

July 12, 2023

FOI No. 2023-40

Redacted S. 22

VIA EMAIL – **Redacted S. 22**

Dear **Redacted S. 22**,

Re: Request for Information
Freedom of Information and Protection of Privacy Act

The City of White Rock has reviewed your request for access to the following information pursuant to the Freedom of Information and Protection of Privacy Act (the “Act”):

- *All communication (phone and email) regarding Councillor Chesney Moby Dick comment. Communication to cover staff and council.*

Access to the records requested is available, however, some of the information in the records is excepted from the disclosure requirements of the Act. I have severed the excepted information so that I could disclose to you the remaining information as attached.

The severed information is excepted from disclosure under section 22 of the Act. Severing under section 22 is necessary to avoid disclosing third-party personal information without permission.

Please contact me at tarthur@whiterockcity.ca or 604-541-2212 if you have any questions in this regard.

Sincerely,



Tracey Arthur
Director of Corporate Administration

If you believe that the City of White Rock has been unreasonable in its handling of your request, you may ask the Information and Privacy Commissioner to review our response. You have 30 days from receipt of this notice to request a review by writing to:

Office of the Information and Privacy Commissioner
3rd Floor, 756 Fort Street
Victoria BC V8W 1H2

Should you decide to request a review, please provide the Commissioner's office with:

1. your name, address and telephone number;
2. a copy of this letter;
3. a copy of your original request sent to the City of White Rock; and
4. the reasons or grounds upon which you are requesting the review.

From: [Janessa Auer](#)
To: [Guillermo Ferrero](#)
Cc: [Tracey Arthur](#)
Subject: FW: Message from KM_C3350i
Date: June 7, 2023 12:53:29 PM
Attachments: [SKM_C3350i23060712270.pdf](#)

Hi G,

The attached letter was dropped off for you in the Admin office today, so I've placed the hard copy on your desk, but I also wanted to forward you a scanned copy so that you have it right away.

Please feel free to let me know if there is any further action required on my end with this.

Thank you,

JANESSA AUER

Committee & FOI Clerk, Administration

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604-541-2213 | www.whiterockcity.ca



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From: mailroomkonicac759@whiterockcity.ca <mailroomkonicac759@whiterockcity.ca>
Sent: June 7, 2023 12:27 PM
To: Janessa Auer <JAuer@whiterockcity.ca>
Subject: Message from KM_C3350i



Moby Dick Restaurants Ltd
15479 Marine Drive
White Rock, BC, V4B 1C9
CANADA
1-604-536-2424
info@mobydickrestaurant.com

To: the Chief Administrative Officer of the City of White Rock

Mr. Guillermo Ferrero

June 8, 2023

RECEIVED
JUN 07 2023
CITY OF WHITE ROCK
ADMINISTRATION

Dear Sir,

I am writing this letter to file an official complaint about ethical misconduct by Councillor David Chesney. Councillor Chesney has recently violated several sections of the Bylaw 2456 of City of White Rock, and I would like to request an official review of his ethical misconduct.

Councillor David Chesney runs a Facebook page called "Dave Chesney White Rock Councillor". On the front page he clearly states that he is an elected official of the City of White Rock (attached Exhibit #1). On this page he acts as an official representative of the City of White Rock where he posts information about his election campaign, official activities patronized/sponsored by the City of White Rock, and it is fair to say that this is his official page (Exhibits #2,3,4).

On the 5th of June 2023 Councillor Chesney made some false, misleading, defamatory comments on Facebook page "British Columbia Photos" about my business, these comments are defamatory and are not supported by facts. Moreover, these comments are aimed at hurting my business (Exhibit #5) by encouraging other people to avoid my restaurant and to visit another place next door.

His comment was this (direct quote from the Exhibit #5): "... (refers to Moby Dick Restaurant) Redacted S. 22

s.22

d S. 22

Redacted S. 22

The introduction part of the Bylaw 2456 (section 3, page 5) states that “Without limitation, this Bylaw applies in respect of the Workplace and elsewhere, and without limitation applies to the use of social media by a Council Member”.

In my opinion Councillor Chesney has violated the following sections of Bylaw 2456:

1. **Part 1 Section 4 part (c)** “... shall not... breach their oath sworn upon taking office as a Council Member”. His oath clearly states, “I will faithfully perform the duties of my office and will not allow any private interest to influence my conduct in public matters”. His public comment was to degrade the reputation of my business and to direct a customer traffic to another place of Mr.Chesney’s choice.
2. **Part 4 Section 4 part (f)** “... shall not ... defame another person”. His comment clearly compares me as the new owner of the restaurant to the original owner. He does so in a negative light by saying that my rating went down since the original owner left. *By doing so he does not provide any facts.*
3. **Part 4 Section 5** “A Council Member shall treat other Council Members, Staff, Advisory Body Members,Volunteers, and the public with respect and dignity”. His comments clearly downgrade my efforts to keep the status of my business as one of the busiest and iconic places in White Rock. I live, work and pay taxes in White Rock.
4. **Part 4 section 20** “A Council Member shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias”. He has a clear bias against my business, and he advocates others to stop being my customers.
5. **Part 4 Section 42** “A Council Member shall not publish information or an opinion on social media about City Business, unless the publication republishes the information that has been released by the City without alteration or the opinion includes a statement to the effect that the "opinion expressed is my own and does not necessarily reflect the view or opinions of the City of White Rock or other members of White Rock Council”. Nowhere in his comment did he mention that this is not an opinion of Councillor David Chesney. He used his official position and did not distinguish it from his personal point of view.

Councillor Chesney’s comments have no ground and are not supported by facts:

- **Redacted S. 22** left the business in 1999, so according to Councillor Chesney for the last 24 years this iconic place has had no right to stay in business and it has been alive simply by living off its reputation while serving bad food.
- He claims that the rating was gone in 1999, but he does not provide any supporting facts.
- “where all the local eat”. He means that all 20,000 residents of White Rock go to that other place next door and avoid my business. This is a lie! My business attracts thousands of local residents. His statement is false and misleading . Moreover, the original founder of Moby Dick’s, **s.22** **Redacted S. 22** who **s.22** is our regular customer!

In 2023 only my business has paid so far:

- Property tax 15479 Marine Drive \$14,920.35

- Property tax 15481 Marine Drive \$19,892.39
- Business Licence 15479 Marine Drive Fee \$225.00
- Business Licence 15481 Marine Drive Fee \$225.00
- Sidewalk Licence Fee \$1,638.95

My business employs the following residents of White Rock:

Redacted S. 22

By conducting such disgraceful and false comments Councillor Chesney has jeopardized the reputation of my business and the wellbeing of my family and my employees. Councillor Chesney used his position as an elected official of our City to hurt the taxpayers who live, work and pay taxes in White Rock.

I thank you for your time and look forward to hearing from you soon.

Best regards,

Redacted S. 22

President/Owner of Moby Dick Restaurants Ltd

Redacted S. 22



rocksun.com

#1

Dave Chesney

David Chesney

White Rock Councillor & creator of
Canada's FIRST Internet Newspaper
The White Rock Sun

 Add friend

 Message



 Publisher at White Rock Sun

 White Rock city councillor since 2014



Dave Chesney



Sep 16, 2022 · 🌐

What a wonderful kick off to my 2022 *#2* Election campaign @ BLue Frog last night. Thank you to each and every one of you that came out and danced the night away. BIG CITY SOUL..... from the bottom of my heart I thank you for providing the soundtrack for a wonderful night. Thanks again friends and neighbours.



100

26 comments 7 shares

Like

Share

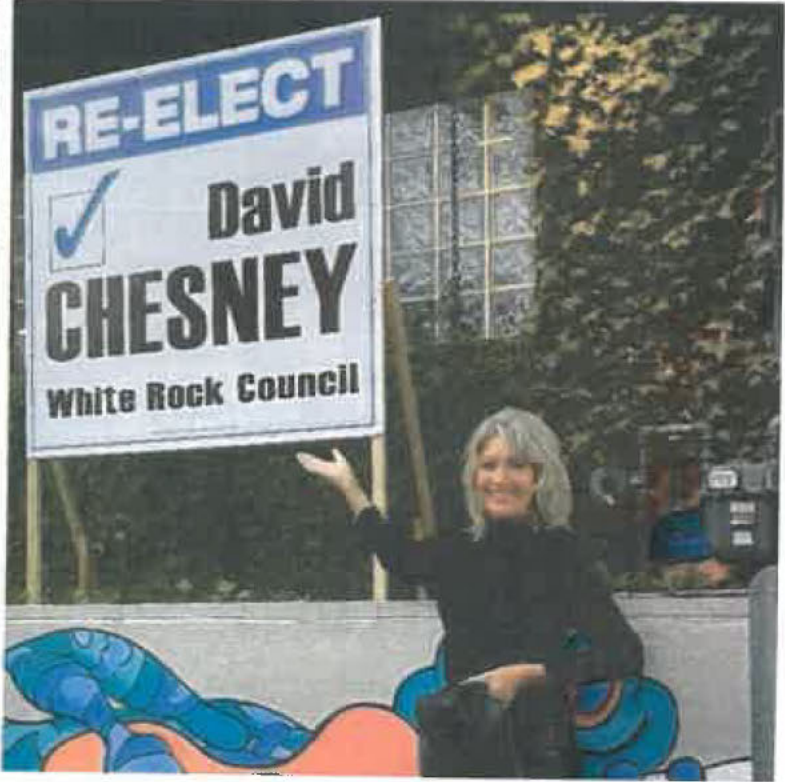


Dave Chesney

Oct 15, 2022 · 🌐

#3

Now we wait. Today is voting day in White Rock/Surrey. No matter how the chips fall, thank you friends and neighbours for caring and believing.



👍❤️ 33

24 comments 7 shares



Dave Chesney

Apr 27, 2021 · 🌐

#4



White Rock council last evening dealt with the following items:

- Closure of Marine Drive to a one way street to allow more patio space for restaurants on Marine Drive.
- Limiting heights on future development in the town centre
- Possible closure of Coldicutt Ravine beach access
- Request for a staff report on measures to control the crowds of visitors to our waterfront with the arrival of summer like weather

Read the details in today's White Rock Sun
whiterocksun.com

White Rock Sun

Serving White Rock & South Surrey

👍 6

3 comments 2 shares



350 comments

 Like

 Comment

 Share

  Sergey Turlachev and 3.4K others

165 Shares

#5

Top comments ▾



Dave Chesney

Redacted S. 22

From: [Amanda Silvers](#)
To: [Guillermo Ferrero](#)
Cc: [Tracey Arthur](#)
Subject: Re: G please read
Date: June 8, 2023 9:18:53 AM
Attachments: [image001.png](#)

Understood. Thanks.

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Thursday, June 8, 2023 8:59:07 AM
To: Amanda Silvers <ASilvers@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: G please read

Please leave this with me. No quote for the media as this is formal complaint that will follow the Code of Conduct bylaw.

Thanks
G.

From: Amanda Silvers <ASilvers@whiterockcity.ca>
Sent: Wednesday, June 7, 2023 5:00 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: G please read
Importance: High

Hi G,

Please see the email below from The Daily Hive requesting Cllr Chesney's comment.

I found the posting on Moby Dick's FB page here [Facebook](#)

The Daily Hive sent the email to Councillor Chesney as well. Given that, shall we remain quiet and let him handle the request?

Please advise how you would like me to handle this. Thanks G.



Moby Dick Restaurant

2h · 🌐



Posting about businesses on social media is not always fun as life is more complex, today we would like to share with you some troubling news from the Council of White Rock.

Apparently, some officials of the White Rock Council are not pleased with having our restaurant, Moby Dick's, as an icon and popular attraction of White Rock Beach.

Councillor David Chesney, a voting member of the White Rock Council, the one who called pregnant women's bellies 'sausage casings'

(<https://www.cbc.ca/amp/1.3056727>) has recently been making defamatory and misleading comments about us.

Due to this we, Moby Dick's, have filed an ethic misconduct claim against councillor David Chesney. We have always believed that the elected officials of our municipality are to serve all residents of White Rock regardless of their personal beliefs, race, taste preferences and traditions as well as treat tax payers equally.

If you are a local resident and you go to Moby's please leave a comment under this post.

We will keep our customers updated on this civic case

09:41

5G 97%



Moby Dick Restaurants Ltd
15475 Macleod Drive
White Rock, BC, V4B 1C9
CANADA
1-800-836-2424
info@mobydickrestaurant.com

British Columbia Photos · Join
Kyle Lee · 2d · 🌐



To the Chief Administrative Officer of the City of White Rock

Mr. Nicholas Peters

June 8, 2023

Dear Sir,

I am writing this letter to file an official complaint about ethical misconduct by Councillor David Chesney. Councillor Chesney has recently violated several sections of the *Mayor 2016* of the City of White Rock, and I would like to request a written response of the official misconduct.

Councillor David Chesney uses a Facebook page called "David Chesney White Rock Councilor". On the front page he clearly states that he is an elected official of the City of White Rock (attached Exhibit A). On this page he acts as an official representative of the City of White Rock where he posts information about his election campaign, official activities performed by the City of White Rock, and it is fair to say that this is his official page (Exhibit B, P.2, L.6).

On the 1st of June 2023 Councillor Chesney made some false, misleading, defamatory comments on Facebook about British Columbia (attached Exhibit C). These comments are defamatory and

From: Kaelin Nelson <KNelson@whiterockcity.ca>

Sent: Wednesday, June 7, 2023 4:49 PM

To: Amanda Silvers <ASilvers@whiterockcity.ca>

Subject: FW: Media Request

Importance: High

From: Nikitha Martins <nikitha@dailyhive.com>

Sent: Wednesday, June 7, 2023 4:32 PM

To: Communications <communications@whiterockcity.ca>; David Chesney <DChesney@whiterockcity.ca>

Subject: Media Request

You don't often get email from nikitha@dailyhive.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm reaching out because I am hoping to speak to or receive a statement from White Rock Councillor David Chesney about comments he wrote for a local restaurant called Moby Dick.

The restaurant has posted a statement saying the comments were "defamatory and misleading."

Their statement goes on to say the comments jeopardize the business's reputation and the employees' well-being.

I would appreciate a statement as soon as possible.

Or, I am available today until 7 pm if David is available for a phone call.

Sincerely,
Nikitha Martins
Staff Writer
dailyhive.com

E nikitha@dailyhive.com

P **Redacted S. 22**



From: [Amanda Silvers](#)
To: [Guillermo Ferrero](#)
Cc: [Tracey Arthur](#)
Subject: FW: Global BC comment request re: ethical complaint against Councillor Chesney?
Date: June 9, 2023 9:27:25 AM

This just in.

From: Communications <communications@whiterockcity.ca>
Sent: Friday, June 9, 2023 9:00 AM
To: Amanda Silvers <ASilvers@whiterockcity.ca>
Subject: Fwd: Global BC comment request re: ethical complaint against Councillor Chesney?

From: Joshua Azizi <Joshua.Azizi@globalnews.ca>
Sent: Thursday, June 8, 2023 8:47:32 PM
To: Communications <communications@whiterockcity.ca>
Subject: Global BC comment request re: ethical complaint against Councillor Chesney?

You don't often get email from joshua.azizi@globalnews.ca. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm an overnight news writer with Global BC in Vancouver.

I'm putting together a story for our morning newscast about the ethical misconduct complaint Moby Dick Restaurant says it has filed against White Rock Councillor Dave Chesney regarding a comment he made on social media.

https://www.facebook.com/MobyDickRestaurantWhiteRock/posts/732220952236887?ref=embed_post

Is the city able to provide a statement about this?

Thank you,

Joshua

From: [David Chesney](#)
To: [Guillermo Ferrero](#)
Subject: Re: The Tale of Fish N Chips
Date: June 12, 2023 3:42:38 PM

Just saw this. After Council works

David

Sent from my iPhone

> On Jun 12, 2023, at 2:18 PM, Guillermo Ferrero <GFerrero@whiterockcity.ca> wrote:

>

> Hello David,

>

> Would you be able to meet with me today at 3pm? If that doesn't work, I can catch you after the open meeting.

>

> Thanks,

> G.

>

>

> -----Original Message-----

> From: David Chesney <DChesney@whiterockcity.ca>

> Sent: Sunday, June 11, 2023 10:54 AM

> To: Guillermo Ferrero <GFerrero@whiterockcity.ca>

> Subject: Fwd: The Tale of Fish N Chips

>

>

>>>

>>> Guillermo;

>>>

>>> To save a lot of time tomorrow I felt compelled to try to itemize this sordid tale.

>>>

>>>

>>> It all began when I was looking at a FACEBOOK site called BC PHOTOS. I often find old time White Rock pictures of White Rock which I use for my White Rock Sun on this particular site. That is where I saw the **s.22** photo and made my original comment. Which in no way was intended to slag the establishment. Having lived in White Rock for over 40 years and visited for over 60 I have frequented my share of fish n chips joints over the years. For years every time the Vancouver Sun, The Province or any media outlet anywhere posed the question "Who makes the best fish n chips in the Greater Vancouver area" the results were always the same

>>>

>>> Troll's in Horseshoe Bay

>>> Salty's on Denman Street

>>> Dave's and Pajos in Steveston

>>> and Moby Dick in White Rock.

>>> ‘

>>>

>>> The owner of Moby Dicks for decades was a **s.22** by the name of **Redacted S. 22**. The **s.22** who I referenced in my original post. The restaurant has changed hands a number of times over the past two decades since **s.22** retired.

>>>

>>> Here comes the weird part,

>>>

>>> **s.22** and **Redacted S. 22** are / were dear friends of **Redacted S. 22**. As a matter of fact we stayed with

them **Redacted S. 22** for a week a couple of months back.

>>>

>>> Now I am going to have to assume someone who knew **S.22** saw me mention **S.22** name and got in touch with **S.22**. **S.22** reason for not picking up the phone and calling me and or calling **S.22** remain a mystery. **S.22** instead chose to lash out as did **Redacted S. 22**

>>>

>>> So that is how this all began.

>>>

>>> The second phase of this which bothers me the most is the fact I believe someone from our council reached out to **S.22** or had a friend reach out to **S.22** and itemize (perhaps copy and paste) the code of conduct portions they believed **S.22** could use to come after me. No citizen could have or would ever be able to find our council Code of Conduct online. I tried,

>>>

>>>

>>> This is the abbreviated version. The solution? If you feel you would like me to call the owner of Moby Dick's and apologize I would be fine with that in that I never said anything disparaging about **Redacted** food **Redacted** service or **S.22**. I said and maintain **S.22** has a successful business due to the fact **Redacted S. 22** built it up over years of hard work. That happens all the time when you buy a successful restaurant.

