



Viva Consulting
Family Life Inc.

PROBLEM GAMBLING

CONSUMER ADVOCACY
COUNSELLING
EDUCATION & AWARENESS PRESENTATIONS
HARM REDUCTION STRATEGIES

December 27, 2019

FANCY BARRISTERS, P.C.
Suite 200 - 30 Via Renzo Drive
Richmond Hill, Ontario
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Dear Mr. Fancy:

Thank you for your instructing letter dated February 15th, 2019 on *Dennis v. OLGC*. This is our responding report.

A. Expert Experience

I am President and CEO of Viva Consulting Family Life Inc., a federally incorporated not-for-profit organization whose goal is to educate and to provide awareness to those who have a gambling problem, as well as the countless others who are affected by someone who does suffer from the problem.

At Viva Consulting, we are concerned about the danger for some people to become mild problem or pathological gamblers. We feel it is imperative that the public be informed of the inherent risks, so that they can make responsible choices concerning gambling. For those reasons, we provide:

- Consumer Advocacy via the media and the government;
 - Referrals, Treatment, and Counselling for individuals and their families;
 - Education and Awareness Presentations for companies, professionals, and organizations;
- and
- Harm Reduction Strategies for the gaming industry e.g. identifying problem gambler.

Our web site currently receives more than 1800 visitors per week. Since we will neither endorse gambling nor will we call it harmless entertainment, we are not favored by the gambling industry. We will not recommend “**harm-reduction**” or “**responsible gambling**” to the public and therefore, **we do not receive funding from the provincial governments** or the **OLGC** or other casinos in Canada and the United States of America. We are independent of such influences.

Since 1999, we have counselled more than 200 individuals with problems related to legalized gambling. Although many of these clients were unable to pay for services, no one was ever refused counselling.

We are the only other option offered to English-speaking callers to the problem gambling helpline in Quebec. We see clients within 24 hours and quicker in emergency situations. We field calls 24 hours each day, 7 days a week, including holidays. The other English option is available during business hours, Monday to Friday (except on holidays), and the waiting list for assessment is 6 to 12 weeks. They are government funded; we are not. We have been fully self-financed for all these years.

For the past 26 years, as a consumer advocate and a critic of gambling expansion, I have been monitoring the effects of expanded legalized gambling in North America as well as in Europe, the United Kingdom, Asia, Africa, and the Netherlands. I have followed the issue of voluntary self-exclusion over the years. It has become increasingly apparent to me that, although gambling establishments in Canada claim to offer **self-exclusion programs**, these programs are more of a farce, a **public relations ploy**, than a useful tool to help addicts avoid disaster as I similarly observed in *Treyes v. OLGC* in 2007 and in which the Court recognized our expertise.¹

In fact, realistically, it cannot be expected to be different in an arena where the gambling industry is **materially owned, operated, and regulated by the government**. There are **no real consequences** to the industry for **not attempting to seriously block out their highest source of revenue** from the pathological gambler (e.g. *Treyes* and *Dennis*) or using

¹ *Treyes v. Ontario Lottery & Gaming* [2007] O.J. No. 2772 at paragraph 11: “I will mention one other expert, Mr. Sol Boxenbaum, a well-respected, independent ... consumer advocate. He is an expert on the issue of the OLGC's self-exclusion program.” Although I am a consumer advocate, I am not anti-gambling.

deceptive self-exclusion programs with broad releases and **other serious misconduct**. My documents list on this report is attached at the end of my answers.

