

# NOTICE / NEWS RELEASE

*For immediate release*

## **Enforcement Notice Decision 16-0014**

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## **IN THE MATTER OF Gary Clarke – Settlement Accepted**

**January 19, 2016 (Vancouver, B.C.)** – On December 30, 2015, a Hearing Panel of the Investment Industry Regulatory Organization of Canada (IIROC) accepted a Settlement Agreement, with sanctions, between IIROC staff and Gary Clarke.

Mr. Clarke admitted that he made unsuitable recommendations for two client accounts and placed discretionary trades on behalf of one client account.

Specifically, Mr. Clarke admitted to the following violations:

- (a) Between August 2011 and December 2012, Mr. Clarke failed to use due diligence to ensure that the recommendations that he made for the account of two of his clients were suitable for them, contrary to IIROC Dealer Member Rule 1300.1(q);
- (b) In September and October 2011, Mr. Clarke engaged in discretionary trading for the account of two of his clients without the account having been approved and accepted as a discretionary account, contrary to IIROC Dealer Member Rule 1300.4; and
- (c) Between November 2011 and December 2012, Mr. Clarke failed to use due diligence to ensure that the recommendations that he made for the account of one of his clients was suitable for him, contrary to IIROC Dealer Member Rule 1300.1(q).

Pursuant to the Settlement Agreement, Mr. Clarke agreed to the following penalties:

- (a) A two-month suspension from registration in any capacity;



- (b) Payment of a fine in the amount of \$30,000;
- (c) A requirement to successfully rewrite the exam based on the Conduct and Practices Handbook; and
- (d) A requirement that any future registration shall be subject to a six-month period of close supervision.

Mr. Clarke also agreed to pay costs in the amount of \$2,500.

The Settlement Agreement is available at:

<http://docs.iiroc.ca/DisplayDocument.aspx?DocumentID=FAD52806E7224009A716A33B9221E319&Language=en>.

The Hearing Panel's decision will be made available at [www.iiroc.ca](http://www.iiroc.ca).

Documents related to ongoing IIROC enforcement proceedings – including Reasons and Decisions of Hearing Panels – are posted on the IIROC website as they become available. Click [here](#) to search and access all IIROC enforcement documents.

IIROC formally initiated the investigation into Mr. Clarke's conduct in October 2013. The conduct occurred while Mr. Clarke was a Registered Representative with the Prince George branch of Raymond James Ltd., an IIROC-regulated firm. Mr. Clarke is no longer a registrant with an IIROC-regulated firm.

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IIROC is the national self-regulatory organization which oversees all investment dealers and their trading activity in Canada's debt and equity markets. IIROC sets high quality regulatory and investment industry standards, protects investors and strengthens market integrity while maintaining efficient and competitive capital markets. IIROC carries out its regulatory responsibilities through setting and enforcing rules regarding the proficiency, business and financial conduct of dealer firms and their registered employees and through setting and enforcing market integrity rules regarding trading activity on Canadian equity marketplaces.

IIROC investigates possible misconduct by its member firms and/or individual registrants. It can bring disciplinary proceedings which may result in penalties including fines, suspensions, permanent bars, expulsion from membership, or termination of rights and privileges for individuals and firms.

All information about disciplinary proceedings relating to current and former member firms is available in the [Enforcement section](#) of the IIROC website. Background information regarding the qualifications and disciplinary history, if any, of advisors currently employed by IIROC-regulated firms is available free of charge through the [IIROC AdvisorReport](#) service. Information on how to make investment dealer, advisor or marketplace-related complaints is available by calling 1 877 442-4322.