BRITISH COLUMBIA SECURITIES COMMISSION
Securities Act, RSBC 1996, c. 418

Citation: Re Gokturk, 2025 BCSECCOM 485 Date: 20251107

Michael Ongun Gokturk, Einstein Capital Partners Ltd., Einstein Exchange Inc., and Einstein Law Corporation

Panel	Deborah Armour, KC	Commissioner
	Audrey T. Ho	Commissioner
	Karen Keilty	Commissioner
Submissions completed	September 3, 2025	
Ruling date	September 15, 2025	

Counsel

Matthew Smith Jillian Dean Elizabeth Allan	For the Executive Director
Eric Bojm David Gibbons Faith Liedl Pierce	For Michael Ongun Gokturk

Reasons for Ruling on Disclosure Application

I. Introduction

[1] In a notice of hearing issued on January 31, 2024 (2024 BCSECCOM 46), the executive director alleged that the above named respondents committed fraud, contrary to section 57(b) of the *Securities Act*, by lying to customers about a crypto trading platform (the Platform) and misappropriating deposited customer assets for their own speculative investments and personal use.

[2] Einstein Capital Partners Ltd., Einstein Exchange Inc. and Einstein Law Corporation have not appeared in these proceedings.

[3] On August 26, 2025, Michael Ongun Gokturk (Gokturk) applied to the Commission for full disclosure of the file of an expert engaged by the executive director for these proceedings, and for an adjournment of the liability hearing set to commence in October, 2025.

[4] The executive director opposed Gokturk's disclosure application. He also opposed a full adjournment of the hearing and suggested a partial adjournment instead.

[5] On September 15, 2025, the panel issued *Re Gokturk*, 2025 BCSECCOM 409 and denied Gokturk's disclosure application. These are our reasons for that ruling.

[6] The panel also issued *Re Gokturk*, 2025 BCSECCOM 410 and granted Gokturk's application to adjourn the liability hearing. The reasons for that ruling will be issued at a later time.

II. Background

[7] Integra FEC LLC (Integra) is a Texas-based U.S. firm engaged by the executive director in 2019 to, among other things, perform a Bitcoin blockchain analysis and conduct a forensic analysis to assess and potentially trace misappropriated funds with respect to the Platform.

[8] David Lam (Lam) was Integra's chief operating officer at the time. The executive director has indicated that he intends to call Lam as an expert witness at the liability hearing.

[9] The executive director delivered to Gokturk the initial version of a report prepared by Integra on March 11, 2024, and a revised and final version of the report on November 5, 2024 (collectively, Integra's Report).

[10] On April 15, 2025, Gokturk indicated to the executive director that he would be seeking production of Integra's file created in the preparation of Integra's Report (Integra's File).

[11] Integra was willing to produce Integra's File, with the exception of:

a) Integra's API keys;

b) the file paths which displayed the names of Integra's internal servers and drives (File Paths); and

c) the source code for Integra's proprietary blockchain tracing tool, that Integra uses to trace the movement of cryptocurrency between addresses on a blockchain (Source Code).

[12] Integra provided to the executive director Integra's File with the API keys, File Paths and Source Code redacted (the Redacted File). On July 30, 2025, the executive director sent the Redacted File to Gokturk.

[13] The executive director does not possess an unredacted copy of Integra's File.

[14] The parties explored the possibility of entering into a non-disclosure agreement to enable disclosure of the redacted information. Ultimately, the executive director advised Gokturk that "it would be impractical to enter into a non-disclosure agreement that mitigates the security concerns identified by Integra."

[15] Gokturk no longer seeks production of the API keys or Integra's internal drive names, and the executive director has now disclosed the project folder names that form part of the File Paths. At the time of our ruling, Gokturk only sought disclosure of Integra's internal server names (the one item of File Paths information that remains redacted) and the Source Code (collectively, the Remaining Redacted Information).

[16] The executive director provided the following description of the Remaining Redacted Information:

File Paths
A file path is the location of where a file is on the expert's firm's servers. The full file path would contain the name of the server and the name of the drive, then the name of the respective folders where the file is stored, e.g.:

> [server name] \ [drive name] \ [project folder name] \ [project subfolder 1 name] \ [project subfolder 2 name] \ [file name]

An illustrative example would be "ServerX\C:\ProjectY\Analysis\TeamMember\file.docx". In the production of the expert's file, the names of the server, drive, and project are redacted. Thus, the Respondent can only see: {project_dir}\Analysis\TeamMember\file.docx. Accordingly, the Respondent can see all the file directories relevant to the BCSC Einstein project.

