 A. So in my usual process, I  
3 would reach out to -- I would reach out to the  
4 managers or the SPMs who were involved or who  
5 would have knowledge of these projects, and I  
6 would have probably reached out to the managers at  
7 that time.

8 Q. Do you have a specific  
9 recollection of reaching out to a manager about  
10 these missing reports?

11 A. I think I reached out to  
12 Marco and Susan.

13 Q. So Marco Otti and Susan  
14 Jacob?

15 A. That's correct, yes.

16 Q. They weren't able to  
17 provide you with copies of three PMTR reports?

18 A. No, they weren't.

19 Q. After you sent this  
20 e-mail, did you take additional steps to find the  
21 three missing PMTR reports?

22 A. I think we did find some  
23 report. It was located in -- it was located  
24 with Rich Shebib in the geomatics corridor  
25 section, and that was provided to audit services.

1 I'm not sure exactly which phases we found, but I  
2 think we found most of them.

3 Q. So on reviewing this  
4 catalog, I don't see a reference to either the  
5 2014 Golder report or the Tradewind Report in this  
6 version, which again is from December 5th, 2018.  
7 Why weren't those reports included in the catalog?

8 A. Firstly, I didn't supply  
9 those reports to audit services, so one of the  
10 reasons is possibly that, that it wasn't recorded  
11 on this catalog because of that. And if do you  
12 look at -- this catalog, again, was meant to track  
13 most of the reports that I was sending, and it's a  
14 very point of time view of this catalog or  
15 tracker, what would you call it, and when you look  
16 at the final version of this document, that has --  
17 that has recorded the Red Hill Valley Parkway six  
18 year review. I think the appendices to that  
19 report is the Golder or the Tradewind Report.

20 Q. So I can take you to what  
21 I believe the document that you're referencing is.  
22 Registrar, can you keep this on hand but pull up a  
23 native version of HAM64380.

24 A. I just want to add one  
25 more thing to it. So the document that you showed

1 was -- you said was December 5th, right?

2 Q. Yes.

3 A. If Domenic would have  
4 gotten the report on, let's say, December 4th or  
5 5th, I didn't really send him the report, but it  
6 was my personal document. If it wasn't updated by  
7 way -- you know, nobody was really focusing on, as  
8 I was, on tracking these documents for myself than  
9 to supplying information. I think that was the  
10 bigger focus for us.

11 Q. Just before I take you  
12 into this, which I believe is the updated version  
13 you're referencing.

14 A. That's correct.

15 Q. As of November 27th, you  
16 had been involved in the back and forth with Mr.  
17 Pellegrini about the redacted 2014 Golder report,  
18 although you gave evidence earlier today that you  
19 didn't know what report that was. It's not  
20 mentioned on the December 5th version of this  
21 report. Did you have any discussions with Mr.  
22 McGuire in respect of the December 5th, 2018  
23 version of the catalog about including that  
24 redacted report?

25 A. Sorry, could you repeat

1 your question again. Sorry, if you don't mind,  
2 from the start, if you don't mind.

3 Q. Of course. As of  
4 November 27th, we looked at e-mail chains earlier  
5 today that indicate that you had been involved in  
6 back and forth with Mr. Pellegrini and Mr. Brown  
7 and Ms. Minard in the office of the City auditor  
8 about the redacted report that had been sent to  
9 audit. You gave evidence that you did not know  
10 what report that was that had been redacted, but  
11 we did see that you were copied on e-mail chains  
12 going back and forth in November.

13 Around the time that you were  
14 preparing the December 5th, 2018 version of your  
15 catalog or tracker of documents sent to audit, did  
16 you have any discussions with Mr. McGuire about  
17 that report that had been sent to audit and  
18 whether or not it should be included on your  
19 tracker?

20 A. Sorry, I just want to  
21 take you back on your question first.

22 So the e-mail that you're  
23 talking about on November 27th that was about the  
24 redaction of the Red Hill Valley report. Even if  
25 you read the e-mail, it talks about Red Hill

1 Valley report. I didn't know what was the content  
2 in the report at that time, right? That wasn't my  
3 role to begin. My role was strictly data that was  
4 provided to me. So you said the evidence that was  
5 given, that I had no knowledge -- I didn't have  
6 knowledge what was included or what was in the  
7 content of the report, and if you can see the  
8 title, I mean, I was calling it the Red Hill  
9 Valley report, and that's what was told to me by  
10 Domenic.

11 Coming down to the final part  
12 of your question. The tracker or the audit  
13 catalog, I think the final -- the version that you  
14 have in front of you does have the Red Hill Valley  
15 report. If you go down --

16 Q. Yeah, it's at line 39.  
17 Registrar, if you can take us there.

18 A. Here we go, yes. So till  
19 day -- till going through these documents, I still  
20 didn't know what the Red Hill Valley Parkway  
21 detail safety analysis was, and I -- so I included  
22 whatever information I had given to audit. And I  
23 and Diana, I think we updated this catalog, but it  
24 was never meant to be a final product for -- to be  
25 given to audit services or anybody. It was a

1 personal tracker for tasks that I was doing.

2                   So to answer -- to complete  
3 the answer to the question, I think my role for  
4 the audit was to supply information to audit  
5 services. On December -- I think December --  
6 whenever Domenic came and he got the copy, that  
7 was the most important part of him receiving the  
8 information that he was requesting. The catalog  
9 here was -- did update with all the information  
10 that was needed, and I'm not sure what time it was  
11 entered here, but that's the final copy of the  
12 catalog that's in front of you. So I hope that  
13 answers the question.

14                   Q. I think that the question  
15 that I was trying to get at was at some point in  
16 advance of December 5th, 2018, did you ever  
17 approach Mr. McGuire and ask him if the redacted  
18 report that had been sent to the auditor should be  
19 represented on the catalog or the list of  
20 documents that you were preparing and maintaining?

21                   A. No, because, again, it  
22 wasn't something that I was sending. It was my  
23 director who was sending that information to him,  
24 so I didn't see a point of putting information  
25 that anybody else except -- anybody else would be

1 sending to the auditor as this was my own personal  
2 live document.

3 Q. When you sent the  
4 December 5th version of the Excel sheet to Mr.  
5 McGuire and Ms. Cameron, did either of them ever  
6 approach you and indicate that there was a report  
7 that had been missing that -- did either of them  
8 ever approach you and indicate that the redacted  
9 report that had been sent to the auditor should be  
10 reflected on your spreadsheet?

11 A. No, I don't think they  
12 did, no.

13 Q. So we're now looking at  
14 this version of the Excel sheet that has been  
15 recently produced and we see that there is a  
16 reference to the Red Hill Valley Parkway  
17 performance review after six years in service,  
18 which is the 2014 Golder report. Do you recall  
19 when you made that entry into this spreadsheet?

20 A. I'm not sure when that  
21 entry was made, no.

22 Q. Would it have been before  
23 or after the existence of the 2014 Golder report  
24 and Tradewind Report were made public?

25 A. It was possibly before,



1 but again, I can't pinpoint a date for certain  
2 when it was entered.

3 Q. Do you know when this  
4 version of the spreadsheet actually dates to?

5 A. So, do you mean when the  
6 spreadsheet was made, or do you mean at what point  
7 in time the --

8 Q. I'm just trying to get a  
9 sense of when this spreadsheet actually was  
10 created, and the document properties indicate that  
11 it was last modified or saved on, I think  
12 June 6th, 2019, but I don't have a sense of when  
13 this is actually coming from because there's no  
14 covering e-mail or other indication of when this  
15 entry was added onto your catalog between the  
16 December 5th version we were looking at and the  
17 June 6th, 2019 final date in the document  
18 properties. So I just wondered if you had any  
19 sense of when you made that change or how  
20 consistently you were updating the catalog over  
21 time?

