

IN THE MATTER OF: THE SECURITIES ACT

-and-

IN THE MATTER OF: GARY PETER PERCH

**STATEMENT OF ALLEGATIONS OF STAFF OF THE  
MANITOBA SECURITIES COMMISSION**

**STAFF OF THE MANITOBA SECURITIES COMMISSION ALLEGE, AMONG  
OTHER THINGS, THAT:**

**A. STATEMENT OF FACTS**

1. Gary Peter Perch ("Perch") is not now and never has been registered in any capacity under the provisions of The Securities Act ("Act").
2. On November 10, 2005, Perch pled guilty in the Provincial Court of Manitoba ("court") to thirteen (13) counts of trading without registration contrary to s.6(1) being offences pursuant to s.136(1)(c) of the Act.
3. The charges before the court to which Perch pled guilty were as follows:

**COUNT 1**

GARY PETER PERCH, between the 1st day of April, 2001 and the 31st day of May, 2001, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to MARTEL BROS. LTD., to wit: an investment contract for consideration of \$20,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

**COUNT 2**

GARY PETER PERCH, between the 1st day of August, 2001 and the 30th day of November, 2001, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Ray HIGHAM, to wit: an investment contract for consideration of \$50,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

**COUNT 3**

GARY PETER PERCH, between the 1st day of September, 2002 and the 30th day of November, 2002, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Ray HIGHAM, to wit: an investment contract for consideration of \$50,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 4**

GARY PETER PERCH, between the 1st day of January, 2002 and the 28th day of February, 2002, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Ken HIGHAM, to wit: an investment contract for consideration of \$50,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 5**

GARY PETER PERCH, between the 1st day of November, 2002 and the 31st day of January, 2003, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Bruce MARSHALL, to wit: an investment contract for consideration of \$50,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 6**

GARY PETER PERCH, between the 1st day of December, 2002 and the 28th day of February, 2003, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Bruce MARSHALL, to wit: an investment contract for consideration of \$10,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 7**

GARY PETER PERCH, between the 1st day of March, 2003 and the 30th day of April, 2003, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Paul MARCHINKO, to wit: an investment contract for consideration of \$20,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 8**

GARY PETER PERCH, between the 1st day of January, 2003 and the 30th day of April, 2003, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to MAGUIRE FARMS LTD., to wit: an investment contract for consideration of \$40,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 9**

GARY PETER PERCH, between the 1st day of May, 2002 and the 31st day of May, 2002, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Joe STEMKOSKI, to wit: an investment contract for consideration of \$75,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 10**

GARY PETER PERCH, between the 1st day of August, 2001 and the 30th day of September, 2001, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Dave REIMER, to wit: an investment contract for consideration of \$20,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 11**

GARY PETER PERCH, between the 1st day of August, 2003 and the 31st day of August, 2003, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Dave REIMER, to wit: an investment contract for consideration of \$50,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 12**

GARY PETER PERCH, between the 1st day of August, 2003 and the 31st day of August, 2003, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to Dave REIMER, to wit: an investment contract for consideration of \$15,000.00 while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

#### **COUNT 14**

GARY PETER PERCH, between the 1st day of November, 2003 and the 30th day of November, 2003, both dates inclusive, at or near the City of Winnipeg, in the Province of Manitoba, did trade in securities to a staff member of The Manitoba Securities Commission, to wit: by attempting to sell or dispose of or deal in or to solicit in respect of an investment contract for valuable consideration or by an act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing, while not registered under The Securities Act, contrary to Section 6(1) of The Securities Act, and did thereby commit an offence pursuant to Section 136(1)(c) of The Securities Act.

(Note: Count 13 from the original charges was stayed by the Crown.)

4. The Director, Legal and Enforcement (“Director”) of the Commission has received applications from claimants A, B, C, and D for claims for financial loss compensation. The Director requests that the Commission order financial loss compensation in amounts to be determined at or prior to the hearing.

### **B. ALLEGATIONS**

1. Staff of the Commission allege that Perch:

- (a) traded in securities without having been registered in contravention of section 6 of the Act;

and that due to these allegations, Perch should not be entitled to use any of the exemptions set out in the Act and should not be entitled to participate in the exempt markets in Manitoba in the future and, furthermore, should be ordered to pay compensation for financial loss pursuant to section 148.2 of the Act.

2. Such further and other matters as counsel may advise and the Commission may permit.

**DATED** at Winnipeg, Manitoba this 22nd day of June, 2006.

**Director, Legal and Enforcement**

**TO: GARY PETER PERCH**