Tracing Code
The tracing code is source code. Mirriam-Webster defines source code as "a computer program in its original programming language..." The terms tracing code/source code are distinct from tracing methodology, which is *how* the expert arrived at his conclusions.

The tracing code is the source code that executes the expert's tracing methodology.

[17] The above information is corroborated in an affidavit from Lam (Lam's Second Affidavit). That affidavit was provided after Gokturk initiated this application.

[18] With respect to the File Paths and specifically the server names, Lam deposed that their disclosure would create security risk for Integra and its other clients. In particular:

a) Knowledge of the names of its internal servers and drives makes it easier for malicious actors to gain access to Integra's systems.

b) Top-level server and drive names are linked to far more than Integra's Report for this matter. Their disclosure could be a pathway to where confidential information is located for Integra's other clients including public agencies.

[19] Lam deposed that the File Paths did not in any way affect the opinions in Integra's Report nor reflect how Lam arrived at any conclusion made in the report. He stated that the File Paths are a confidential record of where the information was stored internally.

[20] With respect to the Source Code, Lam explained that it is the original computer programming language for Integra's blockchain tracing software tool. That tool was used for a subset of the analysis in Integra's Report. He said the analysis relies on a blockchain tracing methodology, which is based on general principles used to trace the movement of cryptocurrency between addresses. Lam distinguished the blockchain tracing methodology and the general principles used in the methodology, from the software tool that implements that methodology.

[21] In Lam's Second Affidavit, Lam gave a summary of the tracing methodology that was used and a description of the blockchain tracing principles on which the methodology is based. We have summarized his evidence in the following paragraphs.

[22] Lam first described the sources or types of sources Integra used to obtain blockchain data and address attribution data, then the steps taken to trace the destination of funds leaving identified accounts belonging to the trading platform in issue in the notice of hearing (Einstein Exchange)

or Gokturk on either the Bitcoin or Ethereum blockchain, and how the outcome of that tracing was interpreted.

[23] The tracing steps for the Bitcoin blockchain were:

a) First, identify a blockchain transaction associated with funds that leave the Einstein Exchange account or Gokturk's account, either from crypto platforms account data or from the Bitcoin blockchain.

b) Next, trace the movement of the funds from the identified transaction over multiple hops until the funds:

1. reach an address identified with Einstein Exchange or Gokturk;
2. reach an address with a known identity such as a crypto platform;
3. reach a large unidentified cluster of addresses;
4. become negligibly small; or
5. do not reach an identified address within a set number of hops.

[24] Lam explained that two techniques were used to trace funds on the Bitcoin blockchain: clustering and proportional allocation. He said:

a) "Bitcoin clustering" techniques are established, grounded in computer science and utilized in finance literature. Its methodology explicitly relies on a specific property of the Bitcoin blockchain known as the "common-input-ownership heuristic"". Lam described how the heuristic worked, and what information and conclusion it could yield. Lam provided multiple citations to literature for his statements. Similar heuristics were discussed in *United States of America v. Sterlingov*, United States District Court for the District of Columbia, Criminal Action No. 21-399 – Memorandum of Opinion and Order (discussed in more detail below).

b) "Proportional allocation" is an assumption used when tracing bitcoin in a transaction that involves multiple inputs or outputs. That is necessary because a bitcoin that is being traced can be combined with incoming bitcoin from other sources in one transaction and subsequently sent to multiple different addresses. When this occurs, Integra's Report used the proportion of the traced amount on the input side and applied that same proportion to all outputs.

[25] Lam described a similar methodology to trace funds on the Ethereum blockchain, except that clustering and proportional allocation do not work with that blockchain. Instead, Integra's Report used the "first-in, first-out" accounting methodology to trace the flow of ether when an Ethereum address receives funds from or sends funds to multiple addresses. He provided citations to literature on this technique.

[26] Lam deposed that Integra's blockchain tracing tool is a proprietary and highly commercially sensitive tool that gives Integra a competitive advantage in its business. He stated:

a) The tool was developed in-house by Integra's data scientists and software developers.

b) Blockchain tracing is a core solution offered by Integra. Its development took at least four years and has been used hundreds of times in Integra's investigations, expert reports and other research since its creation.

c) Integra's use of its in-house blockchain tracing tool provides a competitive advantage because it has distinctive features from other commercially available products, such as the capability to simultaneously trace thousands of blockchain addresses and transactions at a time.

d) There are other companies and off-the-shelf products that have developed their own blockchain tracing tools.

e) Integra's source code is highly commercially sensitive, and publication (inadvertent or otherwise) would significantly impact Integra's business and jeopardize a central revenue stream.

f) Disclosure of its source code would allow Integra's competitors to replicate and recreate one of Integra's primary assets, thereby jeopardizing Integra's competitive advantage in its cryptocurrency analysis work.

g) There is no context in which Integra would voluntarily disclose the Source Code outside the firm.

h) To Lam's knowledge, Integra has never been ordered to disclose the Source Code.

