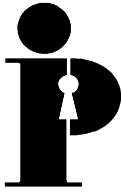


# ORDER MO-2067

## Appeal MA-050225-1

## Toronto Police Services Board

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## NATURE OF THE APPEAL:

The Toronto Police Services Board (the Police) received a request under the *Municipal Freedom of Information and Protection of Act* (the *Act*) for copies of police officers' notes regarding a murder investigation which occurred in 1986. The request was made, through a representative, by the individual who was charged and convicted of the crime. The request also stated:

> The purpose of [this request] is to secure copies of the police officer's original notes from their notebooks re: the investigation of the crime for which [the requester] was convicted.

Attached to the request was a 5-page document entitled "Schedule A" which lists a number of police officers by name, and identifies the dates for which their notebook entries are requested.

The Police responded to the request by indicating that "many" of the requested memorandum books could not be provided, as they no longer exist, having been destroyed in accordance with the records retention schedule in place for such records. With respect to the records that do exist, the Police stated that partial access was being granted to portions of the 102 pages of responsive records. Access to the remaining records, or portions of records, was denied on the basis of the exemptions found in section 38(a) (discretion to refuse requester's own information), in conjunction with section 8(1)(l) (facilitate commission of an unlawful act), and sections 14(1) and 38(b) (invasion of privacy), with reference to the presumptions in section 14(3)(a), (b) and (d). In addition, the Police identified that some information had been severed from the records as it was not responsive to the request.

The requester (now the appellant) appealed the Police's decision.

Mediation did not resolve the issues in this appeal, and it was transferred to the inquiry stage of the process. I sent a Notice of Inquiry to the Police, initially, and received representations from them. I then sent the Notice of Inquiry, along with the non-confidential portions of the Police's representations, to the appellant, who also provided representations in response.

One of the issues in this appeal is whether section 38(a), in conjunction with section 8(1)(l), applies to the records. In their representations the Police identify that they applied this exemption to certain police codes, including "10-codes". In his representations, the appellant indicates that he is not interested in any "codes" the police used for the purpose of communicating with each other, and is agreeable to such information being withheld. As the police codes are that only portions of the records for which the Police claim the section 8(1)(l) exemption, sections 8(1)(l) and 38(a) are no longer at issue.

In addition, the appellant identifies that he is not interested in the employment or educational history of an identified police officer, as listed on pages 85 and 86 of the records. Accordingly, that information contained on those pages is also no longer at issue.

## RECORDS:

The records in this appeal involve 102 pages of police officers' notes. The records remaining at issue are the pages and portions of pages to which the appellant was not granted access.

Pages 3-6 of the records have been disclosed in full, and they are not at issue in this appeal. In addition, pages 60-62 are duplicates of pages 57-59; as these are multiple copies, I will not consider pages 60-62 in this appeal.

## DISCUSSION:

### SCOPE OF THE REQUEST

The Police take the position that some of the undisclosed portions of the records relate to matters involving other activities of the investigating officers on the date in question that are not about the incident involving the appellant. They identify that the request was for records "regarding the investigation of the crime for which the appellant was convicted", and then identify the crime specifically. As a result, the Police submit that portions of the records are not responsive to the request.

The appellant confirms that he is interested in obtaining the portions of the records that relate to the incident involving him and that, as he does not have the requested records, he is unable to address whether or how the undisclosed portions of these records might relate to the incident.

Previous orders of the Commissioner have established that in order to be responsive, a record must be "reasonably related" to the request:

> In my view, the need for an institution to determine which documents are relevant to a request is a fundamental first step in responding to a request. It is an integral part of any decision by a head. The request itself sets out the boundaries of relevancy and circumscribes the records which will ultimately be identified as being responsive to the request. I am of the view that, in the context of freedom of information legislation, "relevancy" must mean "responsiveness". That is, by asking whether information is "relevant" to a request, one is really asking whether it is "responsive" to a request. While it is admittedly difficult to provide a precise definition of "relevancy" or "responsiveness", I believe that the term describes anything that is reasonably related to the request [Order P-880; see also Order P-1051].

