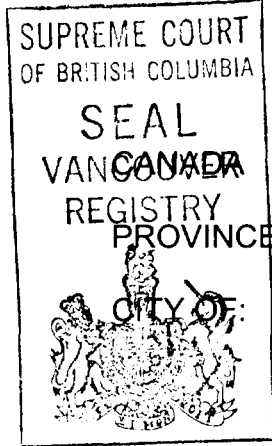




FORM 1

INFORMATION TO OBTAIN A SEARCH WARRANT
(Pursuant to Section 487 of the Criminal Code)



PROVINCE OF: British Columbia
CITY OF: Vancouver

This is the Information of:

Corporal Andrew Thomas Cowan

A member of the Royal Canadian Mounted Police, Peace Officer, of the City of Victoria, in the said Province of British Columbia, hereinafter called the "informant", taken before me, the undersigned Judge in and for the Province of British Columbia.

The informant says that indictable offences have been committed, namely,

THAT, on or between April 01, 2002 and December 31, 2003, at or near Victoria, British Columbia, Udhe Singh BASI, being an official, specifically a Ministerial Assistant for the Minister of Finance, Provincial Government of British Columbia, did accept from Brian KIERAN, for himself a benefit, to wit: receiving of monies in connection with a matter of business relating to the government, contrary to Section 121(1)(a) of the *Criminal Code* of Canada.

THAT, on or between April 01, 2002 and December 31, 2003, at or near Victoria, British Columbia, Udhe Singh BASI, being an official, specifically a Ministerial Assistant for the Minister of Finance, Provincial Government of British Columbia did commit a Breach of Trust in connection with the duties of his office contrary to Section 122 of the *Criminal Code* of Canada. ;

THAT, on or between April 01, 2002 and December 31, 2003, at or near Victoria, British Columbia, Bobby Singh VIRK, being an official, specifically a Ministerial Assistant for the Minister of Finance, Provincial Government of British Columbia, did accept from Brian KIERAN, for himself a benefit, to wit: receiving of monies in connection with a matter of business relating to the government, contrary to Section 121(1)(a) of the *Criminal Code* of Canada.

THAT, on or between April 01, 2002 and December 31, 2003, at or near Victoria, British Columbia, Bobby Singh VIRK, being an official, specifically a Ministerial Assistant for the Minister of Finance, Provincial Government of British Columbia did commit a Breach of Trust in connection with the duties of his office contrary to Section 122 of the *Criminal Code* of Canada.

The informant says that recovery of the following things, at the specified locations, namely:

LOCATION A:



Royal Bank of Canada (RBC) Security and Investigations, [REDACTED]
[REDACTED] Account holder information and account statements on RBC VISA [REDACTED], in addition to all personal accounts held by RBC in the names of Bobby Singh VIRK and/or Armijit VIRK, for October 2002, November 2002, December 2002 and January 2003.

I: **GROUNDS FOR BELIEF:**

1. That I, Corporal A.T. COWAN, am a Peace Officer and Regular Member of the Royal Canadian Mounted Police, hereinafter referred to as the RCMP. My current duties are with the Commercial Crime Section, Victoria, BC. I have personal knowledge of the matters hereinafter save and except where on information received, in which case I believe this information to be true.

II: **SYNOPSIS:**

2. That based on the information detailed in this Information to Obtain, I believe the following is an accurate synopsis of this complex investigation with emphasis on a discrete aspect of the investigation which relates to a belief that David BASI and Bob VIRK received funds indirectly from a bidder in the BC Rail bid process in order to pay for a trip to Denver, Colorado, USA.
3. That on or about October 07, 2003, I became actively involved in RCMP Island District Drug Section investigation identified as Project "Everywhichway" hereinafter referred to as the Project. My Project duties were the monitoring of telephone intercepts relating to named target Udhe Singh BASI.
4. That a named target in the Project, Udhe Singh BASI (B:1966-08-07) is also known as, and referred to in the investigation as David BASI or Dave BASI (hereinafter referred to as "BASI") by targets, friends, family and associates. BASI was, at the investigations onset, a Ministerial Assistant, Ministry of Finance, Provincial Government of BC.

