

**ONTARIO SECURITIES COMMISSION**

**IN THE MATTER OF THE *SECURITIES ACT*  
R.S.O. 1990, c. S. 5, as amended**

**AND IN THE MATTER OF  
JOSEPH DEBUS**

**AND IN THE MATTER OF A DECISION OF THE  
INVESTMENT INDUSTRY REGULATORY ORGANIZATION OF CANADA**

FILE NO: 2019-16

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**MOTION OF**

**JOSEPH DEBUS**

**(Motion for recusal for reasonable apprehension of bias)**

**Returnable February 19, 2020**

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The Applicant, Joseph Debus, makes a motion for a recusal of Commissioner Williams for a reasonable apprehension of bias.

**A. ORDER SOUGHT**

The Moving Party, Joseph Debus, requests with notice, that the Ontario Securities Commission make the following order(s):

1. An Order recusing Commissioner Williams from continued participation in the hearing of this application;
2. An Order striking the panel which heard this matter, and remitting this matter for a new hearing before a new panel; and
3. Such further and other relief as counsel may advise and the Panel may permit.

**B. GROUNDS**

The grounds for the motion are:

1. The conduct of Commissioner Cecilia Williams leading up to and during the two days of oral hearings that took place on January 27, 2021 and January 28, 2021 discloses a reasonable apprehension of bias against the moving party, Joseph Debus, and his counsel, Mark Persaud.
2. The reasonable apprehension of bias requires the recusal of Commissioner Cecilia Williams, who as a result of the foregoing, cannot discharge her adjudicative duties in a fair, objective, or impartial manner; and
3. Such further and other grounds as counsel may advise and the Panel may permit.

### **C. EVIDENCE**

The Moving Party intends to rely on the following evidence for the motion:

1. The Motion Record before the Panel;
2. Transcripts of the oral review hearing conducted on January 27-28, 2021 before the Ontario Securities Commission review panel, presided by Commissioner Cecilia Williams
3. The Affidavit of Joseph Debus, sworn February 9<sup>th</sup>, 2021, and exhibits attached thereto;
4. The Ontario Securities Commission *Code of Conduct*;
5. The Ontario Securities Commission Adjudication Guideline, approved February 6, 2018;
6. Any Reasons for Decision and transcripts that is the subject of the hearing and review;
7. The application or other documents by which the original proceeding was commenced;
8. Any interim orders made in the original proceedings;
9. Any documentary evidence filed in the original proceedings, subject to any limitation expressly imposed by any statute, regulation or rules;
10. Any other relevant documents in the original proceedings;
11. Any transcript of the oral evidence given at the original hearings; and
12. Any and all other evidence that may counsel may advise that may assist the Panel.

**DATED** this 09<sup>th</sup> day of February, 2021

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