

**The Report of
Robert T. Smith, Mediator
to the Town Council of Wabana,
Newfoundland and Labrador**

"Another Failed Mediation"

"This is a private report not for general distribution and for the attention of the Town Council of Wabana ONLY. There are matters that concern me as a citizen and will concern the Town Council of Wabana. As the issues within are dealt with, reference to the contents of this report may be essential."

Contributors to the Fact Finding:

[REDACTED]

The Bell Island Business Development Association

[REDACTED]

[REDACTED]

Courtesy of [REDACTED]
Blank Receipt Incident with [REDACTED] musician (willing to put in a written statement)
2016 Excess grant money pays Bell Fest volunteer [REDACTED]
A letter written by [REDACTED]

Dated May 22, 2017

Another Failed Mediation

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1. Introduction:

Two successive annual one week "Radio Events" with temporary licences from CRTC were held in the Town of Wabana in 2011, and 2012. In the second year [REDACTED] reports that [REDACTED] worked to raise money to purchase radio equipment and with the help of interested team members raised \$11,000.00. An application for a CRTC Licence followed. The station is incorporated. The permission of School authorities, and Provincial Department of Education was obtained to build the radio station, CJBI 93.9 FM (RBI) to locate this station at St. Michael's Regional High School (SMRHS). The location was not accidental but was seen as an opportunity to use this community station not only as a vehicle of "social enterprise" but as a "teaching tool" within the school to expand the opportunities of the local Bell Island High school students and provide them with opportunities to participate in the multi dimensional aspects of radio broadcasting. In January 2013, RBI went on the air. The RBI Board was elected. [REDACTED] was [REDACTED] of RBI with [REDACTED] as [REDACTED] and [REDACTED] [REDACTED], who is now [REDACTED] of [REDACTED]; became secretary and [REDACTED] the capable [REDACTED] became the RBI Treasurer.

The first two years of operation go very smoothly and comments include that the [REDACTED] is gaining in professional stature with each passing month and building a following as expansion includes efforts to promote the history of Bell Island, the folklore of Bell Island including ghost stories. Not least of those promoting an appreciation of the history of Bell Island and its interesting folklore was the [REDACTED] RBI and [REDACTED] begin covering the local issues by covering the council meetings of the Town of Wabana and a weekly interview with the Mayor. [REDACTED] [REDACTED] of the Town of Wabana reports that these council meetings were professionally covered.

The problems seem to begin with the development of a successful (RBI) Radio BINGO. BINGO means money and money is a source of power. The Radio BINGO developed slowly but it became a source of significant money for the three participating players: [REDACTED], [REDACTED] and [REDACTED]

The result of the information revealed in the mediation led the Mediator to concerns about a number of issues raised. This mediation was not an investigation into the truth of these allegations. Nor was there an exploration of the fullness of the possibilities raised by information alleged. These information pieces suggest that attention should be given to these claims until the full truth is revealed and actions taken based upon that full truth. Some but all of the information pieces are included in this report.

2. The Significance of RBI

[REDACTED] writes on September 27, 2016: "On Sunday, September 25, 2016, Bell Island turned a corner. For the first time in many years, people rallied to have their say about how one of the biggest assets in this community will be governed. That asset is Radio Bell Island. Bell Island's first and only radio station has become a life line for those who are shut in, a source of information for the people, a place to request a song, an avenue to make a donation for a good cause. Radio Bell Island has seen families gather around the kitchen table for the first time, in possibly a long time, just to play the game of Bingo. RBI has brought Bell Island to the person whom lives away from but longs to be home. we hum the jingles from the commercials, we cannot wait to hear [REDACTED] and [REDACTED] to name but two of the amazing volunteers who bring

vital programming to our Radio station. For the first time we can hear council meetings, attend church, a local minor hockey game and other events without even leaving our couch through the magic of RBI and the internal work of it's volunteers. Imagine our own little island has its own Radio station! This did not happen without vision, many volunteer hours and great expertise from a lot of people."

██████████ speaks of the impact of RBI upon him and the importance of the place of RBI in the school setting.

██████████ states very clearly the value of RBI to Bell Island and to the SMRHS.

██████████ states, in his view, having been participating since 2011, there are three fundamental purposes to RBI:

1. An intergenerational exchange. This allows the young of Bell Island to interview the older citizens and learn of the evolution of culture, economic circumstances, family history, past challenges of the community. The list is endless.
2. Social innovation among other things focuses upon problem solving. RBI opens windows of opportunities and allows an appreciation of how things can change.
3. The Community based problem solving reaches into the community to work towards solving the issues that cause frustration in the community. The solutions are there to be uncovered.

The first voice over the RBI on that first day was that of ██████████ then ██████████ and ██████████ conducted an interview with all of those people behind the radio experiment. ██████████ HEN served as well on the planning committee for the RBI.

For the second one week broadcast ██████████ interviewed ██████████ for an hour long interview.

██████████ began the interview expressing regret about the tragedy that had come into ██████████ life.

██████████ expressed surprise saying: "What are you talking about, I have not had a tragedy." ██████████

shared that they both knew that the Maple Leafs were eliminated last night!

Did you know that ██████████ is a Toronto Maple Leaf fan? ██████████ did and then explored interesting aspects of ██████████ life experiences.

██████████ "I first asked ██████████ to be able to participate in this project in 2011 and then I received an invitation from ██████████ to participate on the board of RBI. I was involved in the writing of the constitution among many other tasks."

"I was the first of many ██████████ to be learning the skills of interviewing, learning to plan the programming. This includes the themes to be explored, the strategizing the how to explore those themes, the students would run the physical equipment. The students would be trained by ██████████ as to the technical duties of operating the radio station equipment. There were at least a dozen other young persons of both genders who participated significantly on an ongoing basis in the RBI."

██████████ speaks of the influence that working at RBI had on SMRHS students. ██████████ a

██████████ volunteer at ██████████ went on to ██████████ to study aspects of the technical areas associated with Radio. There were other students who have pursued studies associated or influenced by working with RBI. This is true whether the students are taking Social Work or Majoring in English, the RBI experience has influenced many students regardless of what they chose to do in post secondary.

It is the very strong view of ██████████ that RBI should remain a part of SMRHS and to move RBI out of the school would do a disservice to not only the students but to whole of Bell Island.

This mediator would go further and say that it would be tragic to have the RBI leave the school. It is further tragic to lose the skills and influences of [REDACTED] and [REDACTED] from RBI. It would be sad to lose the work of [REDACTED] from the community.

3. The Conflict at its Essence:

At the heart of the conflict is control of the three and one half year old Radio Bell Island (RBI), its continued presence and use as a education tool at St. Michael's Regional High School (SMRHS) in Wabana and the use of the money coming from its very successful Radio Bingo. This BINGO raised according to a financial report prepared for RBI \$221,978.83 in the period of September 1, 2015 through August 31, 2016. This conflict is in part about money and power and to not have to deal with others. There are two key players in this dispute: [REDACTED] [REDACTED]. [REDACTED] [REDACTED]. There is to a lesser degree [REDACTED] who has contributed much and has much more to contribute.

4. The Goal of the Mediation

The goal of the mediation was to resolve some of the issues between [REDACTED] and [REDACTED] and his wife [REDACTED] and put them back together working again for the good of RBI and the whole community of Bell Island. The [REDACTED] were willing to talk and continue but [REDACTED] who on the surface looks like he has won every skirmish with the [REDACTED] had no reason to negotiate.

5. The Personalities: [REDACTED] and [REDACTED]

[REDACTED]

(a.) The Leadership Work of [REDACTED]

During the mediation process of fact finding, the leadership work of [REDACTED] became apparent. Over three sessions, [REDACTED] presented 36 pictures to this Mediator. Each picture was high gloss and approximately 8" by 10". These pictures showed the remarkable work being done by [REDACTED] his [REDACTED] and [REDACTED]

These pictures indicated some of the work being done to promote Bell Island and Tourism on Bell Island:

- 1.) "The Gregory Normore Coastal Walking Trail". Gregory Normore is the founder of the Bell Island lived a year alone there before starting a family there. These trails encompass the whole of Bell Island and are indeed a "scenic treat". I know that "Walking Clubs" from St. John's that have travelled to Bell Island for a trek around on this trail, followed by "Fish and Chips" at Dicks Restaurant.
- 2.) In 2015, the "Return of Gregory Normore" was featured as part of "Come Home Year" celebrations. This mediator was presented with pictures of the very captivating costumed actors portraying Gregory Normore and Katherine who would share their story and the story of the founding of Bell Island.