5. That BASI was an identified person named in a Part VI Authorization (P. 67/2003 and P.73/2003, Vancouver Registry) for the period of October 13, 2003 to December 11, 2003. These Authorizations included BASI's residence, BC Government office, and BC Government cellular telephones, as well as BASI's home computer internet account. BASI's business telephone number could not be intercepted due to technical problems. These Authorizations included several other identified targets and relate to investigations in the following alleged criminal offences: drugs, proceeds of crime, conspiracy and breach of trust.
6. That the criminal investigation of BASI initially concerned proceeds of crime and corruption.
7. That based on the investigation, BASI's brother-in-law became a person of interest. BASI's brother-in-law, identified as Bobby Singh VIRK (hereinafter referred to as "VIRK"), is a Ministerial Assistant to Minister Judith REID, Minister of Transportation, Government of BC.
8. 
9. It has been determined that on or about November 2002 BASI and VIRK, in the company of their respective spouses, traveled to Denver Colorado, USA. The purpose of this trip was to meet with officials of OmniTRAX and attend a football game. The trip costs were \$1569.32 for David and Inderjit BASI, and \$1481.58 for Bob and Armijit VIRK.
10. 
11. It is also believed that BASI advised Minister COLLINS that the trip was paid for by personal funds and was not related to Government business.

12. That the information relating to this aspect of the investigation is derived from interviews, document reviews, and previous search warrant applications
13. That this is an ongoing and complex investigation with facts continually being gathered and analyzed.

III: OFFENCES:

14. That, I believe that criminal offences pursuant to Sections 121(1)(a), 121(1)(e) and 122 of the Criminal Code of Canada have occurred.
15. That pursuant to Sections 118, 121 and 122 of the Criminal Code of Canada, I believe that:
 - a. BASI is an official as defined by the Criminal Code of Canada; and
 - b. VIRK is an official as defined by Section 118 of the Criminal Code of Canada.

IV: AUTHORIZATION TO INTERCEPT COMMUNICATIONS:

16. **That** unless otherwise stated, all Authorizations referred to were granted at the Vancouver Registry by Associate Chief Justice DOHM:
 - a. Authorization P. 32 was granted and valid for the period from and including June 17, 2003, up to and including August 15, 2003. BASI was not a named target in this investigation.
 - b. Authorization P. 53/2003, Vancouver Registry, was granted by Justice PITFIELD and was valid for the period from and including August 15th, 2003, , up to and including October 12th, 2003. Authorization P. 53/2003 resulted in BASI being named as a main target and subject of an Authorization identified as P. 67/2003, Vancouver Registry, hereinafter referred to as P. 67.
 - c. Authorization P. 67 was granted and valid for the period from and including October 13, 2003 up to and including December 11, 2003. Authorization P. 67 was amended and replaced by Authorization P. 73/2003, Vancouver Registry, hereinafter referred to as P. 73.
 - d. Authorization P. 73 was valid for the period from November 7, 2003 up to and including December 11, 2003 and allowed interception of BASI's communications at:

- i. [REDACTED] Residence of BASI, [REDACTED]
- ii. [REDACTED] Cellular telephone of BASI, subscribed to by Ministry of Finance
- iii. [REDACTED] Business telephone of BASI, subscribed to by Ministry of Finance
- iv. [REDACTED] email address of BASI at the residence of [REDACTED]

V: SOURCES OF INFORMATION:

- 17. That Sgt DeBruyckere is a regular member of the RCMP assigned to E Division (Vancouver) Commercial Crime Section. I believe information obtained and provided by Sgt. DeBruyckere to be true and correct.
- 18. That Heather Hammer is an employee of Royal Bank of Canada (RBC) VISA Corporate Security. I believe information obtained and provided by Heather Hammer to be true and correct.
- 19. That Marc Leduc is an employee of Cheap Tickets and Travel. Mr. Leduc arranged for the air travel of interest in the investigation for both the BASI and VIRK couples. I believe information supplied and provided by Mr. Leduc to be true and correct.
- 20. That Brian KIERAN is a partner with Pilothouse Public Affairs Group. I believe information supplied and provided by Mr. KIERAN to be true and correct.
- 21. That Gary RENNICK is the former Chief Operating Officer (COO) of OmniTRAX Incorporated. I believe information supplied and provided by Mr. RENNICK to be true and correct.
- 22. That Erik BORMAN is a partner with Pilothouse Public Affairs group and a friend of BASI and VIRK. I believe information supplied by Mr. BORNMAN to be true and correct.

VI: BREACH OF TRUST OFFENCES

- 23. During the investigation, information indicated that between November 10, 2002 and November 12, 2002, BASI, VIRK and their spouses, Inderjit BASI and Armijit VIRK, traveled to Denver, Colorado, USA.

24. While in Denver, BASI and VIRK attended a Monday night football game between the Denver Bronco's and the Oakland Raiders. OmniTRAX supplied the football tickets and Gary RENNICK accompanied both BASI and VIRK to the game.

25.



