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## APPENDIX

### CBSC Decision 10/11-1293 CJSB-FM re a news report about an animal seizure

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#### The Complaint

The CBSC received the following complaint on March 19, 2011 via its webform. The complainant began her complaint by providing the text copy of a story that had been posted on the station's website:

station: CJ104  
program: Bill Gade  
date: March 14 & 15 all day  
time: bottom of copied story gives one time of 22:01  
concern:

STORY: Puppy Deaths Reported

Startling revelations have been made public about the care of animals seized by the R.M. of Swan River. Last week CJ Radio told you that the Swan Valley Animal Protection League was requesting additional funding from the R.M. for what it termed complications during the spay and neuter process. But CJ Radio has learned that higher cost was actually due to many of the dogs being pregnant; and that the organizers of the sterilization campaign decided to have those puppies aborted to speed the process. That means the total number of dogs killed while in custody has risen sharply. No one from the Animal Protection League has been available to speak to the media; however, it is widely accepted that at least five puppies were frozen to death when a dog was left outside with no shelter days after the seizure. Those close to the situation suggest the abortions likely account for another 35 puppies, bring the possible total number of deaths to 40. The total number of dogs seized was only 27. Meanwhile the Animal Protection League's own website says their mission is to promote animal rights as an extension of human rights; something that doesn't seem to go along with forced termination of pregnancies or the freezing death of puppies. The Goba case returns to court on Wednesday; he faces 44 charges of animal cruelty but is not accused of killing even a single puppy.

Story was last updated at: 2011-03-14 22:01:02  
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This 'story' is slanderous and full of untruth. It also appears to come close to defending Walter Goba at the end and HE is the one who left animals to suffer and die. Makes a person wonder about the motivation behind this so-called story!

Those that handle the animals with the SVAPL do their volunteer work with the utmost in respect and love for animals. I know of members who will lay inside a dog pen to try and get

a dog to trust a human again. They work long hours working to socialize animals again, find homes, foster, give their money and/or time, etc. – all out of their own hearts.

To have our own local radio station insult, degrade, and personally attack this organization and its volunteers is absolutely shocking. If they want to run a smarmy tabloid, then I guess they could get away with that sort of thing, but they are running a radio station and are bound to investigate and get the FACTS. On a personal level, they should be supporting their community and not tearing it down.

This is not the first time that this sort of false 'reporting' has taken place and that is why so many people don't care to tune into this tabloid, unprofessional radio station. Please investigate this matter for the SVAPL and our community who deserve an apology and far better. There should be serious repercussions for CJ104 as well.

The CBSC explained to this complainant that it needed the date and time of broadcast in order to proceed with the complaint process and that it could not address complaints about a station's website content. The complainant wrote back on March 22 with that information:

It was approximately every half hour on March 14 and 15 – 7:30am, 8:00am, 8:30am, etc.

That same day, after receiving the CBSC's e-mail confirming the receipt of the complaint, the complainant sent this short note:

Thank you.

Just a note to help ..... there are many people from our area sending in the same complaint.

In fact, the CBSC received a total of seven complaints about this issue. Two complainants did not provide specific times of broadcast and one did not hear the report herself. Of the four complainants who were provided with an opportunity to request a ruling, only the complainant in this file did so.

## **Broadcaster Response**

The broadcaster responded to all of the complainants on April 11 with the same letter. At the top of the letter, it provided the full names and e-mail addresses of four of the complainants. The letter read as follows:

I can confirm that we have received a copy of various complaints regarding our news coverage on March 14<sup>th</sup> regarding the animals seized by the Rural Municipality of Swan River. Owing to the similarity in the complaints, which we will address later in this response, we have chosen to issue one response to all four complainants.

Additionally, other associates of your organization attempted to complete the complaint process. While we would not ordinarily respond to those who didn't provide enough details, the extraordinary situation of this letter-writing campaign will be addressed and portions of their complaints will be included in this response.

Here are the complaints that did make it through the process:

Ms. [R.]:

This is an item worthy of the *National Enquirer*. We will be refuting each item, once we have time to get out details and proof together. We are a charitable organization who have worked flat out for 3 months with these 25 dogs that were seized. Bill Gade has torpedoed us and the effects could be seen for many years to come. Who will join our group when they see how we are slandered? It has been truly awful.

