



**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 14, 2008, each of the Respondents brought a second motion 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' second motion is dismissed.

**DATED** this 18th day of November, 2008.

Per: "Robert Hucal"  
Robert Hucal, Chair

Per: "Elaine Bradley"  
Elaine Bradley, Panel Member

Per: "Erwin Granson"  
Erwin Granson, Panel Member

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