

IIROC NOTICE

Enforcement Notice Decision

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Legal and Compliance

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09-0146
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IN THE MATTER OF Charles Kamal Dass – Discipline

SUMMARY

Following a disciplinary hearing held on April 6, 2009, in Vancouver, BC, a Hearing Panel of the Investment Industry Regulatory Organization of Canada (“IIROC”) found that Charles Kamal Dass (the “Respondent”) committed the following contraventions:

- (a) In or about May and June 2003, the Respondent, at all material times a Registered Representative (“RR”) employed at Dundee Securities Corporation (“Dundee”), a Member firm, engaged in personal financial dealings with his client, GN, without the knowledge or consent of Dundee, contrary to Association By-law 29.1;
- (b) In or about May 2004, the Respondent, at all material times a RR employed at Dundee, a Member firm, engaged in personal financial dealings with his clients E& JK, without the knowledge or consent of Dundee, contrary to Association By-law 29.1;
- (c) In or about March 2004, the Respondent, at all material times a RR employed at Dundee, a Member firm, misappropriated monies from his clients, EK and JK, without the knowledge or consent of those clients, contrary to Association By-law 29.1; and
- (d) In or about January and February 2005, the Respondent, while still subject to the jurisdiction of the Association pursuant to Association By-law 20.7, attempted to



frustrate and/or obstruct the Association's investigation into Counts 1, 2 and/or 3, which involve matters that occurred while the Respondent was a RR employed at Dundee, a Member firm, by asking his former client, EK to make misrepresentations to the Association, contrary to Association By-law 29.1 and / or By-law 19.5.

The Hearing Panel imposed the following penalties against the Respondent:

- (a) a permanent bar from approval with IIROC; and
- (b) a fine in the amount of \$220,000;

and required the Respondent to pay costs in the amount of \$83,184.00.

IIROC formally initiated the investigation into the Respondent's conduct on January 14, 2005. The violations occurred when the Respondent was a Registered Representative with the Port Alberni Branch of Dundee Securities Corporation. The Respondent is no longer a registrant with an IIROC-regulated firm.

The Notice of Hearing in this matter was issued in May 2006. At that time, the Respondent made a preliminary motion asserting that IIROC (IDA at the time) no longer had jurisdiction over him as he was no longer a registrant in the industry. An IDA hearing panel determined in a decision dated July 19, 2006, that the IDA in fact had jurisdiction to pursue disciplinary action over former registrants. The Respondent appealed that Decision to the British Columbia Securities Commission (BCSC) who upheld the IDA hearing panel decision. The Respondent appealed the decision of the BCSC to the British Columbia Court of Appeal. That appeal was heard in May 2008 and in a decision dated October 23, 2008, the Court of Appeal determined that the IDA (now IIROC) had jurisdiction to pursue disciplinary action against former registrants. The Respondent did not seek leave to appeal the Court of Appeal decision to the Supreme Court of Canada. By agreement of the parties, the Notice of Hearing was sealed until the issue of jurisdiction was finally determined.

The Hearing Panel issued its Decision and Reasons on May 5, 2009. The Hearing Panel's Decision and Reasons are available at

<http://docs.iiroc.ca/DisplayDocument.aspx?DocumentID=D94C03BF7865464397F209CB8BB5A50A&Language=en>