(Original Text of News Story Removed from Complaint)

Ms. [O.]:

This 'story' is slanderous and full of untruth. It also appears to come close to defending Walter Goba at the end and HE is the one who left animals to suffer and die. Makes a person wonder about the motivation behind this so-called story!

Those that handle the animals with the SVAPL do their volunteer work with the utmost in respect and love for animals. I know of members who will lay inside a dog pen to try and get a dog to trust a human again. They work long hours working to socialize animals again, find homes, foster, give their money and/or time, etc. – all out of their own hearts.

To have our own local radio station insult, degrade, and personally attack this organization and its volunteers is absolutely shocking. If they want to run a smarmy tabloid, then I guess they could get away with that sort of thing, but they are running a radio station and are bound to investigate and get the FACTS. On a personal level, they should be supporting their community and not tearing it down.

This is not the first time that this sort of false 'reporting' has taken place and that is why so many people don't care to tune into this tabloid, unprofessional radio station. Please investigate this matter for the SVAPL and our community who deserve an apology and far better. There should be serious repercussions for CJ104 as well.

(Original Text of News Story Removed from Complaint)

Ms. [M.]:

The report about the seized German shepherd dogs. I am a member of our small animal protection league. I have been totally involved from the first day of the seizure, Dec. 1<sup>st</sup>, 2010. Also, I have taken 3 of the 27 dogs into my care, spent many, many hours with them, eg. lying in the kennel with them and on the ground, walking and exercising them ... the list goes on. All of us did the same. This man, Bill Gade, has compiled a bunch of lies that perhaps he overheard bits and pieces at the local coffee shop, – Gossip – put it all together and made a so-called new story out of it. We are a small group of mostly women, and depend on the public for funds to keep up the work that we are doing. Then Bill blasts us on his radio station, in front of the whole community. These aren't the only things he has done over the

past [*sic*]. To put our community in danger and spread his uneducated opinions. I would ask that you investigate this man, and make him answer for his actions.

Ms. [P.]:

I am lodging a complaint as the information is false and CJ104 has been misinformed in regards to these animals; SVAPL requesting additional funding due to complications in spaying due to females being pregnant. This info is erroneous as the vet clinic raised their fees for spaying as noted in *The Star & Times* article comparing prices to other vet clinics. The increase in vet costs is why additional funds were requested. I was involved in the dog seizure and fostering. I am not aware of any female dogs pregnant being knowingly spayed. CJ104, Bill Gade, told me that people bringing the dogs to the vet clinic were made to sign a release to spay pregnant females. I would like to see this release as no one involved with the dogs has signed this form nor am I aware of such a form at the S. V. vet clinic. CJ104/Bill Gade has made these accusations without even corroborating this information with the vet clinic, as he told me he did not contact the vet clinic. Only the vet would know if these female dogs were pregnant when spayed. Why would he not get the facts before broadcasting such a false & derogatory statement?

"It is widely accepted that at least 5 puppies were frozen to death when a dog was left outside without no shelter [*sic*] days after the seizure"; the only dog that had puppies days after the seizure was a black female. She had numerous medical issues including a badly infected neck from a chain that was ingrown into her flesh. She was left at the vet clinic in their care where she had her puppies.

Because the mother was in such poor condition, so were the puppies and they did not survive. The mother was in a starved condition, badly dehydrated, full of worms and fighting numerous infections. I don't think the vet clinic is in the habit of freezing puppies. Why did CJ104/Bill Gade not reveal this information? Because he didn't validate his source and therefore gave credibility to gossip. CJ104/Bill Gade was not even aware of the extent of the conditions of the dogs. I had to explain that a starved animal in extremely poor condition is very unlikely to produce colostrum and milk for her young, thereby substantially decreasing their chance of survival. I do believe when CJ104/Bill Gade reports "forced termination of pregnancies or the freezing death of puppies" he should have something to back it up other than a "reliable source" which obviously does not know the facts any better than Gade. [Additional accusations against Goba omitted]

I also have approx. 200 pictures of these extremely neglected and abused animals that were seized Dec. 1/10. Goba is facing 44 CRIMINAL charges regarding animal abuse. CJ104/Gade's accusations against the SVAPL are unwarranted (I am not a member). He did not even have the sense to contact this organization before running the report. Someone is feeding Gade this slanderous information ([accusation omitted]) and Gade is lapping it up and jumping at the chance to report this garbage. CJ104/Bill Gade's credibility and integrity has hit an all-time low. I am not too worried as no one really appears to listen to CJ104 anyway, but I do feel the information needs to be set right. It is unfortunate that CJ104, who is supposed to

promote the Valley, is the first one to slam good people in it that are trying to do the right thing. This is shameful and I do hope the CBSC will do everything in its power to rectify this situation.