[27] Lam also deposed that "[t]he Source Code itself does not in any way impact the conclusions in the Report. It is merely the implementation of methodology using the parameters set out in the file."

[28] In these reasons, we note the following use of terminologies:

a) In the parties' submissions, the executive director's "expert" is sometimes said to be Integra and sometimes said to be Lam. Similarly, the "expert" report and file are sometimes referred to as Integra's report or Integra's file, and sometimes referred to as Lam's report or Lam's file. These differences are not relevant for the purpose of our ruling. In these reasons, we refer to both versions of the report collectively as "Integra's Report" and to the file in question as "Integra's File".

b) We have used the word "expert" in relation to Integra's Report and Integra's File in these reasons because the parties used that term in their submissions. To be clear, we have not yet qualified any person as an expert in these proceedings.

III. The parties' positions

Gokturk's position

[29] Citing *Re Core Capital Partners Inc.*, 2024 BCSECCOM 349, Gokturk submits that what Commission panels often refer to as "*Stinchcombe*-like disclosure", the standard that typically applies to disclosure of a party's documents in Commission enforcement proceedings and is summarized in *Re Core Capital Partners Inc.* (set out below), applies to Integra's File. Gokturk submits that the Remaining Redacted Information is relevant and necessary, and its disclosure serves the purpose of holding a fair and transparent hearing.

[30] Gokturk says that in ordinary circumstances, Commission investigators would carry out blockchain tracings and analysis. The resulting documents would constitute investigative materials and be disclosed to Gokturk as part of the general disclosure. Here and by contrast, Integra was engaged at the outset of the investigation to perform the blockchain tracing work and analysis. In doing so, Integra generated some of the evidence underlying the allegations in the notice of hearing, and its work product is the "fruits of the investigation". As such, they should be disclosed to Gokturk in the executive director's general production.

[31] Gokturk submits that while the panel is not bound by the rules of evidence, the safeguards built up around expert evidence are informative and can help guide a fair process. He says the following evidentiary rules surrounding the introduction of expert evidence are relevant to this application:

a) The requirement that an expert be qualified. [See: *R v. Mohan*, 1994 CanLII 80 (SCC), [1994] 2 SCR 9, at p. 25].

b) The obligation of an expert to produce their file should they be called as a witness at trial. [See: *Insurance Corporation of British Columbia v. Teck Metals Ltd.*, 2021 BCSC 1477, at para. 29.]

[32] With respect to the server names, Gokturk alleges that Integra has a contractual obligation to the Commission to store and access personal information within Canada, and was instructed to inform the Commission investigator if it identified personal information in its review of certain files. Gokturk submits that Integra stored and accessed personal information from Texas, and any breach by Integra of its contractual obligation would go to Integra's credibility and reliability. To the extent that Integra's server names may shed light on the location where files are stored or accessed, Gokturk submits that is relevant and should be produced. He also submits that he must be provided with that information now in order to more effectively prepare his own expert report and cross examination.

[33] With respect to the Source Code, Gokturk submits that Integra has put its proprietary technology squarely at issue, when Lam deposed, in an earlier affidavit, that Integra's proprietary software was used in part to generate data that underlies the analysis in Integra's Report, that Lam had used the data produced to do the analyses requested by the Commission, and drafted Integra's Report based on his conclusions.

[34] Therefore, Gokturk submits, disclosure of the technology is needed to identify whether Integra was in fact qualified to reach the conclusions that it did. If Integra does not have or did not use any proprietary blockchain tracing tools, or if those tools are flawed and the data produced is unreliable, that is relevant to Integra's qualifications, credibility and reliability.

[35] Gokturk submits that the Source Code is also needed to understand and test Integra's evidence. Given the executive director's reliance on data Integra claims to have created, clear disclosure of Integra's methodology for generating the data is critical. He argues that Integra's methodology is not sufficiently transparent to be reliable, no evidence has been provided concerning the function and reliability of its proprietary tracing tool, and that tool is effectively "black box" technology whose accuracy and reliability Gokturk and the Commission is being asked to take at face value.

[36] Goturk submits that he cannot adequately test the output of Integra's alleged tracing without understanding how those outputs were arrived at. He says disclosure through Lam's testimony at the hearing will not provide enough time to prepare for cross examination, and Lam may not be able to answer questions about its use and reliability as he did not personally use the Source Code.