- 3.) There is a picture of the re-enactment of the marriage of Gregory and Katherine which was included in a concert by some of NL's most popular bands: Shannyganock, Masterless Men, Rum Ragged and [REDACTED].
Comment: The idea of including a little of the history and the earliest of Bell Island settlers in a concert of this size shows a remarkable imagination and grasp of an opportunity to promote aspects of the history of Bell Island. Undoubtedly this was the idea of [REDACTED].
- 4.) There is another picture of the young actors in costume presenting to the Boys and Girls Club Bell Island. Again sharing the history of the founders of Bell Island.
- 5.) [REDACTED] has written plays on the Mining History of Bell Island. A number of pictures show scenes from his play, "Life of a Miner". Apparently very professionally done.
- 6.) There is picture of a poster entitled "Theatre of the Mine". This impressive poster shows the theatre at the 1916 mine site (apparently restored) and pictures of the actors in costume and this poster declares the "Theatre of the Mine" to be "A Project of the Tourism Bell Island Inc." and supported by the Town of Bell Island and the province of NL.
- 7.) [REDACTED] has created plays and collected stories which he shares on his RBI show about the ghosts of Bell Island. Three of the ghost stories [REDACTED] has turned into a 2014 play "The Ghost of Bell Island".
- 8.) The military heritage of Bell Island is also celebrated. Two guns have been restored overlooking the Ferry Dock. The Mediator was presented with before and after pictures.
- 9.) Harry's Look Out is featured as a [REDACTED] project. The site celebrates one of Bell Island's most popular musicians, Harry Thomas Hibbs.
- 10.) The Ghost stories of Bell Island are recreated and retold by [REDACTED]. Not only through his radio shows on RBI, on his walking tour of the places where ghost still haunt but also through his play, "The Ghost of Bell Island". The efforts to recall the ghosts of Bell Island have resulted in a 25 cent coin / postage stamp as part of the Haunted Canada series of September 2016. The Bell Island "Hag" from the Dobbin's garden is seen bearing down on a farmer on this stamp / coin. The story of "the Dobbin's Garden Hag" has been featured in the Downhome Magazine.
- 11.) In an article written by Chris Lackner entitled Bell Island "Canada's X-Files Island", [REDACTED] is quoted: "The most recent mystery to beset the island occurred on April 2, 1978. On that otherwise calm day, a loud explosion caused damage to homes and electrical wiring, and created two perfectly square craters in the ground."
- 12.) [REDACTED] also is engaged in [REDACTED]. There are two full time "Adult Basic Education" Teachers and a program run at the Town of Wabana Hall. Among the other projects of [REDACTED] are: "The Party at Nan's" which includes opportunities to display the skills of the young Bell Island actors; The Valentine Celebrations with all three of Adult, Teenage and Kiddies Dances; March Hockey Day; the Greenhouse & some agricultural land Bell Island has the second richest agricultural land in the province and plans to put it to use; Work has commenced on a "Slip Way".

These are certainly not the full contributions of [REDACTED] to Bell Island. They do give a sense of the successful efforts of this [REDACTED]

The Town of Wabana with just 2600 residents quickly recognized the usefulness and potential importance of the diverse efforts of [REDACTED] and has provided free space for [REDACTED] in their Town Complex.

(b.) The Business of Managing Money from Government or other Grants or from funds raised by

One of the disturbing aspects of this mediation was the allegation that money was not being used according to the rules. This discovery was almost accidental and was not pursued with any effort by this mediator. This allegation is most concerning and should be further investigated. The full extent of the management of monies from grants and other sources is only hinted at by the following:

Incident #1: [REDACTED] reported during the summer of 2015 that [REDACTED] had grant money for a project. He was approached by [REDACTED] to assist as [REDACTED] wanted equipment but were prohibited by the terms of the grant to purchase equipment or any other capital asset. [REDACTED] was asked by [REDACTED] to purchase \$10,000.00 of PA Gear including wireless mics, speakers, mixing board, power amps, monitors. The money for the purchase was provided by [REDACTED]. This purchase was then run through [REDACTED] books as if the purchased equipment was rented from [REDACTED]. The PA gear was purchased at Long & McQuade and picked up by [REDACTED] and was presented to [REDACTED] then provided [REDACTED] with a rental fee. The documentation with [REDACTED] would indicate a rental of equipment from [REDACTED]. This was not the case.

Incident #2: In the same summer of 2015, [REDACTED] was paid \$250 for a "gig" for which he never played. [REDACTED] questioned the \$250 and was told: "Spend the money or give it back."

Incident #3: August 14, 2016: The band [REDACTED] with four musicians, contracted for a performance fee of \$800.00. [REDACTED] of [REDACTED] dealt with [REDACTED]. The band was given \$1200.00 and [REDACTED] was asked to sign a blank receipt for the payments of funds. It is my understanding that [REDACTED] is "willing to provide a written account of this transaction."

(Comment: I have performed hundreds of fee for service duties, rarely would I be given a "tip" and when I was given a little extra, it was \$25 or \$50 not \$400.)

Incident #4: [REDACTED] security, volunteered for Bell Fest 2016 and the Summer Concert. Mr. [REDACTED] was told that he would be paid for both. This was a total of \$150 because [REDACTED] had to get rid of excess grant money".

Incident #5: [REDACTED], member of the [REDACTED] reports that he offered his beach property with no charge for [REDACTED] "Bell Fest" event in 2015, 2016. Mr. [REDACTED] offered his property because of his friendship with [REDACTED] the [REDACTED]. The organizer came back and indicated that [REDACTED] had extra money and paid Mr. [REDACTED] \$1000.00 in total over the two summers.

Incident #6: There was an event at the Bell Island Senior's Complex where for the 3rd time, [REDACTED] and [REDACTED] provided an afternoon of music and treats for the senior citizens. [REDACTED] of [REDACTED] also [REDACTED] at the [REDACTED] was asked to provide a receipt for \$200 for XXX at end of the afternoon. [REDACTED] was surprised because on the two previous years there was no request for a receipt. [REDACTED] points out that in her view that the

donation of live music and treats was well worth the \$200. There was no \$200 paid but a receipt was requested.

(This seems reasonable if the receipt reflected the actual value of the donated services. The concern is what the receipt used for. To show that \$200 was donated by XXX. This could be used to offset some of the other gifts to entertainers or other uses of RBI money.)

Incident #7: ██████████ was ██████████ of ██████████ from September 2014 until March 25, 2016. ██████████ was also employed with ██████████ as ██████████ from April 2015 until August 3, 2016. ██████████ writes that ██████████ felt that ██████████ job with ██████████ was at stake if ██████████ did NOT do what ██████████ required of ██████████ both as ██████████ employee and on the RBI Board. ██████████ eventually resigned both positions because of ██████████

██████████ reports that ██████████ "are rerouting money allotted for specific grants and projects for others, but fudging the books." (This is consistent with Incident #1 and most concerning and is consistent with the ██████████ account of fabricating rental instead of the request to purchase. ██████████ input was by way of letter and not a personal appearance.)

As I understand it there is no independent audit looking for possible fraud. There should be!

Another Great Concern:

It is reported that ██████████ is the ██████████ and ██████████ for the activities of ██████████ ██████████ is the ██████████ of ██████████. ██████████ is reported to have bragged that ██████████ has more money in the bank than the ██████████ does. This statement did come from the ██████████ officials. We are informed of this but have no independent acknowledgement that the ██████████ of the ██████████ does all the ██████████. If this true this is a major conflict of interest in the operation of the ██████████. Given the above, this concerns this mediator greatly and may undermine the good work of ██████████.