Additionally, Ms. [P.] sent this information to the CBSC, although she later re-wrote her complaint:

[CBSC], I am forwarding some (graphic) pictures about an animal abuse issue in Swan River MB. The local radio CJ104 Stillwater Broadcasting, Bill Gade has been announcing blatant lies about the situation. He has not validated his sources or even contacted the vet clinic, Animal Protection League, etc. in regards to his allegations. His remarks are slanderous. I would hope the CRTC would be very concerned about his abuse of broadcasting. I will call you shortly & e-mail you the broadcast report along with more pictures.

The following information was received from various persons. While the complaint process was not finalized, these examples are included for completeness:

Received from [Ms. S.]:

This complaint involves our local radio station CJ104 FM in Swan River, Manitoba, in regards to a recent news story involving the Goba seizure.

Mr. Gade and his reporting team does not have any founded truths to the accusations that he is "reporting" about the Swan Valley Animal Protection League stating that they "killed" puppies and aborted puppies. His information about when and where puppies were born are incorrect as well as his numbers that are in regards to pregnant dogs.

The SVAPL and the community has gone above and beyond their calls of duty to rehabilitate and look after these animals, some even sleeping in kennels with the dogs to help them adapt and be comfortable around people. Citizens have put these dogs in front of their own families to ensure that they were treated properly.

I have had several unethical run-ins with the local radio station and never made a complaint. I work in emergency services and have actually been followed by Mr. Gade in his minivan while responding to calls, only to turn on the radio and hear a play-by-play of what I was doing. He reports false information on many different fronts and this is just one of them. I will no longer be a supporter of our station and I believe that our local radio station should be held accountable for the false information they provide as well as the harm they put the general public in when chasing emergency vehicles and announcing when all the police are having coffee at Chicken Chef so it's a good time to speed or do something wrong. Unacceptable. If you require any further information, do not hesitate to contact me at the attached e-mail address.

Thank you.

Received from [Ms. R.#2]:

date: All day

time: every half hour and was said all day long  
 concern: CJ104 is broadcasting totally unfounded rumours and false information!

Received from [Ms. M.#2]

The story reported regarding the Swan Valley Animal Protection League was grossly inaccurate and contained almost NO facts. They have no proof to back this story up and did not get any written or spoken comments from Animal Protection. There is no basis or truth in what he is reporting. Even if he had a trusted "source", he still should have done his research before reporting what amounts to a pack of lies.

And finally, the text of the story which caused these various complaints and "comments":

#### Puppy Deaths Reported

Startling revelations are being made about the care of animals seized by the RM of Swan River. Last week, CJ 104 told you that the Swan Valley Animal Protection League was requesting additional funding from the RM for what it termed complications during the spay and neuter process. But CJ Radio has learned that higher cost was actually due to many of the dogs being pregnant and that the organizers of the sterilization campaign decided to have those puppies aborted to speed the process. That means the total number of dogs killed while in custody has risen sharply. No one from the Animal Protection League has been available to speak to the media; however, it is widely accepted that at least five puppies were frozen to death when a dog was left outside with no shelter days after the seizure. Those close to the situation suggest the abortions likely account for another 35 puppies, bringing the possible total number of deaths to 40. The total number of dogs seized was only 27. Meanwhile, the Animal Protection League's own website says their mission is to promote animal rights as an extension of human rights, something that doesn't seem to go along with forced termination of pregnancies or the freezing death of puppies. The Goba case returns to court on Wednesday. He faces 44 charges of animal cruelty, but is not accused of killing even a single puppy.

In summary, the complaints all, eventually, center around the claim that most, if not all, of the story is false and "full of lies". To analyze the complaints, we have broken down the various claims into distinct points:

1. Did puppies die from freezing or an event that would be generally referred to by lay people as "freezing"?
2. Did puppies die from their mothers' pregnancies being forcibly terminated?
3. Did the Swan Valley Animal Protection League refuse comment?
4. Was Walter Goba charged with killing puppies?
5. Was there a personal attack on the Swan Valley Animal Protection League?
6. Were the various personal attacks by members and associates of the Swan Valley Animal Protection League on CJ Radio staff appropriate?
7. Was there an organized effort to bring frivolous complaints against Stillwater Broadcasting Ltd. in order to continue a campaign of intimidation by the Swan Valley Animal Protection League, its members and its associates?

