IN THE MATTER OF A DISCIPLINARY HEARING
PURSUANT TO SECTIONS 20 AND 24 OF BY-LAW NO. 1 OF
THE MUTUAL FUND DEALERS ASSOCIATION OF CANADA

Re: Antonio Luciano

NOTICE OF HEARING

NOTICE is hereby given that a first appearance will take place by teleconference before a hearing panel of the Central Regional Council ("Hearing Panel") of the Mutual Fund Dealers Association of Canada ("MFDA") on February 23, 2023 at 9:00 a.m. (Eastern), or as soon thereafter as the appearance can be held, concerning a disciplinary proceeding commenced by the MFDA against Antonio Luciano (the "Respondent"). Members of the public who would like to listen to the teleconference should contact hearings@mfda.ca to obtain particulars.

DATED this 6th day of December, 2022.

"Michelle Pong"

Michelle Pong
Director, Regional Councils

Mutual Fund Dealers Association of Canada
121 King Street West, Suite 1000
Toronto, ON M5H 3T9
Telephone: 416-945-5134
Email: corporatesecretary@mfda.ca

NOTICE is further given that the MFDA alleges the following violations of the By-laws, Rules or Policies of the MFDA:

Allegation #1: Between June 2020 and December 2020, the Respondent cut and pasted client signatures from copies of account forms onto 8 new account forms previously signed by 4 clients, and submitted some of the account forms to the Member for processing, contrary to MFDA Rule 2.1.1.

Allegation #2: Between June 2020 and November 2020, the Respondent altered and used to process transactions, 2 account forms in respect of 2 clients by altering information on the account forms without having the client initial the alterations, contrary to MFDA Rule 2.1.1.

Allegation #3: In December 2020, the Respondent obtained, possessed, and used to process transactions, 3 pre-signed account forms in respect of 2 clients, contrary to MFDA Rule 2.1.1.

PARTICULARS

NOTICE is further given that the following is a summary of the facts alleged and intended to be relied upon by the MFDA at the hearing:

Registration History

1. Since approximately 1990, the Respondent has been registered in the securities industry.

2. Between December 2, 2019 and January 18, 2021, the Respondent was registered in Ontario as a dealing representative with Qtrade Asset Management Inc. ("Qtrade"), a Member of the MFDA.

3. On January 18, 2021, Qtrade amalgamated with Credential Asset Management Inc. ("Credential"), a Member of the MFDA.

4. Between January 18, 2021 and January 21, 2021, the Respondent was registered as a dealing representative with Credential.

5. Effective January 21, 2021, the Member terminated the Respondent's registration as a result of the conduct described herein, and he is not currently registered in the securities industry in any capacity.

6. At all material times, the Respondent conducted business in the Richmond Hill, Ontario area.

Allegation #1 - Cut and Pasted Client Signatures

7. At all material times, the Member's policies and procedures prohibited cutting and pasting a client signature from one form to another.

8. Between June 2020 and December 2020, the Respondent cut and pasted client signatures from copies of account forms onto 8 new account forms previously signed by 4 clients and submitted some of the account forms to the Member for processing.

9. The account forms consisted of 4 Purchase Forms, 1 Switch/Internal Transfer Form; 1 Account Holder Information and Know Your Client Update Form; 1 Self-Directed Retirement Income Fund Supplementary Form; and 1 Transfer Authorization for Registered Investments Form.

10. By virtue of the foregoing, the Respondent failed to observe a high standard of conduct and ethics in the transaction of business and engaged in conduct unbecoming of an Approved Person, contrary to MFDA Rule 2.1.1.

Allegation #2 - Altered Account Forms

11. At all material times, the Member's policies and procedures prohibited altering any information on a signed document without the client initialing the document to show that the change was authorized.

12. Between June 2020 and November 2020, the Respondent altered and used to process transactions, 2 account forms in respect of 2 clients by altering information on the account forms without having the client initial the alterations.

13. The account forms consisted of 2 Purchase Forms.

14. The alterations made by the Respondent consisted of alterations to the name of a joint account holder and a date.

15. By virtue of the foregoing, the Respondent failed to observe a high standard of conduct and ethics in the transaction of business and engaged in conduct unbecoming of an Approved Person, contrary to MFDA Rule 2.1.1.