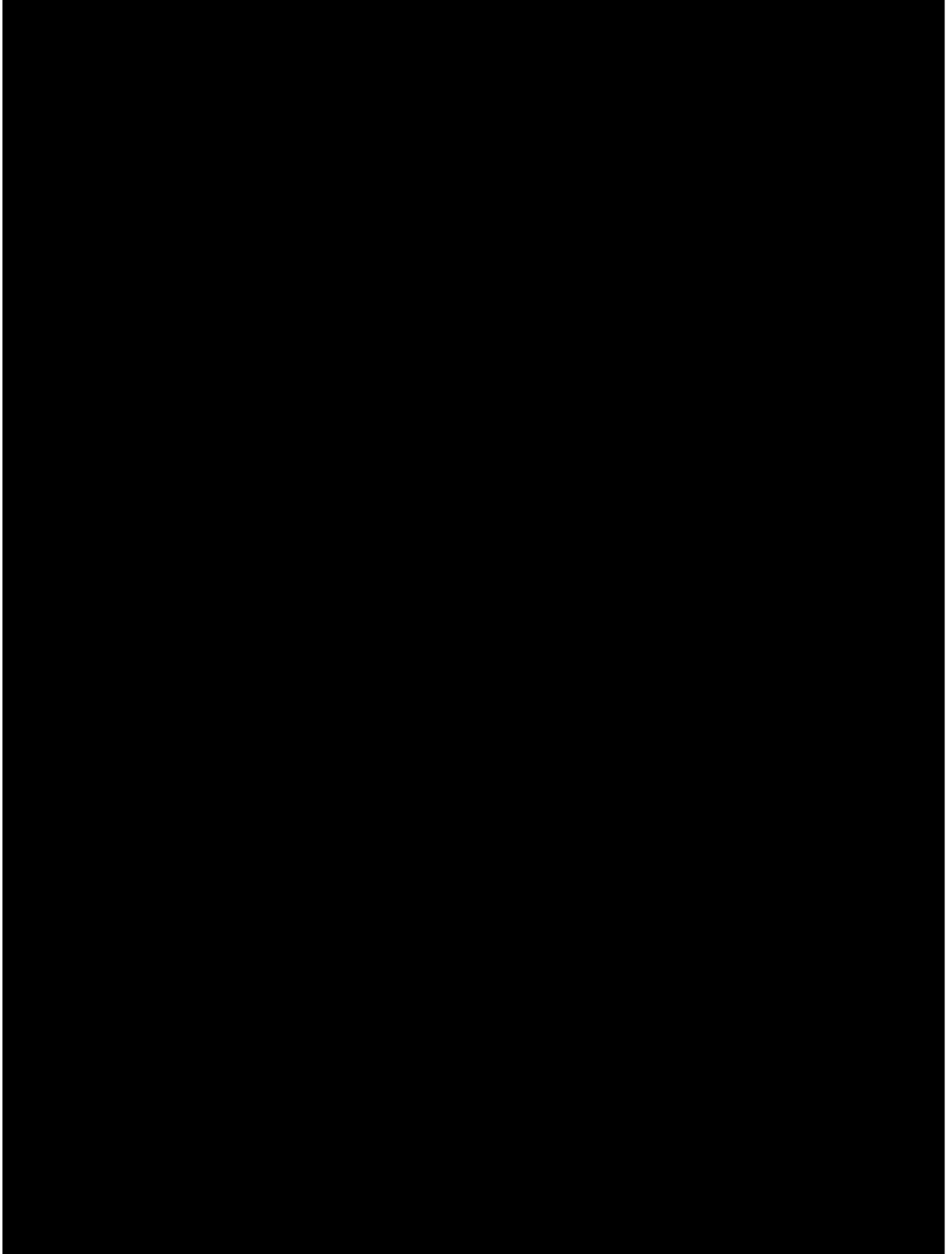
26. It is believed that BASI approached his Minister, Finance Minister Gary COLLINS, and advised him of the trip but stated that it had been for personal business and paid for as such.

27. During the investigation, Commercial Crime investigators received the following specific information regarding the trip to Denver taken by BASI and VIRK.

28.



29.



30.



31.

32. On September 23, 2004, Sgt. Debruyckere located several documents which showed BASI and his wife's flight arrangements and methods of payment. Sgt. Debruyckere provided these documents to Cpl. Cowan for review. These documents included the travel itinerary for BASI. This document indicated that BASI purchased his travel tickets from a travel company called "Cheap Tickets" and that he paid for the tickets using a TD VISA starting with [REDACTED] and ending with [REDACTED]. This document is attached as appendix 7 and it was seized from Basi's residence on December 28, 2003 pursuant to a search warrant. No charge relating to tickets for VIRK and his wife's travel tickets could be located on the BASI VISA account statements.

