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Foresight Capital Corporation, Gilbert Kenneth Wong, and Jill Ellen MacGregor Bock aka Jill Ellen MacGregor

Sections 161 and 162 of the *Securities Act*, RSBC 1996, c. 418

Ruling

- ¶ 1 On January 16, 2006, at the conclusion of their oral submissions on liability, Mr. Wong and Ms. MacGregor-Bock asked the panel to rule that the Executive Director may not rely on evidence about client G and her husband in submissions on the allegations under paragraph 2(8) of the further amended notice of hearing dated November 28, 2005.
- ¶ 2 Wong and MacGregor-Bock say that the letter of particulars of December 8, 2004, which expands on paragraph 2(8) of the notice of hearing, lists five clients. Client G is not one of them. On the other hand, the material in the letter of particulars which expands on paragraph 2(7) of the notice of hearing does expressly refer to client G and her husband and to no other clients.
- ¶ 3 The Executive Director provided written submissions on the respondents' application on January 18, 2006. She says that the respondents were clearly aware of the case they had to meet, they had sufficient time to prepare and, accordingly, there is no unfairness in allowing the Executive Director to make submissions about client G.
- ¶ 4 We have considered the parties' submissions. We find that the respondents did not receive sufficient notice of client G's addition to the list of clients for the purposes of paragraph 2(8) of the notice of hearing. At this late stage in the proceedings, we think it right to grant the respondents' application. Accordingly, the Executive Director may not rely on evidence about client G and her husband to prove the allegation that MacGregor-Bock invested client funds in investments that were too risky and unsuitable for her clients' needs, objectives and personal and financial circumstances contrary to section 48 of the Rules. It follows that the Executive Director may not rely on such evidence to prove conduct contrary to the public interest under paragraph 2(22) of the notice of hearing.
- ¶ 5 January 24, 2006

Robin E. Ford

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Commissioner

Marc A. Foreman
Commissioner

Robert J. Milbourne
Commissioner