



ROYAL CANADIAN MOUNTED POLICE

in the matter of
a conduct hearing held pursuant to the
Royal Canadian Mounted Police Act, RSC, 1985, c R-10

Between:

Corporal Coralie Wilkinson
Regimental Number 59188

(Applicant)

and

Designated Conduct Authority for "E" Division

(Respondent)

CONDUCT BOARD DECISION

Motion – Timeliness

Trevor Martin

(Applicant's Representative)

Pierre-Olivier Lemieux

(Respondent's Representative)

CONDUCT BOARD: Sandra Weyand

DATE: June 4, 2025

INTRODUCTION

[1] The Applicant is facing one alleged contravention of section 8.1 of the RCMP Code of Conduct for filing inappropriate expense claims. She is seeking to have the Allegation dismissed on the basis that the Respondent initiated the conduct hearing process outside the one-year time limitation period set out in subsection 41(2) of the *Royal Canadian Mounted Police Act*, RSC, 1985, c R-10 [*RCMP Act*].

[2] For the reasons to follow, the motion is granted. As a result, the Allegation against the Applicant is dismissed as it is statute-barred.

BACKGROUND FACTS

[3] On or around February 8, 2019, the Applicant was promoted to a corporal position. For the promotion, she was required to move from Prince George to Fort St. John, British Columbia.

[4] At the time of the promotion, Staff Sergeant Parks was the Applicant's Unit Commander. He was replaced by Superintendent (then, Inspector) Ken Floyd in March 2019.

[5] The Applicant submitted various expense claims for her relocation to Fort St. John as well as for travel back and forth between her new work location and her current residence in Prince George. She also claimed several operational expenses when she was away on duty in travel status.

[6] With respect to her travel between Fort St. John and Prince George, the Applicant advised Superintendent Floyd that she had an agreement with Staff Sergeant Parks. This agreement was to allow her to continue to reside in Prince George while completing work on a sensitive investigation file, despite her substantive position requiring her to be in Fort St. John.

[7] On June 4, 2020, the Applicant moved from Prince George to Fort St. John.

[8] On June 29, 2020, the Applicant filed a harassment complaint against Superintendent Floyd.

[9] On December 9, 2020, Chief Superintendent Michel Legault became aware that the Applicant allegedly contravened section 8.1 of the Code of Conduct and mandated a Code of

Conduct investigation. The *Conduct Investigation Mandate Letter* indicates that Superintendent Floyd became aware on June 29, 2020, that the Applicant allegedly conducted herself in a manner that, if established, would be in contravention of the Code of Conduct.

[10] On June 21, 2021, a request to extend the time limitation in this matter was granted despite the Applicant's opposition. The identified prescription date in the extension request was listed as June 29, 2020.

[11] Three additional requests to extend the time limitation were granted with a final time limitation deadline of July 31, 2023.

[12] On July 21, 2023, the *Notice to the Designated Officer* was signed.

[13] On August 14, 2023, pursuant to subsection 43(1) of the *RCMP Act*, I was appointed as the Conduct Board.

[14] On May 16, 2024, the *Notice of Conduct Hearing* was signed. It sets out the Allegation as follows:

Allegation 1: On or between January 7, 2019, and August 10, 2019, at or near or between Prince George and Fort St. John, in the Province of British Columbia, [the Applicant] failed to provide complete, accurate and timely accounts pertaining to the carrying out of her responsibilities contrary to section 8.1 of the RCMP Code of Conduct.

[15] The Particulars set out the details of the Applicant's posting and relocation as well as the expense claims she submitted during the relevant time frame.

[16] On June 10, 2024, the Applicant was served with the *Notice of Conduct Hearing* and provided the disclosure material.

[17] On June 26, 2024, before providing the response to the Allegation per subsection 15(3) of the *Commissioner's Standing Orders (Conduct)*, SOR/2014-291 [*CSO (Conduct)*], the Applicant's Representative requested the disclosure of the Applicant's notebooks as well as documents outlining the technical process to make and submit requests and expense claims for travel and relocation.

[18] On October 31, 2024, prior to the full additional disclosure being available, the Applicant's Representative presented a timeliness motion to stay the Allegation against the Applicant.

[19] On February 28, 2025, the Respondent's Representative submitted his response to this motion.

[20] On May 8, 2025, the Applicant's Representative provided his reply.

[21] In coming to my decision, I have considered all parts of the written Record before me.

SUMMARY OF PARTIES' WRITTEN SUBMISSIONS

Applicant's Representative's submission

[22] The Applicant's Representative is seeking a declaration that the Respondent has contravened subsection 41(2) of the *RCMP Act* and to have the Allegation dismissed on the basis that the conduct hearing was not initiated within the one-year legislated limitation period.