[37] Gokturk further submits that any concern about disclosure causing harm to Integra can be mitigated by the implied undertaking on him to only use the disclosed information to participate in this hearing and answer the allegations in the notice of hearing (*see*: BC Policy 15-601 *Hearings*, section 3.6(b)), and by the issuance of a sealing order if any Remaining Redacted Information is relied on by a party at the hearing.

Executive director's position

[38] The executive director opposes this disclosure application.

[39] He submits that Gokturk misconstrued the applicable disclosure standard when he framed this application as a request for first party disclosure by the executive director under the *Stinchcombe*-like standard. The executive director says the Remaining Redacted Information is not in his possession or control, but in the hands of Integra, a third party. He submits that third party document production bears a separate legal test, which Gokturk has not met or even raised.

[40] The executive director further submits that, since BC Policy 15-601 *Hearings* does not set out a mechanism for the disclosure of an expert's file, the requirement on the panel is to make an order that is fair, flexible and efficient, per section 2.1 of the policy.

[41] In doing so, the executive director asks us to follow Rule 11-6(8) of the *Supreme Court Civil Rules*, which sets out a regime for the exchange of expert's files in civil proceedings.

[42] Citing caselaw interpreting Rule 11-6(8), the executive director submits that the obligation to produce the expert's file is not absolute. Production must relate to "the preparation of the opinion set out in the expert's report", for the purpose of testing the substance and credibility of the expert's opinion at trial, and disclosure may be denied if that would be unfair to any party to the lawsuit or to the third party expert. He cites *One West Holdings Ltd. v. The Owners, Strata Plan LMS* 2995, 2020 BCSC 1544, *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia (Education),* 2014 BCSC 741, and *Kaur v Teichroeb,* 2021 BCSC 2436 (citing *Traynor v Degroot,* 2001 BCCA 556).

[43] With respect to the Source Code, the executive director and Integra do not object to disclosure of the blockchain tracing methodology that was employed or the general principles used in the methodology, which the executive director says have all been disclosed to Gokturk. Their objection is to the disclosure of the Source Code of the software tool that implemented the methodology.

[44] With respect to the jurisprudence which addresses source codes, the executive director submits that:

a) He could not find any Canadian jurisprudence on production of the source code as part of an expert's file, and few cases concerning production of source code outside of the

copyright/intellectual property context where the source code is the subject of the entire proceedings.

b) He was unable to find a case in any commonwealth jurisdiction where an application was made for the source code as part of an expert's file.

c) Ontario courts have grappled with production of source code for investigative tools or software in response to disclosure applications, and have consistently refused to order production of unredacted source code.

d) Under American jurisprudence, heuristics (an explanation of the methodology) are typically produced to satisfy a reliability element required of experts.

[45] The executive director asserts that there are other firms offering blockchain tracing tools and their codes are not disclosed in legal proceedings in which they are used. He says that if we decide to order production of the File Paths and Source Code, we would seemingly be the first decision-maker to do so.

[46] The executive director also raises a public policy concern. He says that as fraudsters grow increasingly sophisticated and use of blockchain technology for financial misconduct becomes more common, the Commission will require evidence from experts with specialized knowledge applying specialized technology. He submits that forcing Integra to disclose the File Paths and Source Code will have a chilling effect on the involvement of experts in Commission matters. The executive director's point is reinforced by the strenuousness of Integra's objection to production of the Remaining Redacted Information.

[47] In summary, the executive director submits that:

a) *Stinchcombe*-like disclosure standard does not apply to the Remaining Redacted Information because it is not within the possession or control of the executive director. But even if it does, the Remaining Redacted Information is not relevant to the allegations in the notice of hearing.

b) The Remaining Redacted Information is not producible as part of Integra's File. But even if it were, it does not relate to the preparation of the expert's opinion set out in Integra's Report such that production would assist with testing the expert's opinion and/or reliability.

c) It would be demonstrably unfair to Integra and Lam to force disclosure of their confidential and proprietary information.

