

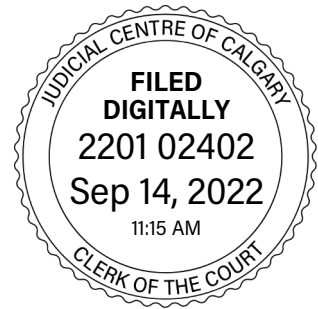
COURT FILE NUMBER: 2201-02402

COURT: COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: CALGARY

PLAINTIFFS: CHRISTA STEELE and MINDY SMITH

DEFENDANT: THE CITY OF LEDUC



QUESTIONING ON AFFIDAVIT OF

DARRELL NORMAN MELVIE

(By Video Connection)

September 7, 2022

Volume 1

APPEARANCES

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(PROCEEDINGS COMMENCED AT 9:58 A.M.)

1
2 COURT REPORTER: Good morning. The time is
3 9:58 a.m. We are here today to take the oral
4 questioning of Darrell Melvie, and I note for the
5 record that it is being conducted through video
6 connection.

7 I am the court reporter,
8 Deanna Jackson. I will be affirming the witness and
9 taking down the questioning from my home office,
10 located in the city of Edmonton.

11 Would counsel for the witness
12 please confirm that this is in fact Darrell Melvie.

13 MS. STURKO: This is Darrell Melvie.

14 COURT REPORTER: Before I affirm the witness,
15 would counsel present please state their name and
16 location for the record.

17 MR. MARTZ: We have Robert Martz,
18 Richard Steele, Sydney Black, Alanna Wiercinski for
19 the plaintiffs, and we're in Calgary.

20 MS. STURKO: Monelle Sturko, counsel for
21 the defendant, the City of Leduc, here in my home in
22 Edmonton.

23 COURT REPORTER: Would the witness please
24 provide the location from where you are providing
25 your evidence today.

26 THE WITNESS: I'm located at the City of
27 Leduc office at City Hall, Leduc, Alberta.

1 DARRELL NORMAN MELVIE, duly affirmed.

2 MR. MELVIE QUESTIONED BY MR. MARTZ:

3 **Q Good morning, Mr. Melvie.**

4 A Good morning.

5 **Q Do you have your affidavit in front of you?**

6 A Yes, sir.

7 **Q Can you state your name for the record, please.**

8 A Darrell Melvie.

9 **Q How long have you been with the City of Leduc?**

10 A I have been with the City of Leduc since January of
11 2007.

12 **Q And you initially were the director of community
13 development and service planning; is that correct?**

14 A Correct.

15 **Q That was from January 2007 to August 2011?**

16 A Correct.

17 **Q And what did that role involve?**

18 A Primarily facility development. One of my first
19 jobs was building the Leduc Recreation Centre. So
20 that was -- so facility development, parks
21 development, working with community organizations.

22 **Q So you wouldn't have had a direct role with the fire
23 department during your time in that position;
24 correct?**

25 A Correct.

26 **Q And then in 2011 you became the general manager of
27 community and protective services; correct?**

1 A I became the acting general manager in August of
2 2011 and was in that position for about a year. And
3 then about a year after, then I formally was
4 appointed to the position.

5 **Q And who appointed you to that position?**

6 A It was through a recruitment process, and so our
7 City manager would have hired me in that position.

8 **Q And who was the City manager at that time?**

9 A Paul Benedetto.

10 **Q And what does this role involve?**

11 A So the current role involves oversight of four
12 primary areas: Fire services being one; Leduc
13 Enforcement Services and our RCMP contract being
14 another; I also provide oversight to community and
15 social development; and, finally, we -- I provide
16 oversight to our recreation services as well. So
17 those are the four areas.

18 **Q So in this role, who do you report to?**

19 A I report to the City manager.

20 **Q That's Mr. Prohar?**

21 A Correct.

22 **Q Which other City managers have you reported to in
23 that role?**

24 A Just Mr. Prohar and Mr. Benedetto.

25 **Q And who reports to you? Who are your direct
26 reports?**

27 A So my direct reports are the fire chief, the manager

1 of Leduc Enforcement Services and RCMP
2 administration, director of recreation, and the
3 director of community and social development.

4 **Q So in terms of the fire department, then, Mr. Clancy**
5 **would have reported to you during his tenure as**
6 **chief?**

7 A Correct.

8 **Q And what was your relationship with Mr. Clancy?**
9 **Were you -- talk to him often? How would that work?**

10 A Through work I would talk to him most workdays. So
11 we had quite frequent contact in a work setting.

12 **Q And is it the same procedure with Mr. Moore, who is**
13 **the current acting chief?**

14 A Correct, yeah. There's some days we may not chat,
15 but I would say the majority of days there's
16 interaction.

17 **Q Would Mr. Sereda report to you as well?**

18 A No, sir.

19 **Q Who would he report to?**

20 A He reports to a fellow named Mike Pieters, who is
21 the general manager of infrastructure and planning.

22 **Q And Mr. Pieters would report to Mr. Prohar?**

23 A Correct.

24 **Q And then Mr. Prohar would report to City Council and**
25 **the mayor; is that fair?**

26 A Yeah, correct.

27 **Q So take a look at your affidavit. At paragraph 3**

1 you state that Ms. Steele has been employed as a
2 firefighter since 2002. You see that?

3 A Yes.

4 Q So you've indicated that you didn't really become
5 involved in working with the fire department until
6 2011; correct?

7 A Correct.

8 Q So your information on Ms. Steele, that comes from
9 speaking with others; is that fair?

10 A Not sure I understand the question.

11 Q So you say that Ms. Steele has been employed since
12 2002. You weren't around in 2002; correct?

13 A Correct.

14 Q Okay. So where does that information come from?
15 Does it come from discussions with individuals at
16 the fire department?

17 A In that particular case, that's a date I would have
18 obtained from HR, based on hiring date.

19 Q Okay. Now, paragraph 5 you refer to a series of
20 collective agreements. Do you see that?

21 A Yes, sir.

22 Q Can you turn to page 28 of the PDF.

23 A Sorry. What page is that of the collective?

24 Q Page 23 of 28 of the first collective. It's the
25 signature page.

26 A Yes.

27 Q Can you advise whose signatures are on this

1 **document?**

2 A So on the City side would be Greg Krischke, who was
3 the mayor at the time; Paul Benedetto, who was the
4 City manager; Debbie Carter, who was the manager of
5 corporate services at the time. Signatories on the
6 firefighters' association side, Doug Britton would
7 be the first one, and I don't know the balance of
8 the others.

9 **Q And when you gave me the signatures on the City**
10 **side, you were going from top to bottom? So the**
11 **mayor is on top?**

12 A Correct.

13 **Q And these are the individuals, as you understand it,**
14 **that were involved in negotiating the collective**
15 **agreement?**

16 A Actual negotiations from the City side would have
17 been Debbie Carter. Like, of the signatories,
18 Debbie Carter would have been involved in the actual
19 negotiations. Mr. Benedetto, well, he would have
20 been updated on the -- you know, the proceedings of
21 the negotiations. He wouldn't have been involved
22 specifically in the negotiations. Nor would the
23 mayor.

24 **Q And Ms. Carter, she was from human resources?**

25 A So as general manager of corporate services, she had
26 oversight over human resources.

27 **Q And you didn't have a role in negotiating this**

1 **agreement; correct?**

2 A Correct. That was just through the transition
3 between my predecessor, and then I was -- most of
4 that time of the negotiation was acting. So I
5 wasn't participating through that portion of the
6 negotiation.

7 **Q Can you turn to the next collective agreement. So**
8 **it's at page 60 of the PDF, page 24 of the**
9 **agreement. It's the next signature page.**

10 A Yes.

11 **Q Can you identify the signatures on this page?**

12 A So on the City side, the first signature I don't
13 know. The second signatory would be George Clancy.
14 And the third signature on the City side, I can't
15 tell who that is.

16 **Q Okay. Do you know if Chris Tobin from human**
17 **resources was involved in the negotiations of this**
18 **agreement?**

19 A That would be my understanding, yes.

20 **Q Now, can you go to the next signature page. It's at**
21 **page 96 of the PDF, page 30 of the next collective**
22 **agreement.**

23 A Yes.

24 **Q So here I don't think I need you to identify**
25 **anything. We've got human resources and Chris Tobin**
26 **and another individual from human resources,**
27 **Ms. Armstrong. You see that?**

1 A Yes.

2 Q **And those would have been two of the primary people**
3 **involved in this?**

4 A Chris Tobin, Chief Clancy, Deputy Chief Moore, and
5 Sue Armstrong. And, actually, looking at the
6 signatory, Chris Tobin's signature on page 30 of 35,
7 it actually -- that tells me that on the previous
8 page 24 of 28, from the previous agreement, that
9 would be Chris Tobin.

10 Q **Right. So Mr. Tobin would have been involved in**
11 **both of these?**

12 A Right, yeah.

13 Q **Do you know when Mr. Tobin came to Leduc?**

14 A To my recollection, he would have been come in about
15 2015.

16 Q **And who was his predecessor?**

17 A His predecessor was -- the director was a lady named
18 Peg Mitchell.

19 Q **Now, the next exhibit that you've got in here is the**
20 **nondiscrimination policy. Can you turn to that?**

21 A Yeah.

22 Q **And so this policy was issued in -- on**
23 **September 23rd, 1997; is that correct? That's what**
24 **I see from the policy.**

25 A That's the issue date, yeah.

26 Q **So this policy would have been in place while the**
27 **collective bargaining agreements were negotiated;**

1 correct?

2 A Correct.

3 Q And this policy is administered by human resources;
4 correct?

5 A Correct.

6 Q If you go to the second page of that policy and you
7 look under "Accountability," it says that the City
8 will work with human resources to ensure that
9 complaints involving discrimination are investigated
10 and so forth. Do you see that under 2(a)?

11 A I'm sorry. I just want to make sure we're on the
12 same policy. Are we under "Nondiscrimination," or
13 are we on "Harassment"?

14 Q You're under "Nondiscrimination."

15 A Okay. And, sorry, you're referencing Section 2?

16 Q 2(a).

17 A Yeah.

18 Q So you see under "Accountability," under 2(a), it
19 says (quoted as read):

20 "The City will work with human resources
21 to ensure that complaints of
22 discrimination are investigated and dealt
23 with."

24 You see that?

25 A Correct, yeah.

26 Q And so the intent of this is that employees that
27 read this policy should go to HR to deal with these

1 **discrimination complaints; correct?**

2 A Correct.

3 **Q And HR, if we follow 2(b), the role of HR is to**
4 **provide advice to employees on how to deal with the**
5 **complaints; correct?**

6 A Correct.

7 **Q And HR will also retain all documentation pertaining**
8 **to complaints of discrimination; correct?**

9 A Correct.

10 **Q How long does HR retain those policies -- or that**
11 **documentation, do you know?**

12 A I don't know.

13 **Q Did you review that documentation prior to today?**

14 MS. STURKO: Sorry. Can you just clarify,
15 counsel, what you mean by that?

16 **Q MR. MARTZ: Have you reviewed the**
17 **documentation human resources has retained regarding**
18 **complaints of discrimination?**

19 A Have I reviewed documentation relative to complaints
20 of discrimination? That's the question?

21 **Q Yeah.**

22 A Yeah. In the past I have seen documents related to
23 investigations, yes.

24 **Q Okay. So that documentation all still exists, then;**
25 **correct?**

26 MS. STURKO: Well, are you talking about
27 from 1997 onward, counsel?

1 Q MR. MARTZ: Well, when is the last time
2 you reviewed the information in the HR file, sir?

3 A Well, I saw a report yesterday relative to a
4 complaint. So sorry. I'm not sure what your
5 question is.

6 Q So are you able to tell me how far back the HR files
7 related to discrimination complaints go back?

8 A I'm not privy to that information.

9 Q Okay. Under Number 3 under this policy, under
10 "Complaint Procedure," you see under (b) that human
11 resources will work with management to take proper
12 disciplinary action? Do you see that?

13 A Yes.

14 Q So the expectation is that if a complaint is
15 received and is founded, management will take the
16 necessary disciplinary action; correct?

17 A Correct.

18 Q And it also states under this section, under the
19 note, if a complaint is discussed inappropriately,
20 the individual who inappropriately divulges the
21 information will be subject to disciplinary action.
22 Do you see that?

23 A I'm sorry. Can you just clarify where you're at
24 right now.

25 Q Under -- do you see the bolded and underlined note
26 under (b)? Sorry. I'm on page 3 of the
27 discrimination policy.

1 A Yes, yeah. Yeah. I see where you're at.

2 Q So under the note it says that the information is to
3 be kept confidential and that if the complaint is
4 discussed inappropriately by a party, those
5 individuals will be subject to disciplinary action.
6 Do you see that?

7 A Yes.

8 Q Are you aware of anyone who has been subject to
9 disciplinary action for inappropriately disclosing
10 information related to a complaint?

11 A To my recollection, I cannot think of a situation
12 where that's happened.

13 Q Do you know if disciplinary action was ever taken
14 against an individual named Rick Sereda under this
15 policy for inappropriately divulging complaint
16 information?

17 A I'm not aware of any.

18 Q So I'd ask for an undertaking to review your records
19 to determine if any action or any reports were made
20 against Mr. Sereda for breaching this policy.

21 MS. STURKO: We will undertake to make our
22 best efforts to look through those records and
23 provide the answer to you.