22 A. So the catalog was being  
23 updated over time. I wouldn't call myself 100  
24 percent consistent, you know, you send an e-mail,  
25 you update it right away. But it was being

1 updated -- there were times that there were months  
2 that when Domenic was gone on vacation or Gord was  
3 away or there was no activity that was happening  
4 in the audit, it wasn't updated. But mostly if  
5 you were sending out reports or updates, it was  
6 getting updated, but it was -- again, I know I've  
7 said this before, but it was a personal tracker  
8 for my own tasks and I didn't really -- I did want  
9 to make sure all the information that was being  
10 recorded or that was being asked for from audit  
11 was being tracked by me, and I made sure that  
12 information was being supplied, and I think that  
13 was the whole genesis of this document. It was so  
14 wide that whenever we would get a request, we  
15 would send the documents and we would probably  
16 update it. So I can't be exact when was this  
17 entry added to it. Sorry, that's a long-winded  
18 answer to a simple question.

19 Q. So you had indicated that  
20 you think there was a point at which Ms. Cameron  
21 and possibly Mr. McGuire also made additions to  
22 this document. So this line in the version that  
23 we're looking at --

24 A. Not Mr. McGuire. I don't  
25 think Gord ever made an addition. It was

1 generally updated between Diana and I, and mostly  
2 me.

3 Q. So this line here, line  
4 39, which is a reference to the 2014 Golder  
5 report, did you put this into the spreadsheet?

6 A. I can't be for certain.  
7 It could be me or Diana, either/or. It could have  
8 been me who entered this into the spreadsheet, but  
9 I can't be 100 percent certain.

10 Q. So this is marked as  
11 having been provided to audit services?

12 A. That's correct.

13 Q. Did you ever send an  
14 unredacted copy of the 2014 Golder report to audit  
15 services?

16 A. I think on December 5th  
17 or 4th when Domenic came down to the office and he  
18 received a copy, that was my knowledge of when he  
19 would have gotten a copy for the Red Hill Valley  
20 report.

21 Q. So if you made this  
22 entry, it would have been based on your  
23 understanding that Mr. Pellegrini had obtained a  
24 copy of the report on December 4th, 2018, when he  
25 visited the office?

1                   A.    If I made this entry,  
2 possibly, but I'm not 100 percent sure if I did or  
3 who made the entry.

4                   Q.    Based on your prior  
5 evidence today, it had been my understanding that  
6 you didn't know what report it was that Mr.  
7 Pellegrini was reviewing in the engineering  
8 services office on December 4th, 2018. Do I have  
9 that right?

10                  A.    Yes. I knew it was the  
11 Red Hill Valley report. That's what I knew.

12                  Q.    If that's the case, how  
13 would you have been able to make this entry, which  
14 sets out the specific name of the 2014 Golder  
15 report, in your Excel spreadsheet based on Mr.  
16 Pellegrini's visit to the office on December 4th,  
17 2018?

18                  A.    Again, I mean, it could  
19 have been me or Diana who were putting this  
20 entries together. It could have been Diana who  
21 could have reached out to me and said, we did  
22 provide this report; can you add this to your  
23 catalog. I'm not 100 percent sure how this entry  
24 was added to the catalog.

25                  Q.    So you don't have a

1 specific recollection one way or the other about  
2 how this content got onto the Excel sheet?

3 A. No, but -- no, I don't,  
4 no.

5 Q. After the Tradewind  
6 Report and the 2014 Golder report were made public  
7 in 2019, did you ever send Mr. Pellegrini or  
8 anyone else in audit services another, different  
9 unredacted copy of the 2014 Golder report?

10 A. I wasn't asked by audit  
11 to send them a copy, so if I did, then if they  
12 would have asked, I would have send it; if they  
13 didn't ask, I wouldn't have sent it to them.

14 Q. But you don't recall one  
15 way or the other if they asked?

16 A. No, I don't.

17 Q. Registrar, you can take  
18 this down. Mr. Sharma, I'm just going to step a  
19 little bit backwards in time back to the  
20 December 5th time period.

21 A. Okay.

22 Q. Registrar, if you could  
23 please take us to 9A, image 201, paragraph 462.  
24 I'm sorry, I have the wrong reference there. You  
25 can take that down. Before we move off of the

1 Excel sheet, I think that I do need to mark that  
2 latest version as an exhibit. Registrar, could be  
3 mark HAM64380 as Exhibit 146, I believe.

4 THE REGISTRAR: Done, counsel.

5 Thank you.

6 EXHIBIT NO. 146: HAM64380.

7 BY MS. BRUCKNER:

8 Q. Let me try this again.

9 Registrar, could you please take us to overview  
10 document 9A, image 204, paragraph 474. On  
11 December 6th, 2018, you send Mr. McGuire an  
12 updated scope for the value for money audit and  
13 you emphasize in your e-mail that the scope is  
14 still in draft stage. So you say:

15 "Attached is the updated scope  
16 statement from Domenic, which  
17 is still in draft stage. He  
18 has not yet completed his  
19 scope statement. By the looks  
20 of it, he is digging for more  
21 scope."

22 Why did you emphasize that the  
23 scope was still in draft stage at this point?

24 A. Do you have the scope  
25 statement handy?

1 Q. I do. Registrar, can you  
2 move this over to one-half of the page and bring  
3 up, I believe, HAM27699 is the scope statement.  
4 If you want to take a look at this and let us  
5 know, I can ask the Registrar to move over to the  
6 next page when you're ready.

7 A. No, that's fine. So  
8 right at the top right-hand corner, it says the  
9 scope is still in draft, and you said this e-mail  
10 was on December 6th. So, you know, I think the  
11 audit started near about in September and probably  
12 prior to that, that I don't have the knowledge  
13 for.

14 Now we're in around December  
15 when this statement is being sent and it's still  
16 in draft. The general idea about project or  
17 project management is you have a finalized scope  
18 when you initiate a project, and hence you don't  
19 know where you're going, and which avoids the  
20 biggest thing, which is scope creep on a project.  
21 And I think what I'm referring here as digging is  
22 scope creep, and I think here if you can see the  
23 statement is still in draft, so there was  
24 definitely -- there would be definitely a scope  
25 creep on the project when it goes through the

1 cycle for, you know, planning, execution and so on  
2 and so forth, right. So that's what I meant and  
3 -- yeah. And I think in this project there was  
4 scope creep. If you look at the next page --

5 Q. Registrar, could -- yeah.

6 A. If you look at the next  
7 page of this document, during this audit Domenic  
8 also looked at change orders related to sod (ph).  
9 And he also looked at road cuts and how the  
10 process for payments for road cuts was evaluated.  
11 And I don't think that is mentioned anywhere on  
12 this document. So that's all I meant, was there  
13 would be a scope creep.

14 Q. Did you ever have you any  
15 discussions with Mr. Pellegrini about scope creep  
16 or concerns from engineering services about the  
17 scope of the audit?

18 A. I think Domenic himself  
19 was trying to finalize the statement as soon as he  
20 could. At that time he just -- he was still in --  
21 the scope was still in draft.

