

2011 BCSECCOM 292

Kunekt Corporation and Mark Bruk

Securities Act, RSBC 1996, c. 418

Panel	Brent W. Aitken	Vice Chair
	Don Rowlatt	Commissioner
	Shelley C. Williams	Commissioner

Appearing

Graham MacLennan	For the Executive Director
Robert W. Cooper	For Steven Bruk
Ron Pelletier, Q.C.	For Kunekt Corporation and Mark Bruk

Ruling

I Introduction

- ¶ 1 At a hearing in April of an application about a temporary order made by the executive director against Kunekt Corporation and Mark Bruk (see 2011 BCSECCOM 178 and 2011 BCSECCOM 225), Steven Bruk applied to have kept confidential an affidavit sought by the executive director to be entered as evidence. The affidavit in question was sworn on March 21, 2011 by Roy Leon. The basis of Bruk's application was that the affidavit disclosed personal information about Bruk that was not relevant to the application about the temporary order. We kept the affidavit temporarily confidential by not admitting it as an exhibit.
- ¶ 2 We asked the parties to agree on the redactions necessary in the affidavit to address Bruk's privacy concerns. The executive director proposed the affidavit be sealed. Kunekt Corporation and Mark Bruk took no position on the matter.
- ¶ 3 Steven Bruk proposed that portions of the affidavit be redacted. He submitted that the redactions would prevent unnecessary disclosure of Bruk's personal information while maintaining the public record of the proceedings.
- ¶ 4 We agree. None of the redactions Bruk proposes was referred to by the executive director in submissions or was relied on by the panel in making its decision. Sealing the affidavit would be inconsistent with the Commission's policy of

2011 BCSECCOM 292

maintaining a public record of hearing proceedings, and is unnecessary in the circumstances.

¶ 5 Accordingly, we rule that:

1. the following parts of the affidavit be redacted:
 - (a) paragraphs 5(a), 12(d), 15(a), 17(a), and all of paragraph 18(b) after the words “under the name of”, and
 - (b) Exhibits A, E, H, I, J, K, and L;
2. the affidavit, so redacted, be entered as an exhibit in the hearing; and
3. all of the other documents pre-marked as exhibits before the hearing, or tendered as exhibits during the hearing, be entered as exhibits.

¶ 6 June 22, 2011

¶ 7 **For the Commission**

Brent W. Aitken
Vice Chair

Don Rowlett
Commissioner

Shelley C. Williams
Commissioner