

**IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY
The Honourable G. Normand Glaude, Commissioner**

**IN THE MATTER OF an Application for Limited Standing for Part I of the
Cornwall Public Inquiry by Jos van Diepen**

NOTICE OF APPLICATION FOR LIMITED STANDING

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IN THE MATTER OF *The Cornwall Public Inquiry*

AND IN THE MATTER OF An Application for Limited Standing in Part I of the Cornwall Public Inquiry on behalf of Jos van Diepen.

NOTICE OF APPLICATION FOR LIMITED STANDING

TAKE NOTICE that Jos van Diepen will bring an Application for limited standing with respect to Part I of the Cornwall Public Inquiry on Tuesday the 26th day of June, 2007 at 709 Cotton Mills Street, Cornwall, at 9:30 a.m. or as soon as this Application may be heard.

THE GROUNDS FOR THIS APPLICATION ARE:

1. The Applicant is an individual who has a direct and substantial interest in the subject matter of this inquiry.
2. The grant of limited standing will assist the Commission fulfill its mandate.
3. The *Public Inquiries Act*, section 5.
4. The Inquiry's *Rules of Practice and Procedure*, sections 8, 9, 10, 24, 34 and 36.
5. The common law duty of procedural fairness.

IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING:

Background

1. The Applicant is 57 years of age and is a resident of St. Andrew's West, located 15 minutes north-west of Cornwall. He is married and has three children.
2. The Applicant was a Probation Officer with the Ontario Ministry of Community and Correctional Services and Adult Community Corrections (the Ministry) from 1975 to 2007.

3. The Applicant worked in the Ministry's Cornwall probation office at the same time as Nelson Barque (Barque) and Ken Seguin (Seguin). Barque and Seguin are alleged to have engaged in inappropriate sexual conduct with probationers and others.
4. Through information that has been available on the Internet and other rumours, gossip and innuendo, the Applicant is alleged to:
 - a) have been present at parties at Seguin's house wherein inappropriate conduct with juvenile male prostitutes took place;
 - b) have had full knowledge of Seguin's illegal sexual activities; and,
 - c) have been privy to a full confession by Seguin just prior to his suicide.
5. The Applicant recently learned that Ron Leroux (Leroux) is scheduled to appear before the Commission and that his evidence will be highly prejudicial to him. In particular, Leroux's evidence will be that not only did the Applicant have full knowledge of Seguin's inappropriate conduct, he used such knowledge to blackmail Seguin in order to receive more favourable working conditions.
6. The Applicant denies each and every one of these allegations.
7. There may well be other allegations by Leroux and other witnesses that are prejudicial to the Applicant; however, the Applicant has no way of knowing this as he has not been provided with the witness' statement of anticipated evidence.
8. Furthermore, the Applicant has not received any documentary disclosure in relation to witnesses who have or will make prejudicial allegations against him.

The Applicant has a Direct and Substantial Interest

9. Section 5 of the *Public Inquiries Act* provides that a commission shall accord standing to a person that has a “substantial and direct” interest in the subject-matter of the inquiry. This test is incorporated into Rule 8(a) of the Inquiry’s *Rules of Practice and Procedure* (the “Rules”). The Applicant meets the test of standing.
10. The allegations outlined above have impacted the Applicant’s employment as a Probation Officer. Specifically, a Ministry client objected to the Applicant as his assigned officer because he is a “homosexual pedophile”. The Applicant has also had to defend a breach of probation when a client alleged that he feared for his safety as the Applicant was a “sexual predator”.
11. The allegations have harmed the Applicant’s reputation in relation to his co-workers, friends, acquaintances and those in the community at large.
12. The greatest impact has been on the Applicant’s family. As these allegations percolated through the small community, the Applicant’s wife and children have had to face accusations and innuendos that their husband and father was a sexual deviant. This has resulted in unimaginable emotional turmoil and stress for the entire family.

Ministry Counsel May Not Protect Applicant’s Rights and Interests

13. The allegations go beyond the scope of the Applicant’s employment with the Ministry. Accordingly, the Ministry may have little or no incentive to test these allegations in cross-examination.
14. Furthermore, the Applicant’s evidence regarding the internal procedural controls within the Cornwall probation office may be against the Ministry’s interests and may be contrary to the testimony of Ministry witnesses. It is not inconceivable that the

Applicant may be a convenient scapegoat for the Ministry and as such, he can not rely on it to protect his rights and interests.


Assistance to Commission

15. The grant of limited standing will assist the Commission in allowing it to have contradictory evidence on very significant matters probed and tested. This will enable the Commission to have a complete picture rather than incur the risk of it obtaining only a partial or distorted one.

THE RELIEF SOUGHT IS:

1. An Order granting the Applicant limited standing in Part I of the Cornwall Inquiry to:
 - a) cross examine a witness on any testimony that directly impacts the Applicant;
 - b) receive the statement of anticipated evidence of witnesses whose evidence directly impacts the Applicant; and
 - c) receive the documentary disclosure relating to witnesses that directly impacts the Applicant.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 25TH DAY OF JUNE, 2007.



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TRANSMISSION COVER LETTER

Date: June 25, 2007

From: John Westdal

To: Peter Engelmann
Lead Commission Counsel
Cornwall Inquiry

Fax: 1-613-938-7463

Number of Pages Including This Cover Sheet: 7

Originals: Not being sent.

Remarks: Please see attached

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