

Re Davies

IN THE MATTER OF:

**The Dealer Member Rules of the Investment Industry Regulatory
Organization of Canada (“IIROC”)**

and

Benjamin Huw Davies (the “Respondent”)

2014 IIROC 41

Investment Industry Regulatory Organization of Canada
Hearing Panel (Pacific District)

Heard: June 27, 2014
Decision: August 6, 2014

Hearing Panel:

Alison Narod, Chair, Robert Travers and Barbara Fraser

Appearances:

Lorne Herlin, Enforcement Counsel

Benjamin Huw Davies, the Respondent

DECISION

¶ 1 This Hearing Panel was constituted pursuant to Rule 20 of the Investment Industry Regulatory Organization of Canada (“IIROC”) to consider a proposed Settlement Agreement jointly recommended by Counsel for IIROC Staff and the Respondent. At a hearing held on June 27, 2014, the Hearing Panel decided to accept the proposed Settlement Agreement. These are its reasons for that decision.

¶ 2 In the Settlement Agreement, the Respondent, a Registered Representative, admitted that in January 2013, he forged a Notice of Course Completion for the Canadian Securities Institute’s Investor Advisor Training Program (the “CSI Program”) and then submitted it to his employer contrary to IIROC Dealer Member Rule 29.1.

¶ 3 Staff and the Respondent agreed to the following terms of settlement:

- (a) a suspension from approval in any capacity from July 12, 2014 to October 12, 2014;
- (b) a \$20,000 fine;
- (c) a requirement that the Respondent successfully complete the Conduct and Practices Handbook (“CPH”) course by October 12, 2014; and

The Respondent also agreed to pay costs to IIROC in the sum of \$2,500.

¶ 4 Notably, the Respondent has been internally disciplined by his employer and, as a result:

- (a) he paid a \$5,000 fine;
- (b) his compliance supervision fee was increased by 5%;
- (c) he was placed on close supervision, which will end at the expiry of the term of suspension specified in the Settlement Agreement.

¶ 5 According to an Agreed Statement of Facts in the Settlement Agreement, on September 29, 2006 the Respondent commenced employment with his employer, an IIROC Dealer Member, as a Registered Representative dealing with mutual funds only. As a condition of his registration, he was required to complete his employer's 90-day training program. As part of this, he had to pass the CSI Program.

¶ 6 The CSI Program is comprised of seven assessments and a final test, all of which are completed online. The final test can be completed before the assessments are completed. However, in order to pass the CSI Program, both the assessments and the final test must be completed. The Canadian Securities Institute ("CSI") issues a Notice of Course Completion once an individual successfully completes all of the seven assessments, as well as the final test.

¶ 7 On October 16, 2006, the Respondent completed the final test for the CSI Program. Shortly thereafter, he supplied his employer with a Notice from the CSI showing that he had completed the final test.

¶ 8 On December 19, 2006, the employer submitted an application to IIROC through the National Registration Database to have the Respondent approved as a Registered Representative (Retail). This would allow the Respondent, among other things, to take orders from or give advice to all types of retail customers regarding trades and various types of securities.

¶ 9 However, in its application, the employer indicated that the Respondent had completed its 90 day training program, which included the CSI Program. In actual fact, the Respondent had not completed that program because he had not completed the required assessments.

¶ 10 IIROC approved the application and the Respondent was registered as a Registered Representative (Retail), effective December 20, 2006.

¶ 11 Some years later, in 2012, IIROC Business Conduct Compliance ("BCC") staff performed an examination of the employer which, in turn, involved a review of the employer's registration file for the Respondent. In its final report, dated August 31, 2012, BCC staff observed that the Respondent's registration file contained no evidence that he had completed the CSI Program.

¶ 12 The employer then asked the Respondent to provide proof of completion of the CSI Program. In response, he indicated that he believed he had completed the program and he provided the above-noted CSI document showing he had completed the final test. The employer pursued this further and, at the employer's specific request, the Respondent asked the CSI to provide proof that he had completed the CSI Program. In consequence, the CSI informed the Respondent on January 10, 2013 that he had only completed the final test and that since he had not completed all of the assessments, he had not completed the CSI Program.

¶ 13 The Respondent did not report this to his employer. Rather, by email dated January 14, 2013, the Respondent informed his supervisor, who was also the Branch Manager, and the Chief Compliance Officer that he had not heard back from the CSI, but that he had found a copy of his Notice of Course Completion for the CSI Program in his emails. He attached a Notice of Course Completion to his email. That notice was a fabrication.