The appellant's request was clear and specific, seeking access to the portions of officers' notes which relate to the incident in which he was involved. The Police located the requested records, and disclosed portions of the notebook entries to the appellant. I have reviewed those portions of the notebook entries that the Police claim are not responsive, and am satisfied that many of them are, in fact, not responsive to the request. Specifically, I find that portions of pages 1, 7, 8, 16-19, 23, 24, 30-32, 35, 41, 51-53, 59, 63-64, 69, 72-74, 80-84, and 90-102, as well as all of pages 63, 73, 95, 96, 99 and 100, and the remaining portions of pages 30, 64, 101 and 102 are not responsive to the request. As a result, I find that these records and parts of records are no longer at issue in this appeal.

However, although the Police have identified that portions of pages 36-40 and 54-56 are not responsive to the request, they have not specifically identified which portions of those pages are non-responsive. On my review of these pages, it is unclear which portions are or are not responsive to the request and, in the circumstances, I will review them to determine whether they qualify for exemption under the *Act*, based on the exemptions claimed by the Police.

I will now determine whether the remaining portions of the records are exempt from disclosure.

## PERSONAL INFORMATION

In order to determine which sections of the *Act* may apply, it is necessary to decide whether the record contains "personal information" and, if so, to whom it relates. That term is defined in section 2(1) as follows:

> "personal information" means recorded information about an identifiable individual, including,
>
> (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
>
> (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
>
> (c) any identifying number, symbol or other particular assigned to the individual,
>
> (d) the address, telephone number, fingerprints or blood type of the individual,
>
> (e) the personal opinions or views of the individual except where they relate to another individual,
>
> (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
>
> (g) the views or opinions of another individual about the individual, and
>
> (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

The Police state:

> The records contain the personal information of the deceased, the deceased's next of kin, the accused, witnesses and other people – some of whom were only peripherally involved, such as the occupants of the apartments which were canvassed for information following the occurrence.
>
> The names, addresses, telephone numbers and – in certain instances – the occupations, dates of birth and statements of persons other than the [appellant] are contained in the records.
>
> Order M-84 found that "the name … of each witness qualifies as the personal information of each witness, and the information provided by the witness qualifies as the personal information of the witness …". In the instance of a murder, the information provided by a witness is also the personal information of the deceased.
>
> Insofar as information regarding the deceased which is contained in the records, section 2(2) specifies that "Personal information does not include information about an individual who has been dead for more than thirty years." The corollary to this is that information about an individual who has been dead for less than thirty years is deemed to construe the private information of that person.

The appellant indicates that he is not interested in seeking information about the addresses, telephone numbers, dates of birth or the occupations of any individuals. He refers to the fact that the records contain statements of individuals other than the appellant and submits:

> The appellant wishes to be provided with those and any other civilian statements. The appellant is content not to be provided with the names of the declarants of the statements at this time but that they instead be identified by initials.
>
> It is the position of the appellant that it is not personal information that is being sought regarding these civilian witnesses but rather information of their observations of the conduct of other individuals. In addition, the information sought is not the "personal information" per section 2(1)(e): "personal information" means recorded information about an identifiable individual, including, the personal opinions or views of the individual *except if they relate to another individual.*

The appellant also states that the information in the records which contains the observations of police officers is not the personal information of those police officers, as those officers were recording the information in their official capacity as investigators.

***Findings***

I have carefully reviewed the records at issue, which consist of the police officers' original notes from their notebooks regarding the investigation of the crime for which the appellant was convicted. I find that many of the records contain the personal information of the appellant as they contain information relating to his age or family status (paragraph (a)), his address and telephone number (paragraph (d)), and his name where it appears with other personal information relating to him (paragraph (h)).

In addition, much of the information remaining at issue qualifies as the personal information of the deceased individual, as it includes his age (paragraph (a)), his medical history (paragraph (b)), his address and telephone number (paragraph (d)), and his name along with other personal information relating to him (paragraph (h)). Specifically, I find that parts of the remaining portions of pages 9, 23, 24, 25, 29, 32, 52, 53, 57, 65, and all of the remaining parts of pages 1, 2, 8, 19-21, 74-84 and 86-94 contain the personal information of the deceased.

