

James Malange
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September 23, 2005

The Honourable Carole Taylor
Minister of Finance
Province of British Columbia
PO Box 9048
STN PROV GOVT
VICTORIA BC,
V8W 9E2

Dear Honourable Minister:

Re: Operating Engineers' Pension Plan, Reg. No. PO 85512

This is to advise that I sent a registered letter, under date of May 10, 2005, and a follow-up letter dated July 27, 2005 (copies attached) to Mr. Alan Clark, Superintendent, Financial Institutions Commission respecting some very serious concerns I have regarding certain matters relating to my pension plan. Subsequently I received a response to those letters over the signature of L. Jay Mitchell, Acting Superintendent of Pensions, dated August 5, 2005 (copy attached) and note the following:

I assume Ms./Mr. Mitchell made an error when she/he refers to a May 11, 2005 letter in the first paragraph and another error when she/he refers to both the attached copies of my May 10, 2005 and July 27, 2005 letters being addressed to the Superintendent of Pensions which was not the case.

In the second paragraph of the attached August 5, 2005 letter Mitchell states, "You contend that a fraud was committed with respect to a real estate holding on Bowen Island and Hawaii which cost the Plan between four and eight million dollars." This statement is patently false, I contended no such thing as the attached copy of my May 10, 2005 letter will attest.

In the third paragraph of the attached August 5, 2005 letter Mitchell states, "We conducted a review of the particular investments" and then goes on to describe, "Our findings". I note that a review, regardless of how thorough, is no substitute for a thorough investigation which would involve a systematic examination of all the facts including the land registry records of the relevant properties as to mortgages, liens, transaction dates, entities and/or persons involved, etc.

In the sixth paragraph of Mitchell's attached August 5, 2005 letter it is stated, "We understand that the Administrator of the Plan has offered to let you view the financial statements and related documents of the Plan. We suggest that you avail yourself of this opportunity."

To clarify this matter, the Plan Administrator has stated to me in writing that: "In keeping with the Pension Benefits Standards Act (PBSA) and our previous correspondence regarding specific investments held by the Operating Engineers' Pension Plan, we are fully prepared to make available for viewing those documents mandated by the PBSA." I made no request for documents mandated by the PBSA. Further, the stated policy of the Board of Trustees as communicated to me in writing on at least two occasions is; "the policy of the Board of Trustees with respect to information distribution is to make available all information required by the Pension Benefits Standards Act, during office hours, at the Plan's office" and its location. This is a far cry from what is implied by Mitchell's statement, "the Administrator of the plan has offered to let you view the financial statements and related documents of the Plan." The Administrator has made no such blanket offer to me, implied or otherwise, and is always careful to qualify any offers for access to pension plan information with the caveat, "documents mandated by the PBSA". In any case, this issue is explained in the sixth paragraph of the attached copy of my May 10, 2005 letter and, on the record, is not consistent with the inference of Mitchell's statement quoted above.

In conclusion and in consideration of the obvious misrepresentation and inconsistency, among others, related to my ability to access pension plan information as explained above, I question the credibility of the "findings" of the review Mitchell refers to in the attached August 5, 2005 letter and, in the circumstances, contend that a thorough investigation by appropriate authority is warranted and appeal to you accordingly.

Your attention to this matter is appreciated.

Respectfully yours,

James Malange, Retiree, Operating Engineers' Pension Plan

3 encls.

pc – L. Jay Mitchell, Acting Superintendent of Pensions

Please Note:

I have recently changed my address from Oliver BC, indicated on the attached letters, to the Port Coquitlam address above.