

Re Rail

IN THE MATTER OF:

**THE DEALER MEMBER RULES OF THE
INVESTMENT INDUSTRY REGULATORY ORGANIZATION OF CANADA**

AND

THE BY-LAWS OF THE INVESTMENT DEALERS ASSOCIATION OF CANADA

AND

STÉPHANE RAIL

2008 IIROC 20

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

Heard: October 9, 2008
Decision: October 9, 2008
(8 paras.)

Hearing Panel:

Me Claire Richer
Ms. Danielle Le May
Mr. Jean Élie

Appearances:

Me Diane Bouchard, for the Investment Industry Regulatory Organization of Canada
Me Sébastien Caron, for Stéphane Rail

DECISION

Unofficial English Translation

1. On June 25, 2008, the Hearing Panel presiding in the above-referenced matter handed down a majority decision by Panel Member Jean Elie and Panel Chair Claire Richer, with Panel Member Danielle Le May dissenting.
2. On July 22, 2008, after consulting all interested parties, the National Hearing Coordinator of IIROC confirmed that a penalty hearing would be held on October 9, 2008.
3. On July 24, 2008, Me Sébastien Caron served a notice of appeal on IIROC, appealing the Hearing Panel's decision of June 25, 2008.

4. Shortly thereafter, Me Diane Bouchard filed a motion to dismiss the appeal dated September 30, 2008, which is to be heard this November 6 by the Appeal Panel formed for the purposes of the appeal lodged by Me Sébastien Caron. If applicable, the same Appeal Panel will hear the latter's motion for appeal on November 28, 2008.
5. Between last August 25 and October 7, Me Sébastien Caron and Me Diane Bouchard respectively submitted written arguments to the Hearing Panel members (letters of August 25 and 28, September 2 and 5, and October 7, 2008) stating their respective positions for or against, as applicable, holding or postponing the penalty hearing of October 9, 2008. Me Diane Bouchard also sent the members a book of authorities in this regard.
6. A hearing was held on October 9, 2008 on the issue of postponing the penalty hearing.

DECISION

7. After hearing both parties and deliberating, the undersigned have decided that it is in everyone's best interests to postpone the penalty hearing to a later date while awaiting the findings of the Appeal Panel, all the more so since the hearing dates for the motion to dismiss the appeal and the motion to appeal have been set, the time frames are short, and the Respondent, Stéphane Rail, is already under supervision.
8. The undersigned wish to emphasize that this decision is by no means an abdication of their jurisdiction and, in the circumstances, is in no way prejudicial to the parties and the public.

Me Claire Richer, Chair of the Hearing Panel
Mr. Jean Élie, Member of the Hearing Panel
Danielle Le May, Panel Member

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