22 Q. Registrar, you can take  
23 this down, and if you could take us to overview  
24 document 9A, image 205 and 206, at paragraph 481  
25 to 484. You can put up the next page over. You



1 can take down the scope document and put up both  
2 pages, so 205 and 206 of OD9A.

3 So starting at paragraph 481,  
4 and there's a bit of a wind-up, so I'll walk you  
5 through it. On December 6th, 2019, Mr. Pellegrini  
6 sends a calendar invitation to Mr. McGuire under  
7 the subject line "friction testing on the Red Hill  
8 Valley Parkway Expressway."

9 The same day, he sent Mr.  
10 McGuire a lines of inquiry document setting out  
11 the questions he wanted to discuss with Mr.  
12 McGuire which seemed to rise out of his review of  
13 the 2014 Golder report.

14 A. What date was that?

15 Q. This is December 6th,  
16 2018. You're copied into this chain later, which  
17 I'll take you to, but you're not copied on the  
18 initial e-mails.

19 A. Okay.

20 Q. Did Mr. McGuire ever  
21 speak to you about these requests from Mr.  
22 Pellegrini? So the lines of inquiry document is  
23 the document over on the next page. And,  
24 Registrar, if you can actually take us over -- one  
25 page over as well. You'll see that there are a

1 number of questions there specific to friction  
2 testing. And, Mr. Sharma, if you can take a look  
3 at it and let me know when you've done that.

4 A. Sure, okay.

5 Q. There are a number  
6 questions about friction testing that are set out  
7 in these lines of inquiry, but you're not copied  
8 on it. Did Mr. McGuire ever speak to you about  
9 these -- this request from Mr. Pellegrini or  
10 provide you with this lines of inquiry document?

11 A. No, he did not.

12 Q. Did you have any  
13 involvement in addressing requests from audit  
14 services that concerned friction testing on the  
15 Red Hill Valley Parkway or friction management  
16 within the City generally?

17 A. Nothing that I can  
18 recall. I do remember that Domenic, I and  
19 Charles, we visited the plant that was producing  
20 asphalt for Red Hill Valley Parkway, just to see  
21 how the process is done, but that was -- that's  
22 the best of my recollection.

23 Q. Did Mr. McGuire ever  
24 communicate to you that he was addressing  
25 questions about friction testing or friction

1 management on the Red Hill Valley Parkway with the  
2 auditor?

3 A. No, no.

4 Q. Registrar, if you can  
5 take us to OD9A, image 238, paragraph 561. You  
6 attend a meeting with Mr. McGuire, Mr. Beck, Ms.  
7 Jacob and Mr. Pellegrini on December 12th, 2018,  
8 which Ms. Cameron takes notes on, and I'll pull  
9 those up shortly. Do you recall this  
10 December 12th, 2018 meeting with Mr. Pellegrini?

11 A. I do recall being in the  
12 meeting, yes.

13 Q. Registrar, if you can  
14 take this down and pull up HAM53987, image 2.  
15 These are the notes that Ms. Cameron took at the  
16 meeting. Do you recall what your role was at this  
17 meeting on December 12th, 2018?

18 A. I think it was just to be  
19 there and if there were any data request that was  
20 coming out of the meeting and Domenic needed  
21 something, to help him get those documents.

22 Q. What was the purpose of  
23 this meeting?

24 A. So Domenic was meeting  
25 with our technical team by the looks of it because

1 (garbled audio) Gord. So the purpose would be to  
2 go over some technical questions relating to  
3 roadway and how the asphalts are tested. I'm just  
4 trying to read the notes, sorry.

5 Q. Registrar, if you call it  
6 out, the points down the side. Can you make it a  
7 little bit bigger for Mr. Sharma.

8 A. I think this was more for  
9 introduction meeting that was between Domenic and  
10 the technical group, where he was getting an  
11 overview on how the process works and engineering  
12 services.

13 Q. Was there any discussion  
14 of the 2014 Golder report, Tradewind Report or  
15 audit opening and investigation into friction  
16 management on the Red Hill Valley Parkway at this  
17 December 12th meeting?

18 A. Nothing that I can  
19 recall, no.

20 Q. So at the very top of the  
21 page, one of the -- so the fourth point down says,  
22 "slippery when wet signs should be added before  
23 the repave."

24 And then a couple, two points  
25 down from that, there's a note that says "as of

1 11:21, Domenic, had not showed up with for the  
2 11 a.m. meeting," and then it goes on to say  
3 "Domenic showed up at 11:24," and then there are  
4 some notes in bullets below that point.

5 Was the discussion about  
6 slippery when wet signs being added in reference  
7 to the Red Hill Valley Parkway?

8 A. I can't recall exactly  
9 when it was being added.

10 Q. But was it a reference to  
11 adding slippery when wet signs on the Red Hill  
12 Valley Parkway before the repaving?

13 A. Can you just go up again.  
14 Sorry.

15 Q. Sorry, Registrar, can you  
16 take us back up to the top points there.

17 A. It possibly could be, but  
18 I can't be 100 percent certain if it was.

19 Q. So the reference to Mr.  
20 Pellegrini joining the meeting is below that  
21 reference to slippery when wet signs being added  
22 before the repave. Did that discussion occur  
23 before Mr. Pellegrini arrived at the meeting?

24 A. I'm not sure. It could  
25 have occurred during or after. I'm not sure how

1 Diana was taking notes.

2 Q. Do you recall any  
3 discussion about slippery when wet signs at the  
4 meeting or what was said about them?

5 A. No, I don't.

6 Q. Did any action items  
7 arise for you out of this meeting on  
8 December 12th?

9 A. Nothing that I can  
10 recall, but if you go down in the document, we can  
11 take a look at it.

12 Q. Sure.

13 A. No, nothing that I can  
14 recall.

15 Q. Registrar, could you  
16 please pull out HAM28375 at image 2.

17 THE REGISTRAR: Counsel, do  
18 you mind repeating that.

19 MS. BRUCKNER: HAM28357.

20 THE REGISTRAR: Sorry, 28.

21 BY MS. BRUCKNER: 28357.

22 Q. Image 2, please. Thank  
23 you. So this is an e-mail that you sent to Mr.  
24 Pellegrini, copying, Mr. McGuire and Ms. Cameron,  
25 on January 31st, 2019. Registrar, if you don't

1 mind pulling out the content of that e-mail.

2 So you reference attending a  
3 meeting with Mr. Pellegrini on January 31st, 2019,  
4 and then you send him this e-mail which includes a  
5 link to an S drive folders which is described as  
6 having "details regarding the 13 projects, our  
7 current process, project charter and standards."

8 Is that a reference to the  
9 catalog or the Excel sheet that we had just been  
10 looking at.

11 A. Current process, charter  
12 and standards. No, doesn't reference that.

13 Q. So this isn't a reference  
14 to the Excel sheet we were looking at?

15 A. Well, I think this is --  
16 if I could recall, this is more to do with a  
17 meeting that Domenic and I had. Just to talk  
18 about what he was asking for.

19 Q. As of January 31st, had  
20 you provided the Excel sheet that you had prepared  
21 to Mr. Pellegrini?

22 A. It wasn't meant for  
23 Domenic. I wouldn't have given it -- it was my  
24 own personal tracker for (garbled audio.) I mean,  
25 I had other tracker for my other projects, so I

1 wouldn't have provided that to Domenic.

2 Q. Had you provided the  
3 documents collected and marked off as having been  
4 collected in that Excel sheet to Mr. Pellegrini at  
5 this point?

