

Citation: 2019 BCSECCOM 80

Settlement Agreement

Lyle Charles Hogaboam

Securities Act, RSBC 1996, c. 418

- ¶ 1 The Executive Director of the British Columbia Securities Commission (the Executive Director) and Lyle Charles Hogaboam agree as follows:

Agreed Statement of Facts

Background

1. Hogaboam is a resident of British Columbia. He has never been a registrant under the Act.
2. Hogaboam has no history of regulatory misconduct.

Misconduct

3. Between July 13, 2013, and July 3, 2015, Hogaboam assisted an issuer (the Issuer) with raising approximately \$585,000 from six investors by acting as a finder. He received a total of \$11,700 in finder's fees from the Issuer in relation to this activity.
4. As a result of the above activity, Hogaboam traded in securities without being registered and without an available exemption from the requirement to be registered, contrary to section 34 of the Act.

Mitigating Factors

5. Hogaboam agreed to make early admissions with respect to the above-noted misconduct prior to the issuance of a Notice of Hearing.
6. Hogaboam invested in the Issuer and lost over \$1 million of his own and his family's funds.
7. Hogaboam cooperated with staff throughout the investigation.

Public Interest

8. It is in the public interest that the Executive Director issue orders under section 161 of the Act.

Undertakings

9. Hogaboam undertakes to pay \$20,000 to the Commission, which is due and payable immediately without further demand.

Order

- ¶ 2 The Executive Director will issue an order (the Order) that Hogaboam is prohibited until the latter of four years or until such time as the amounts referred to in paragraph 9 above are paid in full to the Commission:
 1. under section 161(1)(b)(ii), from trading in or purchasing any securities or exchange contracts, except that he may trade securities through a registrant in one RRIF account and one TFSA account held in his own name, and one non-registered account held in his own name or jointly with his spouse, if he first provides a copy of the Order to the registrant;
 2. under section 161(1)(d)(i), to resign any position he holds as a director or officer of any issuer or registrant;
 3. under section 161(1)(d)(ii), from becoming or acting as a director or officer of any issuer or registrant;
 4. under section 161(1)(d)(iii), from becoming or acting as a registrant or promoter;
 5. under section 161(1)(d)(iv), from acting in a management or consultative capacity in connection with activities in the securities market; and
 6. under section 161(1)(d)(v), from engaging in investor relations activities.

Consent to Regulatory Orders

- ¶ 3 Hogaboam consents to a regulatory Order made by any provincial or territorial securities regulatory authority in Canada containing any or all of the Orders set out in paragraph 2 above.

Waiver

- ¶ 4 Hogaboam waives any right he may have, under the Act or otherwise, to a hearing, hearing and review, judicial review or appeal related to, in connection with, or incidental to this settlement.

Counterpart

¶ 5 This Settlement Agreement may be executed in counterpart or by facsimile execution and all such counterparts of executed copies or faxed copies shall be read or construed together as if they formed one originally executed document.

¶ 6 April 15, 2019

¶ 7 Lyle Charles Hogaboam
Lyle Charles Hogaboam

(Redacted))
Witness Signature)
(Redacted))
Witness Name (please print))
(Redacted))
(Redacted))
Address)
(Redacted))
Occupation)

¶ 8 April 25, 2019

Peter J. Brady

¶ 9 Peter J. Brady
Executive Director