Furthermore, on my review of the portions of the records remaining at issue, I am satisfied that much of the information also qualifies as the personal information of witnesses and other involved identifiable individuals other than the appellant or the deceased, as it contains information relating to these individuals' age or marital or family status (paragraph (a)), information relating to their education or their medical, criminal or employment histories (paragraph (b)), their address and telephone number (paragraph (d)), their personal opinions or views (paragraph (e)), the views or opinions of other individuals about them (paragraph (g)) and their names along with other personal information relating to them (paragraph (h)). Specifically, I find that the remaining parts of pages 7, 9-18, 22-29, 31-51, 54-59, 65-72 and 97-98 contain the personal information of individuals other than the appellant or the deceased.

The appellant takes the position he could be provided with the information in the records, and particularly the witness statements, with the names of the declarants removed and only their initials remaining. However, previous orders have established that, to qualify as personal information, it must be reasonable to expect that an individual may be identified if the information is disclosed [Order PO-1880, upheld on judicial review in *Ontario (Attorney General) v. Pascoe*, [2002] O.J. No. 4300 (C.A.)]. In this appeal, I am satisfied that the disclosure of the witness statements to the appellant, with or without the initials, would disclose to the appellant information that would enable them to be identified by the appellant.

The appellant also takes the position that it is not civilian witnesses' personal information that is being sought, but rather their observations of the conduct of other individuals. The appellant then states that this information is not the "personal information" of these individuals according to section 2(1)(e) which states that "personal information" means recorded information about an identifiable individual, including the personal opinions or views of the individual *except if they relate to another individual*. However, previous orders have established that information provided by witnesses in the context of a criminal investigation often includes the personal

information of those witnesses (see, for example, Orders M-84, PO-1762-R and PO-1777). I find this to be the case in the present appeal.

In addition, the appellant takes the position that the information in the records which contains the observations of police officers is not the personal information of those police officers, as those officers were recording the information in their official capacity as investigators. I agree with the appellant that the undisclosed information in the records is not the personal information of the police officers. However, to the extent that the police record observations about other identifiable individuals, those observations may be considered to be the personal information of those identifiable individuals.

In summary, I find that all of the undisclosed portions of the records remaining at issue contain the personal information of the appellant, as well as other identifiable individuals. I will now review whether the disclosure of the records to the appellant would constitute an unjustified invasion of privacy under section 38(b).

**INVASION OF PRIVACY**

Section 36(1) of the *Act* gives individuals a general right of access to their own personal information held by an institution. Section 38 provides a number of exceptions to this general right of access.

Under section 38(b) of the *Act*, where a record contains the personal information of both the requester and other individuals and the institution determines that the disclosure of the information would constitute an unjustified invasion of another individual's personal privacy, the institution has the discretion to deny the requester access to that information.

Section 38(b) of the *Act* introduces a balancing principle. The institution must look at the information and weigh the requester's right of access to his or her own personal information against another individual's right to the protection of their privacy. If the institution determines that release of the information would constitute an unjustified invasion of the other individual's personal privacy, then section 38(b) gives the institution the discretion to deny access to the personal information of the requester.

In determining whether the exemption in section 38(b) applies, sections 14(2), (3) and (4) of the *Act* provide guidance in deciding whether disclosure of personal information would result in an unjustified invasion of the personal privacy of the individual to whom the information relates. Section 14(2) provides some criteria for the institution to consider in making this determination. Section 14(3) lists the types of information whose disclosure is presumed to constitute an unjustified invasion of personal privacy. Section 14(4) refers to certain types of information whose disclosure does not constitute an unjustified invasion of personal privacy.

The Divisional Court has stated that once a presumption against disclosure has been established, it cannot be rebutted by either one or a combination of the factors set out in 14(2) [*John Doe v. Ontario (Information and Privacy Commissioner)* (1993), 13 O.R. (3d) 767].

