

To: Members of the Grand Miramar Action Group  
February 19, 2020

We finally have an official response from the Mexican ambassador to Canada to a letter I wrote him on behalf of the GM Action group in June, 2019. I had waited seven months to convey to him our concerns about delays to the promise that we could deliver our documentation through the consulate system to the Mexican federal police because we had been previously advised by embassy legal counsel that a new ambassador was being appointed and any developments would have to wait until after that appointment. This reply (attached) is signed not by Ambassador Gomez Camacho but by “Head of Mission, Ambassador Arturo-Hernandez Basave” on embassy letterhead. This letter was conveyed to me by Mexican embassy legal consul Alfonso Vera Sanchez. Mr. Sanchez has been our main contact with the Mexican embassy in Canada over the past two years.

I am sending a copy of this response letter to our network in the United States since the issues discussed here are the same in both countries, and I will be referencing the activities of some of our U.S. American peers. Deputy Prime Minister Crystia Freeland was familiar with this file when she was Minister of International Relations for the Government of Canada, so I am copying this e-mail to her. I am also copying the current Minister of International Relations. Finally, since the ambassador’s letter suggests an investigation by Canadian police, I am also sending a copy to the Hon. David Lametti, Canada’s Minister of Justice, and I am also referencing Officer Tracy Schnarr who reviewed our file, contacted Interpol and the Mexican Federal Police on our behalf, and advised that we could submit informations on this criminal matter through the embassy system in June, 2018.

The ambassador’s letter contains three main points: 1) the embassy’s refusal to accept documentation to be relayed to Mexican federal police, 2) a suggestion that we submit our complaints to an RCMP internet complaint site, and 3) that we hire a Mexican lawyer to pursue criminal complaints in Mexico. I will deal with each of these suggestions separately.

**1. Refusal of the Embassy to honour their undertaking to accept our information and documentation for the purpose of transferring same to the Mexican federal police**

The Mexican embassy in Ottawa made an undertaking to accept our complaints for the purpose of initiating a criminal investigation in Mexico in 2018. We were directed to present our documentation to the Mexican consulate nearest us. When consulates in Vancouver and Toronto refused to take the information presented to them by members of our group, we were told in writing that the cause was due to a lack of protocol and the protocols would be drafted and distributed by the Mexican embassy in Ottawa to their consulates. We were then told that the drafting of the necessary protocols would have to wait until the appointment of a new ambassador. As noted, I wrote the new ambassador in June of last year to enquire about their progress in drafting these protocols. Thus, the refusal of the ambassador to honour this undertaking in his recent letter came as a surprise.

This series of events is similar to what happened to members of our group in the United States in 2018. One member of our group contacted the Mexican consulate in Kansas City in person and spoke to a representative who assured her that a criminal complaint could be submitted through the embassy/consulate system. When she explained that she was a member of a large group that had been fraudulently scammed, it was suggested that all of our complaints could be submitted at the consulate nearest us to be funnelled through the consulate in El Paso so that the PGR, as the Mexican federal police was then known, could consider them together. Then, when Jahala returned with her documentation a month later she was told that they could not accept a complaint and she was given an internet link to an international complaint form with no legal status. Some of us registered our complaint with that forum, but of course, nothing was forwarded to the police and no investigation commenced.

The Mexican consulate in Chicago also agreed to accept a criminal complaint from a different member and that complaint was accepted. We presume it was passed on to the PGR; however, she has heard nothing over the course of this last year and since it is just one complaint it would be considered as such. To establish that Grand Miramar is in the business of hiring staff with the purpose of fraudulently selling timeshares, the investigation would need to consider the cases of numerous victims who were sold illegitimate time shares by different people at different times, all at the Grand Miramar resort.

Before we approached the embassy in Ottawa, the Mexican consular staff in Toronto told a third member of our group that the consulate could take an information on a criminal matter to be passed on to the Mexican federal police. When she attempted to submit her documentation, she was told that she could no longer do so. The pattern is clear, the Mexican federal police, Interpol and the Mexican consular and embassy staff all believe that it is possible to submit criminal complaints through the embassy system; but when we attempt to make criminal complaints against Grand Miramar, the rules are changed. I do not believe the Mexican ambassador has been completely forthcoming as to the reasons for this change.

## **2. The ambassador's suggestion that we file a complaint with the Canadian police**

The information we received before from Tracy Schnarr in 2018 agreed with the ambassador that it would be possible for the Canadian federal police (the RCMP) to initiate an investigation with the purpose of working with the Mexican federal police following international policing protocols. The F.B.I. in the United States would be similarly empowered; however, internet complaint line, as suggested by the ambassador, would be of no use to us. The reason is this – the complaint line is for frauds committed in Canada. Several of our members in Canada and the United States have attempted to complain to native police and we have always been told the same thing: The crime and the alleged perpetrators occurred in Mexico; therefore, the Mexican police have to investigate the criminal complaints.