¶ 14 As this was not consistent with the Respondent's CSI transcript, the Branch Manager informed the Respondent he would have to seek verification from CSI that the Respondent had completed the CSI Program. The CSI responded to the Branch Manager's query by email dated January 15, 2013, advising him that the Respondent had not completed the CSI Program. On January 22, 2013, the CSI repeated this advice and informed the Branch Manager that the Notice of Course Completion the Respondent had provided was not authentic.

¶ 15 At a January 23, 2013 meeting, which the Chief Compliance Officer attended by conference call, the Branch Manager questioned the Respondent about the Notice the Respondent had provided and showed him the CSI's January 22, 2013 email stating that it was not authentic. The Respondent did not admit fabricating the document at that meeting.

¶ 16 That evening, however, the Respondent emailed the Branch Manager and the Chief Compliance Officer

to admit that he had fabricated the Notice of Course Completion and had deliberately deceived them.

¶ 17 On January 24, 2013, the Respondent completed all the requirements of the CSI Program.

Issue

¶ 18 The issue before the Hearing Panel was whether to approve the proposed Settlement Agreement.

Relevant Rules and Sanctions Guidelines

¶ 19 Under IIROC’s Rule 20.36, this Hearing Panel may either accept or reject the proposed Settlement Agreement.

¶ 20 The relevant portions of Dealer Member Rule 29.1 state:

...[E]ach...Registered Representative...(i) shall observe high standards of ethics and conduct in the transaction of their business, (ii) shall not engage in any business conduct or practice which is unbecoming or detrimental to the public interest, and (iii) shall be of such character and business repute and have such experience and training as is consistent with the standards described in clauses (i) and (ii) or as may be prescribed by the Board.

For the purposes of disciplinary proceedings pursuant to the Rules, each...Registered Representative...shall comply with all Rules required to be complied with by the Dealer Member.

¶ 21 The Sanction Guideline relevant to the offence of forgery in connection with Dealer Member Rule 29.1 is set out below:

1.2 Forgery: Dealer Member Rule 29.1

Forgery is the creation of a false document with the intent that it be acted upon as the original or genuine document.

Forgery is always a serious regulatory matter because it shows that the Respondent lacks the honesty required of a professional in the securities industry. The trust and confidence between the registrant and the client is very often destroyed by the deceptive conduct on the part of the registrant. Forgery harms the Dealer Member firm as well. As a result, forgery often attracts severe sanctions. While there is no such thing as a “minor case” of forgery, hearing panels may distinguish between more and less egregious examples of forgery.

Considerations in Addition to	
General Principles:	Recommended Sanctions:
1. Nature of document(s) forged.	▪ Fine: minimum of \$25,000 for Approved Persons; minimum \$100,000 for Dealer Member firms.
2. Number of documents forged.	▪ In the absence of mitigating circumstances, a permanent band on approval will be appropriate.
3. Client(s) knowledge/consent.	▪ If mitigating circumstances exist, consider suspension for 3 months to 10 years.
4. Loss to Client(s).	▪ Re-write CPH
5. Respondent’s intent.	▪ Fines should include the amount of any financial benefit to the Respondent.

6. Whether the Respondent was unjustly enriched and obtained/attempted to obtain a financial benefit from the forgery.
7. Whether the Respondent concealed/attempted to conceal their conduct from the Dealer Member or the Corporation.

¶ 22 Notably, the Sanction Guidelines are not binding on a hearing panel, but provide an indication of what is a reasonable range of sanctions.

Submissions

¶ 23 Counsel for IROC Staff submits that the test typically applied when deciding to approve a proposed Settlement Agreement is whether it falls within a reasonable range of appropriateness. He says that the proposed Settlement Agreement meets this test and should be accepted in the circumstances.

¶ 24 By way of mitigating factors, counsel for IROC Staff points out that the Respondent has no prior history of wrong-doing. He fully cooperated during IROC's investigation. The Respondent admitted forging the document. He forged only one document. He was not unjustly enriched. The forgery was not client-related. Although the forgery evidenced an intent to mislead his employer and he attempted to conceal it, he quite quickly admitted the forgery. He has been disciplined by his employer. As mentioned, he paid a fine. His compliance fees have been increased. He has been subjected to close supervision which will terminate at the end of the proposed suspension period. He has also expressed remorse to IROC.