B. Four Questions

I have studied the four questions in your instructing letter of February 15th 2019. Here are my answers:

QUESTION 1

The first question asked: *“Please explain the Defendant OLG’s **“Winner’s Circle”** program and if such program influences a gambler’s behavior based upon Dennis’ quoted evidence on same and your expertise as a Gambling Counselor?”*

The Winners Circle is a promotion of OLGC that encourages people to gamble and contrary to advocating responsible gambling it rewards players for gambling excessively. The program is materially about disguising gambling losses as winning points. The Plaintiff Peter Dennis meaningfully explained this program under oath as follows:

*“**In the second half of 2000 my need to gamble intensified. I was betting larger amounts, attending more frequently and experiencing greater losses. In August 2000 I signed up for “The Winner’s Circle” card, bearing account number 0435586 which provided benefits like the Casino Rama Card in exchange for the length of time I spent gambling (and I believe the amount bet) regardless whether I won or lost monetarily. I found that quite attractive. I was aware, however, that I would lose all my accumulated points if I stopped gambling for six months.**”²*

Under the Winner’s Circle program, **patrons register and receive a card** which they use to record the amount of their play at the machines and at the tables. OLGC’s purpose is to entrench **loyalty** to its materially monopolistic gambling sites. The main loyalty rewards are **complimentary meals and cashback**. The gambler is slowly conditioned to believe that losing also means winning for the addicted gambler.

The CFCG, of which I was the Founder and executive director in Saskatchewan was started in Ontario by the late Tibor Barsoni. He was eventually pushed out of the position and replaced by a bureaucrat OLGC. It then went through a name change to Responsible Gambling Council ending of gambling neutrality in Ontario through CFCG and RGC. There are also serious

² Peter Dennis’ Affidavit sworn April 2nd, 2009 at paragraphs 29.

problems at AGCO. In that regard, AGCO has refused to regulate OLGC on self-exclusion although it has the authority to do so. I agree with Ms. Stoltz's affidavit dated April 3rd 2009 on the AGCO.

I also agree with paragraph 26 (d) of the Plaintiffs' amended Statement of Claim including the manner in which Winner's Circle was "...designed to **encourage gambling and reward frequent use** with "perks" such as reward points for food, drinks and other benefits at the casino." ³

In my time as executive director of CFCG I was engaged by the Saskatchewan Gaming Corporation to train employees of the casino from the check room staff to the executives on responsible gambling and intervention. SGC believed that it was best for all sides to prevent problem gambling. Their self-exclusion program was successful because the information was shared throughout the province.

However, the Winner's Circle created a serious, long standing **conflict of interest** in Ontario, because the OLGC is benefiting from increased gambling under the rewards program but is also **obligated to use best efforts to deny entry**.⁴ The OLGC has never had a genuine responsible gambling program to deny entry to their establishments or others (managed with US and other casinos) because it loses significant money by denial. Insofar as OLGC conducting responsible gambling programs it is the fox guarding the chicken coop.

The losses incurred by Mr. Dennis should have been prevented by the OLGC once self-exclusion began. Any of his withdrawals at the ATM machine would have been blocked in U.S. casinos stopping the withdrawal. True he could have left the building to go to a bank, but sometimes just leaving the venue is sufficient to stop and consider returning to family, work, or other positive activities.

Sadly, the responsible gambling initiatives offered by OLGC continue to be mere window-dressing, a public relations exercise called a responsible gambling program on self-exclusion. In 2005 the OLGC changed the self-exclusion forms to put the responsibility of exclusion upon the

³ Dennis' Statement of Claim (as amended) at paragraph 26(d) page 16.

⁴ Justice Cullity's decision in *Dennis v. OLG* at paragraphs 91 and 92.

addict. The bankruptcies and suicides that accompany the OLG's "games" are part of the cost of gambling business.⁵

In this serious financial conflict of interest, we saw Ontario's Ombudsman found that "*at least \$100 million in prizes had been paid out to so-called "insiders" including "some of it to fraudsters."*"⁶ Now there is strong evidence of significant reduction of Peter Dennis' **pre-self-exclusion** gambling activities in his OLG "Winner's Circle" records based upon the forensic accountant's report dated December 29th 2017. The alteration of information in OLG's financial interests in the Winner's records is part of a pattern of document alteration (based upon another expert's analysis) of several important documents produced by the OLG in Mr. Dennis proceeding.