IV. Applicable law and helpful jurisprudence

[48] As set out in BC Policy 15-601 *Hearings*,

> 1.2 General Principles. The Commission holds administrative hearings, which are less formal than the courts. **The Commission's goal is to conduct its proceedings fairly, flexibly and efficiently.** The procedures set out in this Policy are in furtherance of this goal and the provisions of this policy are to be interpreted in light of this goal. **Where the circumstances require a variation of the procedures set out in this policy, in order to achieve this goal, the Commission may do so.**

> 2.1 Procedures - …the Commission is the master of its own procedures, and can do what is required to ensure a proceeding is fair, flexible and efficient. In deciding procedural matters, the Commission considers the rules of natural justice set by the courts and the public interest in having matters heard fully and fairly, and decided promptly.
>
> 3.6(b) Enforcement hearings – in an enforcement hearing, the executive director must disclose to each respondent all relevant information that is not privileged…
>
> The Commission considers it contrary to the public interest if respondents use information contained in the executive director's disclosure for any purpose other than answering the allegations made against them in the notice of hearing. Respondents therefore receive the executive director's disclosure on the implied undertaking not to use information contained in those records for any purpose other than participating in the hearing and answering the allegations in the notice of hearing. A respondent's failure to comply with this undertaking may result in enforcement proceedings under the Act, or contemplate proceedings in Court, against them…

[49] The Commission panel in *Re Core Capital Partners Inc.*, 2024 BCSECCOM 349 summarized the applicable disclosure law with respect to a party's disclosure obligations in an enforcement hearing. In particular:

> [19] Section 3.6(b) of BC Policy 15-601 *Hearings* provides that in an enforcement hearing "the executive director must disclose to each respondent all relevant information that is not privileged".
>
> [20] The disclosure standard which applies to Commission proceedings is based broadly on the standard established in *R. v. Stinchcombe* [1991] 3 SCR 326. Under this standard, the Crown must disclose all relevant information, whether inculpatory or exculpatory, except evidence that is beyond the control of the Crown or is clearly irrelevant or privileged. [citation deleted]
>
> [21] The Stinchcombe standard was developed in the context of criminal proceedings and does not automatically apply to proceedings before the Commission. In *Re Canaco Resources Inc.*, 2012 BCSECCOM 493, the panel said at paragraph 9:
>
> > … it is worth noting that *Stinchcombe* was articulated as a disclosure standard for criminal proceedings. Although a Stinchcombe-like standard has been applied in administrative proceedings before securities tribunals, it does not follow that every evolution of the *Stinchcombe* standard in the criminal courts or indeed the *Stinchcombe* standard itself, automatically applies to proceedings before the Commission. As the Supreme Court of Canada has made clear [citation deleted], the standard of disclosure for administrative tribunals is not *Stinchcombe*. **The issue is whether the hearing process as a whole satisfied the requirements of procedural fairness in the context of proceeding before the tribunal concerned.** [emphasis added]
>
> [22] A document will be considered relevant if it directly or indirectly may enable a party to advance their own case or destroy that of their adversary or may fairly lead the party to a train of inquiry or disclose evidence which may have either of those consequences. [citation deleted]
>
> [23] Generally, in an application challenging disclosure of existing documents, the onus is on the party subject to the challenge to justify non-disclosure. [citation deleted]

> [24] …the Commission cannot wholly delegate the determination of relevancy to its staff, and if the staff's determination of relevancy is challenged, the Commission itself must determine whether the documents in question are relevant or irrelevant...

[50] In *Re Pegasus Pharmaceuticals*, 2021 BCSECCOM 374, at para. 66, the Commission made clear that the primary test for admissibility of evidence in Commission enforcement proceedings is relevance to the allegations in the notice of hearing. In every case, the decision of whether to admit evidence or not is an exercise of the panel's discretion under section 173 of the Act.

[51] Rule 11-6(8) of the *Supreme Court Civil Rules*, B.C. Reg. 168/2009, sets out the rules for the exchange of an expert's file in civil proceedings:

> (8) Unless the court otherwise orders, if a report of a party's own expert appointed under Rule 11-3(9) or 11-4 is served under this rule, the party who served the report must,
>
> (a) promptly after being asked to do so by a party of record, serve on the requesting party whichever one or more of the following has been requested:
>
> (i) any written statement or statements of facts on which the expert's opinion is based;
>
> (ii) a record of any independent observations made by the expert in relation to the report;
>
> (iii) any data compiled by the expert in relation to the report;
>
> (iv) the results of any test conducted by or for the expert, or of any inspection conducted by the expert, if the expert has relied on that test or inspection in forming the expert's opinion, and
>
> (b) if asked to do so by a party of record, make available to the requesting party for review and copying the contents of the expert's file relating to the preparation of the opinion set out in the expert's report …

[52] In *One West Holdings, supra*, the Court stated:

> [25] Disclosure under Rule 11-6(8)(b) is not automatic. The Rule allows that the court may "otherwise order". Rule 11-6(8)(b) must be applied in a manner consistent with the overall objective of the Rules, which is to secure the just, speedy and inexpensive determination of every proceeding on its merits. This includes, as far as is practicable, conducting proceedings in ways proportionate to: the amount involved in the proceedings, the importance of the issues in dispute and the complexity of the proceedings: Rule 1-3.

