



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

22nd Floor
20 Queen Street West
Toronto ON M5H 3S8

22e étage
20, rue queen ouest
Toronto ON M5H 3S8

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

- AND -

IN THE MATTER OF SHAUN GERARD MCERLEAN

- AND -

**IN THE MATTER OF A HEARING AND REVIEW OF A DECISION OF A HEARING
PANEL OF THE INVESTMENT INDUSTRY REGULATORY ORGANIZATION OF
CANADA DATED OCTOBER 31, 2011**

ORDER

WHEREAS:

1. On January 20, 2012, the applicant, Shaun Gerard McErlean (“McErlean”), filed with the Ontario Securities Commission (the “Commission”) a notice of application requesting a hearing and review of a decision of a Hearing Panel of the Investment Industry Regulatory Organization of Canada (“IIROC”) dated October 31, 2011 (the “IIROC Decision”);
2. On January 25, 2012, IIROC Staff wrote to McErlean with a copy to the Registrar of the Commission advising that the penalty hearing arising from the IIROC Decision was scheduled to be heard;
3. On April 19, 2012, IIROC Staff wrote to the Registrar of the Commission advising that the McErlean proceeding had been completed and IIROC had issued its penalty decision;
4. McErlean did not perfect his application for a hearing and review as required by Rule 14.4(3) of the Commission’s *Rules of Procedure* (2014), 37 OSCB 4168, or request a hearing and review of the IIROC Hearing Panel’s penalty decision;

5. On February 1, 2016, Commission Staff advised that Commission Staff and IIROC Staff were requesting that McErlean's application for a hearing and review be dismissed because it had not been perfected;
6. The Registrar unsuccessfully attempted to serve on McErlean ,by email and by courier, a letter from the Secretary to the Commission, dated February 8, 2016, advising McErlean that his application may be dismissed pursuant to Rule 14.4(5) of the Commission's *Rules of Procedure* if his application was not perfected; and
7. The Commission is of the opinion that it is in the public interest to make this order;

IT IS ORDERED that McErlean's application for a hearing and review of the IIROC Decision be and is hereby dismissed.

DATED at Toronto, this 7th day of April, 2016.

"Christopher Portner"

Christopher Portner