



N° de dossier de la SI / ID File No.: B9-01247-02-AH

**Procès-verbal de l'audience**  
**Records of Proceedings**  
**Audience: PUBLIC**

<b>Entre</b>	Le ministre de la Sécurité publique et de la Protection civile / The Minister of Public Safety and Emergency Preparedness	<b>Between</b>
<b>Et</b>		<b>and</b>
<b>Intéressé(e)(s)</b>	DALE-KEVIN BARCOMB	<b>Person(s) Concerned</b>
<b>Date(s) de l'audience</b>	4 DECEMBER 2019	<b>Date(s) of Hearing</b>
<b>Lieu de l'audience</b>	MONTRÉAL	<b>Place of Hearing</b>
<b>Date de la décision</b>	4 DECEMBER 2019	<b>Date of Decision</b>
<b>Tribunal</b>	F. MILO	<b>Panel</b>
<b>Conseil du ministre</b>	J.C. BASTIEN	<b>Counsel for the Minister</b>
<b>Conseil(s) pour l'intéressé(e) / les intéressé(e)(s)</b>	M. VIVAS	<b>Counsel for the Person(s) Concerned</b>
<b>Représentant désigné :</b>		<b>DESIGNATED REPRESENTATIVE:</b>
<b>Interprète :</b>		<b>INTERPRETER</b>

BY THE MEMBER:

- [1] I've heard an admissibility hearing concerning Mr. Dale-Kevin Barcomb.
- [2] And this is my decision pursuant to section 45 of the *Immigration and Refugee Protection Act*.
- [3] The Canada Border Service Agency believes Mr. Barcomb to be inadmissible for what is considered as organized criminality as defined at section 36(1)(a) of the *Act*.
- [4] The evidence for this hearing was made up of the documents I received from the Minister's Counsel.
- [5] These were exhibits C-1 to C-21.
- [6] And (inaudible) the document received from counsel, there was D-1 and D-2.
- [7] D-2 being a document, which will be provided by the counsel after the hearing.
- [8] It's the Minister's burden to prove the allegation is correct and the standard of proof is that of the reasonable grounds to believe.
- [9] The definition of organized criminality is the following.
- [10] 'A permanent resident or a foreign national is inadmissible on grounds of organized criminality for a; and this is the allegation in front of me, being a member of an organization that is believed on reasonable grounds to believe or to have been engaged in activity that is part of patter or criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an offence punishable under an *Act* of Parliament by way of indictment or in furtherance of the commission of an offence outside Canada, that if committed in Canada would constitute such an offence; or, engaging in activity that is part of such a pattern.
- [11] This is the allegation in front of me.
- [12] Now, there were admissions made during this hearing.
- [13] The admissions made were the following.
- [14] Mr. Dale-Kevin Barcomb was born on the 13<sup>th</sup> of May of 1970.
- [15] He's a citizen of the United States.
- [16] It was admitted that Mr. Barcomb is a member of the Rand Hill Ridge Runners Motorcycle Club.
- [17] Mr. Barcomb asked to be admitted into Canada on the 1<sup>st</sup> of November of 2019 with his girlfriend, Ms. Claire Bedard (phonetic) at the Saint-Bernard-de-Lacolle port of entry.
- [18] This is in Québec.
- [19] It is also admitted, by counsel, that the Hell's Angel motor club is a criminal organization.

[20] These were the admissions.

[21] These admissions were admitted and also confirmed by Mr. Barcomb himself.

[22] Now, the evidence in front of me clearly shows the activities, and this is through his testimony and also through documents found that Mr. Barcomb, for a number of years, member of the Ridge Runners.

[23] I'll call 'em this way.

[24] To shorten the Rand Hill Ridge Runners Motorcycle Club.

[25] He is a road captain, which means that he's a person who plans the outings of the group; when they will take place, where they will start, where they will stop, where they will end.

[26] He testifies that the organization is made up of eight members.

[27] Does admit that they wear colours, patches.

[28] The top patch being the name of the group.

[28] The middle part of the patch being the logo.

[29] The bottom part being the area where they are.

[30] He does recognize being a full patch member of the Ridge Runners.

[31] On a run with his buddies, he is in the top – he's in the front of the – of the pack with the president.

[32] In this case, the president, his name is Mr. Dumas, D-U-M-A-S.

BY THE PERSON CONCERNED

[33] Dumas.

BY THE MEMBER

[34] Yes, Dumas.

[35] I'm sorry for the pronunciation.

[36] I pronounce it is French.

[37] I'm sorry.

BY THE PERSON CONCERNED

[38] It's all right.

