



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: Gideon Stephen Mills Wiseman

ORDER

WHEREAS on March 24, 2011, 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 Gideon Stephen Mills Wiseman (the “Respondent”);

AND WHEREAS the first appearance in this proceeding took place before a hearing panel of the Pacific Regional Council of the MFDA (the “Hearing Panel”) on May 4, 2011, at which time the first appearance was adjourned on consent of the parties to resume on May 17, 2011;

AND WHEREAS this proceeding resumed before the Hearing Panel on May 17, 2011, at which time the Hearing Panel reserved August 29, 2011 for the hearing of this matter on its merits, and scheduled a further appearance on July 6, 2011 for the parties to address any procedural matters;

AND WHEREAS this proceeding resumed before the Hearing Panel on July 6, 2011, at

which time counsel for the Respondent and counsel for MFDA Staff made submissions to the Hearing Panel with respect to scheduling and other procedural matters, and counsel for the Respondent advised the Hearing Panel that he would cease representing the Respondent in this proceeding;

AND WHEREAS on August 29, 2011, the Hearing Panel conducted a hearing of this matter on its merits as described in the Notice of Hearing;

AND WHEREAS the Respondent did not appear at the hearing of this matter on its merits;

AND WHEREAS upon reading the affidavit of Ian R. Smith sworn August 25, 2011 and the written submissions of Staff of the MFDA, and upon hearing the oral submissions of Staff of the MFDA, the Hearing Panel is of the opinion that the Respondent:

- (a) between August 2002 and July 14, 2006, engaged in personal financial dealings with clients by:
 - i) selling, recommending or facilitating the sale of shares in a company, 575954 B.C. Ltd., also known as Granite Mountain Properties Ltd., in which he had a direct or indirect interest, which company was the developer of a real estate project known as the “88 Creekside Project” to at least clients JP, GC and TE; and
 - ii) borrowing \$38,000 from client DD;

thereby giving rise to a conflict or potential conflict of interest between the Respondent and the clients which the Respondent failed to address by the exercise of responsible business judgment influenced only by the best interests of the clients, contrary to MFDA Rules 2.1.4 and 2.1.1;

- (b) between July 2003 and July 14, 2006, engaged in securities related business that

(c) interfered with the ability of the Member to conduct a reasonable supervisory investigation of the Respondent's activities and failed to observe high standards of ethics and conduct in the transaction of business, contrary to MFDA Rules 1.1.2 and 2.5.1, and MFDA Rule 2.1.1, by making misleading statements to the Member, as follows:

- i) in April 2003, by representing to the Member that he had never borrowed money from clients; and
- ii) in July 2006, by representing to the Member that his company, G. Wiseman & Associates Ltd., had not borrowed money from clients; when he knew those to be incorrect statements at the time and in the circumstances when he made them; and

(d) commencing March 19, 2009, failed or refused to provide documents and information, and to attend an interview requested by the MFDA during the course of an investigation, contrary to s. 22.1 of MFDA By-law No. 1.

IT IS HEREBY ORDERED THAT:

- 1) The Respondent shall be permanently prohibited from conducting securities related business while in the employ of, or associated with, any MFDA Member, pursuant to s. 24.1.1(e) of MFDA By-law No. 1;
- 2) The Respondent shall pay a fine in the amount of \$150,000, pursuant to s. 24.1.1(b) of MFDA By-law No. 1;
- 3) The Respondent shall pay costs in the amount of \$7,500, pursuant to s. 24.2 of MFDA By-law No. 1; and

4) If at any time a non-party to this proceeding requests production of, or access to, any materials filed in, or the record of, this proceeding, including all exhibits and transcripts, then the MFDA Corporate Secretary shall not provide copies of, or access to, the requested documents to the non-party without first redacting from them any and all intimate financial or personal information, pursuant to Rules 1.8(2) and (5) of the MFDA Rules of Procedure.

DATED this 17th day of October, 2011.

“Roger Kerans”

The Hon. Roger Kerans, Q.C.,
Chair

“Elaine Davison”

Elaine Davison,
Industry Representative

“Martha Kane”

Martha Kane,
Industry Representative