

IN THE ALBERTA COURT OF JUSTICE
CRIMINAL DIVISION

Between:

HIS MAJESTY THE KING
and
OLGA KIIKER



AGREED STATEMENT OF FACTS

1. On Information 230422073P1, Olga Kiiker ("Ms. Kiiker") stands charged that:

Count 24: On or about April 1, 2021, at or near Calgary, in the province of Alberta, did knowingly provide false or misleading information pursuant to a requirement under this Act or the regulations to provide information and did thereby commit an offence contrary to s. 44(a) of the *Emissions Management and Climate Resilience Act*.

Background

2. Amberg Corp. ("Amberg") is an environmental and regulatory consultant company registered in Alberta. It provided services to companies in complying with the regulations related to greenhouse gas emissions in Alberta. This work included third party verifications, including peer reviews, with respect to compliance reports, emission offset projects and benchmark applications. Amberg employed Ms. Kiiker from 2010 to September 2021. During that time, she worked as an environmental regulatory coordinator which included obtaining and facilitating contracts for Amberg to do third party verification work, including peer reviews.
3. Under the *Technology Innovation and Emissions Reduction Regulation* ("TIER"), third party verifications of compliance reports and benchmark applications must be completed by third party assurance providers in compliance with the regulation itself, as

well as the incorporated *Standard for Validation, Verification and Audit – Part 1* (“*Standard*”).

4. Under s. 27 of *TIER*, a person is eligible to be a third party assurance provider if it is an accredited verification body under ISO Standard 14065:2013 by the Standards Council of Canada, or if the person is a Professional Engineer and has relevant technical knowledge, along with any other qualifications specified by the Director. Part 1 of the *Standard* requires a third party verification to be completed by a third party verification team including three key members: a designated signing authority, lead verifier, and peer reviewer. Each member of the team must meet the requirements under the *Standard*. For peer reviewers, this includes the successful completion of training for the ISO 14064-3 standard.

5. Amberg is a relatively small company and only one of its employees, Ashley Mathew, was qualified to complete peer reviews under the legislation. She stopped working for Amberg on December 17, 2020. After Ms. Mathew’s departure, the company, including Ms. Kiiker, maintained access to Ms. Mathew’s Amberg email address, as well as documents that had Ms. Mathew’s signature on them. The company did not hire someone to replace Ms. Mathew after her departure in December 2020. Ms. Kiiker had not successfully completed the training for ISO 14064-3 standard and was not qualified to complete peer reviews under the legislation.

Third Party Verification Projects

6. In June of 2021, Amberg and its employee, Ms. Kiiker, took on a number of projects providing third party verification reports, including peer reviews. It did so in two ways:

- a. Amberg contracted directly with the facility or project that required the verification services (acting as the designated signing authority) and contracted someone else to act as a Lead Verifier. In this circumstance, Amberg acted as the peer reviewer.

b. Another company contracted directly with the facility or project and Amberg was contracted by that company to provide the peer reviews, while the other company acted as the Lead Verifier and Designated Signing Authority.

7. At the time it took on these projects, Amberg did not employ anyone who was qualified to complete peer reviews under the Alberta legislation. That included Ms. Kiiker, who had started to take, but not successfully completed, the required ISO 14064-3 training. Ms. Kiiker had prior experience providing peer reviews but was not qualified to conduct peer reviews in Alberta in 2021.

8. In order to continue to provide services and complete the contracts, Ms. Kiiker completed documents as though Ms. Mathew had done the peer reviews and used Ms. Mathew's digital signature on the peer review documents. Ms. Mathew did not complete the peer reviews, nor did she sign the required documentation. In June 2021, there were ten projects where Ms. Kiiker filled out the paperwork and used Ashley Mathew's signature to confirm completion of peer reviews.

9. Ms. Kiiker also used Ms. Mathew's Amberg email address to send and receive emails posing as Ms. Mathew which made it appear that Ms. Mathew had completed the peer review projects.

Submission of April 2021 Quiz and Verification of Completion of Training

10. In addition to the June 2021 peer reviews, Ms. Kiiker submitted a required "Verification Online Training Quiz" on April 1, 2021 via email to Alberta Environment and Parks at AEP.GHG@gov.ab.ca from Ms. Mathew's Amberg email address. This document was digitally signed using Ashley Mathew's name. It certified that Ashley Mathew had completed the required verification training session and completed the quiz.

11. Ms. Mathew did not complete this training or quiz, nor did she send the email. Ms. Kiiker sent this email from Ms. Mathew's Amberg email address.

12. This additional Alberta-specific verification training, and the completion of the training quiz, was required by the Director pursuant to sections 27(2)(b) and 27(3)(b) of

TIER. The training was required to be completed by the lead verifiers, peer reviewers and designated signing authorities before completing verifications of any 2020 compliance reports and benchmark applications in 2021.

13. After the discovery of this conduct, Ms. Kiiker cooperated with investigators and provided a statement admitting her conduct on October 20, 2021.

Agreements

14. The parties agree:

- (a) Ms. Kiiker will plead guilty to Count 24 on Information **230422073P1**, as described in paragraph 1 of this Agreed Statement of Facts. All remaining charges shall be withdrawn upon the Court sentencing Ms. Kiiker.
- (b) Ms. Kiiker agrees that she will be sentenced on all facts forming part of the circumstances of the offences that could constitute the basis for separate charges pursuant to s. 725(1)(c) of the *Criminal Code of Canada*.
- (c) The facts set out in this Agreed Statement of Facts are fully admitted and acknowledged by Ms. Kiiker. The parties will be at liberty to make further submissions about those facts to the Court.
- (d) The parties will jointly submit that Ms. Kiiker should receive a fine of \$10,000, inclusive of victim fine surcharge, as well as be subject to an order pursuant to section 51(1) of *Emissions Management and Climate Resilience Act* for a period of three years on Information **230422073P1**.
- (e) This Agreed Statement of Facts may be filed and relied upon even if signed in counterpart or by facsimile copies of the signatures of any person or both.

CONSENTED TO WITH RESPECT TO FORM AND SUBSTANCE THIS 21 day of November, 2023.



Lindsay Tate
Counsel for the Alberta Crown Prosecution
Service, Appeals and Specialized
Prosecutions Branch.



Olga Kiiker
Accused



Niall Fink
Counsel for Olga Kiiker