

ALBERTA SECURITIES COMMISSION

ORDER

Citation: Re Eisenberg, 2020 ABASC 135

Date: 20200810

Tamar Michelle Eisenberg

Appeal of Mutual Fund Dealers Association Of Canada Decision

Background

1. By e-mail to the Alberta Securities Commission (the **Commission**) dated August 6, 2020, Tamar Michelle Eisenberg (**Eisenberg**) with the support of Portfolio Strategies Corporation (**PSC**) filed an appeal pursuant to ss. 73 and 36 of *Securities Act* (Alberta) (the **Act**) from the decision of a Hearing Panel of the Mutual Fund Dealers Association of Canada (the **MFDA**) dated July 27, 2020 (the **MFDA Decision**). In the same e-mail, PSC applied to participate in the appeal as either a party "directly affected" by the MFDA Decision, or, in the alternative, as an intervenor pursuant to s. 6.1 of Commission Rule 15-501.
2. Eisenberg also requested an interim stay of the penalties ordered against her in the MFDA Decision pending the disposition of the appeal.
3. Without prejudice to its position that the MFDA Decision should be upheld and the appeal should be dismissed, Staff of the MFDA consents to an interim stay of the MFDA Decision if PSC and Eisenberg agree that Eisenberg will be subject to terms and conditions of close supervision pending the disposition of the appeal.
4. Eisenberg and Staff of the MFDA agree that an appeal to the Commission is the appropriate forum for an appeal by an Approved Person from an MFDA decision.

Order

5. Pursuant to s. 36(5) of the Act, the sanctions and penalties imposed on Eisenberg by the MFDA Hearing Panel in the MFDA Decision are stayed until the issuance of reasons for decision disposing of this appeal or the issuance of a further order of the Commission varying or revoking this order.
6. Eisenberg shall be subject to terms and conditions of close supervision in accordance with CSA Staff Notice 31-349 and PSC shall prepare and maintain close supervision reports in the form specified in Schedule "A" to that Notice until the issuance of reasons for decision

disposing of this appeal or the issuance of a further order of the Commission varying or revoking this order.

August 10, 2020

For The Commission:

"original signed by"
Tom Cotter

"original signed by"
Steven Cohen