>>>

>>>

>>> In closing as I mentioned above I will meet with you Monday to discuss this matter.

>>>

>>> David Chesney

>>>

>>

>> PS

>>

>> Today I removed any mention I am a White Rock councillor from my Personal Facebook. Hopefully this will eliminate further problems

>>

>>

>>>

>>>

From: [David Chesney](#)
To: [Guillermo Ferrero](#)
Subject: Moby Dick
Date: June 13, 2023 7:46:02 AM

Guillermo

I scrolled for over an hour on each website to locate and remove my comment regarding Moby Dick. I have subsequently sent msg to the administrators of both Facebook sites

I would also request you contact Ludstone for wording that will not leave me open to further legal action should the owner of Moby Dicks feel ^{8.22} wishes to go that route

David Chesney

Sent from my iPhone

From: [Tracey Arthur](#)
To: [Andrew Carricato](#); [Guillermo Ferrero](#)
Subject: RE: **Redacted S. 14**
Date: June 16, 2023 4:31:36 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Redacted S. 14

TRACEY ARTHUR, CMC

Director of Corporate Administration

15322 Buena Vista Avenue, White Rock, BC V4B1Y6

Tel: 604-541-2212 | www.whiterockcity.ca

Email signature logo



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From: Andrew Carricato <Carricato@lidstone.ca>
Sent: Friday, June 16, 2023 3:43 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: **Redacted S. 14**

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Redacted S. 14

Andrew Carricato

Lawyer

He/him/his



604.899.2269 Phone

604.899.2961 Direct

1.877.339.2199 Toll Free

www.lidstone.ca

Vancouver Office:

Suite 1300 - Sun Tower

128 Pender Street West

Calgary Office:

Bow Valley Square 2, #3300

205 5th Avenue, SW

Vancouver, BC V6B 1R8 Calgary, AB T2P 2V7

Please consider the environment before printing this email and any attachments.

This e-mail communication is CONFIDENTIAL AND LEGALLY PRIVILEGED. If you are not the intended recipient, please notify me at the telephone number shown above or by return e-mail and delete this communication and attachment, and any copy, immediately. Thank you.

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Sent: Friday, June 16, 2023 2:56 PM

To: info@mobydickrestaurant.com

Cc: Tracey Arthur <TArthur@whiterockcity.ca>

Subject: RE: Apology Letter

WARNING: This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Redacted S. 22

Please find the signed letter of apology.

Thank you very much,
G.

GUILLERMO FERRERO
Chief Administrative Officer, City of White Rock
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca



From: Guillermo Ferrero

Sent: Friday, June 16, 2023 1:12 PM

To: info@mobydickrestaurant.com

Cc: Tracey Arthur <TArthur@whiterockcity.ca>

Subject: RE: Apology Letter

Thank you very much. I will send you the signed letter this afternoon.

G.

From: info@mobydickrestaurant.com <info@mobydickrestaurant.com>

Sent: Friday, June 16, 2023 1:10 PM

To: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Cc: Tracey Arthur <TArthur@whiterockcity.ca>

Subject: Re: Apology Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Guillermo,

thank you very much for the time that you have devoted to this matter. I recognize how busy you and your office are, and I wish I had not had a reason to disturb you.

In order to turn this unpleasant page over and to let all participants move forward I am letting you know that we will accept this apology drafted by Mr.Chesney and will, therefore, ask you to close the complaint filed against Mr.Chesney.

Thanks again for working towards making our community successful and prosperous. It was a pleasure talking to you.

Best regards,

Redacted S. 22

On 2023-06-16 12:41, Guillermo Ferrero wrote:

Hello **Redacted S. 22**

Thank you very much for meeting with me on Monday June 12th regarding the letter you delivered on June 7th 2023 (attached) about a Code of Conduct complaint relating to Councilor Chesney's comments made on a Facebook Group.

At the meeting you advised me that to resolve the complaint, you would need the following:

- * A public apology letter from Councilor Chesney
- * Comments made on Facebook removed.

I understand that the comments have been removed already by Councilor Chesney and the attached apology letter is ready for Councilor Chesney's signature.

Please let me know if you would accept this letter as the requested apology, therefore resolving the complaint. After I receive your confirmation, Councilor Chesney will sign the letter and make it public.

Thanks for your consideration,

G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

From: [Tracey Arthur](#)
To: [Guillermo Ferrero](#)
Subject: RE: Moby Dick
Date: June 13, 2023 9:22:04 AM

I just sent request to Lidstone, Casual service (I always try first for the free route, if not they just move it to an Associate).

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca

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-----Original Message-----

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Tuesday, June 13, 2023 8:22 AM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Moby Dick

Would this be something we can engage our City Solicitor? Councilor Chesney is referring to drafting a short apology letter.

He agreed yesterday during my meeting to write and apology letter and remove the Facebook comments which is what will resolve this issue.


Thanks,
G.

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Tuesday, June 13, 2023 7:46 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Moby Dick

Guillermo

I scrolled for over an hour on each website to locate and remove my comment regarding Moby Dick. I have subsequently sent msg to the administrators of both Facebook sites

I would also request you contact Ludstone for wording that will not leave me open to further legal action should the owner of Moby Dicks fee  wishes to go that route

David Chesney

Sent from my iPhone

From: [David Chesney](#)
To: [Guillermo Ferrero](#)
Subject: Screen shots
Date: June 13, 2023 8:06:21 AM
Attachments: [Screen_Shot_2023-06-13_at_7.56.23_AM.png](#)
[Screen_Shot_2023-06-13_at_7.55.42_AM.png](#)

Guillermo

I have tried to locate the content the owner of Moby Dick wished to have removed from the two websites below.

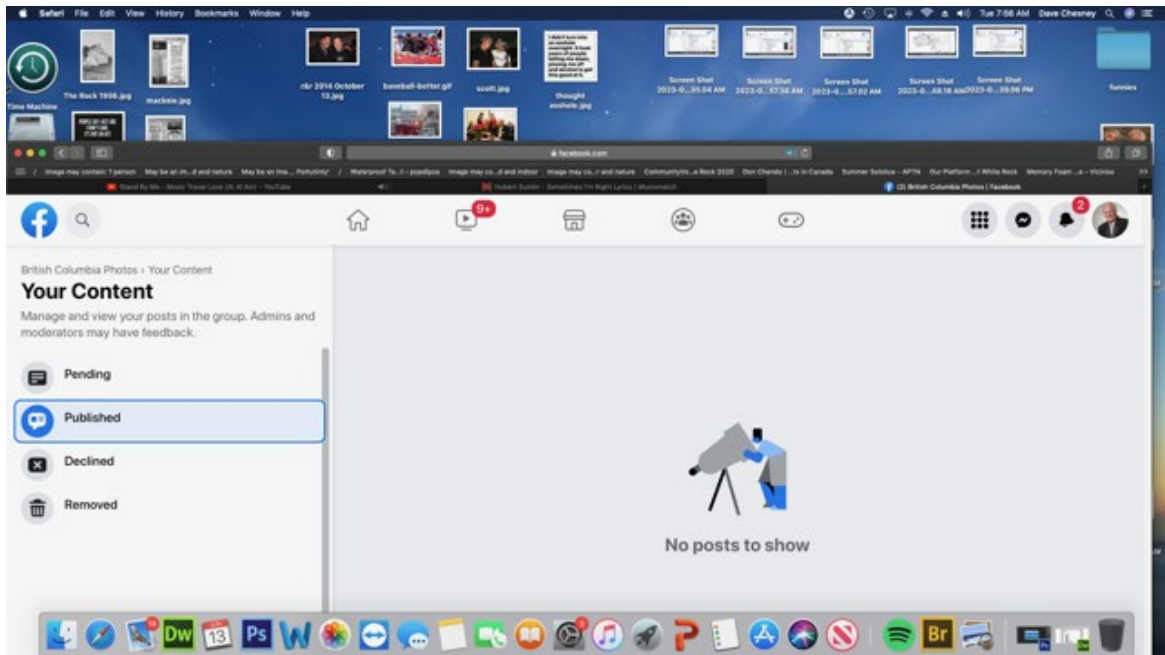
BRITISH COLUMBIA PHOTOS

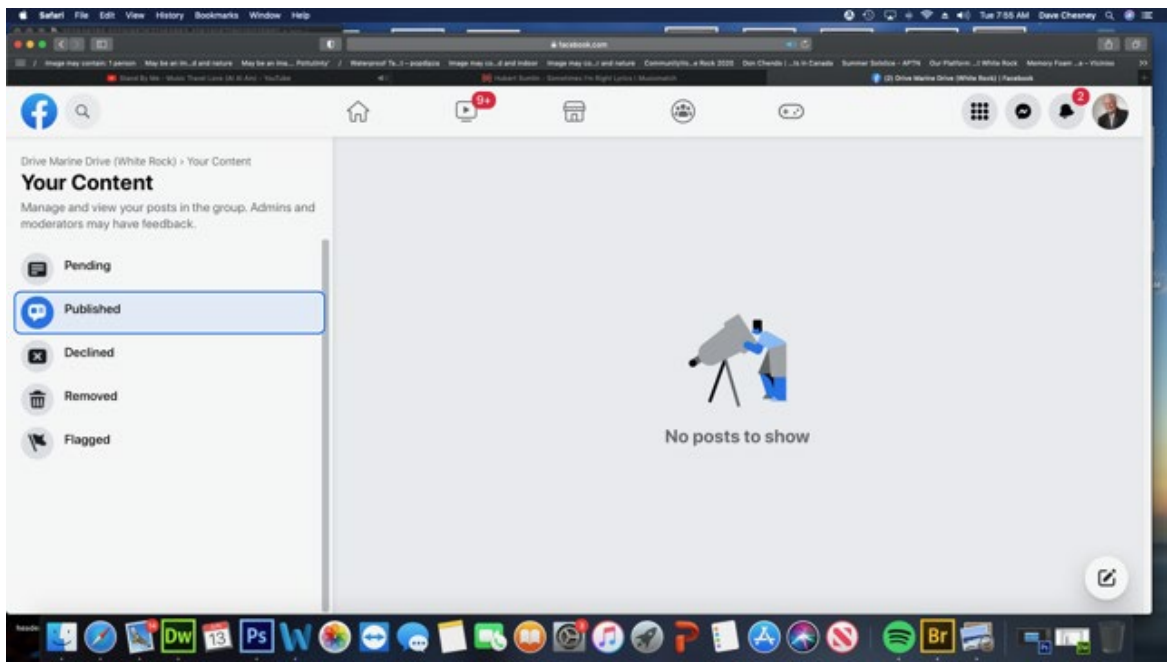
DRIVE MARINE DRIVE

As you can see there algorithm indicates I have no posts, to that extent as I mentioned in my previous email I have reached out and requested from the administrator to remove said comments.

I will advise as soon as I hear a response from either site.

David Chesney





From: [David Chesney](#)
To: [Guillermo Ferrero](#)
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386
Date: June 14, 2023 4:52:00 PM
Attachments: [LT Chesney, Jun 14, 2023 \(05302349xC0FD3\).PDF](#)
[Chesney Facebook comment re Moby Dick \(05299951xC0FD3\).PDF](#)

Time is of an essence. I am ready to make the apology. Just need legal advice on wording

David
Sent from my iPhone

Begin forwarded message:

From: Barbara Poth <bpoth@mcquarrie.com>
Date: June 14, 2023 at 3:42:47 PM PDT
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Melissa Blackwell <mblackwell@mcquarrie.com>
Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

You don't often get email from bpoth@mcquarrie.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

Legal Assistant to Royal J. Morton and Jordan Mario Jutras

D 604.580.7061

www.mcquarrie.com



McQuarrie Hunter LLP | Barristers & Solicitors
Suite 1500, 13450 102 Avenue, Surrey, BC V3T 5X3
P 604.581.7001 F 604.581.7110 TF 1.877.581.7001

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June 14, 2023

VIA EMAIL: dchesney@whiterockcity.ca AND COURIER

White Rock City Hall
15322 Buena Vista Avenue
White Rock, BC V4B 1Y6

Attention: David Chesney

Dear Sir:

Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and [Redacted S. 16]

We are legal counsel for Moby Dick Restaurants Ltd. ("Moby Dick") and [Redacted S. 22]

We have reviewed your comments made sometime on or after June 4, 2023 concerning the attached Facebook post on the BC Photos Facebook Group, where you write concerning our clients:

"[Redacted S. 22]
[Redacted S. 22]."

Given that your statements in the above Facebook comments reference the original owner of Moby Dick, [Redacted S. 22], by implication you are contrasting [Redacted S. 22] with the current owner, [Redacted S. 22]. The statements "[Redacted S. 22]", "[Redacted S. 22]", are all false, and collectively your statements have the defamatory meanings noted below.

The first two statements assert in effect that Moby Dick has been living off its previous reputation from when [Redacted S. 22] was its owner. [Redacted S. 22] sold the business in 1999. Although the average reasonable reader may not necessarily know that, your reference to "decades" suggests [Redacted S. 22] was the owner at least some 20 years ago or more. That in turn suggests Moby Dick's previous reputation, rather than its actual products and services, have for at least 20 years been the basis for the restaurant's success, including any goodwill it has with its customers.

In fact, Moby Dick's business has grown substantially from 1999, and it has had several #1 seafood or fish and chip restaurant ratings after 1999, including the latest "Best Fish and Chips" 2022 Readers' Choice Award presented by Peace Arch News. There are others, such as from Trip Advisor, that have given it a #1 or best rating in recent years. Based on that, and without pointing to any data to the contrary, your statement that all locals eat next door is also false. That statement also implies that, given the choice, all local residents will choose Moby Dick's competitor next door over eating at Moby Dick's.

Your statements are also not in the public interest, are not stated as opinion or do not reference actual facts to support any opinion, and are obviously very negative about our clients. In our opinion, your statements collectively constitute defamation in the form of libel in that they have the following defamatory meanings, which will tend to lower both of our clients' reputations in the eyes of reasonable people:

- Moby Dick is not as good as its previous reputation from at least 20 years ago when it was #1, so all locals eat next door
- Moby Dick is sustained as a business only by its previous #1 rating from at least 20 years ago under its original owner
- Moby Dick is no longer a #1 rated restaurant because **Redacted S. 22** is not the owner, and all locals eat at the seafood restaurant next door instead of Moby Dick's

Finally, we note that you have made previous negative public comments about Moby Dick, and by implication its owner **Redacted S. 22**. For example, sometime over a year ago you made comments on Facebook to the effect that Moby Dick won all the awards when **Redacted S. 22** owned it and that it has changed ownership so many times that you lost count. In fact, it has changed ownership only twice since 1975, including the sale to **Redacted S. 22** in 2014.

To the extent you have a history of making disparaging comments about our clients for no apparent reason and with no public interest, we are concerned that you may be motivated by some malice towards our clients. We would certainly like to know what is different about the current owner from the original owner, **Redacted S. 22**, that has led you to make false and defamatory statements about **Redacted S. 22** and Moby Dick.

Moving forward, our clients demand that you issue a public apology and that you either retract or remove your comments noted above, or clarify that you were mistaken about the factual statements made. Equally, if not more important, please accept this letter as a demand that you cease and desist from making any more false or defamatory remarks about our clients to anyone.

To be clear, our clients have built up the reputation of Moby Dick's using their own name, products and services to build on a well-established brand. They will take whatever steps are permissible in law to protect that acquired reputation and goodwill, both with local residents and visitors alike.

We would appreciate receiving your confirmation within the next 14 days that you will take the steps above to bring this matter to an end. Given that we solely represent the interests of our clients, Moby Dick and **Redacted S. 22**, we confirm that we do not represent your interests. We urge you to retain independent legal counsel.

Yours truly,

MCQUARRIE HUNTER LLP



ROYAL J. MORTON*

Partner

*Royal Morton Law Corporation

RJM/bjp
Encl.

18:50

5G 70

British Columbia Photos

Kyle Lee · 3d · 🌐

Who Knows This Place! Famous Fish N Chips... So Good 👍 — in White Rock.



406 answers



Like

Comment

Share

Rules



Write a public c...



09:41

5G 97%

British Columbia Photos · Join
Kyle Lee · 2d ·



350 comments

Like Comment Share

Sergey Turlachev and 3.4K others

165 Shares

Top comments



Dave Chesney

Redacted S. 22

2d Like Reply 174



Write a comment...



Home



Friends



Watch



Marketplace



Notifications



Menu

From: [Dave Chesney](#)
To: [David Chesney](#)
Subject: [Moby Dick's fish in White Rock](#)
Date: [June 1, 2022 at 2:18:05 PM PST](#)

The original post is gone by me from 2021 in case it's not. So one our lawyer submit a my recommended apology I will post it up on the same site as when the original post was

De: [Dave Chesney](#)

Envia desde mi iPhone

Reinicia el mensaje

From: [Dave Chesney](#)
Date: [June 1, 2022 at 2:18:05 PM PST](#)
To: [Dave Chesney](#)
Subject: [Moby Dick's fish in White Rock](#)

[CAUTION: This email is part of an email chain. To view the entire chain, click on the link below.](#)

[Moby Dick's fish in White Rock](#)

[Moby Dick's fish in White Rock](#)

[Moby Dick's fish in White Rock](#)

[Moby Dick's fish in White Rock](#)

[British Columbia Photos](#)

Public group

152.7K members

Joined

Community home
Dave Chesney made a post.

British Columbia Photos

[Invite](#)



[Dave Chesney](#)

[h](#)

If while scrolling through this site, and you come across the picture of MOBY DICK'S fish in White Rock, could you please click on the pic and send me the link please. Thank you

[Moby Dick's fish in White Rock](#)

[2 comments](#)

[1 share](#)

[Like](#)

[Comment](#)

[Top comments](#)

[Moby Dick's fish in White Rock](#)

[Write a public comment...](#)

[Moby Dick's fish in White Rock](#)

[See likes](#)
[https://www.facebook.com/photos/">https://www.facebook.com/photos/](#)
64-6951751023903054444444 3538890019983 2
Address type: 1 77725002 7 13

[Like](#) [Reply](#) [Share](#) [h](#)

[Moby Dick's fish in White Rock](#)

[Write a public reply...](#)

[Moby Dick's fish in White Rock](#)

[See likes](#)
I did a search under this group for Moby Dick and came up with:

[Like](#) [Reply](#) [Share](#) [h](#)

About

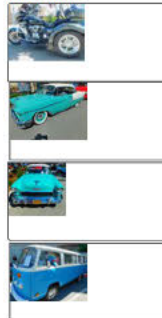
A searchable index of photos from all over British Columbia, Canada, to share with the world, how beautiful our province is. All posts must have ... [See more](#)

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Anyone can find the group.

