

Citation: *Janz v. Melew*, 2018 YKTC 16

Date: 20180412  
Docket: 17-00707  
Registry: Whitehorse

**IN THE TERRITORIAL COURT OF YUKON**  
Before His Honour Judge Cozens

VERN JANZ

Applicant

v.

YONIS MELEW

Respondent

Appearances:

Vern Janz  
Yonis Melew

Appearing on his own behalf  
Appearing on his own behalf

**REASONS FOR JUDGMENT**

[1] COZENS J. (Oral): Vern Janz has sworn an Information, as amended, alleging that:

Since April 2017, there have been ongoing issues and Vern Janz fears on reasonable grounds that Yonis Melew will cause personal injury to him, due to Yonis Melew following him, threatening him and acting aggressively towards him, contrary to s. 810 of the *Criminal Code*.

[2] The hearing of the s. 810 application proceeded on April 4, 2017 and judgment was reserved until today's date. This is my judgment.

[3] Mr. Janz was the only witness in support of his application for a peace bond. He is the Registrar of the Yukon Department of Motor Vehicles (“DMV”) located at 2<sup>nd</sup> Ave, Whitehorse.

[4] He testified that his concern for his safety arises out of several interactions Mr. Melew has had with him and/or with the staff at the DMV, going back to April 2017.

[5] In support of his application, Mr. Janz relies on his own direct interactions with and observations of Mr. Melew, as well as written communications he received from the staff who reported to him in his capacity as Registrar.

[6] None of the DMV staff who provided these written communications to Mr. Janz testified at the hearing. Mr. Janz testified that they did not wish to do so as they were fearful of Mr. Melew. I note that the original s. 810 Information, prior to amendment, included the staff at the DMV.

[7] I allowed Mr. Janz to refer to the documents he had been provided by the DMV staff as these were provided to him in the course of the staff members’ employment at the DMV, for the purpose of background and as forming part of the overall foundation for the fear for his safety that Mr. Janz testified to having.

[8] The interaction between Mr. Melew and the DMV staff that brought Mr. Janz into the situation commenced April 7, 2017 when Mr. Janz received information from the DMV client services staff in regard to incidents that occurred on April 5 and 7 involving an individual, subsequently identified as Mr. Melew. This information came directly from counter staff as well as from three written reports.

[9] Following the April 7, 2017 incident, Mr. Janz received a voice mail from an unidentified individual requesting a call back. Mr. Janz returned the call and asked the individual to identify himself. The individual did not do so, however, and hung up.

[10] Mr. Janz was aware that the individual who had been inside the DMV on April 5 and 7, that resulted in the reports being provided to him by the DMV staff, had shown a Yukon Government identification card to the counter staff. He therefore searched the Yukon Government internal directory and connected the phone number to Mr. Melew.

[11] Mr. Janz then sent an e-mail complaint in regard to his concerns about Mr. Melew's behaviour at the DMV to Lonny Borgfjord at Health and Social Services ("H&SS"). Mr. Janz stated in the e-mail that he believed Mr. Melew to be an employee within Mr. Borgfjord's unit at H&SS. He concluded the e-mail by stating:

I will not accept aggressive and inappropriate conduct towards staff, that threatens the goals of a respectful workplace. This is particularly applicable for dialogue and interaction between fellow YG employees, who present themselves publicly in such capacity. Please understand that if Mr. Melew attends Motor Vehicles and displays similar behaviour, he will be required to leave the premises.

[12] (I note that in the e-mail Mr. Janz also related his concerns about whether Mr. Melew had been driving a vehicle while talking on a cell phone, contrary to the *Motor Vehicle Act*, RSY 2002, c. 153, ("*MVA*") s. 210.1(2), due to background noise he heard. Mr. Melew denies having done so. Frankly, for the purposes of this hearing, this is not a relevant factor to the issues I am required to decide.

[13] (I also note from the evidence that Mr. Melew received a letter dated January 18, 2018, from the office of the Yukon Information and Privacy Commissioner ("*YIPC*") in

regard to a complaint he filed against Mr. Janz, arising from the e-mail Mr. Janz sent to Mr. Borgfjord. The letter from YIPC in response to the complaint was premised on Mr.

