



THE MANITOBA
SECURITIES
COMMISSION

IN THE MATTER OF: THE SECURITIES ACT

-and-

IN THE MATTER OF: BRIAN MIGIE

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

STAFF OF THE MANITOBA SECURITIES COMMISSION (the "Commission") ALLEGE THAT:

A. STATEMENT OF FACTS

1. At all material times, Brian Migie ("Migie") was a resident of the City of Winnipeg, in the Province of Manitoba.
2. At all material times MIGIE was not registered to trade in securities under *The Securities Act* of Manitoba (the "Act").
3. In or about June – August, 2006, Migie met S.S. who at the time was a resident of the City of Winnipeg in Manitoba.
4. In 2006, Migie represented to S.S. that he had a system for trading stocks and that he had been testing this system for over 10 years.
5. On or about December 4, 2006, S.S. gave Migie \$25,000 (Cdn) to invest on his behalf. Migie guaranteed S.S. a minimum of 10% per year and a share in any additional profits.
6. On or about December 10, 2006, Migie provided S. S. with a promissory note dated December 10, 2006. The promissory note was signed by Migie and provided in part that Migie borrow \$25,000 (Can. Funds) representing 4 units @ US \$5,000 each from S.S. and that a rate of interest will be at least 10% per annum, or higher sharing returns 50/50 after expenses, fees and taxes – all to be paid by Migie.
7. S.S. understood that the \$25,000 provided to Migie would be invested by Migie in stocks to provide the returns set out in the promissory note.
8. In or about January, 2008, S.S. received an interest payment from Migie in the amount of \$2,520.
9. S.S. has not received any further interest payments from Migie.
10. S.S. has demanded repayment of the \$25,000 given to Migie but Migie has not paid these monies back to S.S.

B. COMPENSATION FOR FINANCIAL LOSS

The Director, Legal and Enforcement Director of the Commission has received an application for a claim against Migie for compensation for financial loss in favour of S.S.


The Director requests that the Commission order financial loss compensation to the claimant in an amount to be determine at or prior to the hearing.

C. ALLEGATIONS

1. Staff of the Commission allege that Migie contravened subsections 6(1) and 37(1) of the Act and that due to these allegations, pursuant to subsection 19(5) of the Act Migie should not be entitled to use any of the exemptions permitted by the Act and should not be entitled to participate in the exempt markets in the future, pursuant to subsection 148.1(1) of the Act pay an administrative penalty and pursuant to section 148.2 of the Act pay compensation for financial loss to S.S.

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

DATED at the City of Winnipeg, in Manitoba this 25th of September, 2013.


Director

TO: BRIAN MIGIE