

BRITISH COLUMBIA SECURITIES COMMISSION

Securities Act, RSBC 1996, c. 418

Citation: Re Fielder, 2022 BCSECCOM 430

20221013

Kelly Boyd Fielder

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

Panel	Gordon Johnson James Kershaw	Vice Chair Commissioner
Submissions completed	September 26, 2022	
Hearing date	September 26, 2022	
Decision date	October 13, 2022	
Appearing		
Deborah Flood	For the Executive Director	
Patrick J. Sullivan Lauren Gnanasihamany	For Kelly Boyd Fielder	

Ruling

I. Background

- [1] On August 4, 2020, the executive director applied to the Commission for orders under section 161(6) of the *Securities Act*, RSBC 1996, c. 418 (Act) in relation to Kelly Boyd Fielder (Fielder).
- [2] On October 15, 2020, Fielder filed response materials.
- [3] On June 28, 2022, the executive director made two applications to the Commission, to:
1. cross Examine Fielder on his signed statements filed the proceedings (Cross-Examination Application), and
 2. Tender new documents into evidence in the proceedings (New Evidence Application).

- [4] On September 26, 2022, the Commission held a hearing and heard submissions from both parties on the Cross-Examination Application and the New Evidence Application. The Commission reserved its rulings.

II. Ruling

- [5] Further reasons for this ruling will be incorporated into any final ruling on the substance of this application. At this stage it is sufficient for the panel to express its conclusions that the New Evidence meets the tests of relevance and admissibility but that the test to justify a cross examination has not been made out.
- [6] The panel recognizes that this proceeding has been extended by procedural issues. This proceeding should move to an outcome as quickly as can fairly be achieved. The parties should now put forward all evidence they seek to rely upon and the panel will organize the balance of the proceeding, with an eye to efficiency, to avoid a prolonged series of additional steps.
- [7] With the above conclusions in mind, on October 11, 2022, the Commission:
- a. dismissed the Cross-Examination Application,
 - b. granted the New Evidence Application and admitted the New Evidence,
 - c. directed that by **4:00 pm on October 28, 2022** the executive director either:
 - i. confirms that his submissions are complete, or
 - ii. applies in writing to the Hearing Office to introduce any new evidence which might be relevant in light of this Ruling, and
 - d. directed that by **4:00 pm on November 17, 2022** Fielder deliver any evidence or application in response to the New Evidence and, if the executive director has made any further application to admit evidence, any reply to that application.

October 13, 2022

For the Commission

Gordon Johnson
Vice Chair

James Kershaw
Commissioner