Our concern brought the ██████████ and myself to visit with ██████████, who met with us. ██████████ felt that it was common and perhaps necessitated in small volunteer groups but the variety and scope of ██████████'s activities places a question upon the professional quality of the ██████████ doing the books of an organization with as many dimensions as ██████████. With these allegations now revealed, there is real concern about the accuracy of the book keeping of ██████████.

This mediator points out this information came almost by accident to the attention of this mediator. There were no efforts on the part of the mediator to conduct an investigation into the financial dealings of ██████████. It is clear there is in the general community a concern that ██████████ is financially not properly conducting it's affairs. This concern is not an attempt to vilify the work or reputation of ██████████ or any of its principal players. From the above, if true, it is clear that ██████████ is not playing by the rules or abiding by terms of at least one grant and uses money to garner favor and support. Again for emphasis, careful auditing of the financial efforts of ██████████ should be undertaken. This auditing should be on the level of an External Audit and sometimes an External Audit is described as a "Forensic Audit", specifically looking for possible fraud.

(c.) The Other Side: The Cost of Doing Business with ██████████

██████████ has a moto: "Lead, follow, or get out of the way." Generally, if you do not follow the strategy that is outlined by ██████████ there is a possibility that you will incur ██████████ wrath.

[REDACTED] has been quoted as having another favorite phrase: "Heads will roll, bodies will fly."

The cost of crossing [REDACTED] can be a severe cost. The experiences of [REDACTED] on the RBI Board show that [REDACTED] will show little restraint in attempting to get rid of anyone who stands in his way.

[REDACTED] and her [REDACTED] apparently stood in the way of the ambition of [REDACTED]

[REDACTED] was by board resolution removed from the RBI board now dominated by [REDACTED] members or allies. [REDACTED] was treated very roughly by fellow board members. [REDACTED] complained to the RCMP about the treatment and the RCMP felt that the treatment did not cross the boundaries into criminal behavior. The fact that complaints to the RCMP were made is a statement of the unfortunately low level to which the behavior had fallen.

The behavior of the RBI Board according to [REDACTED] who attempted a mediation was "ridiculous".

The behavior at RBI Board meetings has further confirmation: [REDACTED] writes: "In the early part of 2016, through a series of unfortunate events, I became the [REDACTED]. Then the real trouble started. [REDACTED] used my employment status to essentially walk over me in my new role at RBI taking that advantage to further his plans for a takeover. Between the harassing, threatening behavior of [REDACTED] and the ability of [REDACTED] use me [REDACTED] systematically took power from the station manager and rendered [REDACTED] input useless."

In addition to [REDACTED] behavior towards the [REDACTED], there have been complaints to the [REDACTED] administrators, the employer of [REDACTED]. This is an extraordinary step. As if that was not enough there has been a Facebook campaign about [REDACTED]

The money raised by the RBI BINGO in which [REDACTED] was involved was taken away from [REDACTED] in clear breach of a contract, agreed not reduced to writing but acted upon for many months, to share the proceeds of the BINGO with the school. The contract had been acted upon for some time and was taken away by a RBI resolution.

There are four comments that are clear from the persons offering their input into the mediation session that has lasted in the fact finding stage of over sixty hours.

- 1.) [REDACTED] is a [REDACTED] leader with many diverse skills. These skills include the ability to research the history of Bell Island, to use this information to promote this island with its 2600 residents, to write plays that present the history of Bell Island and its origins in an interesting way, to do the same with the folklore, to use RBI to promote aspects of the history of Bell Island, and the interesting aspects of Bell Island Folklore. It is rare for [REDACTED] have the impulse to research, write, produce, direct, and organize the opportunities to do so and to do so [REDACTED] apparently can.
- 2.) [REDACTED] is a remarkable organizer and has been at the center of many of the Bell Island activities produced with professional standards.

- 3.) [REDACTED] is also able to attract a team of supporters who believe in his vision for Bell Island and will work to achieve it.
- 4.) It will be seen that [REDACTED] is not a team player. When the opportunity to use his leadership skills to advance the general welfare of the groups with which he is involved does not result in everyone supporting his ideas and work. He can organize and quietly encourage disruption and finds ways to drive away the opposition. These actions may be counterproductive to the interests of the Town of Wabana and all of Bell Island. In this case, the fight to eliminate the influence of [REDACTED] and [REDACTED] are indeed counter to the best interests of this Town of Wabana .

(d.) [REDACTED]

[REDACTED] is the [REDACTED]. She is an [REDACTED] and described by one former student from [REDACTED] in [REDACTED] where [REDACTED] previously taught, as the best [REDACTED] he ever had. On the same site, [REDACTED] has been described as a "modern day bully". Parent, [REDACTED], writes that [REDACTED] graduated from [REDACTED] and "all three keep in touch with [REDACTED] who they admire and respect greatly, as I do." Similarly, [REDACTED] says: "I have a lot of respect for [REDACTED] as [REDACTED]"

Reading these comments together, it is my view that [REDACTED] is a very effective [REDACTED] and [REDACTED] with a strong personality. Parent, [REDACTED], writes that [REDACTED] graduated from [REDACTED] and "all [REDACTED] keep in touch with [REDACTED] who they admire and respect greatly, as I [REDACTED] do."

There is no doubt with [REDACTED] Responsibilities as [REDACTED] is very able and I am convinced of [REDACTED] strong personality. She was both a volunteer on the [REDACTED] and had a volunteer weekly show on RBI. She enthusiastically supports the musical efforts of [REDACTED] who is a [REDACTED] in this province. [REDACTED] plays and dances and [REDACTED]. She volunteers with the [REDACTED] of Bell Island as well.

[REDACTED] has been recognized as an administrator whose leadership has raised the [REDACTED] of [REDACTED] to a level that this improvement has been recognized by the [REDACTED]. [REDACTED] has had at least 13 complaints to the [REDACTED] who conclude that [REDACTED] has been the subject of an "organized attack on [REDACTED] professional reputation."

[REDACTED] is also a [REDACTED] and [REDACTED] have earned praise as hard working, talented, pleasant young ladies.

6. The Present Circumstances

- (a.) The Expulsion from the RBI Board, one of its members [REDACTED] ,
- (b.) The decision to eliminate SMRHS from the sharing of RBI BINGO Proceeds,
- (c.) The Audit of RBI Radio Bingo and the failure of the [REDACTED] and the Lottery Licence Issuing Clerk to realize that "direct donations to Tourism are not permitted under the current legislation", the request to relocate the RBI to the Town of Wabana Complex.

(d.) The statement of [REDACTED] implies that SMRHS will not be included on the BINGO Lottery Licence Application. These four actions will be discussed collectively in the following paragraph.

Presently, the [REDACTED] while it is situated at [REDACTED] in Wabana is clearly now under the control of [REDACTED] [REDACTED]. The [REDACTED] of [REDACTED], [REDACTED] is a prominent member of [REDACTED], the [REDACTED] [REDACTED] is the [REDACTED] of [REDACTED] and the other members of [REDACTED] are allied with [REDACTED] or its leadership. In effect, [REDACTED] controls the [REDACTED]

The [REDACTED] of [REDACTED] elected at 2015 RBI Annual General Meeting was suspended from the [REDACTED] [REDACTED] by a [REDACTED] board resolution. There is no specific authority in the constitution for this act. In fact, I would argue that expulsion of a fellow board member elected at an AGM is clearly beyond the jurisdiction of other board members even acting as a whole. There is no behavior on the part of [REDACTED] [REDACTED] that justifies that expulsion. [REDACTED] refuses to attend meetings because of alleged bullying by fellow board members. The drama of the [REDACTED] of complaining to the RCMP on October 26, 2016 suggests that [REDACTED] was treated in a manner that was beyond any of her previous experiences. Further, given the comment of [REDACTED] that the behavior of the board in [REDACTED] attempt to mediate the [REDACTED] internal disputes was "ridiculous", I am inclined to accept [REDACTED] [REDACTED]'s account of board behavior towards [REDACTED] as accurate. The goal of the bullying was to remove [REDACTED] from the board. This was achieved by suspending [REDACTED] from the [REDACTED] for conduct "unbecoming a board member." This was done by motion at the board meeting on November 1, 2016 moved by [REDACTED] and seconded by [REDACTED]. It is reported in a nine paragraph letter to [REDACTED] [REDACTED] dated November 4, 2016 that the vote was 4-1.

