



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

NEWS RELEASE

For immediate release

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MFDA issues Notice of Hearing regarding Donald James Cunningham

March 9, 2009 (Toronto, Ontario) – The Mutual Fund Dealers Association of Canada (“MFDA”) today announced that it has commenced disciplinary proceedings against Donald James Cunningham (the “Respondent”).

MFDA staff alleges in its Notice of Hearing that the Respondent engaged in the following conduct contrary to the By-laws, Rules or Policies of the MFDA:

Allegation #1: Between June 2003 and September 2005, the Respondent failed to fulfill his supervisory responsibilities as branch manager of the London, Ontario branch of Desjardins Financial Security Investments Inc. (formerly known as Optifund Investments Inc.) (“Desjardins”), contrary to MFDA Rules 2.5, 2.5.3 and 2.5.5 and MFDA Policy No. 2.

Allegation #2: Between September 2003 and November 2004, the Respondent failed to employ adequate supervision to prevent Anthony McPhail (“McPhail”), an unregistered individual, from engaging in securities related business with clients of Desjardins, contrary to MFDA Rules 2.5 and 2.1.1(c).

Allegation #3: Between January 2004 and November 2004, the Respondent failed to conduct reasonable supervisory investigations in response to information that McPhail, an unregistered individual, was engaging in securities related business with clients of Desjardins and to take such supervisory and disciplinary measures as might be warranted by the results of such investigations, contrary to MFDA Rules 1.1.1(c), 2.5 and 2.1.1(c).

The first appearance in this matter will take place by teleconference before a Hearing Panel of the MFDA’s Central Regional Council in the Hearing Room located at the offices of the MFDA, 121 King Street West, Suite 1000, Toronto, Ontario on Tuesday, April 7, 2009 at 9:00 a.m. (Eastern) or as soon thereafter as the appearance can be held.

The purpose of the first appearance is to schedule the date for the commencement of the hearing of this matter on its merits and to address any other procedural matters.

The first appearance is open to the public, except as may be required for the protection of confidential matters. Members of the public attending the first appearance will be able to listen to the proceeding by teleconference.

A copy of the Notice of Hearing is available on the MFDA website at www.mfda.ca.

The MFDA is the self-regulatory organization for Canadian mutual fund dealers, regulating the operations, standards of practice and business conduct of its 151 Members and their approximately 75,000 Approved Persons with a mandate to protect investors and the public interest.

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