



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: Russell Brower-Berkhoven

ORDER

WHEREAS in accordance with s. 20 of By-law No. 1 of the Mutual Fund Dealers Association of Canada (the “MFDA”), its Corporate Secretary signed a Notice of Hearing with respect to Russell Brower-Berkhoven on the 2nd of December, 2011. It gave notice that a first appearance would take place by teleconference before a hearing panel on the 9th of January, 2012;

AND WHEREAS on the 5th of January, 2012, the Staff of the MFDA gave notice that on the 9th of January, 2012, it would apply for:

- 1) an order for substituted service of the Notice of Hearing on Mr. Brower-Berkhoven,
and
- 2) an order dispensing with service of the Motion Record on Mr. Brower-Berkhoven;

AND WHEREAS at the first appearance on the 9th of January, 2012, Enforcement Counsel reviewed affidavits setting out unsuccessful attempts to serve Mr. Brower-Berkhoven, and made submissions in support of the motion referred to above;

IT IS HEREBY ORDERED THAT:

- 1) The requirement that the Motion Record be served on Mr. Brower-Berkhoven is dispensed with; and
- 2) Mr. Brower-Berkhoven shall be served with the Notice of Hearing dated December 2, 2011, by advertising for one week in the Legal Notices or Classified sections of :
 - a. the Victoria Times Colonist newspaper; and
 - b. the Sooke News Mirror newspaper.

AND IT IS FURTHER ORDERED THAT the next hearing in this matter shall be held on Monday, the 5th of March, 2012, commencing at 10:00 a.m. (Mountain), or so soon thereafter as the matter can be heard, in the hearing room located at the offices of the MFDA at 800 – 6th Avenue SW, Suite 850, Calgary, Alberta.

DATED this 9th day of January, 2012.

“Mary Hetherington”

The Hon. Mary Hetherington,
Chair

“M. Elaine Bradley”

M. Elaine Bradley,
Industry Representative

“Nada Israeli”

Nada Israeli,
Industry Representative