24 Undertaking Number 1:

25 Make best efforts to review records to
26 determine if any action or any reports
27 were made against Mr. Sereda for breaching

1 the policy regarding inappropriately
2 disclosing information related to a
3 complaint.

4 **Q MR. MARTZ:** **Under Number 5 on page 4, you**
5 **see an employee rights section?**

6 A Yeah.

7 **Q So this section tells employees that they can take**
8 **matters to external bodies outside of the internal**
9 **Leduc procedures. You agree with me?**

10 A Yes.

11 **Q And that's because Leduc recognizes that these**
12 **internal processes might not be sufficient to deal**
13 **with serious discrimination; correct?**

14 MS. STURKO: Well, you're asking him to
15 make that interpretation. I don't know that that's
16 an appropriate question.

17 MR. MARTZ: I'm not asking him to make an
18 interpretation. I'm asking him his understanding of
19 the policy as a senior member of Leduc.

20 MS. STURKO: Well, it says nothing in this
21 policy affects the right of employees to file a
22 complaint. I don't know that it means it's
23 escalating to that point, but . . .

24 MR. MARTZ: Right.

25 **Q MR. MARTZ:** **So, Mr. Melvie, your**
26 **understanding as a senior member of Leduc is that**
27 **it's necessary to include this because employees may**

1 **need to go outside of Leduc to deal with instances**
2 **of serious discrimination; correct?**

3 A Just to clarify, you're talking under employee
4 rights, Bullet Number 3, seek out legal advice if
5 their complaint was not resolved to their
6 satisfaction?

7 Q **I'm referring to all three of them. So there's an**
8 **ability to file a complaint with the Human Rights**
9 **Commission, to file a complaint with any other local**
10 **or provincial authority, or to seek out legal**
11 **advice. So we can agree that your understanding of**
12 **the policy is that this allows employees to go**
13 **outside of Leduc to seek remediation of a**
14 **discrimination issue; correct?**

15 A If their complaint was not resolved to their
16 satisfaction.

17 Q **Okay. And you specifically flagged the third part,**
18 **which is to seek legal advice. And this is another**
19 **mechanism for employees to ensure that their**
20 **discrimination complaints are properly resolved; is**
21 **that fair?**

22 A We would implement the policy as it's written, yes.

23 Q **So can you go to the next policy, which is the**
24 **sexual harassment policy.**

25 A Okay.

26 Q **Do you have that in front of you?**

27 A Yes, sir.

1 Q And that was implemented on November 4th, 1997?

2 A Correct.

3 Q So same as the discrimination policy. This policy
4 was in force while the collective agreement was
5 being negotiated; correct?

6 A I'm sorry. You cut out there a little bit.

7 Q So just as with the discrimination policy, this
8 policy was in effect while the collective bargaining
9 agreement was being negotiated; correct?

10 A Correct.

11 Q Now, in the policy objectives, it states that
12 (quoted as read):

13 "The City of Leduc is committed to
14 preventing and protecting its employees
15 from all forms of sexual harassment and
16 will diligently uphold the employee's
17 right to a workplace free of such
18 harassment."

19 You see that?

20 A I'm sorry? Which section?

21 Q In the policy objectives.

22 A Yes.

23 Q And your understanding is the City of Leduc is
24 committed to that statement?

25 A Yes.

26 Q Now, part of this policy includes a reporting
27 mechanism; correct?

1 A Correct.

2 Q And you would agree that a crucial part of
3 protecting Leduc employees from all forms of sexual
4 harassment is to ensure that they can report such
5 sexual harassment; correct?

6 A Correct.

7 Q So Leduc's policy is to encourage women to report
8 sexual harassment if it occurs to them; correct?

9 MS. STURKO: Well, in fairness, I don't
10 think it's limited to women.

11 Q MR. MARTZ: Okay. You would agree that
12 Leduc's policy is to encourage anyone who is subject
13 to sexual harassment, including sexual misconduct or
14 sexual assault, to report it; correct?

15 A Correct.

16 Q And you would agree with me that a crucial part of
17 ensuring that such reports of sexual misconduct and
18 sexual assault can be made is to provide a
19 sufficient window to report that sexual misconduct
20 or sexual assault; correct?

21 A Can you state that question again.

22 Q You would agree with me that a crucial part of
23 ensuring that an individual can report sexual
24 misconduct or sexual assault is to allow a
25 sufficient time window for that report to be made;
26 correct?

27 A It would be important to define a time period;

1 correct.

2 Q And it would be important to ensure that the time
3 period is long enough to allow an individual to
4 report the sexual misconduct or assault; correct?

5 A That would make sense; correct.

6 Q And Leduc would not agree -- pardon me. Leduc would
7 not adopt or agree to a policy, procedure, or
8 agreement that would have the effect of discouraging
9 men or women from reporting sexual misconduct or
10 sexual assault; correct?

11 A Correct.

12 Q If you go to page 3, under (b) there's an "Internal
13 Formal Complaint" heading. Do you see that?

14 A Yeah.

15 Q So that provides 60 days for bringing a complaint
16 under this policy. Do you see that?

17 A Yes.

18 Q And are you aware that the 60-day period is also
19 included in the respectful workplace complaint
20 resolution procedure under Section 2.1?

21 A Sorry. I just need to confirm that.

22 Q Yeah. Not a problem.

23 A That's correct.

24 Q All right.

25 (DISCUSSION OFF THE RECORD)

26 Q MR. MARTZ: Sir, you were looking to
27 confirm the 60-day reporting period is also included

1 under the respectful workplace complaint resolution
2 procedure under Article 2.1. Can you confirm that?

3 A Yeah. That wording is consistent.

4 Q So Leduc has implemented the 60-day reporting period
5 because it believes it's an appropriate amount of
6 time to allow the types of complaints addressed in
7 these policies to be reported; correct?

8 A Correct.

9 Q Now, if we look at the complaint process. So this
10 outlines the mechanism for a Leduc employee to bring
11 forth the complaint of sexual misconduct or sexual
12 assault, among other things; correct?

13 A I'm sorry. You broke up again. There's something
14 wrong with your mic. Or maybe it's my speaker, but
15 yeah.

16 Q Am I breaking up for anybody else? Might be your
17 speaker, but it's okay. If there's anything where I
18 break up, just ask me, and I'll just repeat the
19 question.

20 A Yeah. Thank you.

21 Q So we're now in the complaint process section. Do
22 you see that?

23 A Okay. Which policy are we on now?

24 Q We're still on the sexual harassment policy.

25 A From 1997.

26 Q Yeah. On page 3.

27 A Yeah.

1 Q Okay. So we've got a complaint process here. Do
2 you see that?

3 A Yes.

4 Q And this outlines the mechanism for a Leduc employee
5 to bring forth an allegation of sexual misconduct or
6 sexual assault, among other things; correct?

7 A Correct.

8 Q So the first option is informal inquiry where an
9 employee can go to human resources, and they'll help
10 them decide what the proper process is to file a
11 complaint; correct?

12 A Correct.

13 Q And then there's an internal complaint process,
14 which you see, which we've already talked a little
15 bit about, which is (b). You see that?

16 A Correct, yeah.

17 Q And then you also have an external complaint process
18 under (c). You see that?

19 A Correct.

20 Q And so this is similar to the external complaint
21 option in the discrimination policy, where it allows
22 a Leduc employee to go outside of Leduc if they
23 believe their complaint hasn't been properly
24 addressed; correct?

25 A Section (c), yes, is external but is specific to
26 Alberta Human Rights.

27 Q Okay. So the answer would be, then, that this --

1 you've specified the human rights component, but you
2 would agree human rights is external to Leduc;
3 correct?

4 A Absolutely, yeah.

5 Q So under (c), the external formal complaint process
6 allows an individual to engage with an external body
7 to ensure that their complaint has been properly
8 dealt with; correct?

9 A With Alberta Human Rights, yes.

10 Q Now, if you look to the next section, it's on
11 discipline and remedies. You see that?

12 A Yes, sir.

13 Q Okay. And this section is used to allow management
14 at Leduc to impose discipline, suspend or terminate
15 policies that -- pardon me. This section is used by
16 Leduc to allow management to discipline, suspend, or
17 discharge employees that have been found to have
18 violated this policy; correct?

19 A Correct.

20 Q And let's go to the next one, which is the
21 respectful workplace policy.

22 A Okay.

23 Q And if you go to page 5. Sorry. I'm just looking
24 for something here. And this part of the policy
25 requires City managers, general managers, directors,
26 managers, and supervisors to do things like attend
27 respectful workplace training; correct?

1 A Correct.

2 Q And has that occurred? Have you attended respectful
3 workplace training?

4 A Yes, sir.

5 Q What did that training involve?

6 A I've taken more than one session. One was online,
7 and one was in person.

8 Q And what were they about?

9 A Respect in the workplace.

10 Q You spoke at platoon meetings on March 16th, 2022,
11 and April 8th, 2022; correct?

12 A Sounds right, yes.

13 Q And at those meetings, you discussed the allegations
14 of sexual misconduct and sexual assault that were
15 brought forward in the statement of claim; correct?

16 A I did not -- I didn't speak to them in detail.

17 Q Who was in attendance at those meetings? Do you
18 recall?

19 A So there were four meetings --

20 MS. STURKO: Is this in relation to any of
21 the documents that have been produced as exhibits
22 with this affidavit? Like, what is the basis of
23 these questions?

24 MR. MARTZ: It relates to your
25 jurisdiction application. In general, our
26 allegation that the complaint process is broken at
27 Leduc. And it goes to both the applicability and

1 the access of individuals to the complaint process
2 and the residual jurisdiction held by the court.

3 MS. STURKO: So what does that have to do
4 with what Mr. Melvie may have said at a meeting?

5 MR. MARTZ: Well, it has to go with the
6 attempt to intimidate individuals within the fire
7 department at that meeting.

8 MS. STURKO: Well, that sounds like a
9 merits question. My understanding is that that's
10 not an applicable question to this
11 cross-examination.

12 MR. MARTZ: Fair enough. You can object.
13 I'll ask my questions.

14 MS. STURKO: Okay.

15 **Q MR. MARTZ: Can you advise who was in
16 attendance at that meeting?**

17 MS. STURKO: I object to this line of
18 questioning.

19 OBJECTION TO QUESTION

20 **Q MR. MARTZ: Do you know if anyone at that
21 meeting took notes?**

22 MS. STURKO: And I object to that
23 question.

24 OBJECTION TO QUESTION

25 **Q MR. MARTZ: I'll ask for an undertaking
26 to request that any individual that took notes at
27 that meeting produce them.**

1 MS. STURKO: I will take that under
2 advisement.

3 Undertaking Number 2:
4 Request any individual that took notes at
5 the platoon meetings on March 16, 2022,
6 and April 8, 2022, produce them.
7 (Taken Under Advisement)

8 **Q MR. MARTZ: Were you investigated**
9 **pursuant to the nondiscrimination policy for your**
10 **comments at that meeting?**

11 MS. STURKO: I object to that question.
12 OBJECTION TO QUESTION

13 **Q MR. MARTZ: Were you investigated**
14 **pursuant to the sexual harassment policy for your**
15 **comments at that meeting?**

16 MS. STURKO: I object to that question.
17 MR. MARTZ: Or any of the meetings.

18 OBJECTION TO QUESTION

19 **Q MR. MARTZ: Were you investigated**
20 **pursuant to the respectful workplace policy for your**
21 **comments at those meetings?**

22 MS. STURKO: I object to that question.
23 OBJECTION TO QUESTION

24 **Q MR. MARTZ: You were also present at a**
25 **number of City Council meetings in March, April, and**
26 **May 2022 when a number of women and men attended to**
27 **support the plaintiffs. Do you recall that?**

1 A Yes.

2 Q **And those meetings are recorded by video?**

3 A Correct.

4 Q **Did you maintain a list of the individuals who**
5 **attended in support of the women?**

6 MS. STURKO: What is the basis for that
7 question?

8 MR. MARTZ: Well, as we've indicated in
9 the statement of claim, our allegation is that
10 Mr. Melvie attempted to intimidate the women that
11 attended that meeting in an effort, again, to
12 prevent individuals from making complaints.

13 MS. STURKO: Okay. Well --

14 MR. MARTZ: Goes to the heart of your
15 jurisdiction application.

16 MS. STURKO: I am objecting to that
17 question.

18 OBJECTION TO QUESTION

19 Q **MR. MARTZ: Are you aware of whether**
20 **Mr. Wierenga kept a record of the individuals that**
21 **attended in support of the women?**

22 MS. STURKO: I'm objecting to that
23 question.

24 OBJECTION TO QUESTION

25 Q **MR. MARTZ: Are you aware if Mr. Moore**
26 **kept a record of who was in attendance supporting**
27 **the women?**

1 MS. STURKO: I'm objecting to that
2 question.

3 OBJECTION TO QUESTION

4 Q MR. MARTZ: Were you present when
5 Mr. Moore and Mr. Wierenga contacted the individuals
6 that attended those meetings and told them that if
7 you are with the women, you are against Leduc and
8 the fire department?

9 MS. STURKO: I object to that question.

10 OBJECTION TO QUESTION

11 Q MR. MARTZ: Were you aware that
12 Mr. Moore, as deputy chief, called the employers of
13 women and men who had attended the City Council
14 meetings to pressure their employers to retaliate
15 against them for supporting the women?