[53] In *Conseil scolaire francophone de la Colombie-Britannique, supra*, the Court stated:

> [38] The objective of the *Rules* is to secure the just, speedy and inexpensive determination of every proceeding on its merits. This includes, as far as is practicable, conducting proceedings in ways proportionate to: the amount involved in the proceedings, the importance of the issues in dispute and the complexity of the proceedings: *Rule* 1-3.
>
> …

> [44] … As I see it, on request pursuant to R. 11-6(8)(b), an expert must produce the contents of the expert's file that are relevant to matters of substance in his or her opinion or to his or her credibility unless it would be unfair to do so. …

[54] In *Kaur, supra*, the Court cited the following from *Traynor, supra*, where the Court of Appeal considered a plaintiff's appeal from an order for production of a neuropsychologist's records:

> [24] To me, the first question ought to have been whether these documents were in the possession or power of the appellant, as the learned master appears to have thought, to which therefore Rule 26(10) applies, or whether they are documents which fall within Rule 26(11), as documents of Dr. Schmidt.
>
> [25] Unfortunately, no argument was addressed to us on this point, which I consider to be important, for the considerations which apply to compelling production of documents from a party to litigation are not the same as the considerations for compelling the production of documents from persons who are not parties to litigation.
>
> [26] It is, of course, possible that a document belonging to X which is not in the possession or power of a litigant may be withheld from production by its possessor on the ground that that litigant has a privilege in it. **But X may have personal grounds of objection which entitle him to argue that to require him to produce his documents before trial is an abuse of himself. The courts must not run roughshod over those who are not parties to the proceedings and, in my view, an expert witness should not necessarily be treated as if he were the puppet or servant of a party who has consulted him.** It is an interesting question, which so far as I know this Court has not yet addressed, whether the papers of an expert witness relating to the litigation in issue for the preparation of which he is being paid are the property of the party instructing him or remain his own and, if the property in the papers remains in the expert, whether the instructing party can demand, if not the original documents, copies thereof. [emphasis added]

[55] In *R. v. Hughes*, 2022 ONSC 2164, the Court considered the extent of access that defence counsel should have to advanced software tools capable of automated surveillance, detection, connection and downloading of child pornography from suspect users on peer-to-peer networks. These tools are used by law enforcement agencies to scour the Internet in search of individuals who use them to share child sexual abuse material. The relevance of the requested disclosure was tethered to three factors, including "the integrity of the software – whether it performed properly". The other two factors are not relevant to this application. The Court found, at para. 131, that none of the presented evidence would "imbue the claim of … malfunction or operator error with an air of reality". In declining to order production of the source codes, the Court said that it was not:

> [128] … satisfied that the likely relevance threshold has been made out in relation to them. I have not been offered an explanation as to why a granular dissection of the software used by investigative law enforcement is likely relevant to any live issue in this proceeding.

[56] In *Sterlingov*, *supra*, the Court considered a challenge to the admissibility of certain expert testimony and the reliability of a software tool for blockchain clustering analysis relied on by the experts. Defense counsel argued that the software tool in question is "junk science," which has not been peer reviewed and has no known error rate, and that, as a result, any testimony based on it is not "the product of reliable principles and methods …". In rejecting that argument, the Court said, at pp. 16-17:

> Nor is this a case in which the government relies on a black box, which it has declined to disclose to the defense. The defense has received reams of material explaining how the clustering was done and, at the Court's urging, received a highly confidential, supplemental production that contained additional detail about the specific methods employed as part of Heuristic 2. … **The defense, moreover, has all of the underlying addresses and data and has had ample opportunity to perform its own tracing to assess the accuracy of the clustering results (or at least a representative sampling of the results) generated by the software**. As discussed below, many of the results generated by [the software] have been confirmed by traditional blockchain analysis performed both before and after government witnesses used [the software]. **Nothing has kept the defense from performing its own blockchain traces in an effort to refute the results generated using [the software]**. [emphasis added]

V. Analysis

[57] The circumstances before us differ from the typical disclosure applications before the Commission where *Stinchcombe*-like disclosure is followed, which involve the disclosure of documents in the possession or control of the executive director. Here, the Remaining Redacted Information is not in the executive director's possession or control.

