

TORONTO COMPUTER LEASING INQUIRY

**The Honourable Madam Justice Denise Bellamy
Commissioner**

CLOSING SUBMISSIONS OF COUNSEL ON BEHALF OF LINE MARKS

1. It is submitted on behalf of the witness Line Marks that the evidence heard to date in the Toronto Computer Leasing Inquiry makes clear that Ms. Marks, in her capacities as Program Assistant, Year 2000 Project and Supervisor, Contract Administration, Co-ordination and Approvals, carried out her duties in an exemplary manner.

2. The evidence establishes that Ms. Marks made extraordinary efforts in connection with the sale and leaseback transaction. She worked long hours with little or no assistance on an enormous job which required more people to be appointed to the project.

**See evidence from August 14, 2003, p. line 16 forward to p. 24, line 13;
August 14, 2003, p. 27 line 17 onward to p. 28, line 12; September 2, 2003, p.
96, lines 10-21**

3. Ms. Marks asked for assistance, but these requests were not met. She did the best she could with the resources available to her.

**See evidence from June 18, 2003 p. 102, lines 22-25 and p. 103, lines 1-18;
August 11, 2003, p. 80 lines 1-11 and p. 83, line 9 onward to p. 85, line 4;
August 14, 2003, p. 28, line 13 onward to p. 29, line 9**

4. In respect of various matters on which Ms. Marks was questioned before the Commission, it is clear from all the evidence that she was not responsible for any omission. For example, while Ms. Marks testified that she did not know that the rates

provided by MFP in response to the leasing RFQ were valid for ninety days, the evidence of Kathryn Bulko was to the effect that Ms. Marks had nothing to do with the RFQ and was not in a position to know this.

See evidence June 18, 2003 p. 148, lines 17-25

5. It was not Ms. Marks but others who decided which items were placed on lease and which were not.

See evidence June 17, 2003, p. 251, lines 1-3, 9-12; June 18, 2003 p. 103, lines 19-25 and p. 104, lines 1-3, p. 105, lines 22-25, p. 106, lines 1-8, p. 111 lines 2-13, p. 291, lines 6-25; August 11, 2003 p. 74, line 10 onward to p. 76, line 15; and September 2, 2003, p. 48, lines 8/25 and p. 49, lines 1-21

6. It was suggested during cross-examination of Ms. Marks that she may have altered her evidence after speaking with Lana Viinamae. The subsequent evidence of Ms. Viinamae makes clear that Ms. Marks did not alter her evidence, but endeavoured to give the Commission her best and most truthful recollection of events at all times.

See evidence October 15, 2003 p. 24, line 7 onward to p. 25, line 16; October 20, 2003 p. 230, line 7 onward to p. 235, line 11

7. Ms. Marks reserves the right to make reply submissions addressing the written submissions of others to the extent that they engage her interests.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Date: August 12, 2004

Edward M. Hyer
Counsel for Line Marks