Janz:

...using your[Mr. Melew's] personal cell phone number left on the Director's ([Mr. Janz] voice mail at MVB [Motor Vehicles Branch], to acquire through the public YG staff Directory additional personal information of the Complainant including your name, the YG Department you worked in and your supervisor's name. Using this information, the Director disclosed your name and a description of your conduct while at the MVB to your supervisor at Health and Social Services, another public body.

[14] The letter concludes:

...the use and disclosure of the personal information (cell number and opinion) was not authorized under the ATIPP Act. The settlement reached requires the Public Body to ensure all staff are aware of and compliant with the requirement to protect the privacy of personal information collected by a public body.

[15] I am not aware of the rationale for this decision made by the Information and Privacy Commissioner. Again, however, for the purposes of what I am required to decide in this hearing, this evidence is not relevant and, as such, has no bearing on my decision).

[16] Mr. Janz subsequently received additional information from the DMV staff that, while attending the DMV on October 5, 2017, Mr. Melew had conducted himself in a manner that concerned the staff. Mr. Melew had been at the DMV to act as interpreter for another individual (his spouse) who was taking the road test for her driver's license. Due to the interaction between Mr. Melew and the staff member who was to conduct the roadside test, the roadside test did not proceed. The incident report from this staff

member to Mr. Janz, setting out the details of this interaction, was filed as an Exhibit in the hearing. It is clear from this report that this staff member was upset by the nature of his interaction with Mr. Melew.

[17] With respect to the October 5, 2017 incident, Mr. Janz testified that he had heard yelling in the entry area of the DMV and that when he came out to the client services area he saw Mr. Melew being escorted out by staff. Mr. Janz testified that he followed Mr. Melew to the car that Mr. Melew and his wife were sitting in and spoke to him there. He said that he banged on the window of the car and told Mr. Melew to get off the DMV property.

[18] As a result of this incident, Mr. Janz sent Mr. Melew a registered letter, dated October 5, 2017, that flagged the events that arose from that day, making reference also to the events of April 5 and 7, 2017.

[19] This letter stated, in part:

Your actions were aggressive, abusive and disrespectful, and staff at Motor Vehicles continue to feel threatened as a result of your presence. These actions present a safety threat to the employees at this work place. In accordance with the Occupational Health and Safety Act [RSY 2002, c. 159, "OHS"], s. 3, the employer is required to maintain a safe work place for employees, and to address any risks to safety.

Thus, due to your repeated actions, and the consequent risks to employee safety, this letter serves as notice that you may not appear at Motor Vehicles unless you meet the following conditions:

- You are required to make an appointment (telephone 867-667-5315) at least 48 hours in advance, to schedule a date and time to enter Yukon Motor Vehicles (2252 2<sup>nd</sup> Avenue, Whitehorse, YT Y1A 5W1); and

- If you do not make an appointment prior to entering Yukon Motor Vehicles, you will be required to leave the premises in accordance with the Government Facilities Use Regulation s. 3, until such time as an appointment had been made.

[20] In this letter to Mr. Melew, Mr. Janz provided a phone number in the event that Mr. Melew had any questions about the letter that he wished to discuss with him.

[21] I note that the relevant excerpt of s. 3 of the *OHSA* reads:

3(1) Every employer shall ensure, so far as is reasonably practicable, that

(a) the workplace, machinery, equipment, and processes under the employer's control are safe and without risks to health. ...

[22] The driving test for Mr. Melew's spouse subsequently took place on October 10, 2017. Mr. Janz had hired additional private security staff for that day in the event there was any further incident. Mr. Janz was informed that the roadside test occurred without incident, although the examiner, (a different one from October 5), had observed Mr. Melew to be following, in another vehicle, the car that the test was being taken in.

[23] Mr. Janz stated that on October 11, 2017 he received a message on his voicemail from Mr. Melew as follows:

"Yeah, you send a letter, and you try to tell me to make appointment. Listen, this is not your house, OK. I can enter the public premises whenever I need a service. You people are racist, and you should deal with it including yourself. You used my phone number to retrieve my information. You misuse and abuse your power to retrieve information, and went on a website, tracked down where I work, and you make a bogus complaint. You did not succeed. So, I will meet with your boss, and then, I will also go to court. So I will see you in court, buddy. Alright, you're not gonna intimidate me with this letter or with anything. I'm a citizen, and a taxpayer. I am entitled to these services, OK. Your driver

examiner, [redacted], was looking for a reason not to do the test, because they all know that I filed a complaint against you. And you told them to reschedule the whole test for me and my family and my people. You are a black hater, you are a racist. And so, I will see you in court. OK this is all you have. Everybody must be treated equally. You got agitated, and you got mad because I asked you really simple information, OK, which your Minister believed. You have a terrible test there, and you have a terrible racist people working for you. They don't even know what they are doing. They denied having a driver's licence on file, OK. Everybody pretends to be a Director there. You can see blood coming to their eyes. Anyways, I got the letter. It's a bogus letter, and you can forget it. So, I have nothing to do with that office, but if I need a service, driver abstract, change my driver licence, it is the only place in town, I don't have to make appointment. I will come, to get the service like every other Canadian. Stop this discrimination. OK, stop this stinky racism. Thank you.

[24] Mr. Melew does not dispute the accuracy of this transcript.

[25] Mr. Melew subsequently attended the DMV on October 13, 2017. Filed as an Exhibit is a photograph of him from that day, time stamped at 9:33:41 a.m., standing in the central reception area pointing at a staff member who is behind the front counter.

[26] Mr. Janz testified that Mr. Melew stated: "I can come in here any fucking time I want" before leaving. Mr. Janz testified that as Mr. Melew was leaving the parking lot he raised his middle finger. Mr. Melew testified that he had no purpose in being at the DMV for matters directly related to receiving motor vehicle services that day and that he was only there briefly. He denies swearing, as alleged.

[27] Mr. Janz testified that on November 29, 2017, he was at the Kwanlin Dun Cultural Centre for a public event. He encountered Mr. Melew there, who said something to him that he did not understand. Mr. Janz stated that Mr. Melew followed him around the Centre for approximately 15 minutes staring at him. Mr. Janz stated that he then left the Centre and went to his car, locking the doors as he saw that Mr. Melew

had followed him out to the parking lot. He said that as he drove out of the parking lot, Mr. Melew was waiting in his car, with a hoodie pulled over his head, and that Mr. Melew then followed him in his car for at least two blocks. Mr. Janz felt that Mr. Melew pulled the hoodie up to hide his face. Due to his concerns, Mr. Janz then drove to the RCMP Detachment to report the incident.

[28] I note that the same staff member who had declined to conduct the driving examination on October 5, 2017 provided Mr. Janz with a further incident report about an encounter he had inside a coffee shop with Mr. Melew on December 18, 2017, in which the employee reported that Mr. Melew shouted that he was “a fucking racist” amongst other comments, one of which was threatening in nature. The employee also stated that Mr. Melew followed him out of the coffee shop and continued to do so for a period of time.

[29] Also filed as an Exhibit at the hearing were two incident reports from staff members who had encounters with Mr. Melew at public locations on January 25 and 29, 2018. Both encounters left these employees uncomfortable and concerned enough to provide Mr. Janz with reports of what transpired.

[30] Mr. Janz also testified to there being a number of publicly accessible Facebook posts made by Mr. Melew since February, 2018, including the following:

The local Motor Vehicle Registry is unwelcoming and the staff members are black-haters and cold-blooded racist. They were disrespectful to me and my wife on several occasions. It is run by a racist Vern Janz who used my personal cell phone number to find out my full name, place of work and manager’s name and filed a bogus complaint to go after my pay cheque. He didn’t succeed. He was very malicious. He violated my right to privacy. He will be brought to justice in a court of law very soon.

Anyone who has a similar experience or has been mistreated and disrespected in the past, please get in touch with me. Thank you.

It is a racist institution run by a black-hater Vern Janz. He thinks he owns the Place. He banged my wife's car with his fist and said "get [of] my property" He thinks the Motor Vehicle is his property. Ridiculous Racist who is getting paid by our tax dollars.

[31] Two complaints against Mr. Janz were filed with the Human Rights Commission in regard to his and the DMV's interactions with Mr. Melew: the first on January 24, 2018 by Mr. Melew's spouse, and the second on March 1, 2018 by Mr. Melew. Both complaints alleged discriminatory behaviour at Motor Vehicles on the basis of ancestry, origin, ethnicity, and marital status, when offering a public service.

[32] In cross-examination, Mr. Janz was asked by Mr. Melew whether he hated black people, to which Mr. Janz said "No".

