

2003 BCSECCOM 23

Temporary Order and Notice of Hearing

Quest Capital Enterprises, Ltd. and Dwayne A. Daley

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

- ¶ 1 A hearing (the Hearing) will be held to give Quest Capital Enterprises, Ltd. (Quest) and Dwayne A. Daley (Daley), (collectively the Respondents), an opportunity to be heard before the British Columbia Securities Commission considers whether it is in the public interest to make the following orders:
1. under section 161(1)(b) of the *Securities Act*, RSBC 1996, c. 418, that the Respondents, their employees, and/or agents cease trading in any securities or exchange contracts;
 2. under section 161(1)(c) of the Act, that any or all of the exemptions described in sections 44 to 47, 74, 75, 98 or 99, do not apply to the Respondents, their employees, and/or agents;
 3. under section 162 of the Act, that the Respondents each pay an administrative penalty;
 4. under section 174 of the Act, that the Respondents each pay prescribed fees or charges for the costs of, or related to, the Hearing; and
 5. to make any other orders as may be appropriate in the circumstances.
- ¶ 2 The Commission will be asked to consider the following facts and allegations in making its determinations:

The Parties

1. The Respondents are not residents of British Columbia. Quest was incorporated in the Bahamas on July 9, 1997.
2. Daley is the president of Quest.
3. The Respondents have never been registered in any capacity under the Act.
4. During the period from at least March of 2002 forward (the Relevant Period), Quest solicited residents of British Columbia to invest in exchange contracts through advertisements in national and regional newspapers as well as through an unsolicited telephone call.

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5. The Respondents have refused or neglected to cease their solicitation activities.

Breaches of the Act

6. During the Relevant Period, Quest did the following:
 - (a) traded in securities for individuals in British Columbia without being registered in accordance with the requirements of the Act, and without an exemption from the registration requirements of the Act, contrary to section 34(1)(a) of the Act;
 - (b) acted as an advisor to individuals in British Columbia without being registered in accordance with the requirements of the Act, and without an exemption from the registration requirements of the Act, contrary to section 34(1)(c) of the Act;
 - (c) placed advertisements in printed news media in order to obtain investor interest in its products and services; and
 - (d) received funds from a resident of British Columbia, with the understanding that the funds were used for investment purposes.

Public Interest

7. It would be contrary to the public interest, as set out in section 161 of the Act, to allow the Respondents to continue to operate in the capital markets of British Columbia.

Temporary Order

- ¶ 3 The Executive Director considers the length of time to hold a hearing under section 161(1) of the Act could be prejudicial to the public interest.
- ¶ 4 The Executive Director, considering that it would be in the public interest to do so, orders under section 161(2) of the Act (the Temporary Order) that:
 8. under section 161(1)(b) of the Act, that the Respondents cease trading in any securities or exchange contracts;
 9. under section 161(1)(c) of the Act, that any or all of the exemptions described in sections 44 to 47, 74, 75, 98 or 99, do not apply to the Respondents;for a period expiring on January 21, 2003.
- ¶ 5 The Hearing will be held at the 12th Floor Hearing Room, 701 West Georgia Street, Vancouver, BC, on Tuesday, January 21, 2003, at 9:00 am.

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¶ 6 At the Hearing the staff of the Commission will bring the following applications:

10. that the matter be adjourned for 90 days to permit the conclusion of the investigation in this matter; and

11. that the Temporary Order be extended until such time as the Hearing is completed and a decision rendered.

¶ 7 The Respondents may be represented by counsel at the Hearing and may make representations and lead evidence. The Respondents are requested to advise the Commission of their intention to attend by contacting the Commission Secretary at PO Box 10142, Pacific Centre, 5th Floor, 701 West Georgia Street, Vancouver, BC V7Y 1L2, phone: (604) 899-6500; email: commsec@bcsc.bc.ca.

¶ 8 Determinations may be made in this matter if the Respondents or their counsel do not appear at the Hearing.

¶ 9 January 7, 2003

“Stephen J. Wilson”

¶ 10 Stephen J. Wilson
Executive Director