

January 31, 2005

James Malange  
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Oliver, BC  
VOH 1T0

Trustees  
Operating Engineers' Benefits & Pension Plans  
# 402 - 4333 Ledger Avenue  
Burnaby BC.  
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**REGISTERED MAIL**

Dear Sirs:

Enclosed is a copy of a letter, dated January 12, 2005, I received from the appointed administrator of my pension plan, Mr. Lionel Railton, in response to an inquiry I made originally by letter to the plan of November 04, 2004 and subsequently by letter of January 05, 2005.

When Mr. Railton states, "I cannot provide information regarding a verbal report given by a former Officer of the Local Union and past Manager of the Real Estate Investment Division of the Operating Engineers' Pension Plan at a meeting which I was **not** present **nor** have knowledge of. ", I assume he is referring to the reference I made in my letter of November 04, 2004 to the president of our union, Tony Tennessy, acting as the real estate investment manger of our pension plan, etc. Accordingly I observe the dishonesty of Mr. Railton relating to this matter as follows:

- 1) My reference to Mr. Tennessy was in respect of a time period when he was the Union's President and was acting as the real estate investment manager which facts are quite clear in my November 4<sup>th</sup> letter and he was not a former Officer of the Local Union and past Manager of the Real Estate Investment Division of the pension plan during the period I referred to as suggested by Mr. Railton.
- 2) The quoted statement by Mr. Railton seems to suggest that he has a formal, legal duty and authority to withhold information unless he has personal knowledge of certain facts which suggests the stated policy of the trustees has changed or been amended regarding the distribution of information or that the internal legal requirements and/or practices have been amended giving Mr. Railton such authority.

**OR**

As I suspect, Mr. Railton has decided that he has the authority to stipulate and enforce certain criteria arbitrarily and unilaterally in relation to the distribution of information which he may or may not provide.

In any event, Mr. Railton has made it obvious that he doubts my credibility in this matter and the reference I made to Mr. Tennessy in my November 04, 2004 letter: With this and his obvious arrogant, insolent attitude toward me in making a couple of simple inquiries about a real estate development project I understood our pension plan was involved with I no longer have confidence in him or his ability to serve me honestly and without bias.

Accordingly, I make the following simple, uncomplicated inquiry of you, the trustees of my pension plan, without reference to anyone or any report they may have made anywhere: 'Did the realty division of the pension plan acquire a development property on Bowen Island and, if so, what is the status of any development regarding such property?'

Yours truly,

James Malange (pensioner)

Encl.

Cc: Lionel Railton