

Andrew CrawfordPersonal information redacted
by the RHI Inquiry**By post and email:** Personal information redacted by the RHI Inquiry

28 July 2017

Dear Sir

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat
Incentive (RHI) Scheme
Documents provided on foot of Chairman's Notice No 70 of 2017**

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I know that you will be familiar, from my previous correspondence, with the RHI Inquiry's Terms of Reference, which remain available on the Inquiry's website. You will also be aware that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference.

This correspondence concerns an issue which has arisen in relation to your compliance with Chairman's Notice No 70 of 2017. That notice required you to provide to the Inquiry any and all documents within your custody or possession or under your control relating to the Non Domestic Renewable Heat Incentive (RHI) Scheme in Northern Ireland ('the Scheme'). The requirements of the notice were cast in wide terms and included a requirement to provide, *inter alia*, "any and all documents constituting, or relating to, communication between you and any other person, organisation, Department or agency in relation to, or touching upon, the Scheme" (see paragraph 4 of the Schedule); as well as a catch-all requirement at paragraph 11 of the Schedule.

In the course of its investigations, the Inquiry has been provided with an email to you from Mark Anderson, a lecturer in biomass at the University of Ulster, dated 24 November 2016. A copy of this email is provided for your convenience. The email was sent to your Hotmail email account and was later forwarded by you to John Robinson.

The Inquiry takes the view that this email falls within the scope of the requirement to provide documents which was contained in the notice to you to compel you to provide relevant documentation to the Inquiry. The email also appears to suggest that there have been other relevant communications between you and Mr Anderson by way of email, or through other modes of communication, previously. It also seems highly likely to the Inquiry that the email from Mr Anderson to you was prompted by a communication to him, from you, making certain enquiries.

The Inquiry has reviewed the documentation you have provided to it and it appears that you have not disclosed either the email referred to above or any additional information constituting, or relating to, communications between yourself and Mr Anderson in relation to, or touching upon, the Scheme.

I would be grateful if you could provide an explanation as soon as possible, and no later than 14 days from the date of this correspondence, for the non-disclosure by you of the email exchange referred to above. I would also be grateful if you could further review the documents in your custody and control to ensure that you have fully complied with the requirements of the Chairman's Notice.

Since you are legally advised, I know you will be aware of the serious potential consequences of a failure to comply with a notice issued to you under section 21 of the Act, which include criminal prosecution pursuant to section 35 or certification to the High Court for enforcement, which can lead to contempt of court proceedings, pursuant to section 36 of the Act.

At the moment, it appears to the Inquiry that there has been a *prima facie* breach of the requirements of Chairman's Notice No 70 of 2017.

I have previously had occasion to write to your solicitor, on 12 May 2017, expressing concern about compliance with section 21 notices requiring the provision of documentation. This included concern that you had not provided relevant text message communications which fell within the ambit of the notice requiring you to produce documentation. A response on your behalf of 19 May 2017 indicated that any relevant text material would be held on your Departmental Blackberry, to which you no longer have access.

However, the Inquiry is aware that you also had access to a personal mobile telephone Personal information redacted by the RHI Inquiry. Indeed, in your statement to the Inquiry of 4 May 2017, in response to Chairman's Notice No 71 of 2017, when asked to "identify all telephone numbers used by you (or used by others on your behalf) to send or receive text communications in relation to any matter relating to, or touching upon, the RHI Scheme", you specifically disclosed both your personal number *and* the number of your Departmental mobile telephone as numbers which would have been used to send or receive relevant text communications. I would also be grateful for an explanation of this apparent inconsistency.

I would also ask you to review the position and ensure that any relevant communications from your personal mobile phone are disclosed to the Inquiry or that you expressly confirm that there are no such communications, along with an indication of what steps you have taken to ensure that this is so. You will also be aware that the Inquiry has the facility to require the provision of physical evidence for examination, such as a mobile telephone, should this be required.

A copy of this correspondence has also been provided to your legal representative, John McBurney of John McBurney Solicitors (by email only).

As noted above, I would be grateful for a response to this correspondence dealing with each of the issues and requests set out above at your earliest convenience but, in any event, within 14 days.

Yours faithfully



Patrick Butler
Solicitor to the RHI Inquiry
02890408928

Fwd: emails

andrew crawford

Personal information redacted by the RHI Inquiry

Sent: 25 November 2016 08:31

To: John Robinson

Sent from my iPad

Begin forwarded message:

From: "Anderson, Mark" <m.anderson@ulster.ac.uk>

Date: 24 November 2016 at 22:43:00 GMT

To: andrew crawford

Personal information redacted by the RHI Inquiry

Subject: emails

Andy

Very little on email :)

What is your official title in DAERA???

See below

My email to Peter Hutchison 2010!

I was also disappointed ACOEM could not have investigated other methods of incentivising renewable heat, I believe the current method proposed for the UK is open to manipulation and to prevent this will require a large administrative exercise. RHI needs to be as transparent and as un-bureaucratic as possible and I don't believe the proposed method can yet achieve these requirements.

I forwarded you a price list from balsa for pellets on the 9th December 2010. I think we had been discussing the hike in prices at the time nothing to do with RHI.

You sent me an email stating sam knox is a fool (nothing to do with RHI tho)

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I refer to your letter dated 28 July 2017 regarding documents provided to the Inquiry. I will deal with the matters raised in your correspondence in the order they are raised.

In relation to the email of Mark Anderson to me dated 24th November 2016, which I subsequently forwarded to John Robinson, I had no recollection of this email until your letter brought it to my attention. In my response to the Section 21 Notice I stated that from time to time I deleted emails relating to RHI. It is apparent to me that this email must have been deleted as it did not appear when I performed a search of my emails to comply with the Notice.