6 A. I don't think all the  
7 documents were given to Domenic at that time. He  
8 could have come back -- or if there were documents  
9 given to him, he could have come back with more  
10 questions related to those documents, because I do  
11 remember him asking some questions related to --  
12 sorry, I forgot the term, what I was going to  
13 say -- related to change orders for those 13  
14 projects. And there was a bit of discussion  
15 around that.

16 Q. Were you generally  
17 sending information to him on a piecemeal base ore  
18 were you --

19 A. It was very -- very, very  
20 on a piecemeal basis. As soon as I would received  
21 it, I would have sent it to him.

22 Q. So there's also meeting  
23 minutes from your meeting with Mr. Pellegrini set  
24 out in this e-mail. Are these your minutes? So  
25 they are the points that follow notes are below



1 the meeting minutes?

2 A. Yes.

3 Q. Can you help me out with  
4 these points. Are these action items that are  
5 arising out of the meeting, or what exactly do  
6 these points represent?

7 A. I think these are action  
8 items that are-- some action items and some  
9 questions that are arising out of the meeting.

10 Q. So there's a point that  
11 says, "How do we know the asphalt in the ground is  
12 what was passed in the test?" Do you recall what  
13 that is a reference to?

14 A. I think that was a  
15 question related to QA and QC of asphalt and how  
16 that is done. And his question was how do you  
17 know if the asphalt that was being made at the  
18 plant is the same asphalt that you're getting on  
19 the truck and that's the same asphalt that's being  
20 poured on the road. I think that's what it reads.

21 Q. A few points down,  
22 there's another that says:

23 "Process in place for testing.

24 What time is the core sample

25 taken? Inspection of core

1 samples when it's being  
2 destroyed?" (As read).

3 Was that another question that  
4 came up at your meeting with Mr. Pellegrini?

5 MR. MISHRA: Sorry to  
6 interrupt. I think it's "deployed," not  
7 "destroyed."

8 BY MS. BRUCKNER:

9 Q. You're right.  
10 Correction. Deployed. But the question remains.  
11 Is that a question that came up from Mr.  
12 Pellegrini during your meeting?

13 A. Yeah, it probably could  
14 have. I mean, if it's noted here, it probably --  
15 the discussion at that time was by looking at  
16 these notes, it was around QA/QC processes that we  
17 follow, and these are the questions that were  
18 around that.

19 Q. Was there a substantive  
20 discussion about testing processes for pavement  
21 and asphalt at this meeting between yourself and  
22 Mr. Pellegrini?

23 A. I wouldn't call it a  
24 discussion. My background is not asphalt and  
25 it -- you know, my background is not testing

1 asphalt. There is a specific person in  
2 engineering services that does this. So he would  
3 have been asking me questions, and I would have  
4 been noting it down for him, or I would have told  
5 him that I would get back to him with the answers,  
6 but it certainly wasn't a discussion with him, no.

7 Q. So you would have taken  
8 these questions back to someone else within  
9 engineering services?

10 A. That's correct, yes.

11 Q. Who would you have taken  
12 these questions back to?

13 A. So I think if this was  
14 related to QA/QC, just Rich Thompson, the  
15 technical team, it would be Mike Beck and Tyler  
16 Renaud.

17 Q. Did you have any  
18 discussions about friction testing or the 2014  
19 Golder or Tradewind Report at this January 31st,  
20 2019 meeting?

21 A. No, I didn't.

22 Q. Registrar, could you  
23 please take us to HAM28357. At image 1. So this  
24 is the response from Mr. Pellegrini on  
25 February 1st, 2019, and he asks you if you can

1 restrict access to the S drive folder that you had  
2 created so that some of the information on -- can  
3 you restrict access so that some of the  
4 information on there that may confidential will  
5 not be accessed by anyone. And did you take steps  
6 to restrict that S drive folder?

7 A. No, I did not. I think  
8 Diana took steps.

9 Q. So he goes on to say:  
10 "In this e-mail yesterday  
11 during our meeting, you  
12 mentioned that you may be  
13 putting the FOI information on  
14 there as well."  
15 Can you tell me what that is a  
16 reference to?

17 A. There was an FOI at that  
18 time Diana was working on, and during that  
19 meeting, Domenic would have requested the FOI  
20 information and we would have supplied that to  
21 him.

22 Q. And so your response to  
23 this e-mail on the same day, you say:

24 "Diana will be setting up a  
25 meeting between three of us,

1                   and Gord will be delivering  
2                   all material related to the  
3                   FOI in person."

4                   Were you involved at all in  
5   the collection of those documents relating to the  
6   FOI?

7                   A.    No, I wasn't.

8                   Q.    Did you review  
9   information that you collected for the audit  
10   response and provide information that might be  
11   relevant to the FOI to the person tasked with  
12   collecting the FOI documents?

13                  A.    Sorry, could you repeat  
14   that question.

15                  Q.    Did you take a look at  
16   the documents that you had collected to respond to  
17   the audit to see if any of them would be relevant  
18   to the FOI requests?

19                  A.    No, I didn't.  FOI was  
20   Diana's task that she was working on with  
21   communications I think, so I had no -- I had no  
22   visibility of what was going in the FOI or what  
23   should be going into an FOI.

24                  Q.    Was it your understanding  
25   that someone else was charged with looking at the

1 documents collected to respond to the audit to see  
2 if there was anything there that was relevant to  
3 the FOI request?

4 A. I can't be certain if  
5 there was somebody tasked or somebody wasn't  
6 tasked, but I think most of the documents that  
7 were related to FOI or -- that were related to FOI  
8 and audit were already in the FOI.

9 Q. At this point in time  
10 what, if anything, did you know about the scope of  
11 the FOI request?

12 A. I didn't really know the  
13 scope of the FOI request. No.

14 Q. Did you have any  
15 discussions with Mr. McGuire about why he was  
16 providing this information to Mr. Pellegrini in  
17 person as opposed to through the S drive link that  
18 you had sent?

19 A. No, I don't. I think it  
20 was probably a box of information and it would be  
21 hard to scan it again, but I can't be certain. I  
22 don't want to speculate.

23 Q. So there's a reference in  
24 your response to a meeting between the three of  
25 us. Do you recall if that meeting took place?

1                   A.    It probably did, if it's  
2 mentioned here.  Probably after February if he was  
3 delivered the information but....  I can't be  
4 certain if it did.

5                   Q.    Do you know what the  
6 purpose of that meeting was?

7                   A.    It was just probably  
8 delivering the information for FOI that he was  
9 requesting.

10                  Q.    Did you ever have any  
11 meetings with Mr. McGuire or Mr. Pellegrini or Ms.  
12 Cameron at which the Tradewind Report was  
13 discussed?

14                  A.    No, I didn't.

15                  Q.    Did you ever attend any  
16 meeting with Mr. McGuire, Mr. Pellegrini or Ms.  
17 Cameron at which the 2014 Golder report was  
18 discussed?

19                  A.    No, I didn't.

20                  Q.    Moving forward a bit in  
21 time, on February 6, 2019 -- Registrar, you can  
22 take this down -- the City publicly released the  
23 Tradewind Report, and there was a press release  
24 and communication to staff about that report.  Is  
25 it your evidence that you learned about the 2014

1 Golder report and the Tradewind Report in  
2 connection with that press release?

3 A. About the content of the  
4 report? Yes, around that.

5 Q. Do you have knowledge  
6 of -- did you have some other knowledge of the  
7 report, prior to the release?

8 A. Well, if you go back to  
9 the e-mail about redaction, I think that was the  
10 Red Hill Valley report that was being -- so  
11 looking here, sitting here today, I do understand  
12 that was a report that was redacted at that time,  
13 but the release of the information and the content  
14 of it was -- I knew about the content. Everybody  
15 else knew about it during the public release.

