

BRITISH COLUMBIA SECURITIES COMMISSION
Securities Act, RSBC 1996, c. 418

Citation: Re Lamarche, 2026 BCSECCOM 123

Date: 20260417

Jean Andre Lamarche

Panel	Marion Shaw Deborah Armour, KC Karen Keilty	Commissioner Commissioner Commissioner
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Submissions completed April 14, 2026

Counsel

Joven Narwal, KC Joseph Wandler	For Jean Andre Lamarche
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Stephen Zolnay Beverly Ma	For the executive director
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Ruling

I. Introduction

- [1] On March 27, 2026, the executive director applied (Application) under section 171 of the *Securities Act*, RSBC 1996, c. 418 (Act) to vary the Commission panel's order issued on September 8, 2025, that sealed the entire enforcement file for this matter (Sealing Order) after a solicitor-client privileged document was inadvertently viewed by counsel for the executive director.
- [2] On April 14, 2026, Mr. Lamarche provided response submissions opposing the application. The executive director provided reply submissions on the same date.
- [3] We provided the reasons for the Sealing Order in *Re Lamarche*, 2025 BCSECCOM 412, in which we found that potentially privileged records had inadvertently been migrated into non-privileged categories of records, and that it would be appropriate to seal the entire enforcement file pending further investigation. In particular, we said that the Sealing Order:
- [38] ... will allow the executive director the ability to review the document management system and the administration of the enforcement file to identify the cause and scope of the breach, and to assemble and provide evidence to the panel that an appropriate remedy has been implemented. This panel will consider varying the sealing order on application by the executive director with such evidence.
- [4] On October 31, 2025, the executive director provided evidence that explained that:
- 16 documents had erroneously moved from a quarantine folder into the main database folder during an update to the Commission's digital evidence and case management software (Software);
 - the 16 documents had been moved back into the quarantine folder; and

- c) the Software was changed so that, in future, quarantined documents could not be inadvertently moved into the main database.

II. Ruling

- [5] After considering the written submissions of the executive director and Mr. Lamarche, we order the Sealing Order varied so that it applies only to the documents that are currently in the quarantine folder. All other documents in the enforcement file are no longer subject to the Sealing Order.
- [6] Our reasons will follow.

April 17, 2026

For the Commission

Marion Shaw
Commissioner

Deborah Armour, KC
Commissioner

Karen Keilty
Commissioner