

This is Exhibit "12"  
Referred to in the Affidavit  
of Robert McCullough  
Sworn before me this 11  
day of August, 2009

*Susan O'Ryan*

A Commissioner, etc.

June 26, 2009

1091 Gorham Street, Suite 301  
Newmarket, Ontario  
Canada L3Y 8X7

Tel 905 853-3303  
800 263-7419  
Fax 905 853-1759

Mr. Glen R. Knox  
County Clerk  
The Corporation of the  
County of Simcoe  
Administration Centre  
1110 Highway 26  
Midhurst, Ontario L0L 1X0

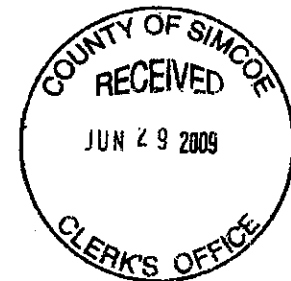
**BY FACSIMILE: (705) 726-3991**

**WITHOUT PREJUDICE**

Dear Sirs:

Attention: Mr. Glen R. Knox, County Clerk

Re: County of Simcoe  
Landfill Site 41  
Reply to County Letter Dated June 15, 2009  
File 880007.28



We have carefully reviewed your most recent letter dated June 15, 2009, as well as the attached Order MO-2416 ("Order") dated May 13, 2009, issued by the Information and Privacy Commissioner and provide the following response.

As an introductory comment, we wish to express our deep concern with opinions voiced by the adjudicator in his Order, namely his conclusion to the effect that our consulting firm was not acting at arm's length with the County of Simcoe (County) upon executing its professional mandate. Such a statement is indicative of a fundamental misunderstanding of the relationship existing between professionals and their clients.

Our industry, as you very well know, is highly regulated and all professionals pride themselves with the services they provide following strict principles, codes and laws to ensure that results are based on independent facts and know-how, and not on the amount paid for services rendered. To conclude in any other way, goes against everything which has been built to ensure public safety.





This being said and as stated on more than one occasion, the County authorized Jagger Hims in May 1998 for the production of a hydrogeological report in order to fulfill the applicable Certificate of Approval Conditions 9, 10.1 (c) and (d) relating to Landfill Site 41. Considering an amended Certificate of Approval dated October 2006 a final report dated January 18, 2007, was duly produced and our mandate then came to an end. At no time was there any agreement stipulated or implied to the effect that ownership of documentation proprietary to Jagger Hims Limited would be transferred to or considered as the County's property. In fact, this was never at issue since the County simply requested the report, nothing else.

Furthermore, as you know consulting engineering is an intellectually based profession which offers specific knowledge based on skill and know-how. In a highly competitive market, project approach and technical know-how are considered proprietary information which gives our firm its competitive edge. To disclose such information would therefore be detrimental to the firm, not to mention against our confidentiality policy which protects all our clients.

In addition, we are sincerely worried when an Order that is aimed strictly at certain institutions attempts to reach out and cast a net over an independent third party which is not subject to such legislation. Moreover, it is also inconceivable that the adjudicator would attempt by way of an Order to rewrite new terms and conditions for a contract between two parties.

We regret the position adopted by the adjudicator towards the County but must respectfully inform you that we, namely for the reasons expressed above, will not honour the request formulated by the Information and Privacy Commissioner.

Yours truly,  
JAGGER HIMES LIMITED

Jason T. Balsdon, M.A.Sc., P.Eng.  
Consulting Engineer

Andrew G. Hims, M.Sc., P.Eng.  
Consulting Engineer

- c. John Gamble, President  
Consulting Engineers of Ontario