

ALBERTA SECURITIES COMMISSION

Citation: O'NEILL, Kerry John, Re, 2010 ABASC 49

Date: 20100208

Docket: E/04571 / ENF-005698

NOTICE OF HEARING

To: Kerry John O'Neill (the Respondent)

NOTICE:

An application is being made to the Alberta Securities Commission (**Commission**) by Staff, for an Order pursuant to section 198(1.1) of the Act, that:

- (i) Under section 198(1)(b) of the *Act*, that the Respondent cease trading in or purchasing securities or exchange contracts, permanently, except that the Respondent may trade in one account in his own name through a registered representative if he provides a copy of the Order to the registered representative before any trade;
- (ii) Under section 198(1) (d) and (e) the Respondent resign as, and is permanently prohibited from becoming or acting as, a director or officer of any issuer, registrant or investment fund manager;
- (iii) Under section 198(1)(e.3) the Respondent is permanently prohibited from acting in a management or consultative capacity in connection with activities in the securities market.
- (iv) Under section 198(1)(f) the Respondent is prohibited from engaging in any activities or oral or written communications, by or on behalf of any issuer, that promote or reasonably could be expected to promote the purchase or sale of securities of the issuer.

GROUNDS FOR APPLICATION:

The Respondent is subject to a September 9, 2009 Order made by the British Columbia Securities Commission, a securities regulatory authority in British Columbia, which imposed sanctions on the Respondent.

EVIDENCE IN SUPPORT OF APPLICATION:

In support of this application, Staff will rely upon the Affidavit of Tyler Hynes, Assistant Securities Investigator, which accompanies this application and the exhibits referred to in that Affidavit.

PROCEDURE:

The Respondent has an opportunity to be heard in this application, and may do so with or without legal counsel.

If the Respondent wishes to make oral submissions or present evidence (or both) to the Commission, they must within 21 days of the date of this Notice contact Jayne Lewis, Registrar, by telephone at 403.297.4277, email at Jayne.Lewis@asc.ca, or facsimile at 403.297.4486, following which a hearing date and time will be set.

If the Respondent wishes to make written submissions, they must within 28 days of the date of this Notice deliver the submissions, together with any supporting materials, to Jayne Lewis, c/o Alberta Securities Commission, 4th Floor, 300 - 5 Avenue SW, Calgary, Alberta, T2P 3C4.

The Respondent may choose to make both oral and written submissions, with or without evidence, in which case they must comply with each of the above time limits.

The Commission will consider the application on or after 30 days from the date of this Notice and may make an order against the Respondents without further notice if they fail to respond as directed above.

DATED at the City of Calgary)	ALBERTA SECURITIES COMMISSION
)	
in the Province of Alberta, this)	<u>“Original Signed by”</u>
)	John P. Petch
<u>8</u> day of February, 2010)	Director, Enforcement

TO: Kerry John O’Neill