¶ 25 With respect to the recommended fine, Counsel for IROC Staff acknowledges that it falls below the minimum recommended in the Sanction Guideline, which is \$25,000, but it takes into account that the Respondent has already paid a \$5,000 fine as a result of discipline by his employer and his compliance fee has been increased by 5%. The length of the proposed suspension conforms with the minimum recommended in the sanctions. Additionally, the Sanction Guideline recommends that a respondent re-write the CPH and the Respondent has agreed to do so. There is no need to increase the fine to include any financial benefit the Respondent secured, as there was none.

¶ 26 In support of his argument, Counsel for IROC staff referred the Hearing Panel to three cases: Re Faber, 2014 IROC 14, which he said was less egregious; Re Vorstadt, 2012 IROC 15, which he said was more egregious; and Re Warkentin, 2012 IROC 40, which he said was most analogous to the instant case on its facts. He submitted that the proposed sanction, in the circumstances, was not clearly outside the reasonable range of appropriateness demonstrated by these cases.

¶ 27 For his own part, the Respondent thanked IROC staff for their help during these proceedings. He reiterated that he fully admitted that what he did was wrong and he was "guilty as charged". He stated it was an error in judgment. This was not something he was proud of. This was not an actual aspect of his character, rather it was a result of a sense of frustration. He observed that his practice was very client-centred and many of his clients had become his friends. He noted that he was not trying to justify his conduct by saying this.

¶ 28 The Respondent stated that he was already abiding by the terms of the proposed settlement agreement and was concerned that his clients were being punished more than he was by his suspension, as they will not have access to his advice and care. He assured the Hearing Panel that although he had obtained no legal advice prior to agreeing to the proposed Settlement Agreement, he understood the nature and implications of its terms.

Reasons

¶ 29 This Hearing Panel accepts that the standard for reviewing a proposed Settlement Agreement is whether

it is satisfied that the penalties proposed in the agreement are within a reasonable range of appropriateness in the circumstances. As has been often stated, a hearing panel should accept a settlement agreement unless it considers the penalty provided for falls outside a reasonable range of appropriateness.

¶ 30 We note that when deciding whether or not to approve or reject a proposed settlement agreement, it is not a hearing panel's task to determine whether it would have imposed the same penalties as are proposed in the settlement agreement had the matter come before it in the course of a hearing. Nor is it open to a hearing panel to amend, re-write, or alter the terms of the proposed settlement agreement (see for example *Re Faber*, supra, at paras. 9-11).

¶ 31 In addition to considering the proposed penalty and agreed facts, this Hearing Panel has, among other things, considered the submissions of the parties, Rule 29.1, the Sanction Guideline quoted above, and the cases relied upon by counsel for IIROC Staff.

¶ 32 As mentioned above, Counsel for IIROC Staff referred the Hearing Panel to three cases. The first, *Re Faber*, concerned a respondent registered representative who bought an insurance product in client accounts with the plan of later transferring the product to registered accounts. Because she was unable to contact the client to sign required documents before a deadline, she forged their signatures on various documentation to enable the transaction. It was clear that, had she managed to contact the clients beforehand, they would have consented to the transaction and would have willingly signed the documents.

¶ 33 The hearing panel in that case was presented with a proposed settlement agreement, in which the respondent admitted that she had forged the signatures. She agreed to a fine of \$15,000, to a suspension from registration with IIROC in any capacity for a period of two months, and to re-write the CPH examination within six months of any return to the industry. She also agreed to pay costs to IIROC in the amount of \$1,000.

¶ 34 There were significant mitigating factors in that case, which included that the respondent had been a registered representative for 15½ years. She had been terminated by her employer and had been out of the industry for over 3½ years. Although the misconduct involved three separate clients, they were members of a related family and the forgeries occurred all at the same time and for the same reasons. As in the instant case, the respondent had no prior disciplinary record. She immediately admitted the misconduct, acknowledged it was wrong and was forthright in her responses to her employer. She provided complete cooperation to IIROC in its investigation and prosecution of the matter. She did not seek or obtain personal gain. Her sole motive was to assist her clients. There was no loss or detriment to the clients. The clients had been quite willing to sign the required documentation, but she was not able to contact them before the deadline so as to accomplish the transaction. She was fully and completely remorseful. In view of the significant mitigating factors, the hearing panel agreed that the penalty fell within a reasonable range of appropriateness in the particular circumstances of the case.