QUESTION 2

The second question asked: *Does the understatement of a "Winner's Circle" gambling record, such as Dennis' WCR records (as detailed in the Plaintiff's Economic Loss Report) trigger (in your opinion) any economic or other benefit(s) to the Defendant OLG?*

I talked with Mr. Peter Dennis by telephone in respect of Winner's Circle on May 16th 2019. I also read the Plaintiffs' economic loss report dated December 29th, 2017. In this report, the Plaintiffs' forensic accountant compared the "Winner's Circle" records from the OLG with the banking records from the CIBC after he identified ATM 1030 transactions in Woodbine casino based on CIBC's banking code. The accountant discovered many missing items in respect of the ATM 1030 transactions in the OLG records. This is in Schedule 5 of the economic loss report dated December 29th, 2017.

⁵ I published a paper in 2005 on "*Responsible Gambling; An Oxymoron*" on suicide and shifting responsibilities.

⁶ Ontario Ombudsman's 2007-2008 "*Case Update*" at <https://www.ombudsman.on.ca/resources/reports-and-case-summaries/reports-on-investigations/2007/a-game-of-trust/case-update-annual-report-2007-2008>

Case Update (2007-08) by Ombudsman confirms: "*As a follow-up to the Ombudsman's investigation, the OLG engaged Deloitte & Touche to do a more detailed analysis of past "insider wins" dating back to 1995. The troubling results of Deloitte's \$750,000 review were announced in February 2009: It found the rate of "insider wins" was 3.4% of total winnings – twice the OLG's original estimate of 1.7%. Insider wins over the past 13 years totalled \$198 million – almost double the OLG's initial estimate of \$100 million.*"

Self-excluders do not typically use a Winner's Circle rewards card **after** enrolling in self-exclusion because of their subjective concern of detection by the OLG. Mr. Dennis mostly gambled at Woodbine casino and he made regular use of **ATM 1030 inside Woodbine**. The Plaintiffs' counsel obtained the ATM codes from CIBC based on the re-occurring appearance of certain ATMs in *Dennis* pre-existing banking records.⁷

The missing items on gambling activity in the OLG Winner's Circle records shows something impossible. Peter Dennis, a pathologically addicted gambler was repeatedly inside **Woodbine** casino and withdrawing money from **ATM 1030** inside the casino. However, the Winner's Circle records show the addicted gambler was not gambling or not gambling with his "**Winner's Circle**" card although Mr. Dennis had **not yet self-excluded**.

If the OLG's Winner's Circle records were true, there would be no such thing as gambling addiction nor an OLG self-exclusion program or the contradiction between the **Winner's Circle** records on the addicted gambler Dennis and his banking records. In my opinion, it is **certain** that Mr. Dennis was inside Woodbine casino, **on days missing from the produced Winner's Circle records**, withdrawing money from **inside Woodbine casino ATM 1030** and then gambling with the **Winner's Circle** rewards card in Woodbine with the **cash withdrawals**.

By example, the forensic accountant's report at page 21 confirms that on January 12th 2004 about \$800.00 in funds was withdrawn from ATM 1030 inside Woodbine Casino,⁸ through multiple withdrawals,⁹ but the Winner's Circle records do not show any gambling by Mr. Dennis on that long day inside Woodbine Casino.¹⁰

⁷ Dennis Affidavit at paragraphs 33-34, Exhibit "**GG**" on **pre-self-exclusion fold-out graph** based upon Winner's Circle records; paragraph 44 and Exhibit "**YY**" re; CIBC bank records; and Exhibit **ZZ** on CIBC code for ATM 1030. See *Dennis* Affidavit at Exhibit "**YY**". See Economic Loss Report dated December 29th 2017 Schedule 5 at page 21 based upon *Dennis* banking records at Exhibit "**YY**" to his affidavit sworn April 2nd 2009 and Defendant OLG's Winner's records at Exhibit "**HH**" to the same *Dennis* affidavit.