A section 14(3) presumption can be overcome if the personal information at issue falls under section 14(4) of the *Act*, or if a finding is made under section 16 of the *Act* that a compelling public interest exists in the disclosure of the record in which the personal information is contained which clearly outweighs the purpose of the section 14 exemption. [Order PO-1764]

If none of the presumptions in section 14(3) applies, the institution must consider the application of the factors listed in section 14(2), as well as all other considerations that are relevant in the circumstances of the case.

***Sections 14(1)(a) and (c)***

As a preliminary matter, the appellant takes the position that the exceptions in sections 14(1)(a) and (c) operate so that the undisclosed information at issue ought to be disclosed to him. Those sections read:

> A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,
>
> (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;
>
> (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;

With respect to section 14(1)(a), the appellant states:

> … [the appellant] has provided his written consent and is entitled to have access to the records as they were prepared directly in relation to the investigation of the criminal act for which he was charged and convicted. The appellant is entitled to the records as a result of the Crown's disclosure obligations.

It appears that the appellant is taking the position that, as the records relate to him and he is consenting to their disclosure, he is entitled to the records under section 14(1)(a). I do not accept the appellant's position. The section 14(1)(a) consent provision relates to the consent to disclosure of personal information that relates to another identifiable individual. The appellant is entitled to his own information, and has in fact received the portions of the records that relate to him exclusively; however, the appellant is not entitled to the disclosure of the personal information of other individuals (even if it also contains his personal information) under section 14(1)(a) unless the other individuals have consented to the disclosure of their information to him. In the circumstances, section 14(1)(a) does not apply.

With respect to the possible application of section 14(1)(c), the appellant's representative states:

> … the investigation of this matter and the collection of information was for the specific purpose of creating a record with which to prosecute a suspect, or suspects, in a Court of law. The materials created in the investigation are to be made available to the defence. As the prosecution would be in open court, and thus open to the public, the [Police] are not entitled to refuse to disclose such personal information.

Previous orders have established that, in order to satisfy the requirements of section 14(1)(c), the information must have been collected and maintained specifically for the purpose of creating a record available to the general public (see, for example, Order P-318). On the other hand, this office has found that where information in a record may be available to the public from a source other than the institution receiving the request, and the requested information is not maintained specifically for the purpose of creating a record available to the general public, section 14(1)(c) does not apply. For example, in Order M-170, former Commissioner Tom Wright stated the following with respect to records in the custody of a police force:

> The various witness statements and the officer's statement were prepared and obtained as part of a police investigation into a possible violation of law. In my view, the specific purpose for the collection of the personal information was to assist the Police in determining whether a violation of law had occurred and, if so, to assist them in identifying and apprehending a suspect. The records are not currently maintained in a publicly available form, and it is my view that section 14(1)(c) does not apply.

I adopt the approach to section 14(1)(c) set out above. The records at issue in this appeal are police officers' notes taken as part of a police investigation, and were collected to assist in the investigation. The records were not collected and maintained specifically for the purpose of creating a record available to the general public and, in my view, section 14(1)(c) has no application in this appeal.

***Operation of the presumptions in section 14(3)***

In this appeal the Police rely on the "presumed unjustified invasion of personal privacy" in sections 14(3)(a), (b) and (d) of the *Act*, which state:

> A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,
>
> (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

(d) relates to employment or educational history;

As indicated above, the appellant states that he is not interested in access to the information relating to an identified police officer's work, training or educational history. As this is the only information for which the Police claim the application of the presumption in section 14(3)(d), this information, and the presumption in 14(3)(d), are no longer at issue.

With respect to the presumption contained in section 14(3)(a), the representations of the Police refer to certain medical information that pertains to the deceased, and state that the disclosure of this information is presumed to constitute an unjustified invasion of personal privacy under section 14(3)(a). I agree that the disclosure of certain medical information relating to the deceased is presumed to be an unjustified invasion of privacy under section 14(3)(a).

