

**IN THE MATTER OF**  
**AMIN MOHAMMED ALI**

(For Hearing and Review of a Decision Under  
Section 21.7 of the *Securities Act*, RSO 1990, c S.5)

**A. ORDER SOUGHT**

The Applicant, Amin Mohammed Ali, request(s) that the Ontario Securities Commission make the following order(s):

1. An order dismissing all the allegations of misconduct set out in the Notice of Hearing dated June 4, 2020.
2. An order to dismiss decision of the hearing on the merits by former MFDA dated Feb 11, 2022.
3. An order setting aside the decision of the former MFDA of Canada Hearing Panel made February 11, 2022, finding that the Applicant engaged in misconduct, Outside Business Activity, and non-cooperation.
4. In the Further, an order to dismiss all charges against Mr. Amin Ali with prejudice.
5. An order to seal the record of all the proceedings to protect the privacy and dignity of the Applicant and prevent any further harm.
6. An order to make the interview (2019) null and void. If in future Mr. Ali wishes to seek re-registration, any past proceedings should not be held against him during the processes.
7. An order to dismiss the sanctions given the **procedural error and denial to natural justice** without the ability of Amin Ali to meaningfully defend himself.
8. An order to **keep all aspects of hearing process confidential** given the sensitive nature of personal information of Amin Ali. (Doctors report on request)
9. Such further and other relief as the Tribunal Panel deems just.

## B. GROUNDS

The grounds for the request and the reasons for seeking a dismissal in hearing and review are:

1. The Hearing Panel (former MFDA) **did not provide Procedural Justice** to the Applicant, by forcing him to proceed with the Hearing on the Merits while he was unable to do so because of his mental health.
  
2. Proceeding with the hearing despite a specialist's strong recommendation constitutes a clear **Natural Justice violation**. The specialist's medical report suggested repeatedly about the severity of the Applicant's condition and the reputations it can have on his life, despite the panel refused to understand the fragility of his condition. **He was robbed of the opportunity to defend himself.**
  
3. The Applicant brought a motion before the Hearing Panel on August 31, 2021, to adjourn the proceeding sine die until his treating psychiatrist medically cleared him.
  - a) The explanation by Applicant's specialist states that "**It is quite likely that many of the improprieties he is accused of occurred during this phase of his mental illness.**" which clearly explains that **any interview or representations made by the Applicant be reconsidered, given that he was clearly compromised by his debilitating disabilities.** (*Addendum to psychiatric assessment dated July 2, 2021*)
  
  - b) The Applicant has made multiple requests for accommodations since June 2020. In the words of Dr. Syed, "**The untreated and**

**undiagnosed illness was of a chronic [REDACTED] nature which would have compromised some of his decision-making for years in the past due to [REDACTED]**  
(Specialist Report- dated June 3, 2020.)

4. The second motion was returnable at the outset of the hearing of the merits to adjourn the proceeding sine die until such time as his treating psychiatrist medically cleared him. In support of this motion, he relied on the opinion of his treating specialist and two lay witnesses to provide evidence in relation to his symptoms.
5. Again, without hearing the submissions of counsel on the merits of the motion, the Hearing Panel dismissed the motion on the basis that the medical opinion of his treating psychiatrist was biased, and that the opinion of the treating specialist was advocating for Mr. Ali.

It is of utmost significance to acknowledge doctors' indispensable role in enhancing the quality of their patient's lives." **Advocacy is an important component of the doctor patient relationship; physicians should, individually and collectively, advocate for their patients.**"  
(<https://www.cpso.on.ca/admin/CPSO/media/Documents/physician/policies-and-guidance/practice-guide/practice-guide.pdf>)

6. **A dismissal outweighs the public interest in this case.** Because of the severity of Amin's rare condition and the real risk of harm to him by proceeding, the dismissal outweighs the public interest in seeing this prosecution concluded. **There is no risk to the investing public.** Mr. Ali has not been registered in the securities industry since February 2018.
7. Mr. Ali also respectfully asserts that the MFDA has failed to show why there is an undue hardship (of which the MFDA has the onus) in deferring the publication or the scheduling of Mr. Amin's MFDA matter.