⁸ Economic loss report dated December 29th, 2017 Schedule 5 (second item) at page 21.

⁹ Schedule 5 of economic loss report and Dennis Affidavit at Exhibit "**YY**" at page 1380 on "SCD 1030" ATM withdrawals and Exhibit "**ZZ**" on 1030 ATM inside Woodbine casino.

¹⁰

Dennis Affidavit at Exhibit "**HH**" on Winner's Circle records at page 1254 **re: missing January 12th, 2004 withdrawals from 1030 inside Woodbine casino**.

The OLG benefits in many ways from financially understating Winner's Circle records including reducing its financial obligations under its own rewards program. The Plaintiffs' forensic accountant calculated "...*a variance of 14.3%...*" over a period of about "*5.7 months*" involving about **109** omitted withdrawals from inside Woodbine casino.¹¹ The first benefit to the OLG in **reducing** Mr. Dennis' Winner's Circle records on his gambling activities is the **corresponding reduction in the payouts** of his rewards points for cash back, free meals and other benefits.

It is **highly (if not certainly) untrue** that Mr. Dennis repeatedly attended Woodbine casino, withdrew funds from inside the casino repeatedly on the same day, but did not gamble with his Winner's Circle card although he would not self-exclude for several months on May 23rd, 2004.

To understand the grave pathology to Mr. Dennis' gambling activities in 2003-2004 time period it is important to observe that he gambled about \$114,277.30 in the first five (5) months of 2004 and of that total about \$59,000 was gambled in March, April, and May 2004.¹² Self-exclusion followed on May 23rd 2004. During this same time period he transferred his title to the family first home at 36 Fincham to his neighbors to re-finance through BMO (based upon the neighbor's credit) and temporarily saved the home from seizure by the bank.¹³

The Plaintiffs post self-exclusion graph illustrates Mr. Dennis' pathological gambling in financial turmoil (e.g. loss of home) and family problems (e.g. son's falling academic grades). The compulsive gambling continued after self-exclusion due to OLG's irresponsible memory-based enforcement as shown in the Plaintiffs' post self-exclusion graph.¹⁴

¹¹ I was provided confirmation on the count by counsel for the Plaintiffs. The information is in the Dennis Affidavit at documents "HH" and "YY".

¹² Dennis Affidavit at paragraph 35 (c) page 16.

¹³ Dennis Affidavit at paragraphs 31(c), 32, 33 and Exhibits "CC" (re: transfer deed on 36 Fincham Avenue) and "GG" re: pre-self-exclusion graph.

¹⁴ Dennis Affidavit on pre-self-exclusion graph at "GG" and "XX" on post self-exclusion graph on continuing gambling during turmoil in family. I understand that there are minor arithmetic errors in respect of the graphs but that does not change my opinion.

A **variance of almost 15%**, involving so many financial transactions inside Woodbine casino, over several months, is of significance because it is about a major crown corporation, whose revenues from selling gambling to ordinary consumers, are in the **several billions**. Based upon my several decades of experience with casinos, including the history of OLGC's deceptive practices (addressed below) I believe the significant understatement of Mr. Dennis' WC records is strong evidence of a larger similar practice in the OLGC.

Winner's Circle is used by OLGC and others as allegedly reliable sources of information to determine policy and procedures in respect of gambling generally and in responsible gambling. By example, Professor Wohl of Carlton University used data of members of the "*649 Winner's Circle Reward*" in a study on the conflict of interest in respect of problem gamblers, behavioural loyalty, and increased spending entitled: "*Loyalty Programs: The GOOD, the BAD, and the UGLY*".¹⁵

In 2012 the OLGC acknowledged using Winner's Circle records to determine "**Gaming Zones**". These zones are geographic sites to expand gambling (without increasing competition between locations) in Ontario, based upon "*the gravity model*" and this is then used to obtain regulatory approvals.¹⁶

