

OBJECTION – Not Relevant pursuant to Rule 242(1)(b) of the *Federal Court Rules*; or in the alternative, is unreasonable, unnecessary or unduly onerous to require the Defendant to make such enquires in accordance with Rules 242(1)(c) and (d).

15. Explain in detail how the seizing BSO came to have a copy of the plaintiff's citizenship card, given that he did not request it, according to his narrative report.

BSO Debski does not recall. However, it is normal practice to make copies of information and evidence reviewed at the time of the examination where seizure is taken.

16. Is it true that officer Debski requested the plaintiff's passport and wallet, not his passport, drivers' license and [car] ownership as he claimed in his narrative report?

BSO Debski does not recall asking for Mr. Hociung's wallet.

17. Did the seizing officer use the language "arrestable offense" when describing the "seriousness" of the offence he alleged in his narrative report?

As stated in his narrative report, BSO Debski did advise Mr. Hociung that smuggling was an arrestable offence.

18. Given the alleged behaviour clues from Radu Hociung (nervousness, pacing, raised voice), and officer Debski's conclusion that the coins were being "smuggled", would a conclusion that an arrestable offense may have occurred be appropriate according to CBSA officer's manual?

OBJECTION – Not Relevant pursuant to Rule 242(1)(b) of the *Federal Court Rules*. Mr. Hociung was not arrested or charged with a criminal offence as a result of this incident. But rather a civil seizure action was taken against the goods (*In rem*) for non-report under the *Customs Act*.

19. Why did officer Debski not report his verbal explanation of what "serious offense" means in terms of expected penalties?

This question is unclear and as such the Defendant is unable to answer.

20. Why did officer Debski not report asking the question "Where do you have so much money from?" and the answer he received, in his written report?

BSO Debski has indicated that the question was meant to instigate conversation and possibly show verbal and physical indicators that Mr. Hociung may have been exhibiting. This question was not pertinent to the seizure action.

21. Is his inquiry as to the provenance of funds related to the *PCMLTFA* or to the *Customs Act*? Include the section of the officer manual that explains the purpose and relevance of this question.

In the performance of their duties, BSOs may ask routine questions with respect to goods, currency and/or monetary instruments, to ascertain the nature of the goods being imported in order to determine what reporting obligations have been engaged under either (or both) the *Customs Act* as well as the *PCMLTFA*.

22. Why did officer Debski not report generating an "online rating" for the coins, showing supposedly owed taxes? What was the purpose of producing this rating?