8. The former MFDA's investigator(s) were unaware at the time of interview about Applicant's physical and mental disabilities through no fault of their own. **He was unaware of what he suffered from. However, He cannot be faulted for the failure to disclose this also, and he certainly cannot be penalized for having disabilities or the symptoms that emanate therefrom.** Identifying and acknowledging severe mental illness can be difficult since it presents differently in each individual. It's important to note that those with cognitive disabilities may make self-incriminating statements due to their condition rather than actual guilt.
  
9. The Applicant is living with a medical condition that affects his ability to perform tasks requiring higher cognitive skills. He may experience worsened [REDACTED] during [REDACTED] [REDACTED] tasks. It limits his participation in complex cognitive tasks.
  
10. Humanity believes that restarting the financial engine will alleviate a significant stressor that the applicant has been negatively affecting them since 2018.  
  
*(<https://www.ohrc.on.ca/en/summary-hamilton-wentworth-district-school-board-v-fair>), the Ontario Court of Appeal made it binding on accommodation providers to accommodate for disabilities that were unknown or undiagnosed at the time of impugned conduct.)*
  
11. Mr. Ali has not been registered or employed in any industry, including finance, for over five years since February 2018. Should he wish to seek re-registration in the future, past proceedings should not be held against him. Mr. Ali has experience in this industry, and it is his only known work, making it possible for him to return if he recovers.

12. While the former MFDA does not directly address human rights, it is subject to Canadian laws and regulations, which include various provisions related to human rights. For example, the Canadian Human Rights Act prohibits discrimination on various grounds, including race, ethnicity, gender, and age, among others. Additionally, the Constitution of Canada includes the Canadian Charter of Rights and Freedoms, which guarantees fundamental rights and freedoms such as freedom of expression, equality before the law, and the right to life, liberty, and security of the person. As such, while the former MFDA may not specifically focus on human rights, **it is obligated to comply with Canadian laws and regulations that protect human rights.**
  
13. The OHRC Policy serves as a crucial and essential source of guidance for all accommodation providers, (including the former MFDA), in their efforts to comply with the Ontario Human Rights Code. (R.S.O. 1990, c H.19, <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions>)
  
14. It is imperative that all accommodation providers (including MFDA) strictly should have adhered to OHRC code without any exceptions. **Mr. Amin's mental disabilities, human rights and privacy rights are critical issues that were not appropriately considered by the former MFDA (now SRO).**
  
15. Based on the OHRC Policy, it does not appear that the MFDA was entitled to any of the personal information which Mr. Ali had to disclose.
  
16. [REDACTED]  
[REDACTED] The **records should be sealed**, given the sensitivities arising out of his disabilities and the impact this have on his reputation (in the form of stigma and negative stereotyping)

17. The Applicant experienced [REDACTED] during the hearing which could be heard during the hearing. The Hearing Panel nevertheless continued with the hearing.
18. Mr. Ali has cooperated to the best of his ability and has always been known and respected for his compliance and integrity.
19. The Hearing Panel erred by dismissing the Applicant's motions outright.
20. The Hearing Panel erred by not recusing themselves after displaying a reasonable apprehension of bias to the Applicant.
21. The Hearing Panel erred by failing to display compassion in considering humanitarian concerns. They neglected to recognize that mental illness can have severe [REDACTED] consequences.
22. The Hearing Panel made mistakes in both imposing sanctions and delivering an unjust judgment.
23. Such further and other grounds as the Applicant may advise.

### **C. DOCUMENTS AND EVIDENCE**

The Applicant intend(s) to rely on the following documents and evidence at the Hearing:

- a) Transcripts from the Hearing on the merits; motions returnable August 31, 2021, September 14, 2021 and February 8, 2022.
- b) Motion Records and evidence from the motions returnable August 31, 2021, and February 8, 2022.
- c) Exhibits from the Hearing of the Merits.
- d) Reports from Specialist (Dr. Syed)
- e) Such further and other documents and evidence as the Applicant may advise.

**DATED** this 16th day of JUNE 2023.

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