16 MS. STURKO: I object to that question.

17 OBJECTION TO QUESTION

18 Q MR. MARTZ: Were you aware that members
19 of City Council were aware of these attempts at
20 intimidation?

21 MS. STURKO: I object to that question.

22 OBJECTION TO QUESTION

23 Q MR. MARTZ: Are you familiar with
24 Councillor Ryan Pollard?

25 A I am.

26 Q Were you aware that he had a meeting with the Leduc
27 Downtown Business Association this spring, and at

1 that meeting he made a number of jokes and
2 disparaging comments about the women who had been
3 sexually assaulted?

4 MS. STURKO: I object to that question.

5 OBJECTION TO QUESTION

6 Q MR. MARTZ: Are you aware that he said
7 words to the effect that City Council was not going
8 to take the reports of sexual assault and misconduct
9 seriously and that they should be ignored, as it
10 will, quote, "go away soon and things will be back
11 to normal"?

12 MS. STURKO: I object to that question.

13 OBJECTION TO QUESTION

14 MR. MARTZ: So all of those questions go
15 directly to the issue of jurisdiction and the
16 efforts to intimidate individuals into not bringing
17 complaints forward.

18 Q MR. MARTZ: At page 6 of your -- of the
19 policy we were just looking at, which is the fair --
20 the respectful workplace policy. You see page 6?

21 A Yes.

22 Q It says (quoted as read):

23 "In instances of workplace violence, it
24 may be necessary to involve outside
25 parties such as the Leduc RCMP."

26 You see that?

27 A Yes.

1 Q Are you aware of any instances where Leduc has
2 reported an incident involving sexual assault or
3 sexual misconduct to the RCMP?

4 A To my recollection, there hasn't been a report to
5 the RCMP.

6 Q So Leduc did not report the incidents involving
7 Vince Braun to the RCMP?

8 A I would need to confirm that.

9 Q Now, again, asking some questions about this fair --
10 sorry, I keep getting it wrong -- the respectful
11 workplace policy. Do you know an individual named
12 Kristie Kuhn?

13 A Yes, I do.

14 Q And she's a firefighter; correct?

15 A Correct.

16 Q And she's a member of the union?

17 A Correct.

18 Q And she is subject to the collective agreement;
19 right?

20 A Correct.

21 Q And you are aware that she made a complaint against
22 Ms. Smith pursuant to the -- this fair -- pardon me.
23 You're aware that she made a complaint against
24 Ms. Smith pursuant to the respectful workplace
25 policy; correct?

26 A I believe she did, yes.

27 Q And that complaint was about harassment and

1 **bullying; correct?**

2 A I don't recall the specific -- the specifics, but I
3 do recall a complaint.

4 **Q And human resources accepted this complaint;**
5 **correct?**

6 A To my understanding, they did.

7 **Q And human resources required Ms. Smith to respond to**
8 **the complaint?**

9 A Can I just stop there. I'm not sure how far that
10 went or if human resources accepted the complaint.
11 Or if it was submitted. I recall there was some
12 discussion of that, but I can't definitively say
13 that the complaint was accepted. I'd have to -- I'd
14 have to get back to you on that.

15 **Q Okay. So I'll ask for an undertaking for you to**
16 **confirm that human resources required Ms. Smith to**
17 **respond to the complaint.**

18 MS. STURKO: We will undertake to make
19 inquiries, and if we can provide any specific
20 details regarding that, we will provide them to you.

21 MR. MARTZ: Okay.

22 Undertaking Number 3:

23 Make inquiries to confirm that human
24 resources required Ms. Smith to respond to
25 the complaint made by Kristie Kuhn.

26 **Q MR. MARTZ: And both of the individuals**
27 **involved in that claim of harassment were union**

1 **members; correct?**

2 A Sorry. When you say "both," who do you mean?

3 **Q So Ms. Smith and Ms. Kuhn, who were the individuals**
4 **involved in this complaint under the fair respect --**
5 **pardon me, under the respectful workplace policy**
6 **were both union members subject to the collective**
7 **agreement; correct?**

8 A Yes.

9 **Q Now, you've also included a number of WCB forms in**
10 **your affidavit. You're familiar with those?**

11 A Yes, sir.

12 **Q What was your involvement in administering these WCB**
13 **complaints?**

14 A So WCB claims, the processing, the reporting is
15 vetted through human resources. So I'll be aware of
16 claims, but I don't administer them.

17 **Q Okay. So to go beyond what's printed on the page**
18 **here, we'd have to talk to Mr. Tobin or somebody**
19 **else from human resources; correct?**

20 A You know, I've got a higher level, you know, just
21 some -- a general sense of the dates involved, but
22 specifics around each of the WCB files, we'd have to
23 talk to somebody in HR.

24 **Q Okay. And who would it be in HR that we should talk**
25 **to?**

26 A I would think Jeri Wolfe, who is our OHS lead, would
27 probably be your best bet in terms of the actual

1 details of the WCB claims.

2 MR. MARTZ: Can we take a five-minute
3 break.

4 (BRIEF ADJOURNMENT)

5 Q MR. MARTZ: Mr. Melvie, I'm sharing an
6 email from yourself. Do you see that?

7 MS. STURKO: So, Mr. Martz, this document
8 is not part of any of the exhibits provided in
9 Mr. Melvie's affidavit.

10 MR. MARTZ: Right. But it's a
11 cross-examination on your jurisdiction application.
12 So we're entitled to go to the four corners of the
13 application. We're not limited to the documents
14 produced in the affidavit or even what Mr. Melvie
15 says in the affidavit. We're entitled to the entire
16 scope of the jurisdiction application.

17 MS. STURKO: Well, this document has not
18 been provided to me until this very moment, nor to
19 Mr. Melvie, I don't think. I mean, I recognize that
20 based on what this says, it's from him, but we've
21 had no opportunity to review it until just now.

22 MR. MARTZ: Well, we haven't done
23 production because we -- I mean, if Leduc wants to
24 produce all of its documents and you want us to
25 produce all of our documents, we're fine with that,
26 but this is an email that Mr. Melvie sent, from him.
27 I assume he's seen it before. I don't think there's

1 a requirement that I provide these in advance. It's
2 a cross-examination. So if you want to object, but
3 I'm going to ask my question.

4 Q MR. MARTZ: Mr. Melvie, are you familiar
5 with this email?

6 A Yes.

7 Q And in this email you discuss in the third paragraph
8 two individuals with fire services who are no longer
9 employed with the City. Do you see that?

10 A Correct.

11 Q And that refers to a Mr. Riemann and Mr. Dignard;
12 correct?

13 A Yes.

14 Q And their termination is one of the ways the City
15 says that they addressed the complaints of sexual
16 misconduct and sexual assault; correct?

17 A They were -- yeah. They're no longer with the
18 organization, based on their conduct.

19 Q Right. And that's the conduct that was disclosed as
20 part of the Veritas investigation, as you say here;
21 correct?

22 MS. STURKO: I object to that question.

23 OBJECTION TO QUESTION

24 Q MR. MARTZ: Well, Mr. Melvie, you just
25 told me that they were dismissed as a result of
26 their conduct. What conduct are you referring to?

27 A Mr. Dignard and Mr. Riemann were in breach of our

1 respect-in-the-workplace policy.

2 **Q How did they breach the respect-in-workplace policy?**

3 A Well, there's a lot of nuance to both those cases,
4 and I can say they were in breach of the policy.

5 **Q Wasn't my question, sir. How did they breach the**
6 **policies?**

7 A Yeah, their conduct was not in keeping with the
8 policy.

9 **Q What part of their conduct wasn't in keeping with**
10 **the policy?**

11 A I mean, to what level of detail do you want to get
12 into that?

13 **Q I want all the detail.**

14 MS. STURKO: Well, I think in fairness, he
15 doesn't have those complaints in front of him. So
16 if you're looking for details, perhaps you can ask
17 that by way of undertaking.

18 OBJECTION TO QUESTION

19 **Q MR. MARTZ: So I'll ask for an**
20 **undertaking to produce the investigation reports**
21 **that refer to the conduct of Mr. Dignard and**
22 **Mr. Riemann that were created by Veritas.**

23 MS. STURKO: Well, I will not agree to
24 that undertaking. You're asking about their conduct
25 and the records that the City may have had that
26 resulted in that -- them no longer being employed.
27 That has nothing necessarily to do with the specific

1 report that you're referencing, so . . .

2 Undertaking Number 4:

3 Produce the investigation reports that
4 were created by Veritas that refer to the
5 conduct of Mr. Dignard and Mr. Riemann.

6 (Refused)

7 **Q MR. MARTZ: Mr. Melvie, what records were**
8 **you referring to that the City relied on to dismiss**
9 **Mr. Dignard and Mr. Riemann?**

10 MS. STURKO: Well, again, given the fact
11 that Mr. Melvie is just being shown this document
12 right now, if you want to ask by way of undertaking
13 for him to review the records and advise, we will
14 agree to that.

15 **Q MR. MARTZ: Sorry, Mr. Melvie. What are**
16 **you looking at right now?**

17 A I'm looking at the termination notice from
18 Mr. Riemann.

19 **Q So we ask that that be produced.**

20 A We reference --

21 MR. MARTZ: And everything else
22 Mr. Melvie is currently looking at should be
23 produced.

24 MS. STURKO: Just to go back, Darrell.
25 What did you say you're looking at?

26 A I'm referencing back to the termination letter where
27 we refer to violations of the City's respectful

1 workplace policy during the course of his
2 employment.

3 **Q MR. MARTZ: What else do you have in**
4 **front of you, Mr. Melvie?**

5 A I just have the letter.

6 **Q What else do you have?**

7 A I have the affidavit.

8 **Q And you have that letter -- you just happen to have**
9 **that in front of you?**

10 A I have the letter, and I have the affidavit and
11 exhibits.

12 **Q Sorry. Sir, you just happen to have that letter in**
13 **front of you today?**

14 A Yes. I have it on my desk.

15 **Q Right. In preparation for the examination, you**
16 **brought that document and that document only out?**

17 A I have a number of documents.

18 **Q What documents do you have in front of you, sir?**

19 A So I have this file, the affidavit and all the
20 exhibits. I have the statement of claim. I have
21 some summary notes regarding policies and
22 procedures. These are my own notes relative to the
23 policies and procedures, is what I have on my desk.

24 **Q And you have the termination letter?**

25 A I have the termination letters, yeah.

26 **Q Letters. So you have more than one?**

27 A I have -- sorry. I just have the one. So that's

1 what I have.

2 **Q Why do you have the termination letter on your desk?**

3 MS. STURKO: I don't think he needs to
4 answer that. I mean, he's working in his office.

5 MR. MARTZ: No. He does need to answer
6 that. If he's referring to documentation in front
7 of him, it seems highly unusual that he would have
8 randomly had the termination letter on his desk.
9 We're entitled to ask this.

10 MS. STURKO: I'm not certain that that's
11 an appropriate characterization of that. Are you
12 looking for an undertaking for that termination
13 letter, counsel?

14 MR. MARTZ: We're looking for undertaking
15 that Mr. Melvie provide all of the documentation
16 that he has in front of him and that he has been
17 reviewing during his cross-examination. That would
18 include the termination letters, his notes, and
19 anything else that's on his desk.

20 MS. STURKO: Okay. Well, he affirmed
21 today to tell the truth, and he's just told you that
22 he had the statement of claim, the affidavit, notes
23 that he took regarding his affidavit and the
24 procedures, and then this termination letter. So if
25 you want an undertaking --

26 A I have both termination --

27 MS. STURKO: If you want an undertaking

1 for everything he's just referred to, then we can
2 produce that for you.

3 Undertaking Number 5:

4 Provide all of the documentation that
5 Mr. Melvie has had in front of him and
6 that he has been reviewing during his
7 cross-examination, including the
8 termination letters, his notes, and
9 anything else that is on his desk.

10 **Q MR. MARTZ: Mr. Melvie, you added**
11 **something there at the end that you also had?**

12 **A** I said the amended statement of claim.

13 **Q Do you have a copy of the Veritas investigation in**
14 **front of you?**

15 **MS. STURKO:** Don't answer that.

16 **MR. MARTZ:** On what basis? I'm
17 entitled -- I mean, he has documents in front of
18 him. I'm entitled to ask if he's got that in front
19 of him and he's been referring to it.

20 **MS. STURKO:** He just told you what he has
21 in front of him.

22 **MR. MARTZ:** Yeah. He has also changed
23 that about five times. So you're objecting to me
24 asking if he has the investigation in front of him?

25 **MS. STURKO:** I am objecting. I am.

26 OBJECTION TO QUESTION

27 **Q MR. MARTZ:** So, Mr. Melvie, you'd

1 indicated that Mr. Riemann and Mr. Dignard were
2 terminated for breaches of the policies that you
3 produced; correct?

4 A Correct.

5 Q The breaches of those policies included sexual
6 assault and sexual misconduct; correct?

7 A Yeah. The breaches involve sexual misconduct;
8 correct.

9 Q And sexual assault; correct?

10 A I can't recall specifically. My understanding is it
11 was sexual misconduct.

12 Q And where did you gain your understanding of that --
13 that the sexual misconduct had occurred? Where did
14 you gain that understanding from?

15 A So we had reviewed -- through the investigation we
16 had reviewed information, and that's where I would
17 have obtained that from.

18 Q That's the Veritas investigation; correct?

19 A Correct.

20 Q Okay. And so you would need to review the Veritas
21 investigation to confirm whether there were elements
22 of sexual assault included in there; correct?

23 A Correct.

24 Q Ask for an undertaking for you to review the Veritas
25 investigation and confirm whether there were founded
26 allegations of sexual assault against Mr. Riemann
27 and Mr. Dignard.