We have excluded all non-story-related comments from review except with regard to questions six and seven. The Canadian Broadcast Standards Council only deals with material actually broadcast by a station, not rumours, lies or innuendo filed by complainants. As well, we have excluded all pictures filed by the complainants as our logger tapes do not reveal our **RADIO** station broadcast those pictures.

**Question #1: Did puppies die from freezing or an event that could be referred to as “freezing” by lay people?**

Yes. This portion and the rest of the story is true. Our original sources included two eye witnesses to the event. Five puppies died. They were found cold and unresponsive. The eye witnesses touched the puppies and felt their temperature. The puppies were warmed but later died anyway. Subsequently, a councillor with the RM of Swan River confirmed that he was aware of five puppies that had died. It appears the event occurred when power was interrupted to a heater for several hours.

The term “widely accepted” was used in the story to indicate that while a fanatical fringe element refused to believe this event occurred, that reasonable people had admitted it was a fact.

Given our more detailed response to Question #7, the names of the sources will not be revealed.

**Question #2: Did puppies die when their mothers’ pregnancies were forcibly terminated?**

Yes, this is true. Complainant [Ms. R.] answered this question herself during a presentation made to the Rural Municipality of Swan River. She was requesting funding on behalf of the Animal Protection League for “complications” during the spay and neuter process. She admitted that those complications involved some of the dogs being pregnant.

While not reported in the story, we understand that members of the Swan Valley Animal Protection League who were caring for the dogs were unable to determine if the animals were male or female. They then failed to take any preventative measures to prevent pregnancies while the dogs were in custody.

Given the admission being made at a public meeting, we considered the fact confirmed. Given the considerable outcry, again from the fanatical fringe, we further researched the topic. CJ Radio has obtained vet bills which clearly show animals were pregnant when they were spayed. It is impossible to spay a dog without also aborting the puppies.

It is reprehensible that complainant [Ms. R.] did not inform the other members of her group of the actual facts relating to the puppy abortions. Even in the complaint process, there seems to be misinformation. [Ms. R.] claims 25 dogs were seized. [Ms. M.] claims that was 27. The official number provided by the RCMP is 27 – why does [Ms. R.] continue to use a different number?

Furthermore, complainant [Ms. P.] claims to have no knowledge of the abortions. This is not generally surprising. [Ms. P.] is no longer a member of the Animal Protection League. We have been told, though again have not reported, that she left over a dispute regarding her “radical” views.

**Question #3: Did the Swan Valley Animal Protection League refuse comment?**

Yes, this is true. While complainant [Ms. R.] claims otherwise during several belligerent and abusive telephone calls received after the story aired, the League did refuse comment. When it originally became apparent that several people involved in the seizure allegedly acted in an illegal manner and had jeopardized the prosecution of Walter Goba, the Animal Protection League announced on their Facebook page that they had obtained the free services of a lawyer.

In short order, the Swan Valley Animal Protection League posted on its Facebook page that they would no longer comment on any matter relating to the Goba animal seizure. They made it extremely clear that they would no longer respond to questions. CJ Radio aired a story at the time about their refusal to publicly comment.

After our story aired, complainant [Ms. R.] attended to our studios. She presented as someone who wanted to comment, but, in reality, her demeanor and language used during her “interview” made it clear she was not suitable for being aired. Her comments related almost solely to the “uselessness” and “undereducated status” of staff of CJ Radio.

Had there been any valid comments or an answer to even a single question we posed, we would have further considered airing her remarks as a follow-up story. As it was, to air her comments would appear only as a personal attack on complainant [Ms. R.] for not being “smart”.

**Question #4: Was Walter Goba charged with killing puppies?**

No. The story clearly indicated he was charged with animal cruelty. None of those charges were related to the death of any animal. The charges, as complainant [Ms. P.] has pointed out in countless e-mails, telephone calls and personal visits, are a matter of record.

Further, complainant [Ms. P.] delivered to our office, as recently as this week, further personal attacks on our staff. In those attacks, she included a print-out of a [newspaper] story in which complainant [Ms. R.] made several claims regarding the seized animals.

