



IN THE MATTER OF THE DEBARRMENT OF WILLIAM J. HARVEY

ORDER

PURSUANT TO SECTION 89(1)(b) OF THE *PLACER MINING ACT*, S.Y. 2003, c. 13

Decision Maker: Janet Bell-MacDonald, Mining Recorder, Dawson Mining District

A. BACKGROUND

An inquiry for the purposes of making a decision pursuant to section 89(1) of the *Placer Mining Act* was held in Dawson City, Yukon on April 4, 2019.

Service of due notice was proved to my satisfaction. William J. Harvey was served notice and disclosure through email as per his request. I went through the notice with Mr. Harvey over the phone.

On April 1, 2019, the deadline given to Mr. Harvey for the submission of evidence, Mr. Harvey requested an extension of the timelines to submit relevant information or documents to be considered in the inquiry. The request was not accepted, as Mr. Harvey could not provide a reasonable justification for the request, and the inquiry was allowed to proceed.

William J. Harvey did not submit any evidence to be considered in the inquiry.

At issue is the staking compliance of placer claim "TGRB" grant number P 517396, located on the left limit first tier bench of Hunker Creek, staked by William J. Harvey on April 4, 2016, and filed at the Dawson Mining Office, on April 5, 2016.

The evidence considered in the inquiry was:

- Application, staking sketch, statutory declaration about corrected staking, and lands review for claims P 517393 – P 517395, staked by members of Mr. Harvey's staking party;
- Application, staking sketch and lands review for claim P 517396

- Statutory declarations from Morris Lazowski, to whom Mr. Harvey transferred the claim, and associates of Mr. Lazowski, who visited the claim with Mr. Lazowski.
- A note to file from Sarah Taylor, Acting Mining Recorder, noting that Mr. Lazowski provided the documentation out of concern that the claim he had recently purchased from Mr. Harvey was not valid, as it did not appear to be staked in compliance with the Act.
- The response to Mr. Lazowski's concerns from Mr. Gaetan Carrier, a member of Mr. Harvey's staking party;
- Inspection request (note: there is an error in the document. The claim is listed as P 517318, but should be P 517396)
- Inspection report 990, completed by Natural Resources Officer Jim Leary.

REASONS FOR ORDER

I considered all of the documents listed above. The evidence clearly demonstrates that Mr. Harvey did not firmly fix a legal post in the ground for the staking of the TGRB claim, but instead defaced an existing legal post, which he re-inscribed with his own claim information.

Pictures submitted by Mr. Lazowski as part of his statutory declaration alleging non-compliant staking show some evidence that Mr. Harvey defaced a post, but are not conclusive.

Pictures submitted by Mr. Carrier as part of the statutory declaration he submitted to refute Mr. Lazowski's allegation, do not document the subject claim posts.

Natural Resources Officer Jim Leary completed and documented a thorough inspection the TGRB claim, along with the other claims staked by Mr. Harvey's staking party between April 2, 2016, and April 4, 2016. The report includes photographs and descriptions that prove Mr. Harvey defaced the existing post, including a description of insect damage that indicate the rooted tree had been dead for several seasons, that the face had been recently shaved down, and that some of the shavings from the post still had visible inscriptions from the original staker.

Mr. Harvey did not cut or flag a new location line, and instead relied on the limited location line markers remaining from the staking of the defaced post, as documented by Natural Resources Officer Jim Leary in inspection report 990.

B. ORDER

It has been proved to my satisfaction that William J. Harvey has defaced a legal post placed under the provisions of the *Placer Mining Act*. Based upon my findings, pursuant to section 89(1) of the *Placer Mining Act*, I order that **William J. Harvey be debarred from the right to obtain a Grant or Renewal of a Grant of a Claim issued under the *Placer Mining Act* for a period of three (3) years commencing on April 5, 2019.**

And it is further ordered that the application filed on April 5, 2016, for the TGRB claim, grant number P 517396, be refused as it does not conform with section 24 of the *Placer Mining Act*.

Dated at Dawson City, Yukon this 5th day of April, 2019.

A handwritten signature in blue ink, appearing to read "Janet Bell", written over a horizontal line.

Janet Bell-MacDonald, Dawson Mining Recorder