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Recent media

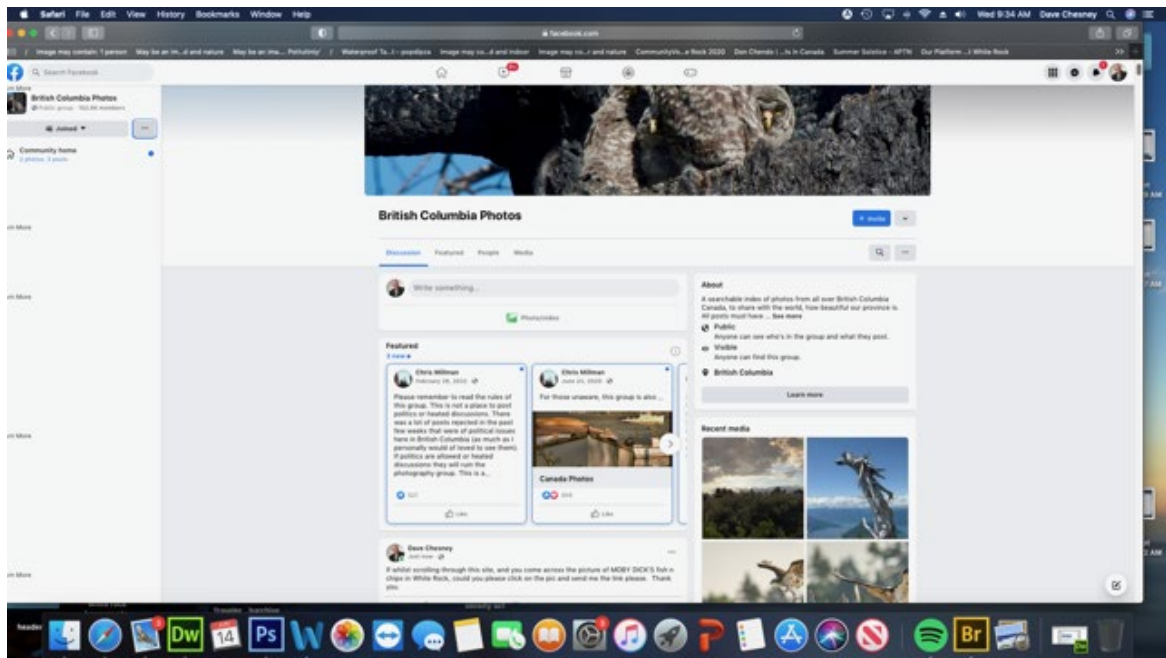


[See all](#)

From: [David Chesney](#)
To: [Guillermo Ferrero](#)
Subject: Fwd: British Columbia Pictures
Date: June 14, 2023 9:37:54 AM
Attachments: [Screen Shot 2023-06-14 at 9.34.49 AM.png](#)

I continue to try to find the post?

David



Debbie Johnstone

From: David Chesney
Sent: June 15, 2023 5:53 PM
To: Tracey Arthur
Cc: Guillermo Ferrero
Subject: Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and Redacted S. 22 / McQ 231386

After reviewing the letter from our law firm I would request the line about my Facebook removed and identify the comment was made on the Facebook BC Photos..

Councillor Chesney

Sent from my iPhone

On Jun 15, 2023, at 4:42 PM, Tracey Arthur <TArthur@whiterockcity.ca> wrote:

Hello Councillor Chesney, legal have forwarded the following for your consideration.

Please let us know if you have any questions in regard to this being made as a public apology and how to complete that (example: it may be noted at a meeting or you may make it public yourself on your Facebook page).

Thank you, Tracey

TRACEY ARTHUR, CMC

Director of Corporate Administration

15322 Buena Vista Avenue, White Rock, BC V4B1Y6

Tel: 604-541-2212 | www.whiterockcity.ca

<image001.jpg>

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From: Andrew Carricato <Carricato@lidstone.ca>

Sent: Thursday, June 15, 2023 4:14 PM

To: Tracey Arthur <TArthur@whiterockcity.ca>

Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and Redacted S. 22 / McQ 231386

Importance: High

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Redacted S. 14

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Andrew Carricato
Lawyer
He/him/his
<image002.jpg>

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604.899.2961 Direct
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Calgary Office:
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205 5th Avenue, SW
Calgary, AB T2P 2V7

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From: Tracey Arthur <TArthur@whiterockcity.ca>

Sent: Thursday, June 15, 2023 3:53 PM

To: Andrew Carricato <Carricato@lidstone.ca>

Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and

Redacted S. 22 / McQ 231386

Importance: High

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Redacted S. 22

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Director of Corporate Administration

15322 Buena Vista Avenue, White Rock, BC V4B1Y6

Tel: 604-541-2212 | www.whiterockcity.ca

<image001.jpg>

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From: Tracey Arthur

Sent: Thursday, June 15, 2023 11:04 AM

To: Andrew Carricato <Carricato@lidstone.ca>

Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
Redacted S. 22 / McQ 231386

Redacted S. 14

TRACEY ARTHUR, CMC

Director of Corporate Administration

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From: Andrew Carricato <Carricato@lidstone.ca>

Sent: Thursday, June 15, 2023 8:41 AM

To: Tracey Arthur <TArthur@whiterockcity.ca>

Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
Redacted S. 22 / McQ 231386

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Redacted S. 14

[Redacted]

[Redacted]

[Redacted]

Andrew Carricato
Lawyer
He/him/his
<image002.jpg>

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Vancouver, BC V6B 1R8

Calgary Office:
Bow Valley Square 2, #3300
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On Jun 15, 2023, at 8:30 AM, Tracey Arthur <TArthur@whiterockcity.ca> wrote:

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TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
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From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Wednesday, June 14, 2023 5:12 PM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

This needs attention

Get [Outlook for Android](#)

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Wednesday, June 14, 2023 4:51:57 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

Time is of an essence. I am ready to make the apology. Just need legal advice on wording

David
Sent from my iPhone

Begin forwarded message:

From: Barbara Poth <bpoth@mcquarrie.com>
Date: June 14, 2023 at 3:42:47 PM PDT
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Melissa Blackwell <mblackwell@mcquarrie.com>
Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

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Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

Legal Assistant to Royal J.
Morton and Jordan Mario Jutras

D 604.580.7061

www.mcquarrie.com

<image003.jpg>

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Suite 1500, 13450 102 Avenue, Surrey, BC V3T 5X3
P 604.581.7001 F 604.581.7110 TF 1.877.581.7001

From: [Tracey Arthur](#)
To: [Andrew Carricato](#)
Cc: [Guillermo Ferrero](#)
Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386
Date: June 15, 2023 3:53:17 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
Importance: High

Redacted S. 14

Director of Corporate Administration

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Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
Redacted S. 22 / McQ 231386

Redacted S. 22

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Redacted S. 22

[Redacted]

[Redacted]

[Redacted]

Andrew Carricato
Lawyer
He/him/his



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--	--

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David

Sent from my iPhone

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From: Barbara Poth <bpoth@mcquarrie.com>

Date: June 14, 2023 at 3:42:47 PM PDT

To: David Chesney <DChesney@whiterockcity.ca>

Cc: Melissa Blackwell <mblackwell@mcquarrie.com>

Subject: Defamatory Facebook comments regarding Moby Dick

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Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

Legal Assistant to Royal J. Morton and Jordan Mario Jutras

D 604.580.7061

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Debbie Johnstone

From: Tracey Arthur
Sent: June 16, 2023 2:04 PM
To: Guillermo Ferrero
Subject: RE: Apology Letter

Cllr C is on his way in

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Friday, June 16, 2023 1:12 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

Thank you very much. I will send you the signed letter this afternoon.

G.

From: info@mobydickrestaurant.com <info@mobydickrestaurant.com>
Sent: Friday, June 16, 2023 1:10 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Re: Apology Letter

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Hello Guillermo,

thank you very much for the time that you have devoted to this matter. I recognize how busy you and your office are, and I wish I had not had a reason to disturb you.

In order to turn this unpleasant page over and to let all participants move forward I am letting you know that we will accept this apology drafted by Mr.Chesney and will, therefore, ask you to close the complaint filed against Mr.Chesney.

Thanks again for working towards making our community successful and prosperous. It was a pleasure talking to you.

Best regards,

Redacted S. 22

On 2023-06-16 12:41, Guillermo Ferrero wrote:

Hello **Redacted S. 22**

Thank you very much for meeting with me on Monday June 12th regarding the letter you delivered on June 7th 2023 (attached) about a Code of Conduct complaint relating to Councilor Chesney's comments made on a Facebook Group.

At the meeting you advised me that to resolve the complaint, you would need the following:

- * A public apology letter from Councilor Chesney
- * Comments made on Facebook removed.

I understand that the comments have been removed already by Councilor Chesney and the attached apology letter is ready for Councilor Chesney's signature.

Please let me know if you would accept this letter as the requested apology, therefore resolving the complaint. After I receive your confirmation, Councilor Chesney will sign the letter and make it public.

Thanks for your consideration,

G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

[1] <http://www.whiterockcity.ca/>

Debbie Johnstone

From: Andrew Carricato <Carricato@lidstone.ca>
Sent: June 16, 2023 3:43 PM
To: Guillermo Ferrero
Cc: Tracey Arthur
Subject: RE: Redacted S. 14

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Redacted S. 14

Andrew Carricato
Lawyer
He/him/his
LIDSTONE & COMPANY
BARRISTERS & SOLICITORS
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Calgary Office:
Bow Valley Square 2, #3300
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From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Friday, June 16, 2023 2:56 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

WARNING: This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Redacted S. 14

Please find the signed letter of apology.

Thank you very much,
G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca



From: Guillermo Ferrero

Sent: Friday, June 16, 2023 1:12 PM

To: info@mobydickrestaurant.com

Cc: Tracey Arthur <TArthur@whiterockcity.ca>

Subject: RE: Apology Letter

Thank you very much. I will send you the signed letter this afternoon.

G.

From: info@mobydickrestaurant.com <info@mobydickrestaurant.com>

Sent: Friday, June 16, 2023 1:10 PM

To: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Cc: Tracey Arthur <TArthur@whiterockcity.ca>

Subject: Re: Apology Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Guillermo,

thank you very much for the time that you have devoted to this matter. I recognize how busy you and your office are, and I wish I had not had a reason to disturb you.

In order to turn this unpleasant page over and to let all participants move forward I am letting you know that we will accept this apology drafted by Mr.Chesney and will, therefore, ask you to close the complaint filed against Mr.Chesney.

Thanks again for working towards making our community successful and prosperous. It was a pleasure talking to you.

Best regards,

Redacted S. 22

On 2023-06-16 12:41, Guillermo Ferrero wrote:

Hello Redacted S. 22

Thank you very much for meeting with me on Monday June 12th regarding the letter you delivered on June 7th 2023 (attached) about a Code of Conduct complaint relating to Councilor Chesney's comments made on a Facebook Group.

At the meeting you advised me that to resolve the complaint, you would need the following:

- * A public apology letter from Councilor Chesney
- * Comments made on Facebook removed.

I understand that the comments have been removed already by Councilor Chesney and the attached apology letter is ready for Councilor Chesney's signature.

Please let me know if you would accept this letter as the requested apology, therefore resolving the complaint. After I receive your confirmation, Councilor Chesney will sign the letter and make it public.

Thanks for your consideration,

G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

[1] <http://www.whiterockcity.ca/>

June 16, 2023

Transmitted by Email info@mobydickrestaurant.com

Redacted S. 22

Moby Dick Restaurants Ltd. President / Owner
White Rock, BC

Dear **Redacted S. 22**:

Re: Public Apology

On June 4, 2023, I posted a comment on a picture found on the British Columbia Photos Facebook site regarding the Moby Dick Restaurants Inc. I have since reflected on this and removed the comment. I now recognize and acknowledge that my comment was factually inaccurate and disrespectful. For example, since taking over the business from the former owner almost 20 years ago, **s. 21** has operated the restaurant successfully and has repeatedly been recognized by locals and visitors as a popular place to eat. **s. 22** employs many local residents and pays taxes to our community. Therefore, I sincerely apologize to the Moby Dick Restaurant and its owner **Redacted S. 22** and regret if my comments in any way jeopardized the reputation of the business or the wellbeing of **s. 22** family and employees.

Sincerely,

David Chesney
City of White Rock Councillor

Administration

P: 604.541.2124 | F: 604.541.9348

City of White Rock

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

WHITE ROCK
My City by the Sea!

www.whiterockcity.ca

From: [Tracey Arthur](#)
To: [David Chesney](#)
Cc: [Guillermo Ferrero](#)
Subject: RE: Further TO That
Date: June 16, 2023 9:22:11 AM

Hi Councillor Chesney we are working on this was the comment made on June 4th?

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca

Information transmitted, including attachments, is intended only for the individual(s) or entity(ies) to which it is addressed and may contain information that is confidential and/or privileged or exempt from disclosure under applicable law. Any copying, review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by individual(s) or entities other than the intended recipient is strictly prohibited. If you have received this information in error, please notify the City of White Rock and destroy any copies of this information. Thank you.

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Friday, June 16, 2023 8:56 AM
To: Tracey Arthur <TArthur@whiterockcity.ca>; Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: David Chesney <DChesney@whiterockcity.ca>
Subject: Further TO That

- >
- >
- > Tracey/Guillermo
- >
- > Upon further thought after pondering the apology from our legal reps I have some concerns.
- >
- > 1. Did our lawyers see the letter I received from the lawyers for Moby Dicks?
- >
- > 2. As previously mentioned the comment was not made on my FACEBOOK that needs to be corrected. British Columbia Photos was the FACEBOOK site
- >
- > 3. Moby Dick removes their assertion i violated any Code of Conduct, the entire post once I have met S. 22 request and posted my apology.
- >
- > 4. They are sent the lawyer's apology and agree it is sufficient
- >
- > 5. Under a separate email I would like have Redacted S. 22 informed I have removed said comment from BRITISH COLUMBIA PHOTOGRAPHS but have been unable to locate it on DRIVE MARINE DRIVE. I have scrolled through the entire year of 2021 when said comment apparently happened. If Redacted S. 22 can furnish me with the link I would be happy to remove it. I have also reached out to the administrator of that FACEBOOK to assist in removing the comment, I have not received a reply.
- >
- > 7. Specific FACEBOOK my apology should be posted. My Personal FACEBOOK seems to be the desired

location?

>

>

> Thank you in advance.

>

> David Chesney

>

> p.s.

>

> Finally if someone can inform ^{s.22} and ^{s.22} lawyer we are working our way through this and will post once we receive approval from **Redacted S. 22** on the apology.

>

>

From: [Tracey Arthur](#)
To: [Guillermo Ferrero](#)
Subject: RE: Tracey: Letter Ready
Date: June 16, 2023 11:29:28 AM

Will do, thanks!

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca

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-----Original Message-----

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Friday, June 16, 2023 11:29 AM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Tracey: Letter Ready

I responded to the question. I called him but couldn't reach him. Tell him to call me when he comes in

G.

-----Original Message-----

From: Tracey Arthur <TArthur@whiterockcity.ca>
Sent: Friday, June 16, 2023 11:12 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: FW: Tracey: Letter Ready

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca

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information. Thank you.

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Friday, June 16, 2023 11:06 AM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Re: Tracey: Letter Ready

I will stop down after 2 I will be requesting answers to my email this morning regarding the 5 points of concern. Will Guillermo be in after lunch?

David

Sent from my iPhone

> On Jun 16, 2023, at 9:54 AM, Tracey Arthur <TArthur@whiterockcity.ca> wrote:

>

> Hello Councillor Chesney, we have the letter ready it is attached for your review, please let me know if the changes made were what you were looking for. Did you want to attend Administration and sign it and then we can scan it back to your email to send so this is from you.

>

> G is on the road for a bit this morning but he noted he felt this letter should be read out at a Council meeting thus making it public.

>

> A hard copy of the letter will be ready, in my office for when you attend City Hall. Thank you, Tracey

>

> TRACEY ARTHUR, CMC

> Director of Corporate Administration

> 15322 Buena Vista Avenue, White Rock, BC V4B1Y6

> Tel: 604-541-2212 | www.whiterockcity.ca

>

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>

>

> -----Original Message-----

> From: David Chesney <DChesney@whiterockcity.ca>

> Sent: Friday, June 16, 2023 8:56 AM

> To: Tracey Arthur <TArthur@whiterockcity.ca>; Guillermo Ferrero <GFerrero@whiterockcity.ca>

> Cc: David Chesney <DChesney@whiterockcity.ca>

> Subject: Further TO That

>

>

>>

>>

>> Tracey/Guillermo

>>

>> Upon further thought after pondering the apology from our legal reps I have some concerns.

>>

>> 1. Did our lawyers see the letter I received from the lawyers for Moby Dicks?

>>

>> 2. As previously mentioned the comment was not made on my FACEBOOK that needs to be corrected. British

Columbia Photos was the FACEBOOK site

>>

>> 3. Moby Dick removes their assertion i violated any Code of Conduct, the entire post once I have met **s.22** request and posted my apology.

>>

>> 4. They are sent the lawyer's apology and agree it is sufficient

>>

>> 5. Under a seperate email I would like have **Redacted S. 22** informed I have removed said comment from BRITISH COLUMBIA PHOTOGRAPHS bu have been unable to locate it on DRIVE MARINE DRIVE. I have scrolled through the entire year of 2021 when said comment apparently happened. If **Redacted S. 22** can fujrnish me with the link I would be happy to remove it. I have also reached out to the administrator of that FACEBOOK to assist in removing the cmment, I have not received a reply.

>>

>> 7. Specific FACEBOOK my apology should be posted. My Personal FACEBOOK seems to be the desired location?

>>

>>

>> Thank you in advance.

>>

>> David Chesney

>>

>> p.s.

>>

>> Finally if someone can inform **s.22** and **s.22** lawyer we are working our way through this and will post once we receive approval from **Redacted S. 22** on the apology.

>>

>>

> <2023-06-16 Letter of apology to **Redacted S. 22**.pdf>

Debbie Johnstone

From: David Chesney
Sent: June 18, 2023 10:20 AM
To: Guillermo Ferrero
Subject: Re: Apology Letter

I am away from my home computer this weekend. It will be posted tomorrow am

David

Sent from my iPhone

On Jun 18, 2023, at 9:49 AM, Guillermo Ferrero <GFerrero@whiterockcity.ca> wrote:

Hi David,

I was expecting to see the letter posted on your Facebook page on Friday. I haven't seen it yet so I'm wondering how are you planning to make the letter public? Making the letter public was part of the agreement to resolve the complaint.