[23] The Applicant's Representative sets out that Superintendent Floyd is the relevant Conduct Authority in this matter. He highlights that Superintendent Floyd is acknowledged as such in the *Conduct Investigation Mandate Letter*.

[24] The Applicant's Representative then takes issue with the timing of when Superintendent Floyd initially became aware of the incidents at issue. In that respect, he points to Superintendent Floyd's admission that he had discussions with the Applicant about an expense claim in April 2019, where he dealt with the matter informally.

[25] The Applicant's Representative submits that the disclosed material thus far clarifies that Superintendent Floyd became aware of an apparent contravention of the Code of Conduct in April 2019 or May 2019. He specifically points to the following:

- a) An April 18, 2019, email from Corporal Smith, Non-Commissioned Officer of the Regional Hub Office in Williams Lake, to Superintendent Floyd, referencing an expense claim that is part of this Code of Conduct matter. The correspondence questions the legitimacy of the expense claim and asks for clarification.

- b) A May 3, 2019, conversation between Superintendent Floyd and Corporal Bandurak, with whom the Applicant was working on the special investigation file, regarding concerns about the Applicant's expense claims.
- c) A May 6, 2019, email in which Superintendent Floyd told the Applicant to prioritize her team leader role and transition out of her investigative role, specifically stating that she is to submit "No claims for working in Prince George unless [for] approved travel".

[26] The Applicant's Representative submits that based on Corporal Smith's and Corporal Bandurak's email and statements, Superintendent Floyd had enough information in the spring of 2019 to believe that there appeared to be a contravention of the Code of Conduct.

[27] The Applicant's Representative contends that any review of material by Superintendent Floyd after the Applicant filed the June 2020 harassment complaint would have been him re-examining information he already had earlier.

[28] The Applicant's Representative surmises that the threshold for what triggers the prescription date for a conduct hearing is low and that it was met earlier than indicated in the *Conduct Investigation Mandate Letter* in this case, given the various conversations Superintendent Floyd had in the spring of 2019 regarding the Applicant's expense claims.

Respondent's Representative's submission

[29] The Respondent's Representative does not contest that Superintendent Floyd is the relevant conduct authority in this matter and that his knowledge of when he had sufficient information to believe that a contravention of the Code of Conduct had occurred is pertinent.

[30] The Respondent's Representative further submits that the knowledge required to trigger the limitation period is more than mere suspicion but less than credible and persuasive evidence.¹

[31] The Respondent's Representative outlines that any discussions Superintendent Floyd had in April 2019 were informal conversations in an attempt to obtain further information, given that

¹ *Commanding Officer for "K" Division and Phillips*, 2018 RCAD 20 [Phillips], at paragraph 204.

Superintendent Floyd was new to his role and that he did not consider the matter to warrant a Code of Conduct investigation at that time.

[32] In addition, the Respondent's Representative explains that Superintendent Floyd had no oversight over the Applicant's house-hunting trip and relocation expenses, as these are handled by a section separate from operational expenses. As such, he states that Superintendent Floyd would not have been aware of the full context surrounding the Applicant's expense claims, and his minor concerns would not have met the threshold of more than mere suspicion.

[33] The Respondent's Representative states that the Applicant's filing of a harassment complaint against Superintendent Floyd prompted him to review certain expense claims and interactions referenced in the complaint. Furthermore, he contends that it is only after this review that the scope of questionable and irregular expense claims became known.

[34] The Respondent's Representative also advises that the Respondent wishes to withdraw from the *Notice of Conduct Hearing* any references regarding expenses related to Trip 1400269671, as they were dealt with informally by Superintendent Floyd.

REASONS FOR DECISION

[35] This decision deals solely with the preliminary issue of whether the time limitation period to initiate a conduct hearing was met. As such, I will not be making any findings of fact, law or otherwise, on whether the Applicant has contravened the Code of Conduct.

[36] The limitation period to initiate a conduct hearing is triggered by the knowledge of the conduct authority responsible for initiating an investigation into the alleged misconduct. In that respect, subsection 41(2) of the *RCMP Act* provides:

Limitation or prescription period

(2) A hearing shall not be initiated by a conduct authority in respect of an alleged contravention of a provision of the Code of Conduct by a member after the expiry of one year from the time the contravention and the identity of that member as the one who is alleged to have committed the contravention became known to the conduct authority that investigated the contravention or caused it to be investigated. [Emphasis added]

[37] Therefore, it is necessary to determine who was the conduct authority entrusted with the responsibility of initiating the Code of Conduct investigation into the Applicant's behaviour and when that individual became aware that the Applicant had allegedly contravened the Code of Conduct.

