

IN THE MATTER OF THE SECURITIES ACT,
SNB 2004, c. S-5.5, (*Act*)

AND

IN THE MATTER OF

**LOCATE TECHNOLOGIES INC., TUBTRON
CONTROLS CORP., BRADLEY CORPORATE
SERVICES LTD., 706166 ALBERTA LTD., LORNE
DREVER, HARRY NILES, MICHAEL CODY AND
DONALD NASON**

ORDER

(with respect to respondents **Michael Cody** and **Donald Nason**)

WHEREAS Staff of the Commission filed a Statement of Allegations against, *inter alia*, Michael Cody and Donald Nason on 14 March 2008.

AND WHEREAS Staff filed an Amended Statement of Allegations against, *inter alia*, Michael Cody and Donald Nason on 2 June 2008.

AND WHEREAS Staff filed a Second Amended Statement of Allegations against, *inter alia*, Michael Cody and Donald Nason on 23 October 2008.

AND WHEREAS Staff entered into a Settlement Agreement with the respondents Locate Technologies Inc., Tubtron Controls Corp., 706166 Alberta Ltd. and Lorne Drever which was approved by the Commission pursuant to section 191 of the *Act* on 25 August 2008;

AND WHEREAS Staff entered into a Settlement Agreement with the respondents Bradley Corporate Services Ltd. and Harry Niles which was approved by the Commission pursuant to section 191 of the *Act* on 4 November 2008;

AND WHEREAS a Second Consolidated and Amended Notice of Hearing was issued on 4 November 2008 scheduling a hearing on 20 January 2009 pursuant to sections 184, 185 and 186 of the *Act* with respect to the respondents Michael Cody and Donald Nason;

AND WHEREAS counsel for Staff and counsel for the respondents Michael Cody and Donald Nason filed an Agreed Statement of Facts on 19 January 2009 which includes admissions by the respondents Michael Cody and Donald Nason that they violated New Brunswick securities law;

AND WHEREAS at the request of the parties, an Order was granted on 19 January 2009 adjourning the hearing scheduled for 20 January 2009 to 17 March 2009 to allow time for the parties to prepare written submissions on sanctions, and providing a timeline for the filing of submissions on sanctions;

AND WHEREAS Staff filed written submissions on sanctions on 27 February 2009;

AND WHEREAS the respondents Michael Cody and Donald Nason failed to file any written submissions on sanctions, notwithstanding requesting, through their counsel, and being granted several extensions to file same;

AND WHEREAS on 27 February 2009 Staff received notice that the respondents Michael Cody and Donald Nason had dismissed their counsel;

AND WHEREAS on 2 March 2009, in his representations to the Commission to be removed as counsel of record for the respondents Michael Cody and Donald Nason, counsel did confirm to the Commission that the respondents Michael Cody and Donald Nason were apprised of both the 27 February 2009 filing deadline for written submissions and the 17 March 2009 sanctions hearing date;

AND WHEREAS on 13 March 2009 the respondent Michael Cody, on behalf of himself and the respondent Donald Nason, requested a further adjournment of the sanctions hearing scheduled for 17 March 2009 to allow the respondents Michael Cody and Donald Nason time to retain new legal counsel;

NOW THEREFORE IT IS HEREBY ORDERED THAT:

- (a) the hearing scheduled for 17 March 2009 with respect to the respondents Michael Cody and Donald Nason is adjourned to 10:00 a.m. on **2 April 2009**, to hear oral submissions on sanctions from Staff and from the respondents Michael Cody and Donald Nason;
- (b) each of the respondents Michael Cody and Donald Nason deliver to the Commission no later than 20 March 2009 written confirmation of the address and telephone number to be used by the Commission for communications with the respondents Michael Cody and Donald Nason;
- (c) no further adjournments in this matter will be granted without appearances by the respondents Michael Cody and Donald Nason or their counsel; and

- (d) if at the sanctions hearing scheduled for 10:00 a.m. on **2 April 2009** the respondents Michael Cody and Donald Nason are not represented by counsel, or if they do not appear on their own behalf, the Panel will issue a final decision and order without further notice to the respondents Michael Cody and Donald Nason.

DATED at this 17th day of **March, 2009**.

"original signed by"
Anne La Forest, Panel Chair

"original signed by"
Céline Trifts, Panel Member

"original signed by"
Denise A. LeBlanc, Q.C., Panel Member

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