SMRHS, originally by agreement of all then RBI board members, was to be an equal shareholder in RBI BINGO profits. The other sharing groups were XXX and RBI. The suspension of the [REDACTED] from the RBI Board by a separate RBI Board resolution SMRHS was followed by the exclusion of SMRHS from the share agreement of BINGO proceeds. The [REDACTED] of [REDACTED] says the school is free to apply for a donation from RBI for a particular purpose. This has been followed recently [REDACTED] with a request by RBI to relocate RBI to the Town of Wabana Complex.

It does not take much thought to perceive a pattern. Make it unpleasant for [REDACTED] to come to [REDACTED] meetings, to suspend her from attending when [REDACTED] did not quit, revoke the agreement to share the prosperous BINGO proceeds with SMRHS, then to request a relocation of RBI to another location.

There is only one remarkable leader on the [REDACTED] Board. [REDACTED] may be the only one voting against the suspension of [REDACTED]. It is clear that [REDACTED] did nothing to stop the behavior of other board members against [REDACTED]. He could have shown his remarkable leadership but did not. In my view, [REDACTED] was at the heart of the treatment of [REDACTED] [REDACTED], not only did he not do anything to stop this abuse but he had orchestrated that abusive behavior towards [REDACTED]

Mr. [REDACTED] with [REDACTED], conducted an audit and review of the circumstances of the operation of the RBI BINGO. Mr. [REDACTED] indicated that the appropriate action would be a restoration to SMRHS of their share of the BINGO profits. [REDACTED] notes that the BINGO / Lottery Licence "was issued with the following use of funds: Shared between: Radio Bell Island, Tourism Bell Island, and St. Michael's Regional High School."

Thus the Lottery Licence was granted with that condition of sharing by three entities: RBI, TBI, and [REDACTED]. Thus to eliminate SMRHS is violation of the term of the Lottery Licence. I would suggest that a strong argument can be made that the agreement to share including the SMRHS cannot be voided by the new Lottery Licence. I will return to this point shortly!

[REDACTED] indicates that ordinarily there should not be a sharing with Tourism Bell Island. Mr. [REDACTED] writes that "as per the allowable uses of lottery funds [see Appendix (C)], direct donations to Tourism are NOT permitted under the legislation." This term of the License authorizing [REDACTED] to share in the BINGO proceeds "was due to a clerical error on the part of Lottery Licensing". [REDACTED] writes: "We will allow this (the sharing by [REDACTED] to continue until the expiration of the current licence."

[REDACTED] of [REDACTED], indicates that the continuation of sharing BINGO proceeds with SMRHS will also be in a similar circumstance to [REDACTED] and suggests that the new licence will not reflect the sharing indicated on the previous licence. While [REDACTED] did not say so in so many words, Mr. [REDACTED] suggests the sharing of BINGO proceeds with SMRHS will at an end with the new Lottery Licence.

This is not the [REDACTED] of [REDACTED] speaking, this is the [REDACTED] and I have no doubt that [REDACTED] is the mastermind of this whole series of events and strategies.

It puzzles me, how a very intelligent man [REDACTED], can hint that an agreement with SMRHS will be at an end with the new Lottery licence. Does the previous agreement between the parties mean nothing! The agreement preceded the Lottery; the agreement was not conditional upon the granting of a licence. If there is no licence, one cannot conduct a media (Radio) BINGO. In the case of [REDACTED], the granting of the licence with a clear notice that Tourism would share was a "clerical error" according to [REDACTED]

This is a reflection not only upon the Licence Issuer but also upon the parties applying for a Lottery Licence.

To put to an end the agreement between RBI and SMRHS re: BINGO proceeds sharing requires more than an unilateral declaration that the other party is out.

The Campaign against [REDACTED]

[REDACTED] is the [REDACTED] of [REDACTED]

There is no doubt with [REDACTED] Responsibilities as a [REDACTED], [REDACTED] is very able and I am convinced of [REDACTED] strong personality. [REDACTED] was both a volunteer on the board of [REDACTED] and had a [REDACTED] volunteers with the [REDACTED] of Bell Island as well.

██████████ reported that ██████ is the only member outside of the ██████ alliance on the RBI Board. ██████ reported that ██████ found herself subject to behavior that was so "bullying" and threatening that ██████ stopped attending ██████ meetings and reported some aspects to the RCMP in hopes that the police might intervene.

The Bullying

██████████ reports that she is not the only ██████ board member to be "bullied" and to be harassed. In a letter date September 28, 2016, ██████ writes: "I ultimately resigned from both ██████ and ██████ organizations due to the manipulation, bullying, and harassing manner of ██████ ██████"

The ██████ complaints to the RCMP were followed by complaints about ██████ ██████ to the RCMP by ██████ and ██████ board member, ██████

██████████ reports that ██████, a ██████ man, has frequently yelled at ██████ in ██████ Board meetings and approached waving his finger under her nose. ██████ reports that in a public area ██████ saw ██████ yell out of his car: "Girls, we will take her down." ██████ believes the comment was in relation to his ██████. It is noted that ██████ was an employee of the ██████ and dismissed by ██████ for similar behavior.

██████████ reports of ██████ experience with ██████ on the Board of ██████ describes the effect of ██████ on the board as "horrid". ██████ yelled, interrupted, talked over people "...!" ██████ continues: Whenever ██████ "spoke ██████ would get more aggressive in tone and behavior, including slamming fists on the table."

██████████ writes that as an employee of ██████, ██████ was witness to ██████ saying to ██████ another employee of ██████ in regards to ██████ to "destroy that bitch!" and to do "whatever it takes". ██████ writes: "I was told by ██████ that ██████ would 'have ██████ pb' and have the people of Bell Island so turned from ██████ that ██████ would be forced to move."

██████████ also worked for ██████ at ██████ ██████ writes of ██████ threatening and overbearing nature. ██████ describes this threatening manner even extended to young ██████ who came to ██████ in tears as a result of the treatment by ██████.

██████████ is a volunteer in the community. ██████ was deeply involved in using the ██████ as an unique tool to expose the ██████ of ██████ to the operation of radio. ██████ had a show on ██████. ██████ used her ██████ to promote the RBI Bingo on December 27, 2014.

The Complaints to the ██████ about ██████

The issue of complaints to the authorities at the school district level resulted in this communication.

██████████: Human Resources writes on February 6, 2017 to the ██████ of ██████: "during the current school year, the District did receive some complaints from parents and citizens of the community of Bell Island regarding your ██████ as ██████ of ██████ "For each of these complaints, there was no finding of inappropriate conduct on your behalf." Then at

paragraph three, [REDACTED] comes to the remarkable conclusion and states: "Given the nature and number of complaints brought forward towards you appear to be an organized attack on your professional reputation."

[REDACTED] writes then generally about the overall work of the [REDACTED]: "A review of your [REDACTED] trend indicates a marked improvement in [REDACTED] over the past several years."

The [REDACTED] indicates in the same letter that this letter is one "of support for" [REDACTED] "in your role as [REDACTED]".

There is no doubt that the [REDACTED] supports [REDACTED]

It is noted that a recent request for [REDACTED] financial support by the [REDACTED] was turned down by [REDACTED]. This [REDACTED] is in operation for over [REDACTED] years on Bell Island. The work is described by the [REDACTED] as most useful and directed to most vulnerable of young people. [REDACTED] is a member of the Board of the [REDACTED] and speculates that the reason for a refusal is [REDACTED] presence on the board. This on the surface sounds preposterous but in all the circumstances of this conflict might have some truth.

Summary of the campaign against [REDACTED]

In summary: There were three aspects to the bullying as described by [REDACTED]

1. The Radio Bell Island Board meetings. Finger in your face, pounding of tables, yelling all directed towards [REDACTED]
2. Complaints to [REDACTED] Employer: There are reported to be thirteen written complaints by various persons to the [REDACTED] authorities. Although the count by [REDACTED] appears to more and up to twenty three. There may be oral and unrecorded complaints that were quickly dismissed by the District Authorities. The first of these complaints was by [REDACTED] in May 2016. [REDACTED] admits that [REDACTED] was approached about school issues. [REDACTED] suggested if the school was not resolving the issue then complain beyond the school to the District Authorities.
3. There has been a campaign on Facebook and according to [REDACTED] ongoing attacks in the community by [REDACTED] and [REDACTED]. I have not dealt into this area. Except to say to the [REDACTED] don't respond and stay off Facebook. It is clear that they have both been very upset at this strategy.