Allegation #3 - Pre-Signed Account Forms

16. At all material times, the Member's policies and procedures prohibited having a client sign a form which is blank or partially completed.

17. In December 2020, the Respondent obtained, possessed, and used to process transactions, 3 pre-signed account forms in respect of 2 clients.

18. The pre-signed forms consisted of 3 Switch/Internal Transfer Forms.

19. By virtue of the foregoing, the Respondent failed to observe a high standard of conduct and ethics in the transaction of business and engaged in conduct unbecoming of an Approved Person, contrary to MFDA Rule 2.1.1.

NOTICE is further given that the Respondent shall be entitled to appear and be heard and be represented by counsel or agent at the hearing and to make submissions, present evidence and call, examine and cross-examine witnesses.

NOTICE is further given that MFDA By-laws provide that if, in the opinion of the Hearing Panel, the Respondent:

- has failed to carry out any agreement with the MFDA;
- has failed to comply with or carry out the provisions of any federal or provincial statute relating to the business of the Member or of any regulation or policy made pursuant thereto;
- has failed to comply with the provisions of any By-law, Rule or Policy of the MFDA;
- has engaged in any business conduct or practice which such Regional Council in its discretion considers unbecoming or not in the public interest; or
- is otherwise not qualified whether by integrity, solvency, training or experience,

the Hearing Panel has the power to impose any one or more of the following penalties:

a) a reprimand;

b) a fine not exceeding the greater of:

   (i) $5,000,000.00 per offence; and

   (ii) an amount equal to three times the profit obtained or loss avoided by such person as a result of committing the violation;

c) suspension of the authority of the person to conduct securities related business for such specified period and upon such terms as the Hearing Panel may determine;

d) revocation of the authority of such person to conduct securities related business;

e) prohibition of the authority of the person to conduct securities related business in any capacity for any period of time; and

f) such conditions of authority to conduct securities related business as may be considered appropriate by the Hearing Panel.

NOTICE is further given that the Hearing Panel may, in its discretion, require that the Respondent pay the whole or any portion of the costs of the proceedings before the Hearing Panel and any investigation relating thereto.

NOTICE is further given that the Respondent must **serve** a **Reply** on Enforcement Counsel and **file** a **Reply** with the Office of the Corporate Secretary within twenty days from the date of service of this Notice of Hearing.

A **Reply** shall be **served** upon Enforcement Counsel at:

Mutual Fund Dealers Association of Canada
121 King Street West, Suite 1000
Toronto, ON M5H 3T9
Attention: Michael A. M. Mantle
Email: mmantle@mfda.ca

A **Reply** shall be **filed** by:

a) providing four copies of the **Reply** to the Office of the Corporate Secretary by personal delivery, mail or courier to:

   The Mutual Fund Dealers Association of Canada
   121 King Street West, Suite 1000
   Toronto, ON M5H 3T9

Attention: Office of the Corporate Secretary; or

b) transmitting one electronic copy of the **Reply** to the Office of the Corporate Secretary by e-mail at corporatesecretary@mfda.ca.

A **Reply** may either:

(i) specifically deny (with a summary of the facts alleged and intended to be relied upon by the Respondent, and the conclusions drawn by the Respondent based on the alleged facts) any or all of the facts alleged or the conclusions drawn by the MFDA in the Notice of Hearing; or

(ii) admit the facts alleged and conclusions drawn by the MFDA in the Notice of Hearing and plead circumstances in mitigation of any penalty to be assessed.

NOTICE is further given that the Hearing Panel may accept as having been proven any facts alleged or conclusions drawn by the MFDA in the Notice of Hearing that are not specifically denied in the **Reply**.

NOTICE is further given that if the Respondent fails:

a) to **serve** and **file** a **Reply;** or

b) attend at the hearing specified in the Notice of Hearing, notwithstanding that a **Reply** may have been served,

the Hearing Panel may proceed with the hearing of the matter on the date and the time and place set out in the Notice of Hearing (or on any subsequent date, at any time and place), without any further notice to and in the absence of the Respondent, and the Hearing Panel may accept the facts alleged or the conclusions drawn by the MFDA in the Notice of Hearing as having been proven and may impose any of the penalties described in the By-laws.

END.

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