

IN THE MATTER OF
THE *SECURITIES ACT*, R.S.N.S. 1989, CHAPTER 418, AS AMENDED (“Act”)

- and -

IN THE MATTER OF
VYACHESLAV BRIKMAN (“Respondent”)

ORDER

(Sections 134B(6) and 134(1) of the Act)

WHEREAS the Director of Enforcement of the Nova Scotia Securities Commission (“Commission”) submitted a Notice of Application dated the 22nd day of December, 2016;

AND UPON reviewing and considering the submissions of counsel for the Director of Enforcement;

AND UPON the Respondent having made admissions of contraventions of Ontario securities laws as set out in the Settlement Agreement between Staff of the Ontario Securities Commission and the Respondent dated August 30, 2011;

AND UPON the Ontario Securities Commission having approved that Settlement Agreement and having ordered sanctions and penalties against the Respondent in its Order issued September 1, 2011;

AND UPON the Commission determining it is in the public interest to issue this order reciprocating the sanctions ordered by the Ontario Securities Commission pursuant to section 134B(6) of the Act;

IT IS HEREBY ORDERED that:

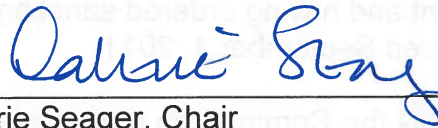
1. Pursuant to section 134(1)(b) of the Act, the Respondent cease trading in securities permanently, with the exception that the Respondent is permitted to trade in mutual fund securities through a registered dealer for the account of his registered retirement savings plan (as defined in the *Income Tax Act* (Canada)) after the satisfaction of subparagraphs (h) and (i) of the Order against him issued by the Ontario Securities Commission on September 1, 2011 attached as Schedule “A” to this Order;
2. Pursuant to section 134(1)(ba) of the Act, the Respondent is permanently prohibited from acquiring securities, with the exception that the Respondent is permitted to acquire mutual fund securities through a registered dealer for the account of his registered retirement savings plan (as defined in the *Income*

Tax Act (Canada)) after he satisfies the terms of subparagraphs (h) and (i) of the Order against him issued by the Ontario Securities Commission on September 1, 2011 attached as Schedule "A" to this Order;

3. Pursuant to section 134(1)(c) of the Act, any exemptions contained in Nova Scotia securities laws do not apply to the Respondent permanently;
4. Pursuant to section 134(1)(d)(ii) of the Act, the Respondent is permanently prohibited from becoming or acting as a director or officer of any issuer, registrant or investment fund manager;
5. Pursuant to section 134(1)(e)(i) of the Act, the Respondent is permanently prohibited from disseminating or authorizing the dissemination of any information or record of any kind for the purpose of trading in securities;
6. Pursuant to section 134(1)(g) of the Act, the Respondent is permanently prohibited from becoming or acting as a registrant, investment fund manager, or promoter; and
7. Pursuant to section 134(1)(h) of the Act, the Respondent is reprimanded.

DATED at Halifax, Nova Scotia, this 15th day of April, 2017.

NOVA SCOTIA SECURITIES COMMISSION



Valerie Seager, Chair

SCHEDULE "A"



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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20 Queen Street West
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
GLOBAL ENERGY GROUP, LTD., NEW GOLD LIMITED PARTNERSHIPS,
CHRISTINA HARPER, VADIM TSATSKIN, MICHAEL SCHAUER, ELLIOT
FEDER, ODED PASTERNAK, ALAN SILVERSTEIN, HERBERT GROBERMAN,
ALLAN WALKER, PETER ROBINSON, VYACHESLAV BRIKMAN,
NIKOLA BAJOVSKI, BRUCE COHEN and ANDREW SHIFF**