The BINGO Agreement

By an agreement at the RBI Board at the time the RBI BINGO was instituted, this BINGO money was to be split three ways. SMRHS, RBI, and Tourism Bell Island were each to receive one third of the profits from the BINGO. The first RBI BINGO efforts were not successful and the [REDACTED] offered to go it alone accepting all expenses associated with the RBI BINGO and paying \$1000 a month to RBI and SMRHS. This offer was turned down by the both SMRHS and RBI. While there was no BINGO profits in 2013, 2014 again no profit and lost money for six months. Over twenty two months, SMRHS, RBI and XXX, according to [REDACTED], the [REDACTED], and [REDACTED] of [REDACTED] each received \$122,000 approximately. Notice was given in a letter of January 26, 2017 that SMRHS was now to apply

for BINGO money for projects to be specified. The letter was addressed to [REDACTED] with copies to the [REDACTED], the [REDACTED] rep., and the [REDACTED] and the [REDACTED]

There was no written agreement. The agreement had been acted upon for a number of months before in the absence of any notice to the school, the agreement was changed and the three sharing parties were reduced to two. SMRHS was eliminated from the sharing of the BINGO proceeds despite the previous agreement. There was no negotiation between the three parties as to this change. There was simply a resolution at a RBI board meeting that the process was changed.

This mediator notes that change in the BINGO proceeds sharing is despite RBI broadcasts from SMRHS. RBI had since its inception had free accommodation with no charge for utilities at SMRHS. Some of the furniture used by RBI was that of the SMRHS, at least at the early stages of operation. The school or those connected to the school were involved at an intimate level in the setting up, management, development and the operation of RBI. The RBI was a learning tool that was used for instructional purposes at the school for some time. The use of RBI for educational purposes appears to be less so most recently. Some SMRHS students were exposed to the inner workings of a radio station. As the RBI BINGO developed, the students became engaged in assisting to prepare cards for the Radio Bingo. [REDACTED] accepted responsibility for distribution of the cards to stores and other locations and to collect unsold cards and money from the sales locations. This worked very well as the results of the BINGO showed.

SMRHS Students Stamping each BINGO Card

SMRHS had an additional contribution to the BINGO process. The students would weekly stamp on each "mill news print paper card" purchased from British Confectionary from a single stamp the following: "Radio Bell Bingo" on the upper most line or the heading; on a second line was an acknowledgement of the three way BINGO proceeds partnership: "SMRH", "RBI", "RBI". The third line described in larger print the date of the particular BINGO. The fourth line indicated the PO Box of RBI. The 5th line had the address of that post office box. The 6th line had a phone number to call to make contact in the event of possession of a winning card or to contact RBI for any reason. This stamp was used to print on all BINGO cards well past the RBI resolution ending an automatic share for SMRHS.

The money that came from BINGO was used according to the [REDACTED] and [REDACTED] solely for [REDACTED] purposes. This included one of the most expensive undertakings of the school year, the Graduation Celebration and Activities surrounding the school grad. The students stamped all the BINGO cards. The ongoing stamping of the BINGO Cards became an issue when according to [REDACTED], the students from the High School were replaced with grade VII students. The [REDACTED] privately recruited graduating students to come to an outside the school location to stamp the bingo cards. The students would either be paid directly for doing so or the money earned for this task would be held and presented later to offset some expenses related to graduation. SMRHS reports that they have never received any money from RBI or TBI to assist in offsetting the graduation expenses.

The Involvement of SMRHS in the RBI and the expulsion of the SMRHS Principal from the Board

There was considerable effort by the school in the very foundations of the RBI. In particular, the presence and actions of the [REDACTED] of [REDACTED] and [REDACTED] indicate a deep involvement of SMRHS in RBI. There was clear evidence of the participation of the school in many aspects of RBI. There has been no dispute of the involvement of SMRH from the very foundation of this remarkable community presence. RBI began in 2011 with a one week temporary licence from the CRTC. This was repeated in 2012. These successes lead to an effort to make RBI a permanent part of Bell Island. In January 2013, RBI is on the air having been granted a CRTC license, having been incorporated, and having elected a board of directors. With the permission of both the Department of Education and the Eastern School District authorities RBI is situated at SMRHS in the area of the school kitchen. [REDACTED] [REDACTED] of the current [REDACTED] of [REDACTED] devoted a large amount of effort to getting RBI off and operating and used personal resources to expand the service of RBI. [REDACTED] was at one time [REDACTED] of [REDACTED] and another time the [REDACTED] of [REDACTED] [REDACTED] was appointed [REDACTED] [REDACTED] without a public competition and this resulted in some comment. Personally, my view that a public competition would have the appearance of offering fair competition but really who could compete with the experience of [REDACTED] both in his career and in his work assisting in the establishment of RBI.

As a result of the Annual General Meeting of 2016, the membership of RBI board shifted and the board membership now reflected the presence of [REDACTED] or those members of or allied with [REDACTED] Bell Island or allied with the [REDACTED]. Indeed, the last remaining ally of the school, the [REDACTED] of the [REDACTED] was expelled from the board since the last Annual General Meeting using rather general and dubious authority to remove an elected member of the board. Secondly, by resolution of RBI, the distribution of monies raised through RBI BINGO was changed without consultation with any representative of SMRH. Following the resolution dealing with the distribution of RBI Bingo profits, SMRHS was told that SMRH was free like all community agencies or organizations to apply for a specific project but no longer was SMRHS entitled to a one third share of the RBI BINGO profits. Of course, SMRHS was not like all other agencies or organizations. SMRHS was the site of the RBI and had been involved from the very start of the RBI. Each RBI BINGO card continued to have the initials SMRH inscribed on each card.

There are questions raised about the use of the BINGO money controlled by both Tourism Bell Island and Radio Bell Island that will be discussed in this report.

The use of the SMRHS facility for RBI continued as did the reference to SMRHS on each BINGO card sold. Although I understand that has recently changed and a new stamp is being used with no reference to SMRHS. No longer was SMRH represented on the board and no longer was SMRH to receive one third of the BINGO proceeds.

10. The Reaction of [REDACTED] to the Town Council request to seal a steel door to the # 4 Mine.

Number 2 Mine comes under the control of the Bell Island Historical Society. The Historical Society conduct a tour of the "Mining Museum" and the # 2 Mine. About 13,000 visitors annually take this tour.

The Number 4 Mine has a Collar (an area at the entrance to the mine) which is used. The actual mine itself begins about one hundred feet from the entrance to the Collar. At this point, access to # 4 Mine was prevented by a steel wall.

This steel wall was erected by the Department of Natural Resources at that about 100 foot mark to prevent access to this mine. Indeed, this steel wall prevented access to the mine. The Collar of the mine was apparently deemed safe and was used as a theatre showing local plays written, and I believe produced and directed by [REDACTED]

The collar was apparently deemed safe because the steel wall was erected some distance from the entrance of the mine. [REDACTED] for the [REDACTED] wrote [REDACTED] in August of 2016: "Natural Resources (NR) has not done any maintenance on the structure in question and we cannot comment on the structure's stability nor the appropriateness of [REDACTED] planned use of the (Collar)." Using the structure [REDACTED] should do so with the understanding that the structure is not being maintained and NR cannot comment on the structure's stability." Further, [REDACTED] writes that: "There may be physical hazards and/ or chemical hazards present of which NR is not aware."

The letter reads: "we cannot comment on the planned use of the use." This suggests that the Collar may have been intended to have the steel wall at its entrance. Is it that the steel wall was not placed where it was intended to be.

[REDACTED] removed the steel wall. The "guesstimate" of the size of this wall is 10' by 15'. This wall was removed without any consultation with NR. This is almost beyond belief that a responsible entity would remove a door that does NOT belong to them when it is clear that a steel door suggests a deep concern about accessing the mine area behind the door.

