

Interim Judgement

MÉTIS NATION OF BRITISH COLUMBIA SENATE

Citation: Alexis Wells et al vs. President/Vice President of Fraser Valley Métis Association (FVMA)
Senate File No: 187

Date: November 14, 2024
Registry: Senate Clerk

Between:

Alexis Wells et al

Applicant

vs.

And:

President/Vice President of Fraser Valley Métis Association (FVMA)

Respondents

Métis Citizens resident in the Fraser Valley

Before Senators Edkins, Gladue, Murray, Sayers, Lucier, Pope and Dore

Oaths administered by Senator Edkins (*see Senate comments page one of the Ruling)

Counsel for the Applicant:

Self

Counsel for the Respondents:

Self

Place of Hearing:

Richmond, British Columbia

Place and Date of Judgement:

Richmond, BC
November 14, 2024

EVIDENCE ON BEHALF OF THE APPLICANT ALEXIS WELLS et al

Oral and written statements including exhibits presented to the Senate by the Applicant

EVIDENCE ON BEHALF OF THE RESPONDENTS

Oral and written statements including exhibits presented to the Senate by the Respondents
President/Vice President of Fraser Valley Métis Association (FVMA)

BACKGROUND

This is a dispute brought by way of complaint to the Senate Clerk sent to the Registry of the Métis Senate wherein the Citizens outlined in the Style of Cause, as Applicants, have raised a series of allegations against the Respondents in their capacities as President and Vice President of the Fraser Valley Métis Association (FVMA).

This Appeal is directed to the Senate and accepted by them pursuant to s. 8.0 subsections a. and d. of the Senate Act which reads as follows:

Pursuant to this Act the Senate shall establish any such committees as are required by the Métis Nation British Columbia Constitution or Legislation and as required to carry out the following duties:

- a. Mediation; and**
- d. Regional and Community Disputes.**

The Senate's jurisdiction in this matter is further confirmed by section 3.1 of the Senate Act which reads as follows:

3.1 Act as the judicial arm of the Métis Nation British Columbia in accordance with the provisions of the Constitution.

Finally, jurisdiction is accepted and confirmed by both of the parties in their written submissions to the Senate voluntarily attorning to the Senate's jurisdiction in this matter.

This matter is being considered by the Senate under s.8.0 (d) by reason of the fact that the issues raised, and the animosity created, is rendering the Administration of the Fraser Valley Métis Association (FVMA) problematic with a preponderance of the evidence raising questions about who is authorizing payments, for what reason, and whether or not they were justified. In addition,

serious allegations are made by the Applicants regarding the abuse of the Respondents' authority in their treatment of Elders and other Métis Citizens, but in particular, Elders.

At the commencement of the Hearing, the Chairperson, Senator Edkins, read to all of the parties the protocol for participation in Senate Hearings. The Applicants and the Respondents were each asked to swear an oath as to the truthfulness of the evidence before they were permitted to take the chair and give their evidence.

In this regard, Kelly Penner, being one of the parties required to swear an oath, for reasons not entirely clear to the Senate, took exception to swearing an oath which involved the style of cause wherein people's names were attached to it, but would only swear an oath saying that she would be truthful with respect to the evidence she was giving regarding Senate File No. 187.

The Senate accepted her oath on those terms, mindful of the fact that the Senate File Number is simply a shorthand identification in identifying the parties. It was never made clear what the motivations were, but in the future, the oath will have to be accepted in the form presented, or the evidence will not be accepted.

The first witness, Arlene Masse, provided a great deal of information, both in her own evidence and in cross examination, which raised the specter of issues which were far beyond the competency and jurisdiction of the Senate. Through this evidence, it became perilously evident that there were assertions being made that funds not of an insignificant amount, were being misallocated. It further became apparent that quite aside from the common sense and natural justice aspects required to effectively administer a Métis Regional Government, there were serious breaches of duty imposed upon the Respondents in their capacity as an Officer of a British Columbia duly incorporated Society.

These, of course, are issues over which the Senate has no jurisdiction whatever, and if it is to be acted upon, would have to be reviewed by a Common Law Court. This also raised the question in the minds of the Senators as to what, if anything, they might have a duty to report to the Common Law authorities.

At the conclusion of Arlene Masse's evidence and cross examination, a recess was called and the Senate retired to consider their position whereupon one Senator, and two Senate Staffers, resolve that by reason of their former employment, they were in a particularly sensitive situation and declined to participate further in the Hearing.

Shortly after the Senate's temporary adjournment, the Senate reconvened, minus the one Senator and the two Senate Staffers mentioned above, who felt compromised should they continue. The Senate then heard some additional evidence from the Respondents and submissions from both the Respondents and Applicants.

At the conclusion of the small bit of evidence from the Respondents, and the submissions from both parties, a second adjournment was called. At the conclusion of that second adjournment the Senators confirmed their initial reaction and determination as to what should take place, the parties were called back into the Senate Room.

During the recess, the Senate, with respect to the complaints made by the Applicants about the Respondents, which included the abuse of Métis Elders and other Métis Citizens, it was concluded unanimously by the Senate, that these allegations were completely justified and that the attempts by the Respondents to defend their actions was nothing more than an attempt to defend the indefensible.

It was further concluded in the adjournment that it was completely unpalatable for the Senate to dignify the Respondents' inexcusable conduct by carrying on the Hearing with respect to the abuse allegations.

Also, it was unanimously agreed by the Senators regarding the allegations relating to financial mismanagement that the Respondents should be requested to immediately resign from their executive positions on the Society which ran the affairs of the Fraser Valley Métis Association. Further, they should consider seeking common law legal advice with respect to the allegations made against them.

Furthermore, the Senators unanimously agreed that the abuse allegations were to be referred back to the FVMA Citizens for a discussion at their forthcoming annual general meeting December 15th, 2024, and that this matter would remain open in the event that no satisfactory resolution was reached at the AGM and in such case, the Senate Hearing would resume at the request of the Applicants.

The Parties were then called back to the Senate Hearing Room wherein the Senator Chairperson, Senator Edkins, was charged with communicating the unanimous decision of the Senate.

Senator Edkins, with the able assistance of Senator Gladue, praised the Applicants for their courage and determination for bringing this matter to the attention of the Senate commenting that they had taken on a problem which the previous MNBC Board of Directors had essentially chosen to disregard.