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

Citation: Re Friesen, 2026 BCSECCOM 207 Date: 20260624

Jackson Thomas Friesen

Panel	Gordon Johnson Noordin Nanji, KC	Vice Chair Commissioner
Submissions completed	May 27, 2026	
Ruling date	June 24, 2026	

Counsel

Owais Ahmed Jessica Mank	For Jackson Friesen
Zaid Sayeed	For the Executive Director

Ruling and Reasons for Ruling

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I. Background

[1] On February 5, 2026, the executive director applied (Application) to the Commission under sections 161(6)(b) and 161(1) of the *Securities Act*, 1996, c. 418 (Act) for orders against Jackson Thomas Friesen (Friesen) based on the judgment of the United States District Court, District of Massachusetts (US Court) in *Securities and Exchange Commission v. Sharp et al.*, Civil Action No. 1:21-CV-11276-WGY. In the US Court, a jury found that Friesen had committed securities fraud and other securities related violations.

[2] The Application sought a response "in writing, together with any supporting materials including any evidence", from Friesen by March 16, 2026.

[3] On March 16, 2026, counsel for Friesen emailed the Hearing Office advising that they were retained the week previously and that that they were seeking an extension of time to April 20, 2026, to respond to the Application, which was granted.

[4] On April 20, 2026, the Hearing Office received a letter from counsel for Friesen that had been sent on Friday, April 17, 2026, after business hours, advising that Friesen and his co-defendants in the underlying US Court decision had filed appeals, and that accordingly, he would file an application for a stay of the Application. He said it would be "unfairly prejudicial to require that Mr. Friesen file response materials…while his appeals remain unresolved". He requested a hearing management meeting (HMM) to set a timetable for the exchange of materials in relation to his stay application and a revised date for the filing of his substantive response to the Application.

[5] On April 21, 2026, counsel for the executive director requested until April 23, 2026, to provide his position on counsel for Friesen's April 17, 2026, letter. This request was granted.

[6] On April 23, 2026, counsel for the executive director submitted his response. The executive director's position was "that it is unnecessary to schedule an HMM and that the Commission should require Mr. Friesen to make his stay application forthwith". The executive director stated that Friesen could not "establish any of the requirements for a stay" and that the same argument was rejected in *Re Pierce*, 2016 BCSECCOM 44 [*Pierce*].

[7] On April 24, 2026, the Hearing Office sent an email on behalf of the Vice Chair noting that Friesen was supposed to have delivered his response and related supporting material by April 20, 2026. The Vice Chair denied the request for an HMM and directed Friesen to "file his responding materials and his stay application no later than" Thursday April 30, 2026.

[8] On April 30, 2026, counsel for Friesen requested a one day extension to file his responding materials and his stay application. The extension was granted until May 1, 2026.

[9] On May 4, 2026, the Hearing Office received an email from counsel for Friesen that had been sent at 10:23 pm on Friday May 1, 2026, enclosing his submissions for the Application and his stay application. No supporting materials were enclosed. Counsel for Friesen stated that he would be seeking leave from the panel "for the opportunity to tender evidence and brief accompanying written submissions, once his stay application has been disposed of" and that he was requesting an oral hearing for the Application.

[10] On May 4, 2026, the Hearing Office sent an email to the parties advising that the Vice Chair "will accept these submissions as Mr. Friesen's complete submissions" and set the following deadlines:

a) As per BC Policy 15-601, *Hearings* (15-601), section 3.4(b), a scheduling order is issued for 4:00pm on Monday May 18, 2026, past which no further applications or materials will be accepted.

b) The executive director will provide his response to the stay application and his reply to Mr. Friesen's response to the Application by 4:00pm on Friday, May 22, 2026.

c) Mr. Friesen will provide his reply (if any) to the executive director's stay application response by 4:00pm on Wednesday, May 27, 2026.

[11] On May 22, 2026, counsel for the executive director provided responding submissions.

[12] On May 27, 2026, counsel for Friesen provided reply submissions.

[13] For the reasons below, we deny Friesen's application for a stay, direct the parties to provide dates for an oral hearing, and require any party who wishes to file new material to make an application for leave to do so.

II. Position of the parties

A. Position of Friesen

[14] Friesen says that he "cannot prudently advance evidence in this proceeding" because he "is still actively engaged in an appeal in the United States". Friesen seeks a stay until the earlier of a decision from the United States Supreme Court on whether it will hear Friesen's appeal to that court or October 30, 2026.