There has been an ongoing instruction of the [REDACTED] to the [REDACTED], to again seal off access to the iron ore mine # 4 at about 100 feet from the entrance to the collar. This door had been removed and the door according to [REDACTED] had been taken to the dump. This instruction for all intents and purposes was ignored although the [REDACTED] reports a variety of excuses for that failure to seal the mine from possible entry.

[REDACTED] recommends that [REDACTED] consult Service NL and the Fire and Emergency Services for safe access standards. **I would add the written opinion of a Professional Engineer experienced in analyzing mines for safe use concerns should be obtained.**

[REDACTED] writes: "Under legal advice from law firm Stewart McKelvey the Town of Wabana (maybe) responsible under the tort of "Negligent Supervision". "Negligent Supervision may apply in various contexts such as supervision of employees, children, or adults. Negligent supervision is a variant of the common law tort of negligence; therefore breach of duty is proven in the same way as in other negligence cases. In some instances it is described as whether a reasonable person could have foreseen that injuries of the type suffered would likely occur under the circumstances. A person conducting an activity through servants or other agents is subject to liability for harm resulting from his conduct if he is negligent or reckless . . . in the employment of improper persons or instrumentalities in work involving risk of harm to others: in the supervision of the activity; or . . . in permitting, or failing to prevent, negligent or other civil misconduct by persons, whether or not his servants or agents, upon premises or with instrumentalities under his control.

This work will commence immediately but rest assured this work will in no way impact your activities in # 4 Collar that the town supports." The Town thus wishes to replace the sealed wall that was taken down without consultation by [REDACTED].

[REDACTED] absolutely resists the placing of a barrier to the entrance to the mine. The forceful refusal was in my view shocking. The follow-up request for information was less shocking. In this regard the safety considerations raised by NR were meaningless to [REDACTED]. If safety considerations are meaningless then there is not much that is meaningful to [REDACTED].

Important here is the attitude of [REDACTED]. There is concern by the Town; there is concern by the NR. In spite of these concerns and the opinion of a lawyer as to the liability, [REDACTED] continues on doing, as they see fit.

11. Conclusion:

The efforts of the [REDACTED] succeeded in removing the representatives of [REDACTED] from RBI. This is in spite of the efforts of SMRHS from the very early stages of RBI and in spite of the fact that RBI was situated on the premises of SMRHS and the continued use of students in stamping Bingo cards. Indeed, in spite of the use of the name of SMRHS on each Bingo card until recently.

The efforts of [REDACTED] to stack the annual general meeting were successful. Only [REDACTED] remained and [REDACTED] might not have but [REDACTED] was in a second year of a two year term. There is no doubt that [REDACTED] and [REDACTED] are a force to be reckoned with in the Town of Wabana and on the Bell Island. Some of this strength comes from the good that [REDACTED] has provided the Island.

I am satisfied to a high level of certainty that the campaign against [REDACTED] of [REDACTED] involving complaints to the [REDACTED] authorities was the work of [REDACTED] or [REDACTED]. It is disgraceful and shows a level of unethical behavior that should not be tolerated by the Town of Wabana.

It is clear that not all activity by [REDACTED] is good. I point to the failure to abide by the conditions of the Lottery Licence and sharing the BINGO Proceeds with the SMRHS.

The efforts of [REDACTED] resulted in efforts to bypass the agreement of sharing equally the proceeds of the RBI BINGO which governed the sharing of BINGO proceeds since the inception. There is absolutely no doubt this high handed and in my view breach of contract move was not in the best interests of SMRHS nor the Town of Wabana. This was a simple RBI Board motion to exclude the SMRHS from the sharing. The RBI Board is dominated now by [REDACTED] members or its allies.

[REDACTED] was asked to assist in the first mediation and things deteriorated very quickly. [REDACTED] wondered if "Organizational Structural Changes" could reduce the friction or whether it was "Personality Issues" or a combination of both.

The conclusion of this mediator is that there the loss of RBI to the school and the discouragement of [REDACTED] and [REDACTED] as well as others is the direct unethical actions of [REDACTED] and his followers.

Although there was agreement to essential requirements of RBI to be undertaken.

All parties agreed to Mediation. When the time came for stage # 3, that is where the parties meet and there is communication between the parties, [REDACTED] came into the room at the Town Council with his eyes down and clearly "not in a good mood". The [REDACTED] had arrived and were seated. I got up to greet and shake the hands of [REDACTED] and the [REDACTED] of [REDACTED]. I got a smile from [REDACTED] but [REDACTED] shook my hand with his eyes down staring at the floor. [REDACTED] sat with his arms folded and after 55 minutes announced that he had another commitment and would be leaving and leave he did. He told the [REDACTED] in the exit area that he would not be participating further in this "mediation". [REDACTED] was willing to spend hours explaining his remarkable contributions to Bell Island but he was not prepared to give an inch or even acknowledge any errors on his behalf or the treatment of the [REDACTED] by RBI and in other situations.

This is true even after the Lottery Audit by [REDACTED] called for some changes in the lottery.

Appendix: A

Robert T. Smith Steps undertaken to appreciate the conflict and gathering enough facts to conduct a mediation:

I, Robert T. Smith, as a retired Provincial Judge with completed training at Level I, II mediation and some experience with mediation both professionally and as a volunteer was approached to see if I would be willing to undertake mediation with the parties involved in RBI. As a retired Judge, I emphasized to the Chief Administrative Office that I was not acting as a Judge but as a mediator with past experience in the area of mediation. Indeed, I informed that I should not be referred to as a Judge. I had retired and was no longer serving as such.

Although the commonality of University training is a clear characteristic of 21st Century way of life, I shared with the Town Council that I possessed a BA from St. Mary's University, a BEd from Memorial University and a LLB from Dalhousie. In addition, I had an extra year of courses from MUN. I also had been certified in Reality Therapy having trained over three years and been examined in Hollywood Florida in 1986. I had published an article on its use in corrections in Newfoundland and Labrador.

I can certify that I did not know [REDACTED] and although I serve on Corrections Canada Citizen Advisory Committee for Newfoundland and Labrador (CAC), I had not heard of [REDACTED] nor the [REDACTED] organization that calls upon [REDACTED] to do [REDACTED] supervision work. Indeed when I asked of the Chair of CAC about [REDACTED] and [REDACTED] as a part time [REDACTED] she was not aware of that circumstance. I heard her then ask two experienced [REDACTED] who were unaware. The Assistant Area Director for the province, [REDACTED] was [REDACTED] with [REDACTED] and [REDACTED]

I can certify that I did not know of [REDACTED] nor of any of the [REDACTED] or [REDACTED] happenings. I had not met [REDACTED] although I knew he was an [REDACTED] in [REDACTED] business and committed to ensuring the centuries [REDACTED] of the [REDACTED] be preserved. I did know his friend, Anita Best but [REDACTED] had not spoken of [REDACTED] that I recall. I am not a [REDACTED] goer nor am I inclined to attend [REDACTED]

In my view, I was independent of any relationship with any of the parties. I did have knowledge of [REDACTED] but had never met him and only heard media comments about [REDACTED] and [REDACTED]

I was asked to Mediate as a volunteer but that not acceptable as I am aware of the amount of effort that conducting a complex mediation could take. I requested \$50.00 per hour and that included travel time. I was aware of my pension income and I point to the B. Wicks Judges Tribunal Report of May 11, 2015 at paragraph 144 where the daily rate for Full Time Provincial Judges is stated at that time to be \$937 and for Part Time Judges was \$870. I was in service as a Part Time Judge in 2015. I had retired on the last day of 2008, but continued in Part Time service until June 2016. My request was an hourly rate was less than one half of the 2015 Part Judges hourly rate of \$117. That request was acceptable to the Town. It was agreed that I would submit my bill at the time I submitted my report to council.

I agreed and outlined what I believed to be the process that should be followed: Stage #1: Agreement from the parties as to their participation in the Mediation. This stage was a statement of willingness to discuss but is not a commitment to agree to settle. Without this agreement from the parties to participate in the mediation there is no purpose to attempt mediation.

