

2011 BCSECCOM 47

Notice of Hearing

Jo Ann Nuttall

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

- ¶ 1 The British Columbia Securities Commission will hold a hearing at which the Executive Director will tender evidence, make submissions and apply for orders against Jo Ann Nuttall (the Respondent) under sections 161 and 162 of the *Securities Act*, RSBC 1996, c. 418 (the Act), based on the following facts:

Background

1. On September 7, 2010, Commission staff investigators interviewed the Respondent under oath.
2. At that interview, Staff asked the Respondent about
 - (a) the last time she did any stock trading in any account:
The Respondent said, "I'm not really sure."
 - (b) whether she had placed any trades over the last six months:
The Respondent said, "Not that I'm aware of" and "I don't remember."
 - (c) whether she had placed any trades in the last month:
The Respondent said, "I don't recall."
 - (d) how she placed trades:
The Respondent said, "...I don't recall what...any of that. So obviously I probably haven't done it for a bit."
3. In fact, the Respondent placed two trades on the morning of September 7, 2010, before the interview started.
4. The Respondent also placed a trade on September 3, 2010, two trades on September 2, 2010 and thirteen trades in August 2010.
5. By making a statement in evidence to persons appointed under the Act that was false or misleading in a material respect, the Respondent contravened section 168.1(1)(a) of the Act.

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Hearing Process

- ¶ 2 The Respondent or her counsel are required to attend at the 12th Floor Hearing Room, 701 West Georgia Street, Vancouver, BC, on **Friday, February 4, 2011 at 10:00 am** if she wishes to be heard before the Commission sets a date for the Hearing. Relevant information gathered by Commission Staff in the investigation of this matter will be disclosed to the Respondent upon request to the Executive Director.
- ¶ 3 At the Hearing, the Respondent may be represented by counsel, make submissions and tender evidence. The Respondent is requested to advise the Commission of her intention to attend the Hearing by informing the Secretary to the Commission at PO Box 10142, Pacific Centre, 701 West Georgia Street, Vancouver, BC V7Y 1L2, phone: 604-899-6500; email: commsec@bcsc.bc.ca.
- ¶ 4 If the Respondent or her counsel do not appear at the Hearing, the Executive Director may apply to have questions of liability and sanction heard at the same time. Determinations adverse to the Respondents may be made in their absence.
- ¶ 5 January 25, 2011
- Paul C. Bourque
- ¶ 6 Paul C. Bourque, Q.C.
Executive Director