Thanks
G

Get [Outlook for Android](#)

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Friday, June 16, 2023 2:57:00 PM
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Apology Letter

FYI

G.

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 2:56 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

Hello 

Please find the signed letter of apology.

Thank you very much,
G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca

<image001.jpg>

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 1:12 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

Thank you very much. I will send you the signed letter this afternoon.

G.

From: info@mobydickrestaurant.com <info@mobydickrestaurant.com>
Sent: Friday, June 16, 2023 1:10 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Re: Apology Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Guillermo,

thank you very much for the time that you have devoted to this matter. I recognize how busy you and your office are, and I wish I had not had a reason to disturb you.

In order to turn this unpleasant page over and to let all participants move forward I am letting you know that we will accept this apology drafted by Mr.Chesney and will, therefore, ask you to close the complaint filed against Mr.Chesney.

Thanks again for working towards making our community successful and prosperous. It was a pleasure talking to you.

Best regards,

Redacted S. 22

On 2023-06-16 12:41, Guillermo Ferrero wrote:

Hello Redacted S. 22

Thank you very much for meeting with me on Monday June 12th regarding the letter you delivered on June 7th 2023 (attached) about a Code of Conduct complaint relating to Councilor Chesney's comments made on a Facebook Group.

At the meeting you advised me that to resolve the complaint, you would need the following:

- * A public apology letter from Councilor Chesney
- * Comments made on Facebook removed.

I understand that the comments have been removed already by Councilor Chesney and the attached apology letter is ready for Councilor Chesney's signature.

Please let me know if you would accept this letter as the requested apology, therefore resolving the complaint. After I receive your confirmation, Councilor Chesney will sign the letter and make it public.

Thanks for your consideration,

G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

[1] <http://www.whiterockcity.ca/>

Public Apology

“On June 4th, 2023, I posted a comment on my personal Facebook Page regarding the Moby Dick Restaurants Inc. I have since reflected on this and removed the comment. I now recognize and acknowledge that my comment was factually inaccurate and disrespectful. For example, since taking over the business from the former owner almost 20 years ago, Redacted S. 22 has operated the restaurant successfully and has repeatedly been recognized by locals and visitors as a popular place to eat. s.22 employs many local residents and pays taxes to our community. Therefore, I sincerely apologize to the Moby Dick Restaurant and its owner s.22 Redacted S. 22 and regret if my comments in any way jeopardized the reputation of the business or the wellbeing of Redacted family and employees.”

Public Apology

“On June 4?, 2023, I posted a comment on my Facebook BC Photos page regarding the Moby Dick Restaurants Inc. I have since reflected on this and removed the comment. I now recognize and acknowledge that my comment was factually inaccurate and disrespectful. For example, since taking over the business from the former owner almost 20 years ago, Redacted S. 22 has operated the restaurant successfully and has repeatedly been recognized by locals and visitors as a popular place to eat. s.22 employs many local residents and pays taxes to our community. Therefore, I sincerely apologize to the Moby Dick Restaurant and its owner s. 21 s.22 and regret if my comments in any way jeopardized the reputation of the business or the wellbeing of s.22 family and employees.”

From: [Janessa Auer](#) on behalf of [Guillermo Ferrero](#)
Cc: [Chris Magnus](#)
Subject: HOLD: Tentative Meeting with **Redacted S. 22** (Moby Dick's) | **Redacted S. 22**

From: [Guillermo Ferrero](#)
To: [Mayor and Council](#)
Cc: [Amanda Silvers](#); [Tracey Arthur](#)
Subject: Fwd: Global BC comment request re: ethical complaint against Councillor Chesney?
Date: June 9, 2023 9:36:38 AM

Hello Mayor & Council,

I'm providing the below for information and will provide a response along the lines of:

"The City has received a formal complaint and will follow the steps outlined in the Council Code of Conduct Bylaw adopted on March 27, 2023."

If you receive any, please forward all related media requests to me for response.

Thanks,
G.

Get [Outlook for Android](#)

From: Amanda Silvers <ASilvers@whiterockcity.ca>
Sent: Friday, June 9, 2023 9:27:25 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Global BC comment request re: ethical complaint against Councillor Chesney?

This just in.

From: Communications <communications@whiterockcity.ca>
Sent: Friday, June 9, 2023 9:00 AM
To: Amanda Silvers <ASilvers@whiterockcity.ca>
Subject: Fwd: Global BC comment request re: ethical complaint against Councillor Chesney?

From: Joshua Azizi <Joshua.Azizi@globalnews.ca>
Sent: Thursday, June 8, 2023 8:47:32 PM
To: Communications <communications@whiterockcity.ca>
Subject: Global BC comment request re: ethical complaint against Councillor Chesney?

You don't often get email from joshua.azizi@globalnews.ca. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm an overnight news writer with Global BC in Vancouver.

I'm putting together a story for our morning newscast about the ethical misconduct complaint Moby Dick Restaurant says it has filed against White Rock Councillor Dave Chesney regarding a comment he made on social media.

https://www.facebook.com/MobyDickRestaurantWhiteRock/posts/732220952236887?ref=embed_post

Is the city able to provide a statement about this?

Thank you,

Joshua

From: [Guillermo Ferrero](#)
To: Joshua.Azizi@globalnews.ca
Cc: [Amanda Silvers](#); [Tracey Arthur](#)
Subject: Re: Global BC comment request re: ethical complaint against Councillor Chesney?
Date: June 9, 2023 11:54:43 AM

Good morning, Joshua,

Thank you for your message. I'm the CAO for the City of White Rock. This is a matter that will be resolved under the City's 'Council Code of Conduct Bylaw' and we therefore will not be making a comment at this time. Thank you for understanding.

<https://www.whiterockcity.ca/DocumentCenter/View/8863/Bylaw-2456---A-code-to-regulare-the-conduct-of-Council-members>

Best,

Guillermo Ferrero

CAO - City of White Rock

From: Communications <communications@whiterockcity.ca>
Sent: Friday, June 9, 2023 9:00 AM
To: Amanda Silvers <ASilvers@whiterockcity.ca>
Subject: Fwd: Global BC comment request re: ethical complaint against Councillor Chesney?

From: Joshua Azizi <Joshua.Azizi@globalnews.ca>
Sent: Thursday, June 8, 2023 8:47:32 PM
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[https://www.facebook.com/MobyDickRestaurantWhiteRock/posts/732220952236887?
ref=embed_post](https://www.facebook.com/MobyDickRestaurantWhiteRock/posts/732220952236887?ref=embed_post)

Is the city able to provide a statement about this?

Thank you,

Joshua

From: [Guillermo Ferrero](#)
To: [Mayor and Council](#)
Cc: [Tracey Arthur](#)
Subject: Code of Conduct Complaint
Date: June 19, 2023 1:38:19 PM
Attachments: [image001.jpg](#)

Hello Mayor and Council,

I would like to advise you that the Code of Conduct Complaint made by **Redacted S. 22** on June 7th is now resolved and it does not require any further action. **Redacted S. 22** has advised the City that **s.22** has closed the complaint.

Thank you very much,
G.

GUILLERMO FERRERO
Chief Administrative Officer, City of White Rock
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca





From: [White Rock Council](#)
To: [Guillermo Ferrero](#)
Subject: David Chesney Apology
Date: June 23, 2023 9:58:00 AM
Attachments: [image001.jpg](#)

From: Joseph Prodor <joseph@jmprodorlaw.ca>
Sent: June 23, 2023 9:33 AM
To: White Rock Council <whiterockcouncil@whiterockcity.ca>
Cc: info@mobydickrestaurant.com
Subject: David Chesney Apology

You don't often get email from joseph@jmprodorlaw.ca. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Folks:

A prior legal opinion should have been obtained as to the letter / email of apology being sent to 
 on City Letterhead.

Though the apology may decrease any damage award, should an action be brought, that apology does not extinguish Moby Dick's right to bringing a legal action.

The use of City letterhead might now bring the City into any potential suit.

Regards,

JMP

Joseph M. Prodor, Esq.

TRIAL LAWYER

15260 Thrift Avenue

White Rock, BC V4B 2L2

Tel: (604) 536-4676

Fax: (604) 535-8981

Toll Free Tel: 1 (877) JPRODOR (1-877-577-6367)

Founding Director



2002 ATLA Public Service Award "In Recognition of Immense Service to Victims of Insurance Industry Wrongful Conduct".

The quest for social justice is not a cause – it is a basic element of life. The purpose of civil law is to prevent wrongful

conduct. It is only when we fail in our initial purpose we move to the secondary purpose...compensation for the wronged individual.

NOTICE OF CONFIDENTIALITY

This e-mail, and any attachments thereto, is intended for use by the addressee(s) named herein, and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution, or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail (by replying to this message), or by telephone (noted above), and permanently delete the original. Thank you.

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW 2456**



A code to regulate the conduct of Council members.

WHEREAS Council Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act, or appear to act, to gain financial or other benefits for themselves, family, friends or business interests;

AND WHEREAS Council wishes to conduct its business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council to conduct its business in accordance with the City's values of community, innovation, integrity, service and teamwork;

AND WHEREAS Council Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour;

THEREFORE THE COUNCIL of the City of White Rock ENACTS AS FOLLOWS:

Definitions

1. In this Bylaw

"Advisory Body" means any committee, task force, commission, board or other body established or appointed by Council or by the Mayor;

“Advisory Body Member” means a person sitting on any Advisory Board, and includes a Council Member appointed to the body;

“Bully and Harass” includes:

- (a) any conduct that would be contrary to the City’s Respectful Workplace Policy;
- (b) any unwelcome or objectionable conduct or comment that would be considered discriminatory under the *Human Rights Code* if the conduct or comment was in respect of any of the following prohibited grounds:
 - (i) race,
 - (ii) conviction for an offence,
 - (iii) colour,
 - (iv) ancestry,
 - (v) physical disability,
 - (vi) place of origin,
 - (vii) mental disability,
 - (viii) political belief,
 - (ix) sex,
 - (x) religion,
 - (xi) age,
 - (xii) marital status,
 - (xiii) sexual orientation,
 - (xiv) family status;
- (c) Sexual Harassment;
- (d) any other unwelcome or objectionable conduct or comment by a Council Member toward another Council Member, an Advisory Board Member, Volunteer or Staff that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of an Advisory Board Member, Volunteer or Staff, calling someone derogatory names, hazing or initiation practices, vandalizing personal belongings or spreading malicious and untrue rumours;

“Campaign Period” means the period commencing the first of October immediately preceding a general election and ending on the day of the general election;

“Child” means a person toward whom a Responsible Adult has demonstrated a settled intention to

treat as a child of his or her family and includes a child born within or outside marriage, an adopted child, step-child or grandchild;

“City” means the City of White Rock;

“City Business” means any City program, activity, policy, process, project or undertaking;

“Chief Administrative Officer” means the Municipal Officer position of the Chief Administrative Officer;

“City Solicitor” means the Municipal Officer position of the City solicitor;

“City Record” includes anything on which information is recorded or stored by graphic, electronic, mechanical or other means in any format, but does not include a computer program or any other mechanism that produces records;

“City Record System” means a system used by the City of White Rock to manage City Records from creation through to disposal or long-term preservation;

“Commissioner” means the City of White Rock Ethics Commissioner;

“Confidential Information” means information or a record that is marked confidential by Council or Staff, that is Personal Information, that could reasonably harm the interests of individuals or organizations including the City if disclosed to persons who are not authorized to access the information, or information or a record to which section 117 of the *Community Charter* applies, including, without limitation, any:

- (a) decisions, resolutions or report contents forming part of the agenda for or from an *in-camera* meeting of Council until a Council decision has been made for the information to become public or otherwise released; and
- (b) details on Council’s in camera deliberations or specific detail on whether an individual Council Member voted for or against a matter;

“Corporate Officer” means the Municipal Officer position of Corporate Officer that has been designated the corporate officer under section 148 of the *Community Charter* (Director of Corporate Administration);

“Council Member” means the Mayor or a Councillor;

“Family Member” means a Spouse, a Child, a Responsible Adult, and siblings;

“Lobbying” means any communication with a Council Member by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development decisions, business licence decisions, introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution, or development approval, zoning bylaw amendment, or termination of a City policy, program, directive, guideline, or the outcome of a decision on any matter before Council, an Advisory Body, or Staff;

“Municipal Officer” means a member of staff designated as an officer under section 146 of the *Community Charter* or a bylaw under that section;

“Personal Information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

“Responsible Adult” means a person who has demonstrated a settled intention to treat a Child as a member of his or her family whether or not that person is the biological parent of the Child;

“Sexual Harassment” is any verbal, written or physical conduct, comment, gesture or contact of a sexual nature that may cause offence or humiliation to a Council Member, Staff, Advisory Body Member, Volunteer or a member of the public or that might reasonably be perceived by Staff, an Advisory Body Member or Volunteer as placing a condition of a sexual nature on employment or on any opportunity for training or promotion, and examples of sexual harassment may include but are not limited to:

- (a) unwelcome remarks, questions, jokes, innuendo or taunting, about a person’s body or sex, including sexist comments or sexual invitations;
- (b) verbal abuse and threats of a sexual nature;
- (c) leering, staring or making sexual gestures;
- (d) display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons or sayings;
- (e) unwanted physical contact such as touching, patting, pinching, hugging;
- (f) intimidation, threat or actual physical assault of a sexual nature;
- (g) sexual advances with actual or implied work-related consequences;

“Spouse” means a person to whom the person is married or with whom the person is living in a marriage-like relationship, and includes a former spouse;

“Staff” means a Municipal Officer or employee, a contractor, consultant or other service provider;

“Volunteer” means a person serving the City who is not a Council Member, member of Staff or an Advisory Board Member;

“Workplace” includes, but is not limited to, work sites owned, operated or controlled by the City, including the municipal hall, operations centres, fire hall, parks locations and buildings, construction or maintenance sites, business related social functions, work locations away from the foregoing venues, work related conferences and training sessions, work related travel, telephone conversations, voice mail or electronic messaging.

Interpretation

2. In this Bylaw, a reference to the Mayor, a chair, or Staff includes, in the absence of the Mayor, chair or Staff member, a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.
3. Without limitation, this Bylaw applies in respect of the Workplace and elsewhere, and without limitation applies to the use of social media by a Council Member.

PART 1 – CONDUCT OF ELECTED OFFICIALS

General Conduct

4. A Council Member shall not:
 - (a) contravene this Bylaw, as amended or replaced;
 - (b) contravene any other City bylaw or policy, as amended or replaced;
 - (c) breach their oath sworn upon taking office as a Council Member;
 - (d) contravene a law of British Columbia or Canada, including the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;

- (e) Bully or Harass another person;
 - (f) defame another person;
 - (g) abuse their office.
5. A Council Member shall treat other Council Members, Staff, Advisory Body Members, Volunteers, and the public with respect and dignity.
 6. A Council Member shall align their conduct with the City's values of integrity, innovation, service, teamwork and community.

Interactions of Council Members with Staff, Volunteers and Advisory Body Members

7. A Council Member shall not issue instructions or directions to Staff regarding City Business except through the Chief Administrative Officer or the appropriate department manager.
8. Before, during or after a procurement process, a Council Member shall not issue instructions or directions to a contractor, tenderer, proponent, consultant or other service provider. Outside of a Council or committee meeting, a Council Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.
9. A Council Member shall not interfere with, hinder or obstruct Staff, a Volunteer or an Advisory Board Member in the exercise or performance of their roles, responsibilities, powers, duties or functions.
10. If a Council Member has information about Staff, a Volunteer or an Advisory Board Member that the Council Member wishes to bring to the attention of the City for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the Chief Administrative Officer. On receipt of such information, the Chief Administrative Officer shall conduct a review or investigation and address the matter in accordance with the City's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.

Conduct at Council and Advisory Board Meetings

11. A Council Member must act with decorum at Council and Advisory Body meetings in accordance with the *Council and Committee Procedure Bylaw*, as amended or replaced from time to time.
12. Council Members shall make every effort to participate diligently in the activities of Council and Advisory Bodies or other bodies to which they are appointed by the City or by virtue of being an elected official, including intergovernmental meetings. To “participate diligently” means that a Council Member shall not be absent from meetings of Council or Advisory Body meetings, or from those of other bodies to which they are appointed by virtue of their status as a Council Member, without reasonable justification (such as illness of the Council Member, family circumstance, regional government business) for more than four consecutive scheduled meetings, for a period of 60 consecutive days, or on a regular basis.

Improper Use of Influence

13. A Council Member shall only use the influence of their office in the good faith exercise of their official duties.

Election Activities

14. A Council Member shall not participate in any civic events requiring them to perform official ceremonial duties between the last day of the nomination period and the voting day, as defined in the *Local Government Act*, unless authorized by a resolution of Council.
15. A Council Member shall comply with the *Local Government Act* and the *Local Elections Campaign Financing Act* when undertaking election campaign activities and fundraising.
16. A Council Member shall not use the City’s employees, property or resources for election campaign or fundraising activities at any point during a term of office, unless those resources are similarly available to all candidates and the fees associated with the use of the employees, property or resources has been paid for with election campaign funds. Without limiting the generality of the foregoing, this prohibition applies to:
 - (a) data sets and Personal Information collected and maintained by the City;

- (b) office space; and
 - (c) City websites or external websites paid for by the City.
17. A Council Member may include a link on his or her campaign website to the City's website or an external website paid for by the City.
18. During the Campaign Period, a Council Member shall not:
- (a) deliver City funded newsletters or conduct open houses funded by the City;
 - (b) distribute mass e-mails from the Council Member's City e-mail address, unless the communication arises from an emergency and the communication is authorized by the Chief Administrative Officer;
 - (c) update websites that are either City hosted or paid for by the City;
 - (d) use social media and internet resources such as Twitter, Facebook or Instagram in the Council Member's personal name, unless those accounts include a disclaimer that they are not City-funded and do not reflect City policy; nor
 - (e) request that City employees work on an election campaign during hours in which the employee receives compensation from the City, unless the work both unavoidably overlaps with the regular duties of the employee and is minor and infrequent, such as coordinating campaign schedules with the Council Member's calendar or redirecting citizens with campaign questions to campaign staff.
19. Council Members and their staff may take unpaid leave from the Council Member's office to work on an election campaign.

