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Citation : *New Brunswick (Financial and Consumer Services Commission) v. Pierre Emond and Armel Drapeau*, 2015 NBFCST 10

PROVINCE OF NEW BRUNSWICK  
FINANCIAL AND CONSUMER SERVICES TRIBUNAL  
IN THE MATTER OF THE *SECURITIES ACT*, S.N.B. 2004, c S-5.5

Date: 2015-10-23  
Docket: 2300-E1

BETWEEN :

**Financial and Consumer Services Commission,**

Applicant,

- and -

**Pierre Emond and Armel Drapeau,**

Respondents.

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**ORDER**

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**WHEREAS** this proceeding was commenced on August 19, 2009 by the filing of a preliminary motion with the Office of the Secretary of the New Brunswick Securities Commission;

**WHEREAS** the Statement of Allegations in this proceeding was filed on June 24, 2010 with the Office of the Secretary of the New Brunswick Securities Commission;

**WHEREAS** as of July 1, 2013, the New Brunswick Securities Commission is continued as the Financial and Consumer Services Commission and the adjudicative functions of the Securities Commission are now performed by the Financial and Consumer Services Tribunal ["Tribunal"];

**WHEREAS** on August 27, 2013, the Tribunal issued a decision adjourning this proceeding against the Respondents for one year, after which the parties would provide the Tribunal with a status update with respect to the progress of the civil actions involving the former New Brunswick Securities Commission, after which the Tribunal would have the right to issue a new order with respect to the conduct of this proceeding;

**WHEREAS** on November 26, 2014 the Tribunal issued a Notice of Status Hearing setting December 15, 2014 for the status hearing to determine whether the adjournment of this proceeding should be maintained;

**WHEREAS** the Respondent Armel Drapeau requested an adjournment of the December 15, 2014 status hearing on the grounds of family health and the Tribunal granted this request and adjourned the status hearing to June 19, 2015;

**WHEREAS** the Tribunal held the status hearing on June 19, 2015 to determine whether the adjournment of this proceeding should be maintained;

**WHEREAS** the Tribunal issued an order on June 19, 2015 quashing the adjournment and indicated that reasons for the order would follow:

**WHEREAS** the Tribunal issued a Notice of Hearing on July 2, 2015 setting October 5, 6, 26, 27 and November 24 and 25, 2015 for the hearing on the merits;

**WHEREAS** on August 27, 2015, the Tribunal issued the reasons for its June 19, 2015 order quashing the adjournment of this proceeding;

**WHEREAS** the Respondent Armel Drapeau filed a motion for leave to appeal the Tribunal's August 27, 2015 decision with the Court of Appeal and the hearing of that motion was set for October 15, 2015;

**WHEREAS** the Tribunal adjourned its October 5 and 6, 2015 hearing dates to await the decision of the Court of Appeal on the leave to appeal motion filed by the Respondent Armel Drapeau;

**WHEREAS** on October 16, 2015 the Court of Appeal dismissed the motion for leave to appeal and that same day the Tribunal advised the parties that the hearing in this proceeding would proceed on October 26 and 27, 2015;

**WHEREAS** on October 20, 2015, the Respondent Armel Drapeau requested an adjournment of the hearing on the merits to retain a lawyer;

**WHEREAS** the June 19, 2015 order stipulated there would be no adjournment of the hearing on the merits unless exceptional circumstances were demonstrated;

**WHEREAS** the parties consent to the adjournment;

**IT IS HEREBY ORDERED THAT :**

1. the hearing is adjourned to allow the Respondent Armel Drapeau to retain a lawyer;
2. the October 26 and 27 hearing dates are cancelled;
3. the hearing will begin on November 24, 2015 and continue on November 25, December 17 and 18, 2015 and January 18 and 19, 2016;
4. the hearing will be held on the dates identified in paragraph 3 of this Order regardless of whether or not the Respondent Armel Drapeau has retained a lawyer;
5. the lawyer retained by the Respondent Armel Drapeau must be able to proceed with the

hearing on the merits on the dates identified in paragraph 3 of this Order;

6. the Respondent Armel Drapeau shall provide a copy of this Order to the lawyer he retains ;  
and
7. there will be no further adjournments of this matter unless exceptional circumstances are demonstrated.

**DATED** at Saint John, New Brunswick, this 23<sup>rd</sup> day of October, 2015.

**ORIGINAL SIGNED BY**  
*Christine M. Bernard*

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Enrico A. Scichilone, Panel Chair

**ORIGINAL SIGNED BY**  
*Christine M. Bernard*

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Jean LeBlanc, Panel Member

**ORIGINAL SIGNED BY**  
*Christine M. Bernard*

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Gerry Legere, Panel Member