



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

**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: Gerard Brake & Mavis Brake**

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**ORDER**

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**WHEREAS** on March 12, 2008, 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 in respect of a disciplinary proceeding commenced against Gerard Brake and Mavis Brake (the “Respondents”);

**AND WHEREAS** the hearing of this matter on its merits was held on October 27 and 28, 2008, before a hearing panel of the Prairie Regional Council of the MFDA (the “Hearing Panel”) concerning the allegations set out in the Notice of Hearing;

**AND WHEREAS** the Respondent Gerard Brake did not attend personally, but an agent appeared on his behalf;

**AND WHEREAS** the Respondent Mavis Brake attended on her own behalf;

**AND WHEREAS** on November 7, 2008, each of the Respondents brought motions seeking orders declaring the hearing null and void, directing that a new hearing be commenced against each Respondent individually, and requiring the MFDA to comply and conduct itself in strict accordance with the Rules and By-laws of the MFDA and in accordance with the generally accepted rules of evidence;

**IT IS HEREBY ORDERED THAT:**

(a) the Respondents' motions are dismissed;

(b) the parties are to file their written submissions with respect to the hearing on the merits on or before November 17, 2008, in accordance with the prior direction of the Hearing Panel as made in the Order dated October 28, 2008 ; and

(c) in the event either party fails to file their written submissions on or before November 17, 2008, the Hearing Panel will proceed to render a decision without further delay.

**DATED** this 13th day of November, 2008.

Per: "Robert Hucal"  
Robert Hucal, Chair

Per: "Elaine Bradley"  
Elaine Bradley, Panel Member

Per: "Erwin Granson"  
Erwin Granson, Panel Member