

# IIROC NOTICE

## **Enforcement Notice Decision**

*Please distribute internally to:*  
Legal and Compliance

*Contact:*

Warren Funt  
Vice President – Western Canada  
604.331.4750  
wfunt@iroc.ca

Jeff Kehoe  
Director, Enforcement Litigation  
416.943.6996  
jkehoe@iroc.ca

**08-0210**  
**November 28, 2008**

## **IN THE MATTER OF Robert William Boswell – Penalty**

### **SUMMARY**

A disciplinary hearing was held in June 2007, in Calgary, Alberta. The Hearing Panel issued its Decision and Reasons on November 3, 2007. In its decision, the Hearing Panel of the Investment Industry Regulatory Organization of Canada (IIROC) found that:

- (a) Robert William Boswell (The “Respondent”) made over 350 trades in the accounts of twenty-seven (27) clients without the prior knowledge and consent of the clients which conduct is unbecoming a Registrant of the Association and is detrimental to the public interest, contrary to Association By-law 29.1;
- (b) The Respondent offered to compensate a client for his investment losses and made a misrepresentation to the client that Research Capital Corporation (“Research”) would participate in reimbursing the client. The Respondent provided the client with a series of post dated cheques which were not honoured when presented to be cashed which conduct is unbecoming a Registrant of the Association and is detrimental to the public interest, contrary to Association By-law 29.1;
- (c) The Respondent traded out of the province of his registration with a total of eighteen (18) clients, which conduct is unbecoming a Respondent and detrimental to the public interest contrary to Association By-Law 29.1 and the Alberta *Securities Act*, British



*Columbia Securities Act, the Saskatchewan Securities Act, the Manitoba Securities Act, and the Ontario Securities Act;*

- (d) The Respondent made misrepresentations to a client as to their proper account balance, which conduct is unbecoming a Respondent and detrimental to the public interest contrary to Association By-Law 29.1; and
- (e) The Respondent was requested to provide records relating to the investigation into his conduct in this matter. The Respondent failed or refused to cooperate with the investigation and provide the requested records, which conduct is contrary to By-Law 19.5.)

The penalty hearing took place in Calgary on April 28, 2008. In its penalty decision released November 24<sup>th</sup>, 2008, the Hearing Panel imposed the following penalty against the Respondent:

- (a) A permanent ban on registration in any capacity with IIROC;
- (b) A global fine of \$100,000; and

required the Respondent to pay costs in the amount of \$25,000.

The IDA formally initiated the investigation into the Respondent's conduct during 2003. The violations occurred when the Respondent was a Registered Representative with the Calgary offices of two member firms – Research Capital Corporation and Jennings Capital Inc. The Respondent is no longer a registrant with an IIROC regulated firm.

The Hearing Panel's Decisions and Reasons are available at <http://docs.iiroc.ca/DisplayDocument.aspx?DocumentID=9674EC68D3D545728C2F06A44ABA259E&Language=en>