



BCSC panel makes disgorgement orders against three individuals

2018/35

May 16, 2018

Vancouver - A British Columbia Securities Commission (BCSC) panel [has issued](#) orders under section 161(1)(g) of the *Securities Act*, commonly referred to as disgorgement orders, against three individuals.

In August 2014, the panel found that between September 2007 and March 2009, Thalbinder Singh Poonian, Shailu Sharon Poonian, Robert Joseph Leyk, Manjit Singh Sihota and Perminder Sihota engaged in a market manipulation. In March 2015, the panel ordered permanent market bans against all five respondents and ordered that they pay \$7,332,936 in disgorgement to the BCSC, jointly and severally, in addition to various administrative penalties.

The Poonians and the Sihotas were granted leave to appeal the disgorgement order. Leyk did not seek leave to appeal. The B.C. Court of Appeal confirmed that the net aggregate trading gains resulting from the market manipulation amounted to \$7,332,936. However, the Court of Appeal set aside the disgorgement orders against the Poonians and Sihotas and sent the matter back to the BCSC to determine what proportion of the \$7,332,936 was directly or indirectly obtained by each person.

Following the Court of Appeal's instructions, the panel found that each respondent directly obtained the net trading gains in his or her brokerage account. In particular, Shailu Sharon Poonian directly obtained \$3,149,935, Thalbinder Singh Poonian directly obtained \$746,676, and Perminder Sihota directly obtained \$1,126,260.

The panel also found that Thalbinder Singh Poonian indirectly obtained amounts from the brokerage accounts that he controlled in the names of nominees. The panel found that he indirectly obtained \$572,491 from the accounts of secondary participants in the manipulation and \$1,126,260 from Perminder Sihota's accounts.

Considering the amount each respondent directly and indirectly obtained, the panel made the following disgorgement orders against the respondents:

- Shailu Sharon Poonian pay to the BCSC \$3,149,935;
- Thalbinder Singh Poonian pay to the BCSC \$1,319,167; and
- Thalbinder Singh Poonian and Perminder Sihota pay to the BCSC \$1,126,260 on a joint and several basis.

The panel did not make any disgorgement orders against Manjit Singh Sihota.

You may view the decision on our website, www.bsc.bc.ca, by typing Thalbinder Singh Poonian, Shailu Sharon Poonian, Manjit Singh Sihota, Perminder Sihota or 2018 BCSECCOM 160 in the search box. Information about disciplinary proceedings can be found in the [Enforcement section](#) of the BCSC website.

Please visit the Canadian Securities Administrators' (CSA) [Disciplined List](#) for information relating to persons and companies disciplined by provincial securities regulators, the Investment Industry Regulatory Organization of Canada (IIROC) and the Mutual Fund Dealers Association of Canada (MFDA).

About the British Columbia Securities Commission (www.bsc.bc.ca)

The British Columbia Securities Commission is the independent provincial government agency responsible for regulating capital markets in British Columbia through the administration of the *Securities Act*. Our mission is to protect and promote the public interest by fostering:

- A securities market that is fair and warrants public confidence
- A dynamic and competitive securities industry that provides investment opportunities and access to capital

- 30 -

Media Contact:
Alison Walker
604-899-6713

Public inquiries:

604-899-6854 or 1-800-373-6393 (toll free)

inquiries@bcsc.bc.ca

Learn how to protect yourself and become a more informed investor at www.investright.org



Follow us on [Twitter](#)



Follow us on [LinkedIn](#)