[33] He was further asked whether his use of the term "aggressive" to describe Mr. Melew's behaviour was a term he used with respect to black people. Mr. Janz replied "No", and stated that "aggressive" simply meant "aggressive".

[34] When Mr. Janz was asked why he was relentlessly going after Mr. Melew's job and making bogus claims against him, Mr. Janz denied doing so.

[35] Mr. Janz denied that he was upset by the complaints made to the Human Rights Commission or that this was a motivating factor for the peace bond application that he has brought.

[36] Mr. Janz stated in cross-examination that his concerns for his safety arise due to the comments made by Mr. Melew, his aggressive behaviour and the totality of what he

considers to be Mr. Melew's campaign against him. He stated that he is fearful and constantly looking around for Mr. Melew in the event that he encounters him and there is a confrontation. He states that his wife is also fearful.

[37] Mr. Janz testified that he had no previous dealings with Mr. Melew until he attended at the DMV in April 2017. He also stated that his only encounter with Mr. Melew outside the DMV property was the November 29, 2017 encounter at the Kwanlin Dun Cultural Centre.

*Mr. Melew*

[38] Mr. Melew testified that he had no knowledge of Mr. Janz outside of their interaction through the DMV issues.

[39] He stated that his initial problems with the DMV began when he tried to switch his Alberta driver's license over to a Yukon driver's license. That was resolved and afterwards he had some routine attendances at the DMV without incident. However, problems arose when his wife attempted to obtain her driver's license in April, 2017. She had failed the written exam by two questions and Mr. Melew felt that the exam was poorly written. He also stated that he believed the DMV staff member administering the exam had a grudge against him. (This was the same staff member who was intending to do the driving examination portion of the exam on October 5, 2017 but did not due to the nature of the interaction he was having with Mr. Melew). Mr. Melew testified to having an argument with the DMV counter staff, over the time it would take for a re-test to be done, and he said that he briefly showed them his Yukon employee card in the course of the argument.

[40] Mr. Melew said that when Mr. Janz returned his phone message in April 2017, he thought he was speaking to Minister Mostyn, as his original request for a call-back was intended for Minister Mostyn, not Mr. Janz.

[41] He stated that he believes Mr. Janz was after his job when Mr. Janz wrote the letter to his manager at H&SS.

[42] He also testified that he believed the staff member who declined to conduct the October 5, 2017 driving examination was looking for a reason not to conduct the examination.

[43] Mr. Melew testified to his belief that he was a “marked man” by Mr. Janz and the DMV staff as soon as he walked through the door. In particular in this regard, he referred to the incident of October 13, 2017 and stated that he was marked as “an aggressive black male”. He noted that when he entered the DMV, the staff member shouted out to Mr. Janz: “Vern, Vern, he’s here, he’s here”, which to him meant that it was obvious he was targeted and marked as an aggressive black man. He further stated that Mr. Janz and the DMV staff targeted him for his skin colour.

[44] He testified to his belief that the case between himself and Mr. Janz “is all about race”, that Mr. Janz has made it this way, and that the resolution of the human rights complaints will prove this. He stated that in the past 25 years he has no criminal record and no demerits, and was successful in Toronto in the one human rights complaint he made. He stated that Mr. Janz feels entitled because he is white. He further stated that he is an activist who stands for black people.

[45] Mr. Melew stated that, while he saw Mr. Janz at the Kwanlin Dun Cultural Centre on November 29, 2017, he did not stare at or follow him. He testified to leaving before Mr. Janz, putting his hoodie on and leaving the area. He denied following Mr. Janz or trying to disguise himself.

[46] He testified that no-one has a reason to fear him and that he has no issue with anybody.

[47] With respect to the Facebook posts, he testified that he has freedom of expression and of speech. With respect to contact with Mr. Janz and the DMV staff in public locations, he testified that he has freedom of movement.

[48] In support of his position that Mr. Janz need not be concerned about his safety and problems at the DMV, Mr. Melew called a witness to testify that he, in fact, asked this witness to conduct the last transactions he was required to do at the DMV, in order to avoid going there himself. This witness testified that when Mr. Melew spoke with him about going to the DMV on his behalf, Mr. Melew stated that he had felt singled out and discriminated against at the DMV.

