



Now New Self-Regulatory Organization of Canada, a consolidation of IIROC and the MFDA

**IN THE MATTER OF
THE MUTUAL FUND DEALER RULESⁱ
and
Antonio Luciano**

ORDER

(ARISING FROM THE FIRST APPEARANCE ON FEBRUARY 23, 2023)

WHEREAS on December 6, 2022, the Mutual Fund Dealers Association of Canada (the “MFDA”) issued a Notice of Hearing pursuant to sections 20 and 24 of MFDA By-law No. 1 (now Mutual Fund Dealer Rules 7.3 and 7.4) in respect of a disciplinary proceeding commenced against Antonio Luciano (the “Respondent”);

AND WHEREAS on December 16, 2022, the Respondent was properly served with a copy of the Notice of Hearing in accordance with Rule 4.2(1)(b) of the MFDA Rules of Procedure as copies of the Notice of Hearing were sent to him by regular and registered mail on December 15, 2022, and the Respondent signed for the copy that was sent by registered mail on December 16, 2022;

AND WHEREAS on January 1, 2023, the MFDA consolidated with the Investment Industry Regulatory Organization of Canada (“IIROC”) to form the New Self-Regulatory Organization of Canada (the “Corporation”);

AND WHEREAS on February 23, 2023, in accordance with s. 19.13(b) of MFDA By-law No. 1 [now Mutual Fund Dealer Rule 7.2.4(b)] the first appearance in this proceeding was held by

videoconference before one public representative of the Ontario District Committee of the Corporation acting on behalf of a Hearing Panel (the “Chair of the Hearing Panel”);

AND WHEREAS counsel for Staff of the Corporation (“Staff”) attended the first appearance by videoconference and nobody appeared on behalf of the Respondent although he was properly served;

AND UPON READING the affidavit of service of Terri Ash sworn December 22, 2022, and hearing the submissions of Staff with respect to scheduling and other procedural matters;

IT IS HEREBY ORDERED THAT:

1. In accordance with Rule 8.1 of the *MFDA Rules of Procedure*, the Respondent shall serve on Staff and file a Reply to the Notice of Hearing on or before March 23, 2023;
2. In accordance with Rule 10.1 of the *MFDA Rules of Procedure*, Staff shall provide documentary disclosure to the Respondent on or before April 7, 2023;
3. In accordance with Rule 10.2 of the *MFDA Rules of Procedure*, the Respondent shall provide documentary disclosure to Staff on or before April 21, 2023;
4. In accordance with Rule 11 of the *MFDA Rules of Procedure*, Staff and the Respondent shall provide each party with a witness list and a witness statement for each witness that the party intends to call at the hearing on the merits on or before April 28, 2023;
5. Subject to any further order of the Hearing Panel, the hearing of this matter on its merits will take place electronically by videoconference on May 19, 2023 commencing at 10:00 a.m. (Eastern); and
6. If at any time a non-party to this proceeding, with the exception of the bodies set out in Mutual Fund Dealer Rule 6.3 (formerly section 23 of MFDA By-law No. 1), requests production of or access to exhibits in this proceeding that contain personal information as defined by the MFDA Privacy Policy, then the Corporate Secretary’s Office, Mutual Fund Dealer Division of the Corporation shall not provide to the non-party, copies of or access to the requested exhibits without first redacting from them any and all personal information, pursuant to Rules 1.8(2) and (5) of the *MFDA Rules of Procedure*.

DATED this 23rd day of February, 2023.

“Frederick W. Chenoweth”

Frederick W. Chenoweth

Chair

DM 902880

ⁱ On January 1, 2023, the Investment Industry Regulatory Organization of Canada (“IIROC”) and the Mutual Fund Dealers Association of Canada (the “MFDA”) were consolidated into a single self-regulatory organization recognized under applicable securities legislation. The New Self-Regulatory Organization of Canada (referred to herein as the “Corporation”) adopted interim rules that incorporate the pre-amalgamation regulatory requirements contained in the rules and policies of IIROC and the by-law, rules and policies of the MFDA (the “Interim Rules”). The Interim Rules include (i) the Investment Dealer and Partially Consolidated Rules, (ii) the UMIR and (iii) the Mutual Fund Dealer Rules. These rules are largely based on the rules of IIROC and certain by-laws, rules and policies of the MFDA that were in force immediately prior to amalgamation. Where the rules of IIROC and the by-laws, rules and policies of the MFDA that were in force immediately prior to amalgamation have been incorporated into the Interim Rules, Enforcement Staff have referenced the relevant section of the Interim Rules. Pursuant to Mutual Fund Dealer Rule 1A, MFDA By-law No. 1 continues to be applicable to this proceeding and pursuant to Mutual Fund Dealer Rule 1A and s.14.6 of By-Law No.1 of the Corporation, contraventions of former MFDA regulatory requirements may be enforced by the Corporation.