1 MS. STURKO: We'll take that under
2 advisement.

3 Undertaking Number 6:

4 Review the Veritas investigation and
5 confirm whether there were founded
6 allegations of sexual assault against
7 Mr. Riemann and Mr. Dignard.

8 (Taken Under Advisement)

9 **Q MR. MARTZ: And the allegations of sexual**
10 **assault -- pardon me, of sexual misconduct that**
11 **you're aware of were those that Ms. Steele brought**
12 **forward; correct?**

13 **A Correct.**

14 **Q Were there other allegations of sexual misconduct**
15 **against Mr. Dignard and Mr. Riemann?**

16 **A Sorry. You just got to give me a minute to think.**
17 **To my recollection, both Dignard -- both Dignard and**
18 **Riemann were in the context of Ms. Steele; correct.**

19 **Q Do you recall what the sexual misconduct that the**
20 **reports concluded occurred was?**

21 **THE WITNESS: Monelle, do we want to get**
22 **into the details?**

23 **Q MR. MARTZ: I think we do, sir. It's a**
24 **questioning, so we're cross-examining you on your**
25 **affidavit.**

26 **MS. STURKO: Well, to be fair, Darrell,**
27 **you can't ask me questions while Mr. Martz is**

1 examining you.

2 You know, Mr. Martz, you've
3 already asked him, which we've taken under
4 advisement, to review the investigation regarding
5 the allegations. So I'm not certain if he can
6 recall in detail today. So perhaps we can just do
7 that by way of that previous undertaking.

8 MR. MARTZ: Just give me one second here.

9 (DISCUSSION OFF THE RECORD)

10 Q MR. MARTZ: So, Mr. Melvie, you have a
11 copy of Mr. Dignard's termination letter in front of
12 you?

13 A Yes, sir.

14 Q Okay. Can you please read that to us.

15 A (Quoted as read):

16 "This letter confirms discussion with you
17 today that after considerable
18 deliberations and assessment of related
19 findings of the recent and extensive
20 investigation regarding alleged violations
21 by you of the City's respectful workplace
22 policy during the course of your
23 employment, your employment with the City
24 of Leduc is hereby irrevocably terminated
25 for cause with immediate effect."

26 Q What's the date on that?

27 A March 29th.

1 Q And who sent that?

2 A It was hand-delivered.

3 Q By who?

4 A By me.

5 Q And who signed it?

6 A I did.

7 Q The same letter was delivered to Mr. Riemann?

8 A Correct.

9 Q And that was delivered by yourself?

10 A Correct.

11 Q And it was signed?

12 A Correct.

13 Q And the respectful workplace investigation you
14 referred to in that letter is the Veritas
15 investigation; correct?

16 A Correct.

17 Q Were there other investigations taken of
18 Mr. Dignard?

19 A I don't recall any specific investigations of
20 Mr. Dignard.

21 Q I'd ask for an undertaking to review your records
22 for any other investigations of any kind undertaken
23 of Mr. Dignard.

24 MS. STURKO: We will give that
25 undertaking.

26 Undertaking Number 7:

27 Review records for any other

1 investigations of any kind undertaken of
2 Mr. Dignard.

3 **Q MR. MARTZ: In determining to fire**
4 **Mr. Dignard with cause, were there other records**
5 **than the Veritas reports that Leduc relied on?**

6 A With regard to Mr. Dignard?

7 **Q Yes.**

8 A We relied on this documentation, on the Veritas
9 investigation.

10 **Q That's it?**

11 A Yes.

12 **Q In regard to Mr. Riemann, in deciding to terminate**
13 **him with cause, did you rely on any records other**
14 **than the Veritas investigation?**

15 A The Veritas investigation largely informed that.
16 There had been another incident with Mr. Riemann
17 that I believe there was either a performance
18 conversation or some kind of written reprimand which
19 factored into that decision as well, but it was
20 primarily the Veritas report.

21 **Q And what did that --**

22 A In the case of Riemann.

23 **Q And with Mr. Riemann, what did that previous**
24 **reprimand involve?**

25 A To my recollection, it was a verbal reprimand, but I
26 would have to go back in our files to confirm that.

27 **Q Who gave that reprimand, do you know?**

1 A I don't recall. It was deputy chief at the time.

2 Q Which deputy chief? Which deputy chief?

3 A I believe it was DC Kelly.

4 Q So I'd ask for an undertaking to provide all of the
5 records related to Mr. Riemann's termination with
6 cause.

7 MS. STURKO: We'll take that under
8 advisement.

9 Undertaking Number 8:

10 Provide all of the records related to
11 Mr. Riemann's termination with cause.

12 (Taken Under Advisement)

13 Q MR. MARTZ: And that's the only other
14 investigation you're aware of of Mr. Riemann?

15 A Correct. I don't recall any other -- any formal
16 investigation of Mr. Riemann.

17 Q So, sir, I'd ask you to give me your recollection of
18 what the events were that led the City to terminate
19 Mr. Dignard.

20 A My recollection on Mr. Dignard had to do with more
21 than one incident with Ms. Steele that was
22 identified in the investigation. I mean, do you
23 want to get into what I recall of the actual
24 incidents?

25 MR. MARTZ: Christa, turn your mic off,
26 please.

27 Q MR. MARTZ: Yes. Yes, please get into

1 **the details.**

2 A So with Mr. Dignard, there was an incident in the
3 ambulance where Mr. Dignard exposed himself to
4 Ms. Steele. I believe there was an incident where
5 he asked her the colour of her underwear. And there
6 was also an incident where he had asked her for a
7 threesome. And if I recall correctly, there was
8 also the incident where Ms. Steele was in bed in the
9 dorm, and I think Mr. Dignard had crawled into bed.
10 So there was more than one -- for sure more than one
11 incident with Mr. Dignard. But that's my
12 recollection of what happened. And all those
13 incidents happened with Ms. Steele.

14 **Q And all of those incidents were included in the**
15 **Veritas report?**

16 A Correct.

17 **Q And the City accepted that those incidents occurred?**

18 A Yes.

19 **Q And that those incidents formed the grounds for the**
20 **without-cause termination?**

21 MS. STURKO: With cause.

22 **Q MR. MARTZ: With-cause termination.**

23 A Correct.

24 **Q And in regard to Mr. Riemann, will you describe what**
25 **the incidents were that led to his termination with**
26 **cause.**

27 A Yeah. So are you asking me specifically relative to

1 the Veritas investigation?

2 **Q Specifically to that investigation, but if there**
3 **were other information outside of the Veritas**
4 **investigation, all of the information.**

5 A Sure. Yeah. So in the case of Mr. Riemann, and I'm
6 having trouble remembering the specifics, and I know
7 it had to do with Ms. Steele. I know there were --
8 I can remember an occasion in the report where
9 Ms. Steele is climbing down a ladder, and she gets
10 grabbed. I think those types of incidents had
11 happened. I know for Ms. Steele, there was some --
12 you know, there was some difficulty in the sense
13 that she was paired up with him for a period of
14 time. So I do recall that.

15 In addition to the Veritas
16 report, there was another -- there was other
17 information that we acted on, a complaint that
18 actually factored into his dismissal as well.
19 Talking about Mr. Riemann.

20 **Q And what was the other complaint about Mr. Riemann?**

21 A My recollection was there was misconduct related to
22 an ambulance event. There was a young -- I believe
23 it was a female and it was a cardiac arrest event,
24 and there was some inappropriate conduct with that
25 patient through the course of that call.

26 **Q This is a call that happened in 2021?**

27 A It could well have been. Fairly -- I'd say

1 recently, yes. So '21.

2 **Q And it was reported by Edmonton ambulance or fire?**

3 A We didn't receive the report from Edmonton, to my
4 recollection. I do remember his coworker, internal,
5 reporting that to us. So if there was some other
6 conversation with Edmonton fire, but my recollection
7 is there was -- his coworker stepped up and reported
8 what had happened, and that's what we acted on.

9 **Q And this involved improper sexual touching of an
10 unconscious 19-year-old patient; correct?**

11 A That's correct, yeah. So to answer your question,
12 there were -- we referenced the Veritas report in
13 his dismissal, but we also referenced this other
14 incident.

15 **Q When did Leduc learn about the incident involving
16 the unconscious 19-year-old patient?**

17 A I don't recall the exact date. It would have been
18 earlier this year. So he was dismissed in March.
19 So it would have been prior to March 29th.

20 **Q I'll ask for an undertaking to provide a copy of all
21 the records relied on for the with-cause dismissal
22 of Mr. Riemann.**

23 MS. STURKO: We'll take that under
24 advisement.

25 Undertaking Number 9:

26 Provide a copy of all the records relied
27 on for the with-cause dismissal of

1 Mr. Riemann.

2 (Taken Under Advisement)

3 Q MR. MARTZ: Did you report Mr. Riemann or
4 Mr. Dignard to the RCMP?

5 A To my recollection, we did not report to the RCMP.

6 Q So Leduc's view was that the sexual touching of an
7 unconscious 19-year-old women was not sufficiently
8 serious to report to the RCMP?

9 A I don't recall the conversation at the time.

10 Q Who did you have that conversation with?

11 A Deputy Chief Moore after it happened, after we
12 received the complaint.

13 Q So Deputy Chief Moore was not of the view that the
14 sexual touching of an unconscious 19-year-old woman
15 warranted reporting to the RCMP?

16 MS. STURKO: Well, he just said he didn't
17 recall.

18 OBJECTION TO QUESTION

19 Q MR. MARTZ: So you and Mr. Moore
20 discussed this incident?

21 A We discussed the incident. What I'm saying is, to
22 my recollection, I don't believe it was referred to
23 the RCMP. We can confirm that.

24 Q So you understand that under the policies that we've
25 just gone over, serious misconduct is to be reported
26 to the RCMP; correct?

27 A Correct.

1 Q You would constitute the sexual touching of an
2 unconscious 19-year-old woman as serious misconduct;
3 correct?

4 A Correct.

5 Q You and Mr. Moore were aware of that serious
6 misconduct; correct?

7 A Correct.

8 Q You and Mr. Moore chose not to report that serious
9 sexual misconduct to the RCMP?

10 MS. STURKO: Well, he just said he doesn't
11 specifically recall, so . . .

12 OBJECTION TO QUESTION

13 Q MR. MARTZ: You and Mr. Moore did not
14 report that serious sexual misconduct to the RCMP?

15 A I did not. I would need to go back to find out if
16 we did report it to the RCMP.

17 Q I'd like an undertaking to confirm whether either
18 yourself or Acting Chief Broderick Moore reported
19 this sexual assault to the RCMP.

20 MS. STURKO: Yes, we will undertake to
21 make that inquiry.

22 Undertaking Number 10:

23 Confirm whether either Mr. Melvie or
24 Acting Chief Broderick Moore reported the
25 sexual assault of the unconscious
26 19-year-old woman to the RCMP.

27 Q MR. MARTZ: Who else within Leduc was

1 **aware of this incident involving Mr. Riemann and**
2 **this unconscious 19-year-old woman?**

3 A Our director of HR, Chris Tobin, would have been
4 aware of that as well.

5 **Q Did you discuss with Mr. Tobin whether this should**
6 **be reported to the RCMP?**

7 A I don't recall a conversation relative to the RCMP.

8 **Q Who else did you discuss this with?**

9 A Well, the details of what was reported was DC Moore,
10 Chris Tobin, and I.

11 **Q Did you advise any members of City Council about**
12 **this?**

13 A We advised -- I advised Derek Prohar, our City
14 manager.

15 **Q Mr. Prohar was also aware of this sexual assault;**
16 **correct?**

17 A He would have been aware of inappropriate conduct on
18 that call.

19 **Q Is there any type of -- were there emails exchanged**
20 **about this incident involving Mr. Riemann?**

21 A I don't recall if there were emails. I remember we
22 had met to discuss it.

23 **Q I'll ask for an undertaking to produce any records**
24 **related to Mr. Riemann's sexual assault on this**
25 **unconscious 19-year-old woman.**

26 MS. STURKO: Regarding emails?

27 MR. MARTZ: Any records.

1 MS. STURKO: So we have an undertaking a
2 few ago asking regarding copy of any records
3 regarding the dismissal of Mr. Riemann. Were you
4 wanting that encompassed in that undertaking?

5 MR. MARTZ: Well, I think they're
6 separate questions, potentially. So I think -- I
7 mean, maybe they cover the same ground. I don't
8 know. But let's just do it as two undertakings to
9 ensure it's comprehensive.

10 MS. STURKO: Okay. So this is in specific
11 reference to the 19-year-old?

12 MR. MARTZ: Yes.

13 MS. STURKO: Okay. We'll take that under
14 advisement.

15 Undertaking Number 11:

16 Produce any records related to
17 Mr. Riemann's sexual assault of the
18 unconscious 19-year-old woman.

19 (Taken Under Advisement)

20 **Q MR. MARTZ: Also provide an undertaking**
21 **as to when Leduc learned of Mr. Riemann's assault,**
22 **sexual assault on this 19-year-old.**

23 MS. STURKO: We will undertake to
24 determine that.

25 Undertaking Number 12:

26 Advise when Leduc learned of Mr. Riemann's
27 sexual assault on the 19-year-old.

1 Q MR. MARTZ: Did you report either
2 Mr. Riemann or Mr. Dignard's conduct to any
3 regulatory authority?

4 A My recollection is that we reported it to the
5 College of Paramedics.

6 Q Did they take any action?

7 A That I don't know.

8 Q I'll ask for an undertaking for that report to the
9 College of Paramedics.

10 MS. STURKO: The report the City made to
11 the College or the College's findings?

12 MR. MARTZ: Any communications involving
13 the College. So what the City sent in, what the
14 College sent back, anything. Any communication.