With respect to the application of the presumption in section 14(3)(b), the Police state:

> Clearly, disclosure of the affected individuals' personal information would constitute an unjustified invasion of personal privacy. Since these pages were created and compiled for the purpose of the police investigation into the criminal misconduct allegations against the [appellant], section 14(3)(b) of the *Act* applies to these pages of the record.
>
> The records were created by the Police and compiled as part of the information forwarded to the Crown Attorney for the purpose of the prosecution of the appellant's client. These pages of the record were therefore compiled and identifiable as part of a law enforcement investigation and, in accordance with section 14(3)(b) of the *Act*, disclosure is presumed to constitute an unjustified invasion of personal privacy. Disclosure of these pages would clearly constitute an unjustified invasion of personal privacy in accordance with section 14(1)(f).

The Police also refer to Order M-655 in support of their view that the presumption in section 14(3)(b) applies.

The appellant acknowledges that the personal information sought was compiled and is identifiable as part of an investigation into a possible violation of law and is, therefore, presumed to constitute an unjustified invasion of personal privacy. However, the appellant states that the exception to this presumption which is included in section 14(3)(b) applies. This provision reads "except to the extent that disclosure is necessary to prosecute the violation or continue the investigation". The appellant takes the position that the disclosure of the personal information is necessary "in order to continue the investigation of this matter".

As identified above, the records remaining at issue consist of the severed portions of police officers' notes, which contain the personal information of both the appellant and other identifiable individuals. I am satisfied that the records remaining at issue were collected by the police officers in the course of their investigation, and that they are identifiable as part of an investigation into a possible violation of law within the meaning of section 14(3)(b).

The appellant claims that the disclosure of the information is necessary to continue the investigation, and argues that therefore section 14(3)(b) does not apply. Although the appellant acknowledges that the investigation, which was conducted in 1986, resulted in his conviction, he appears to suggest that the disclosure of this information is now required in order for the appellant's representative to conduct his own investigation of the matter and to review the Police's actions. In my view, the exception described in section 14(3)(b) of the *Act* was not intended to apply in circumstances where a private individual or organization wishes to pursue their own investigation. Rather, the phrase "continue the investigation" refers to the investigation in which the information at issue was originally compiled (See Orders MO-1356, M-718 and M-249).

In Order MO-2167, Adjudicator Morrow considered the meaning of the phrase "continue the investigation" found in the provincial equivalent to section 14(3)(b). He stated:

> In this case, the investigation was conducted by the OPP and the information contained in the record was gathered as a result of that investigation. It is clear on the evidence that their investigation has been completed. The fact that the appellant now wishes to acquire that information to complete his own investigation is not relevant to a determination of section [14(3)(b)].

I agree with the approach taken to the interpretation of section 14(3)(b) in previous orders. I find that disclosing any of the remaining portions of the records is presumed to constitute an unjustified invasion of the privacy of the identifiable individuals under section 14(3)(b) of the *Act*. Accordingly, the undisclosed personal information is exempt under section 38(b).

The appellant also refers to a number of factors listed under section 14(2) of the *Act* in support of his position that the information at issue should be disclosed. In particular, the appellant refers to section 14(2)(b) and 14(2)(d), which read:

> A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,
>
> (b) access to the personal information may promote public health and safety;
>
> (d) the personal information is relevant to a fair determination of rights affecting the person who made the request;

However, because the presumption in section 14(3)(b) applies to the withheld information, its disclosure is presumed to constitute an unjustified invasion of the personal privacy of individuals other than the appellant, and this cannot be rebutted by either one or a combination of the factors set out in 14(2).

As a final note, there is some overlap in some of the information contained in the records, in that pages 74-84 are handwritten notes, which are to a large extent duplicated in pages 86-94 (which is a typewritten copy of much of pages 74-84). In some cases portions of some of the handwritten notes are withheld, whereas the parallel portions of the typewritten version of the information are disclosed. In the circumstances, and due to fact that these portions were in fact disclosed in pages 86-94, it is not necessary for me to review the severed information in detail to determine which portions of it reflect the information contained in the disclosed records.

**Exercise of Discretion**

Where appropriate, institutions have the discretion under the *Act* to disclose information even if it qualifies for exemption under the *Act*. Because section 38(b) is a discretionary exemption, I must also review the Police's exercise of discretion in deciding to deny access to the withheld portions of the records.