16 Q. Prior to the public  
17 release on February 6, 2019, you've mentioned a  
18 couple times realizing that in hindsight that was  
19 the report that was redacted. Did you know that  
20 that was the report that had been redacted prior  
21 to February 6, 2019, when the report was made  
22 public?

23 A. No.

24 Q. Registrar, could you  
25 please take us to overview document 10A, image 36



1 to 37. So on February -- this is the very bottom  
2 of the first image and over on to the top of the  
3 next image, for context. On February 11th,  
4 Mr. Pellegrini e-mails you and Mr. McGuire under  
5 the subject line "Red Hill Valley Parkway friction  
6 testing." And he writes:

7 "Public report number  
8 PW18008A, LINC and Red Hill,  
9 transportation and safety  
10 update refers to three  
11 friction tests that were  
12 completed recently, namely,  
13 the British pendulum test, the  
14 measured texture depth, and  
15 the polished stone values.  
16 Can you please provide me with  
17 documentation showing these  
18 tests and their results. I  
19 need this documentation to  
20 verify your statement in the  
21 report."

22 At this point -- so this is  
23 after the disclosure of the Tradewind Report,  
24 February 11th -- what is your role in the value  
25 for money audit?

1                   A.    I think at this time my  
2    role kind of started going away because most of  
3    the information was supplied to audit services.  
4    Sorry, I'm not sure how the reply worked on this  
5    e-mail.  But if Domenic was requesting any  
6    information through me, I would have probably  
7    given that to him.  But my role, to answer your  
8    question, was towards the end of -- towards the  
9    end of the project.

10                  Q.    At this point, when your  
11    being copied on a request for friction testing  
12    information, were you aware that the auditor was  
13    specifically looking at friction management on the  
14    Red Hill Valley Parkway?

15                  A.    Well, if I'm being cc'd,  
16    I probably did look at it at that time but  
17    didn't -- yeah, probably did look at it at that  
18    time that he was asking for it.

19                  Q.    Were you aware that the  
20    auditor was making specific inquiries into  
21    friction testing on the Red Hill Valley Parkway in  
22    and around this time?

23                  A.    Aware as in from the  
24    e-mail or as in general awareness?

25                  Q.    Either/or.  Were you

1 aware that there was a specific inquiry into  
2 friction management on the Red Hill Valley  
3 Parkway?

4 A. I think if I was sent  
5 this e-mail, that I would have read it or maybe  
6 would have paid some attention to it, and if he  
7 would have asked me for information about it, then  
8 I would have tried supplying it to him. That's  
9 pretty much my knowledge about it.

10 MS. BRUCKNER: Commissioner, I  
11 think that I have about 10 more minutes of  
12 questioning, but I also see that I have come up on  
13 our regular lunch break time. I'm happy to take  
14 the lunch break now and see if I can shorten my  
15 questions a little bit over the break or to go  
16 ahead.

17 JUSTICE WILTON-SIEGEL: Okay.  
18 Well, then why don't we do that. Is it  
19 appropriate for counsel to stay on the line for a  
20 few minutes? I'll leave that you to. We'll take  
21 a break. It's now 1 o'clock. We'll return at  
22 2:15.

23 --- Recess taken at 1:01 p.m.

24 --- Upon resuming at 2:16 p.m.

25 MS. BRUCKNER: Commissioner,

1 may I proceed?

2 JUSTICE WILTON-SIEGEL: Please  
3 proceed, Ms. Bruckner.

4 MS. BRUCKNER: Registrar,  
5 could you please pull up HAM55075, at images 2 and  
6 3.

7 THE REGISTRAR: Sorry,  
8 counsel, did you say 55075?

9 MS. BRUCKNER: 55075. Images  
10 2 and 3.

11 BY MS. BRUCKNER:

12 Q. So, Mr. Sharma, this is  
13 an e-mail that Mr. Pellegrini writes to you and  
14 Mr. McGuire on March 28, 2019, and there are a  
15 number of questions in this e-mail exchange. Some  
16 of them you'll see are highlighted in red as  
17 compared to the black text. Do you want to take a  
18 moment and review that?

19 A. No, I should be okay.

20 Q. So there's a first line  
21 here about an S drive in the public works  
22 engineering services group for the PMTR reports.  
23 Do you recall if this is the same S drive folder  
24 that you had sent to Mr. Pellegrini earlier in  
25 December?

1 A. Yes, should be.

2 Q. So this would be the  
3 folder that he had asked you to restrict access  
4 to?

5 A. It could be a specific  
6 folder that he might have asked. I'm not sure if  
7 this was the folder that had restricted access or  
8 a different folder.

9 Q. So as you'll see taking a  
10 look at the red questions, there are a number of  
11 additional questions from Mr. Pellegrini in this  
12 e-mail. And, Registrar, if you can take us to  
13 image 1 of this document. So Mr. McGuire forwards  
14 this e-mail to Bridgette Minard, who is with the  
15 office of the City auditor, and he responds to  
16 her, and he says:

17 "The value for money audit on  
18 asphalt has been underway for  
19 close to a year now. We have  
20 put enormous efforts into the  
21 technical and performance  
22 phases."

23 And he goes on to specifically  
24 address this request from Mr. Pellegrini. One of  
25 the things that I noticed is that you're not

1 copied on this reply to Ms. Minard. At this point  
2 in time, so this is March 2018, what involvement,  
3 if any, did you have in responding to these new  
4 questions raised by Mr. Pellegrini in his e-mail  
5 to you and Mr. McGuire?

6 A. Sorry, could you repeat  
7 that question again.

8 Q. Yeah. So I'll summarize  
9 it a little bit, but I notice that when Mr.  
10 McGuire forwards this e-mail and responds to Ms.  
11 Minard, you're not copied on this anymore. So my  
12 question to you is, as of March 2018, what  
13 involvement, if any, did you have in responding to  
14 these questions that Mr. Pellegrini had raised in  
15 his e-mail to you and Mr. McGuire?

16 A. I think my involvement  
17 was I was trying to find then the PMTR reports.  
18 If I wasn't copied on the reply to this e-mail, I  
19 wouldn't know what Gord or Bridgette Minard were  
20 discussing, but I think our -- if he would have  
21 asked me for PMTR reports, I think they were  
22 provided to him.

23 Q. At this point in time,  
24 were you still the point person for the value for  
25 money audit within engineering services, or was

1 that a role that Mr. McGuire had started to take  
2 on?

3 A. I think we were trying to  
4 switch away from it. Yeah, I think I still was  
5 the point person, yes.

6 Q. So in Mr. McGuire's  
7 e-mail to Ms. Minard over on the next page, he  
8 says:

9 "This request is now asking if  
10 we have circumvented roster  
11 process and will require a  
12 detailed search of Gary  
13 Moore's former e-mails and a  
14 review of the assignments.  
15 Also a discussion with  
16 procurement and potentially  
17 legal."

18 Were you involved in drafting  
19 this response to Ms. Minard?

20 A. No, I wasn't.

21 Q. Did you have any  
22 conversations with Mr. McGuire about searching  
23 Mr. Moore's former e-mails?

24 A. No, I did not.

25 Q. Did you know that that

1 was something that was being considered?

2 A. No.

3 Q. To your knowledge, had a  
4 search of Gary Moore's files or e-mails been done  
5 before this e-mail exchange in connection with the  
6 value for money audit?