[Ms. P.] wrote in the margin “Bill, this is what truth, reliability + integrity look like”. In fact, that particular report is probably a horrible example of truthful reporting. [Ms. R.] makes claims that piles of dead animals had existed on the farm but had been hauled away by coyotes. How does one see a pile of dead animals that isn’t there anymore?

Even more interesting, [Ms. R.] has never claimed to have attended to the Goba farm during the seizure while [Ms. P.] has made the claim repeatedly. Did [Ms. R.] really have any first-hand knowledge? Thankfully, the CBSC does not investigate newspaper reports. Otherwise, the [newspaper] may have to explain their use of an unreliable source.

**Question #5: Was there a personal attack on the Swan Valley Animal Protection League?**

No. The Swan Valley Animal Protection League is not a person. No person’s name was included in the story that was a member of the Animal Protection League.

The story represented balance within the entire Goba investigation. Many stories have been done about Goba – to fairly represent the situation, the complete story needs to be told. We have never claimed Goba did no wrong. We, like other sane, reasonable people, are

awaiting the outcome of the court process to determine guilt. He would appear innocent until proven guilty.

We have reported at length about actions taken by several people which may ultimately make that guilt hard to prove. In a separate complaint before the CBSC, we are accused of spreading rumours about other true events in this same manner. In that complaint, as in this one, we did not personally attack anyone.

The Swan Valley Animal Protection League easily meets the test of “public interest” in this matter. As such, our reporting on their actions is valid.

### **Mid-Complaint Summary**

Before we move on to Questions six and seven, I feel it is important to review key factors so far in this response.

At no time has CJ Radio personally attacked anyone in the entire Goba affair. We have researched our stories and made sure we were fully comfortable with the facts we reported. We have required more of our sources in these matters than normal given the high profile status of this case.

We have provided balance whenever possible and will continue to do so in the months and years ahead as the Goba case heads to court. We will also be reporting any additional charges faced by others in relation to this matter, such as the alleged break-and-enter, alleged animal cruelty, etc.

I wish to point out a very simple, but extremely important fact to the complainants in this matter:

News you do not like and news that isn't true are two different things.

It is reprehensible that the reporting of actions taken by the Swan Valley Animal Protection League has caused you such embarrassment and alleged hardship. The insistence of complainant [Ms. R.], the president of your group, that the story contains untruths only hurts her standing in the public's eye. It's time for her to be truthful with everyone involved in this affair.

If you wish to not be embarrassed by future actions of your group, I strongly suggest you consider your words, messages and actions before making them public.

Sadly, we must now move on to the reality of your various complaints.

**Question #6 & Question #7: Were the various personal attacks on CJ Radio staff appropriate? And, does this simply form part of a larger campaign of intimidation and abuse by members and associates of the Animal Protection League?**

The attacks were not appropriate. This is only part of a larger campaign of intimidation.

CJ Radio, its staff, managers and associates will not bend to the will of a small group of people who make it their mission to harass, intimidate and abuse their “targets”. While the various complainants will no doubt take offence to such a statement, it is as true as the abuse they wage.

To underline my point, I have included several examples of the underhanded and demeaning actions taken by the group and their associates. [Examples omitted]

### **Summary**

While the personal attacks continue, this is more than enough to set the general mood for how this group of people conduct themselves. They are truly a fanatical fringe.

There appear to be about ten members of the Swan Valley Animal Protection League. When our story aired, they undertook an online campaign to have people complain to the CBSC. Most of the complainants weren't able to fully provide details on when the story aired or what it contained. In fact, they had to have several discussions on their Facebook page to be able to answer the required questions.

The point of the CBSC process is to deal with valid complaints, not letter-writing campaigns. CJ Radio broadcast truthful factual information. To suggest valid sources, valid research and valid findings are anything but true is to simply attempt to smear our good name in the community.

That letter was copied to the Rural Municipality of Swan River and the employers of two of the complainants. A copy an invoice from the Swan Valley Veterinary Clinic was attached to the letter. It showed services performed on three dogs: one was vaccinated, two were spayed and microchipped and it was noted that one of the two spayed dogs was pregnant. Also attached to the letter were cheque vouchers paid to Ms. P. and Mr. B for services related to the Goba seizure, as well as Mr. B.'s invoices for his services in processing and caring for the seized Goba animals. In addition, there was a copy of a letter sent by the "Animal Rescue & Protection Delegation" (signed by Ms. P.) to the Deputy Reeve of the Rural Municipality of Swan River asking that the contents of the letter be read aloud at an RM meeting. That letter called into question the "actions/inactions" of city councillors with respect to the Goba affair.