BY THE MEMBER

- [39] The origin.
- [40] Mr. Barcomb did recognize photographs of the patch.
- [41] Recognized that in his colleague, Mr. Guylett is G-U-Y-L-E-T-T, there is a 1% patch in the front.
- [42] Mr. Barcomb explains that he is part of the 1% because he's not part of the 99%, his bikers club.
- [43] But he adamantly testifies that he is not a criminal.
- [44] That his organization is not a criminal organization.
- [45] He has had no problem with the justice department himself and nor his colleagues, except for himself in 1991 when he was convicted to a driving while impaired case.
- [46] He explained where the 1% came from; from an event that took place in the United States in 1947.
- [47] The documentary evidence would show that people identifying to 1% would be part of an outlaw motorcycle club, page 95 of the Minister's exhibits.
- [48] Mr. Barcomb testifies that in New York State, even some police members of motorcycle clubs, (inaudible) policemen wear the 1% sign.
- [49] That's what he testifies.
- [50] He admits to having had rings, two rings, which were found when he tried to be admitted into Canada in Ms. Bedard's handbag.
- [51] Two rings he would have worn earlier for a Halloween party where he's dressed up as a biker.

BY THE COUNSEL

- [52] Scary biker.

BY THE MEMBER

- [53] That's the term that was used, scary biker.
- [54] He testifies that himself and members of his motorcycle club are regular people, guys that hang out together and that ride bikes – love riding bikes.
- [55] He has a tattoo of the Rand Hill Ridge Runners on his calf.
- [56] This was found on his phone.
- [57] A picture taken just after it was tattooed on.

[58] He testifies he's the only member of the club with such a tattoo.

[59] He describes himself as living in a – scarcely.

[60] He receives \$800 a month in validity.

[61] He used to be a worker for the Bombardier plant.

[62] He (inaudible) also to

BY THE PERSON CONCERNED

[63] (inaudible).

[64] These guys are talking to me.

BY THE MEMBER

[65] Okay.

[66] We'll suspend for a few seconds.

[67] We're back on record.

[68] He lives in a trailer.

[68] Does not live with much expense

[69] Describes his group as a non-profit organization that gets money and donates it to different charities.

[70] Supports different activities of a charitable nature.

[71] Now, pictures were shown of a t-shirt where it's written support 81.

[72] It is recognized that 81 is the – is a numeric description of the Hell's Angels.

[73] 8 being the letter H, 1 being the letter A, of course.

[74] He does not remember and does not know how a phone number would have been in his cell phone.

[75] The person named Robert H. Feeley, F-E-E-L-E-Y, (inaudible) according to a document provided by the New York State intelligence services, intelligence centre, I should say.

[76] Would be the phone number of a person referred to – or nicknamed "Chief", who would be a New York Nomad – a member of the Hell's Angel New York Nomad Charter.

[77] This might have been a client of his, Mr. Barcomb.

[78] Does customized bikes.

- [79] Mr. Barcomb would have gone to different events.
- [80] He does admit that going to different events, he might have met, or crossed a paths of Hell's Angels members.
- [81] But, he testifies to not having any criminal activities.
- [82] He testifies that these events – many of these events are open to everyone who wants to, to go there.
- [83] He explains that a flyer that was found by CBSA – it's not clear whether it was found in his car or not, or in Ms. Claire Bedard's car, would be an invitation to a Christmas party of the Hell's Angels in New York state.
- [84] But the person concerned is adamant that this doesn't mean his group, or club would have criminal activities.
- [85] He does recognize that Brian Guylett, G-U-Y-L-E-T-T, is the treasurer of the Ridge Runners.
- [86] He does recognize that he's had domestic problems.
- [87] His ex-wife, Tiffany, he had got along well with her, but he does acknowledge that there were problems in his couple – Mr. Guylett's couple.
- [88] So, he describes himself as a family man with an 18-year-old girl.
- [89] He's now a grand father.
- [90] He was a train operator for Bombardier, a truck driver for many years.
- [91] And he's a Harley mechanic.
- [92] He customizes bike as a hobby.
- [93] He's had no other problem with the justice department of the United States except for the driving under influence case.
- [94] He was stopped by a police officer in 2016 because a bike he'd just bought had a loud exhaust.
- [95] Nothing came out of that.
- [96] He's a person who likes riding motorcycles with his buddies.
- [97] Same as other motorcycle clubs, some of which have even policemen as members.
- [98] Now, counsel for the Minister argues that there are elements that would have me come to the conclusion that Mr. Barcomb, who admitted being a member of the Ridge Runners – it is argued by the Minister's Representative that there would be evidence that the Ridge Runners are affiliated or is an affiliate of the Hell's Angels.