15 MS. STURKO: Sorry. Is there a -- I just
16 want to make sure I don't have an echo or something.

17 MR. MARTZ: No. I don't think it was an
18 echo. I think it was just one of my colleagues.

19 MS. STURKO: Oh, okay.

20 MR. STEELE: It's Richard Steele.
21 Sometimes I say things to suggest questions to
22 Mr. Martz to ask Mr. Melvie.

23 MS. STURKO: Okay. Good, good. Okay.
24 All right. So sorry. Can we -- can you repeat
25 that, please.

26 MR. MARTZ: Sure. Ask for an undertaking
27 to provide any communication involving any

1 regulatory authority regarding Mr. Riemann or
2 Mr. Dignard's dismissal.

3 MS. STURKO: Okay. So we know that you've
4 asked about and he stipulated to believing to report
5 to the College of Paramedics. So are you wanting to
6 go beyond the scope of the College of Paramedics?

7 MR. MARTZ: Well, so Mr. Melvie indicated
8 that he seemed to recall that report.

9 **Q MR. MARTZ: Mr. Melvie, do you know if**
10 **there were any other reports to any other regulatory**
11 **authority?**

12 A Not that I recall.

13 **Q Okay. We'll just keep it to the College of**
14 **Paramedics, then. That's fine.**

15 MS. STURKO: Okay. Riemann and Dignard,
16 yes? Sorry, Mr. Martz. Riemann and Dignard?

17 MR. MARTZ: Yes.

18 MS. STURKO: Okay. We will undertake to
19 make that inquiry.

20 Undertaking Number 13:

21 Provide any communication involving the
22 College of Paramedics regarding
23 Mr. Riemann or Mr. Dignard's dismissal.

24 **Q MR. MARTZ: Mr. Melvie, why didn't you**
25 **report that sexual assault to the RCMP?**

26 A My recollection was that the incident involved the
27 placement of -- essentially how he handled the

1 patient and that it wasn't touching in a sexual way
2 or in the genitals. That was my recollection of it.
3 It was when the patient was laid, I think, on the
4 stretcher, and it was just the placement of his
5 groin relative to where her head was.

6 **Q You thought it was serious enough to terminate him
7 with cause; correct?**

8 A Correct.

9 **Q Now, you've referred a couple of times to the
10 Veritas investigation reports; correct?**

11 A Correct.

12 **Q Okay. And I'm going to show you a document here.
13 And this is a statement that Mayor Young made on
14 May 16th, 2022. You see that?**

15 A Yeah.

16 **Q And this was sent to all individuals at the City;
17 correct?**

18 A Sorry. Can you scroll up a little bit. Okay.
19 Yeah. I believe that was posted on our website.

20 **Q Right. And one of the things he says is that
21 (quoted as read):**

22 "Many of the situations that are described
23 in the statement of claim have been
24 addressed through the City's existing
25 policies and procedures, and those of the
26 day."

27 **In terms of the situations**

1 that were described in the statement of claim that
2 were addressed through the City's existing policies
3 and procedures, we've talked about Mr. Dignard and
4 Mr. Riemann's breaches of the City's policies;
5 correct?

6 A Correct.

7 Q Do you know of other situations that are described
8 in the statement of claim that were addressed
9 through the City's policies and procedures?

10 A Well, I think there was a substantive breach of the
11 policy as it related to Mr. Vince Braun. That goes
12 back to 2019.

13 Q Others?

14 A Subsequent to that, the statement of claim actually
15 articulates, you know, the fact that post his
16 dismissal, then Mr. Braun was invited back to, I
17 think, an alumni event. So that involved Deputy
18 Chief Christensen at the time, and he also is no
19 longer with the organization. He was terminated.

20 Q Former Chief Clancy was also determined to have
21 breached the City's policies and procedures;
22 correct?

23 A As it related to the Braun incident?

24 Q As it related to various interactions with
25 Ms. Steele.

26 A There would have been a breach of the policy, yes.

27 Q And that's one of the reasons Mr. Clancy, former

1 **Chief Clancy was terminated; correct?**

2 A Mr. Clancy is no longer with us.

3 **Q And that was one of the reasons that he is no longer**
4 **with Leduc; correct?**

5 A Correct.

6 **Q And your information on those incidents, where did**
7 **you get that information from?**

8 MS. STURKO: Which incidents are you
9 referring to, Mr. Martz? All of them?

10 **Q MR. MARTZ: So give me, sorry, your**
11 **recollection of the incidents that led the City to**
12 **end its relationship with former Chief Clancy.**

13 A Well, if -- you know, in terms of what was reported
14 through the investigation, there was a series of
15 incidents. There were incidents. There were
16 occasions where, you know, he would not have been
17 keeping with the respect-in-the-workplace policy.
18 There were a number of times where he would, to
19 varying degrees, you know, would be considered
20 disrespectful to both -- well, to the folks that
21 report to him.

22 So I'm saying there were a
23 few occasions within that investigation that would
24 suggest that.

25 **Q Can you give me your recollection of the details of**
26 **those incidents, please.**

27 A Yeah. So as an example, the one incident in the

1 dispatch centre, unfortunate incident in the
2 dispatch centre with Ms. Steele. I believe this is
3 in -- and forgive me. It was in 2005 or 2007. So
4 Ms. Steele is in dispatch. He comes in, made some
5 comments, and in the words of the -- in the
6 investigation summary, it said that he pinned
7 Ms. Steele against the wall. So that's one.

8 **Q That's the investigation summary of the Veritas**
9 **report; correct?**

10 A Correct. That was in the Veritas report.

11 **Q And the City accepts that that incident happened?**

12 A There would be some question as to whether it was
13 consensual or not. However, Mr. Clancy was in a
14 position of authority. So in this particular case,
15 he was the deputy chief, and whether it was
16 consensual or not, it was misconduct because of his
17 position.

18 **Q That's detailed in the Veritas report; correct?**

19 A Correct.

20 **Q What other incidents led the City to terminate its**
21 **relationship with Mr. Clancy?**

22 A I recall -- the other one that I would recall is a
23 statement made, and I believe this was reported by
24 Ms. Smith, and it was in the context of an officer's
25 meeting where there were some comments made relative
26 to Ms. Steele and Ms. Smith. And I think the gist
27 of it was, you know, what else has Ms. Smith done

1 that would lead to her not being with the force
2 anymore. So those were -- that's one that I can
3 remember from the report that would be not in
4 keeping with our respect-in-the-workplace policy.

5 **Q That relates to comments that Mr. Clancy made at an**
6 **officer's meeting --**

7 A Correct, yes.

8 **Q -- that a reason to terminate Ms. Steele should**
9 **be -- someone should come up with that because of**
10 **the trouble she was causing?**

11 A Correct, yeah.

12 **Q And the trouble she was causing was the reporting of**
13 **the sexual misconduct and sexual assault; correct?**

14 A I don't know if that's what he was referring to. I
15 can't speak to what he was referring to at that
16 point.

17 **Q Okay. So we need to review the Veritas report to**
18 **know that?**

19 A I don't know if the Veritas report spoke to what he
20 was -- what his motivation was for saying what he
21 said.

22 **Q Okay. Well, I'll ask you to undertake to review the**
23 **Veritas report and advise what it says about the**
24 **various incidents involving Mr. Clancy's breaches of**
25 **various City policies.**

26 MS. STURKO: Okay. We'll take that under
27 advisement.

1 Undertaking Number 14:

2 Review the Veritas report and advise what
3 it says about the various incidents
4 involving Mr. Clancy's breaches of various
5 City policies.

6 (Taken Under Advisement)

7 **Q MR. MARTZ: What other incidents? So**
8 **we've got his pinning Ms. Steele against the wall.**
9 **We've got his request that individuals come up with**
10 **a reason to fire Ms. Steele. What else -- what**
11 **other incidents were there?**

12 **A** And I apologize. I don't have the Veritas report in
13 front of me. There was a lot of information in
14 there. Those are two that come to mind. When you
15 asked me the question specific to why is
16 Chief Clancy no longer with the organization, those
17 are two that come to fore of mind. Were there other
18 items in there that meet that threshold? I can't
19 recall right now. But that said, I don't have that
20 report in front of me.

21 **Q That's fair. So we would need to review that report**
22 **to get the full picture of Mr. Clancy's misconduct;**
23 **correct?**

24 **MS. STURKO: Well, he's already -- you've**
25 **asked for the undertaking for him to do that,**
26 **so . . .**

27 OBJECTION TO QUESTION

1 Q MR. MARTZ: Are there other reports
2 involving Mr. Clancy's misconduct?

3 A I'm sorry. Are there other?

4 Q Are there other documents or records or reports that
5 led the City to terminate its relationship with
6 Mr. Clancy?

7 A No. There was -- there was substance in the Veritas
8 reports.

9 Q Sorry. You said there was substance in the Veritas
10 reports?

11 A Substantive -- yeah. What we were referring to is
12 what came up through the Veritas reports. If you're
13 asking me is there another document or another
14 investigation, is that what you're asking?

15 Q Yeah.

16 A There's no other investigation related to
17 Mr. Clancy.

18 Q Okay. Which other individuals does the Veritas
19 report determine committed breaches of the City's
20 policies?

21 A Veritas refers to DC Moore and also refers to
22 DC Kelly.

23 Q What breaches does Veritas say that DC Moore
24 committed?

25 A DC Moore -- and, again, I don't have the full report
26 in front of me. There were allegations that were
27 founded, and there were allegations that were

1 unfounded. One that I do remember is Mr. Moore --
2 and it had to do with a return-to-work protocol --
3 or an application, sorry, on the deputy chief
4 position that -- and I think Mr. Moore had said
5 something along the lines of, "You weren't ready for
6 the position," when in fact that should have been a
7 request for a fit-for-duty assessment is what should
8 have happened. So that's an example.

9 **Q And that involved Ms. Smith?**

10 A That involved Ms. Smith. So in that case that's a
11 legitimate -- you know what? There should have been
12 a request for a fit-for-duty assessment in that
13 case.

14 **Q Go ahead. Sorry, sir.**

15 A With regard to DC Kelly, the report referenced --
16 and it had to do with Firefighter Osmak, and it
17 referenced a conversation where there had been some
18 misconduct, and DC Kelly had questioned Ms. Osmak
19 about, you know, was she sure that she wanted to,
20 you know, come forward with a complaint? And so
21 that -- you know, I do recall that from the report.
22 And that's not something that he should have said.

23 **Q Anything else you recall with those two individuals?**

24 A Yeah. I'm sorry. I don't have the report right in
25 front of me. But those are two that come to mind.

26 **Q You'd have to review the reports and get back to us**
27 **on if there was any other allegations in there about**

1 **Mr. Moore or Mr. Kelly?**

2 A Yeah, correct. Remember, there's a lot of content
3 embedded in that investigation. So I'm doing my
4 best to try to give you some sense of what was
5 there.

6 **Q No, that's fair. We understand the investigation**
7 **report is over 400 pages long. It's massive;**
8 **correct?**

9 A I don't know the exact page count, but it's lots,
10 yeah.

11 **Q And you're aware that the investigators conducted**
12 **approximately 100 hours of recorded interviews to**
13 **prepare that report?**

14 A I don't recall how many hours they interviewed.

15 **Q You recall, though, that recorded interviews were**
16 **done as part of the investigation; correct?**

17 A Correct.

18 **Q Does the City have copies of those interviews?**

19 A I have not seen copies of the interviews.

20 **Q Do you know if the City has them?**

21 A To my understanding, we don't. Veritas provided a
22 summary report of -- like, we -- I've never seen,
23 nor do I believe we have verbatim what was in the
24 interviews. What we received was an overview of the
25 interviews.

26 **Q So the City received, right -- the interviews are**
27 **summarized within the larger report; is that fair?**

1 A There's a summary thereof, yeah. We did not see --
2 I did not see verbatim each of the interviews.

3 Q Okay. Now, in terms of the report, you've reviewed
4 it; correct?

5 A Correct.

6 Q And it's been reviewed by all of the individuals in
7 human resources?

8 A By all the individuals in human resources, no.

9 Q So Mr. Tobin, Ms. Armstrong, they've all reviewed
10 it; correct?

11 A Mr. Tobin and Ms. Armstrong have seen it. But I
12 wouldn't say all of HR. There's probably 12 people
13 in HR, and no, they have not all seen it.

14 Q Mr. Prohar has reviewed it?

15 A Mr. Prohar has reviewed it.

16 Q Chief Moore has reviewed it?

17 A No.

18 Q And it hasn't been provided to City Council;
19 correct?

20 A Correct.

21 Q Okay. Now, you're aware that Mayor Young gave an
22 interview to Global News around April 5th where he
23 stated that, "I don't think the report is
24 important"? Are you aware of that?

25 A Yes.

26 Q Okay. And he also indicated that the only
27 employee-specific actions following the results of

1 the investigation were going to be the termination
2 of Mr. Riemann and Mr. Dignard. Do you recall that?

