

# 2009 BCSECCOM 382

## Reciprocal Order

**Kenneth G. Howling**

### Section 161(1) of the *Securities Act*, RSBC 1996, c. 418

#### **Introduction**

- ¶ 1 This is an order under sections 161(1) and 161(6)(d) of the *Securities Act*, RSBC 1996, c.418.

#### **Background**

- ¶ 2 Kenneth G. Howling has agreed with the Ontario Securities Commission to be subject to sanctions in a settlement agreement dated January 27, 2009 [\*In the matter of Biovail Corporation, Eugene N. Melnyk, Brian H. Crombie, John R. Miszuk and Kenneth G. Howling.\*](#)

#### **Order**

- ¶ 3 After providing Howling an opportunity to be heard, and considering staff's and Howling's submissions, and considering it to be in the public interest, we order:
1. under section 161(1)(d)(i) and (ii) of the Act, that Howling resign any position he holds as, and is prohibited until January 27, 2011, from becoming or acting as, a director or officer of any issuer, registrant or investment fund manager,
  2. under section 161(1)(d)(iii) of the Act, that Howling is prohibited until January 27, 2011, from becoming or acting as a registrant, investment fund manager or promoter,
  3. under section 161(1)(d)(iv) of the Act, that Howling is prohibited until January 27, 2011, from acting in a management or consultative capacity in connection with activities in the securities market, and
  4. under section 161(1)(d)(v) of the Act, that Howling is prohibited until January 27, 2011, from engaging in investor relations activities.

- ¶ 4 July 7, 2009

- ¶ 5 **For the Commission**

Brent W. Aitken  
Vice Chair

David J. Smith  
Commissioner

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