- [98] Also, the person concerned has many elements that would describe – have me describe him as a criminal motorbike organization or organized – criminal organization.
- [99] Wearing patches, having 1% ring, there's the evidence of a t-shirt which was shown by the Minister's Representative with the mention 81 Nomad and the pictures of Mr. Barcomb at events where the New York Intelligence Center says that Hell's Angel members would have attended also.
- [100] There's the phone number of a Hell's Angel in his phone.
- [101] A flyer for a Christmas Hell's Angels party.
- [102] And attending a party for the birthday of a Mr. Lashway, L-A-S-H-W-A-Y, a Hell's Angels, a New York Hell's Angels member – a Nomad, actually.
- [103] So, it is argued by the Minister's Representative that (inaudible) grounds to believe standard that the person concerned, through his Ridge Runners membership, is affiliated with the Hell's Angels which is admitted is a criminal organization.
- [104] Thus, counsel for the Minister believes his burden has been reached and that the person concerned should be described under paragraph 37(1)(a).
- [105] Now, counsel argues that there is no evidence of investigation of the group the person concerned is part of, the Ridge Runners, with any specific accusations.
- [106] Nothing in the activities of the Ridge Runners would have us – have the decision maker believe that this is a criminal organization.
- [107] The fact that a – the motorcycle club members would attend events where criminalized bikers might attend is not surprising to counsel.
- [108] And the person concerned, if he would meet a Hell's Angel would not want to get in trouble, would probably shake hands.
- [109] There is theoretical information on the criminal activities of the Hell's Angels, but this does not mean that this is the description of the Ridge Runners, of which Mr. Barcomb is part of, or is a member.
- [110] Why items mentioning 81 or 1% were found can be explained by a Halloween party the day before the 1<sup>st</sup> of November.
- [111] The invitation flyer does not prove that Mr. Barcomb is a member of a criminal organization.
- [112] These are distributed.
- [113] There are no pictures of Mr. Barcomb with criminalized members of a criminal biker gang.
- [114] And the pictures presented by the Minister's Representative, referring to the documents provided by the New York State Troopers, pages 40, 41 to 44, are not clear.
- [115] And it's not clear the importance of the event Mr. Barcomb would have gone to.
- [116] If it was a small meeting or a big meeting.

[117] It's not put in context.

[118] The fact that Mr. Barcomb would have had a phone number of a Hell's Angels member doesn't prove anything.

[119] Was he a contact, was he a customer.

[120] It doesn't make a – or put more ties between the person concerned and the Hell's Angels criminal activities.

[121] There's no evidence that there would be an association with the Hell's Angels or criminality.

[122] The person concerned was never arrested, is living in a trailer park, gets \$800 a month disability insurance.

[123] Where is the profit from a criminal organization.

[124] This is not a lifestyle of a criminal.

BY THE PERSON CONCERNED

[125] I'm not a criminal.

BY THE MEMBER

[126] Okay.

[127] So, counsel argues that there's a lack of evidence that Mr. Barcomb is part of a criminal organization.

[128] It was mentioned that Mr. Guylett, during this afternoon, was found not to be described, by my colleague who was holding and admissibility hearing today.

[129] And that I should go this way.

[130] Counsel for the Minister asked me, that even though some facts might be similar, we don't know if the same evidence was provided and certainly, not all of the evidence was provided; for example, the phone – the pictures of the phone of Mr. Barcomb would not, he believes, be in Mr. Guylett's file.

[131] So, I must distinguish.

BY THE COUNSEL

[132] We don't know that.

BY THE MEMBER

[133] Sorry.



[134] What I have to determine here, first is the organization.

[135] The organization, Mr. Barcomb is member of is the Rand Hill Ridge Runners, not the Hell's Angels.

[136] And I have no evidence that the person concerned would have been a member of the Hell's Angels, who, it was admitted is a criminal organization.

[137] And the documents provided by the Minister's Representative concerning the Hell's Angels would have me come to this conclusion.

[138] Anyway, it was admitted.

[139] It's not a subject of debate here.

[140] Now, I have a person who wears a patch.

[141] A colleague of his would have a 1% patch to the front of his vest.

[142] I wasn't given a picture of Mr. Barcomb's vest.

[143] I was given a picture of Mr. Guylett's vest.

[144] Also, the person concerned, Mr. Barcomb, would have a phone number, it is believed, from the New York Intelligence Center, the phone number of a Hell's Angels member.

[145] He does wear a tattoo of his group, of his motorcycle group, or club, I should say, I'm sorry.

[146] He does attend biker's events.

[147] His organization is part of a list of events that took place in 2019, like other groups.

[148] The Minister believes, and argues that there is evidence – sufficient evidence, there are reasonable grounds to believe that the Rand Hill Ridge Runners would be an affiliate of the Hell's Angels.

[149] Now, in fact, the only tie between the Ridge Runners and the Hell's Angels, besides the factual evidence, which Mr. Barcomb admitted to some, is provided through a testimony of an ex-wife of Mr. Guylett who was the subject of an admissibility hearing today.