7 A. I'm not sure about that,  
8 no.

9 Q. When you say you're not  
10 sure about that, is it something that you had ever  
11 had done or been involved in?

12 A. No, I wasn't.

13 Q. Registrar, you can take  
14 this down, and if you can take us to overview  
15 document 10A at image 204, paragraph 530.

16 On June 13th, 2019, Mr.  
17 Pellegrini e-mails you under the subject line  
18 "Projected v actual expenditure on the Red Hill  
19 Valley Parkway and LINC." He writes:

20 "As discussed yesterday,  
21 attached is my attempt to  
22 compare the actual  
23 expenditures on the Red Hill  
24 Valley Parkway and LINC with  
25 the expenditures projected by



1 Stantec in their 2007 report.  
2 The Stantec report is the only  
3 projected expenditures I could  
4 find that relate specifically  
5 to the lifecycle --"

6 It says "coast," but I think  
7 it's intended to say:

8 "-- costs for these roads."

9 And he says:

10 "Could you please discuss  
11 these with Gord and other  
12 staff in engineering services  
13 to see if other funds were  
14 spent on the upkeep of these  
15 two roads."

16 Do you recall receiving this  
17 e-mail from Mr. Pellegrini?

18 A. Yes.

19 Q. As of -- at the time that  
20 you receive this e-mail, had you ever seen a copy  
21 or reviewed a copy of the sustainability plan?

22 A. I did. After this e-mail  
23 I did have a copy of the sustainability plan. I  
24 think it was even circulated to Domenic prior to  
25 this e-mail.

1 Q. Okay. Registrar, can you  
2 pull up HAM58035 in native. For your reference,  
3 Mr. Sharma, this is the Excel document that was  
4 attached to that e-mail that we were just looking  
5 at. If you could take us over to the tab that  
6 says Red Hill Valley Parkway. I don't know if  
7 there's a way to zoom in on this a little bit.

8 So this is the attachment to  
9 that e-mail that Mr. Pellegrini had sent about the  
10 expected and actual costs. This is the sheet on  
11 the Red Hill, and you'll see that under the  
12 projected costs, every couple of years -- there's  
13 a reference to skid testing every two years, and  
14 then there are some references to the actual  
15 activity that was undertaken on the Red Hill  
16 Valley Parkway. For example, in 2013 under  
17 "activity," you'll see Red Hill Valley Parkway  
18 skid resistance, Tradewind is listed.

19 A. Okay. Yeah.

20 Q. To your knowledge, at the  
21 time that this e-mail was exchanged, so this is  
22 June 2019, had anyone provided the auditor with  
23 information about MTO friction testing that had  
24 been carried out in 2007 or in through to 2014?

25 A. To my knowledge, I'm not

1 sure if it was provided or not.

2 Q. Would that have been  
3 something that you would have been responsible for  
4 sending to the auditor?

5 A. No.

6 Q. On receipt of this Excel  
7 sheet from the auditor, did you take steps to  
8 speak to staff within engineering services to see  
9 if steps had been taken or there were other  
10 activities that should have been listed under  
11 actual intervention and costs for the Red Hill?

12 A. Yes, I think I sent this  
13 e-mail to Rick Andoga and asked him what was --  
14 the information that Domenic was asking for.

15 Q. Registrar, can you take  
16 this Excel sheet down and take us into HAM58032,  
17 at image 1. I'm going to take you to the e-mail  
18 that you sent to Mr. Andoga in a moment, but  
19 there's one prior e-mail that I wanted to ask you  
20 about first. So this is an e-mail that you send  
21 to Mr. McGuire, copying Erika Waite, who I believe  
22 at this point is the manager in asset management.  
23 And it appears -- so you send it to Mr. McGuire  
24 and Ms. Waite. Mr. Pellegrini doesn't seem to be  
25 copied on it but it's addressed to him. And you

1 say:

2 "Thank you for your e-mail.  
3 We will have a discussion  
4 internally about compiling the  
5 requested data, mostly of  
6 preventative maintenance,  
7 including crack filling, crack  
8 sealing, surface treatment,  
9 microsurfacing and such  
10 related activities are handled  
11 by road maintenance, which is  
12 part of transportation,  
13 operation and maintenance."

14 I'm not sure if this is Tom or  
15 T-O-M, but I think it's:

16 "Tom should be able to assist  
17 you with most of the required  
18 information. Can you please  
19 let me know the timeline for  
20 this request."

21 So just stopping there, is  
22 this a draft e-mail that you had prepared for Mr.  
23 Pellegrini and then circulated to Mr. McGuire and  
24 Ms. Waite?

25 A. Yes.

1 Q. When you say that most of  
2 the preventative maintenance would be handled by  
3 transportation, operation and maintenance, where  
4 are you getting that information from?

5 A. I was getting that  
6 information from Erika Waite.

7 Q. So she provided you this  
8 information and then you put it into this draft  
9 e-mail?

10 A. Yeah, just to make sure  
11 that if what I was saying, does it make sense or  
12 not. Again, my background is in roads, so just  
13 wanted to make sure there's no confusion when that  
14 e-mail goes out.

15 Q. So I don't think that  
16 I've seen a version of this e-mail that actually  
17 goes to Mr. Pellegrini. Did Mr. McGuire and Ms.  
18 Waite sign off on this e-mail?

19 A. I think they did, yes.

20 Q. Do you think that you  
21 sent it to them?

22 A. Yes.

23 Q. To Mr. Pellegrini, I'm  
24 sorry?

25 A. Yes.

1 Q. Registrar, you can take  
2 this down, and if you can take us to overview  
3 document 10A, image 204, paragraph 532. So you  
4 forwarded Mr. Pellegrini's e-mail to Mr. Andoga,  
5 and we had just discussed you speaking to Ms.  
6 Waite as well about this the request. Why did you  
7 forward this to Mr. Andoga specifically?

8 A. Rick -- Mr. Andoga was  
9 the subject matter expert for roads in our  
10 performance team, and that's why I was sending the  
11 e-mail to him.

12 Q. So you said "the subject  
13 matter expert for roads in our performance team."  
14 What exactly does that mean?

15 A. Mr. Andoga's role was to  
16 program roads, and I think he had been doing it  
17 for the last 10, 15 years and so he understood --  
18 to my understanding, he knew pretty much  
19 everything about roads and that had to be (garbled  
20 audio), and that's why he was a subject matter  
21 expert.

22 Q. So you sent it to him on  
23 the basis that it was your understanding he was  
24 the expert?

25 A. Especially when it came

1 to asset management. That was his section.

2 Q. Did you have any  
3 discussions with Mr. Andoga about the spreadsheet  
4 showing the projected and the actual costs that  
5 Mr. Pellegrini had sent you?

6 A. Yes, I did, yes.

7 Q. What did you discuss with  
8 respect to that spreadsheet?

9 A. I think I wanted to get  
10 the report, a paper copy of the report from him,  
11 if he had one.

12 Q. So I'm going to take you  
13 to the e-mail exchange that you had with him, and  
14 you can let me know if there are any additional  
15 conversations that you had aside from the e-mail  
16 that we're about to look at. Registrar, could you  
17 please take us to HAM58044. So this is --  
18 actually, can you pull over the next page as well.