In my opinion:

a) The forensic accountant's report dated on December 29th, 2017 concluded that the "*WCR is not accurate, complete or a reliable indicator of Dennis' gambling activity in the Woodbine Casino*"¹⁷ and I agree with it;

b) The evidence on altered Winner's Circle statements is especially convincing given (amongst other things), OLGC's conflict of interest, the history of fraud in gambling schemes as found by the Ombudsman 2007, and the numerous other altered documents produced by the OLGC in *Dennis* (as confirmed by an independent Plaintiffs' expert).

¹⁵ Wohl's report at: <https://dspace.ucalgary.ca/bitstream/handle/1880/51915/AGRI2017%205%20Wohl%20-%20Loyalty%20Program%20in%20the%20Gambling%20Industry.pdf?sequence=5>

¹⁶ OLGC's report at <https://about.olg.ca/the-science-behind-olgs-gaming-zones/>

¹⁷ See Plaintiffs economic loss report at footnote 3.

QUESTION 3

The third question asked: *Would the same understated **WCR records** reduce the **apparent severity** of Dennis' pathological gambling activity, **before he self-excluded**, under the Defendant OLGC's "responsible gambling" program (as detailed in the Dennis Affidavit)?*

By minimizing gambling activity in Winner's Circle records the OLGC would certainly make a customer falsely believe that the customer is at less risk of pathological or other ill gambling activities, and such deception also prejudices all subsequent uses of the same tampered Winner's Circle records e.g. seeking regulatory approvals based upon altered evidence from the OLGC's own reward program.

Gambling addicts suffer from heavy financial losses. However, they also suffer **significant lost time** from marriage, family, work and rest, causing more serious turmoil at home. The Plaintiffs' graphs powerfully show the "*harrowing*" experience of the Dennis family under OLGC's **irresponsible gambling program** in respect of self-exclusion and other things.

The OLGC's suppression of gambling activity in the Winner's Circle records misleads every gambler on the losses in money, time, visits, and other things. Therefore, the **severity** of the **actual gambling** of the excluder or any Winner's Circle member is distorted in Ontario's favour if the records are altered to say a different gambling story.

The altered Winner's Circle records in the *Dennis* action, in the context of the 2007 lottery fraud with retailers winning **5.7 times** than expected¹⁸ and the alteration of other casino records, evidences a willingness on OLGC's part to engage in **deception** to maximize profits at the expense of all ill problem gamblers. The provincial ombudsman found in his 2007 report at page 42: "*OLG's system does not prevent someone from altering the chronology after the fact.*"

¹⁸ The Ombudsman reported at paragraph 108 in 2007 as follows: "*Prof. Rosenthal issued his report, Analysis of Insider Ontario Lottery Wins, for the fifth estate. In it, he concluded that retailers were winning prizes of \$50,000 and above about 5.7 times more than expected, assuming a retail population of 36,050 – or, alternatively 3.5 times more than expected, assuming a retail population of 60,000. Either way, he said the probability of this happening by pure luck was less than one chance in a trillion trillion trillion trillion – i.e., impossible*" at https://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/a_game_of_trust_1.pdf

Reliable authorities must investigate OLGC's Winner's Circle records in the context of a history of document alteration, recover the missing money and hold the irresponsible (if not criminal) members of the provincial government accountable.

It is highly likely the OLGC altered Winner's Circle records generally to reduce its own liability under the rewards program and also to advance its own agenda by skewing raw foundational data to minimize the severity of problem gambling in Ontario and Canada.

QUESTION 4

The fourth question asked: *Does the 2007 Insider Fraud report¹⁹ and the three expert forensic reports on the **material alteration** and or **inaccuracy** of OLGC documents on **self-exclusion**, as on **initiation** (i.e. 1994 OCC Resolution), **program** (i.e. Martin Report), **procedure** (i.e. 1999-2000 SELF-EXCLUSION PROCEDURES) and the **rewards** program (i.e. understated WCR) show that OLGC's self-exclusion program was and or remains "...mere window-dressing -- a public relations exercise..."?*²⁰

My unqualified answer is **yes**.