Conflicts of Interest

20. A Council Member shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.
21. A Council Member must disclose any conflict of interest in accordance with section 100 of the *Community Charter* and, if conflicted, must refrain from participating in a meeting in accordance with section 101 of the *Community Charter*.
22. In respect of each matter before Council, a Council Member shall:
 - (a) assess whether they have a conflict of interest, if necessary, with the advice of the Commissioner; and
 - (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the Chief Administrative Officer approves the cost if concerned about the validity of an affected bylaw or resolution, with respect to any situation which may result in a conflict of interest.
23. If a Council Member believes they may have or may reasonably be perceived to have a conflict of interest in respect of a matter in a Council or committee meeting, the Council Member shall:
 - (a) notify the Mayor or the Chair of the meeting that the Council Member has a conflict of interest prior to the matter being considered, and the Council Member shall restate the conflict of interest each time the matter arises before Council;
 - (b) refrain from discussing the matter with any other Council Member publicly or privately; and
 - (c) leave the meeting room if the matter is discussed and not return until discussion has ended or voting on the matter has been concluded.

Outside Activities and Business Relations

24. A Council Member who engages in another profession, business or occupation concurrently with holding office shall not allow such outside employment to affect the

Council Member's integrity, independence or competence. Without restricting the scope of this duty, the following shall be a contravention of this part of the Code of Conduct:

- (a) acting as an officer or director for a business that receives municipal funds in the form of grants or payments for goods or services;
 - (b) acting as an officer or director for a business that lobbies the City;
 - (c) allowing the prospect of future employment by a person other than the City to affect the Council Member's performance of his or her duties to the City;
 - (d) borrowing money from any person who regularly does business with the City, unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union;
 - (e) acting as a paid agent before Council or an Advisory Body;
 - (f) receiving compensation for referrals to a specific business;
 - (g) receiving compensation that is dependent on the business being awarded a contract with the City;
 - (h) subject to sections 37 through 40, providing advice for remuneration to any person who is involved in litigation or lobbying against the City, unless the Council Member first gives written notice of the relationship to the Commissioner.
25. A Council Member may obtain advice from the Commissioner on whether a new profession, business or occupation is compatible with their obligations under section 27 of this Bylaw. Provided that the Council Member made full and frank disclosure to the Commissioner at the time they sought advice, the Commissioner's opinion shall be the final determination of whether a Council Member has contravened section 27 of this Bylaw.

Council Members' Use of Municipal Assets and Services

26. A Council Member shall not use, or permit the use of, City land, facilities, equipment, supplies, services, property, employees or other resources for activities other than City Business unless the use or the permission is on the same terms and conditions that the land,

facilities, equipment, supplies, services, property, employees or other resources are available to the general public. Accordingly, a Council Member shall not obtain personal gain from the use or sale of City-developed intellectual property, including all discoveries, inventions, know-how, improvements, developments, processes, technology, compositions, designs, techniques, methods, industrial designs, compositions, prototypes, models, literary work, research, drawings, software and trade secrets whether or not capable of patent, industrial design, copyright or trademark protection, or any other type of protection. Council Members acknowledge and do not dispute that all such property that a Council Member may prepare, use or encounter while holding office will be and remains the City's exclusive property.

27. A Council Member shall not request Staff to undertake personal or private work on behalf of the Council Member, nor shall a Council Member accept such work from Staff.

Employment of Council Family Members

28. A Council Member shall not attempt to influence personnel decisions regarding the decision to hire, transfer, promote, demote, discipline, or terminate an Advisory Board Member, a Volunteer or Staff. This prohibition includes giving references to any person applying for a position at the City and forwarding copies of an applicant's resume to any person hiring for any position at the City.
29. A Council Member shall not attempt to obtain a benefit from the City for a Family Member.

Gifts

30. For the purpose of sections 30 through 36 of this Bylaw, a gift or benefit is an item or service of value that is received by a Council Member for their personal use, including, but is not limited to money, gift cards, tickets to events, clothing, jewelry, pens, food or beverages, discounts/rebates on personal purchases, free or subsidized drinks or meals, entertainment, participation in sport and recreation activities, and invitations to social functions.
31. A Council Member must comply with the restrictions on accepting gifts in section 105 of the *Community Charter* and must disclose any permitted gifts over \$250 in accordance with section 106 of the *Community Charter*.

32. A gift or benefit provided to a Council Member's Family Member or staff in relation to City Business is deemed to be a gift or benefit to that Council Member.
33. If a Council Member is required to disclose to a Municipal Officer the nature of the gift or benefit, the Council Member shall also include a description of its source, including if the gift is from a corporation, the full names and addresses of at least two individuals who are directors of the corporation; when it was received; and the circumstances under which it was given and accepted.
34. The Municipal Officer shall provide a copy of this disclosure under section 33 to the Commissioner.
35. On receiving the disclosure statement, the Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Council Member. If the Commissioner makes that preliminary determination, the Commissioner shall call upon the Council Member to justify the receipt of the gift or benefit.
36. If the Commissioner considers the receipt was in contravention of this Bylaw or the *Community Charter*, the Commissioner may direct the Council Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift.

Collection and Handling of Information

37. A Council Member shall not release any Confidential Information unless the Council member is specifically authorized to release it by:
 - (a) a resolution of Council to use or release the Confidential Information, and then only to the extent of the Council authorization;
 - (b) authorized discussion of the Confidential Information at a meeting that is open to the public; or
 - (c) lawful authorization under separate legal authority.
38. A Council Member must not discuss or disclose Personal Information of others to any person, except in a manner that complies with the duty to protect Personal Information under the *Freedom of Information and Protection of Privacy Act*.

39. A Council Member shall take reasonable care to prevent unauthorized access to Confidential Information or Personal Information by unauthorized persons. If a Council Member learns of unauthorized access to Confidential Information or Personal Information, the Council Member shall report this information to the Chief Administrative Officer as soon as possible.
40. A Council Member shall comply with the directions of the Corporate Officer respecting the use of the City Record System.

Council Members' Use of Social Media

41. A Council Member shall not publish Confidential Information on social media, unless authorized in accordance with the provisions of section 37 of this Bylaw.
42. A Council Member shall not publish information or an opinion on social media about City Business, unless the publication republishes the information that has been released by the City without alteration or the opinion includes a statement to the effect that the "opinion expressed is my own and does not necessarily reflect the view or opinions of the City of White Rock or other members of White Rock Council".
43. Without limiting any other obligation imposed by this Bylaw, a Council member shall not use or allow the use of their social media account for purposes that include content that:
 - (a) Bullies and Harasses another Council Member, an Advisory Board Member, a Volunteer, Staff or a member of the public;
 - (b) evidences bias or a reasonable apprehension of bias in relation to a matter that is the subject of a statutory or other public hearing;
 - (c) promotes or constitutes illegal activity;
 - (d) may compromise the safety or security of the public.
44. A Council Member shall take steps to remove from their social media account any publication by another person of content that violates this Bylaw.

Communication Protocol

45. Council may appoint the spokesperson on City Business. Once a spokesperson has been appointed, a Council Member that is not appointed as the spokesperson shall ensure that inquiries from the public and media on the City's position are directed to the spokesperson. A Council Member communicating their own opinion shall ensure that the communication clearly indicates that it is the Council Member's own position. Nothing in this section prevents Council from appointing multiple spokespersons or changing the appointed spokesperson. Where no spokesperson has been appointed, the Mayor shall act as the spokesperson.

Interactions with the Public and the Media

46. A Council Member shall accurately communicate the decisions of the Council, even if they disagree with the majority decision of Council.
47. When discussing the fact that they did not support a decision, or voted against the decision, or that another Council Member did not support a decision or voted against a decision, a Council Member shall refrain from making disparaging comments about other Council Members or about Council's processes and decisions.
48. Nothing in this Bylaw is intended to affect rights under the *Charter of Rights and Freedoms*.

Orientation and Training Attendance

49. After first being elected, a Council Member shall attend all sessions of orientation training on City Business that are identified as mandatory by the Commissioner unless doing so is not practically possible.
50. A Council Member shall attend any sessions of training on City Business that are identified as mandatory by Council, the Chief Administrative Officer, the City Solicitor, the Corporate Officer or the Commissioner, unless doing so is not practically possible.

PART 2: PART 2 – PROCESS FOR COMPLAINTS

Individual Steps to Resolution

51. If a Council Member, an Advisory Board Member or Staff considers that they have been subjected to a contravention of this Bylaw by a Council Member and if they are comfortable discussing the matter directly with the Council Member, they may inform the Council Member of the alleged contravention and request an apology and, if applicable, that the contravention cease immediately.
52. If the complainant is unable to discuss the matter directly with the Council Member, or if after discussion the contravention continues, the complainant may inform the Chief Administrative Officer of the allegation. The Chief Administrative Officer (CAO) may then agree to act as an advisor to aid the complainant or appoint an advisor as the CAO deems suitable.
53. The advisor acting under section 52 shall assist the complainant, including discussing the alleged contravention with the Council Member to resolve the complaint.
54. If the complainant is not satisfied with the outcome after the advisor has finished assisting the complainant under section 53, the complainant may proceed to Mutual Resolution by filing a written record of the allegation with the Commissioner within ten (10) days of being informed by the advisor of the outcome.
55. Nothing in this Bylaw precludes the complainant from making reasonable efforts in good faith to address the complaint internally and informally without resort to the Mutual Resolution or Formal Resolution procedures set out in this Bylaw.

56. Nothing in this Bylaw precludes the complainant from taking measures that the complainant is entitled to take under law, including but not limited to filing a human rights complaint, a grievance or other applicable process under a collective agreement, a complaint with WorkSafe BC, or other proceedings, as applicable.
57. Discussions regarding the complainant's concerns are confidential, advisory and informal in nature. The only exception to the Commissioner or an advisor maintaining confidentiality is if they deem the complaint to indicate a possible physical threat to any person. In that case, the advisor must immediately inform the City Solicitor of the complaint and inform the complainant of this requirement to do so. The City Solicitor must then promptly request the Commissioner to initiate an investigation and inform the complainant of this request and may take any additional steps deemed appropriate to deal with the possible physical threat.

Mutual Resolution

58. If the Individual Steps to Resolution process is unsuccessful in resolving the complaint, at the request of the complainant and with the agreement of the Council Member, a third party will be selected under section 59 to act as a mediator to assist the individuals in resolving the complaint through mediation. If the parties cannot agree to resolve the complaint through Mutual Resolution, then the complainant may elect to proceed to Formal Review.
59. The role of the mediator is to help the complainant and the Council Member come to an agreement, and not to advocate a position or impose a decision. The mediator will be selected by agreement of the complainant and the Council Member, with the Commissioner retaining the right to select a mediator if the complainant and the Council Member are unable to agree.
60. Both the complainant and the Council Member may be accompanied by a representative of their choice, including a lawyer or if the complainant is a member of a union, a union representative or a lawyer on behalf of the union, or both. If the complaint is resolved through Mutual Resolution, a written record of the complaint and the resolution will be given to the complainant, the Council Member and the Commissioner. If the mediator has recommendations for the City to consider, the mediator will forward these recommendations to the Commissioner and the City Solicitor. The resolution and recommendations must be kept in confidence by the Commissioner, City Solicitor and the parties, unless the parties agree in writing to disclose the information.

61. If Mutual Resolution is not successful in resolving the complaint, the complainant may pursue other options by confirming in writing his or her election to the Commissioner within ten working days of receiving the mediator's report.

Other Processes

62. Failing Mutual Resolution, a breach of this Bylaw can be determined for the purposes of proceeding with a Council measure under section 71 by way of:
 - (a) an admission by the Council Member;
 - (b) an agreement with the Council Member;
 - (c) a report from a standing or select committee invested with investigation powers under section 134 of the *Community Charter*;
 - (d) a Formal Review.

Complaints

63. Any person who has witnessed or experienced conduct by a Council Member which they believe to be in contravention of this Bylaw, or another City policy governing conduct of a Council Member may submit a complaint to the Commissioner in accordance with sections 65 and 66 of this Bylaw.
64. If a Designated Management Employee, as defined in the City's Respectful Workplace Policy, receives a complaint under the Respectful Workplace Policy, the Designated Management Employee may elect to refer the complaint to the Commissioner for resolution pursuant to this Bylaw.

Formal Review

65. After the invocation of the procedures under sections 51 through 60 of this Bylaw, the complainant may elect to proceed with a formal complaint, which must be delivered in writing to the Commissioner in accordance with sections 61 and 66 of this Bylaw. This written complaint shall contain the particulars of the complaint, including the dates on which the conduct that is the subject of the complaint occurred.

66. The complainant must deliver the written complaint within six (6) months of the date of the alleged contravention of this Bylaw, unless the parties have agreed in writing to postpone this deadline in order to pursue another resolution process.
67. Upon receipt of the written complaint, the Commissioner shall:
 - (a) take whatever steps the Commissioner considers reasonable with the complainant and the Council Member to resolve the matter informally under sections 51 through 60 within ten working days, if they have not already done so; or
 - (b) confirm in writing to the complainant and the Council Member that the CAO or other advisor has terminated attempts to resolve the matter informally; and then
 - (c) begin an investigation within ten working days of the request being filed.
68. In keeping with the principles of procedural fairness, the Commissioner shall:
 - (a) confirm receipt of the written complaint to the complainant;
 - (b) notify the Council Member of the allegation, provide the Council Member with a copy of this Bylaw and advise the complainant of this notification;
 - (c) receive information from any witnesses who the Commissioner believes may have information relevant to the complaint, and this information may be received through written documentation, interviews, or informal hearings;
 - (d) keep both the complainant and the Council Member aware of any allegations made against them and ensure that they are given a reasonable opportunity to respond; and
 - (e) inform the complainant and the Council Member that they may be accompanied by a representative, including a lawyer, of their choice during the Formal Review process, including the closed meeting described in sections 84 and 85 of this Bylaw.
69. If the Council Member fails to respond, the Mayor at the request of the Commissioner may compel witnesses under section 134 of the *Community Charter*.
70. The Commissioner shall ensure all details, dates, conversations and meetings are documented. These working records created by the Commissioner are confidential. Once the investigation has been completed, the Commissioner shall prepare a written report and provide a copy of the report to the Chief Administrative Officer and Council. The report

must, at a minimum, contain a description of the allegations, a summary of the evidence of the parties and the witnesses, and a determination of whether a contravention occurred. The report may also provide recommendations with respect to the potential outcome.

Council Determination of Measures

71. Council shall decide on the appropriate measures, if any, are warranted by a contravention of this Bylaw and shall take such action as Council considers appropriate in the circumstances, after:
 - (a) reviewing the report of the Commissioner;
 - (b) considering the factors described in section 72 and the measures enumerated in section 73; and
 - (c) conducting a closed meeting in accordance with the process described in sections 81 and 82 of this Bylaw.

72. In determining the appropriate measure, Council shall consider the following factors:
 - (a) the degree and nature of the conduct;
 - (b) whether the contravention was a single or repeated act;
 - (c) whether the Council Member was told that the conduct was unwelcome or offensive, and nonetheless continued the conduct;
 - (d) the nature of the work relationship of the complainant and the respondent, and whether the Council Member was in a position of authority over the complainant, such that the degree and nature of the conduct was thereby exacerbated by an abuse of power;
 - (e) the impact of the contravention on the complainant;
 - (f) the Council Member's acknowledgment of wrongdoing; and
 - (g) the Council Member's history of other contraventions.

73. Council may impose the following measures after considering the factors described in section 72, including, but not limited to:
- (a) an apology from the Council Member in substantially the form set out in Schedule B;
 - (b) removal of the Council Member from appointments such as chairperson, committees, commissions or Advisory Boards;
 - (c) motion of censure;
 - (d) mandatory training on City Business, the *Community Charter*, or this Bylaw;
 - (e) referral to a prosecutor or police;
 - (f) any other action recommended by the Commissioner; and
 - (g) any other measure permitted by the *Community Charter*, the *Local Government Act*, the *Local Elections Campaign Financing Act* and the *Charter of Rights and Freedoms*.
74. The Council decision under section 71 will be in writing and provided to the complainant and Council Member within ten working days of the closed meeting conducted in accordance with sections 81 and 82 of this Bylaw.

Staff Responsibilities in the Complaint Process

75. If the Commissioner concludes that a contravention has occurred, the CAO shall consider reasonable action to protect the complainant from any subsequent action or reprisal. The CAO shall also consider reasonable action to protect the rights of the subject Council Member and to see that no reprisal takes place beyond the measure determined by Council.
76. If the Commissioner finds that the original complaint was initiated in bad faith, with willful misconduct or intent to harm, where the complainant is a Council Member, Council may consider appropriate measures in respect of the complainant and where the complainant is Staff, the CAO may consider appropriate measures in respect of the complainant.

77. A copy of the Commissioner's report and the Council decision will be retained in a confidential file maintained by the CAO, except when all or part of the decision is disclosed to the public in accordance with the *Freedom of Information and Protection of Privacy Act*.
78. The Commissioner may proceed with a Formal Review even if the complainant withdraws the complaint.
79. If approved by Council, the CAO shall consider implementing administrative changes to City policies or procedures recommended by the Commissioner's report.

Fairness Procedures Applicable to Council Determination of Measures

80. Sections 81 and 82 only apply if the complaint is not resolved under sections 51 through 60 of this Bylaw and if Council is considering measures under section 71.
81. The Mayor, or the Corporate Officer if the Mayor is alleged to have contravened this Bylaw, will notify the affected Council Member in writing that Council will be considering their conduct at a closed meeting. The notice and form of resolution where a breach is believed to have been proved are set out in Schedule A. The notice must be delivered at least seven business days in advance of the closed meeting at which Council will consider the measure, if any, that it will impose in accordance with section 71 of this Bylaw. The Corporate Officer will ensure that the matter is placed on the agenda of the closed meeting. At the closed meeting, the affected Council Member may be represented by legal counsel, which may be reimbursed in accordance with section 86 of this Bylaw.
82. The process at the closed meeting may vary depending on the situation, but the following elements will be incorporated:
 - (a) Council will read the Commissioner's determination of whether a contravention of this Bylaw occurred;
 - (b) the affected Council Member will be provided with reasonable notice in accordance with section 68 (b) and given the opportunity to make submissions to Council, with legal counsel if the Council Member desires, which submissions, without limitation, may include explanations for the impugned behavior or suggestions on the measures that Council might impose as a result of the conduct;
 - (c) after the affected Council Member has made the submissions to Council, the Council Member will leave the meeting room and those Council Members

without a conflict of interest will consider the measures, if any, to impose in accordance with section 73 of this Bylaw; and

- (d) written notice of the decision will be given in accordance with section 74 of this Bylaw.

