



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: Ronald Lindsay Brown

ORDER

WHEREAS this proceeding was commenced by Notice of Hearing issued May 14, 2008;

AND WHEREAS on November 18, 2008, the Hearing Panel made an Order setting a schedule for the continuation of the disciplinary proceeding against Ronald Lindsay Brown (the “Respondent”) including the hearing of the matter on its merits in February 2009;

AND WHEREAS on Friday, January 9, 2009, the Respondent resigned and ceased to be an Approved Person of a Member of the MFDA;

AND WHEREAS on Friday, January 9, 2009, the Respondent brought a motion in writing requesting that all additional steps to be taken in respect of this proceeding including the hearing of the matter on the merits be adjourned *sine die* until all decisions have been rendered and all appeals have been exhausted in the matter of *Stephen Taub v.*

Investment Dealers Association of Canada, and Ontario Securities Commission (the “*Taub* case”);

AND WHEREAS Staff of the MFDA (“Staff”) consented to the adjournment requested by the Respondent;

AND WHEREAS the Hearing Panel issued an Order dated January 15, 2009 granting the adjournment requested by the Respondent;

AND WHEREAS the Ontario Court of Appeal issued a decision in the *Taub* case dated August 28, 2009 in which it concluded that self-regulatory organizations such as the IDA and the MFDA retain jurisdiction over individuals who resign from positions as Approved Persons of dealers in the securities industry and may commence or continue disciplinary proceedings against such individuals;

AND WHEREAS Mr. Taub decided at the end of October 2009 that he would not seek leave from the Supreme Court of Canada to appeal the decision of the Ontario Court of Appeal;

AND WHEREAS Staff informed the Respondent in November 2009 that this disciplinary proceeding would be resumed and the Respondent was subsequently informed that there would be an appearance before the Hearing Panel by teleconference to set a schedule for the continuation of the proceeding on February 23, 2010;

AND WHEREAS the Respondent informed Staff prior to February 23, 2010 that he did not intend to participate in the teleconference call on February 23, 2010;

AND WHEREAS Sandy Grant, who was previously an industry representative on the Hearing Panel, was elected to the Board of Directors of the MFDA and is therefore unable to continue to serve on the Hearing Panel;

AND WHEREAS the Chair of the Hearing Panel has exercised his discretion pursuant to s. 19.9 of MFDA By-law No. 1 to continue this proceeding with a two-member Hearing Panel;

AND UPON HEARING oral submissions of Staff with respect to scheduling the continuation of this proceeding during the appearance by teleconference on February 23, 2010;

IT IS HEREBY ORDERED THAT:

1. In accordance with s. 19.9(b) of MFDA By-law No. 1, the hearing of this matter will proceed with a two-member Hearing Panel;
2. Monday, May 31, 2010 at 10:00 a.m. (Eastern) is reserved for the hearing of motions or for attendances before the Hearing Panel for any other purpose if required to address any matters which the parties wish to raise prior to the hearing on the merits;
3. In the event that either Staff or the Respondent intends to bring a motion on May 31, 2010, the moving party shall serve and file motion material in respect of the motion on or before Wednesday, May 19, 2010;
4. If the Respondent intends to present evidence at the Hearing of this matter on its merits, the Respondent shall fulfill his disclosure obligations in accordance with Rule 10.2 of the MFDA Rules of Procedure on or before Friday, June 4, 2010;
5. If Staff intends to introduce affidavit evidence at the hearing of this matter on its merits, Staff shall serve and file copies of such affidavits on or before Friday, June 11, 2010; and
6. The hearing of this matter on its merits shall take place before the Hearing Panel on Tuesday, June 22, 2010 in the Hearing Room located at 121 King Street West, Suite 1000 in Toronto, Ontario. Subject to any other Order of the Hearing Panel, the hearing

shall be open to the public and commence at 10:00 a.m. (Eastern), or as soon thereafter as the hearing can be held.

DATED this 5th day of March, 2010.

“Thomas J. Lockwood”

Thomas J. Lockwood, Q.C.,
Chair

“Christopher Marrese”

Christopher Marrese,
Industry Representative