The OLGC has a long history with serious misconduct (including alteration of records) in respect of the management of gambling revenue and the pay-outs of same to fraudsters in a sparse documentary environment which allows alteration of information.²¹ By example, the Ombudsman reported in 2007-08:

- a) That "**at least \$100 million in prizes had been paid out to so-called "insiders"** (i.e., lottery ticket retailers and staff of the Ontario Lottery and Gaming Corporation, or OLG) – **some of it to "fraudsters"** (the "Insider

¹⁹ The provincial Ombudsman's found in 2007 at pages 3, 42, and 66 that the OLG's measures "**to guard against retailer fraud**" was "**woefully inadequate**"; that the Crown agent's system did not prevent the "**altering [of]... chronology after the fact**"; and he recommended keeping "**contemporaneous notes, not altering entries and not destroying investigative notes**"

²⁰ Dennis v. OLG, 2010 at paragraph 106.

²¹ Ontario Ombudsman' 2007-2008 "**Case Update**" at <https://www.ombudsman.on.ca/resources/reports-and-case-summaries/reports-on-investigations/2007/a-game-of-trust/case-update-annual-report-2007-2008>

Fraud).²² The figure was updated such that close to \$200,000 million in pots, rewards and wins was paid to insiders of the OLG.²³

- b) “The actual amounts awarded to “*insiders*” or “*fraudsters*” by the OLG “*was probably much higher, but the sparse records kept by the OLG made it impossible to determine the exact rate of “insider” play and therefore the extent of dishonest behaviour by ticket-sellers.*”²⁴
- c) “*What the incident revealed, though, is troubling – the OLG’s system does not prevent someone from altering the chronology after the fact*”,²⁵ and
- d) “*Accordingly, I recommend that the Ontario Lottery and Gaming Corporation ensure that its investigators are trained in and follow proper*

²² Ontario Ombudsman’ 2007-2008 “*Case Update*” at <https://www.ombudsman.on.ca/resources/reports-and-case-summaries/reports-on-investigations/2007/a-game-of-trust/case-update-annual-report-2007-2008>

²³ *Case Update* (2007-08) by Ombudsman confirmed the follows: “*As a follow-up to the Ombudsman’s investigation, the OLG engaged Deloitte & Touche to do a more detailed analysis of past “insider wins” dating back to 1995. The troubling results of Deloitte’s \$750,000 review were announced in February 2009: It found the rate of “insider wins” was 3.4% of total winnings – twice the OLG’s original estimate of 1.7%. Insider wins over the past 13 years totalled \$198 million – almost double the OLG’s initial estimate of \$100 million.*” Available at: <https://www.ombudsman.on.ca/resources/reports-and-case-summaries/reports-on-investigations/2007/a-game-of-trust/case-update-annual-report-2007-2008>

²⁴ Ontario Ombudsman’s 2008-09 Annual Report at page 43 accessible at the following website address: <http://www.ontla.on.ca/library/repository/ser/3616/2008-2009.pdf>

²⁵

In the 2007 Ombudsman’ report at paragraph 153 page 42. Note: The “*incident*” arose from the following:

“In the course of the OPP’s investigation of Mr. Edmonds’ allegations, the Corporation forwarded the Occurrence Details to the investigating officer in January 2002. It was later discovered that additional entries had been made, which were not part of the record provided to the OPP. According to the Corporation, the hard copy of the Occurrence Details in its file had not been reconciled with the information kept by its Investigation Department at another office location.