[38] Policy at *Administration Manual*, Chapter XII.1 "Conduct" (January 22, 2019, version) sets out the process for when a conduct authority becomes aware of an alleged contravention of the Code of Conduct. Section 6.8.1 outlines the responsibilities of the conduct authority as follows:

6.8.1. Conduct Authority

6. 8. 1. 1. Where it **appears** that a member has contravened a provision of the Code of Conduct, **make or cause to be made any investigation that you consider necessary to enable you to determine whether the member has contravened or is contravening the provision.**

6. 8. 1. 2. The conduct authority initiating an investigation must do so in writing as soon as feasible, in consultation with the divisional conduct advisor. The Conduct Investigation Mandate Letter must include the alleged contravention of the Code of Conduct and the scope and extent of the investigation. See App. XII-1-10.

[...]

6. 8. 1. 5. Continue to assess whether any conduct process remains necessary as further information becomes available.

6. 8. 1. 6. The conduct authority who initiates the investigation is responsible for the administration and management of the investigation and for ensuring the investigation is completed in a timely manner consistent with the Conduct Investigation Mandate Letter.

[...]

6. 8. 1. 8. An **addendum** to the Conduct Investigation Mandate Letter may be necessary **if a conduct authority is made aware of another contravention** of the Code of Conduct that was not captured in the original Conduct Investigation Mandate Letter served on the subject member. A copy of the addendum must be served on the subject member.

[...] [Emphasis added]

Analysis

[39] With this in mind, I must determine who the appropriate conduct authority is in this matter as well as when they became aware of the Applicant's identity and the alleged contravention.

Who is the conduct authority?

[40] Pursuant to subsection 2(3) of the *RCMP Act*, the Commissioner has the power to designate conduct authorities. The Commissioner has exercised this authority in subsection 2(1) of the *CSO (Conduct)* and designated the following individuals as conduct authorities in respect of a member under their command:

2 (1) [...]

- (a) members who are in command of a detachment and persons who report directly to an officer or to a person who holds an equivalent managerial position;
- (b) officers, or persons who hold equivalent managerial positions; and
- (c) officers who are in command of a Division.

[41] As a result, it is the responsibility of those different levels of conduct authorities in a subject member's chain of command to investigate or cause allegations to be investigated to determine whether they have contravened the Code of Conduct. This is recognized in *Administration Manual* XII.1.4.1.1, which deals with the evaluation of information alleging a Code of Conduct contravention:

4.1.1. When information is received that a member has allegedly contravened a provision of the Code of Conduct, **the conduct authority at the level that is the most appropriate to the subject member** must consider the information to determine the best means of addressing the situation, which may include referring it to the next level of conduct authority where it is clear, if established, the alleged contravention could not be adequately dealt with by the receiving level of conduct authority. [Emphasis added]

[42] It is important to note that it is not necessarily the knowledge of the conduct authority who initiated the conduct hearing that triggers the calculation of the limitation period in a specific case, but rather the knowledge of the conduct authority in the subject member's chain of command who initially received the information that the member has allegedly contravened the Code of Conduct.

[43] Moreover, subsection 40(1) of the *RCMP Act* provides:

Investigation

40 (1) If it **appears to a conduct authority in respect of a member** that the member has contravened a provision of the Code of Conduct, the conduct authority shall make or cause to be made any investigation that the conduct authority considers necessary to enable the conduct authority to determine whether the member has contravened or is contravening the provision.
[Emphasis added]

[44] Neither party disputes that Superintendent Floyd was the conduct authority in respect of the Applicant, and that it was he who initially received the information that the Applicant had allegedly contravened the Code of Conduct. Upon review of the Record, I agree that Superintendent Floyd is the relevant conduct authority in this matter.

[45] In this case, the crux of the dispute is with the timing of when Superintendent Floyd had the requisite knowledge. Consequently, it is necessary to establish when Superintendent Floyd obtained sufficient information to conclude that the Applicant had apparently contravened a provision of the Code of Conduct.

When did the conduct authority become aware of the Applicant's identity and alleged contraventions?

[46] To determine when the limitation period under subsection 41(2) of the *RCMP Act* started, I must answer the following: Would a reasonable person find that there was sufficient information to believe that there appeared to be a contravention of the Code of Conduct?²

[47] On the one hand, the Applicant's Representative argues that the requisite knowledge of the alleged contravention was acquired sometime in April 2019 or May 2019. On the other hand, the Respondent's Representative contends that the requisite knowledge was not obtained until June 29, 2020.

