



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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

- and -

IN THE MATTER OF THOMAS HINKE

ORDER

WHEREAS on November 7, 2006, the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing pursuant to sections 127 and 127.1 of the *Securities Act* (the “Act”) in respect of Thomas Hinke (“Hinke”);

AND WHEREAS on February 14, 2007 a hearing on the merits was held and on February 28, 2007 a hearing on sanctions was held;

AND WHEREAS on May 25, 2007 the Commission issued Reasons wherein it found that Hinke engaged in conduct contrary to the public interest;

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

IT IS HEREBY ORDERED THAT:

1. Pursuant to clause 2 of subsection 127(1) of the Act, Hinke cease trading in securities directly or indirectly and be prohibited from acquiring securities of any issuer for a period of ten years, with the exception that Hinke be permitted to trade in securities for the account of a registered retirement savings plan or registered retirement income fund (as defined in the *Income Tax Act* (Canada)) in which he has sole legal and beneficial ownership and interest, provided that:
 - (i) the securities are listed and posted for trading on the Toronto Stock Exchange or the New York Stock Exchange (or their successor exchanges) or are issued by a mutual fund which is a reporting issuer;
 - (ii) Hinke does not own beneficially more than one percent of the outstanding securities of the class or series of the class in question; and

- (iii) Hinke must carry out permitted trading through a registered dealer and through accounts opened in his name only and must close any accounts in which he has any legal or beneficial ownership or interest that were not opened in his name only;
- 2. Pursuant to clause 8 of subsection 127(1) of the Act, Hinke be prohibited from becoming or acting as an officer or director of any issuer for ten years;
- 3. Pursuant to clause 3 of subsection 127(1) of the Act, no exemption contained in Ontario securities law shall apply to Hinke for ten years; and
- 4. Pursuant to section 127.1 of the Act, Hinke pay \$15,000.00 towards Staff's costs relating to the investigation and hearing of this matter;

Dated at Toronto, Ontario this 10th day of August, 2007

“Wendell S. Wigle”

Wendell S. Wigle

“David L. Knight“

David L. Knight