



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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Toronto ON M5H 3S8

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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
FREDERICK LAWRENCE MARLATT, also known as
FREDERICK LAWRENCE MITSCHLE and MICHAEL WALLACE MINOR**

**ORDER
(Subsections 127(1) and 127(10) of the *Securities Act*)**

WHEREAS on December 11, 2013, the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing pursuant to sections 127(1) and 127(10) of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the “Act”) in respect of Frederick Lawrence Marlatt, also known as Frederick Lawrence Mitschele (“Mitschele”), and Michael Wallace Minor (“Minor”) (together, the “Respondents”);

AND WHEREAS on December 11, 2013, Staff of the Commission (“Staff”) filed a Statement of Allegations in respect of the same matter;

AND WHEREAS on January 17, 2014, Staff appeared before the Commission and brought an application to convert this matter to a written hearing (the “**First Appearance**”);

AND WHEREAS on January 17, 2014, Staff filed an affidavit of service sworn by Lee Crann, a Law Clerk with the Commission, which documented steps taken by Staff to serve the Respondents with the Notice of Hearing, Statement of Allegations and Staff’s disclosure materials, and made submissions to the Commission;

AND WHEREAS the Respondents did not attend the First Appearance;

AND WHEREAS on January 17, 2014, the Commission ordered the hearing adjourned to February 13, 2014 at 2:00 p.m. to permit the Respondents time to object to Staff's application to convert this matter to a written hearing, and for Staff to provide the Respondents with information concerning the Legal Assistance Program;

AND WHEREAS on February 13, 2014, Staff filed an affidavit sworn by Lee Crann, a Law Clerk with the Commission, confirming service on the Respondents of the Commission's Order dated January 17, 2014, the Amended Notice of Hearing and the Amended Statement of Allegations, and the provision of information concerning the Legal Assistance Program to the Respondents;

AND WHEREAS on February 13, 2013, the Commission heard an application by Staff to convert this matter to a written hearing, in accordance with Rule 11.5 of the Ontario Securities Commission *Rules of Procedure* (2012), 35 O.S.C.B. 10071, and section 5.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended (the "**Second Appearance**");

AND WHEREAS the Respondents did not attend the Second Appearance;

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

IT IS HEREBY ORDERED THAT:

- (a) Staff's application to proceed by way of written hearing is granted;
- (b) Staff's materials in respect of the written hearing shall be filed on or before February 24, 2014;
- (c) Staff are relieved from the requirement to provide the Respondents with any authorities upon which Staff relies that are contained within the Commission's Book of Authorities, and where Staff relies on any such authority, Staff shall provide the Respondents with written instructions on how to locate the Commission's Book of Authorities;

- (d) The Respondents' responding materials, if any, shall be served and filed no later than March 17, 2014; and
- (e) Staff's reply materials, if any, shall be served and filed no later than March 24, 2014.

DATED at Toronto this 13th day of February, 2014.

"Mary Condon"

Mary G. Condon