[15] Friesen states:

a) The US Court judgment was based on a complaint (Complaint) filed by the United States Securities and Exchange Commission (SEC). He states that the Complaint did not make findings of fact specifically against Friesen but instead included him in a group of three people who were called the "Veldhuis Control Group". Freisen argues that, because the Complaint did not contain specific findings of fact, that the jury returned a guilty verdict without reasons, and that the US Court judge's memorandum (Memorandum) did not contain specific findings of fact against Friesen, it is impossible to know exactly what misconduct he engaged in. Friesen says that the Commission is "entitled to hear evidence on all of this".

b) There is no urgency for the Commission to hear this matter because the executive director has been aware of this matter since at least August 2021, when he commenced an investigation into Friesen's trading and purchase of securities and obtained a number of preservation orders against Friesen and affiliated companies. Additionally, the Application was brought more than two years after the jury verdict against Friesen and this gap of time indicates that the executive director "must not have considered Mr. Friesen to be a threat to the capital markets… otherwise it would have sought temporary orders against him".

c) He "has no other regulatory history", has been the subject of preservation orders for around five years, is currently 38 years old, and there "is no finding that Mr. Friesen has engaged in any misconduct subsequent to the issuance of the Complaint nor is there any such allegation".

d) Friesen only has access to US$5,000 per month for his living expenses and is subject to preservation orders which frustrate "his ability to engage in trading in the capital markets".

[16] Friesen argues:

a) "The common law in British Columbia has long recognized that a civil proceeding commenced before the courts for recognition and enforcement of a foreign judgment should be stayed, pending disposition of any foreign appeal". He states that the policy reasons for doing so are to save the court and parties time and expense, to avoid procedural issues that can arise, and that court judgments are not automatically vacated if the foreign appeal is allowed, citing *Litecubes v. Northern Light Products,* 2007 BCSC 1545 [*Litecubes*].

b) This panel should have the benefit of Friesen's evidence and he cannot provide that evidence until his United States Supreme Court appeal is determined.

c) *Pierce* is distinguishable because:

   i. "Pierce did not argue that his ability to effectively respond to the Executive Director's application would be frustrated if his stay was not granted – as Mr. Friesen does".

   ii. "Mr. Pierce had already been the subject of "orders for securities related misconduct" in British Columbia and this clearly animated, at least in part, the panel's concern that he represented a risk to the capital markets. The circumstances are obviously different here. Mr. Friesen has no other history of regulatory misconduct, and although the findings made against Mr. Friesen (and all of his co-defendants) are significant, it is difficult to assess the seriousness of the specific conduct he personally engaged in without further evidence".

   iii. Pierce was seeking an indefinite stay whereas Friesen is seeking a limited time stay.

[17] Friesen seeks an oral hearing of the Application and submits that "he ought to be afforded the opportunity to advance evidence and submissions arising from such evidence, once his stay application has been decided".

B. Position of the executive director

[18] The executive director states in his April 23, 2026, and May 22, 2026, responses:

a) The US Court Memorandum provides "sufficient detail to enable this Commission panel to assess the severity of Mr. Friesen's conduct".

b) Friesen chose to not file evidence in this proceeding but even if he had done so, that evidence could not be used to relitigate the US Court findings, just to explain Friesen's current circumstances.

c) Friesen did not explain why his appeal to the United States Supreme Court prevents him submitting evidence in this proceeding.

d) The policy reasons listed in *Litecubes* are not applicable to applications under section 161(6) of the Act because that section does not enforce foreign judgments, it creates new obligations that are in the public interest stemming from a foreign jurisdiction decision. The executive director relies on *Dhanani (Re),* 2023 ONCMT 3.

e) The proper test for a stay was stated in *Lamarche v. British Columbia (Securities Commission),* 2025 BCCA 291 [*Lamarche*] following *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 SCR 311 [*RJR*].

f) Friesen's recent regulatory history is not relevant to whether a stay is needed due to the nature of the market manipulation misconduct found by the US Court and Friesen's future risk to the markets.

g) Friesen's lack of personal financial assets is not relevant to whether a stay is required because he could still act on behalf of others in the markets as demonstrated by his role in the underlying misconduct found by the US Court.

h) There was no delay in the executive director bringing his Application a year and eight months after the Memorandum that contained the details of Friesen's misconduct. Moreover, as stated in *Singh Poonian (Re)*, 2013 BCSECCOM 448, at paragraph 25 "it can be prejudicial to the public interest to delay a hearing, even though a temporary order is in place".

i) *Pierce* is not distinguishable because:

    i. Friesen has not explained why a foreign appeal prevents him from responding to this proceeding.

    ii. The primary reason for denial of the stay was not Pierce's regulatory history but that "indeterminate delay is not in the public interest".

    iii. Friesen's stay request is indefinite because the United States Supreme Court is only considering whether it will grant leave not the substantive appeal and if that leave is granted, Friesen will likely bring another stay application.

[19] The executive director submits that Friesen is not entitled to an oral hearing of the Application as section 161(6) of the Act only requires that an opportunity to be heard be provided.

C. Friesen's reply

[20] Friesen states that he is not seeking to re-argue the US Court decision and that the executive director has not identified any prejudice if the stay is granted.

[21] Friesen says that if the stay application is denied, then he will seek leave to advance further evidence and submissions in response to the Application.

III. Analysis

D. Stay application

[22] The executive director is correct that the legal framework for a stay application is the *RJR* test as articulated in *Lamarche*:

a) There is a serious issue to be tried;

b) The applicant would suffer irreparable harm if the stay was refused; and

c) The balance of convenience favours granting the stay.

[23] The onus is on Friesen to prove all three parts of this test.