[48] Pursuant to subsection 40(1) of the *RCMP Act* and *Administration Manual XII.I.6.8.1.1*, the conduct authority has an obligation to investigate or cause to be investigated an alleged contravention of a provision of the Code of Conduct.

² *Philips*, at paragraph 191; *Commanding Officer for "E" Division and Lang*, 2024 CAD 02, at paragraph 57.

[49] A conduct authority does not need to have all of the details of an alleged contravention to trigger the limitation period. Per *Administration Manual* XII.I.6.8.1.1, they only need sufficient information to believe that there “appears” to be a contravention of the Code of Conduct. The conduct authority’s decision on when or whether to mandate an investigation does in no way change the one-year limitation period to initiate a conduct hearing. Per subsection 41(2) of the *RCMP Act*, this time limitation period starts when an alleged contravention and the identity of the member as the one who is alleged to have committed the contravention becomes known to the relevant conduct authority.

[50] It is only required for the conduct authority to have “sufficient information to reasonably believe that there appears to have been a contravention of the Code of Conduct” to trigger the limitation period.³

[51] The Record indicates that Superintendent Floyd was initially made aware of a curious expense claim in an email from Corporal Smith on April 18, 2019. Specifically, Corporal Smith advised Superintendent Floyd to have a look at the Applicant’s expense claim for Trip 1400269671 to determine the nature of the Applicant’s agreement with Staff Sergeant Parks, as the Applicant was claiming operational expenses in travel status while working in Prince George.

[52] On the same date, Superintendent Floyd noted that “it appears she has claimed expenses for being in [Prince George] but also expenses for travel to Dawson/[Fort St. John]...which suggests she was in travel status for both”.⁴

[53] Superintendent Floyd then reached out to Staff Sergeant Begg, Officer in Charge of the North District Staffing Office, to request clarification on the Applicant’s work arrangement between Prince George and Fort St. John, outlining that “she has claimed expenses in Prince George as if working substantively in [Fort St.] John and expenses for travelling to [Fort St.] John which would be her ‘home’”.⁵

³ *Phillips*, at paragraph 208.

⁴ “Documents from Supp Report combined-Redacted”, at page 1912.

⁵ “Documents from Supp Report combined-Redacted”, at page 2146.

[54] On April 25, 2019, Staff Sergeant Begg advised Superintendent Floyd to seek documentation regarding the direction received from Staff Sergeant Parks, and stated that if documentation could not be produced, the Applicant would be directed to Fort St. John or could face a Code of Conduct investigation for abandonment of post.⁶

[55] On May 6, 2019, since no evidence of a prior agreement with Staff Sergeant Parks was located, Superintendent Floyd asserted to the Applicant that no further expense claims would be allowed unless travel was approved.⁷

[56] Corporal Bandurak also approached Superintendent Floyd on May 3, 2019, with concerns about the Applicant's expense claims relating to the special investigation file on which the two were working together. Superintendent Floyd specifically noted that Corporal Bandurak raised concerns with the Applicant's "honesty and integrity regarding claims she's submitting".⁸

[57] In late May 2019, Superintendent Floyd discussed with the Applicant an overtime claim she had made during her relocation. The Applicant explained that she did not know the policies and resubmitted the claim under the appropriate authorities.⁹ In his statement, Superintendent Floyd stated, "you know there's there's some what appeared to be continuation of of circumstances with her submitting claims that she's not entitled to in some areas [*sic throughout*]".¹⁰

[58] On May 24, 2019, Superintendent Floyd sent a unit-wide email to reiterate expectations for monitoring expenses and approvals by the Unit Commander.¹¹

[59] The Respondent's Representative argues that there were no grounds to delve into a Code of Conduct investigation when the Applicant took responsibility and corrected her expense claims. I might agree with this assertion after the first instance of questionable expenses coming to light in April 2019. However, when the Applicant also submitted dubious expenses related to her work on the sensitive investigation file that Corporal Bandurak spoke to Superintendent Floyd about on

⁶ "Documents from Supp Report combined-Redacted", at page 2147.

⁷ "Documents from Supp Report combined-Redacted", at page 2158.

⁸ "Documents from Supp Report combined-Redacted", at page 2175.

⁹ "Statement of Ken Floyd June 2021", at page 9.

¹⁰ "Statement of Ken Floyd June 2021", at page 9.

¹¹ "Documents from Supp Report combined-Redacted", at page 2341.