3 A I don't recall his exact wording.

4 Q Sir, one thing I forgot to ask about. Is
5 Mr. Scott Wierenga referred to in the investigation
6 report?

7 A I don't recall if he was interviewed. There were no
8 specific allegations of him by name.

9 Q My understanding is there's in fact five reports.
10 There's a report of complaints made by Ms. Steele;
11 correct?

12 A Correct, yeah.

13 Q There's a report on complaints by Ms. Smith?

14 A Correct.

15 Q And there's report on complaints made by another
16 female firefighter?

17 A Correct.

18 Q And there's a report on the systemic problems within
19 the fire department?

20 A Correct.

21 Q And there's a report on efforts by Chief Clancy to
22 interfere with the investigation?

23 A Correct.

24 Q And what did the report on the efforts of
25 Chief Clancy to interfere with the investigation
26 conclude?

27 MS. STURKO: Okay. I'm going to object to

1 that question.

2 MR. MARTZ: A central piece of the
3 jurisdiction application involves whether the
4 complaint process was corrupted by upper management.
5 I think a report that concludes that the chief of
6 the fire department attempted to prevent an
7 investigation in the sexual assault and sexual
8 misconduct is about the most relevant thing you
9 could possibly have for this application, so . . .

10 MS. STURKO: Well, you can ask him what he
11 recalls. You are aware that that report is
12 privileged, and he hasn't told you what the results
13 of the -- that he recalls the findings are, so . . .

14 OBJECTION TO QUESTION

15 **Q MR. MARTZ: The report involves concerns**
16 **expressed by the investigators that Chief Clancy was**
17 **interfering with the investigation; correct?**

18 A There were two concerns, my recollection, from what
19 you -- what you're referring to as the fifth report,
20 there were a couple things. One is this concept
21 that Chief Clancy was wanting to go for ride-alongs
22 in an attempt to intimidate or get information from
23 other firefighters. I'm of the belief that he
24 was -- you know, he was doing ride-alongs not for
25 that reason. I think he legitimately wanted to do
26 that.

27 The second concern were

1 related to his own social -- his personal social
2 media. I think you've seen this. So where he's
3 posting memes on Facebook that -- you know, about
4 the investigation and being betrayed. And so that
5 was the other -- you know, of the items in the fifth
6 report that you're referring to, yeah, there was
7 reference to that as well.

8 **Q The investigators requested that Leduc stop**
9 **Chief Clancy from doing the ride-alongs and stop**
10 **social media posts; correct?**

11 A With regard to the ride-alongs, we did -- HR had
12 reached out to Chief Clancy and asked him to stop
13 because of the perception that -- you know, for
14 folks on the floor that, you know, maybe this could
15 be viewed as him wanting to get information or
16 intimidating.

17 **Q And the investigators also asked that Chief Clancy**
18 **stop the social media posts, which were saying**
19 **things like "Loyalty will be rewarded; disloyalty**
20 **will be punished," those sorts of things; correct?**

21 A I wasn't privy to any conversation between the
22 investigator and Chief Clancy.

23 **Q Okay. We would have to look at the report to get**
24 **the full picture of that; correct?**

25 A The report does outline, and it gives examples of
26 where, you know, memes were put on his account.
27 Again, I can't speak to what the conversation was

1 between the investigator or what direction the
2 investigator gave to Mr. Clancy.

3 **Q So I'd ask for an undertaking to provide any**
4 **correspondence between the investigator and the City**
5 **in regard to Chief Clancy's actions during the**
6 **course of the investigation.**

7 MS. STURKO: We'll take that under
8 advisement.

9 Undertaking Number 15:

10 Provide any correspondence between the
11 investigator and the City in regard to
12 Chief Clancy's actions during the course
13 of the investigation.

14 (Taken Under Advisement)

15 MS. STURKO: Also, Mr. Martz, would you
16 mind, please, providing these two documents that
17 you've shown Mr. Melvie today so that they can be
18 part of the transcript. So we need to do that by
19 way of exhibit so that we can have copies of these.

20 MR. MARTZ: No, it's a good reminder. So
21 I'd ask that that first email from Mr. Melvie be
22 marked as Exhibit 1.

23 Exhibit Number 1:

24 Email from Darrell Melvie dated March 29,
25 2022.

26 MR. MARTZ: And that the second statement
27 from the mayor be marked as Exhibit 2.

1 Exhibit Number 2:

2 Special statement issued by Mayor Young
3 dated May 16, 2022.

4 (DISCUSSION OFF THE RECORD)

5 **Q MR. MARTZ:** **Mr. Melvie, so I'm just going**
6 **to just to -- oh, sorry. There we go.**

7 **Just to make sure I've**
8 **covered this off, and I know we've kind of asked in**
9 **a few different ways, but just to make sure it's**
10 **clear in the undertaking, so we'd like an**
11 **undertaking to provide all of the Veritas**
12 **investigation reports and all communications between**
13 **Veritas and the City in regard to the investigation**
14 **they undertook in 2021 and 2022.**

15 **MS. STURKO:** **I'll be taking that under**
16 **advisement.**

17 Undertaking Number 16:

18 Provide all of the Veritas investigation
19 reports and all communications between
20 Veritas and the City in regard to the
21 investigation they undertook in 2021 and
22 2022.

23 (Taken Under Advisement)

24 **Q MR. MARTZ:** **Mr. Melvie, you're familiar**
25 **with an individual named Tamara Osmak; correct?**

26 **A Yes, sir.**

27 **Q And in 2014 Ms. Osmak reported a sexual assault that**

1 **occurred at the fire department to you; correct?**

2 A Sorry. Say that again, the question.

3 **Q In or about 2014 Ms. Osmak reported a sexual assault**
4 **that occurred at the fire department to you;**
5 **correct?**

6 A She reported on an incident that occurred at a fire
7 services event.

8 **Q And it was an incident involving a sexual assault;**
9 **correct?**

10 A Correct.

11 **Q This is discussed in the Veritas investigation?**

12 A Correct.

13 **Q No investigation was taken of this report; correct?**

14 A You'll have to forgive me. There were actually --
15 there was an incident in and around that time, when
16 we brought in an investigator; however, that wasn't
17 on the issue related to Tamara. So those -- that
18 investigation was taken -- or was led by HR at the
19 time. So consultation happened with HR. This is
20 the incident that happened. And there was a
21 conversation between HR and the deputy chief and
22 then eventually Ms. Osmak as well. So there was no
23 external investigation, to my understanding,
24 relative to the Osmak incident.

25 **Q And there was no -- no one was disciplined for the**
26 **sexual assault; correct?**

27 A To my understanding, it went through a mediation

1 process. So that's how that was handled.

2 **Q Who was involved in that mediation process?**

3 A DC Kelly and Ms. Osmak were involved, and I believe
4 it was the chaplain.

5 **Q And this, again, as you indicated, this is discussed
6 more fully in the Veritas report; correct?**

7 A Correct. And just on that, that is my recollection.
8 That's a few years ago. And yes, it is referenced
9 in the Veritas report. But my recollection of the
10 Osmak incident, the subsequent conversation involved
11 Ms. Osmak, DC Kelly. And my recollection is there
12 was a chaplain involved in that follow-up.

13 **Q Right. So we need -- and fair enough. So we'd need
14 to review the investigation report to know the full
15 details. You don't have them today; correct?**

16 A I don't have that in front of me, no.

17 **Q Are you aware of any other reports of sexual assault
18 or sexual misconduct that have been brought to your
19 attention in the last three years?**

20 A Within fire services?

21 **Q Yes.**

22 A The other reports or -- the other investigation that
23 we entered into had to do with the Vince Braun
24 incident. Subsequent to that we had complaints
25 related to the motorcycle event and the alumni
26 event. And so there was, while not a formal
27 investigation there, there was a sanction involved

1 with DC Christensen.

2 Obviously in the Veritas
3 report there's a number of -- between Ms. Smith and
4 Ms. Steele and Ms. Osmak, you know, there's a number
5 of concerns that were raised through that full
6 report. If you're asking me if there are other
7 investigations in the last three years, I'd struggle
8 to recall that.

9 **Q And just to back up for one second, when we were**
10 **talking about Ms. Osmak, you referred to another**
11 **investigation that happened around that time. What**
12 **investigation were you referring to there?**

13 A So there was an incident in and around that time
14 that involved a firefighter and another
15 firefighter's wife. The investigation found that
16 there wasn't -- it wasn't conclusive, and there was
17 no -- to my recollection again. This is a number of
18 years ago. To my recollection -- so the
19 investigation took place, and to my recollection,
20 there was no sanction involved stemming from that.

21 **Q Are you aware of reports of sexual misconduct or**
22 **sexual assault involving Mr. Scott Wierenga?**

23 A There have been concerns raised about Mr. Wierenga.
24 That was not in the context of this investigation.

25 **Q What were the concerns that were raised about**
26 **Mr. Wierenga?**

27 A Concerns were raised relative to our

1 respect-in-the-workplace policy.

2 **Q And what was the alleged -- go ahead.**

3 A And his conduct.

4 **Q What was the alleged violation of the respectful**
5 **workplace policy?**

6 A We had no specific complainant that came forward to
7 address any specific issue.

8 **Q What was the alleged issue involving Mr. Wierenga?**

9 A Mr. Wierenga was released without cause.

10 **Q What was the issue involving Mr. Wierenga that came**
11 **to your attention?**

12 A We had some concerns relative to potential -- what
13 may have been text exchanges with other coworkers.
14 But Mr. Wierenga was released without cause.

15 **Q You've also had allegations involving sexual**
16 **misconduct with Mr. Wierenga; correct?**

17 A There was no -- the individual involved would not
18 share that.

19 **Q Other individuals, however, came to you and did**
20 **share what had occurred; correct?**

21 A A coworker did; correct.

22 **Q And what did they share with you?**

23 A That there had been -- his perception was that there
24 had been some misconduct.

25 **Q Of a sexual nature; correct?**

26 A Correct.

27 **Q And there'd been a sexual assault; correct?**

1 A That was his understanding; correct. Although
2 that's not what we heard from the individual
3 involved.

4 Q Mr. Wierenga?

5 A No. The female involved. This was -- she never
6 stated that.

7 Q An individual came to you and advised -- and
8 reported that Mr. Wierenga had been involved in
9 sexual misconduct and a sexual assault involving a
10 female firefighter; correct?

11 A Correct.

12 Q And another individual, an individual in management
13 came to you with concerns about Mr. Wierenga as well
14 involving this sexual assault; correct?

15 A I'm sorry. Say that question again.

16 Q Another individual within management at the fire
17 department also came forward to you with the -- with
18 a report about Mr. Wierenga engaging in sexual
19 assault; correct?

20 A I don't recall. You're talking one of the deputy
21 chiefs or the chief?

22 Q Or captain, deputy captain.

23 A The fellow that came to me was part of the officer
24 cadre. So he'd be in the officer development
25 program, yeah.

26 Q So an officer came to you with information about a
27 sexual assault committed by Mr. Wierenga; correct?

1 A Correct.

2 **Q And you spoke to at least two firefighters who**
3 **confirmed that this had occurred; correct?**

4 A I spoke to two firefighters, and one could confirm
5 only to the extent -- they never actually witnessed
6 what had happened, and they couldn't provide details
7 around specific times. And so that one who did --
8 so I did talk to two. One confirmed what he had
9 heard but couldn't confirm the details and didn't
10 actually witness it.

11 **Q Now, no investigation occurred with Mr. Wierenga;**
12 **correct?**

13 A There was no external formal investigation.
14 However, we did follow up on what we'd heard. And
15 so I -- if you can consider me sitting down with
16 some firefighters and asking some questions an
17 investigation, then yes, an investigation occurred.

18 **Q No disciplinary action was taken against**
19 **Mr. Wierenga?**

20 A Mr. Wierenga is no longer with the organization.

21 **Q No disciplinary action was taken against**
22 **Mr. Wierenga; correct?**

23 A Mr. Wierenga's employment was discontinued without
24 cause.

25 **Q So no disciplinary action was taken against**
26 **Mr. Wierenga, correct, based on the sexual assault**
27 **report that you received?**

1 A Based on what we understood, he's no longer with the
2 organization. So I would think that that would be a
3 sanction.

4 **Q So you're saying Mr. Wierenga was terminated because
5 of his sexual assault on a female firefighter?**

6 A Mr. Wierenga was released without cause, given our
7 concerns.

8 **Q During the interim period, so while you were aware
9 of the sexual assault by Mr. Wierenga, he was
10 promoted; correct?**

11 A I was not aware of any sexual assault prior to him
12 being promoted.

13 **Q When was Mr. Wierenga promoted?**

14 A I believe that would have -- you'll have to bear
15 with me. So that timeline would have been May
16 through -- the recruitment was May, June, July,
17 August 2021.

18 **Q Acting Chief Broderick Moore was aware of the sexual
19 assault when Mr. Wierenga was promoted; correct?**

20 A Mr. Moore had asked the female involved, and she did
21 not want to speak about it. She wouldn't confirm or
22 deny it.

23 **Q So Mr. -- Acting Chief Moore was aware that there
24 was an allegation of sexual assault against a female
25 firefighter as against Mr. Wierenga when he was
26 promoted; correct?**

27 A Sorry. The speaker broke up.

1 Q Acting Chief Moore was aware that there was an
2 allegation against Mr. Wierenga that he had sexually
3 assaulted a female firefighter on Leduc property,
4 but promoted him; correct?

5 MS. STURKO: I'm not sure Mr. Melvie can
6 speak to DC Moore's knowledge.

7 OBJECTION TO QUESTION

8 A Sorry. I don't know the timelines of that
9 conversation.

10 Q MR. MARTZ: Well, sir, you indicated that
11 prior to Mr. Wierenga being promoted, DC Moore spoke
12 with the complainant about the sexual assault
13 allegation; correct?