Mandatory Training

- 83. If the Commissioner recommends mandatory training for a Council Member, and if Council resolves to accept the recommendation pursuant to section 73(d) of this Bylaw, then the Council Member shall attend the training.

Obstruction

- 84. It is a contravention of this Bylaw to obstruct the Commissioner in the carrying out of their responsibilities, as for example, by the destruction of documents or the erasing of electronic communications relevant to a complaint.

Legal Fees

- 85. If a member of Staff is a complainant under this Bylaw, the CAO may authorize the member of Staff to be reimbursed for legal fees reasonably incurred if the complaint was meritorious and a written request for reimbursement is filed with the CAO within three (3) months of any final disposition of a complaint under this Bylaw.
- 86. Council may reimburse a Council Member for legal fees reasonably incurred if a Council Member is subjected to the procedures set out in this Bylaw, provided that:
 - (a) The Commissioner ultimately does not determine that the Council member acted with dishonesty, gross negligence, or malicious or willful conduct; or
 - (b) in any event, if Council so resolves after considering all the circumstances,if the Council Member files a written request for reimbursement with the CAO within three (3) months of any final disposition of a complaint under this Bylaw.

General

87. The Corporate Officer will cause
- (a) this Bylaw to be visible and accessible on the City's website, and
 - (b) electronic copies of this Bylaw to be made available to all Staff and Council Members in easily accessible locations, including the City's intranet.
88. If any portion of this Bylaw is inconsistent with a binding collective agreement with the City or federal or provincial legislation, that portion and only that portion of this Bylaw will have no application to the extent of that inconsistency and all other portions of the Bylaw will continue in full force and effect.

Citation

89. This Bylaw may be cited as the "*Council Code of Conduct Bylaw, 2023 No. 2456*".

PASSED FIRST READING on the 13th day of March 2023.

PASSED SECOND READING on the 13th day of March, 2023.

PASSED THIRD READING on the 13th day of March, 2023.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Corporate Officer, and sealed with the Corporate Seal on the 27th day of March, 2023.


MAYOR


CORPORATE OFFICER

SCHEDULE A

**NOTICE TO COUNCIL MEMBER OF COUNCIL CONSIDERATION OF
BREACH OF THE COUNCIL MEMBER CONDUCT BYLAW**

CONFIDENTIAL

Date

Dear [*Insert Name of Subject Council Member*],

Please be advised that the City of White Rock Ethics Commissioner (the "Commissioner") believes that you may have breached **COUNCIL CODE OF CONDUCT BYLAW XXXX**. I am placing this matter on the agenda of the Council closed meeting to be held on [*Insert date - must be at least seven business days from date this is delivered to member*].

The reason for the meeting is to consider the Commissioner's report and recommendations, and to consider a resolution in relation to this breach.

Enclosed is a copy of the Resolution that will be considered at the meeting for discussion, debate and a vote. Note that one of the possible ultimate outcomes of the process described in the Resolution is that Council may be considering imposing sanctions flowing from the breach, including removing you from your appointment to committees or other appointments, censuring you, requiring an apology, requiring training, referral to a prosecutor or police, seeking damages, releasing a public statement, or following any other recommendation of the Ethics Commissioner.

I wish to expressly notify you that you may retain legal counsel to represent your interests in this matter. Prior to Council voting at the in-camera meeting to determine which sanction they wish to invoke, if any, you will be provided with the opportunity to address Council regarding the contents of the draft form of resolution and any other documents that Council may have before it.

Following any submissions, you (or your legal counsel) make at the in camera meeting, Council will retreat and consider this matter. We will attempt to decide what measure or measures (if any) are appropriate under the bylaw.

Regarding any Council decisions, we will provide you with written reasons for our decision(s).

Sincerely,

(Mayor)

Encls

SCHEDULE A (Continued)
RESOLUTION (CLOSED COUNCIL MEETING)

CONFIDENTIAL

Whereas Council has concluded that *[Insert name]* has breached *COUNCIL CODE CONDUCT BYLAW, 2023 NO. 2456* by [INSERT];

And Whereas *[Insert name]* has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular *[Insert name]* was notified at least seven business days in advance:

- (a) that Council would be considering the matter of the breach of and was given a copy of this draft Resolution and any documents that may be considered by Council, including the report and recommendations of the City of White Rock Ethics Commissioner;
- (b) that Council may consider, subject to continuing procedural fairness, sanctions including an in-camera motion of censure, removal from any appointment to committee or external entity, referral to law enforcement or a prosecutor, seeking damages, reduction or elimination of remuneration, or public notification of any sanctions;

Whereas *[Insert name]* was expressly informed of their right to retain legal counsel and for their legal counsel to be present at the Council meeting in which this Resolution would be discussed and voted on;

Whereas *[Insert Name]* was given the opportunity to personally, or via their legal counsel, make submissions to the rest of Council regarding their conduct in this matter;

Whereas Council has considered the submissions made by *[Insert Name]* and/or their legal counsel;

Whereas Council has attempted to reach a consensus as to the appropriate measures;

Whereas Council has provided united or separate written reasons so that *[Insert name]* understands the basis for the decision to address the concern that *[Insert name]* is alleged to have breached the bylaw;

Be it Resolved as follows:

1. That Council shall address what it has concluded to be a breach of ***COUNCIL CODE CONDUCT BYLAW, 2023 NO. 2456*** by way of (as applicable):
 - (a) A motion of censure;
 - (b) Removal from [insert name] committee or [Insert outside appointment];
 - (c) Revocation of appointment to [insert external agency or entity];
 - (d) Referral to a crown prosecutor;
 - (e) Public notification of sanctions;
 - (f) Seeking damages;
 - (g) Referral to police for an investigation under the Criminal Code or [*Insert provincial statute*];
 - (h) Mandatory training;
 - (i) Requirement for apology.
2. That Council will consider pursuing all legal options available with respect to any potential future breaches of the bylaw on the part of [*Insert name*];
3. That the Corporate Officer be directed to publish a media release containing the information concerning this matter that may be released in keeping with the City's obligations pursuant to the *Freedom of Information and Protection of Privacy Act*, substantially with the content of the following: [*Insert wording*].

SCHEDULE B

[DATE]

PERSONAL AND CONFIDENTIAL

[Name of Recipient]

[Title]

City of White Rock

[Address]

[City, Province Postal Code]

Dear [title] [last name]:

Re: Apology [subject]

As you know, on [date], I [*Briefly set out the nature of the offending conduct. It is recommended you provide dates, times and a description of the conduct at issue as you understand it.*]

On [date], you confronted me about my behaviour/conduct and expressed [*describe briefly the conduct complained of and how it affected the offended person.*].

I acknowledge that my conduct / actions made you feel [*describe how it affected the offended person*] and I admit that my [*actions / conduct*] were [*reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.*].

Having reflected on [*your complaint / our conversation/ the decision of Council*], I take full responsibility for my [*actions / conduct*] and wish to apologize for the harm that I have caused you. My behaviour was not in keeping with the key principles of our Council's Code of Conduct. In particular, I acknowledge that my conduct was in violation of [*identify the section(s) of the Code of Conduct breached*].

(ALTERNATIVELY, IF HELD BY COUNCIL TO HAVE BEEN A VIOLATION OF THE CODE OF CONDUCT REPLACE WITH THE BELOW:

In light of Council having concluded that my conduct constituted a violation of the City's Council Code of Conduct, I acknowledge that my conduct / actions made you feel [*describe how it affected the offended person*] and I admit that my [*actions / conduct*] were [*reformulate why your actions were wrong in your own words – ex: offensive, derogatory, belittling, in poor taste, defamatory, wrong, discriminatory, callous, harmful to your reputation etc.*].)

Going forward, I commit to being more careful in my [*words / actions*] and to making better efforts to respect and abide by my obligations set out in the Code of Conduct.

Please accept my heartfelt apology.

Sincerely,

[name]

[title]

For Your Information: British Columbia's *Apology Act* provides that an "apology" made by or on behalf of a person in connection with any matter does not constitute an express or implied admission or acknowledgement of fault or liability.

"Apology" is defined as "an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault."

The Act further provides that an apology does not void, impair or otherwise affect any insurance coverage that is available, or that would, but for the apology, be available to the person in connection with the matter.

Evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any court as evidence of the fault or liability of the person in connection with that matter and must not be taken into account in any determination of fault or liability.

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Tracey Arthur

From: Guillermo Ferrero
Sent: Thursday, June 8, 2023 8:48 AM
To: Janessa Auer
Cc: Tracey Arthur; Chris Magnus
Subject: RE: Message from KM_C3350i

Hi Janessa,

Could you setup a meeting with **Redacted S. 22** please early next week and a separate meeting following with Councilor Chesney.

Thanks,
G.

From: Janessa Auer <JAuer@whiterockcity.ca>
Sent: Wednesday, June 7, 2023 12:53 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Message from KM_C3350i

Hi G,

The attached letter was dropped off for you in the Admin office today, so I've placed the hard copy on your desk, but I also wanted to forward you a scanned copy so that you have it right away.

Please feel free to let me know if there is any further action required on my end with this.

Thank you,

JANESSA AUER

Committee & FOI Clerk, Administration
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604-541-2213 | www.whiterockcity.ca



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From: mailroomkonicac759@whiterockcity.ca <mailroomkonicac759@whiterockcity.ca>
Sent: June 7, 2023 12:27 PM
To: Janessa Auer <JAuer@whiterockcity.ca>
Subject: Message from KM_C3350i

Tracey Arthur

From: Tracey Arthur
Sent: Friday, June 9, 2023 9:09 AM
To: Debbie Johnstone; Janessa Auer
Subject: FW: Codes

FYI

-----Original Message-----

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Friday, June 9, 2023 8:52 AM
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Mayor and Council <MayorandCouncil@whiterockcity.ca>; Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Codes

Hi David,

New Legislation requires all municipalities within BC to consider and adopt a code of conduct within 6 months after every local government election. If a municipality elects not to adopt a code of conduct, they must provide a resolution that outlines why. To my knowledge the vast majority of BC municipalities have adopted a code of conduct including White Rock. In a quick search I found the following code of conduct bylaws/policies from Metro municipalities; If you required any further research on this topic, I would require a Council resolution to undertake the work.

Here is a link to the UBCM guidelines and contact information if you have other questions:

<https://www.ubcm.ca/about-ubcm/latest-news/resources-developing-improving-codes-conduct>

Contact is Paul Taylor ptaylor@ubcm.ca

Thanks,
G.

Surrey:
https://www.surrey.ca/sites/default/files/bylaws/BYL_reg_20020.pdf

Burnaby:
<https://bylaws.burnaby.ca/media/14000/14557.pdf>

Port Moody:
https://www.portmoody.ca/en/city-hall/resources/Documents/Council_Code_of_Conduct_Bylaw__2018__No__3164.PDF

Coquitlam:
<https://www.coquitlam.ca/DocumentCenter/View/10299/Council-Code-of-Conduct---Policy-PDF?bldId=>

City of Vancouver:
https://vancouver.ca/docs/council/12886_Code_of_Conduct_Bylaw.pdf

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>

Sent: Friday, June 9, 2023 7:48 AM

To: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: Codes

For comparison purposes I would like to request 6 examples of 6 copies of Codes of Conducts of neighbouring cities. I would also like you to contact UBCM and request a list of all cities in BC that have created their own conduct

David Chesney

Sent from my iPhone

Tracey Arthur

From: Guillermo Ferrero
Sent: Friday, June 9, 2023 9:37 AM
To: Mayor and Council
Cc: Amanda Silvers; Tracey Arthur
Subject: Fwd: Global BC comment request re: ethical complaint against Councillor Chesney?

Hello Mayor & Council,

I'm providing the below for information and will provide a response along the lines of:

"The City has received a formal complaint and will follow the steps outlined in the Council Code of Conduct Bylaw adopted on March 27, 2023."

If you receive any, please forward all related media requests to me for response.

Thanks,
G.

Get [Outlook for Android](#)

From: Amanda Silvers <ASilvers@whiterockcity.ca>
Sent: Friday, June 9, 2023 9:27:25 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Global BC comment request re: ethical complaint against Councillor Chesney?

This just in.

From: Communications <communications@whiterockcity.ca>
Sent: Friday, June 9, 2023 9:00 AM
To: Amanda Silvers <ASilvers@whiterockcity.ca>
Subject: Fwd: Global BC comment request re: ethical complaint against Councillor Chesney?

From: Joshua Azizi <Joshua.Azizi@globalnews.ca>
Sent: Thursday, June 8, 2023 8:47:32 PM
To: Communications <communications@whiterockcity.ca>
Subject: Global BC comment request re: ethical complaint against Councillor Chesney?

You don't often get email from joshua.azizi@globalnews.ca. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm an overnight news writer with Global BC in Vancouver.

I'm putting together a story for our morning newscast about the ethical misconduct complaint Moby Dick Restaurant says it has filed against White Rock Councillor Dave Chesney regarding a comment he made on social media.

https://www.facebook.com/MobyDickRestaurantWhiteRock/posts/732220952236887?ref=embed_post

Is the city able to provide a statement about this?

Thank you,

Joshua

Tracey Arthur

From: Guillermo Ferrero
Sent: Friday, June 9, 2023 11:55 AM
To: Joshua.Azizi@globalnews.ca
Cc: Amanda Silvers; Tracey Arthur
Subject: Re: Global BC comment request re: ethical complaint against Councillor Chesney?

Good morning, Joshua,

Thank you for your message. I'm the CAO for the City of White Rock. This is a matter that will be resolved under the City's 'Council Code of Conduct Bylaw' and we therefore will not be making a comment at this time. Thank you for understanding.

<https://www.whiterockcity.ca/DocumentCenter/View/8863/Bylaw-2456---A-code-to-regulare-the-conduct-of-Council-members>

Best,

Guillermo Ferrero

CAO - City of White Rock

From: Communications <communications@whiterockcity.ca>
Sent: Friday, June 9, 2023 9:00 AM
To: Amanda Silvers <ASilvers@whiterockcity.ca>
Subject: Fwd: Global BC comment request re: ethical complaint against Councillor Chesney?

From: Joshua Azizi <Joshua.Azizi@globalnews.ca>
Sent: Thursday, June 8, 2023 8:47:32 PM
To: Communications <communications@whiterockcity.ca>
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https://www.facebook.com/MobyDickRestaurantWhiteRock/posts/732220952236887?ref=embed_post

Is the city able to provide a statement about this?

Thank you,

Joshua

Tracey Arthur

From: Guillermo Ferrero
Sent: Monday, June 12, 2023 10:35 AM
To: Tracey Arthur
Subject: FW: The Tale of Fish N Chips

FYI

G.

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Sunday, June 11, 2023 10:54 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Fwd: The Tale of Fish N Chips

>>
>> Guillermo;
>>
>> To save a lot of time tomorrow I felt compelled to try to itemize this sordid tale.

>>
>> It all began when I was looking at a FACEBOOK site called BC PHOTOS. I often find old time White Rock pictures of White Rock which I use for my White Rock Sun on this particular site. That is where I saw the Redacted S. 22 photo and made my original comment. Which in no way was intended to slag the establishment. Having lived in White Rock for over 40 years and visited for over 60 I have frequented my share of fish n chips joints over the years. For years every time the Vancouver Sun, The Province or any media outlet anywhere posed the question "Who makes the best fish n chips in the Greater Vancouver area" the results were always the same

>>
>> Troll's in Horseshoe Bay
>> Salty's on Denman Street
>> Dave's and Pajos in Steveston
>> and Moby Dick in White Rock.

>> ' >>
>> The owner of Moby Dicks for decades was a Redacted S. 22 by the name of Redacted S. 22. The Redacted S. 22 who I referenced in my original post. The restaurant has changed hands a number of times over the past two decades since Redacted S. 22 retired.

>>
>> Here comes the weird part,

>> Redacted S. 22 and Redacted S. 22 are / were dear friends of my Redacted S. 22. As a matter of fact we stayed with them at Redacted S. 22 for a week a couple of months back.

>>
>> Now I am going to have to assume someone who knew s.22 saw me mention s.22 name and got in touch with s.22 s.22 reason for not picking up the phone and calling me and or calling s.22 remain a mystery. s.22 instead chose to lash out as did Redacted S. 22

>>

>> So that is how this all began.

>>

>> The second phase of this which bothers me the most is the fact I believe someone from our council reached out to s.22 or had a friend reach out to s.22 and itemize (perhaps copy and paste) the code of conduct portions they believed could use to come after me. No citizen could have or would ever be able to find our council Code of Conduct online. I tried,

>>

>>

>> This is the abbreviated version. The solution? If you feel you would like me to call the owner of Moby Dick's and apologize I would be fine with that in that I never said anything disparaging about s.22 food s.22 service or s.22 I said and maintain s.22 has a successful business due to the fact Redacted S. 22 built it up over years of hard work. That happens all the time when you buy a successful restaurant.

>>

>>

>> In closing as I mentioned above I will meet with you Monday to discuss this matter.

>>

>> David Chesney

>>

>

> PS

>

> Today I removed any mention I am a White Rock councillor from my Personal Facebook. Hopefully this will eliminate further problems

>

>

>>

>>

Tracey Arthur

From: Guillermo Ferrero
Sent: Monday, June 12, 2023 2:17 PM
To: Tracey Arthur
Cc: Janessa Auer; Chris Magnus
Subject: RE: Message from KM_C3350i

Hello Tracey,

As part of the record:

I met with **Redacted S. 22** today at 2pm. **s.22** is willing to resolve the issue if a public apology from Councilor Chesney is issued and all comments are removed from Facebook.

I will meet with Councilor Chesney next.

Thanks,
G.

From: Janessa Auer <JAuer@whiterockcity.ca>
Sent: Wednesday, June 7, 2023 12:53 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Message from KM_C3350i

Hi G,

The attached letter was dropped off for you in the Admin office today, so I've placed the hard copy on your desk, but I also wanted to forward you a scanned copy so that you have it right away.

Please feel free to let me know if there is any further action required on my end with this.

Thank you,

JANESSA AUER

Committee & FOI Clerk, Administration
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604-541-2213 | www.whiterockcity.ca



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From: mailroomkonicac759@whiterockcity.ca <mailroomkonicac759@whiterockcity.ca>
Sent: June 7, 2023 12:27 PM

To: Janessa Auer <JAuer@whiterockcity.ca>

Subject: Message from KM_C3350i

Tracey Arthur

From: Guillermo Ferrero
Sent: Monday, June 12, 2023 2:18 PM
To: David Chesney
Subject: RE: The Tale of Fish N Chips

Hello David,

Would you be able to meet with me today at 3pm? If that doesn't work, I can catch you after the open meeting.