[58] We do not need to address whether *Stinchcombe*-like disclosure standard is applicable generally to Integra's File, and whether Integra generated some of the evidence underlying the allegations against Gokturk when it performed blockchain tracing work such that its work product is the "fruits of the investigation", because that file has now been disclosed to Gokturk, save for the Remaining Redacted Information and other information that Gokturk says he no longer needs.

[59] With respect to the Remaining Redacted Information, the starting point of our analysis is, as set out in section 1.2 of BC Policy 15-601 *Hearings*, to conduct a fair, flexible and efficient hearing. We considered if disclosure of the Remaining Redacted Information will advance that objective.

[60] Because there is little authority on the disclosure of file paths and source codes (outside of intellectual property litigation) to inform our analysis, and there is a common underlying objective of holding fair and transparent hearings, we found it helpful to consider the principles in evidentiary rules on expert evidence, and to consider criminal and civil law jurisprudence, even though they apply in a different context and we are not bound to follow such rules.

Server names

[61] The server names give the location where electronic information is stored by Integra. As stated by the executive director, they are "akin to an expert's filing system". They are not information created in preparation of the opinion in Integra's Report.

[62] The executive director offers the following analogy to earlier times before technology enabled the storage of data and files electronically:

> Consider this as if it were a hard copy file. Integra has provided the equivalent of the name of the label on a file folder, the name of the person who created that folder and the title of the document. The Applicant seeks even more information: the label on the drawer of the filing cabinet, which drawer of the filing cabinet it is stored in and the name of the building in which the filing cabinet is located. Those details are not part of an expert's file, but appeared in this case because of the

way in which the electronic information is compiled.

[63] We find the executive director's analogy to be apt and his arguments persuasive. We are satisfied that the server names have no relevance to the content in Integra's Report or its preparation. They have no relevance to proving or disproving the allegations in the notice of hearing.

[64] Gokturk seeks the server names to see if they *might* indicate whether Integra stored files in a way that breached its contractual obligations to the Commission related to privacy. That is speculative; Gokturk did not point to any evidence nor even state that there is some basis for believing that the server names could reveal such information.

[65] Gokturk also submits that, in most circumstances, any such breach by Integra would be relevant to Integra's credibility and reliability. That relevance is not obvious to us where the breach (if there was one) pertains to a matter that is unrelated to the allegations in the notice of hearing or any matter of substance in Integra's conclusions in this matter. Gokturk did not provide any reasons or authority to support these submissions.

[66] On the contrary, the following passage from the British Columbia Supreme Court in *R. v. Groves*, 2011 BCSC 946, suggests that the opposite is true:

> [15] While an issue at trial may include evidence relating to the credibility of witnesses, **the mere assertion that the contents of the records sought may be relevant to credibility is not sufficient to justify production**. This stems from the judgment of L'Heureux-Dube in *O'Connor* [*R. v. O'Connor*, [1995] 4 SCR 411] where she stated at para. 143:
>
> > … the applicant cannot simply invoke credibility "at large", but must rather provide some basis to show that there is likely to be information in the impugned records which would relate the complainant's credibility **on a particular, material issue at trial**.
>
> [emphasis added]

[67] We also note that non-disclosure of the server names does not prevent Gokturk from questioning Lam or the Commission investigator on the topic of privacy during cross-examination, if he can demonstrate relevance to the allegations in the notice of hearing.

[68] Having concluded that the server names are not relevant, it is not necessary to consider if *Stinchcombe*-like disclosure standard applies to them.

Source Code

[69] The Source Code is the original computer programming language for the proprietary software tool developed by Integra to trace addresses and transactions on a blockchain. The tool implements specified tracing methodology (general principles) in performing its task.

[70] The executive director submits that the tracing methodology and general principles on which it is based have been sufficiently disclosed. He likens the tracing software to a calculator. He says Integra has disclosed how the calculator works, the equations used, the numbers that were put into the equations and the results of the equations. The Source Code is the blueprint explaining how to build the calculator.

[71] Although the Integra software tool is more complex than a simple calculator that performs mathematical functions with inputted numbers, we find the analogy to be sufficiently apt to be helpful.

[72] Gokturk says disclosure is needed to identify whether Integra was in fact qualified to reach its conclusions. If Integra does not have or did not use any proprietary blockchain tracing tools or if those tools are flawed, that will be relevant to Integra's qualifications, credibility and reliability.

[73] We have Lam's evidence that there is such a tool and it was used in this matter. There is no evidentiary basis to suggest otherwise. As noted above in *Groves,* it is not enough to simply suggest that the information sought may be relevant to Lam's credibility in that regard. There must be an evidentiary basis to establish that it is likely relevant to justify an order for production for that purpose.