In the course of the OPP’s investigation of Mr. Edmonds’ allegations, the Corporation forwarded the Occurrence Details to the investigating officer in January 2002. It was later discovered that additional entries had been made, which were not part of the record provided to the OPP. According to the Corporation, the hard copy of the Occurrence Details in its file had not been reconciled with the information kept by its Investigation Department at another office location. The missing information was eventually forwarded to the OPP in another format.

*investigative record-keeping practices, including keeping contemporaneous notes, not altering entries and not destroying investigative notes”;*²⁶ and

e) The provincial Ombudsman concluded: “*Not only did the OLG know there was a problem with insider fraud, it was fully aware that the measures it put in place to guard against retailer fraud were woefully inadequate.*”²⁷

The Province of Ontario **accepted** the Ombudsman’s recommendations on March 26, 2007,²⁸ but Mr. Dennis tampered Winner’s Circle records are from 2004. This was also a “*banner year for controversial insider claims*” as also found by the Ombudsman’s 2007 report at page 20.

Independently, the forensic examiner of six important textual documents (non-financial documents arising before 2007) produced by the OLGC in Mr. Dennis’ proceeding also showed **serious tampering of content.**²⁹

By example, the 2001 “*Final Report*”, in the name of OLGC Consultant Neasa Martin, was produced by OLGC through its current counsel (the “*Martin Report*”). Like the jaw-dropping findings of the forensic accountant on the Winner’s Records, another forensic expert Ms. Carlson examining for evidence tampering in textual documents made the following findings on the Martin Report:

²⁶ Ombudsman’ report at paragraph 18, page 66.

²⁷ Ombudsman’s 2007 report at paragraph 12, page 3 re: “*Investigation into the Ontario Lottery and Gaming Corporation’s protection of the public from fraud and theft*”.

²⁸ “*Government accepts findings ...*”, March 26th 2007 at the quote below from the following website <https://news.ontario.ca/archive/en/2007/03/26/Government-Accepts-Findings-Of-Ombudsman-Investigation.html>

The Ontario government is taking immediate action to make a strong lottery system stronger, Minister of Public Infrastructure Renewal David Caplan said today. “**I wholeheartedly accept and support the findings of the Ombudsman’s investigation and thank him for his hard work and dedication,**” said Caplan. “I am committed to implementing the Ombudsman’s recommendations to make Ontario’s lottery system the gold standard in the industry.”

²⁹

The Martin Report was examined in Ms. Carlson’s report dated October 8, 2017 and the other five documents was examined in her report dated November 14th 2018.

- a) **Part C on Dates:** *“The contradictory dating structure makes it impossible to believe that this “Report” was created in a continuum or even in the same general time frame.”*³⁰
- b) **Part D on Table of Contents:** *“The “OLGC-Observations’ title is inconsistent with the only possible title of “OLGC – Consultant’s Observations’, at Page 10. In the misleading circumstances of the “Report” the inconsistency is likely the mark of misinformation or missing text from the “Report”;*³¹
- c) **Part E on Appendices:** *“There are four (4) primary sections in the Appendices Index as follows: “Appendix A’, Appendix B’, Appendix C’, and Appendix D’. However, there is no reference to Appendix B’, Appendix C’, or Appendix D’”;*³² and
- d) **Part F on Final and Draft:** *“There are portions within each ‘Report’s set of tables (“Tables’) that are entitled “Draft’ even though the cover page of each document is labelled ‘Final Report’.”*³³

The same forensic documentary expert examined **five additional documents** produced by the OLGC and concluded as follows:

“Based on my examination and the lack of continuity and distinct or congruent references throughout documents ‘a’ through ‘e’, including or excluding the 102-page ‘Martin Report’, along with the inconsistently organized formatting, multiple dates, inconsistent spacing, inconsistent, disjointed or non-existent page numbering, inconsistent or missing footers, and inconsistent or disordered headings and titles, it is my professional expert opinion that the documents herein referenced are purportedly unfinished draft sections of a purportedly larger report purportedly prepared over the years 1999 to 2008 by OLG.

