



REGISTERED

FEB 12 2009

Juan Alonso Jara,
Abrawquil 5025,
Pedro Aguirre Celda,
Santiago, Chile.

Dear Mr. Jara:

Subject: Request for a Ministerial Decision – CS-48053/4971-07-0475

I am writing to inform you of the ministerial decisions on the above-noted appeal.

I have reviewed the enforcement action, the evidence and the law as it applies in your case. I have fully considered the documentation you provided as well as the reports from the issuing office.

Decisions

After considering all of the circumstances, I have decided, under the provisions of section 27 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, that there has not been a contravention of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* or the Regulations with respect to the currency or monetary instruments which were seized.

Under the provisions of section 28 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, the seized currency, monetary instruments or an amount of money equal to their value shall be returned to the appellant.

Reasons

The evidence submitted has confirmed that although you failed to properly report your currency, the officer's report confirms that you do not speak English and, at the time that the currency was discovered, the services of a translator had not been provided. It was noted that your Customs Declaration Card had a notation that a "point of finality" had not been reached. Based on the foregoing, there has not been a contravention of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and the seized currency will be remitted to you.

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As Public Works and Government Services Canada is responsible for the remittance or return of any seized currency, monetary instrument or penalty, I have forwarded a copy of this ministerial decision to their attention. Accordingly, you may expect a response from them in the near future.

The Agency apologizes for any inconvenience this matter may have caused.

I trust that this letter satisfactorily explains the ministerial decisions in this matter. If you have any questions, please contact the adjudicator, Ian Yearwood, at (613) 688-9495.

Yours truly,

ORIGINAL SIGNED BY /
ORIGINAL SIGNÉ PAR

Kathy Rush,
A/Manager,
Adjudications Division,
Recourse Directorate.
For the Minister of Public Safety and Emergency Preparedness

KR/gmd

c.c. Payne Law Professional Corporation,
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Attention: Keir Turner