## **Analysis**

[49] Section 810 reads in part:

(1) An information may be laid before a justice by or on behalf of any person who fears on reasonable grounds that another person

(a) will cause personal injury to him or her or to his or her spouse or common-law partner or child or will damage his or her property....

...

(3) If the justice or summary conviction court before which the parties appear is satisfied by the evidence adduced that the person on whose behalf the information was laid has reasonable grounds for the fear, the justice or court may order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for a period of not more than 12 months.

[50] The law as it relates to the test for granting a peace bond has been considered in the case of *R. v. Alvarez-Gongora*, 2014 ONCJ 712. In para 58 Monahan J. states:

58 Justice Allen of the Alberta Provincial Court in *R. v. Soungie* gave a comprehensive judgment on **peace bonds** and his statement of the applicable legal principles in that case have been followed by the Ontario courts. Justice Allen summarized the applicable legal principles as follows:

- (1) Section 810 is preventive in nature protecting the applicant in appropriate circumstances from future harm to the applicant, the applicant's spouse, the applicant's common law partner, the applicant's children, or future damage to the applicant's property. The Court is allowed to intervene to prevent a breach of the peace prior to an actual offence being committed.
- (2) Section 810 restrains the liberty of the defendant to live his or her life free from restraint of that liberty.
- (3) The Judge must balance the two competing interests in determining whether to place the defendant on a recognizance. That is, the Judge must balance the right of the defendant to privacy or to be left alone against the right of the applicant to a protective intervention in appropriate circumstances. Certainly, the Judge must be cautious in exercising discretion to affect the liberty of the subject, but this caution must be tempered with a view to the protection provided to the applicant where grounds have demonstrated the need for the recognizance.
- (4) The applicant must actually fear that the defendant will cause personal injury to the applicant, the applicant's spouse, the applicant's common law partner, the applicant's children, or will cause damage to the applicant's property.
- (5) The Judge must find that the applicant's fears are **reasonable**, i.e., that an **objective** person armed with the

same knowledge as the applicant would agree that the applicant's fear[s] are reasonable. The reasonable fear must be triggered by some action of the defendant.

- (6) Evidence of the defendant's previous misconduct is admissible to determine the basis for the beliefs held by the applicant. This evidence can be used by the Judge in determining whether the applicant's fears are reasonable.
- (7) The Judge is not asked to predict future behaviour; rather, the Judge must be satisfied from the evidence [of] the likelihood of future harm or damage. The quality and strength of the evidence must be sufficient to satisfy this likelihood.
- (8) The onus of persuasion is upon the applicant. The applicant must satisfy the Judge on the balance of probabilities of the grounds for the issuance of a recognizance.

[51] There is both a subjective and objective analysis of the reasonableness of the fear for safety on the part of the individual seeking the peace bond. There can be a subjective fear that may nonetheless not be a fear that meets the objective reasonableness requirement.

[52] Subject to what I will subsequently say, I find that, while Mr. Janz has some reason to be concerned about Mr. Melew's actions, I do not find that these concerns are such that, viewed objectively, they form the basis to compel Mr. Melew to be subject to a s. 810 recognizance.

[53] Mr. Melew's concerns stem initially from his interaction with the DMV staff and his perception of their treatment of him. He has since taken steps to avoid going there himself, having another person conduct business on his behalf, which is a recognition of the confrontational nature of his interactions with the DMV staff and Mr. Janz.

[54] Mr. Melew's interactions with Mr. Janz outside of the DMV property have consisted of the one occasion last November and, even were I to find Mr. Janz's version of events to be entirely credible and reliable, a finding I do not consider necessary to make, I nonetheless would note that the actions described are not particularly egregious, in context, and there has been no direct repetition of them with Mr. Janz since.

[55] I am aware that Mr. Janz's fears are based in part on interactions Mr. Melew had with other of the DMV staff members, including after November of last year. Those staff members are not here, seeking a peace bond against Mr. Melew, or giving evidence that can be tested through cross-examination. I am not saying this in any way to undermine or question the reports they have provided to Mr. Janz. These staff members may have very legitimate reasons of their own for not participating in this hearing.

[56] So while I accept that this information is relevant to Mr. Janz's subjective belief of fear for his safety, I am reluctant to place too much weight on it for a finding that these fears are therefore objectively reasonable.