Thanks,
G.

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Sunday, June 11, 2023 10:54 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Fwd: The Tale of Fish N Chips

>>
>> Guillermo;
>>
>> To save a lot of time tomorrow I felt compelled to try to itemize this sordid tale.

>>
>> It all began when I was looking at a FACEBOOK site called BC PHOTOS. I often find old time White Rock pictures of White Rock which I use for my White Rock Sun on this particular site. That is where I saw the **Redacted S. 22** photo and made my original comment. Which in no way was intended to slag the establishment. Having lived in White Rock for over 40 years and visited for over 60 I have frequented my share of fish n chips joints over the years. For years every time the Vancouver Sun, The Province or any media outlet anywhere posed the question "Who makes the best fish n chips in the Greater Vancouver area" the results were always the same

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>> and Moby Dick in White Rock.
>> '

>>
>> The owner of Moby Dicks for decades was a **Redacted S. 22** by the name of **Redacted S. 22** The **Redacted S. 22** who I referenced in my original post. The restaurant has changed hands a number of times over the past two decades since **Redacted S. 22** retired.

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>> Here comes the weird part,

>>
>> **Redacted S. 22** and **Redacted S. 22** are / were dear friends of **Redacted S. 22** As a matter of fact we stayed with them at **Redacted S. 22** for a week a couple of months back.

>> Now I am going to have to assume someone who knew ^{Redacted S. 22} saw me mention ^{s.22} name and got in touch with ^{Redacted S. 22} ^{s.22} reason for not picking up the phone and calling me and or calling ^{Redacted S. 22} remain a mystery. ^{s.22} instead chose to lash out as did ^{s.22}

>>

>> So that is how this all began.

>>

>> The second phase of this which bothers me the most is the fact I believe someone from our council reached out to ^{s.22} or had a friend reach out to ^{s.22} and itemize (perhaps copy and paste) the code of conduct portions they believed ^{s.22} could use to come after me. No citizen could have or would ever be able to find our council Code of Conduct online. I tried,

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>>

>> This is the abbreviated version. The solution? If you feel you would like me to call the owner of Moby Dick's and apologize I would be fine with that in that I never said anything disparaging about ^{s.22} food ^{s.22} service or ^{s.22} said and maintain ^{s.22} has a successful business due to the fact ^{s.22} built it up over years of hard work. That happens all the time when you buy a successful restaurant.

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>> David Chesney

>>

>

> PS

>

> Today I removed any mention I am a White Rock councillor from my Personal Facebook. Hopefully this will eliminate further problems

>

>

>>

>>

Tracey Arthur

From: Guillermo Ferrero
Sent: Tuesday, June 13, 2023 8:22 AM
To: Tracey Arthur
Subject: FW: Moby Dick

Would this be something we can engage our City Solicitor? Councilor Chesney is referring to drafting a short apology letter.

He agreed yesterday during my meeting to write an apology letter and remove the Facebook comments which is what will resolve this issue.

Thanks,
G.

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Tuesday, June 13, 2023 7:46 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Moby Dick

Guillermo

I scrolled for over an hour on each website to locate and remove my comment regarding Moby Dick. I have subsequently sent msg to the administrators of both Facebook sites

I would also request you contact Ludstone for wording that will not leave me open to further legal action should the owner of Moby Dicks feel ⁶⁻²² wishes to go that route

David Chesney

Sent from my iPhone

Tracey Arthur

From: Tracey Arthur
Sent: Tuesday, June 13, 2023 8:52 AM
To: Casual LegalServices
Subject: City of White Rock Apology Letter needed
Attachments: 2023-06-08 Original Letter of Complaint.pdf; RE: Message from KM_C3350i; Bylaw 2456 - A code to regulate the conduct of Council members.pdf

Redacted S. 14

Director of Corporate Administration

15322 Buena Vista Avenue, White Rock, BC V4B1Y6

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To: Tracey Arthur <TArthur@whiterockcity.ca>
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David Chesney

Sent from my iPhone

Tracey Arthur

From: Tracey Arthur
Sent: Tuesday, June 13, 2023 9:22 AM
To: Guillermo Ferrero
Subject: RE: Moby Dick

I just sent request to Lidstone, Casual service (I always try first for the free route, if not they just move it to an Associate).

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca

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Sent: Tuesday, June 13, 2023 8:22 AM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Moby Dick

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Sent: Tuesday, June 13, 2023 7:46 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Moby Dick

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I would also request you contact Ludstone for wording that will not leave me open to further legal action should the owner of Moby Dicks feel  wishes to go that route

David Chesney

Sent from my iPhone

Tracey Arthur

From: Guillermo Ferrero
Sent: Tuesday, June 13, 2023 9:40 AM
To: Tracey Arthur
Subject: RE: Moby Dick

Good call. Thank you

G.

-----Original Message-----

From: Tracey Arthur <TArthur@whiterockcity.ca>
Sent: Tuesday, June 13, 2023 9:22 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: RE: Moby Dick

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-----Original Message-----

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Tuesday, June 13, 2023 8:22 AM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Moby Dick

Would this be something we can engage our City Solicitor? Councilor Chesney is referring to drafting a short apology letter.

He agreed yesterday during my meeting to write and apology letter and remove the Facebook comments which is what will resolve this issue.

Thanks,
G.

-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>

Sent: Tuesday, June 13, 2023 7:46 AM

To: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: Moby Dick

Guillermo

I scrolled for over an hour on each website to locate and remove my comment regarding Moby Dick. I have subsequently sent msg to the administrators of both Facebook sites

I would also request you contact Ludstone for wording that will not leave me open to further legal action should the owner of Moby Dicks feel  wishes to go that route

David Chesney

Sent from my iPhone

-----Original Message-----

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Sent: Tuesday, June 13, 2023 8:22 AM

To: Tracey Arthur <TArthur@whiterockcity.ca>

Subject: FW: Moby Dick

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G.

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Sent: Tuesday, June 13, 2023 7:46 AM

To: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: Moby Dick

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David Chesney

Sent from my iPhone

Tracey Arthur

From: Guillermo Ferrero
Sent: Wednesday, June 14, 2023 5:12 PM
To: Tracey Arthur
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
Attachments: **Redacted S. 22** / McQ 231386
LT Chesney, Jun 14, 2023 (05302349xC0FD3).PDF; Chesney Facebook comment re Moby Dick (05299951xC0FD3).PDF

This needs attention

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From: David Chesney <DChesney@whiterockcity.ca>
Sent: Wednesday, June 14, 2023 4:51:57 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

Time is of an essence. I am ready to make the apology. Just need legal advice on wording

David
Sent from my iPhone

Begin forwarded message:

From: Barbara Poth <bpoth@mcquarrie.com>
Date: June 14, 2023 at 3:42:47 PM PDT
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Melissa Blackwell <mblackwell@mcquarrie.com>
Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
s.22 / McQ 231386

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Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

Legal Assistant to Royal J.
Morton and Jordan Mario Jutras

D 604.580.7061

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Suite 1500, 13450 102 Avenue, Surrey, BC V3T 5X3
P 604.581.7001 F 604.581.7110 TF 1.877.581.7001

Tracey Arthur

From: Guillermo Ferrero
Sent: Thursday, June 15, 2023 8:06 AM
To: David Chesney
Cc: Tracey Arthur
Subject: Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and Redacted S. 22
Redacted S. 22 / McQ 231386

I'll provide as soon as I have it. They are working on it

G

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From: David Chesney <DChesney@whiterockcity.ca>
Sent: Wednesday, June 14, 2023 4:51:57 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and s.22 / McQ 231386

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Sent from my iPhone

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Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and s.22
Redacted S. 22 / McQ 231386

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Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

| McQuarrie

Tracey Arthur

From: Tracey Arthur
Sent: Thursday, June 15, 2023 8:30 AM
To: Katie Dakus
Cc: Andrew Carricato
Subject: Redacted S. 14

Importance: High

Redacted S. 14

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca



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From: Katie Dakus <dakus@lidstone.ca>
Sent: Tuesday, June 13, 2023 2:31 PM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Cc: casual.legalservices@lidstone.ca; Andrew Carricato <Carricato@lidstone.ca>
Subject: RE: Redacted S. 14

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Redacted S. 14

Katie Dakus
Lawyer
She/her/hers
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1.877.339.2199 Toll Free

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Suite 1300 - Sun Tower
128 Pender Street West
Vancouver, BC V6B 1R8

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From: casual.legalservices@lidstone.ca

Sent: Tuesday, June 13, 2023 11:47 AM

To: Tracey Arthur <TArthur@whiterockcity.ca>

Cc: casual.legalservices@lidstone.ca

Redacted S. 14

From: Tracey Arthur <TArthur@whiterockcity.ca>

Sent: Tuesday, June 13, 2023 11:40 AM

To: casual.legalservices@lidstone.ca

Subject: **Redacted S. 14**

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Redacted S. 14

TRACEY ARTHUR, CMC

Director of Corporate Administration

15322 Buena Vista Avenue, White Rock, BC V4B1Y6

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David Chesney

Sent from my iPhone

Tracey Arthur

From: Andrew Carricato <Carricato@lidstone.ca>
Sent: Thursday, June 15, 2023 4:14 PM
To: Tracey Arthur
Cc: Guillermo Ferrero
Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and Redacted S. 22 / McQ 231386

Importance: High

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Redacted S. 14

Andrew Carricato
Lawyer
He/him/his
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Vancouver, BC V6B 1R8

Calgary Office: Bow Valley Square 2, #3300
205 5th Avenue, SW
Calgary, AB T2P 2V7

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Tracey Arthur

From: Andrew Carricato <Carricato@lidstone.ca>
Sent: Thursday, June 15, 2023 8:41 AM
To: Tracey Arthur
Cc: Guillermo Ferrero
Subject: Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and s.22
s.22 / McQ 231386
Attachments: image001.jpg; LT Chesney, Jun 14, 2023 (05302349xC0FD3).PDF; Chesney Facebook comment re Moby Dick (05299951xC0FD3).PDF

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On Jun 15, 2023, at 8:30 AM, Tracey Arthur <TArthur@whiterockcity.ca> wrote:

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From: Tracey Arthur <TArthur@whiterockcity.ca>
Sent: Thursday, June 15, 2023 3:53 PM
To: Andrew Carricato <Carricato@limestone.ca>
Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ
231386
Importance: High

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Tel: 604-541-2212 | www.whiterockcity.ca



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From: Tracey Arthur
Sent: Thursday, June 15, 2023 11:04 AM
To: Andrew Carricato <Carricato@limestone.ca>
Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ
231386

Redacted S. 14

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Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

Legal Assistant to Royal J.
Morton and Jordan Mario Jutras

D 604.580.7061

www.mcquarrie.com



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From: Andrew Carricato <Carricato@lidstone.ca>

Sent: Thursday, June 15, 2023 8:41 AM

To: Tracey Arthur <TArthur@whiterockcity.ca>

Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

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Redacted S. 14

Andrew Carricato

Lawyer

He/him/his

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To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
s.22 / McQ 231386

This needs attention

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From: David Chesney <DChesney@whiterockcity.ca>
Sent: Wednesday, June 14, 2023 4:51:57 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
Redacted S. 22 / McQ 231386

Time is of an essence. I am ready to make the apology. Just need legal advice on wording

David
Sent from my iPhone

Begin forwarded message:

From: Barbara Poth <bpoth@mcquarrie.com>
Date: June 14, 2023 at 3:42:47 PM PDT
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Melissa Blackwell <mblackwell@mcquarrie.com>
Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

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Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Tracey Arthur

From: Tracey Arthur
Sent: Thursday, June 15, 2023 4:42 PM
To: David Chesney
Cc: Guillermo Ferrero
Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
Redacted S. 22/ McQ 231386

Importance: High

Hello Councillor Chesney, legal have forwarded the following for your consideration.

Please let us know if you have any questions in regard to this being made as a public apology and how to complete that (example: it may be noted at a meeting or you may make it public yourself on your Facebook page).

Thank you, Tracey

TRACEY ARTHUR, CMC
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Importance: High

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Redacted S. 14

Redacted S. 14

Andrew Carricato

Lawyer

He/him/his

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Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and Redacted S. 22 / McQ

231386

Importance: High

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Redacted S. 22

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Director of Corporate Administration



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Redacted S. 22 / McQ 231386

This needs attention

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David

Sent from my iPhone

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From: Barbara Poth <bpoth@mcquarrie.com>

Date: June 14, 2023 at 3:42:47 PM PDT

To: David Chesney <DChesney@whiterockcity.ca>

Cc: Melissa Blackwell <mblackwell@mcquarrie.com>

Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and

Redacted S. 22 McQ 231386

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Barbara J. Poth

Legal Assistant to Royal J.
Morton and Jordan Mario Jutras

D 604.580.7061

www.mcquarrie.com



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To: Tracey Arthur
Cc: Guillermo Ferrero
Subject: Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and [Redacted S. 22]
[Redacted S. 22] McQ 231386

After reviewing the letter from our law firm I would request the line about my Facebook removed and identify the comment was made on the Facebook BC Photos..

Councillor Chesney

Sent from my iPhone

On Jun 15, 2023, at 4:42 PM, Tracey Arthur <TArthur@whiterockcity.ca> wrote:

Hello Councillor Chesney, legal have forwarded the following for your consideration.

Please let us know if you have any questions in regard to this being made as a public apology and how to complete that (example: it may be noted at a meeting or you may make it public yourself on your Facebook page).

Thank you, Tracey

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca

<image001.jpg>

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From: Andrew Carricato <Carricato@lidstone.ca>
Sent: Thursday, June 15, 2023 4:14 PM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and [Redacted S. 22]
[Redacted S. 22] McQ 231386
Importance: High

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Redacted S. 14

Andrew Carricato
Lawyer
He/him/his
<image002.jpg>

604.899.2269 Phone
604.899.2961 Direct
1.877.339.2199 Toll Free
www.lidstone.ca

Vancouver Office:
Suite 1300 - Sun Tower
128 Pender Street West
Vancouver, BC V6B 1R8

Calgary Office:
Bow Valley Square 2, #3300
205 5th Avenue, SW
Calgary, AB T2P 2V7

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From: Tracey Arthur <TAthur@whiterockcity.ca>

Sent: Thursday, June 15, 2023 3:53 PM

To: Andrew Carricato <Carricato@lidstone.ca>

Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**

Redacted S. 22 / McQ 231386

Importance: High

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Redacted S. 14

TRACEY ARTHUR, CMC

Director of Corporate Administration

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From: Tracey Arthur

Sent: Thursday, June 15, 2023 11:04 AM

To: Andrew Carricato <Carricato@lidstone.ca>

Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**

Redacted S. 22 / McQ 231386

Redacted S. 14

TRACEY ARTHUR, CMC

Director of Corporate Administration

15322 Buena Vista Avenue, White Rock, BC V4B1Y6

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From: Andrew Carricato <Carricato@lidstone.ca>

Sent: Thursday, June 15, 2023 8:41 AM

To: Tracey Arthur <TArthur@whiterockcity.ca>

Cc: Guillermo Ferrero <GFerrero@whiterockcity.ca>

Subject: Re: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**

Redacted S. 22 / McQ 231386

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Redacted S. 14

Andrew Carricato
Lawyer
He/him/his
<image002.jpg>

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On Jun 15, 2023, at 8:30 AM, Tracey Arthur <TArthur@whiterockcity.ca> wrote:

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From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Wednesday, June 14, 2023 5:12 PM
To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

This needs attention

Get [Outlook for Android](#)

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Wednesday, June 14, 2023 4:51:57 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

Time is of an essence. I am ready to make the apology. Just need legal advice on wording

David
Sent from my iPhone

Begin forwarded message:

From: Barbara Poth <bpoth@mcquarrie.com>
Date: June 14, 2023 at 3:42:47 PM PDT
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Melissa Blackwell <mblackwell@mcquarrie.com>
Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** / McQ 231386

You don't often get email from bpoth@mcquarrie.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

Legal Assistant to Royal J.
Morton and Jordan Mario Jutras

D 604.580.7061

www.mcquarrie.com

<image003.jpg>

McQuarrie Hunter LLP | Barristers & Solicitors
Suite 1500, 13450 102 Avenue, Surrey, BC V3T 5X3
P 604.581.7001 F 604.581.7110 TF 1.877.581.7001

Tracey Arthur

From: David Chesney
Sent: Friday, June 16, 2023 8:56 AM
To: Tracey Arthur; Guillermo Ferrero
Cc: David Chesney
Subject: Further TO That

>
>
> Tracey/Guillermo
>
> Upon further thought after pondering the apology from our legal reps I have some concerns.
>
> 1. Did our lawyers see the letter I received from the lawyers for Moby Dicks?
>
> 2. As previously mentioned the comment was not made on my FACEBOOK that needs to be corrected. British Columbia Photos was the FACEBOOK site
>
> 3. Moby Dick removes their assertion I violated any Code of Conduct, the entire post once I have me **s.22** request and posted my apology.
>
> 4. They are sent the lawyer's apology and agree it is sufficient
>
> 5. Under a separate email I would like have **Redacted S. 22** informed I have removed said comment from BRITISH COLUMBIA PHOTOGRAPHS but have been unable to locate it on DRIVE MARINE DRIVE. I have scrolled through the entire year of 2021 when said comment apparently happened. If **Redacted S. 22** can furnish me with the link I would be happy to remove it. I have also reached out to the administrator of that FACEBOOK to assist in removing the comment, I have not received a reply.
>
> 7. Specific FACEBOOK my apology should be posted. My Personal FACEBOOK seems to be the desired location?
>
>
> Thank you in advance.
>
> David Chesney
>
> p.s.
>
> Finally if someone can inform **s.22** and **s.22** lawyer we are working our way through this and will post once we receive approval from **Redacted S. 22** on the apology.
>
>

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Redacted S. 14

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<Image001.jpg>

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Subject: RE: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **s.22**
Redacted S. 22 / McQ 231386

Redacted S. 14

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Redacted S. 22 / McQ 231386

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Redacted S. 14

Andrew Carricato
Lawyer
He/him/his
<image002.jpg>

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To: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Fwd: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** McQ 231386

This needs attention

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Time is of an essence. I am ready to make the apology. Just need legal advice on wording

David
Sent from my iPhone

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From: Barbara Poth <bpoth@mcquarrie.com>
Date: June 14, 2023 at 3:42:47 PM PDT
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Melissa Blackwell <mblackwell@mcquarrie.com>
Subject: Defamatory Facebook comments regarding Moby Dick Restaurants Ltd. and **Redacted S. 22** McQ 231386

You don't often get email from bpoth@mcquarrie.com. [Learn why this is important](#)

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Good afternoon Mr. Chesney,

Please see attached correspondence of today's date, from Royal Morton.