¶ 35 This Hearing Panel agrees with counsel for IIROC that the *Re Faber* case is less egregious and the penalty less severe than the instant case but notes that the mitigating factors in that case were more significant.

¶ 36 In *Re Vorstadt*, the respondent registered representative recommended an investment product to several clients but mistakenly represented the guarantee features of the product. When later questioned by one of the clients about the guarantee features, he recognized his mistake, but instead of admitting his mistake, he created a false and misleading letter and forged someone else's signature to it, contrary to Dealer Member Rule 29.1.

¶ 37 The settlement agreement put before the hearing panel proposed, as a penalty, that the respondent pay a fine of \$40,000 and that he be prohibited from seeking approval in any capacity for almost 5 months. Additionally, the respondent agreed to pay IIROC costs in the amount of \$5,000.

¶ 38 The mitigating circumstances included that this appeared to be an isolated incident. The respondent had no prior disciplinary investigations or proceedings during his 17 years as a registrant in the securities industry. He admitted his misconduct, recognized his responsibility for it and cooperated fully with IIROC. His admissions avoided the necessity of a costly hearing. He offered to make compensation to the client. There was no evidence that other clients had been affected. He did not obtain any monetary benefit as a result of his

misconduct. He reported his misconduct to IIROC, after the client complained, but before IIROC was aware of the complaint.

¶ 39 The Hearing Panel agrees with Counsel for IIROC Staff that the conduct in that case was more egregious than in the instant case. Among other things, in that case, the respondent had lied to the client and put the client's assets at risk. The Panel also agrees that the penalty was more severe insofar as it involved a larger fine and longer suspension than is recommended in the instant case.

¶ 40 In the third case, *Re Warkentin*, the parties had agreed on the facts, but not the penalty. The matter came before a hearing panel for it to decide the penalty. In particular, the respondent registered representative admitted that he had forged a statement for his personal account in order to inflate his net worth by \$340,000 to obtain a leveraged account at a bank. He then failed to explain the discrepancies when questioned by a Complaints Officer and the Ultimate Person at his employer's organization. The hearing panel imposed a penalty comprised of a fine of \$25,000 together with costs of \$5,000, a six months' suspension and an order to re-write the CPH course prior to being re-registered.

¶ 41 The mitigating factors included that the respondent had only committed one serious infraction. There was no pattern of misconduct. There was no prior disciplinary hearing. Although the forgery was submitted to the bank, the respondent obtained no personal benefit because he was not successful in obtaining the credit for which he was applying. No member of the public was harmed. He admitted his wrongdoing, he acknowledged his misconduct, he accepted responsibility for his actions and he showed remorse.

¶ 42 We agree with counsel for IIROC Staff that the circumstances and mitigating factors of this case were more analogous to the circumstances of the instant case than the other two cases on which counsel relied.

¶ 43 The Hearing Panel is mindful that forgery is a serious regulatory matter. It is a manifestation of dishonesty and deception. It harms the integrity of professionals in the securities industry and the capital market and calls them into disrepute. The Panel is also mindful that penalties for forgery should reflect the seriousness of the offense, the profession's disapproval of such conduct and the need to deter such conduct in the industry as a whole.

¶ 44 The Respondent's conduct in the instant case is not condoned. However, it falls on the lower range of the spectrum of egregiousness relating to forgery offences for the reasons expressed by Counsel for IIROC Staff. We find that the agreed penalty terms contained in the proposed Settlement Agreement fall within a reasonable range of appropriateness in the particular circumstances of this case, when we take into account not only the terms of the penalty, but the fact that the Respondent has been disciplined by his employer, he has paid a \$5,000 fine and he has suffered additional consequences. In this light, we find that the penalty falls within a range of sanctions that is consistent with the lower end of the range set out in the Sanction Guideline.

¶ 45 Accordingly, the Hearing Panel approved the Settlement Agreement effective June 27, 2014.

Dated this 6th day of August, 2014.

Alison Narod, Panel Chair

Robert Travers, Panel Member

Barbara Fraser, Panel Member

SETTLEMENT AGREEMENT

I. INTRODUCTION

1. IIROC Enforcement Staff (Staff) and the Respondent, Benjamin Huw Davies (the Respondent), consent and agree to the settlement of this matter by way of this settlement agreement (the Settlement Agreement).