14 A I never said that was before he was promoted. I
15 don't know what the timeline was on that.

16 Q Okay. Well, we can go back and look at the
17 transcript on that.

18 Did you report Mr. Wierenga's
19 sexual assault to any regulatory authority?

20 A I would need to confirm, but to my understanding,
21 that was reported to the College.

22 Q I'll ask for a copy of whatever was provided to the
23 College and any communications involving that
24 report.

25 MS. STURKO: We'll make the request.
26 It's the College of
27 Paramedics, Darrell?

1 THE WITNESS: Correct, yeah.
2 Undertaking Number 17:
3 Provide a copy of whatever was provided to
4 the College of Paramedics regarding
5 Mr. Wierenga and any communications
6 involving that report.

7 Q MR. MARTZ: Did you report Mr. Wierenga
8 to the RCMP?

9 A No.

10 Q You were aware that Mr. Wierenga had been terminated
11 from previous employment because of sexual
12 misconduct and sexual assaults; correct?

13 A I was not aware of that.

14 Q Others within the City were, though; correct?

15 A My recollection of that is there was some -- you
16 know, in the Veritas report there was a reference to
17 an officer who had had previous -- had been
18 previously released from another employer. But it
19 didn't specify Scott Wierenga.

20 Q The other female firefighters had raised the issue
21 with Leduc management that Mr. Wierenga had been
22 terminated from other employment due to sexual
23 misconduct and sexual assault; correct?

24 A That was never made -- nobody ever brought that to
25 me. There was no female firefighters that had said,
26 you know, he had been fired from whatever, that
27 previous employer.

1 Q Okay.

2 (DISCUSSION OFF THE RECORD)

3 (BRIEF ADJOURNMENT)

4 Q MR. MARTZ: Just to follow up on a couple
5 of things you said earlier, you referred to an
6 investigation in 2014. That investigation involved
7 an allegation by the wife of a firefighter that --
8 she was sexually assaulted by a member of the fire
9 department at a work party; correct?

10 A That is my understanding. And I'm not sure on the
11 2014 date, because, again, this is eight years ago.
12 But 2014 sounds correct. '13 or '14.

13 Q Right. Somewhere in that area there was a complaint
14 brought forward by the wife of a firefighter that
15 she'd been sexually assaulted by a firefighter at a
16 work event, but somewhere in that range, time frame?

17 A Yeah.

18 Q And you also referred to a summary of the Veritas
19 report. Is that separate from the report itself, or
20 is that just the summary that's included in the
21 report?

22 A It's a summary that's included in the report.

23 Q Okay. So I wanted to ask you a few more questions.
24 So at the fire department, the reporting up the
25 chain of command is something that's heavily
26 emphasized; correct?

27 A Our firefighters respect the chain of command.

1 Q And that respect for the chain of command is
2 important because it gives management of the fire
3 department wide discretion as to how to maintain
4 order and discipline; is that fair?

5 A I think that's fair.

6 Q Okay. And when I'm talking about management, you
7 know, I'm referring generally to the chief, the
8 deputy chief, and the captains. Is that how you'd
9 understand management?

10 A Correct.

11 Q Okay. Now, I want to ask you just about a couple
12 other things that we've already talked about. So
13 you talked about a few investigations that were
14 undertaken. The decision to undertake those
15 investigations, those are management decisions;
16 would you agree with me?

17 A Yes.

18 Q Okay. And, generally, the decision on whether to
19 discipline a firefighter is a management decision;
20 correct?

21 A Yes.

22 Q And the decision on where a particular firefighter
23 will be assigned and to what role they would be
24 assigned, that also would be a management decision;
25 right?

26 A Say that again. Where they're assigned?

27 Q So the tasks to which a firefighter is assigned and

1 **their role in the department, that's a management**
2 **decision; is that fair?**

3 A Yeah, that's fair.

4 **Q And the decisions about who is paired together on**
5 **platoons and so on, those are management decisions;**
6 **right?**

7 A Correct.

8 **Q And you're aware of a decision by management to ban**
9 **Ms. Smith and Ms. Steele from City of Leduc property**
10 **in 2021?**

11 A Ms. Smith and Ms. Steele are on WCB, so I believe
12 their access cards would be shut off.

13 **Q Now, when firefighters are hired, they receive a**
14 **fair bit of training; is that fair?**

15 A Correct.

16 **Q And among that training is taking them through the**
17 **physical hazards they might face when responding to**
18 **a fire or other event?**

19 A Correct.

20 **Q And they're also taken through the mental hazards**
21 **like getting PTSD from what they might see**
22 **responding to a call; correct?**

23 A To my understanding, yes.

24 **Q And risking your physical well-being when entering a**
25 **burning building is part of the job of being a**
26 **firefighter; correct?**

27 A Correct.

1 Q Helping accident victims is part of the job of being
2 a firefighter; correct?

3 A Correct.

4 Q Being sexually assaulted is not part of the job of
5 being a firefighter; correct?

6 A Correct. It is not.

7 Q Sexually assaulting another firefighter is not part
8 of the job of being a firefighter; correct?

9 A Correct.

10 Q At no time do you tell firefighters that being
11 sexually assaulted at work is a risk they take
12 working at the Leduc fire department; correct?

13 A Correct.

14 Q You're not aware of any fire departments in Alberta
15 where being sexually assaulted at work is considered
16 an employment hazard; correct?

17 A Correct.

18 Q You've never told a firefighter that being sexually
19 harassed, subject to sexual assault or sexual
20 misconduct is something they should expect when they
21 work at Leduc; correct?

22 A Correct.

23 Q You're not aware of any fire departments in Alberta
24 where firefighters are told to expect to be sexually
25 harassed, subject to sexual misconduct or sexual
26 assault when they come to work; correct?

27 A Correct.

1 Q And you'd agree with me that being subject to sexual
2 misconduct or being sexually assaulted is not
3 related to being a firefighter in any way; correct?

4 A Correct.

5 Q And the fact that sexually assaulting someone is a
6 significant deviation from what you would expect of
7 a firefighter is why individuals like Mr. Braun were
8 terminated; correct?

9 A Correct.

10 Q Now, there's other employment issues that Leduc
11 deals with less severely; correct? There's always a
12 sliding scale of how Leduc deals with reports of
13 misconduct; right?

14 A Correct, yeah.

15 Q Are you aware of reports of misconduct involving an
16 individual named Ryan Paggett?

17 A Yes.

18 Q And you were aware that Chief Broderick Moore was
19 advised that his driving privileges should be
20 revoked; correct?

21 A He was taken off ambulance for a period of time,
22 yes.

23 Q Right. He was taken off ambulance after he drove
24 138 kilometres an hour and he hit an Alberta Health
25 primary response unit and a fire truck; correct?

26 A Yes.

27 Q Did \$1 1/2 million worth of damage; correct?

1 A I don't recall the dollar amount.

2 Q **And he was suspended for two days; correct?**

3 A I actually think the suspension was longer. But I'd
4 have to go back and check what that suspension was.

5 Q **Warnings about Mr. Paggett's driving issues were**
6 **provided to Chief Moore prior to the accident;**
7 **correct?**

8 A That I don't know.

9 Q **Mr. Moore is good friends with Mr. Paggett; correct?**

10 A That I don't know.

11 Q **You're aware of an individual named Mr. Rick Sereda;**
12 **correct?**

13 A Yes, correct.

14 Q **What's his role at Leduc?**

15 A He's our director of public services.

16 Q **You're aware that Mr. Sereda sent a cease and desist**
17 **letter to Ms. Smith and Ms. Steele on May 13**
18 **threatening litigations if any allegations were made**
19 **against Mr. Sereda as part of the lawsuit?**

20 A I'm aware of the letter, yes.

21 Q **You're also aware that he advised that Mayor**
22 **Bob Young would vouch for him and his conduct;**
23 **correct?**

24 A I had seen the letter in -- and I don't have it
25 here. The only reason I saw the letter was I
26 believe it was part of the affidavits.

27 Q **It was, yeah.**

1 A If I'm not mistaken. And I recall a reference to
2 Mayor Young, but I don't recall that reference.

3 **Q Mayor Young and Mr. Sereda are quite close friends;**
4 **correct?**

5 A I don't know if I can speak to the nature of their
6 relationship. I think from a work perspective, they
7 are cordial, and they would be friends at work.
8 Beyond that, I'm not -- I don't hang in those
9 circles, so . . .

10 **Q So when Leduc became aware that Mr. Sereda was**
11 **threatening Ms. Steele and Ms. Smith for reporting**
12 **allegations of sexual misconduct and sexual assault,**
13 **did Leduc take any action against Mr. Sereda?**

14 MS. STURKO: Sorry. Are you -- I just
15 want to be clear. Are you referring to the letter
16 as being the threat?

17 MR. MARTZ: Yes. The cease and desist
18 threatening litigation against Ms. Smith and
19 Ms. Steele.

20 MS. STURKO: I don't think it's
21 Mr. Melvie's responsibility to be interpreting the
22 nature of that letter.

23 MR. MARTZ: I'm just asking if Leduc
24 undertook any investigations or any disciplinary
25 measures against Mr. Sereda based on that letter.

26 A That letter was a response from Mr. Sereda separate
27 of work. I'm not sure -- yeah. To answer your

1 question, no, not that I'm aware of.

2 **Q MR. MARTZ: When was Mr. Sereda fire**
3 **chief?**

4 A You'll have to bear with me. Mr. Sereda would have
5 been fire chief, I want to say, until 2008. I would
6 have to confirm that date.

7 **Q So it was somewhere early 2000s to 2008, about**
8 **there?**

9 A I actually don't know when he started. It was prior
10 to my time, and he was fire chief when I started
11 with the City of Leduc. And I want to say that
12 his -- he was not fire chief, I want to say, in
13 2008. But bear with me on these years. That's a
14 few years ago now.

15 **Q Yeah, no, fair enough. It's 14 years ago. So I'd**
16 **ask for an undertaking to advise when Mr. Sereda was**
17 **fire chief.**

18 MS. STURKO: We will undertake to make
19 that inquiry.

20 Undertaking Number 18:

21 Advise when Mr. Sereda was fire chief.

22 **Q MR. MARTZ: And you're aware that during**
23 **his period as fire chief, there were a number of**
24 **complaints made against Mr. Sereda?**

25 A Correct.

26 **Q And there were a number of investigations of**
27 **Mr. Sereda; correct?**

1 A I know of one.

2 **Q What was that investigation about?**

3 A So that investigation was prior to my time. My
4 understanding is the investigation had to do with
5 management practices, you know, for example -- well,
6 there were actually two sides to that report. One
7 was because Mr. Sereda not only was the fire chief,
8 but he also supervised Enforcement Services. So
9 there were some substantive issues relative to
10 Enforcement Services. But then even on the fire
11 services side there were concerns around, you know,
12 how well he did his job. So, for example, there
13 would have been concerns around the extent to which
14 he would be on scene for fire calls where maybe he
15 didn't need to be there.

16 **Q Are those reports still available?**

17 A I have not seen that report for some time. I would
18 imagine they're still in a file someplace or in our
19 records, sorry.

20 **Q I'd ask for a copy of that report to be produced.**

21 MS. STURKO: We'll undertake to make that
22 inquiry.

23 Undertaking Number 19:

24 Provide a copy of the report regarding
25 Mr. Sereda.

26 **Q MR. MARTZ: So among the investigations**
27 **of Mr. Sereda's conduct and the complaints made**

1 **against him, are you aware of an incident where**
2 **Mr. Sereda made the unauthorized purchase of a fire**
3 **truck in Indianapolis at a conference?**

4 A I'm not aware of that.

5 Q **Okay. Are you aware of allegations that Mr. Sereda**
6 **hosted parties on Leduc City property and at the**
7 **fire hall that involved significant drinking and**
8 **adult entertainment?**

9 A My recollection of the report was that there were
10 some concerns with post-incident alcohol
11 consumption. I don't recall anything around adult
12 entertainment.

13 Q **And among the concerns were that Mr. Sereda would**
14 **require female firefighters to drive partygoers home**
15 **in ambulances at the end of these parties?**

16 A Not that I know of.

17 Q **You don't recall that?**

18 A I don't recall that. Just disclaimer, I wasn't in
19 this position until '11, '12. That report, I think,
20 was in 2007, 2008.

21 Q **Yeah, no, fair enough. I mean, it's been a long**
22 **time, so I'm just asking for your recollection.**

23 **Are you also aware that**
24 **Mayor Young attended those parties and was driven**
25 **home by female firefighters in ambulances?**

26 A Not that I know of.

27 Q **We'd have to look at the investigation to see about**

1 **that and ask Mayor Young; correct?**

2 **When Leduc became aware of**
3 **these activities by Mr. Sereda, he was not**
4 **terminated; he was just transferred to another**
5 **position in public works; correct?**

6 A You know, I wasn't privy to that decision. I was
7 here when he moved to public services.

8 **Q So I'd ask for an undertaking of records related to**
9 **Mr. Sereda's move from the fire department to public**
10 **works.**

11 MS. STURKO: We'll take that under
12 advisement.

13 Undertaking Number 20:

14 Provide records related to Mr. Sereda's
15 move from the fire department to public
16 works.

17 (Taken Under Advisement)

18 **Q MR. MARTZ: In public works Mr. Sereda**
19 **was involved in a number of incidents that resulted**
20 **in complaints against him; is that correct?**

21 A I don't have knowledge. So Mr. Sereda doesn't
22 report to community protective services, so I can't
23 speak to which -- you know, if there were complaints
24 lodged through HR to him. I wouldn't be part of
25 that information flow.