33. On December 28, 2003 BASI's visa statement dated November 17, 2002 was seized from his residence pursuant to a search warrant. This document indicated that on October 26, 2002 Pacific Sunspot Tours (Vancouver) billed \$1569.32 to TD VISA [REDACTED] held in name of David U BASI and Inderjit K BASI (Document 04040057 attached as appendix 4).
34. On September 23, 2004, Sgt. Debruyckere located several documents which showed monies deposited to the account of BASI identified as TD Bank [REDACTED] (document number 03980216 attached as appendix 5). The document indicates that a deposit on December 09, 2003 in the amount of \$2300 and a VISA payment of \$5770.27. The deposit was determined to be a cheque from an unrelated party and both entries were not relevant to the matter at hand. The document also shows a cash deposit dated December 13, 2003 in amount of \$1100 (document 04760450 attached as appendix 5). These various banking documents were seized by IPOC investigators pursuant to a search warrant dated June 8, 2004.
35. [REDACTED]
36. Cpl. Cowan was tasked with determining the method of payment relating to the plane tickets purchased by VIRK. Given that BASI had purchased his tickets from "Cheap Tickets", it was likely that VIRK had purchased his tickets from the same travel agency.
37. On September 23, 2004, Cpl. Cowan spoke with Marc LEDUC of Cheap Tickets and Travel. Mr. LEDUC confirmed that VIRK purchased his tickets to Denver Colorado on a VISA card.
38. Cpl Cowan requested relevant documents from Mr. LEDUC and provided Mr. LEDUC a written request covering the aspects of the Personal Information Protection and Electronic Documents Act (PIPEDA) and Section 7(3)c.1 ii).
39. Mr. LEDUC provided Cpl. Cowan with the travel itinerary of both the BASI and VIRK flights. The BASI travel itinerary was a copy of the travel itinerary seized

- by the RCMP on December 28, 2003 from the BASI residence pursuant to a search warrant. The travel itinerary again confirmed that the BASI tickets were paid for by a TD VISA starting with [REDACTED] and ending with [REDACTED] (Itinerary and documents 00840276 and 00840277 attached as appendix 7)
40. On the VIRK travel itinerary, Cpl Cowan noted that the VIRK tickets were paid for by a VISA number beginning in [REDACTED] and ending with [REDACTED] (attached as appendix 6)
 41. Mr. LEDUC also provided Cpl Cowan was with the full Credit Card numbers that were used to pay for both of the flights.
 - a. VISA [REDACTED] (BASI flights) billed in amount of \$1569.32
 - b. VISA [REDACTED] (VIRK flights) billed in amount of \$1481.58
 42. Based on information available to Cpl Cowan, it was determined that the starting four numbers on the card used to pay for the VIRK flights was a Royal Bank of Canada (RBC) VISA.
 43. Cpl. Cowan does not rely on the information contained in paragraphs 39, 41 or 45 of this Information to Obtain for the purposes of obtaining the warrant sought. Those paragraphs are included solely for the purpose of discharging the RCMP's obligation to make full and true disclosure of all material facts relating to this request for a search warrant.
 44. Based on the information provided by Mr. LEDUC in paragraph 40 of this Information to Obtain, Cpl Cowan contacted RBC VISA and spoke with Heather HAMMER. Ms. HAMMER confirmed that VIRK holds a valid RBC VISA and personal bank account at RBC.
 45. Ms. HAMMER also confirmed that the the VISA number provided by Mr. LEDUC was a valid RBC account and confirmed that the account was held in the name of both Bob and Armijit VIRK. Ms. HAMMER confirmed, when asked, that there were personal accounts held by RBC in the names of Bob and Armijit VIRK. Cpl. Cowan advised Ms. HAMMER that the RCMP would be seeking to obtain a search warrant for the account holder information and account statements for October 2002 through January 2003 for RBC VISA [REDACTED] as well as any personal accounts held by both party.
 46. On October 5, 2004, Ms. HAMMER advised Cpl Cowan that the documents sought relating to Bob and Armijit VIRK and their RBC accounts and VISA statements were available and held by her at Royal Bank of Canada, Security

and Investigations located at [REDACTED]

- 47. Based on the information gathered by investigators, it is believed that BASI received funds totaling \$3000.00 from Brian KIERAN on or about December 09, 2002.
- 48. It is believed that these funds were solicited by BASI to cover the cost of airfares for BASI, Inderjit BASI, VIRK and Armijit VIRK.
- 49. Investigators have been able to determine that VIRK and his wife booked and paid for their flights separately from BASI.
- 50. It is believed that based on the documents reviewed and the statements provided, that BASI received the amount covering both pairs of tickets and that \$1500.00 would have been given directly to VIRK for payment on RBC VISA [REDACTED], or for deposit into a personal bank account held by RBC in the name of VIRK and/or Armijit VIRK

VII: LOCATION TO BE SEARCHED:

- 51. Royal Bank of Canada, Security and Investigations located at 33rd floor, 1055 West Georgia Street, Vancouver, BC, V6E 3S5.

