



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

**IN THE MATTER OF
THE MUTUAL FUND DEALER RULES¹
and
Robert Jason Alexander Fulton**

ORDER

(ARISING FROM THE SETTLEMENT HEARING ON MARCH 6, 2023)

WHEREAS on December 14, 2022, the Mutual Fund Dealers Association of Canada (the “MFDA”) issued a Notice of Settlement Hearing pursuant to section 24.4 of MFDA By-law No. 1 (now Mutual Fund Dealer Rule 7.4.4) in respect of a disciplinary proceeding commenced against Robert Jason Alexander Fulton (the “Respondent”);

AND WHEREAS the Respondent entered into a settlement agreement with Staff of the MFDA, dated December 14, 2022 (the “Settlement Agreement”), in which the Respondent agreed to a proposed settlement of matters for which the Respondent could be disciplined pursuant to sections 20 and 24.1 of MFDA By-law No. 1 (now Mutual Fund Dealer Rules 7.3 and 7.4.1);

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

AND WHEREAS the Corporation provided notice to the public on February 15, 2023 that the settlement hearing that was originally scheduled to take place on February 16, 2023 was rescheduled to proceed electronically by videoconference before a Hearing Panel of the Ontario District Hearing Committee (the “Hearing Panel”) on March 6, 2023 at 1 p.m. (Eastern);

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

- a) between January 2020 and September 2020, the Respondent, or his assistant for whom he was responsible, photocopied signature pages from account forms that had previously been signed by clients and re-used the signature pages to complete 6 account forms in respect of 3 clients, and submitted the account forms to the Member for processing, contrary to MFDA Rule 2.1.1 (now Mutual Fund Dealer Rule 2.1.1); and
- b) between February 2019 and April 2020, the Respondent, or his assistant for whom he was responsible, altered and used to process transactions, 3 account forms in respect of 4 clients by altering information on the account forms without having the client initial the alterations, contrary to MFDA Rule 2.1.1 (now Mutual Fund Dealer Rule 2.1.1).

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

1. The Respondent shall pay a fine in the amount of \$19,000 in certified funds on the date of this order, pursuant to section 24.1.1(b) of MFDA By-law No.1 (now Mutual Fund Dealer Rule 7.4.1.1(b));
2. The Respondent shall pay costs in the amount of \$5,000 in certified funds on the date of this order, pursuant to section 24.2 of MFDA By-law No.1 (now Mutual Fund Dealer Rule 7.4.2);
3. The Respondent shall in the future comply with Mutual Fund Dealer Rule 2.1.1; and
4. 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, requests production of or access to exhibits in this proceeding that contain personal information as defined by the Corporation's Privacy Policy, then the Corporation's 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 6th day of March, 2023.

“Joan Smart”

Joan Smart
Chair

“Eugene Park”

Eugene Park
Industry Representative

“Colleen Waring”

Colleen Waring
Industry Representative

DM 903180

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 that is temporarily called the New Self-Regulatory Organization of Canada (referred to herein as the “Corporation”) and is recognized under applicable securities legislation. 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. 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. Pursuant to Mutual Fund Dealer Rule 1A, MFDA By-law No. 1 continues to be applicable to this proceeding.