26 **Q Yeah, and if you don't know, that's fine.**

27 **Just ask you about a couple**

1 of them. Are you aware of an investigation where an
2 individual that reported to Mr. Sereda was found to
3 have sexually assaulted a woman that Leduc employed
4 to clean the buses?

5 A My recollection is that was Ms. Findlay or Thomas.

6 Q No. It's not one of the individuals. It's a
7 separate incident. It involved a bus cleaner.

8 A Sorry. I don't know about that.

9 Q Okay. And my understanding is that the
10 investigation concluded that Mr. Sereda's
11 subordinate had sexually assaulted the bus cleaner.
12 It was recommended that that individual be
13 terminated, and Mr. Sereda stepped in to try and
14 prevent this individual from being fired. Do you
15 know anything about that?

16 A I do not.

17 Q Then my understanding is that he divulged personal
18 information about the complainant, and that led
19 human resources to complete a recommendation or
20 report recommending that Mr. Sereda be terminated.
21 Do you know anything about that?

22 A No.

23 Q Okay. And then at that point Mayor Bob Young
24 stepped in to prevent Mr. Sereda from being fired.
25 Do you know anything about that?

26 A I wasn't privy to those conversations.

27 Q So I'd ask for an undertaking to produce the records

1 related to the incident where Mr. Sereda intervened
2 to try and prevent an employee who had sexually
3 assaulted another one from being fired and Mayor
4 Bob Young's involvement in that.

5 MS. STURKO: Do you have a time frame?

6 MR. MARTZ: That would have been -- you
7 know what? Why don't I get that? I think it's
8 2018, but let me double check on that, and I'll get
9 that to you.

10 MS. STURKO: We'll wait for you to confirm
11 that, and in the meantime, we'll take that under
12 advisement.

13 MR. MARTZ: Sure.

14 Undertaking Number 21:

15 Produce the records related to the
16 incident where Mr. Sereda intervened to
17 try and prevent an employee who had
18 sexually assaulted another one from being
19 fired and Mayor Bob Young's involvement in
20 that.

21 (Taken Under Advisement)

22 Q MR. MARTZ: Are you also aware of a
23 current investigation by human resources into
24 Mr. Sereda for making public comments about current
25 Councilperson Laura Tillack's breasts, stating
26 publicly that he wanted to play with them, to people
27 publicly?

1 A Your question is am I aware of an investigation into
2 that?

3 Q Yes.

4 A I am not aware of any investigation into that. It's
5 not to say it's not happening. Again, Mr. Sereda
6 doesn't report to me.

7 Q Yeah, no, that's fair.

8 MR. MARTZ Just one second. We're
9 almost done. Just give me one second.

10 (DISCUSSION OFF THE RECORD)

11 Q MR. MARTZ: Sorry, sir. Just to clarify.
12 You're not aware of any investigation, but are you
13 aware of these issues in any way? Have you had
14 discussions about them? Have you become aware --
15 have people come to you about it, seen anything
16 about it and so on?

17 A So this comment around the councillor's breasts, I
18 recall that from -- and I'm trying to think. Was it
19 in the statement of claim? I do recall hearing
20 about that, but I'm not privy to -- was there an
21 investigation? Not to my knowledge. But, again,
22 that's not my area of -- he's not in my area.

23 Q Do you know who you heard about that from?

24 MS. STURKO: I think he just said he
25 wasn't sure if he read it in the statement of claim.

26 MR. MARTZ: I was just trying to clarify
27 if he heard it from someone.

1 Q MR. MARTZ: Or you're just not sure where
2 you got that information?

3 A Yeah. Was that in the statement of claim? Because
4 I do recall hearing that. I just --

5 Q I'd have to look. I'm not sure. So you just don't
6 recall?

7 A Correct. And if you're asking me if there's an
8 investigation into that, not to my knowledge. But,
9 again, it's not my area of supervision, so not to my
10 knowledge.

11 Q Right. So you're not aware of any investigations
12 currently into Mr. Sereda. Doesn't mean they're not
13 happening, but that's not your area?

14 A Correct. To my understanding, there's no
15 investigations. But, yeah, again, reporting lines.

16 Q Are you aware of other complaints about Mr. Sereda
17 involving him intimidating individuals for not
18 coming forward with allegations of misconduct of a
19 sexual nature or otherwise?

20 A I'm sorry. Can you repeat the question.

21 Q Are you aware of other instances where Mr. Sereda
22 has intimidated employees at Leduc to not come
23 forward with reports of misconduct, whether sexual
24 or otherwise?

25 A Not that I'm aware.

26 Q Are you aware that Mr. Sereda refers to himself as
27 Teflon?

1 A I have not heard Mr. Sereda refer to himself as
2 Mr. Teflon.

3 Q Have you discussed with anyone or do you have any
4 awareness of any issues with Mr. Sereda's conduct
5 that have been raised in any way?

6 MS. STURKO: Recently?

7 MR. MARTZ: In the last five years.

8 A Like, his conduct? Can you be --

9 Q MR. MARTZ: So you'd indicated that he
10 was investigated when he was fire chief for various
11 things, but including a failure to properly run his
12 various departments; correct?

13 A Correct, yeah.

14 Q Are you aware of any issues involving allegations
15 that Mr. Sereda's currently failing to run his
16 departments properly?

17 A I'm not privy to allegations about what he's doing
18 well or what he's not.

19 Q And then just a couple of -- probably a couple last
20 questions, and then we'll take a quick break and
21 we'll wrap up. But are you aware of a complaint
22 made against Mr. Sereda that he direct certain
23 repair work to body shops where he has friends and
24 that he authorizes these body shops to overcharge
25 the City?

26 A I am not aware of that.

27 Q Are you aware of a complaint made against Mr. Sereda

1 that he has the decals and trackers removed from
2 city vehicles and then orders City workers to do
3 repair work at his home?

4 A I have not heard that. Sorry. You're saying City
5 mechanics are repairing his vehicles at home?

6 Q Well, he's having the trackers removed from City
7 vehicles and having individuals from the City drive
8 to his house to do work on his house. Do you have
9 any information about that?

10 A No.

11 Q Do you have any information or a complaint or any
12 information at all that Mr. Sereda has the trackers
13 and decals removed from City landscaping vehicles
14 and has City workers perform landscaping at his
15 house?

16 A I haven't heard that.

17 Q Do you have any information or have you heard any
18 complaints about Mayor Young engaged in having --
19 pardon me, in Mayor Young having the decals taken
20 off tow trucks and their trackers removed to have
21 his fifth wheel moved around town?

22 A I've never heard that.

23 MR. MARTZ: Let's take a five-minute
24 break.

25 (BRIEF ADJOURNMENT)

26 Q MR. MARTZ: Just one clarification and
27 one last question.

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Leduc ever advise the 19-year-old or her family of Mr. Riemann's conduct?

A I don't recall.

MR. MARTZ: Thank you, sir. Those are my questions.

(PROCEEDINGS ADJOURNED AT 12:50 P.M.)

* * * * *

1 Certificate of Transcript - Remote Questioning

2

3 I, Deanna J. Jackson, hereby certify that the

4 foregoing pages are a true and faithful

5 transcription of the proceedings and are a complete

6 and accurate transcript of the remote video

7 connection questioning of DARRELL NORMAN MELVIE,

8 Leduc, Alberta, taken down by me in shorthand and

9 transcribed by means of a computer-aided

10 transcription system to the best of my skill and

11 ability, pursuant to Alberta Rules of Court

12 r.6.20(4)(c), and conducted in accordance with those

13 portions of the Alberta Protocol for Remote

14 Questionings under my control.

15

16 Dated at the City of Edmonton, Province of Alberta,

17 this 9th day of September 2022 C.E.

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21 

22 _____

23 Deanna J. Jackson, CSR(A)

24 Realtime Reporter

INDEX

DARRELL NORMAN MELVIE

September 7, 2022

Our File Number 11091-2

Volume 1

(Undertakings are inserted and indexed by your court reporter as a courtesy service to be utilized at the discretion of counsel)

UNDERTAKING(S)PAGE**Undertaking Number 1:****14**

Make best efforts to review records to determine if any action or any reports were made against Mr. Sereda for breaching the policy regarding inappropriately disclosing information related to a complaint.

Undertaking Number 2:**25**

Request any individual that took notes at the platoon meetings on March 16, 2022, and April 8, 2022, produce them.

(Taken Under Advisement)

Undertaking Number 3:**30**

Make inquiries to confirm that human resources required Ms. Smith to respond to the complaint made by Kristie Kuhn.

1	Undertaking Number 9:	47
2	Provide a copy of all the records relied on for	
3	the with-cause dismissal of Mr. Riemann.	
4	(Taken Under Advisement)	
5	Undertaking Number 10:	49
6	Confirm whether either Mr. Melvie or Acting	
7	Chief Broderick Moore reported the sexual	
8	assault of the unconscious 19-year-old woman to	
9	the RCMP.	
10	Undertaking Number 11:	51
11	Produce any records related to Mr. Riemann's	
12	sexual assault of the unconscious 19-year-old	
13	woman.	
14	(Taken Under Advisement)	
15	Undertaking Number 12:	51
16	Advise when Leduc learned of Mr. Riemann's	
17	sexual assault on the 19-year-old.	
18	Undertaking Number 13:	53
19	Provide any communication involving the College	
20	of Paramedics regarding Mr. Riemann or	
21	Mr. Dignard's dismissal.	
22	Undertaking Number 14:	59
23	Review the Veritas report and advise what it	
24	says about the various incidents involving	
25	Mr. Clancy's breaches of various City policies.	
26	(Taken Under Advisement)	
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Exhibit # " 1 " September 7, 2022

Exam of: DARRELL MELVIE
Deanna Jackson, Court Reporter
Independent Reporters

From: Darrell Melvie

Sent: Tuesday, March 29, 2022 2:55:49 PM

Subject: Update - Fire Services platoon meetings and next steps

*** This message is sent to All Fire Services ***

Hello everyone,

Thanks to all of you who have participated in our discussions over the last few weeks as we have worked to update you on the recent investigation taking place in Fire Services and the related media coverage. We appreciate the engaging conversation through the sessions, along with the frank and open dialogue. As noted in the sessions, although we are unable to get into the specifics of the investigation and lawsuit, we are trying to be as transparent as possible.

The City has gone to great lengths to understand the extent of the concerns that have recently been raised. We are and have been committed to responding to behaviours that run contrary to our values with disciplinary action that balances an appropriate penalty against the level of misconduct.

As a result of the investigation, two individuals with Fire Services are no longer employed with the City, effective immediately. We expect that these will be the only employee specific actions following the results of the investigation, however disciplinary action may be considered if further information comes forward.

In the coming weeks, our Executive team will outline an action plan to drive meaningful change within the organization. Our values: Teamwork, Respect, Service and Leadership continue to guide us. Providing a safe and respectful workplace for all is our top priority.

As a Leduc Fire Services team we are committed as ever to providing important and high quality services to our residents and will continue to serve the community to the best of our ability.

Please reach out if you have any questions or comment,

DARRELL MELVIE, CLGM

General Manager, Community and Protective Services

T 780.980.7112 C 780.940.6147 www.leduc.ca



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Notification: City of Leduc under fire restriction -

Effective immediately, the City of Leduc is under a fire restriction that prohibits all open air burning. [Visit our fire services page for more information \(https://www.leduc.ca/fire-services/fire-restriction-and-ban\)](#). x

Exhibit # " 2 " September 7, 2022

Exam of: DARRELL MELVIE
Deanna Jackson, Court Reporter
Independent Reporters

Mayor Young issues special statement

Monday, May 16, 2022

On behalf of Leduc City Council and Administration, Mayor Bob Young has issued the following statement regarding the City of Leduc's corporate culture and current legal matter around its ability to create a safe and respectful workplace:

"In February of 2022, a lawsuit was filed against the City alleging the City of Leduc failed to provide a safe, equitable and healthy workplace for employees in Fire Services. On May 11, the City received an amended statement of claim and we understand that the details within it may be alarming to our citizens.

"Many of the situations that are described in the statement of claim have been addressed through the City's existing policies and procedures, and those of the day.

"As part of the legal process, the courts are being asked to determine if the City did enough, through appropriate policies and procedures, to create a safe workplace; if the policies and programs necessary to prevent harassment, bullying and discrimination were in place and that a fair process was available and used to address incidents.

"What is usually an internal and confidential process is in the public eye. We understand that it is difficult to hear about these events through the media and that you have concerns and questions, and want accountability.

"We will answer to you – our citizens – by honouring the legal process that is now underway. While the court's process is underway, we are continuing to take steps to support a positive workplace culture by:

- Ensuring everyone understands and follows our Respect in the Workplace Policy and the associated steps for making and resolving complaints.
- Providing multiple avenues for staff to bring forward incidents to be addressed, including speaking to a trusted supervisor, Human Resources, any member of our Executive Team, a union representative (where applicable) and/or an individual from our Health and Safety committee.
- Conducting a national search to find our next Fire Chief.
- Providing additional professional counselling support to staff.
- Securing an external firm to conduct a culture review around equity, diversity, and inclusion.

“Ensuring that all our employees feel both physically and psychologically safe has been, and continues to be, our highest priority. It is our expectation that all staff uphold a corporate culture of respect, responsibility, and accountability.”

Mayor Young issues special statement



SPECIAL STATEMENT

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