

# 2004 BCSECCOM 693

## Varied Extension of Temporary Orders and Adjournment

**QuickEx Inc., David J. Rogerson, Gregory Yanke, Stephen Spink and Paul Trennum**

**Section 161 of the *Securities Act*, RSBC 1996, c. 418**

### **Hearing**

<b>Panel</b>	Robin E. Ford	Commissioner
	Marc A. Foreman	Commissioner
	Robert J. Milbourne	Commissioner

**Dates of Hearing** November 2, 5 and 8, 2004

**Date of Ruling** November 16, 2004

**Date of Variation** December 3, 2004

### **Appearing**

Joseph A. Bernardo For the Executive Director  
Alan E. Keats

Patricia A.A. Taylor For QuickEx Inc., David J. Rogerson, Stephen Spink  
Jody Puscas and Paul Trennum

H. Roderick Anderson For Gregory Yanke

### **Ruling**

- ¶ 1 The British Columbia Securities Commission is to determine whether it is in the public interest to make orders under the *Securities Act* against QuickEx Inc., David J. Rogerson, Gregory Yanke, Stephen Spink and Paul Trennum.
- ¶ 2 On October 19, 2004, the executive director issued a notice of hearing and ordered that:
1. under section 161(1)(a) of the Act, the respondents comply with or cease contravening the Act;
  2. under section 161(1)(b) of the Act, all persons cease trading in the shares of QuickEx and David J. Rogerson, Gregory Yanke, Stephen Spink and Paul

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Trennum (collectively, the individuals) cease trading in and be prohibited from purchasing any securities; and

3. under section 161(1)(d) of the Act, the individuals resign from any positions they may each hold as a director or officer of any issuer, and be prohibited from becoming or acting as a director or officer of any issuer and from engaging in investor relations activities,

for a period expiring on November 2, 2004.

- ¶ 3 On November 2, 2004, the executive director asked the commission to extend the temporary orders until a decision is rendered.
- ¶ 4 On November 2, 2004, the hearing was adjourned to November 5 and further adjourned to November 8 and on each adjournment the commission, considering it to be necessary and in the public interest, extended the temporary orders, with the exception that Mr Yanke may act as an officer and director of Gregory S. Yanke Law Corporation.
- ¶ 5 On November 8, the commission, considering it to be necessary and in the public interest, extended the temporary orders, with the exception that Mr Yanke may act as an officer and director of Gregory S. Yanke Law Corporation, until the commission issues its decision on the application to extend the temporary orders.
- ¶ 6 On November 8, 2004, the commission adjourned the hearing until December 7, 2004, at 10 am at the British Columbia Securities Commission, 12<sup>th</sup> floor hearing room, 701 West Georgia Street, Vancouver, when it will set a date for the hearing.
- ¶ 7 Having considered the evidence and the parties' submissions, we conclude that the evidence provided does not support a prima facie case of breach of the Act or a prima facie case that the conduct of the respondents was contrary to the public interest.
- ¶ 8 Accordingly, it is not appropriate for us to go on to consider whether the temporary orders are necessary and in the public interest and should be extended. We therefore decline to grant the application of the executive director to extend the temporary orders and the orders are terminated immediately.
- ¶ 9 Our reasons will follow.
- ¶ 10 December 3, 2004

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Robin E. Ford  
Commissioner

Marc A. Foreman  
Commissioner

Robert J. Milbourne  
Commissioner