19 So Mr. Andoga responds to you,  
20 and I can take you to this in the overview  
21 document if you'd like, but he tells you that the  
22 sustainability plan was never presented to  
23 council, and you then pass that information on to  
24 Mr. Pellegrini in this e-mail that we're looking  
25 at here. Following this exchange, did you take

1 any steps to determine if any of the  
2 recommendations from the sustainability plan set  
3 out in the Excel sheet that Mr. Pellegrini had  
4 sent you had been implemented by engineering  
5 services staff or public works staff?

6 A. Sorry, if you could take  
7 me back to the overview document, to Rick's  
8 e-mail.

9 Q. Registrar, could you  
10 please take us to overview document 10A, image  
11 205, paragraph 533, I believe.

12 A. So by the e-mail -- you  
13 said it was never presented to council? I think  
14 it was presented to council and it was received.

15 Q. No, I'm sorry, I may have  
16 misspoken. It may have been me. I meant to say  
17 that it was presented to council and not approved.

18 A. Yes. That's correct.  
19 Anything was presented to council, the report was  
20 received.

21 Q. So then you passed that  
22 information on to Mr. Pellegrini. Following that  
23 exchange, did you take any steps to determine if  
24 any of the recommendations from the sustainability  
25 plan, which were set out in Mr. Pellegrini's Excel



1 sheet, had been implemented by engineering  
2 services or public works staff?

3 A. It was my understanding  
4 after receiving this e-mail from Rick, that none  
5 of the steps were implemented because there was no  
6 budget to implement them and the budget wasn't  
7 approved. So that was my understanding after  
8 receiving this e-mail.

9 Q. Did you take any steps to  
10 determine if there was any other activity taken on  
11 the Red Hill Valley Parkway that should have been  
12 reflected in that Excel sheet?

13 A. If there -- I did ask  
14 Rick if there was any activities, he would have  
15 mentioned it in this e-mail, but I don't think  
16 there was any additional information that he  
17 thought was relevant.

18 Q. So just to clarify that  
19 answer, are you saying that you would have  
20 expected him to advise in this e-mail response or  
21 that you had a separate conversation with him  
22 where he indicated that there weren't other  
23 activities that should have been reflected?

24 A. He should have reflected  
25 that in this response here.

1 Q. When you were compiling  
2 information for the value for money audit, did you  
3 ever come across any other maintenance plan that  
4 was put in place for the Red Hill Valley Parkway?

5 A. No, I think this was the  
6 only one that I came across.

7 Q. Registrar, you can take  
8 that down, and if you could take us to overview  
9 document 10A, images 237 and 238, paragraph 606.  
10 So on June 16th, 2021, Mr. Brown, the auditor,  
11 submits the road's value for money audit report to  
12 council. Have you read the value for money audit  
13 report?

14 A. Yes.

15 Q. Did you have a role in  
16 implementing the recommendations that came out of  
17 that report?

18 A. No.

19 Q. Why did you review the  
20 report?

21 A. I think because I was  
22 involved in the process, you know, had so many  
23 interactions about it. You know, you do have a  
24 curiosity how it all rolled out.

25 Q. What view, if any, did

1 you have about the findings and discussions in the  
2 value for money audit report?

3 A. I think Domenic did a  
4 really good job in doing the audit. It was a long  
5 and strenuous process and it was one of his final  
6 audits, so I think he did a pretty good job in  
7 finalizing it.

8 Q. So this was -- it was  
9 finalized June 16, 2021, and we were just looking  
10 at some correspondence, kind of over the summer  
11 of 2019. Did you have a role in providing  
12 information to the auditors between late 2019 and  
13 the finalization of this report in 2021?

14 A. Yes, I think audit  
15 asked -- there were other audits that were  
16 happening, which was one of the audits that -- the  
17 e-mails that you showed, which was to look at  
18 roster assignments. I think there was a third  
19 audit that was also happening, which was a  
20 complaint that happened. So there were multiple  
21 audits that were happening, but in relation to  
22 value for money audit itself, is that the  
23 question, or is the question have you provided the  
24 information to audit services?

25 Q. I was just wondering if

1 you continued to have a role as engineering  
2 services point person up to the point that this  
3 report was submitted in 2021?

4 A. I was kind of digressing  
5 from that role because I moved into a different  
6 role at that time. But for this audit, if Domenic  
7 did have some questions, he sometimes would send  
8 me e-mails and I would just send them to Gord and  
9 Diana.

10 Q. When the audit report was  
11 released, were you involved in any discussions  
12 with engineering services staff about their  
13 perceptions or impressions of the report?

14 MR. MISHRA: Sir, before you  
15 answer, Mr. Commissioner, I would like to object  
16 to this question. I'm just not sure I understand  
17 what the relevance of these conversations in 2021  
18 are to the terms of reference or this inquiry.

19 JUSTICE WILTON-SIEGEL: Ms.  
20 Bruckner?

21 MS. BRUCKNER: I mean, I'm  
22 happy to move on.

23 JUSTICE WILTON-SIEGEL: Okay.

24 BY MS. BRUCKNER:

25 Q. Just a final question for

1 you, Mr. Sharma, and I know that you changed roles  
2 before the audit report was released. But to your  
3 knowledge, was there anything put in place,  
4 project or process, that implemented the  
5 recommendations coming out of the audit report?

6 A. I was moved out. I  
7 really moved out of the role and I didn't have  
8 any -- as I wasn't in the role, I wasn't really --  
9 you know, it wasn't my role to understand if there  
10 were -- how their teams were replying to the  
11 audit, so I don't have any knowledge of that.

12 MS. BRUCKNER: Thank you very  
13 much. Those are all my questions.

14 THE WITNESS: Thank you.

15 JUSTICE WILTON-SIEGEL: So,  
16 Ms. Bruckner, I think you said that the City has  
17 some questions.

18 MS. BRUCKNER: Yes, it's my  
19 understanding that the City has 5 to 10 minutes of  
20 questions and that the other participants do not  
21 have questions for Mr. Sharma.

22 JUSTICE WILTON-SIEGEL: Then  
23 we will look to Mr. Mishra for his questions.

24 EXAMINATION BY MR. MISHRA:

25 Q. Thank you, Mr.

1 Commissioner. Mr. Sharma, I only have a couple of  
2 questions for you, so I'll try to keep this brief.

3 Mr. Registrar, can you pull up  
4 HAM11266, at image 3, please. Thank you, Mr.  
5 Registrar.

6 You'll see in your e-mail at  
7 the second paragraph, you propose to Domenic  
8 Pellegrini a continuous improvement project to  
9 implement a systematic process approach for any  
10 audit and engineering services. What was the  
11 purpose of this proposal?

12 A. The purpose of this  
13 proposal was to streamline and optimize it, you  
14 know, create efficiencies around how information  
15 was being delivered to audit services.

16 Q. In your view, what were  
17 the advantages or potential advantages of this  
18 proposal?

19 A. In my own understanding,  
20 I think it's easier to reach out to one point of  
21 contact who understands the structure for  
22 engineering services. You know, there's many  
23 sections for asset management, TCM design and  
24 construction, and then there's different data  
25 repositories that we have. There's some --

1 there's data and information that's shown on  
2 ProjectWise, on N drive, on S drive, and even on  
3 local drives, so in my view, it would be easier to  
4 have a person, one point of contact who can  
5 quickly resolve issues and get me the right  
6 information that was needed.

7 Q. Thank you. Was this  
8 proposal created to address any specific problems  
9 in engineering services response to audits?

10 A. No, there was no specific  
11 problems that the proposal was created to address.  
12 The idea, again, was just for continuous  
13 improvement.

