



IN THE MATTER OF THE SECURITIES ACT
OF NEW BRUNSWICK, BEING CHAPTER S-6
R.S.N.B. 1973

AND

IN THE MATTER OF BRIAN LUND

ORDER

WHEREAS Brian Lund ("LUND") was served with a summons to appear before me, the Administrator of Securities (the "Administrator"), at 133 Prince William Street, Saint John, New Brunswick, on the 15th day of January 1998 at 1:30 o'clock in the afternoon or as soon thereafter as the hearing can be held to consider

- a) pursuant to section 12(1)(c)(v) of the New Brunswick Securities Act being Chapter S-6, R.S.N.B. 1973, (the "Act") whether in the opinion of the Administrator it is in the public interest to suspend or cancel the registration of Brian Lund ("LUND"); or
- b) pursuant to section 12(1)(f) of the Act that the registration of LUND be subject to such conditions as the Administrator deems necessary.

AND WHEREAS LUND has requested that these proceedings be put forward to December 18, 1997;

AND WHEREAS LUND and the Deputy Administrator have agreed to the facts as contained in the Settlement Agreement attached hereto as Appendix "A";

AND WHEREAS LUND consents to the making of the order herein;

THEREFORE IT IS ORDERED that the registration of LUND be suspended for a period of fourteen days which suspension shall be served from December 21, 1997 until January 3, 1998

DATED at Saint John this 18th day of December, 1997.



DONNE W. SMITH, JR.,
ADMINISTRATOR,
Securities Branch



**IN THE MATTER OF THE SECURITIES ACT
OF NEW BRUNSWICK, BEING CHAPTER S-6
R.S.N.B. 1973**

AND

**IN THE MATTER OF BRIAN LUND
SETTLEMENT AGREEMENT**

I. INTRODUCTION

1. By summons dated November 28, 1997 the Administrator of Securities (the "Administrator") announced that he proposed to hold a hearing to consider
 - a. pursuant to section 12(1)(c)(v) of the New Brunswick Securities Act being Chapter S-6, R.S.N.B. 1973, (the "Act") whether in the opinion of the Administrator it is in the public interest to suspend, cancel, the registration of Brian Lund ("LUND").
 - b. pursuant to section 12(1)(f) of the Act that the registration of LUND be subject to such conditions as the Administrator deems necessary.
2. The allegations against LUND as contained in the summons to LUND dated November 28, 1997 are that LUND had a duty to comply with the Act, and the regulations and that LUND knew or ought to have known that the following activities were violations of the Act.
 - a. Between February 3, 1994 and March 27, 1994, prior to receiving written approval of registration under the Securities Act, LUND traded mutual fund securities to
 - i. Rod McAdam
 - ii. Steven and Sharon Craig
 - iii. Mike and Linda Beckwith

II. JOINT SETTLEMENT AGREEMENT

3. The Deputy Administrator and LUND have entered into this settlement agreement whereby the Deputy Administrator agrees to recommend that the proceedings initiated against LUND be fully and finally resolved on the basis of the facts set out in the Statement of Facts.

III. STATEMENT OF FACTS

4. For the purposes of this proceeding only, and in order to facilitate the resolution on this proceeding against LUND in accordance with the terms of the Settlement Agreement, LUND states that the facts set out in the Statement of Facts herein are true, to the extent that he is directly aware of them, and to the extent that he does not have direct knowledge, they are not inconsistent with his understanding.
5. The Deputy Administrator acknowledges that the facts contained in the Statement of Facts are consistent with his investigation.
6. Prior to May 24, 1994 LUND was not registered under the Securities Act to trade securities in New Brunswick .
7. From February 3, 1994 to March 27, 1994, while under the direction, and with the assistance of Scott Armstrong (ARMSTRONG") branch manager for Fortune Investment Corporation's Saint John offices, LUND traded in securities to
 - i. Rod McAdam
 - ii. Steven and Sharon Craig
 - iii. Mike and Linda Beckwith

IV. CONSENT

8. Lund consents to an order pursuant to section to section 12(1)(c)(v) of the New Brunswick Securities Act that his registration be suspended for a period of 14 calendar days.
9. LUND requests that the approval of this Settlement Agreement will be sought at a hearing before the Administrator on December 18, 1997 at 1:30 pm instead of the proposed January 15, 1998 hearing date. LUND requests that the suspension commence immediately or as soon thereafter as the Administrator may direct.

V. STAFF COMMITMENT

10. If this Settlement Agreement is approved by the Administrator the Deputy Administrator will not initiate any further complaint to the Administrator or request the Administrator to hold a hearing or issue any order or initiate any other proceeding or prosecution against LUND in respect of any conduct or alleged conduct of LUND in relation to the facts set out in this Settlement Agreement.

VI. PROCEDURE FOR APPROVAL

11. If for any reason the Settlement Agreement is not approved by the Administrator
 - a. The Settlement Agreement shall terminate and the Deputy Administrator will be entitled to proceed with a hearing of the allegations in the summons, unaffected by this Settlement Agreement or the settlement negotiations;

b. LUND agrees that he will not raise in any proceeding the Settlement Agreement or the negotiation or process of approval thereof as a basis for any attack on the Administrator's jurisdiction, alleged bias, alleged unfairness or any other challenge that may otherwise be available.

12. This Settlement Agreement may be signed in one or more counterparts which together shall constitute a binding agreement and a facsimile copy of any signature shall be effective as though it were an original signature.

SIGNATURES

<u>Dec 12/97.</u> Date	<u>Charbel Homel</u> Witness	<u>Brian Lund</u> Brian Lund
<u>Dec. 12/97</u> Date	<u>Charbel Homel</u> Witness	<u>E. LeBlanc</u> Ed LeBlanc Deputy Administrator