



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: Carmel Toussaint

ORDER

WHEREAS on December 22, 2010, 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 Carmel Toussaint (the “Respondent”);

AND WHEREAS on September 15, 2011, the hearing of this matter proceeded by way of an Agreed Statement of Facts in which the Respondent admitted that he engaged in misconduct as set out in the Agreed Statement of Facts and the Hearing Panel heard submissions from the Respondent and from Staff of the MFDA;

AND WHEREAS the Hearing Panel is of the opinion that between January 2008 and January 2010, the Respondent borrowed a total of \$20,000 from clients LM and LJ, of which he failed to repay \$5,300, thereby:

(a) placing his personal interests above those of the clients and giving rise to a conflict of interest that he failed to address by the exercise of responsible business judgment influenced only by the best interests of the clients, contrary to MFDA Rule 2.1.4.

(b) failing to deal fairly, honestly and in good faith with the clients and engaging in business conduct that was unbecoming and detrimental to the public interest, contrary to MFDA Rule 2.1.1; and

(c) failing to comply with the policies and procedures of the Member by failing to disclose to the Member his personal financial dealings with the clients, thereby interfering with the ability of the Member to supervise his activities, contrary to MFDA Rules 1.1.2 and 2.5.1.

IT IS HEREBY ORDERED THAT:

1. a permanent prohibition from conducting any securities related business in any capacity 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. a fine in the amount of \$10,000 pursuant to s. 24.1.1(b) of MFDA By-law No. 1; and
3. costs in the amount of \$2,500 pursuant to s. 24.2 of MFDA By-law No. 1.

DATED this 15th day of September, 2011.

“Frederick Webber”

Frederick H. Webber,
Chair

“Robert White”

Robert C. White,
Industry Representative

“Brigitte Geisler”

Brigitte J. Geisler,
Industry Representative