

ADDENDUM


In the above decision I addressed the issue of “illegal purpose” and asked that it, together with the issues concerning privilege, be referred to the Supreme Court of Nova Scotia. That aspect of my decision was reached without hearing submissions by counsel.

In attempting to instruct my counsel on the matter of the reference to the Court it has become obvious to me that the matter of illegal purpose should not be included in the reference.

The essence of the allegations against the respondents is that they violated sections 44A(2), 82(1), 113(2) and 116 of the Securities Act . Violations of those sections could amount to an illegal purpose; and that is the question to be determined by this Panel of the Commission.

I have therefore decided that the matter of illegal purpose should not be referred to the Court, but the reference shall only be in regard to the matter of privilege. The matter of illegal purpose will be addressed by this panel at a later stage of these proceedings.

Dated at Halifax, Nova Scotia, this 10th day of June, 2010.



Commissioner David W. Gruchy