May 3, 2019, and when Superintendent Floyd spoke with the Applicant again at the end of May 2019, to rectify an overtime claim, he surely had sufficient information to reasonably believe that there was a potential contravention of the Code of Conduct that required further investigation. In that regard, I specifically point to Superintendent Floyd's acknowledgement that there "appeared to be a continuation of of [*sic*] circumstances with [the Applicant] submitting claims that she's not entitled to in some areas" and the fact that he states "honesty and integrity" issues had been raised.

[60] In addition, I agree with the Applicant's Representative in that Superintendent Floyd's April 18, 2019, email to Staff Sergeant Begg sets out precisely the essence of the Allegation against the Applicant, namely that she "claimed expenses in Prince George as if working substantively in [Fort St.] John and expenses for travelling to [Fort St.] John which would be her 'home'".¹² Superintendent Floyd explained further in a later email exchange with Constable Cox, Federal Serious and Organized Crime, Financial Integrity, that he viewed the April 2019 expenses as "double billing".¹³

[61] Superintendent Floyd had several conversations with respect to the Applicant's expense claims and their legitimacy in the spring of 2019. The ethical validity of the claims was specifically raised at that time, making it impossible for me to find that Superintendent Floyd had not thought about the possibility and appearance of a Code of Conduct violation. Indeed, both Corporal Smith and Corporal Bandurak reported their suspicions to Superintendent Floyd.¹⁴ Consequently, it was his obligation to pursue the matter further at that time.

[62] In fact, when Superintendent Floyd heard from Corporal Bandurak that the Applicant was claiming travel expenses while working in Prince George, he advised that he was already aware of her expense claim issues.¹⁵

[63] Superintendent Floyd did not need to be aware of every particular, he simply needed to be informed of the identity of the member and the general nature of the apparent contravention. It is clear from the Record that, at the latest by late May 2019, Superintendent Floyd had sufficient

¹² "Documents from Supp Report combined-Redacted", at page 1912.

¹³ "Documents from Supp Report combined-Redacted", at page 2334.

¹⁴ "Documents from Supp Report combined-Redacted", at pages 1976 and 1886.

¹⁵ "Documents from Supp Report combined-Redacted", at pages 2175 and 1878.

knowledge as a conduct authority of an appearance of a contravention of the Code of Conduct. An investigation should have been started at that time to ascertain the full extent of the issue.

[64] I further agree with the Applicant's Representative that for Superintendent Floyd to "review" the Applicant's expense claims and his interactions with her after the harassment claim was filed against him, he was aware of them previously. I acknowledge the Respondent's Representative's position that Superintendent Floyd was perhaps not aware of the Applicant's house-hunting trip and relocation expenses and agree that only this review would have uncovered that information. However, as outlined, Superintendent Floyd was aware of sufficient information prior to such a review, and an investigation at the time he initially became aware of the potential Code of Conduct contravention would have uncovered any concerns with respect to other expense claims.

[65] Consequently, I find that Superintendent Floyd had obtained sufficient information by the end of May 2019 to know that the Applicant appeared to have contravened the Code of Conduct by filing inappropriate expense claims. Therefore, I find that the limitation period for the Allegation in this matter began on May 31, 2019, at the latest.

[66] I acknowledge here that the Level III Conduct Authority sought and obtained several extensions of the time limitation period with respect to the Allegation found in the *Notice to the Designated Officer*, dated July 21, 2023. However, no extension of time between May 2019 and June 29, 2020, was ever addressed, despite the Applicant's submissions in that regard. The initial extension of the time limitation was granted on June 21, 2021, more than two years past the prescription start date of May 31, 2019.

DECISION

[67] After careful review of the Record, I find that the conduct hearing against the Applicant was initiated outside of the one-year time limitation period provided in subsection 41(2) of the *RCMP Act*. The onus was on the Respondent to establish that the time limitation requirement was met in this case; however, I find that they did not meet this burden.

[68] Consequently, the motion is granted, and the Allegation against the Applicant is dismissed.

[69] As such, I need not address the Respondent's request to withdraw certain particulars from the *Notice of Conduct Hearing*.

DIRECTION

[70] Pursuant to subsection 25(2) of the *CSO (Conduct)*, this decision takes effect as soon as a copy is served on the Applicant.

[71] This decision constitutes a final decision and concludes the proceeding against the Applicant.

[72] The parties are reminded that section 45.11 of the *RCMP Act* sets out the provisions to appeal this decision. Furthermore, the rules governing such an appeal are contained in the *Commissioner's Standing Orders (Grievances and Appeals)*, SOR/2014-289.

Sandra Weyand
Conduct Board

June 4, 2025
Date