³⁰ Carlson’s report dated October 8, 2017 at page 2, part C.

³¹ Carlson’s report dated October 8, 2017 at page 3, part D.

³² Carlson’s report dated October 8, 2017 at page 3, part E.

³³ Carlson’s report dated October 8, 2017 at page 3, part E.

Furthermore, based on my professional knowledge and experience, it is my professional expert opinion that these documents ‘a’ through ‘e’ are evidence of ‘piece-meal’ work prepared by multiple people during multiple dates and using multiple machines....”³⁴

These are very alarming findings. An investigation into OLGC’s history on document alteration and disclosure in respect of documents on problem gambling (e.g. in Treyes) is also essential.

Before this report, I objected strenuously to the Minister of Justice to the expansion of gambling into the GTA without doing impact studies in the context of US casinos directly participating in the management and operations of gambling in Ontario with the OLGC.³⁵ Currently OLGC is building a casino in Pickering which will expose hundreds of thousands of residents from the surrounding areas to the OLGC’s unprecedented deceptive practices.

C. Conclusion

In all my years as a Consumer Advocate on problem gambling or as treatment counsellor or as an advisor to gambling establishments or in the monitoring of gambling establishments in North America, Europe and Asia, have I ever seen such a collection of expert analysis of diverse documentary evidence (e.g. financial, textual and demonstrative) covering a lengthy period of time and revealing a serious evidence tampering. I agree with the Plaintiffs’ counsel letter dated November 30th 2018 on OLGC’s pattern of (potentially criminal) misconduct over the past decade (and in my opinion likely beyond such period).

I understand from the judicial history at <http://problemgamblerslawyer.com> that this proceeding reached the Ontario Court of Appeal and the Supreme Court of Canada. Some or all the tampered evidence would have gone with it, and that tells me that the Defendant OLGC is a public menace, profiting from it and using best efforts to conceal it.

³⁴ Carlson’s report dated November 14th 2018 at page 6.

³⁵ Letter to Minister Sousa dated November 1, 2017 including: “For example, in time OLGC began to outsource the operation of Windsor Casino to Caesars (circumventing the provisions of the Criminal Code) and diverting funds to Caesars, contrary to the original intent of the amendments. Since the move went unchallenged, other jurisdictions continued to do the same. Most recently OLG partnered with Hardrock Café to build a hotel/casino in Ottawa.”

Based upon the Plaintiffs' expert evidence in *Dennis v. OLG* a consumer warning is necessary. The "provincial authorities that are breaking the laws" cannot be expected to "prosecute themselves" as I also advised Minister Sousa by letter of November 1st 2017.

Sincerely,


Sol Boxenbaum

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Documents List

Dennis v. OLG

1. Letter to Minister Sousa dated November 1, 2017
2. Forensic Document Examiner's report dated October 8, 2017
3. Forensic Document Examiner's report dated November 14, 2018 with Exhibits.
4. Economic Loss Report dated December 29, 2017
5. Peter Dennis' Affidavit dated April 2, 2009

6. Paul Pellizzari's Affidavit dated July 13, 200
7. Lori Stoltz's Affidavit dated July 13, 2009
8. Fancy Barristers letter to defense Counsel dated January 2, 2018
9. Fancy Barristers letter dated November 30th 2018.
10. Responsible Gaming Problem Gambling Consultation report provided by defense counsel to Plaintiff counsel via email dated July 13, 2017;
11. Resolution Passed by the Board of Directors of Ontario Casino.
12. Ontario Ombudsman's 2007-2008 "Case Update" at <https://www.ombudsman.on.ca/resources/reports-and-case-summaries/reports-on-investigations/2007/a-game-of-trust/case-update-annual-report-2007-2008>
13. Ontario Ombudsman's 2008-09 Annual Report at: <http://www.ontla.on.ca/library/repository/ser/3616/2008-2009.pdf>
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