



Mutual Fund Dealers Association of Canada
Association canadienne des courtiers de fonds mutuels

**IN THE MATTER OF A SETTLEMENT HEARING
PURSUANT TO SECTION 24.4 OF BY-LAW NO. 1 OF
THE MUTUAL FUND DEALERS ASSOCIATION OF CANADA**

Re: Roger Eldred Gebhardt

ORDER

(ARISING FROM THE SETTLEMENT HEARING ON OCTOBER 31, 2022)

WHEREAS on August 8, 2022, the Mutual Fund Dealers Association of Canada (the “MFDA”) provided notice to the public of a Settlement Hearing in respect of Roger Eldred Gebhardt (the “Respondent”);

AND WHEREAS the Respondent entered into a settlement agreement with Staff of the MFDA, dated September 20, 2022 (the “Settlement Agreement”), in which the Respondent agreed to a proposed settlement of matters for which the Respondent could be disciplined pursuant to ss. 20 and 24.1 of MFDA By-law No. 1;

AND WHEREAS a majority of the Hearing Panel accepted the Settlement Agreement;

AND WHEREAS based upon the admissions of the Respondent in the Settlement Agreement, the Hearing Panel is of the opinion that:

- a) Commencing on September 17, 2018, the Respondent failed to disclose to the Member a conflict or potential conflict of interest that arose when the Respondent became aware that a client had named the Respondent’s spouse as the sole estate trustee and sole beneficiary of the client’s estate in the client’s will, thereby failing to ensure that the conflict or potential conflict of interest was immediately disclosed

to the Member and addressed by the exercise of responsible business judgment influenced only by the best interests of the client, contrary to the Member's policies and procedures and MFDA Rules 2.1.4 and 2.1.1; and

- b) Commencing no later than November 9, 2018, the Respondent failed to disclose to the Member a conflict or potential conflict of interest that arose when the Respondent became aware that the Respondent was named by a client as the recipient of a \$25,000 bequest in the client's will, thereby failing to ensure that the conflict or potential conflict of interest was immediately disclosed to the Member and addressed by the exercise of responsible business judgment influenced only by the best interests of the client, contrary to the Member's policies and procedures and MFDA Rules 2.1.4 and 2.1.1.

IT IS HEREBY ORDERED THAT the Settlement Agreement is accepted, as a consequence of which:

1. The Respondent shall be prohibited from conducting securities related business in any capacity while in the employ of or associated with any MFDA Member for a period of 8 years from the date that this Settlement Agreement is accepted by a Hearing Panel, pursuant to section 24.1.1(e) of MFDA By-law No.1;

2. The Respondent shall pay a fine in the amount of \$70,000, pursuant to s. 24.1.1(b) of MFDA By-law No. 1, which shall be payable in certified funds as follows:

- i. \$27,500 on the date that this Settlement Agreement is accepted by a Hearing Panel;
- ii. \$42,500 on or before December 15, 2022;

3. The Respondent shall pay costs in the amount of \$7,500, pursuant to s. 24.2 of MFDA By-law No. 1, which shall be payable in certified funds as follows:

- i. \$3,750 on the date that this Settlement Agreement is accepted by a Hearing Panel;
- ii. \$3,750 on or before December 15, 2022;

4. If at any time a non-party to this proceeding, with the exception of the bodies set out in 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 MFDA

Corporate Secretary shall not provide copies of or access to the requested exhibits to the non-party 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 31st day of October, 2022.

“Joan Smart”

Joan Smart
Chair

“Guenther Kleberg”

Guenther W. K. Kleberg
Industry Representative

“Joseph Yassi”

Joseph Yassi
Industry Representative

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