

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

Citation: Re Bracetek, 2024 BCSECCOM 241

Date: 20240529

Bracetek Industries Group Ltd.

Panel	Gordon Johnson Marion Shaw	Vice Chair Commissioner
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Date of Ruling May 29, 2024

Ruling

I. Introduction

- [1] In its March 8, 2023 Findings and Decision *Re Bracetek*, 2023 BCSECCOM 118, the Commission made orders that, among other things, Bracetek Industries Group Ltd. pay to the Commission \$850,000 under section 161(1)(g) (Order).
- [2] On March 7, 2024, the Commission received \$178,749.82 (Funds) from a third party in partial satisfaction of the Order.
- [3] On March 22, 2024 the executive director of the Commission applied to the Commission for approval of a proposed claims process under section 15.1 of the Act relating to the Funds.

II. Ruling

- [4] Having reviewed the materials filed by the executive director and considering the public interest, we approve the claims process proposed by the executive director, in the manner set out in Appendices A, B and C of this Ruling.

May 29, 2024

For the Commission

Gordon Johnson
Vice Chair

Marion Shaw
Commissioner

APPENDIX A

Item	Proposal
Notice	Staff will: a) post a notice (in the form attached as Appendix B) on the Commission's public website b) email the notice to a known eligible applicant whose email address is presently in staff's possession
Notice Period	Eligible applicants will have three months from the date the notice is posted to file claims
Claims Form	Eligible applicants will be required to use a claims form (attached as Appendix C)
Reporting	After the notice period has expired and applications are vetted, staff will file a report with the panel, making recommendations on claims

APPENDIX B – Notice

NOTICE THAT THE BC SECURITIES COMMISSION HAS RECEIVED MONEY PURSUANT TO AN ORDER MADE UNDER SECTION 161(1)(g) OF THE SECURITIES ACT RE: BRACETEK INDUSTRIES GROUP LTD.

Notice posted on _____, 2024

The British Columbia Securities Commission (the Commission) received \$178,749.82 as a result of an [order](#) made by the Commission under section 161(1)(g) of the *Securities Act* (the Act) against **Bracetek Industries Group Ltd. (Bracetek)**

Pursuant to section 15.1 of the Act, the Commission must publish a notice if funds are received from an order under section 161(1)(g) so that persons who lost money as a direct result of the misconduct that resulted in the order may make a claim.

Bracetek was in the business of developing, manufacturing and selling three proprietary braces used in residential and commercial construction. Bracetek licensed the technologies used in the braces from companies controlled by Sidhu.

After meeting Sidhu in November 2015, an investor obtained a \$2.07 million mortgage and invested \$1.75 million of the mortgage proceeds in Bracetek.

Sidhu discussed the Bracetek investment with the investor before she invested and assisted her in completing the subscription agreement.

Bracetek distributed its securities to the investor without filing a prospectus when a prospectus exemption was not available.

Bracetek paid \$900,000 of the investor's funds to companies controlled by Sidhu for licensing fees payable per the terms of the licensing agreements between these companies.

On March 8, 2023, following a hearing, the Commission found Bracetek contravened section 61 of the Act by distributing shares totalling \$1.75 million to the investor, without a prospectus and without an exemption from the prospectus requirements of the Act. In addition to various market bans, the Panel ordered Bracetek to disgorge \$850,000 under section 161(1)(g) of the Act.

If you are an investor who lost money in this matter, you may be eligible to recover funds. Please use this link/go button to make your online claim or this [Form](#) to make your claim by no later than _____, 2024.

For more information, please see:

- [Returning Funds to Investors](#) on the Commission's website
- *Securities Act*, RSBC 1996, c. 418, [sections 15.1](#) and [161\(1\)\(g\)](#)
- *Securities Regulation*, BC Reg. 204/2021, [Part 3 – Claims Under Section 15.1 of the Act](#)

APPENDIX C – Claims Form



CLAIMS APPLICATION FORM

To make a claim, complete the form and submit it along with any documents that support your claim. For information about how to make a claim, please see the Commission document: "Instructions for Making a Claim".

YOUR INFORMATION

Name / Company Name: _____
Address: _____
City: _____ Province / State: _____ Country: _____ Postal Code / Zip Code: _____
Email Address: _____
Daytime Telephone: _____ Home Telephone: _____

DETAILS OF YOUR CLAIM:

This claim relates to the Commission order BCSECCOM# or the disciplined person _____ . These can be found on the BCSC website at bcsc.bc.ca/Enforcement and on the Notice.

1. How much money did you directly lose in the investment that is the subject of the Commission order? Do not include any loss of opportunity to use the money for something else or interest on your loss. \$ _____ Please provide details.

2. Did you get anything back from your investment? For example, did you get any benefits, interest, dividends, redemptions, distributions, commissions or other payments? Yes No
If yes, how much did you get back? \$ _____ Please provide details.

3. Have you received or are you entitled to receive compensation for your loss from anyone else?

Yes No If yes, please provide details.

4. Did you do anything to offset or reduce your loss, such as hedging transactions? Yes No
If yes, what were those transactions and what were the results? Please provide details.

5. Did you directly or indirectly take part in the misconduct that resulted in the Commission's order?
 Yes No If yes, how did you take part in the misconduct? Please provide details.

6. Did you ever provide any records to the Commission that relate to your loss? Yes No
If yes, who did you provide them to, when, and what were the records? Please provide details.

7. Has the Commission ever denied any of your claims as part of any disgorgement process, for this loss or any other loss? Yes No If yes, please provide details.

BEFORE SUBMITTING YOUR CLAIM, YOU MUST CONFIRM THAT:

1. The information in your form or that you submit in support of your claim is true and correct. The Commission may deny your claim if you make a statement or provide information that is false or misleading, or omit facts that make your statement or information false or misleading. After you submit your claim, if any information in your claim changes in a material respect, you must contact the Commission and report any change. If you do not contact the Commission and report changes, the Commission may deny your claim.
2. You are aware that the Commission is collecting personal information from you for the purpose of determining your claim of money pursuant to section 15.1 of the *Securities Act* and Part 3 of the *Securities Regulation*, and you consent to the Commission using it for that purpose. Information in your claim may be disclosed pursuant to the *Freedom of Information and Protection of Privacy Act* and the *Securities Act*. If you have questions about collection of your personal information in this form, you can contact the Commission's Privacy Officer by email at foi-privacy@bcsc.bc.ca, by phone at 604-899-6500, or by mail at 701 West Georgia Street, P.O. Box 10142, Pacific Centre, Vancouver B.C. V7Y 1L2.
3. You are aware that it is an offence under section 168.1 of the *Securities Act* to make a statement or submit information to the Commission that, in a material respect and at the time and in light of the circumstances under which it is made, is false or misleading, or omit facts from the statement or information necessary to make that statement or information not false or misleading.

