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Subject: CBSA Seizure 4273-14-0724

Thank you for your December 11, 2014 letter. I duly noted you dropped your claim that my money is "collectable [*sic*] coins", and instead you have devised a new claim that my money is "commodities", I will quote the relevant sections of the law that **explicitly** show your claim to be illegal:

Currency Act, R.S.C., 1985, c. C-52 states:

11. (1) No person shall, except in accordance with a licence granted by the Minister, melt down, break up or use otherwise than as currency any coin that is current and legal tender in Canada.

Ie, commodity metals may be freely melted down, but currency made from the same metals is not legally meltable. In other words, as an example, if an affiliate crosses the border with one million dollar coins, she may not claim they are simple commodities, representing 6000kg of brass plated steel, and thus not currency. While you may consider this a valid explanation, I provided to you the legal proof to the contrary. The exact same logic applies to currency made from other metals.

The US equivalent US Code Title 31, to which my money is subject to, states:

(1) The Secretary may prohibit or limit the exportation, melting, or treatment of United States coins when the Secretary decides the prohibition or limitation is necessary to protect the coinage of the United States.

As you expressed doubt as to whether my money is currency, here is the quote of the US Code Title 31 which explicitly lists my money as currency of the United States:

§ 5112. Denominations, specifications, and design of coins

(a) The Secretary of the Treasury may mint and issue only the following coins:

- (1) a dollar coin that is 1.043 inches in diameter.
- (2) a half dollar coin that is 1.205 inches in diameter and weighs 11.34 grams.
- (3) a quarter dollar coin that is 0.955 inch in diameter and weighs 5.67 grams.
- (4) a dime coin that is 0.705 inch in diameter and weighs 2.268 grams.
- (5) a 5-cent coin that is 0.835 inch in diameter and weighs 5 grams.
- (6) except as provided under subsection (c) of this section, a one-cent coin that is 0.75 inch in diameter and weighs 3.11 grams.
- (7) A fifty dollar gold coin that is 32.7 millimeters in diameter, weighs 33.931 grams, and contains one troy ounce of fine gold.
- (8) A twenty-five dollar gold coin that is 27.0 millimeters in diameter, weighs 16.966 grams, and contains one-half troy ounce of fine gold.
- (9) A ten dollar gold coin that is 22.0 millimeters in diameter, weighs 8.483 grams, and contains one-fourth troy ounce of fine gold.
- (10) A five dollar gold coin that is 16.5 millimeters in diameter, weighs 3.393 grams, and contains one-tenth troy ounce of fine gold.
- (11) A \$50 gold coin that is of an appropriate size and thickness, as determined by the Secretary, weighs 1 ounce, and contains 99.99 percent pure gold.**
- (12) A \$25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.

[...]

(e) Notwithstanding any other provision of law, the Secretary shall mint and issue, in qualities and quantities that the Secretary determines are sufficient to meet public demand, coins which—

- (1) **are 40.6 millimeters in diameter and weigh 31.103 grams;**
- (2) **contain .999 fine silver;**
- (3) have a design—
- (A) **symbolic of Liberty on the obverse side; and**

(B) of an eagle on the reverse side;

(4) have inscriptions of the year of minting or issuance, and the words "Liberty", "In God We Trust", "United States of America", "1 Oz. Fine Silver", "E Pluribus Unum", and "One Dollar";

and

(5) have reeded edges.

These are all quotes of the sections I referenced to you on November 6, 2014, which you have acknowledged to received yet casually dismissed as non-applicable.

Furthermore, here is the quote of the Excise Tax Act that, again, **explicitly** states that my money is indeed exempt from the Customs Act:

3. **"Financial instrument"** means:

(a) a debt security;

(b) an equity security;

(c) an insurance policy;

(d) an interest in a partnership, a trust or the estate of a deceased individual, or any right in respect of such an interest;

(e) a precious metal;

(f) an option or a contract for the future supply of a commodity, where the option or contract is traded on a recognized commodity exchange;

27. A "precious metal" is a bar, ingot, **coin** or wafer of **gold, platinum or silver** that is refined to a purity level of at least

a) 99.5% in the case of gold and platinum, and

b) 99.9% in the case of silver.

28. A precious metal in the form of a bar, ingot or wafer at the required purity levels must generally be recognized and accepted for trading on Canadian financial markets. Ordinarily, these will bear markings indicating their purity level. They will also have an identification mark of the issuing financial institution or refinery. With respect to coins, only those metals at the required purity levels that have been issued by a government authority and that may be used as currency will qualify.

Furthermore, your claims that since a tariff appears to match my money, it is subject to the Customs Act, are false, this fact is plainly stated on the inside cover of the Customs Tariff itself:

WARNING

Users of this Departmental Consolidation are reminded that it is prepared for convenience of reference only and that, as such, has no official sanction.

In other words, the while it surely is convenient as a reference, the Tariff does not establish applicability of anything. For your own reference, it is the *Excise Tax Act* that establishes what the *Customs Act* applies to.

I would like you to clarify explicitly what makes these laws non-applicable. In your explanation, clearly state the name of the act and section number you refer to. Please refrain from quoting the text of Acts, as you have demonstrated in your initial letter dated November 3, 2014, and confirmed in your letter dated December 11, 2014 that such quotes are non-existent misrepresentations.

Radu Hociung

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So far you have not provided clear references to any of your claims, and thus it is clear they are just your own personal opinions, and thus not officially sanctioned. I also see no evidence that you consulted with any legal professional as you claimed in our telephone conversation on December 9, 2014. Perhaps you'd like to substantiate your claim?

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Hociung' with a stylized flourish at the end.

Radu Hociung