### **Additional Correspondence**

On May 5, the complainant sent an e-mail rebuttal to the broadcaster's response. In the "To" line of the e-mail, she included the radio station, the CBSC, the Swan Valley Consumers Co-op and the three other complainants who had received CJ Radio's response. Her rebuttal was as follows:

Note: I had to ask someone else to get a copy of this e-mail since my e-mail address below is incorrect by 4 characters. I know that I gave my correct e-mail because I have heard from [the CBSC] before. There is a [####] before the @ sign. The e-mail would have been returned as 'undeliverable,' but apparently no attempts to contact me were taken. I would have never received this letter if I had not taken action to find out if anyone else had been contacted. It would be much more reasonable and official to actually send letters in the mail to ensure that they get to the appropriate people.

Mr. Gade -

I read through your response letter – most of which had no direct applicability or response to my actual complaint at all! It does strongly appear at the end, however, that I am disrespectfully being called a person with questionable character and part of a fanatical fringe, along with many people. My complaint was MY complaint – not as a part of any group. I do know some of the complainants and I do know of their character and their passionate sincerity in helping animals. While I am a donating member of the SVAPL, I was not told to write my complaint. I wrote it because I was appalled and it was my opinion.

If you knew me, Mr. Gade, or anything about my reputation as a person, you would know how wrong you are. I am simply a very concerned citizen who loves animals and respects truth and accuracy in reporting. Your letter went out to many people, but, fortunately, my reputation will stay in tact. My reply is being sent to all those your response was e-mailed to, which only seems fair.

As a result of your letter, I am not responding to you any further. I do not see a point. My complaint and personal opinion stands as is. I refuse to listen to CJ104 for this reason and many others.

The complainant then submitted her Ruling Request to the CBSC on May 11:

I am writing in response to the 'e-mail letter' from Mr. Gade/CJ104. CBSC Files C10/11-1271, -1293, -1276, -1239, dated April 11, 2011. (I could not attach the PDF file because the e-mail came back to me as too large).

I am personally very upset that Mr. Gade/CJ104 was so unprofessional as to respond with one e-mail to all the complainants, listing each PRIVATE complaint and the often derogatory comments. My complaint, as with the others, should be private and not listed (with names!) for everyone to see. That is a huge breach of privacy and so unprofessional that it astounds me.

He particularly attacked Ms. [P.] and Ms. [R.] and ultimately made them to sound completely off-balance and essentially called them liars, and I was offended for them. I don't know either of them well at all, but I know enough to know that his comments were completely out of line. Some twisting of facts, innuendoes, etc. are not what his response should have been about. He should have addressed each person individually in a LETTER, ensuring that the responses were received. I actually did not get the 'general e-mail,' but obtained a copy only by asking someone else if they had heard anything. They didn't even take the time to get my e-mail correct and were missing FOUR characters. He would have received my e-mail back as undeliverable, yet he made no effort to ensure that I received any sort of copy!

It's interesting that Mr. Gade played the victim card and then was vicious in many of his comments, particularly at the end where we were apparently all 'lumped' together as people of questionable character and part of a radical fringe group. For someone who has been called to be accountable for his actions on the radio before by various people/businesses in our town, he is the one with the reputation problem and not the people he said such awful things about.

A community radio station is required to report the facts and is OPEN to complaints. His supposed proof was just not there, in my opinion. It was a lot of "he said/she said" and that does not constitute proof or professionalism on his part in any way from where I am standing. It's obvious that there is a lot of 'pot-stirring' and desire for controversy on Mr. Gade's part, in my opinion, just as with other controversies within our town in the past where he has upset people/businesses.

It appalls me that our own community radio station would rather run a hard-working, passionate, dedicated organization into the ground than support it.

The station is a public business that is open to complaints by others. His response was completely inappropriate in method and included personal accusations and name-calling. It also puzzled me as to why the [X Store] was sent a copy of this e-mail. A copy was sent to Ms. [P.], evident by the e-mail, so why was something personal sent to her place of work, regardless of his accusations within his 'response'? How many of her colleagues saw this, a personal matter? Regardless of how Ms. [P.] handled her complaints (i.e. letterhead, etc.), I do not know. However, that does not entitle Mr. Gade to send it to her place of employ. It seems obvious that he is trying to create more of a story to report by further stirring the pot, in my opinion. Perhaps the whole motivation on his part with all of this is to further create controversy so that he has more to "report?"