14 Q. Thank you. Mr.  
15 Registrar, can you pull up OD9A, image 199, at  
16 paragraph 455. Perfect. Thank you.

17 You'll see that commission  
18 counsel took you to this passage in earlier this  
19 morning, and then asked you why Mr. McGuire was  
20 re-emphasizing that point in his e-mail, that all  
21 communications to auditors are through my office  
22 via Dipankar. In your testimony, in your  
23 response, you said you thought that it was because  
24 of an incident where Mr. Andoga sent something  
25 without running it through you. I don't think we

1 actually ever went to that e-mail, so just for  
2 completeness, Mr. Registrar, can you please pull  
3 up HAM27671, please.

4 THE REGISTRAR: Sorry,  
5 counsel, can you repeat that for me?

6 MR. MISHRA: Of course. It's  
7 HAM27671. And can you also pull up image 2 as  
8 well, please. Perfect. Thank you.

9 BY MR. MISHRA:

10 Q. Mr. Sharma, can you take  
11 a second to review this correspondence and let us  
12 know if this was the correspondence you were  
13 referring to in your response to Ms. Bruckner's  
14 questions?

15 A. Yes.

16 Q. I'm sorry, when you say  
17 yes, do you mean that you've reviewed it or do you  
18 mean that this is --

19 A. This is the  
20 correspondence that I was referencing.

21 Q. Perfect. Thank you. Mr.  
22 Registrar, can you zoom in on image 2, the top  
23 e-mail from Mr. McGuire. Thank you. You'll see  
24 that in the body of this e-mail he says:

25 "As below, we wanted Dipankar



1 included in all comms for this  
2 file. Sending data to the  
3 auditor without our knowledge  
4 leaves the file we retain on  
5 this with gaps. As noted, all  
6 data must flow through our  
7 process to ensure the  
8 integrity of our response. We  
9 will be replying to the audit  
10 and I need full site on the  
11 data."

12 Do you see that, Mr. Sharma?

13 A. I do.

14 Q. Do you agree with Mr.

15 McGuire's comment on why it's important that data  
16 flow through you?

17 A. Yes.

18 Q. Can you remove that call  
19 out, Mr. Registrar. And then can you call out the  
20 top e-mail on image 1 from Mr. McGuire. In this  
21 e-mail you'll see that Mr. McGuire says:

22 "The data is now out there and  
23 can't be retracted. Financial  
24 data is outside the scope of  
25 the current project charter

1 and we would have asked for an  
2 update to the requested  
3 information. As it stands  
4 now, he has a spreadsheet of  
5 historic fiscal reviews that  
6 should have come from  
7 corporate, as you pointed out  
8 below. Our data may not agree  
9 with corporate and was not an  
10 element of the current data  
11 collection. It will lead to  
12 misinterpretation of some  
13 input assuredly, and we're  
14 trying to stay on course via  
15 Dipankar."

16 And then:

17 "Please review the file with  
18 Dipankar and let's put this on  
19 track by having everyone work  
20 through my office."

21 Similar question as before:

22 Do you agree with Mr. McGuire's view that  
23 providing this data -- sorry, by providing data  
24 not through his office and through you could lead  
25 to inaccurate data being forwarded as well as data

1 that's out of scope?

2 A. Yes.

3 Q. Thank you. Mr.

4 Registrar, you can take down the call out as well

5 as this document. Mr. Registrar, do you mind

6 pulling up HAM6197, at image 2 and 3, please.

7 Perfect. Thank you.

8 In your e-mail dated

9 November 27th, 2018, you e-mailed Mr. Pellegrini

10 about a redacted, quote, "Red Hill report." You

11 testified earlier today that you had not reviewed

12 the Red Hill report nor had you seen the report

13 itself. I just want to confirm, at this point in

14 time, as of late November 2018, do you have any

15 other knowledge about the report other than what's

16 included in your e-mail?

17 A. No.

18 Q. You testified earlier

19 that were you aware of the redactions but did not

20 know who redacted the report or what the

21 redactions themselves were. In your e-mail on

22 November 27th, you noted that the report was

23 redacted as advised by legal. At this time did

24 you have any other information regarding why the

25 report was redacted?

1 A. No, I didn't.

2 Q. You'll see that Mr.  
3 Pellegrini in his e-mail requested a copy of the  
4 unredacted report on December 3rd, and then  
5 15 minutes later, Mr. McGuire responded and  
6 advised, we're happy to have you review the file.  
7 In your view, did you fail to provide  
8 Mr. Pellegrini with full access to the unredacted  
9 Red Hill report?

10 A. No, I think between  
11 December 3rd and December 5th Domenic had the  
12 unredacted copy in his hand, so I thought it was  
13 pretty (indiscernible) so...

14 Q. Perfect. Mr. Registrar,  
15 can you pull up document HAM35731, please. Can  
16 you zoom in on the e-mail itself. Perfect. Thank  
17 you.

18 This is an e-mail that you had  
19 sent Mr. McGuire, on December 5th, 2018, attaching  
20 an audit catalog, and we've already gone to the  
21 audit catalog as well, but I'm happy to bring you  
22 to it if it's helpful. Why did you create the  
23 audit catalog?

24 A. So the audit catalog was  
25 created to track my own tasks. As a project

1 manager, you want to know how much tasks that you  
2 have on hand and what projects are you looking at.  
3 There was so much information that was being  
4 asked, and so I wanted to make sure Domenic was  
5 receiving everything that he was asking for. One  
6 way of tracking it was on the tracker or the audit  
7 catalog that's there.

8 Q. What was your intended  
9 use of the audit catalog?

10 A. It was for my personal  
11 tracking, just to track tasks that I was given  
12 related to audit.

13 Q. In your e-mail to Mr.  
14 McGuire, you wrote, quote:

15 "Diana and I have cataloged  
16 most of the information that  
17 has either been provide to us  
18 or pending or not available  
19 for this audit."

20 Why did you say "most of the  
21 information"?

22 A. The catalog itself, it's  
23 a live document, and so let's say if -- you know,  
24 the first thing it talks about was 13 projects,  
25 and if there were more questions that were being

1 asked, you know, we would update the catalog.  
2 This is just an example. It didn't -- so it was a  
3 live document, most of the information that was  
4 provided that was there, and if there was more  
5 information that was being presented to audit,  
6 would be added later on. But again, it wasn't --  
7 it's a personal tracking document.

8 Q. Was it meant to be the  
9 final work product?

10 A. No, it wasn't.

11 MR. MISHRA: Mr. Commissioner,  
12 do you mind if I have a second to look at my  
13 notes?

14 JUSTICE WILTON-SIEGEL: Yes,  
15 by all means.

16 MR. MISHRA: Thank you,  
17 Mr. Commissioner. Thank you, Mr. Sharma, those  
18 are all my questions.

19 JUSTICE WILTON-SIEGEL: Okay.  
20 Well, then, first of all, Mr. Sharma, thank you  
21 very much for attending the inquiry. You're  
22 excused, and I believe that there's nothing  
23 further for this afternoon and our next witness  
24 will appear tomorrow morning. So we'll stand  
25 adjourned until I guess it's 10 o'clock tomorrow

1 morning?

2 MS. BRUCKNER: 9:30.

3 JUSTICE WILTON-SIEGEL: 9:30

4 tomorrow morning. We'll stand adjourned until  
5 9:30 tomorrow morning. Thank you very much.

6 --- Whereupon at 2:51 p.m. the proceedings were  
7 adjourned until Friday, September 2, 2022 at  
8 9:30 a.m.

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