

**IN THE MATTER OF THE SECURITIES ACT
R.S.O. 1990, c. S. 5, AS AMENDED**

AND

**IN THE MATTER OF
ANDREW KEITH LECH**

Hearing: Friday, May 16, 2003

Panel: Paul M. Moore, Q.C. - Vice-Chair (Chair of the Panel)
H. Lorne Morphy, Q.C. - Commissioner
Derek Brown - Commissioner

**Appearances: Alexandra S. Clark - For Staff of the
Ontario Securities Commission**

Andrew Keith Lech - Self-Represented

REASONS FOR DECISION

I. Proceeding

[1] This proceeding is a hearing pursuant to section 127 of the *Securities Act* (the Act) in the matter of Andrew Keith Lech. The hearing is being held pursuant to a notice of hearing that was issued on May 7, 2003 and the related statement of allegations of staff of the Commission.

[2] On May 1, 2003 this Commission issued a temporary order under section 127 of the Act that trading in securities by Lech cease and that the exemptions contained in Ontario securities law not apply to Lech. This order was set to expire on May 16, 2003 unless extended by the Commission.

[3] According to the Notice of Hearing, the Commission is being asked to make the following orders in the public interest;

- a) to extend the temporary order made May 1, 2003 until the conclusion of this hearing pursuant to s. 127(7);
- b) at the conclusion of this hearing, to make an order pursuant to clause 2 of s. 127(1) that trading in any securities by Lech cease until further ordered by this Commission;
- c) at the conclusion of this hearing, to make an order pursuant to clause 3 of s. 127(1) that any exemptions contained in Ontario securities law do not apply to Lech until further ordered by this Commission; and
- d) to make such other order as the Commission considers appropriate.

II. Position of Lech

[4] Lech was not represented by counsel at the hearing. He advised the panel that he was in discussions with certain lawyers for legal representation.

[5] Lech requested that the hearing be adjourned so that he could conclude his arrangements for legal representation.

[6] Counsel for staff outlined the various steps that had been taken by staff to make Lech aware of the proceedings against him and the desirability of his being represented by counsel.

[7] Lech advised the panel that he was in agreement with the request by staff that this panel make an order extending the temporary order originally made in this matter and that this hearing be adjourned.

III. Evidence

[8] In view of the fact that Lech was not represented by counsel at the hearing, we requested counsel for staff, notwithstanding Lech's consent to extend the order, to lead evidence to establish the basis for the extension of the order.

[9] We heard from Michael Vear, a forensic accountant in the enforcement branch of the staff of the Commission.

IV. Conclusion

[10] Based on Vear's testimony, we were satisfied that satisfactory information had not been provided by Lech to the Commission within the 15 day period after the making of the temporary order on May 1, 2003, and that the length of time required to conclude the hearing could be prejudicial to the public interest, unless the temporary order was extended.

[11] By reason of this and the consent of Lech we made an order to extend the temporary order made on May 1, 2003 until further order of the Commission and adjourned the hearing sine die, subject to being brought on on 7 days notice.

Dated at Toronto this 27th day of May, 2003.

"Paul M. Moore"

Paul M. Moore

"H. Lorne Morphy"

H. Lorne Morphy

"Derek Brown"

Derek Brown