I informed the Town of Wabana through its Chief Administrative Officer (CAO) of that first requirement. To emphasize, I repeat that the authority to conduct mediation comes from the consent of those engaged in dispute. Without that consent there is no point in attempting a sharing or the next step in the mediation process which is a negotiation between the parties.

Most of my experiences in mediation occurred in Provincial Court in the civil suit process known as a "Settlement Conference". This is a legislated mandated stage prior to trial. The stage one Mediation process is absent in the Settlement Conference. In other words there is a required mediation. Many parties were reluctant. I presided over hundreds of these with most disputes resolved. Sometimes there is anger and resentment but in discussing what was at stake, the parties would calm down and participate. The resolution was rarely to either party's complete satisfaction. A resolution means energy, time, resources; money that would go into a trial with an uncertain outcome now could be redirected elsewhere.

The resolution in this matter of [REDACTED] would mean the continued service of [REDACTED] community leaders: [REDACTED], [REDACTED], and [REDACTED]. These [REDACTED] persons have given much to the community and have much more to give to the community of Wabana and to Bell Island. The continuation of the dispute could have very negative consequences for those involved and the Town of Wabana. The concern of the Town Council is obvious and well placed. The conflict endangers the role if not the very presence of the community Radio station, the energy of those administrating the local high school and is an enormous distraction indeed a policy changer as the absence of the share of BINGO money means that money must be located elsewhere, the activity of the remarkable Tourism Bell Island Inc. with multi faceted efforts to promote Bell Island is brought under scrutiny.

It has been remarked by some of those close to the conflict that there is a personality conflict. I am afraid it is much more than that.

When contacted by the Chief Administrative Officer of the Town of Wabana, my first emphasis was there must be an agreement to mediate. I was not aware of previous failed attempts. Failed prior attempts are not an indication that another mediation attempt might not succeed. Sometimes a failed mediation might mean the experience of participation might mean a gain of insight that sets the stage for a successful attempt. I found the participants to be articulate, very bright, very focused, showing an understanding the details of the dispute in remarkable detail. After many hours of meetings, it was my feeling that one side was looking for a vindication of actions already taken and the other side was looking for compromise and a return to an earlier stage of RBI presence in SMRHS.

Stage #2: Gathering the facts and giving the opportunity to each party individually and privately to conceptualize their positions and to vent privately without having to measure each word. Much effort was given to seeking out the circumstances of the persons involved and understanding the facts of the dispute. This stage was completed with care. The [REDACTED] were eager to participate because they felt that there was hope that a resolution might be achieved. [REDACTED] and the current [REDACTED] [REDACTED], also willingly participated. [REDACTED] as [REDACTED] was a most pleasant man and at the time of his initial participation was [REDACTED] for the [REDACTED]. [REDACTED] is a bright man but seems to be at the center of this dispute. [REDACTED] is a planner and there is a goal to [REDACTED] every step. Not always in the best interests of the Town. [REDACTED] remarkable efforts, [REDACTED] successes, [REDACTED] imagination and vision are undeniable but what happens around [REDACTED] efforts is concerning.

Stage #3: At this stage, there is communications between the parties in dispute. Each party states their position and discussion takes place.

Stage #4: Negotiation. This stage means that both parties have an opportunity to advocate their desired goal in settlement. The mediator suggests a middle ground in trying to reach a settlement. The Mediator's suggestion may be altered and debated and other options proposed.

Stage #5: Closure. The settlement agreement is placed in writing and both parties sign the agreement of settlement.

In the early stages of stage #3, one party exited because [REDACTED] had other commitments. [REDACTED] informed the clerk that [REDACTED] would not participate further. It is my feeling that this departure was predictable and there was not any sincere effort to acknowledge any acceptance of the mediation process.

I should indicate that Linda Hickey, Chief Administrator Officer for the Town of Wabana, was the executive officer as indicated for negotiating a contract for the services of this mediator. Linda Hickey was responsible for setting up a meeting place, contacting and arranging the attendance of participants, sorting out the schedules, often doing the introductions. As a qualified "Partnership Broker" (PB), Linda Hickey often had to use of her skills as a PB to encourage reluctant relevant persons to co-operate and participate in the mediation process. Linda Hickey used her training as a PB to encourage interest based negotiation as an opportunity to advance the circumstances of participants. Often this skill became apparent during the introductions. Linda Hickey was helpful in the post mortems in identify the changing issues.

Appendix B:

1. The Rules against Tourism sharing in the RBI BINGO Proceeds
2. On the Service NL Web site (<http://www.servicenl.gov.nl.ca/lotteries/>) under the heading "Lotteries" is found a sub heading, "Rules for Proceeds" . Under this heading is written:

"Funds raised through lotteries must be used for a charitable or religious object or purpose. This means that the proceeds must be used for the relief of poverty, advancement of education, the advancement of religion, or other purposes beneficial to the community. Specifically we have use of proceeds rules for College and University Groups (80 KB)and K-12 Schools (88 KB).

The following are a list of unapproved use of proceeds:

- upkeep or maintenance of service clubs;
- **to promote tourism or other activities that are economic in nature;**
- municipal infrastructure or development;
- for lobbying purposes or to oppose changes in law or government policy;
- education purposes of members of groups other than k-12 and college and university groups;
- expenses of political parties;
- professional development for nurses, teachers and other professionals;
- membership conferences for service clubs;
- membership fees for organizations, their members or staff in professional or recreation associations;
- pay salaries of support staff;
- operational expenses of groups.

The Lotteries Act SN 1991 as am. at s.2 the "Lieutenant-Governor to make regulations.

The Lottery Licensing Regulations are found at NEWFOUNDLAND AND LABRADOR REGULATION 1/02 as am.

s.2 (b), (c) state:

- (b) "charitable or religious object or purpose" means an object or purpose for
- (i) the relief of poverty,
 - (ii) the advancement of education,
 - (iii) the advancement of religion, or
 - (iv) other purposes beneficial to the community;
- (c) "charitable or religious organization" means an organization having solely charitable or religious objects or purposes and which performs services solely for public good or welfare without profit or pecuniary gain to its members;

 confirms in his letter of February 21, 2017 to Radio Bell Island Inc. following his audit that "direct donations to Tourism are NOT permitted under the current legislation." The letter continues "Due to a clerical error on our (Service Newfoundland and Labrador, Consumer Affairs Division) part, the licence was issued without an amendment to remove Tourism as a beneficiary of the funds."

Appendix C: The Lottery Licensing Regulations are found at NEWFOUNDLAND AND LABRADOR REGULATION 1/02 as am. at s. 25 under the heading: Media Bingo.

26. A media bingo card shall have printed on it
- (a) the frequency of the radio station or the channel of the television station which broadcasts the event;
 - (b) the licence number, the name and address of the licensee; and
 - (c) the location, times and dates on which bingo is to be called and the nature and value of the prizes to be awarded.

The cards shown to Mediator Smith do not have the frequency of the Radio Station on them, nor the Lottery Licence Number nor the times of the Bingo nor value of Prizes to be won and the identity of the licensee is not clear.

s. 27 requires that two witnesses be present for the Bingo. Are these witnesses recorded? It seems from discussions with participants that certainly sometimes there are no witnesses.

Appendix C: The Persons Involved

[REDACTED]

[REDACTED] is a Bell Islander by birth. [REDACTED] went to school on Bell Island. [REDACTED] has been [REDACTED] on the island a number of years and is been involved in many volunteer activities. [REDACTED] is [REDACTED] and [REDACTED] of the [REDACTED] [REDACTED] volunteers with various sports groups. [REDACTED] is a [REDACTED] and heads the [REDACTED] which [REDACTED] [REDACTED] is a leader as well. [REDACTED] leadership skills stand out and his dynamic involvements are diverse. [REDACTED] imagination suggests that [REDACTED] has a vision for many aspects of Bell Island's potentials. The [REDACTED] [REDACTED] gives an excellent view of the diversity of activities in which [REDACTED] has engaged. [REDACTED] finger appears to be on every single one. [REDACTED] [REDACTED]. These are the [REDACTED] and [REDACTED]. In the latter, the [REDACTED] **"Our Shows" indicates: "There is always varied music and sometimes there are guests and ghost stories and useful and useless trivia."** One of [REDACTED] passions is researching and presenting the [REDACTED] [REDACTED] and [REDACTED] of Bell Island. [REDACTED] writes plays and enjoys having the talented people on this island perform them for the public. [REDACTED] has been an [REDACTED] at [REDACTED] [REDACTED] and has served as a [REDACTED] and continues as a [REDACTED] [REDACTED]. This [REDACTED] position as a [REDACTED] is as a [REDACTED] [REDACTED]. [REDACTED] is on a "Call It" basis. The pay is \$150 per case, and \$250 per assessment. I understand from [REDACTED] officials that it has been a year or more since [REDACTED] services have been required on Bell Island.