If some of our members were victims of international crime while in Canada, that is they were convinced to wire funds from Canada across borders, then the fraud complaint line could take that complaint. Ironically, one of the people who sold me my time share at Grand Miramar, Juan Montalbo, is on trial in California for just this sort of fraud. I attempted to join that action, but since I bought my time share on site at the resort in Puerto Vallarta, the California court lacked jurisdiction.

If we were to begin the complaint process on an internet police complaint site, it would make more sense to submit a complaint on one operated by the Mexican police than one operated by the Canadian police. There is such a site, but it is for general crimes. Our contact at the Mexican embassy generously translated the Spanish into English so that we could use the site, and assured us that we could submit our information in English. A problem is that it does not accept “cut and paste” methods so I had to type my story in which, as you know, can be a lengthy process. I completed this three weeks ago and have still not received a reply. The Mexican embassy representative was not able to say how often the Mexican federal police check that site, or how proficient those checking the site are in English. Another member of our group did receive a reply to the effect that this was a civil matter and the PGR does not handle civil cases. Her case is different than the rest of ours in that she, alone in our group, was able to negotiate a settlement with Grand Miramar, but then Grand Miramar failed to live up to the terms of that settlement.

Instead of attempting to use complaint hot lines, why not simply fly down to Mexico and lay a complaint directly with the police? One of our members from southern Ontario did just that. He took an interpreter along with his documentation to police in Puerto Vallarta in January, 2019 and received a file number he can reference. He has heard nothing since.

The ambassador’s suggestion, that the RCMP investigate our complaints and involve the Mexican police through international policing protocols would work if the investigation started at the highest levels. The Department of Justice could help ensure that the appropriate levels were involved. With this special investigation, all Canadians who were scammed at Grand Miramar could submit their documentation to a special investigator so that the complaints could be processed together. The justification for this extraordinary action would be that Canadians who have been defrauded at Grand Miramar and have been denied an appropriate investigation through normal Mexican channels.

### **3. Hire a lawyer in Mexico to purpose criminal action against the perpetrators of frauds**

The ambassador said that in all cases, our most effective option is to hire a Mexican lawyer to pursue criminal action against the perpetrators of frauds. Older members of our group will recall that we investigated at least five law firms for possible criminal or civil actions. Most of them would charge about 25% of what our losses are with no guarantee that we would get any money back. The most promising of these lawyers were Octavio Gildo and Elizabeth Chaperro who did a joint presentation by conference call to our group in 2018. They advised that by ourselves we could not win individual civil cases (and class actions, as we understand the term in the United States and Canada is not

available in Mexico), but we could win a criminal case. Their fee was 12% of our losses for the criminal action or thirty percent of what we won if that figure was greater than the 12%. I would have agreed to their terms had they tied a quarter of that amount to a subsequent civil action. One of our members accepted their offer in the fall of 2018. The strategy was to force police to investigate Grand Miramar through a series of judicial orders. My understanding is that through some technicality much of this work has been lost, and the process will have to be commenced again. But even if the process worked as intended, why should we have to pay to have alleged criminal acts investigated?

One elderly couple, who is a member of our group from Eastern Ontario, lost their entire retirement savings to these scammers. The couple told me that they can't afford to travel, even in Canada, and they get out when their daughter, who lives and works in another city, comes and takes them out. The ambassador's suggestion would have them paying \$25,000 (at 12%) to \$50,000 (at 25%) to see the company that put them in this destitute state investigated. And they haven't lost the most in our group. A couple in the south-eastern United States lost over \$300,000 USD. The wife of this couple told me that the thought of paying \$40,000 to \$80,000 to have a crime investigated felt like they were getting "ripped off" all over again.

This letter has been mostly about the Canadian scene, but it has application to the United States. Ideally, the Mexican authorities would appoint a special office to collect all of our cases and investigate them jointly as one. We would benefit from the active support of our governments.

Best regards,

Lloyd Hawkeye Robertson  
GM Action Group

1. To provide up-to-date information on scams
2. To warn the public of the risks of doing business in Mexico
3. To provide guidance through legal processes
4. To lobby for change and provide mutual support

Webpage: [http://www.hawkeyeassociates.ca/images/pdf/timeshares/GrandMiramar\\_Page.pdf](http://www.hawkeyeassociates.ca/images/pdf/timeshares/GrandMiramar_Page.pdf)