[24] The first part of the test requires us to assess whether Friesen's application for a stay of this proceeding raises a serious issue. On its face, Friesen's application for a stay because of an ongoing appeal to the highest court in the United States is indicative of a serious issue. We find that Friesen has satisfied this part of the test.

[25] The second part of the test requires Friesen to demonstrate that he would suffer irreparable harm. Counsel for Friesen submits that the harm Friesen would suffer would be:

a) The costs he would incur rescinding any decision we make if he is successful at the United States Supreme Court.

b) His inability to submit any evidence in this proceeding "while his appeal to the United States Supreme Court remains extant".

[26] If Friesen is successful in the United States after an order is made against him in this proceeding, then there will be some cost. However, Friesen did not provide any affidavit evidence that shows that that cost would be irreparable. It is likely that in that scenario that a section 171 application to revoke our decision would be unopposed. We do not accept that Friesen would suffer irreparable harm.

[27] The executive director is correct that Friesen did not explain why he cannot submit evidence in this proceeding. In his reply, Friesen says that he would like to lead evidence about his personal circumstances, his current perspective on the US Court decision, the impact these proceedings have had on him and his family, and his involvement in the Veldhuis Control Group. He states that "he cannot be reasonably expected to lead evidence that touches upon issues that are the subject of the same appeal". This is a bald statement that is unsupported by any evidence. Indeed, as part of his stay application, he could have submitted evidence that would have allowed us to assess whether it would be prejudicial to his appeal. He did not. Instead, we are asked to infer that the prejudice is serious. We do not find that Friesen would suffer irreparable harm if his stay application is refused.

[28] Having failed the second part of the test, Friesen's application for a stay is denied.

[29] Additionally, as quoted in *Pierce* at paragraph 28, the Court in *RJR* stated:

> 71…In the case of a public authority, the onus of demonstrating irreparable harm to the public interest is less than that of a private applicant. …The test will nearly always be satisfied simply upon proof that the authority is charged with the duty of promoting and protecting the public interest and upon some indication that the impugned legislation, regulation, or activity is undertaken pursuant to that responsibility. Once these minimal requirements have been met, the court should in most cases assume that irreparable harm to the public interest would result from the restraint of that action.

[30] We must balance any potential prejudice to Friesen against the harm to the public interest in having matters delayed and therefore exposing the public to potential harm. Friesen has not provided any evidence that would override the public's interest in having this serious matter heard forthwith. Although not necessary for us to consider, we find that Friesen has also failed the third part of the test.

E. Oral submissions and further evidence

[31] Friesen seeks leave to "tender evidence and brief accompanying written submissions, once his stay application has been disposed of" and to "make oral submissions in respect of the Executive Director's main application".

[32] The executive director stated that Friesen was not entitled to an oral hearing "as of right". Friesen correctly replied that the executive director did not take a position on Friesen's request for an oral hearing.

[33] 15-601, section 2.1 notes that "the Commission is the master of its own procedures". This is codified in section 4.1(c.1) of the Act which provides that section 11 of the *Administrative Tribunals Act*, SBC 2004, c 45, applies to the Commission. That section gives a Commission tribunal "the power to control its own processes and may make rules respecting practice and procedure to facilitate the just and timely resolution of the matters before it".

[34] Section 161(6) requires that the panel provide "an opportunity to be heard". There is no specific requirement that that opportunity be oral submissions. However, generally, Commission panels have allowed oral hearings for section 161(6) applications when they are requested. This discretion must be balanced against the rules of natural justice and the public interest in a fair hearing being conducted efficiently and promptly.

[35] We have the following availability to have a one-day oral hearing of this matter:

> November 13, 16, 17, 20, 23, 24, 25, and 30, 2026
>
> December 1, 2, 4, 23, 29, and 30, 2026

[36] We direct the parties to discuss these dates and provide their availability. If the parties cannot agree on these dates, then we will consider other options such as having the hearing in writing or imposing temporary orders.

[37] As noted above, a scheduling order is in place that states that "no further applications or materials will be accepted" past May 18, 2026. 15-601, section 3.4(b) states:

> If a party seeks leave to file an application or materials in support of that application after a date set by the Commission has passed, that party must explain why the deadline was missed and why the new application should be accepted or materials in support of that application should be admitted.

[38] The date to file new materials set by us has passed. If any party wants to file any additional material, they must apply for leave and explain why the deadline was missed. In order to allow for adequate time for response and reply, we direct that any leave application and application to submit new materials be submitted no later than **4:00 pm on Friday, October 9, 2026**.

IV. Ruling

[39] In summary

a) We dismiss Friesen's application for a stay.

b) We direct the parties to provide their availability for an oral hearing of this matter on the dates mentioned above.

c) No party may advance further evidence or submissions, unless they apply for leave explaining why the scheduling order deadline was missed and why any new materials should be accepted. The leave application can be filed no later than 4:00 pm on Friday, October 9, 2026.

June 24, 2026

For the Commission

Gordon Johnson Vice Chair	Noordin Nanji, KC Commissioner