Having now had my memory jogged, I recall speaking to Mark Anderson by telephone in or around November 2016. He rang me to ask for a reference for a job application (hence why in his email he asked me for my official title in DAERA). I know Mark Anderson as we live in the same area, our families are close friends, he rented accommodation from me in Belfast when he was a student and we both socialised together and attended the same church as children.

During the conversation, I believe we discussed the publicity surrounding RHI in general terms. I can remember joking with him that he may not want to use me as a referee for a job as there could be a great deal of negative publicity associated with the Renewable Heat Incentive Scheme. It was in that context I asked him what contact we had previously about the Scheme and how he believed the scheme was flawed.

From 2010 I would have spoken to Mark on a regular basis, approximately once per month, via telephone, text message and email. The majority of these discussions were not related to either his or my work roles but would have been on a personal capacity. I would have on occasions asked Mark about general queries in relation to renewable energy technologies as he had a particular expertise in this area. I forwarded the email from Mark Anderson to John Robinson, as he was the advisor in the Department of the Economy deal with the Scheme and wider energy issues.

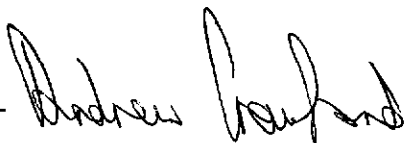
Mark Anderson's email of 24th November 2016 to me refers to 3 previous emails. I do not recall whether the original emails were sent to my Departmental email address or my Hotmail email address. However, if they were sent to my Hotmail email address they must have been subsequently deleted, and if they were sent to my Departmental email address, I had no access to them and therefore could not provide them to the Inquiry.

In relation to the emails mentioned within the 24th November email, I do not remember having been sent the email by Mark Anderson to Peter Hutchison. I believe the second email mentioned, which included a Balcas price list for pellets in 2010, would have related to the domestic capital grant scheme. In relation to the third email, Sam Knox is employed as a business development executive in Invest NI, specialising in off shore wind and supply chain development for various utilities. I do not recall the context in which I made this comment.

Please find enclosed brief email exchanges with Mark Anderson in January 2017. As these made no reference directly to RHI as a term or to the Renewable Heat Incentive as a Scheme it unfortunately did not turn up in my searched material. I have again checked my email system and have found nothing else of relevance nor do I have any clear recollection of any other deleted material including between Mark Anderson and me. If he has such material and I am provided with same I will refresh my memory and provide what further particulars I can.

Finally, I provided my personal mobile telephone number for completeness, as although I performed a search and did not find any relevant text messages, I could not rule out having sent or received text messages that may have touched upon RHI, but which were subsequently deleted and of which I had no recollection. A further search has turned up 12 such messages. Please find these enclosed.

In order to confirm that there are no other such text communications on my personal mobile phone that ought to be disclosed. I have performed a search of all messages on my personal telephone. I have less than 230 text messages on my phone that were sent before January 2017, when I left my role a special advisor, none of which relate to the RHI scheme. The text material submitted with this letter are the only relevant ones subsequent to that date.

Signed- 

Dated- 10th August 2017

Re:

AC

andrew crawford <Personal information redacted by the RHI Inquiry >

Reply |

Fri 20/01, 23:44

...

Sent Items

Sent Items

Sorry I didn't get back to you earlier

AC

Sent from my iPad

On 19 Jan 2017, at 16:39, Mark Anderson <Personal information redacted by the RHI Inquiry > wrote:

Hope you are ok, well as ok as you can be.

M

On Thu, Jan 19, 2017 at 4:00 PM Mark Anderson <Personal information redacted by the RHI Inquiry > wrote:

Who is the jumpy character sitting on McCormicks left hand side.

On Wed, 18 Jan 2017, 14:57 andrew crawford, <Personal information redacted by the RHI Inquiry > wrote:
I've been destroyed

Sent from my iPad

> On 18 Jan 2017, at 14:56, Mark Anderson <Personal information redacted by the RHI Inquiry > wrote:

>

> Time to leak an email?

From Andrew Crawford Personal information redacted by the RHI

From Mark Anderson Personal information redacted by the RHI

16 February 2017, 17.07

http://m.belfasttelegraph.co.uk/news/rhi-scandal/rhi-boiler-owners-list-rules-out-highprofile-connections-says-bbcs-stephen-nolan-35456380.html?utm_source=dlvr.it&utm_medium=twitter

21 February 2017, 12.33

Grumpy Fact checker is someone called Gary Clark

21 February 2017, 12.33

<https://www.whatdotheyknow.com/request/rhi> Personal information redacted by RHI Inquiry

23 February 2017, 23.03

Have you details of the meeting next Monday to do with the inspection of the boilers?

23 February 2017, 23.04

<http://ted.europa.eu/udl?niuri=TED:NOTICE:61435-2017:TEXT:EN:HTML&src=0>

23 February 2017, 23.04

This is all. I'm registered to attend

23 February 2017, 23.17

Thanks

27 February 2017, 15.00

No one will be able to meet DfE terms. It would take 100 men minimum! And if someone does farmers are fucked hi

17 March 2017, 07.43

Much surprise you in the figures released yesterday?

17 March 2017, 07.44

Not much except the crazy amount of fuel/drying people!

17 March 2017, 07.46

The fuel/drying people will be more challenged with inspections

17 March 2017, 07.48

I'm going to one tomorrow, they are probably not economically justifiable. They will also be screwed if there is a cut in tariff.