Barbara J. Poth

Legal Assistant to Royal J.
Morton and Jordan Mario Jutras

D 604.580.7061

www.mcquarrie.com

<[image003.jpg](#)>

McQuarrie Hunter LLP | Barristers & Solicitors
Suite 1500, 13450 102 Avenue, Surrey, BC V3T 5X3
P 604.581.7001 F 604.581.7110 TF 1.877.581.7001

Tracey Arthur

From: Tracey Arthur
Sent: Friday, June 16, 2023 9:55 AM
To: David Chesney; Guillermo Ferrero
Subject: Tracey: Letter Ready
Attachments: 2023-06-16 Letter of apology to [Redacted S. 22] pdf

Hello Councillor Chesney, we have the letter ready it is attached for your review, please let me know if the changes made were what you were looking for. Did you want to attend Administration and sign it and then we can scan it back to your email to send so this is from you.

G is on the road for a bit this morning but he noted he felt this letter should be read out at a Council meeting thus making it public.

A hard copy of the letter will be ready, in my office for when you attend City Hall. Thank you, Tracey

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca

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-----Original Message-----

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Friday, June 16, 2023 8:56 AM
To: Tracey Arthur <TArthur@whiterockcity.ca>; Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: David Chesney <DChesney@whiterockcity.ca>
Subject: Further TO That

- >
- >
- > Tracey/Guillermo
- >
- > Upon further thought after pondering the apology from our legal reps I have some concerns.
- >
- > 1. Did our lawyers see the letter I received from the lawyers for Moby Dicks?
- >
- > 2. As previously mentioned the comment was not made on my FACEBOOK that needs to be corrected. British Columbia Photos was the FACEBOOK site
- >
- > 3. Moby Dick removes their assertion I violated any Code of Conduct, the entire post once I have met [Redacted S. 22] request and posted my apology.

- >
- > 4. They are sent the lawyer's apology and agree it is sufficient
- >
- > 5. Under a seperate email I would like have **s.22** informed I have removed said comment from BRITISH COLUMBIA PHOTOGRAPHS bu have been unable to locate it on DRIVE MARINE DRIVE. I have scrolled through the entire year of 2021 when said comment apparently happened. If **Redacted S. 22** can fujrnish me with the link I would be happy to remove it. I have also reached out to the administrator of that FACEBOOK to assist in removing the cmment, I have not reeived a reply.
- >
- > 7. Specific FACEBOOK my apology should be posted. My Personal FACEBOOK seems to be the desired location?
- >
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- >
- > Finally If someone can inform **s.22** and **s.22** lawyer we are working our way through this and will post once we receive approval from **Redacted S. 22** on the apology.
- >
- >

June 16, 2023

Transmitted by Email info@mobydickrestaurant.com

Redacted S. 22

Moby Dick Restaurants Ltd. President / Owner
White Rock, BC

Dear

Redacted S. 22

Re: Public Apology

On June 4, 2023, I posted a comment on a picture found on the British Columbia Photos Facebook site regarding the Moby Dick Restaurants Inc. I have since reflected on this and removed the comment. I now recognize and acknowledge that my comment was factually inaccurate and disrespectful. For example, since taking over the business from the former owner almost 20 years ago, **Redacted S. 22** has operated the restaurant successfully and has repeatedly been recognized by locals and visitors as a popular place to eat. **S.22** employs many local residents and pays taxes to our community. Therefore, I sincerely apologize to the Moby Dick Restaurant and its owner **Redacted S. 22** and regret if my comments in any way jeopardized the reputation of the business or the wellbeing of **s.22** family and employees.

Sincerely,

David Chesney
City of White Rock Councillor

Administration

P: 604.541.2124 | F: 604.541.9348

City of White Rock

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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www.whiterockcity.ca

Tracey Arthur

From: David Chesney
Sent: Friday, June 16, 2023 11:06 AM
To: Tracey Arthur
Subject: Re: Tracey: Letter Ready

I will stop down after 2 I will be requesting answers to my email this morning regarding the 5 points of concern. Will Guillermo be in after lunch?

David

Sent from my iPhone

> On Jun 16, 2023, at 9:54 AM, Tracey Arthur <TArthur@whiterockcity.ca> wrote:

>

> Hello Councillor Chesney, we have the letter ready it is attached for your review, please let me know if the changes made were what you were looking for. Did you want to attend Administration and sign it and then we can scan it back to your email to send so this is from you.

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> G is on the road for a bit this morning but he noted he felt this letter should be read out at a Council meeting thus making it public.

>

> A hard copy of the letter will be ready, in my office for when you attend City Hall. Thank you, Tracey

>

> TRACEY ARTHUR, CMC

> Director of Corporate Administration

> 15322 Buena Vista Avenue, White Rock, BC V4B1Y6

> Tel: 604-541-2212 | www.whiterockcity.ca

>

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>

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> -----Original Message-----

> From: David Chesney <DChesney@whiterockcity.ca>

> Sent: Friday, June 16, 2023 8:56 AM

> To: Tracey Arthur <TArthur@whiterockcity.ca>; Guillermo Ferrero <GFerrero@whiterockcity.ca>

> Cc: David Chesney <DChesney@whiterockcity.ca>

> Subject: Further TO That

>

>

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>> Tracey/Guillermo

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>> David Chesney
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>>
>>
> <2023-06-16 Letter of apology to **Redacted S. 22** pdf>

June 16, 2023

Transmitted by Email info@mobydickrestaurant.com

Redacted S. 22

Moby Dick Restaurants Ltd. President / Owner
White Rock, BC

Dear **Redacted S. 22**

Re: Public Apology

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Sincerely,



David Chesney
City of White Rock Councillor

Administration

P: 604.541.2124 | F: 604.541.9348

City of White Rock

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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Tracey Arthur

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 11:28 AM
To: Tracey Arthur; David Chesney
Subject: RE: Tracey: Letter Ready

I'm responding to your questions in **red**

-----Original Message-----

From: Tracey Arthur <TArthur@whiterockcity.ca>
Sent: Friday, June 16, 2023 9:55 AM
To: David Chesney <DChesney@whiterockcity.ca>; Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Tracey: Letter Ready

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G is on the road for a bit this morning but he noted he felt this letter should be read out at a Council meeting thus making it public.

A hard copy of the letter will be ready, in my office for when you attend City Hall. Thank you, Tracey

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Subject: Further TO That

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> Tracey/Guillermo
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> Upon further thought after pondering the apology from our legal reps I have some concerns.

>
> 1. Did our lawyers see the letter I received from the lawyers for Moby Dicks?

Yes

>
> 2. As previously mentioned the comment was not made on my FACEBOOK that needs to be corrected. British Columbia Photos was the FACEBOOK site

Done we have corrected the letter to reflect this.

>
> 3. Moby Dick removes their assertion I violated any Code of Conduct, the entire post once I have met s.22 request and posted my apology.

This will be up to them to do. The City is not in a position to request this however you could, maybe in the same email you sent with the apology.

>
> 4. They are sent the lawyer's apology and agree it is sufficient

We will respond to Redacted S. 21 lawyers to advise them that the comment was removed and the apology was posted publicly once you send the email, and you made this public – I suggest reading the letter out Monday night to make it public.

> 5. Under a separate email I would like have Redacted S. 22 informed I have removed said comment from BRITISH COLUMBIA PHOTOGRAPHS but have been unable to locate it on DRIVE MARINE DRIVE. I have scrolled through the entire year of 2021 when said comment apparently happened. If Redacted S. 22 can furnish me with the link I would be happy to remove it. I have also reached out to the administrator of that FACEBOOK to assist in removing the comment, I have not received a reply.

My suggestion is that you send the letter directly from your email and you can clarify this in your email.

>
> 7. Specific FACEBOOK my apology should be posted. My Personal FACEBOOK seems to be the desired location?

I believe you should send the letter to Redacted S. 22 and read out the letter at the next council meeting. You could also post in your facebook page.

>
>
> Thank you in advance.

>
> David Chesney

>
> p.s.

>
> Finally if someone can inform s.22 and s.22 lawyer we are working our way through this and will post once we receive approval from Redacted S. 22 on the apology.

>
>

Tracey Arthur

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 12:54 PM
To: Tracey Arthur
Subject: FW: Apology Letter
Attachments: SKM_C3350i23060712270.pdf; 2023-06-16 Letter of apology to [Redacted S. 22].pdf

Hi Tracey,

Just to keep all communications on the record.

I have also called [Redacted S. 22] at 12:50 today and advised [Redacted S. 22] of this email. [Redacted S. 22] said [Redacted S. 22] will let me know as soon as possible.

Thank you,
G.

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 12:42 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Apology Letter

Hello [Redacted S. 22]

Thank you very much for meeting with me on Monday June 12th regarding the letter you delivered on June 7th 2023 (attached) about a Code of Conduct complaint relating to Councilor Chesney's comments made on a Facebook Group.

At the meeting you advised me that to resolve the complaint, you would need the following:

- A public apology letter from Councilor Chesney
- Comments made on Facebook removed.

I understand that the comments have been removed already by Councilor Chesney and the attached apology letter is ready for Councilor Chesney's signature.

Please let me know if you would accept this letter as the requested apology, therefore resolving the complaint. After I receive your confirmation, Councilor Chesney will sign the letter and make it public.

Thanks for your consideration,
G.

GUILLERMO FERRERO
Chief Administrative Officer, City of White Rock
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca

June 16, 2023

Transmitted by Email info@mobydickrestaurant.com

Redacted S. 22

Moby Dick Restaurants Ltd. President / Owner
White Rock, BC

Dear **Redacted S. 22**

Re: Public Apology

On June 4, 2023, I posted a comment on a picture found on the British Columbia Photos Facebook site regarding the Moby Dick Restaurants Inc. I have since reflected on this and removed the comment. I now recognize and acknowledge that my comment was factually inaccurate and disrespectful. For example, since taking over the business from the former owner almost 20 years ago, **Redacted S. 22** has operated the restaurant successfully and has repeatedly been recognized by locals and visitors as a popular place to eat. **S.22** employs many local residents and pays taxes to our community. Therefore, I sincerely apologize to the Moby Dick Restaurant and its owner **Redacted S. 22** and regret if my comments in any way jeopardized the reputation of the business or the wellbeing of **S.22** family and employees.

Sincerely,

David Chesney
City of White Rock Councillor

Administration

P: 604.541.2124 | F: 604.541.9348

City of White Rock

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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My City by the Sea!

www.whiterockcity.ca

Tracey Arthur

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 1:12 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur
Subject: RE: Apology Letter

Thank you very much. I will send you the signed letter this afternoon.

G.

From: info@mobydickrestaurant.com <info@mobydickrestaurant.com>
Sent: Friday, June 16, 2023 1:10 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: Re: Apology Letter

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Hello Guillermo,

thank you very much for the time that you have devoted to this matter. I recognize how busy you and your office are, and I wish I had not had a reason to disturb you.

In order to turn this unpleasant page over and to let all participants move forward I am letting you know that we will accept this apology drafted by Mr.Chesney and will, therefore, ask you to close the complaint filed against Mr.Chesney.

Thanks again for working towards making our community successful and prosperous. It was a pleasure talking to you.

Best regards,

Redacted S. 22

On 2023-06-16 12:41, Guillermo Ferrero wrote:

Hello **Redacted S. 22**

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G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

[1] <http://www.whiterockcity.ca/>

Tracey Arthur

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 2:56 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur
Subject: RE: Apology Letter
Attachments: 2023-06-16 SIGNED Letter from Cllr Chesney to **Redacted S. 22**.pdf

Hello **Redacted S. 22**

Please find the signed letter of apology.

Thank you very much,
G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca



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Cc: Tracey Arthur <TArthur@whiterockcity.ca>
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Cc: Tracey Arthur <TArthur@whiterockcity.ca>
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Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

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June 16, 2023

Transmitted by Email info@mobydickrestaurant.com

Redacted S. 22

Moby Dick Restaurants Ltd. President / Owner
White Rock, BC

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Sincerely,



David Chesney
City of White Rock Councillor

Administration

P: 604.541.2124 | F: 604.541.9348

City of White Rock

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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Tracey Arthur

From: Tracey Arthur
Sent: Friday, June 16, 2023 4:32 PM
To: Andrew Carricato; Guillermo Ferrero
Subject: RE: **Redacted S. 14**

Redacted S. 14

TRACEY ARTHUR, CMC
Director of Corporate Administration
15322 Buena Vista Avenue, White Rock, BC V4B1Y6
Tel: 604-541-2212 | www.whiterockcity.ca



Information transmitted, including attachments, is intended only for the individual(s) or entity(ies) to which it is addressed and may contain information that is confidential and/or privileged or exempt from disclosure under applicable law. Any copying, review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by individual(s) or entities other than the intended recipient is strictly prohibited. If you have received this information in error, please notify the City of White Rock and destroy any copies of this information. Thank you.

From: Andrew Carricato <Carricato@lidstone.ca>
Sent: Friday, June 16, 2023 3:43 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: **Redacted S. 14**

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Redacted S. 14

Andrew Carricato
Lawyer
He/him/his
LIDSTONE & COMPANY
BARRISTERS & SOLICITORS
604.899.2269 Phone
604.899.2961 Direct
1.877.339.2199 Toll Free
www.lidstone.ca

Vancouver Office: Suite 1300 - Sun Tower
128 Pender Street West
Vancouver, BC V6B 1R8

Calgary Office: Bow Valley Square 2, #3300
205 5th Avenue, SW
Calgary, AB T2P 2V7

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This e-mail communication is CONFIDENTIAL AND LEGALLY PRIVILEGED. If you are not the intended recipient, please notify me at the telephone number shown above or by return e-mail and delete this communication and attachment, and any copy, immediately. Thank you.

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Friday, June 16, 2023 2:56 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

WARNING: This email originated from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello 

Please find the signed letter of apology.

Thank you very much,
G.

GUILLERMO FERRERO
Chief Administrative Officer, City of White Rock
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca



From: Guillermo Ferrero
Sent: Friday, June 16, 2023 1:12 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

Thank you very much. I will send you the signed letter this afternoon.

G.

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Thanks for your consideration,

G.

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Chief Administrative Officer, City of White Rock

15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

Tracey Arthur

From: Guillermo Ferrero
Sent: Monday, June 19, 2023 1:29 PM
To: David Chesney
Subject: RE: Apology Letter

I can see it on your photos and see people has commented on it. Not sure why I can not see it from my account but it doesn't matter.

Thanks Davel
G.

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Monday, June 19, 2023 1:17 PM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Re: Apology Letter

Yes indeed I posted it @ 6 am on my Facebook

David

Sent from my iPhone

On Jun 19, 2023, at 1:11 PM, Guillermo Ferrero <GFerrero@whiterockcity.ca> wrote:

Hi David,

I didn't see this posted this morning – please let me know if you have posted this in a public forum.

Thanks,
G.

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Sunday, June 18, 2023 11:30 AM
To: David Chesney <DChesney@whiterockcity.ca>
Subject: Re: Apology Letter

Thanks David. See you tomorrow

G

Get [Outlook for Android](#)

From: David Chesney <DChesney@whiterockcity.ca>
Sent: Sunday, June 18, 2023 10:19:47 AM
To: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Subject: Re: Apology Letter

I am away from my home computer this weekend. It will be posted tomorrow am

David

Sent from my iPhone

On Jun 18, 2023, at 9:49 AM, Guillermo Ferrero <GFerrero@whiterockcity.ca> wrote:

Hi David,

I was expecting to see the letter posted on your Facebook page on Friday. I haven't seen it yet so I'm wondering how are you planning to make the letter public? Making the letter public was part of the agreement to resolve the complaint.

Thanks
G

Get [Outlook for Android](#)

From: Guillermo Ferrero <GFerrero@whiterockcity.ca>
Sent: Friday, June 16, 2023 2:57:00 PM
To: David Chesney <DChesney@whiterockcity.ca>
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: FW: Apology Letter

FYI

G.

From: Guillermo Ferrero
Sent: Friday, June 16, 2023 2:56 PM
To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

Hello Redacted S. 22

Please find the signed letter of apology.

Thank you very much,

G.

GUILLERMO FERRERO

Chief Administrative Officer, City of White Rock
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca

<image001.jpg>

From: Guillermo Ferrero
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To: info@mobydickrestaurant.com
Cc: Tracey Arthur <TArthur@whiterockcity.ca>
Subject: RE: Apology Letter

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G.

From: info@mobydickrestaurant.com <info@mobydickrestaurant.com>
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15322 Buena Vista Avenue, White Rock, BC V4B 1Y6

Tel: 604.541.2133 | www.whiterockcity.ca [1]

Links:

[1] <http://www.whiterockcity.ca/>

Tracey Arthur

From: Guillermo Ferrero
Sent: Monday, June 19, 2023 1:21 PM
To: David Chesney
Subject: RE: Apology Letter

Maybe I'm looking at the wrong page, but this is what I see as your latest post:



www.whiterocksun.com

Dave Chesney Add Friend Message

Posts About Friends Photos Videos Check-ins More ▾

Intro

David Chesney
Creator of Canada's FIRST Internet Newspaper The White Rock Sun

- Publisher at White Rock Sun
- Lives in White Rock, British Columbia
- From Surrey, British Columbia
- In a relationship

Posts

Dave Chesney
June 16 at 6:43 AM · 🌐

Today in the White Rock Sun.
White Rock council has \$5.7 million dollars to spend on making White Rock better.
What would you do with the money?
White Rock's Jazz Blues Festival kicks off tonight and we have all the info on where the free are.
www.whiterocksun.com

Jazz & Blues FESTIVAL

From: David Chesney <DChesney@whiterockcity.ca>
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Tel: 604.541.2133 | www.whiterockcity.ca

<image001.jpg>

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G.

GUILLERMO FERRERO

Tracey Arthur

From: Guillermo Ferrero
Sent: Monday, June 19, 2023 1:38 PM
To: Mayor and Council
Cc: Tracey Arthur
Subject: Code of Conduct Complaint

Hello Mayor and Council,

I would like to advise you that the Code of Conduct Complaint made by **Redacted S. 22** on June 7th is now resolved and it does not require any further action. **Redacted S. 22** has advised the City that **s.22** has closed the complaint.

Thank you very much,
G.

GUILLERMO FERRERO
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15322 Buena Vista Avenue, White Rock, BC V4B 1Y6
Tel: 604.541.2133 | www.whiterockcity.ca

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