



NARRATIVE REPORT / RAPPORT NARRATIF

SEIZURE NUMBER/NUMÉRO DE SAISIE: 4273-14-0724      REPORT DATE/DATE DU RAPPORT: 2014/10/21  
REPORT TYPE/TYPE DU RAPPORT: Seizing  
OFFICER NAME/NOM DE L'AGENT: DEBSKI, Christopher  
WLOC NAME/WLOC NOM: Queenston Bridge - Traffic  
BADGE NO./N°. D'INSIGNE: 11276

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I, Christopher Debski am employed by the Canada Border Services Agency as a designated Border Services Officer, and have been employed as such since November, 2010. I am presently stationed at Queenston Bridge - Traffic Operations, Niagara-on-the-Lake, Ontario.

On October 21st 2014, I was scheduled to work the 0700 to 1900 hour shift.

During the time of 1800 to 1900 hours, I was working the secondary inspection area. At 1748 hours, a dark blue BMW 545 with Ontario marker DRMPEG was referred from primary lane 6 by 17188 for a B15 to pay taxes and also a selective examination to verify the declaration.

The occupant of the BMW had completed paying his taxes and there was a radio transmission that a selective examination was coming out of the office area. I approached the driver, greeted him and asked him for the E-67 referral slip.

The driver became known to me as:

Driver: HOCIUNG, Radu  
DOB: 06DEC1973

The E67 Read:

- 1 resident
- length of absence: TD; (today)
- goods declared: \$500
- currency: no
- commercial goods: no
- gifts: no
- firearms/weapons: no
- food, plants and animals: no
- duty free shop: no
- remarks: \$500 NAT
- marked mandatory
- marked selective
- time of referral: 1748
- licence: DRMPEG
- province: ON
- BSO: 17188
- lane: P6



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I asked HOCIUNG for his receipts and he provided me a receipt from Bailey Tire Inc. in the amount of \$499.70. I asked HOCIUNG if he had purchased all four tires or only two. HOCIUNG stated that he had only purchased two tires. I asked HOCIUNG if they were already installed on the vehicle. HOCIUNG stated that they were already installed on the vehicle, the rear tires. I advised HOCIUNG that I would be conducting an examination of his vehicle to verify his declaration.

I began my systematic examination on the drivers' side of the vehicle. I worked my way around the vehicle in a counter-clockwise direction. Upon getting to the front passenger side of the vehicle there were various receipts and documents on the front passenger seat. I also observed a pill container of Advil Cold medication and a bottle of water. Upon looking at the documents on the front seat I noticed that there was a piece of paper approximately the size of a queue card with various business addresses on it. The card contained the address of Bailey Tire Inc and also the card included the name and addresses of various coin shops in New York. Jack Hunt, The Coin Shop, and The Gold Mine. I continued to complete the examination of the vehicle. Upon looking back at HOCIUNG I could tell he was visibly distraught as he was pacing the sidewalk in front of the Secondary Operations office. Upon opening the glove compartment I discovered a receipt from Jack Hunt - Coin Broker Inc. dated 10/21/14, (21OCT2014). The receipt was in the amount of \$5,700.00 USD. The goods on the receipt were listed as a quantity of four, (4), Gold Buffalos totaling \$5,300.00 USD and twenty, (20), Silver Eagles. The address listed on the receipt matched the address of the location on the queue card.

I approached HOCIUNG and asked him what else he had purchased while away. HOCIUNG stated that he purchased from medicine. I again wanted to give HOCIUNG the opportunity to be truthful and asked again if he had purchased anything else. HOCIUNG then stated that he had purchased gold.

I then showed HOCIUNG the receipt that was discovered and told him that this was serious as he failed to declare \$5,700.00 USD in goods. HOCIUNG was visibly agitated and advised me that it was currency and he did not have to declare any currency under \$10,000.00 CDN. I then told HOCIUNG that currency is one thing but the coins he was smuggling are not considered coins but instead they are considered as goods. HOCIUNG did not agree with my explanation.

I told HOCIUNG that I would look into the matter and get guidance from a superintendent and get back to him. I requested that he give to me the keys to the vehicle, his passport, drivers' license, ownership and the gold coins. I then told HOCIUNG to have a seat in the office.

Upon consultation with the superintendent on duty and through reviewing operational bulletins it was determined that coins are also to be treated as goods and not as currency. Although the coins technically have legal tender status, the face value of a gold, silver or platinum bullion coin is purely symbolic and much lower than its actual market value. Only those coins minted with metals at the required purity levels and issued by a government authority qualify.

I then advised HOCIUNG that I would be seizing the goods that were not declared. I asked him where the Silver Eagles were and HOCIUNG opened his jacket and pulled out a sealed tube of silver dollars. I told HOCIUNG that when the paperwork is complete and the penalty is paid he would be free to leave. HOCIUNG asked how much the penalty would be. I stated that I was not sure and would have an answer for him after the paperwork was completed. HOCIUNG was agitated by this and asked who would be completing the paperwork. I advised HOCIUNG that I would be completing the paperwork and I would get back to him as soon as it was complete.



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The gold and silver coins were seized for non-report and the terms of release for the goods was \$1,606.97 CDN.

I called HOCIUNG to the counter area and gave him the seizure package and told him the terms of release to get the goods back. Immediately HOCIUNG interrupted what I was telling him and told me he will not pay the terms of release until he speaks to his lawyer. HOCIUNG then brought out a list of questions that he had written down on a pamphlet and began to ask questions. He asked how many days he has to appeal the seizure and how will he get his goods back. HOCIUNG asked if we ship the goods to him. I advised HOCIUNG that he can hold the items for him for 90 days or until the terms of release is paid and I advised him that I was not sure about shipping but I do not think we ship items. I advised HOCIUNG that I would have to change the seizure documentation to reflect that the goods were being held for payment and would come back again.

After retrieving the new seizure package I explained again that the goods would be held for 90 days or until the terms of release are paid.

HOCIUNG again began to question the seizure of the coins stating that it is currency. I stated that it was not considered currency as the coins in his possession were not in circulation and he would not pay for something with his gold coin that is labelled with a value of \$50.00 USD. I told HOCIUNG that I was not going to argue and my decision has been made. As a courtesy, an online rating print off was given to HOCIUNG to show him the approximate tax he would pay on the coins if he had declared them. HOCIUNG again began to get agitated and raised his voice saying that he wants the rating to reflect the specific coin he had. I told HOCIUNG that this was only an approximate rating and was done as a courtesy to him and that it had nothing to do with the seizure package. HOCIUNG understood and left.

Upon placing the coins into a sealed evidence bag to be put into the safe, HOCIUNG came back into the building and requested my presence.

HOCIUNG asked me how much extra he must pay for tax after the terms of release is paid. I advised HOCIUNG that \$1,606.97 CDN was all he had to pay to have the goods released into his possession. HOCIUNG again asked about the tax that he must pay when the coins are picked up. I again told HOCIUNG that when he pays the terms of release of \$1,606.97 CDN he may take the goods and leave and that there were no other costs associated with the seizure of the goods.

HOCIUNG stated, 'Interesting.', and left the office area.

I placed the gold and silver coins into an evidence bag and sealed it. I then asked the superintendent on duty to accompany me to the secure bond room to place the gold and silver coins into the safe.

I had no further contact with HOCIUNG, his vehicle or the gold and silver coins.

Respectfully submitted,

BSO Christopher Debski



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