[150] I'm referring to Tiffany Guylett, who would have told New York Police officers through a field interview card – sorry, on the 14<sup>th</sup> of November of last year, 2018, that her husband was a member of the Rand Hill Ridge Runners Motorcycle Club.

[151] That he was a treasurer, which is admitted by the person concerned.

[152] Now, she believes that the Ridge Runners are affiliate of the Hell's Angels.

[153] The other evidence concerning that is from an email received by the RCMP concerning the group in which it is written that members of the Ridge Runners – sorry.

[154] Ridge Runners MC are considered a support group to the Hell's Angels and part of the New York Nomad Coalition.

[155] They give the place where the club house stands on Ellenburg – in Ellenburg, New York.

[156] It also says that they – the members have been observed at local clubhouse in the Albany area.

[157] This group which they have been observed with is considered a hybrid of a street gang and a motorcycle club.

[158] And has current open cases.

[159] Now, when it comes to the – so, we're talking about another group from the Ridge Runners.

[160] When it comes to the group itself, the officer Nicky Koval, K-O-V-A-L, of the New York troopers, writes, due to the sensitivity of the case, I am unable to mention the club under investigation, and there is a list of, of what is referred to coalition clubs, or any of the members involved.

[161] This group that currently is being investigated or believed to be involved in narcotic trafficking, felony assaults, robbery, weapons, extortion, as well as tampering with evidence in a case of a missing person believed homicide.

[162] There is no name, there's not even a name of a group which is being investigated.

[163] The Ridge Runners, which I can read in this fax, what is considered as a Hell's Angels MC Nomad Coalition Club is part of a – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 different motorcycle clubs, and it's not clear to which of these clubs it is referred to.

[164] The Federal Court through Justice Lamer, Tremblay-Lamer, in the decision of *Amaya v. Canada 2007 FC 549*, did explain and clarify that the scope – and even though an organization must be given a wide definition, that the scope of the organization as defined must be narrowed to the smallest component where the organizations are fractionalized [*sic*].

[165] Now, I have no evidence that Mr. Barcomb was part of another motorcycle club than the Ridge Runners.

[166] And this is the organization I have to look at.

[167] The fact that the – Mr. Barcomb would have the phone number of a Hell's Angels member.

[168] The fact that he would have had a ring with a 1%, wearing a patch, which is clearly not only available to organized motorcycle band members.

[169] The fact that he would go to bikers' events where members of criminal biker gangs attend also, does not – does not give this Tribunal the evidence that group he's part of has criminal activities.

[170] The definition of 37 must refer the organization to criminal activities.

[171] People that are part of a criminal activity planned and organized by a number of people [*sic*] acting in concert in furtherance of a [*sic*] commission of an offence punishable under an Act of Parliament.

- [172] I have a person who has been convicted once in 1991 for driving under the influence.
- [173] I have the – I have the Ridge Runners, who are considered part of a coalition club for the Hell's Angels.
- [174] But nothing directly implicating the Ridge Runners with criminal activities.
- [175] I do not have evidence, except for the ex-wife of Mr. Guylett saying that her husband, who is also a member of the Ridge Runner, that the Ridge Runners are affiliated with the Hell's Angels.
- [176] And the document – the email provided by the Minister's Representative, page 59, that mentions that the group – the officer says that, I'm unable to mention the club under investigation.
- [177] I have a list of ten clubs.
- [178] The officer's not able because there's an ongoing investigation, to give me names of any members involved.
- [179] Now, it goes on to say that the investigation deals with narcotics, traffickings, felony assaults, robbery, weapons, extortion.
- [180] But there's no tie between this and the motorcycle club Mr. Barcomb is a member of.
- [181] So, even though we have the person concerned part of a motorcycle club, there's no evidence that this motorcycle club would commit itself, criminal acts or would be planning to do so.
- [182] Would be acting in concert and the (inaudible) of offences or engaging in any activity that is part of a pattern of criminal activity.
- [183] And because Mr. Barcomb would have a phone number of a Hell's Angels would cross the paths of Hell's Angels in biker events, or is wearing a vest with a patch, and is a full, full patch member of a motorcycle club, does not make him or make him an associate of the Hell's Angels, or make it that the person concerned, through an association with the Hell's Angels would be committing criminal acts or being part of – or engaging in such patterns of criminal activities.
- [184] So, I do not believe that the Minister was able to prove that Dale-Kevin Barcomb is described at section 37(1)(a).
- [185] And thus, I will issue a positive decision, which means I will not issue a deportation order against him today.
- [186] This puts an end to the hearing for the moment.
- [187] We'll take a short pause.

--- HEARING ADJOURNED

I hereby certify that this is a  
true and faithful transcription  
of the concluded hearing.



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Marie Rainville, Transcriptionist  
International Reporting Inc.

April 15, 2020