



Citation: 2013 BCSECCOM 290

**Hearing Notice – Ruling and
Variation Order**

**The Falls Capital Corp., Deercrest Construction Fund Inc.,
West Karma Ltd. and Rodney Jack Wharram**

Sections 161 and 171 of the *Securities Act*, RSBC 1996, c. 418

Background

- ¶ 1 On June 14, 2013, the Executive Director issued a notice of hearing and temporary order against the Respondents (2013 BCSECCOM 220).
- ¶ 2 On June 14, 2013, the Commission made an order under section 151 freezing certain assets of the Respondents.
- ¶ 3 On June 26, 2013, Wharram applied to the Commission to adjourn the Executive Director's application to extend the temporary order. By consent, under section 161(3) of the Act, the Commission extended the temporary order until a hearing is held and a decision is rendered and adjourned the Executive Director's application to extend the temporary order to July 31, 2013 (2013 BCSECCOM 234).
- ¶ 4 On July 31, 2013, Wharram applied to the Commission (a) to adjourn the Executive Director's application to extend the temporary order, (b) to vary the temporary order to allow him to act as a director and officer of Edge Advantage Enterprises Ltd. (Edge), and (c) to vary the freeze order to allow 09668841 BC Ltd. to pay construction invoices.
- ¶ 5 At the hearing, the Commission made the following rulings.
- ¶ 6 The Commission adjourned generally the Executive Director's application to extend the temporary order, on the basis that the application will be heard at Wharram's request.
- ¶ 7 The Commission, considering it is not prejudicial to the public interest to do so, ordered, under section 171 of the Act, that:
 1. paragraph (c) of the temporary order is varied so it reads as follows:
 - “(c) 161(1)(d) of the Act, Wharram resign any position he holds, and is prohibited from becoming or acting as, a director or officer of any issuer other than Edge Advantage Enterprises Ltd. (Edge), provided that Edge does not distribute its securities;”



2. revoked the freeze order insofar as it applies to assets of Edge.

¶ 8 The Commission considered Wharram's application to vary the freeze order to allow 0966841 BC Ltd. to pay construction invoices, and, considering that to do so would be prejudicial to the public interest, dismissed the application giving Wharram the opportunity to reapply to vary the freeze order.

¶ 9 August 6, 2013

¶ 10 **For the Commission**

Brent W. Aitken
Vice Chair

Judith Downes
Commissioner

George C. Glover, Jr.
Commissioner