

ONTARIO SECURITIES COMMISSION

BETWEEN:

EARL MAREK

Applicant

-and-

**INVESTMENT INDUSTRY REGULATORY
ORGANIZATION OF CANADA (“IIROC”)**

Respondent

APPLICATION FOR HEARING AND REVIEW

Sections 8 and 21.7 of the Securities Act, R.S.O. 1990, c.S. 5

Rule 14.2 of the Ontario Securities Commission Rules of Procedure

THE APPLICANT applies to the Ontario Securities Commission (“**OSC**”) for a hearing and review of the Merits Decision and Penalty Decision of the Investment Industry Regulatory Organization of Canada (“**IIROC**”) Hearing Panel dated October 3, 2016 and February 27, 2017.

In the Merits Decision dated October 3, 2016 the IIROC Hearing Panel found that on or about February, 2012 the Applicant facilitated off book transactions for two clients without the knowledge and approval of his Member firm, contrary to IIROC Dealer Member Rule 29.1.

In the Penalty Decision dated February 27, 2017 the Hearing Panel made the following Order against the Applicant:

- (a) A one year suspension from registration in any capacity with IIROC;
- (b) A fine in the amount of \$50,000.00;
- (c) Successful completion of the Conduct and Practices Handbook course within 12 months of any re-registration with IIROC;
- (d) 12 months of close supervision upon any re-registration with IIROC; and
- (e) Costs in the amount of \$15,000.00.

THE APPLICANT ASKS that the Application for Hearing and Review be allowed and that the Allegation as set out in Count 1 of the Notice of Hearing dated November, 2015 be dismissed, and that the penalties imposed on the Applicant be set aside.

THE GROUNDS for the Application for Hearing and Review are as follows:

1. The Hearing Panel erred in its interpretation of IIROC Dealer Member Rule 29.1;
2. The Hearing Panel erred in finding that PL and DL were clients of the Applicant;

3. The finding of the Hearing Panel that PL and DL were clients of the Applicant is contrary to and against the weight of the evidence;
4. The Hearing Panel erred in finding that emails passing between the Applicant and Macquarie Private Wealth Inc. (“**Macquarie**”) were inadmissible;
5. The Hearing Panel erred in imposing on the Applicant the penalties as described above;
6. Sections 8 and 21.7 of the Securities Act;
7. Rule 14.2 of Ontario Securities Commission Rules of Procedure;
8. Such further and other grounds as counsel may advise.

DATE: March 23, 2017

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