[74] Gokturk also says that the clear disclosure of Integra's methodology for generating the data is critical, and the disclosure so far is insufficient. He cannot adequately test the output of Integra's tracing without understanding how those outputs were arrived at.

[75] The executive director submits that the solution for Gokturk's concern that the Integra "calculator" is flawed is not for him to inspect the calculator, but to make his own calculations, to question Lam on his calculations and then explain to the panel why Gokturk's calculations should be preferred over Integra's.

[76] We are persuaded by the executive director's submissions. The executive director says all documents Integra relied on were first obtained by Commission investigators and have been disclosed to Gokturk. Gokturk has been given blockchain transaction data, trading data, blockchain addresses, and tracing parameters (such as: the initial addresses from which cryptocurrency was traced, the number of intervening addresses between the start of a transaction and its final address, and the minimum value of cryptocurrency below which the tool would no longer trace). Importantly, with Lam's Second Affidavit, the methodology and tracing techniques employed have been disclosed.

[77] We are satisfied that Gokturk does not need the Source Code to test and challenge the accuracy and reliability of Integra's Report.

[78] We agree with the executive director that Gokturk has the information needed to have his own expert test the methodology and results, and to perform his own tracing analysis using other tracing tools. Lam has deposed that there are other companies and off-the-shelf products that have developed their own blockchain tracing tools. Gokturk does not need access to the Source Code to do so. With the adjournment of the liability hearing to March 2026, Gokturk has plenty of time to obtain his own analysis and test the reliability and accuracy of Integra's Report.

[79] Gokturk also will have the opportunity at the hearing to present his own expert evidence, to question Integra's and Lam's qualifications, the methodology, the techniques, and the accuracy and reliability of the Integra Report, and tell the panel why we should not rely on Integra's Report.

[80] Gokturk makes bald assertions that the information provided is vague and insufficient, but provides no details or evidence, expert or otherwise. Like the judge in *Hughes*, we have not been given "any explanation as to why a granular dissection of the software is likely relevant to any live issue here".

[81] Gokturk submits that the Source Code is part of the fruits of the investigation and therefore disclosable. If it were the executive director's staff who performed all the blockchain tracing and analysis themselves using Integra's software, we would not require Integra to disclose the Source Code, for all the reasons set out in the cited cases and our above analysis. We do not see any basis that would justify a change when Integra also performed the blockchain tracing and analysis.

Fairness considerations

[82] Our obligation is to hold a fair, efficient and flexible hearing.

[83] In considering whether fairness extends to someone who is not a party to the litigation, we found it helpful to consider Rule 11-6(8) and caselaw interpreting it, as the conduct of a fair proceeding underpins the objectives of that rule and the objectives of the Commission. In the cases cited by the executive director, and in particular *Conseil scolaire francophone de la Colombie-Britannique*, and *Kaur* citing *Traynor*, the fairness consideration was extended to a third party expert hired by a party.

[84] In this case, Integra contracted with the executive director to perform highly specialized work related to blockchain tracing. It agreed to use its proprietary software and to deliver to the executive director the work products derived from that use. That is very different from agreeing to disclose the Source Code for the software.

[85] The executive director is not Integra's only client. There is no indication that Integra was somehow a servant or puppet of the executive director.

[86] There is uncontested evidence that the Remaining Redacted Information is highly sensitive. Disclosure of the server names would create a security risk to Integra and its other clients. Disclosure of the Source Code is likely to cause significant harm to Integra. We do not know the identity of any expert that Gokturk may retain in this matter, whether that expert is a competitor of Integra, and what safeguards (if any) that expert will put in place to limit disclosure and use of the Remaining Redacted Information even within their own organization.

[87] The implied undertaking on Gokturk to not use the disclosed information for any other purpose affords some protection to Integra. However, that undertaking is placed on respondents. We have not received any submission from the parties on whether that undertaking by implication extends to a respondent's hired expert who is not a party to the proceeding. But even if the implied undertaking applies to both Gokturk and his third party expert, the consequence of a breach (even if inadvertent) would be severe to Integra.

[88] In weighing the relevance of the server names, the necessity of the Remaining Redacted Information, and the fairness to each party and to Integra, we concluded that it would not be unfair to Gokturk to deny his application, while it would be unfair to Integra and the executive director to grant the application. To hold a fair hearing, we must dismiss the application.

VI. Conclusion

[89] For the above reasons, we dismissed Gokturk's disclosure application.

November 7, 2025

For the Commission

Deborah Armour, KC
Commissioner

Audrey T. Ho
Commissioner

Karen Keilty
Commissioner