[REDACTED]

A professional musician since [REDACTED] has been a member of [REDACTED] groups [REDACTED] The [REDACTED] [REDACTED]. The [REDACTED] [REDACTED] [REDACTED] [REDACTED] & [REDACTED] and [REDACTED] [REDACTED]. Working closely for ten years with [REDACTED] the [REDACTED] [REDACTED]

and the late [REDACTED] celebrated, learned, recorded and documented their unique music. [REDACTED] has collected and transcribed into notation over [REDACTED]. [REDACTED] has published [REDACTED] "Collection", over [REDACTED]

A prominent [REDACTED] for this province and indeed all of Canada, [REDACTED] has performed in [REDACTED] and all [REDACTED]

[REDACTED] has also taught [REDACTED] to many students. Several of these [REDACTED] are now successful themselves. [REDACTED] has visited many of the Province's schools promoting an interest in [REDACTED]

The term "Newfie" was invented by the Second World War American servicemen and was considered "slang" at best. It was attached to the notorious slow moving Newfoundland Railway trains that used to carry goods to build the various American bases. It was NOT considered a complimentary term. [REDACTED]

[REDACTED] inherited a love and ability to celebrate [REDACTED]

In recent years, along with [REDACTED] has brought [REDACTED] expertise in [REDACTED] to the growing Tourism Industry in the Province with [REDACTED] as [REDACTED] an evening of [REDACTED] & [REDACTED] introducing visitors and locals alike to the joys of [REDACTED]. A huge success in [REDACTED] for many years, these events are still being presented through the province.

[REDACTED] has been awarded the [REDACTED], twice [REDACTED] the Tourism Industry Association [REDACTED] (1991 & 1997), the prestigious Marius Barbeau Award (1997) for [REDACTED] to Canadian Folklore and the [REDACTED] (1999). In March of 2010, [REDACTED] was the first ever recipient of the [REDACTED] from the Department of Tourism Historic Commemorations Program. In 2013 [REDACTED] received the Queens Diamond Jubilee Medal and is a [REDACTED]

[REDACTED] was key in establishing and running [REDACTED] states that: "If [REDACTED] had not put [REDACTED] heart and soul into [REDACTED] we" (the citizens of Bell Island) "would not have [REDACTED] today."

The [REDACTED] group [REDACTED] on Bell Island, Newfoundland. This [REDACTED] includes [REDACTED]. The [REDACTED], and [REDACTED] have [REDACTED] with [REDACTED] summer drama programs and receive high praise from [REDACTED] & [REDACTED] singing, are [REDACTED]

The [REDACTED] skilled in Newfoundland [REDACTED] and traditional [REDACTED]

[REDACTED]

[REDACTED] originally from [REDACTED] is a qualified, experienced [REDACTED]
[REDACTED] currently [REDACTED] of [REDACTED]

With [REDACTED] and [REDACTED] [REDACTED] has run [REDACTED] events in [REDACTED]. With the
guidance of [REDACTED] calling the [REDACTED], participants quickly and easily learn the [REDACTED] for
[REDACTED]. She also [REDACTED] in the [REDACTED]

The leadership skills of [REDACTED] have been recognized by the [REDACTED]
Under [REDACTED] leadership, the [REDACTED] has [REDACTED]
considerably and the [REDACTED] and [REDACTED] have been recognized for that
improvement.

Recommendations:

In order to restore some measure of community solidarity, to regain the trust of funding agencies (who must have concerns after the circumstances described in 5. (f) of this report), to restore a sense that is possible for volunteer groups to co-operate for the betterment of the Town of Wabana and all citizens of Bell Island.

1. That a foundation be established. [REDACTED] has suggested the establishment of the foundation. I agree that the BINGO proceeds should indeed be for the benefit of all persons on Bell Island. The proceeds have come from the citizens and should be used for the whole community. There should be a preferential place for the SMRHS in the allotment of needed funds. This mediator endorses the use of BINGO profits for these purposes:
 - a.) That the funds that Radio BINGO and other fund raisers that may be directed to the foundation to be administered for charitable purposes.
 - b.) That the persons to serve on RBI be nominated by the Foundation and neither any member of the SMRHS nor [REDACTED] be eligible for nomination to the board for five years.
 - c.) That the foundation executive be the members of the clergies of the Roman Catholic, United Church and Anglican Ministries.
 - d.) That all charities or institutions with a base of service for the betterment of the youth or citizens of Bell Island be eligible to apply including schools, youth clubs or service clubs for particular purposes.
2. That a forensic audit of [REDACTED] and its many projects be undertaken before the Town provides support of any kind to the [REDACTED]. These audits should be of grant money and indeed all money placed in the hands of [REDACTED].
3. The free rent for [REDACTED] should be re-examined given some of the activity of [REDACTED] are detrimental to the overall good of the community, in particular I point to the multifaceted campaign against [REDACTED].
4. That the assets of the Town of Wabana entrusted to [REDACTED] should be clearly kept in the hands of the Town of Wabana. Those assets belong to the citizens of Wabana and while in the short term, these assets may be developed and be part of an advancement of the tourist attractions of Bell Island, the long term circumstances absent the energy, vision of [REDACTED] and his team not see the same helpful determination to develop the assets. These assets include: the original Town Hall, the "Red Building", the Lighthouse Keepers café, and any other asset.
5. The free rent space in the Town of Wabana Complex should be re-visited.
6. The position of [REDACTED] as [REDACTED] of [REDACTED] and [REDACTED] of [REDACTED] has been brought into question by the following: a.) the financial allegations by various citizens including [REDACTED], [REDACTED], b.) the dysfunction of [REDACTED] meetings as described by [REDACTED], [REDACTED], and [REDACTED]. [REDACTED] called the meetings "ridiculous". If [REDACTED] is the leader that [REDACTED] purports to be, [REDACTED] made no effort to try to add decorum in fact is suspected of orchestrated the entire effort the selection of board members, the stacking of the [REDACTED] with supporters of [REDACTED] to ensure the election of [REDACTED] slate, then the pressuring of [REDACTED] to leave the board, when that did not work then using a dubious authority to suspend [REDACTED] from the [REDACTED] board, then cutting the school out of the BINGO proceeds in spite of an agreement that had been acted upon for some time, now the

application to move [REDACTED] altogether. c.) the various campaigns against [REDACTED] including 13 referrals to the [REDACTED]

The town should take leadership in ensuring that the activities of [REDACTED] be examined for ethical and healthy leadership traits.

I should like to finish by repeating part of the introduction. This mediation failed. Some changes have to be made. One has to trust the ethics of one's community leaders and hopefully some of the information can be clarified, explained and trust restored. Certainly, some strategies must be redeveloped. If warring parties with persons killed on both sides can make peace and work TOGETHER for the betterment of the living. Surely [REDACTED] and [REDACTED] and [REDACTED] can make peace but until that is possible then it is better to have a different board of directors for [REDACTED]

It is the view of [REDACTED] that RBI should remain a part of SMRHS and to move would do a disservice to not only the students but to whole of Bell Island.

This mediator would go further and say that it would be tragic to have the RBI leave the school and it is tragic to lose the skills and influences of [REDACTED] and [REDACTED] from RBI. It would be sad to lose the work of [REDACTED] from the community.

Robert T. Smith
Mediator
Dated on May 19, 2017
at the City of St. John's
Province of Newfoundland and Labrador