



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 DANIEL DUIC

**ORDER
(Section 127 and 127.1)**

WHEREAS on August 14, 2008, the Ontario Securities Commission issued a Notice of Hearing pursuant to sections 127 and 127.1 of the Securities Act (the "Act"), accompanied by Staff's Statement of Allegations, in respect of the Respondent, Daniel Duic ("Duic");

AND WHEREAS on August 19, 2008, Staff of the Commission ("Staff") and Duic filed an Agreed Statement of Facts (the "Agreed Facts") with the Commission;

AND WHEREAS in the Agreed Facts Duic admits to breaching the terms of an order made by the Commission on March 3, 2004 ("March 3, 2004 Order") and admits that his contravention of Ontario securities law was conduct contrary to the public interest;

AND UPON reviewing the Agreed Facts and Staff's Statement of Allegations, and upon hearing submissions from counsel for Staff and the Respondent;

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

IT IS ORDERED THAT:

(a) pursuant to clause 2 of subsection 127(1) of the Act, trading in any securities by Duic shall cease permanently, with the following two exceptions:

- i. Duic is permitted to buy and sell securities in mutual funds, including index funds and exchange traded funds, through a registered dealer for the account of his registered retirement savings plan (as defined in the *Income Tax Act* (Canada)); and,
- ii. Duic shall sell all securities held in his TD Waterhouse accounts (the “Toronto Accounts”) as of the date of this Order within twenty-one days from the date of this Order and shall close the Toronto Accounts immediately thereafter. If Duic realizes a profit as a result of his divesture of all securities in the Toronto Accounts (determined after taking into account: (a) the profit of \$40,848.76 (USD) Duic realized on or about August 8, 2007 through the sale of 7,500 shares of Cerner Corporation; and (b) the loss Duic sustained of \$22,734.40 (USD) on March 27, 2008, as a result of the sale of 890 shares of Boeing), he will pay this realized profit to the Commission forthwith, to be allocated by the Commission to or for the benefit of third parties under section 3.4(2)(b) of the Act;

(b) pursuant to clause 2.1 of subsection 127(1) of the Act, acquisition of any securities by Duic shall be prohibited permanently, with the exception that Duic is permitted to buy and sell securities in mutual funds, including index funds and exchange traded funds, through a registered dealer for the account of his registered retirement savings plan (as defined in the *Income Tax Act* (Canada));

(c) pursuant to clause 6 of subsection 127(1) of the Act, Duic is hereby reprimanded;

- (d) pursuant to clause 8.1 of subsection 127(1) of the Act, Duic shall resign any positions that he holds as a director or officer of a registrant;
- (e) pursuant to clause 8.2 of subsection 127(1) of the Act, Duic shall be prohibited permanently from becoming or acting as a director or officer of a registrant;
- (f) pursuant to clause 8.3 of subsection 127(1) of the Act, Duic shall resign any positions that he holds as a director or officer of an investment fund manager;
- (g) pursuant to clause 8.4 of subsection 127(1) of the Act, Duic shall be prohibited permanently from becoming or acting as a director or officer of an investment fund manager;
- (h) pursuant to clause 8.5 of subsection 127(1) of the Act, Duic shall be prohibited permanently from becoming or acting as a registrant, as an investment fund manager or as a promoter;
- (i) pursuant to clause 9 of subsection 127(1) of the Act, Duic shall immediately pay an administrative penalty in the amount of \$25,000, to be allocated by the Commission to or for the benefit of third parties under section 3.4(2)(b) of the Act;
- (j) pursuant to subsection 127.1 of the Act, Duic shall immediately pay the costs of the investigation in this matter in the amount of \$15,000; and,
- (k) except as modified by the above, Duic continues to be subject to the terms of the March 3, 2004 Order made by the Commission against him.

DATED at Toronto this 3rd day of September, 2008.

“James E. A. Turner”

“Suresh Thakrar”

James E. A. Turner

Suresh Thakrar