2. The Enforcement Department of IIROC has conducted an investigation (the Investigation) into the conduct of the Respondent.
3. The Investigation discloses matters for which the Respondent may be disciplined by a hearing panel appointed pursuant to IIROC Transitional Rule No.1, Schedule C.1, Part C (the Hearing Panel).

II. JOINT SETTLEMENT RECOMMENDATION

4. Staff and the Respondent jointly recommend that the Hearing Panel accept this Settlement Agreement.
5. The Respondent admits that in January 2013, he forged a Notice of Course Completion for the Canadian Securities Institute's Investment Advisor Training Program and he then submitted it to his employer, contrary to IIROC Dealer Member Rule 29.1.
6. Staff and the Respondent agree to the following terms of settlement:
 - a) a suspension from approval in any capacity from July 12, 2014 to October 12, 2014;
 - b) a \$20,000 fine; and
 - c) a requirement that the Respondent successfully complete the Conduct and Practices Handbook (CPH) course by October 12, 2014.
7. The Respondent agrees to pay costs to IIROC in the sum of \$2,500.

III. STATEMENT OF FACTS

(i) Acknowledgment

8. Staff and the Respondent agree with the facts set out in this Section III and acknowledge that the terms of the settlement contained in this Settlement Agreement are based upon those specific facts.

(ii) Factual Background

Overview

9. In order to complete yourCFO Advisory Group Inc's (yourCFO) 90-day training program, the Respondent had to, among other things, pass the Canadian Securities Institute's Investment Advisor Training Program (the CSI Program).
10. In January 2013, the Respondent forged a Notice of Course Completion which falsely indicated that he had completed the CSI Program and he submitted the document to yourCFO. The Respondent later admitted that he had fabricated the document.

The Respondent

11. Between July 15, 1996 and September 19, 2006, the Respondent was registered with the British Columbia Securities Commission as a registered representative dealing in mutual funds only. During that period he worked at non-IIROC regulated dealers.
12. Effective September 29, 2006, the Respondent began working as a registered representative dealing in mutual funds only at the Comox, British Columbia business location of yourCFO, an IIROC Dealer Member.

Requirement to Complete 90-Day Training Program

13. As a condition of his registration, the Respondent was required to complete yourCFO's 90-day training program. In order to do so, the Respondent had to, among other things, pass the CSI Program.
14. The CSI Program is comprised of seven assessments and a final test, all of which are completed on-line. An individual can complete the final test without having first completed the assessments. However, in order to complete the CSI Program, an individual must complete both the assessments and the final test.
15. The Canadian Securities Institute (CSI) issues a Notice of Course Completion once an individual

successfully completes all of the assessments and the final test for the CSI Program.

16. On October 16, 2006, the Respondent completed the final test for the CSI Program.
17. On October 31, 2006, the Respondent provided yourCFO with a notice from the CSI which indicated that he had completed the final test.
18. On December 19, 2006, yourCFO submitted an application through the National Registration Database (NRD) to have the Respondent approved as a registered representative (retail). A registered representative (retail) can, among other things, take orders from or give advice to all types of retail customers regarding trades in various types of securities.
19. In the NRD application, yourCFO indicated that the Respondent had completed its 90-day training program which as indicated above included the CSI Program. However, in actual fact he had not completed CSI Program because he had not completed the assessments.
20. Effective December 20, 2006, IIROC approved the application and registered the Respondent as a registered representative (retail).
21. In 2012, IIROC Business Conduct Compliance (BCC) Staff performed an examination of yourCFO. As part of the examination, yourCFO's registration file for the Respondent was reviewed.
22. In its August 31, 2012 final report, BCC Staff noted that all Dealer Members are required to maintain copies of all supporting documents for NRD submissions and that the Respondent's registration file did not contain evidence that he had completed the CSI Program.

yourCFO asks Respondent to Provide Proof of Course Completion

23. As a result, in September 2012 yourCFO asked the Respondent to submit proof that he had completed the CSI Program. In a series of emails, the Respondent indicated that he believed he had completed the program and as proof he relied on the document from the CSI which evidenced that he had completed the final test.
24. Ultimately, by way of a January 8, 2013 email, the Chief Compliance Officer of yourCFO (the CCO) asked the Respondent to contact the CSI in order to obtain the necessary proof that he had completed the CSI Program.
25. By way of a January 8, 2013 email, the Respondent asked the CSI to provide him with proof that he had completed the CSI Program.
26. By way of a January 10, 2013 email, the CSI informed the Respondent that in order to complete the CSI Program, an individual has to complete all of the assessments and the final test, and that he had only completed the final test.