- AND -

**IN THE MATTER OF A SETTLEMENT AGREEMENT BETWEEN STAFF OF THE
ONTARIO SECURITIES COMMISSION AND VYACHESLAV BRIKMAN**

**ORDER
(Section 37 and Subsection 127(1))**

WHEREAS by Notice of Hearing dated June 8, 2010, the Ontario Securities Commission (the "Commission") announced that it proposed to hold a hearing, commencing on June 14, 2010, pursuant to sections 37, 127, and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the "Act"), to consider whether it is in the public interest to make orders, as specified therein, against Global Energy Group, Ltd., New Gold Limited Partnerships ("New Gold"), Christina Harper, Vadim Tsatskin, Michael Schauer, Elliot Feder, Oded Pasternak, Alan Silverstein, Herbert Groberman, Allan Walker, Peter Robinson, Vyacheslav Brikman ("Brikman"), Nikola Bajovski, Bruce Cohen and Andrew Shiff. The Notice of Hearing was issued in connection with the allegations as set out in the Statement of Allegations of Staff of the Commission ("Staff") dated June 8, 2010;

AND WHEREAS Brikman entered into a settlement agreement with Staff dated August 29 and 30, 2011 (the "Settlement Agreement") in which Brikman agreed to a proposed settlement of the proceeding commenced by the Notice of Hearing dated June 8, 2010, subject to the approval of the Commission;

WHEREAS on August 30, 2011, the Commission issued a Notice of Hearing pursuant to sections 37 and 127 of the Act to announce that it proposed to hold a hearing to consider whether it is in the public interest to approve the Settlement Agreement entered into between Staff and Brikman;

AND UPON reviewing the Settlement Agreement, the Notices of Hearing, and the Statement of Allegations of Staff, and upon hearing submissions from counsel for Brikman and from Staff;

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) the Settlement Agreement is approved;
- (b) pursuant to clause 2 of subsection 127(1) of the Act, trading in any securities by Brikman cease permanently, with the exception that Brikman is permitted to trade in securities in mutual funds through a registered dealer for the account of his registered retirement savings plan (as defined in the *Income Tax Act* (Canada)) after he has satisfied the terms of subparagraphs (h) and (i) below;
- (c) pursuant to clause 2.1 of subsection 127(1) of the Act, the acquisition of any securities by Brikman is prohibited permanently, with the exception that Brikman is permitted to acquire securities in mutual funds through a registered dealer for the account of his

registered retirement savings plan (as defined in the *Income Tax Act* (Canada)) after he has satisfied the terms of subparagraphs (h) and (i) below;

- (d) pursuant to clause 3 of subsection 127(1) of the Act, any exemptions contained in Ontario securities law do not apply to Brikman permanently;
- (e) pursuant to clause 6 of subsection 127(1) of the Act, Brikman is reprimanded;
- (f) pursuant to clauses 8, 8.2, and 8.4 of subsection 127(1) of the Act, Brikman is prohibited permanently from becoming or acting as a director or officer of any issuer, registrant, or investment fund manager;
- (g) pursuant to clause 8.5 of subsection 127(1) of the Act, Brikman is prohibited permanently from becoming or acting as a registrant, as an investment fund manager or as a promoter;
- (h) pursuant to clause 9 of subsection 127(1) of the Act, Brikman shall pay an administrative penalty in the amount of \$82,748 for his failure to comply with Ontario securities law. The administrative penalty in the amount of \$82,748 shall be for allocation to or for the benefit of third parties, including investors who lost money as a result of purchasing securities of New Gold, in accordance with subsection 3.4(2)(b) of the Act;
- (i) pursuant to clause 10 of subsection 127(1) of the Act, Brikman shall disgorge to the Commission the amount of \$82,748 obtained as a result of his non-compliance with Ontario securities law. The amount of \$82,748 disgorged shall be for allocation to or for the benefit of third parties, including investors who lost money as a result of purchasing securities of New Gold, in accordance with subsection 3.4(2)(b) of the Act; and

- (j) pursuant to subsection 37(1) of the Act, Brikman is prohibited permanently from telephoning from within Ontario to any residence within or outside Ontario for the purpose of trading in any security or in any class of securities.

DATED at Toronto this 1st day of September, 2011.

“Edward P. Kerwin”

Edward P. Kerwin