

2008 BCSECCOM 333

Order

**Richard George Kearl, Ross Vincent Bayne,
Douglas Andrew Nesbitt and Wyatt Gordon McNabb**

Sections 161(1) of the *Securities Act*, RSBC 1996, c. 418

Introduction

- ¶ 1 This is an order under sections 161(1) and 161(6)(c) of the *Securities Act*, RSBC 1996, c.418.

Background

- ¶ 2 Richard George Kearl, Ross Vincent Bayne, Douglas Andrew Nesbitt and Wyatt Gordon McNabb are subject to orders made by the Alberta Securities Commission imposing sanctions on them in a decision rendered January 25, 2008 in [Genoray Advanced Technologies Ltd.](#), Re, 2008 ABASC 52.

Orders

- ¶ 3 After providing Kearl an opportunity to be heard, and considering the public interest, we order:
1. under section 161(1)(b) of the Act, that Kearl cease trading in, and is prohibited from purchasing, securities and exchange contracts, except that Kearl may trade or purchase securities and exchange contracts through accounts in his name at a registered dealer,
 2. under section 161(1)(d)(i) and (ii), that Kearl resign any position Kearl holds as, and is prohibited from becoming or acting as, a director or officer of any issuer, registrant or investment fund manager, except issuers all the securities of which are owned beneficially by him, his wife or his children,
 3. under section 161(1)(d)(iii), that Kearl is prohibited from becoming or acting as a registrant, investment fund manager or promoter,
 4. under section 161(1)(d)(iv), that Kearl is prohibited from acting in a management or consultative capacity in connection with activities in the securities market, and
 5. under section 161(1)(d)(v), that Kearl is prohibited from engaging in investor relations activities,

until January 25, 2023.

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- ¶ 4 After providing Bayne an opportunity to be heard, and considering the public interest, we order under section 161(1)(b) of the Act, that Bayne cease trading in, and is prohibited from purchasing, securities and exchange contracts, except that Bayne may trade or purchase securities and exchange contracts through accounts in his name at a registered dealer, until January 25, 2011.
- ¶ 5 After providing Nesbitt an opportunity to be heard, and considering the public interest, we order:
1. under section 161(1)(d)(i) and (ii), that Nesbitt resign any position Nesbitt holds as, and is prohibited from becoming or acting as, a director or officer of any issuer, registrant or investment fund manager, except issuers all the securities of which are owned beneficially by him, his wife or his children,
 2. under section 161(1)(d)(iii), that Nesbitt is prohibited from becoming or acting as a registrant, investment fund manager or promoter,
 3. under section 161(1)(d)(iv), that Nesbitt is prohibited from acting in a management or consultative capacity in connection with activities in the securities market, and
 4. under section 161(1)(d)(v), that Nesbitt is prohibited from engaging in investor relations activities,
- until January 25, 2018.
- ¶ 6 After providing McNabb an opportunity to be heard, and considering the public interest, we order:
1. under section 161(1)(b) of the Act, that McNabb cease trading in, and is prohibited from purchasing, securities and exchange contracts, except that McNabb may trade or purchase securities and exchange contracts through accounts in his name at a registered dealer,
 2. under section 161(1)(d)(i) and (ii), that McNabb resign any position McNabb holds as, and is prohibited from becoming or acting as, a director or officer of any issuer, registrant or investment fund manager, except issuers all the securities of which are owned beneficially by him, his wife or his children,
 3. under section 161(1)(d)(iii), that McNabb is prohibited from becoming or acting as a registrant, investment fund manager or promoter,

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4. under section 161(1)(d)(iv), that McNabb is prohibited from acting in a management or consultative capacity in connection with activities in the securities market, and
5. under section 161(1)(d)(v), that McNabb is prohibited from engaging in investor relations activities,

until January 25, 2013.

¶ 7 June 10, 2008

¶ 8 **For the Commission**

Brent W. Aitken
Vice Chair

Don Rowlatt
Commissioner