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*For distribution to relevant parties within your firm*

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**BULLETIN #3263**

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## Discipline

### **Charge brought against Tumer Salih Bahcheli Not Sustained- Alleged Violations of Regulation 1300.1(b) and By-law 29.1**

Nature of  
Proceeding

On November 19, 2003 a discipline hearing was held before the Alberta District Council (“District Council”) of the Investment Dealers Association of Canada (the “Association”) in relation to an allegation that Tumer Bahcheli (the “Respondent”), engaged in business conduct unbecoming by participating in a trading arrangement which included the compensation of a client for losses incurred in an account without permission of Yorkton Securities Inc. contrary to Association By-law 29.1

The facts of this case were not in dispute and were presented to the District Council by way of an agreed statement of facts. The only issue for the District Council was whether or not the facts constituted a regulatory violation.

At all material times, the Respondent was employed as a registered representative (“RR”) with the Calgary, Alberta branch office of Yorkton.

On December 4, 2001, the Association received an anonymous letter of complaint alleging trading irregularities between the Respondent and a third party (“JI”), which involved the Respondent’s clients TR, BR and DR. DR is the daughter of TR and BR, and had written trading authorization over her parent’s account. The anonymous complainant has never been identified.

In November 2000, the third party, JI, and the Respondent discussed an investment opportunity to permit the purchase of Infocorp Computer Solutions Inc. (“Infocorp”) shares to the TR and BR account.

On November 24, 2000 the Respondent purchased the Infocorp shares into the cash account of TR and BR. DR, with full trading authority, approved the purchase. Yorkton approved the trade.

On various dates between approximately December 19, 2000 and January 8, 2001, the Respondent contacted DR and solicited the sale of the Infocorp shares from TR and BR's account. DR approved the trades. These trades resulted in charges to TR's and BR's account of \$11,579 in commission and debit interest, and resulted in a cumulative trading loss of approximately \$26,000.

The Respondent contacted the third party, JI, to express concerns about the advice JI provided concerning Infocorp and the result of the Infocorp investment, and specifically requested that JI do something about his client's losses. JI responded with an offer to make up the loss to TR and BR by offering shares in Hucamp Mines. DR instructed the Respondent to accept the Hucamp Mines shares.

On or about January 26, 2001, JI provided a share certificate for 50,000 Hucamp shares registered to Yorkton, directly to the Respondent. The Respondent's clients did not pay for the Hucamp Mines shares.

The Respondent did not identify to anyone at Yorkton nor obtain approval for the deposit of the Hucamp Mines shares to his client, DR's, account, as potential compensation for losses in his clients, TR's and BR's, account.

Over the following 5 months, the Respondent sold the Hucamp Mines shares from DR's account for a profit of \$100,000, less \$400 charged to the account in commissions.

Decision of  
District Council

In its written decision received by the Association on February 2, 2004, the District Council found that the admitted facts, together with the reasonable inferences that might be drawn from them, did not meet the level of proof the Panel felt necessary to sustain a charge under By-law 29.1.

Kenneth A. Nason  
Association Secretary