

Fuel provider may face fines for delivering gas to tobacco shop

By Donna Duric
Writer

An off-reserve fuel provider may be facing fines, sanctions and potential loss of its wholesaler authorization after supplying fuel to a proposed Six Nations gas station that has not received any business recognition from band council.

Davis Fuels, who confirmed that it sold gas to KT Gas and Convenience last Tuesday, could be facing these penalties under the Gasoline Tax Act, according to a spokesperson from the Ministry of Finance, motor fuels and tobacco tax division.

"Off-reserve providers who sell to unauthorized retailers would be subject to sanctions under the Gasoline Tax Act, including fines and penalties and potential loss of their retailer and/or wholesaler authorizations," said Ministry Spokesperson Marc Pichette, in an e-mail to the Turtle Island News. He said on-reserve gas stations need to have "consent" from local band councils in order to be considered "authorized".

"On-reserve gasoline retailers must have proof of band council consent and must apply to the Ministry of Finance for authorization to sell tax-exempt gasoline to qualified First Nations bands and individuals," said Pichette. "The gas that the retailers purchase from suppliers has an amount equal to provincial tax included in the price. On-reserve gasoline retailers, who are not authorized by the ministry, would not be able to obtain a refund of the tax on any tax exempt sales they make."

Band Councillor Helen Miller confirmed that council has not provided KT Gas and Convenience with a business recognition letter nor has it passed a band council resolution recognizing the company as a business.

"We never even discussed it," she said. "Council never passed a resolution and we never gave him recognition. How he (owner Ken Mt. Pleasant) got around that is beyond me."

KT Gas and Convenience, on Highway 54, sought



business recognition from band council about two months ago but council didn't grant the company recognition because the land it sits on was designated for residential purposes, according to a decades-old land agreement on the property.

Miller said council is seeking a legal opinion on the land before making a final decision.

The property was sold in the eighties with a stipulation that it is not to be used for commercial purposes, said Miller.

Mt. Pleasant was one of five people who bid for band property along Highway 54 in a tender process. The

three lots now house KT Tobacco and Convenience, Oasis, and a private residence.

Band council, at the time pulled names out of a hat and sold the property to three.

But a stipulation came along with the purchase. All three property owners signed agreements with the band stipulating the properties would be used for residential purposes only and would not be use for retail, commercial or industrial purposes.

Miller says Mt Pleasant bought the land but as the years went by thought the stipulation could be rendered void by devising a

scheme including the transferring of the property from himself, to his sister, and back to himself.

She said she understands the thought the stipulation would not apply once the land transferred ownership, but Miller says the agreement goes with the land, not the purchaser.

"How can we give them a business recognition when they're not even supposed to have a business there?" she said.

When the Turtle Island News contacted Burford-based Davis Fuels and informed them the company does not have business recognition from council, Controller Chris Wade's re-

sponse was: "Oh, wow. How were they able to get around that?"

Don Kersey, sales manager at Davis Fuels, seemed unaware of the regulations surrounding on-reserve gas stations and off-reserve suppliers, even though the company has been delivering fuel to the community for decades, and leases several gas stations on reserve themselves.

"Ken (Mt. Pleasant) told me he's just having trouble...he can't take gas cards yet. We put some gas in there so they can get the pumps approved."

Turtle Island News attempted to reach Davis Fuels again to get comments on the potential penalties it may be facing, but calls were not returned by press time.

Turtle Island News has also repeatedly attempted to reach Ken Mt. Pleasant but he has not responded to our requests for an interview.

Six Nations Band Council Chief Bill Montour did not return Turtle Island News calls.