The Respondent Creates a False Document

27. By way of a January 14, 2013 email, the Respondent informed his Supervisor (the Branch Manager) and the CCO that he had not heard back from the CSI but he had found a copy of his Notice of Course Completion for the CSI Program in his old emails. The Respondent attached to his email a Notice of Course Completion for the CSI Program which he created.
28. Given that the Respondent's CSI transcript did not indicate that he had completed the CSI Program, the Branch Manager informed the Respondent that he would have to contact the CSI in order to verify that the Respondent had completed the CSI Program.
29. By way of a January 15, 2013 email, the CSI informed the Branch Manager that the Respondent had not completed the CSI Program.
30. By way of a January 22, 2013 email, the CSI again informed the Branch Manager that the Respondent had not completed the CSI Program and that the Notice of Course Completion that the Respondent had submitted to yourCFO on January 14, 2013 was not authentic.

31. On January 23, 2013, the Branch Manager met with the Respondent. During the meeting, the Branch Manager questioned the Respondent about the Notice of Course Completion that the Respondent had submitted on January 14, 2013. Despite being shown the January 22, 2013 email from the CSI which indicated that the Notice of Course Completion that he had submitted was not authentic, the Respondent did not admit that he had fabricated the document. Later on, the CCO joined the meeting by conference call.

Respondent Admits He Fabricated Notice of Course Completion

32. By way of an email to the Branch Manager and the CCO, which the Respondent sent in the evening of January 23, 2013, the Respondent admitted that he had fabricated the Notice of Course Completion for the CSI Program and that he had deliberately deceived them.
33. On January 24, 2013, the Respondent successfully completed all of the requirements of the CSI Program.

Mitigating Factors

34. On January 31, 2013, yourCFO internally disciplined the Respondent. As a result, the Respondent paid a \$5,000 fine, his compliance supervision fee was increased by 5%, and he was placed on close supervision.
35. The Respondent has no prior disciplinary history with IIROC.

IV. TERMS OF SETTLEMENT

36. This settlement is agreed upon in accordance with IIROC Dealer Member Rules 20.35 to 20.40, inclusive and Rule 15 of the Dealer Member *Rules of Practice and Procedure*. The Settlement Agreement is subject to acceptance by the Hearing Panel.
37. The Settlement Agreement shall become effective and binding upon the Respondent and Staff as of the date of its acceptance by the Hearing Panel.
38. The Settlement Agreement will be presented to the Hearing Panel at a hearing (the Settlement Hearing) for approval. Following the conclusion of the Settlement Hearing, the Hearing Panel may either accept or reject the Settlement Agreement.
39. If the Hearing Panel accepts the Settlement Agreement, the Respondent waives his right under IIROC rules and any applicable legislation to a disciplinary hearing, review or appeal.
40. If the Hearing Panel rejects the Settlement Agreement, Staff and the Respondent may enter into another settlement agreement; or Staff may proceed to a disciplinary hearing in relation to the matters disclosed in the Investigation.
41. The Settlement Agreement will become available to the public upon its acceptance by the Hearing Panel.
42. Staff and the Respondent agree that if the Hearing Panel accepts the Settlement Agreement, they, or anyone on their behalf, will not make any public statements inconsistent with the Settlement Agreement.
43. Unless otherwise stated, any monetary penalties and costs imposed upon the Respondent are payable immediately upon the effective date of the Settlement Agreement.
44. Unless otherwise stated, any suspensions, bars, expulsions, restrictions or other terms of the Settlement Agreement shall commence on the effective date of the Settlement Agreement.
45. The Settlement Agreement may be signed in counterparts.

AGREED TO by the Respondent, Benjamin Huw Davies at the Town of Comox in the Province of British Columbia, this 2nd day of June, 2014.

“Benjamin Huw Davies”

WITNESS

RESPONDENT

AGREED TO by Staff at the City of Vancouver in the Province of British Columbia, this 25th day of June, 2014.

“Suzana Mujkanovic”

“Lorne Herlin”

WITNESS

LORNE HERLIN

Senior Enforcement Counsel on
behalf of IIROC Staff

ACCEPTED at the City of Vancouver in the Province of British Columbia, this 27th day of June, 2014, by the following Hearing Panel:

Per: “Alison Narod”

Panel Chair

Per: “Brian Field”

Panel Member

Per: “Robert Travers”

Panel Member

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