The representations of the Police identify the considerations they took into account in deciding to exercise their discretion not to disclose the records remaining at issue. These include the disclosure by the Police of those portions of the records which relate exclusively to the appellant, as well as the fact that the information contained in the records contains the personal information of identifiable individuals, and the concern that the disclosure of the information in this instance would be to the individual convicted of the crime at issue. In their representations the Police also refer to the nature of the crime and the nature of the information at issue, and identify that the release of the personal information of identifiable individuals to the appellant in these circumstances must be done with the "greatest circumspection".

The appellant takes the position that the Police did not properly exercise their discretion, and that the Police did not give adequate consideration to a number of factors including that the appellant is requesting information relating to his own arrest and prosecution, the age of the matter, the fact that similar materials have already been disclosed to the appellant, and that the full disclosure of this information will potentially increase the public confidence in the Police, particularly if the appellant is ultimately exonerated.

I have carefully reviewed the information at issue, including the representations of the parties, the nature of the information which was disclosed to the appellant, and the information that was not disclosed. I am satisfied, based on the representations of the parties and the circumstances of this appeal, that the Police properly exercised their discretion in refusing to disclose the remaining records under section 38(b).

**COMPELLING PUBLIC INTEREST**

In his representations, the appellant takes the position that there is a compelling public interest in the disclosure of the records which clearly outweighs the purpose of the section 38(b) and 14(1) exemptions, and that section 16 of the *Act* applies. That section states:

> An exemption from disclosure of a record under sections 7, 9, 10, 11, 13 and 14 does not apply if a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

In order for section 16 to apply, two requirements must be met. First, there must be a compelling public interest in disclosure; and second, this interest must clearly outweigh the purpose of the exemption.

In considering whether there is a "public interest" in disclosure of the record, the first question to ask is whether there is a relationship between the record and the *Act*'s central purpose of shedding light on the operations of government [Order P-984]. Previous orders have stated that in order to find a compelling public interest in disclosure, the information in the record must serve the purpose of informing the citizenry about the activities of their government, adding in some way to the information the public has to make effective use of the means of expressing public opinion or to make political choices [Order P-984].

A public interest does not exist where the interests being advanced are essentially private in nature [Orders P-12, P-347, P-1439]. Where a private interest in disclosure raises issues of more general application, a public interest may be found to exist [Order MO-1564].

The word "compelling" has been defined in previous orders as "rousing strong interest or attention" [Order P-984].

Any public interest in *non*-disclosure that may exist also must be considered [*Ontario Hydro v. Mitchinson*, [1996] O.J. No. 4636 (Div. Ct.)].

A compelling public interest has been found *not* to exist where, for example:

- a significant amount of information has already been disclosed and this is adequate to address any public interest considerations [Orders P-532, P-568]

- a court process provides an alternative disclosure mechanism, and the reason for the request is to obtain records for a civil or criminal proceeding [Orders M-249, M-317]

In support of his position that the "public interest override" in section 16 applies in this case, the appellant provides a number of arguments which suggest that although he was convicted of the

crime in 1986 and is currently on parole, he has maintained his innocence and was, in his view, wrongfully convicted. The appellant's representative states:

> The public has a right to know whether the wrong individual was convicted in this matter and whether the real murderer(s) is still at large.

***Findings***

I do not agree that section 16 applies in the circumstances of this appeal to override the application of the exemption. In my view, the interest identified by the appellant is a private interest in the disclosure of the information at issue, and revolves around his allegation that he was wrongly convicted of a crime. Other than the information provided by the appellant's representative regarding his arguments that the appellant may have been wrongly accused, I have not been provided with sufficient evidence to indicate that there exists a strong public interest in this matter. [See also, for example, Order PO-1816]

In my view, it is clear that the public generally has an interest in the proper administration of justice, and an interest in ensuring that individuals who are wrongly accused of crime have the ability to right that wrong. However, in the circumstances of this appeal, I do not find that the public has an interest in the disclosure of the portions of record remaining at issue, and the interest cannot be characterized as a "public interest" within the meaning of section 16.

Accordingly, I find that section 16 does not apply in the circumstances of this appeal.

## ORDER:

I uphold the decision of the Police.

Original signed by: July 14, 2006
Frank DeVries
Adjudicator