



British Columbia Securities Commission

Citation: 2013 BCSECCOM 53

Notice of Hearing

Bralorne Gold Mines Ltd., Wilhelmus (William) Kocken, and Matthew Ball (the Respondents)

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

- ¶ 1 The British Columbia Securities Commission (Commission) will hold a hearing (Hearing) at which the Executive Director will tender evidence, make submissions and apply for orders against the Respondents under sections 161, 162 and 174 of the *Securities Act*, RSBC 1996, c. 418 (the Act), based on the following facts:

Background

1. Bralorne Gold Mines (Bralorne) is a British Columbia mining company with shares trading on the TSX Venture exchange. Bralorne purports to be developing and exploring a small gold mining operation near Gold Bridge, British Columbia.
2. William Kocken (Kocken) is a resident of British Columbia and the chief executive officer and a director of Bralorne.
3. Matthew Ball (Ball) is a resident of British Columbia and is the president, chief operating officer and a director of Bralorne. He is also Bralorne's Qualified Person for the purposes of its technical disclosure pursuant to National Instrument 43-101, *Standards of Disclosure for Mineral Projects* (NI 43-101).

Misconduct

Breach of National Instrument 43-101

4. On June 5, 2012, Bralorne issued a news release announcing it was commissioning a Preliminary Economic Assessment (PEA) of its mining operation.
5. In a news release dated October 17, 2012, Bralorne announced the results of the PEA. Kocken signed the news release on behalf of the Board. Ball was the Qualified Person who reviewed and approved the technical data contained in the news release.



6. In the news release, Bralorne presented the results of an economic analysis that included or was based on a target for further exploration (the Speculative Economic Analysis).
7. On October 17, 2012, Bralorne issued a further news release, on instructions from the Investment Industry Regulatory Organization of Canada, retracting the Speculative Economic Analysis because “the analysis was not based on a current resource estimate.” Kocken, on behalf of the board, signed the news release containing the retraction.
8. On October 18, 2012, Bralorne filed a technical report on SEDAR that included the Speculative Economic Analysis, despite the retraction on the previous day.
9. On or before November 1, 2012, Bralorne posted on its website a copy of the technical report as well as a corporate presentation and fact sheet that referenced the Speculative Economic Analysis.
10. By disclosing the results of an economic analysis that included or was based on a target for further exploration, the Respondents contravened section 2.3(1)(b) of NI 43-101.

Liability under section 168.2

11. Kocken and Ball, as directors of Bralorne, authorized, permitted, or acquiesced in Bralorne’s contraventions of section 2.3(1)(b) of NI 43-101 and therefore also contravened the same provision by operation of section 168.2 of the Act.

Public interest

- ¶ 2 It is in the public interest that the Commission issue orders under sections 161 and 162 of the Act.

Hearing Process

- ¶ 3 The Respondents or their counsel are required to attend at the 12th Floor Hearing Room, 701 West Georgia Street, Vancouver, British Columbia, on Tuesday, May 28, 2013, at 9:00 am if they wish 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.
- ¶ 4 At the Hearing, the Respondents may be represented by counsel, make submissions and tender evidence. The Respondents are requested to advise the Commission of their 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.

¶ 5 If the Respondents or their counsel do not appear at the Hearing, the Executive Director will apply to have questions of liability and sanction heard at the same time. Determinations adverse to the Respondents may be made in their absence.

¶ 6 April 29, 2013.

Paul C. Bourque, Q.C.

¶ 7 Paul C. Bourque, Q.C.
Executive Director