

## **Settlement Agreement – Insider Trading – Sanctions – Public Interest**

Respondent admitted to breaching s.76(1) of the Act. Undisclosed confidential information regarding companies involved in pending transactions was conveyed to the respondent and respondent then traded on that information and reaped profits. The settlement agreement was approved and contained the following sanctions with a reprimand:

- permanent cease-trade order;
- permanent prohibition from all exemptions offered by Ontario securities law;
- permanent prohibition from becoming or acting as a director or officer of a public company;
- voluntary order to pay profits of illegal trades in the amount of CDN \$1.9 million;
- payment of costs in the matter in the amount of CDN \$25 thousand;
- continued co-operation with pending investigation and trial;

The respondent co-operated fully with the investigation. The settlement agreement is in the public interest to provide protection to investors from unfair, improper and fraudulent practices and to foster fair and efficient capital markets.

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

**- and -**

**IN THE MATTER OF DANIEL DUIC**

**ORDER**

WHEREAS on February 4, 2004, the Ontario Securities Commission issued a Notice of Hearing pursuant to sections 127(1) and 127.1 of the *Securities Act* in respect of Daniel Duic;

AND WHEREAS Daniel Duic entered into a settlement agreement with Staff of the Commission in which he agreed to a proposed settlement of the proceeding, subject to the approval of the Commission;

AND WHEREAS Staff recommend approval of the settlement agreement;

AND UPON reviewing the settlement agreement and the Notice of Hearing of Staff of the Commission and upon hearing submissions of Counsel for Staff and Daniel Duic;

AND WHEREAS the Commission is of the opinion that it is in the public interest to make this Order;

IT IS HEREBY ORDERED THAT pursuant to ss. 127(1) and 127.1 of the Act:

1. The Settlement Agreement dated November 20, 2002, a copy of which is attached, is hereby approved. The Settlement Agreement includes the term that Duic will make a settlement payment of \$1,900,000 to the Commission for allocation to or for the benefit of such third parties as may be approved by the Minister under s.3.4 (2) of the Act;
2. Duic will pay \$25,000.00 for costs pursuant to s. 127.1 of the Act;
3. Trading in any securities by Daniel Duic shall cease permanently, effective immediately, with the exception that (a) Daniel Duic is permitted to trade mutual funds through a registered dealer for the account of his registered retirement savings plan (as defined in the *Income Tax Act (Canada)*) and (b) Daniel Duic may divest himself of securities held as of the date of this Order within 30 days from the date of this Order;
4. Exemptions contained in Ontario securities law do not apply to Daniel Duic permanently;
5. Daniel Duic is hereby reprimanded;
6. Daniel Duic must resign from all positions that he holds as a director or officer of a reporting issuer, effective immediately; and

7. Daniel Duic is permanently prohibited from becoming or acting as a director or officer of a reporting issuer.

DATED at Toronto this 3rd day of March, 2004.

“Paul M. Moore”

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Paul M. Moore

“Robert W. Davis”

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Robert W. Davis

“Suresh Thakrar”

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Suresh Thakrar