VIII: ITEMS SOUGHT:

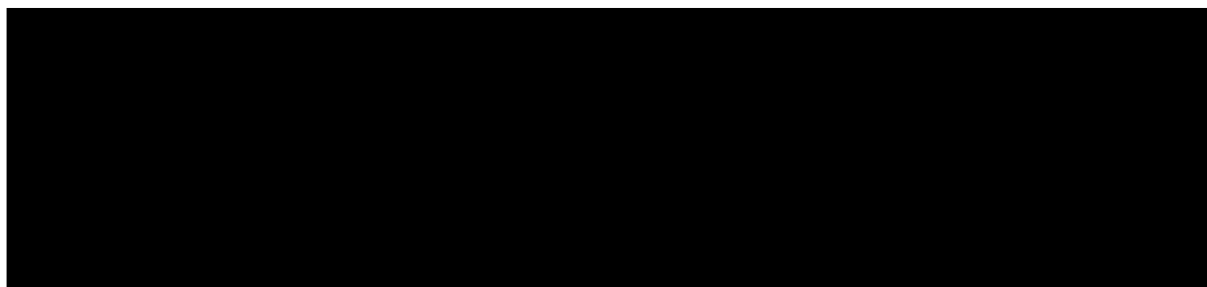
- 52. Account holder information and account statements on RBC VISA [REDACTED] 2420 2147, in addition to all personal accounts held by RBC in the names of Bobby Singh VIRK and/or Armijit VIRK, for October 2002, November 2002, December 2002 and January 2003.
- 53. It is the intention of investigators to review the items seized and attempt to locate the specified \$1500.00 cash believed to have been delivered by BASI to VIRK. If located as an entry in the documents sought, investigators may apply for a further warrant for the specific documentary item(s) showing the deposit, transfer or payment to RBC VISA [REDACTED]

IX: REASON TO BELIEVE ITEMS SOUGHT ARE AT A LOCATION:

- 54. On October 5, 2004 I spoke with Ms. HAMMER of RBC Security and Investigations. Ms HAMMER advised me that all documents sought by the RCMP with respect to this search warrant are currently located and retained by her at Royal Bank of Canada, Security and Investigations located at [REDACTED]

X: OTHER SEARCH WARRANT APPLICATIONS:

55.



56. That, on August 7, 2003, Constable MOBBS swore an Information to Obtain for an application for a Dial Number Recorder Warrant and related assistance order for cellular telephone number [REDACTED] (subscriber: Ministry of Finance/ User Dave BASI). On that date the Honourable Judge EHRCKE denied the Dial Number Recorder Warrant on the basis of Cabinet or Parliamentary Privilege.

57. That, on September 16, 2003, Constable MOBBS swore an Information to Obtain for an application for a Dial Number Recorder Warrant and related assistance order for cellular telephone number [REDACTED] (subscriber: Ministry of Finance/ User Dave BASI). On that date the Honourable Judge EHRCKE denied the Dial Number Recorder Warrant on the basis that she required an opinion on entry into the legislative precinct via electronic means.

58. That on December 28, 2003, multiple Search Warrants relating to this investigation were executed. These warrants were issued by ACJ DOHM and are held under sealing order at the Vancouver Court Registry, BC Supreme Court.

59. That on January 29, 2004, a search warrant was executed at the University of Victoria relating to the student records of David BASI and Bob VIRK.

60. That IPOC investigators have executed, and are continuing to execute as statements become available, Search Warrants on banking, trading and credit cards held by David BASI. Most recently was a Search Warrant executed on September 03, 2004, evidence from which was used to support this application.

61. That on July 22, 2004, a search warrant was executed at TD Canada Trust Corporate Security in relation to TD Canada Trust Account [REDACTED] held by Aneal BASI.

62. That on August 04, 2004, a Search Warrant was executed at TD Canada Trust Corporate Security in relation to TD Canada Trust account numbers [REDACTED] and [REDACTED] held by Aneal BASI.