I also felt that his comment about not acknowledging all the others who complained without enough detail. Obviously he knows WHAT they were complaining about and those people were due a response and that was what I would call a "cop-out" – in my opinion.

I have e-mailed Mr. Gade that I do not wish to hear from him further and I had cc'd a copy of that e-mail to you last week. I have not changed my opinion or stand on my complaint one iota. I feel that he owes a lot of people an apology, namely the Swan Valley Animal Protection League and the complainants. I don't believe it will ever happen though.

Please look into this matter further and be watchful of Mr. Gade and the station. I am just astounded at his actions and unprofessional actions in this matter.

Thank you for your time and consideration in this matter. I do appreciate it.

The broadcaster then sent the following letter directly to the CBSC when it forwarded copies of the broadcast to the Council on September 8:

On behalf Stillwater Broadcasting, I apologize for the delay in provision of logger tapes for file 10/11-1293. I have looked into the issue this morning to determine why the tapes were not sent according to the first request.

It quickly becomes apparent there has been some confusion in our office regarding the logger tapes in question. Ms. [O.] indicated she was concerned about the news broadcast every half hour at 7:30, 8:00, 8:30, etc. When our staff attempted to select the portion of [the] tape in question, they found the request was difficult.

We do not broadcast news every half hour as alleged by the complainant – and staff weren't able to find the story in question at the times given in by the complainant.

While the CBSC could invalidate the complaint based on the logger tapes not being available for no fault of the broadcaster, I did invest substantial time in looking for a copy of the broadcast.

I was able to find an example of the story in question and I have attached it to this letter (MP3 format).

I note that the text of the story as provided by Ms. [O.] does not fully match the audio version.

Upon review of the file this morning, it appears that final comments are in order prior to the panel process.

In the original complaint, Ms. [O.] questioned information that was actually broadcast on CJSB-FM. Obviously, the code of conduct applies to the broadcast. We stand behind it as firmly as we did during our initial response.

In fact, since the broadcast, several additional sources have come forward to provide additional confirmation of the facts contained therein. With the added value of hindsight, even Ms. [O.] has likely realized the facts presented were indeed facts. At the time of the original story, many of the facts we had confirmed were not widely known and as such were seen as “lies”.

Our remaining access to information act requests have been filled, and while initial information already more than met the burden of proof, the additional information confirms the story.

Moving past the original complaint, which we feel does not represent a Code violation, Ms. [O.] had additional complaints about the process itself.

The Code is meant to govern on-air broadcasts. The further complaints had nothing to do with material aired on the station.

Ms. [O.] accused us of violating her privacy and the privacy of others in responding to the complaint.

Indeed, CJ Radio did respond to several complainants in one letter. And, we responded to some “would be” complaints that did not fully complete the process.

We could have addressed an identical letter to each person separately, but we found value in a mass response. We carefully weighted the need for privacy. However, we found that given the entire complaint campaign had been orchestrated by a public Facebook group page, that already had published the full identities of each complainant on the internet, privacy was no longer expected.

Indeed, even the manner of each complainant was posted – with many of those involved bragging that they hoped to get the radio station in trouble. Many of the complainants were initiated by people who never heard the broadcast, and whose only knowledge of it came from reading the Facebook page. The page went so far as to describe, incorrectly, the dates and times to feed to the CBSC in an attempt to substantiate complaints.

There was no expectation of privacy in this matter.

Further, I would suggest the panel should go further in its ruling regarding the privacy. As the process involving the CRTC would place the complaint and outcome on the broadcaster’s public file, a complainant in the CBSC process should also expect their complaint to be public.

It seems only reasonable to clarify that a complaint about a broadcaster is in the public domain, including any information submitted as part of that complaint.

Should any of the facts of the story remain unclear to the panel, we would gladly address questions on the matter.

As a final note however, I notice the complainant has requested no further contact regarding this file:

***I have e-mailed Mr. Gade that I do not wish to hear from him further and I had cc'd a copy of the e-mail to you last week.***

Perhaps the panel should dismiss the complaint based on this request. You will note that the complainant can't be provided the information contained in this letter at their [sic] own request. It would also appear they [sic] will not be able to be provided a copy of the ruling or any resulting correspondence.