[57] This said, I find that there is sufficient reliable and credible evidence that Mr. Melew's interactions with the staff at the DMV would have raised concerns sufficient to require Mr. Janz, as the Registrar responsible for supervision of the DMV, to involve himself in an attempt to resolve the matter. I understand his concern regarding his responsibility to ensure that the DMV staff are able to work in a safe and positive environment.

[58] In the letter he sent to Mr. Melew, he relies on s. 3 of the *Government Facilities Use Regulation* (the *Regulation*) found in the *Financial Administration Act*, RSY 2002, c. 87, which states:

No person shall loiter or commit any nuisance in or on any government facility.

[59] There is no remedy within the *Regulation* for a s. 3 breach, however, or other information, at least before me, of what actions Mr. Janz could take if he felt that Mr. Melew was acting in a manner in violation of s. 3 of the *Regulation*. Mr. Janz testified that he relied on what he considered his obligations to be under the *OHSA*. I am not ruling here on whether Mr. Janz could or could not put restrictions on Mr. Melew's attendance at the DMV, as he did in the October 5, 2017 letter. It is not necessary for me to do so for the purpose of this hearing. Perhaps, in his supervisory role, he was entitled to. Perhaps not. A question for another day and another forum.

[60] I do note, however, that section 3(1) of the *Summary Convictions Act*, RSY 2002, c. 210, makes it an offense to contravene a provision of a government enactment, punishable on summary conviction by a fine of \$500.00 and imprisonment for six months or both. It would seem to me that if anyone were to be a nuisance in or at the DMV, they could be charged with having committed an offence.

[61] I also note Mr. Janz's concerns about what he perceives as the totality of a campaign by Mr. Melew against him, noting in part the Facebook posts accusing him and the DMV staff of being black-haters and racist. The comments in these posts, being made in a public forum, certainly give rise to consideration, as I pointed out at

trial, whether they may in fact be defamatory and give rise to legal action by Mr. Janz against Mr. Melew for defamation of character. That is, of course, not for me to determine. However, while these comments, strong as they are, may cause Mr. Janz to seek a remedy elsewhere, I am not satisfied that the “hostility” they demonstrate towards Mr. Janz is such that it should be dealt with through a peace bond because of an objective fear of harm. This is not to say that potentially defamatory statements cannot be harmful, given that psychological harm has been found to be harm within the meaning of s. 810 (See *J.H. v. W.B.*, [2001] Y.J. No. 37 (T.C.) at para. 19).

[62] In the circumstances of this case, while acknowledging that Mr. Janz may well be negatively impacted by the actions of Mr. Melew, it is my opinion that the issue of harm does not rise to the level of that required for the issuance of a peace bond, and that any resultant harm would be better addressed in a different forum.

[63] Neither, of course, does the fact that Mr. Melew has brought a human rights complaint against Mr. Janz, form any basis for the issuance of a peace bond. I can understand why Mr. Janz may feel that he is under a “campaign against him” by Mr. Melew. It is, however, certainly within Mr. Melew’s right to file his complaint with the Human Rights Commission if he feels that he has been discriminated against, and it is certainly within Mr. Janz’s right to defend himself against this claim of discrimination.

[64] That fact that a claim has been filed and is being investigated is not proof that there has, in fact, been any discrimination. It is a claim only and one that needs to be adjudicated upon in the appropriate forum, just as the fact that Mr. Janz filed the s. 810

Information, on the basis of his claim that he fears for his safety from Mr. Melew, is also a claim only and required adjudication on the merits.

[65] I have only limited information before me at this hearing, and certainly none of the documentation I have reviewed or evidence I have heard provides me with any objective evidence that Mr. Janz or the DMV staff have acted in a manner that could be said to be racist and discriminatory on the basis claimed in the human rights complaints that were filed. But as I said, I have only limited evidence before me and I cannot speak to what additional evidence may be given in the event that there is a hearing ordered after the Human Rights Commission has completed its investigation. That is a matter for a different hearing before a different adjudicator with different procedural requirements.

[66] In conclusion, I am not satisfied that the requirements for the issuance of a peace bond against Mr. Melew have been satisfied and I dismiss the application. Nothing in this decision, however, precludes Mr. Janz, or any of the DMV staff, from filing a further application for a s. 810 peace bond against Mr. Melew if there are incidents in the future that provide a basis for doing so.

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COZENS T.C.J.