

New  
Nouveau  Brunswick

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

AND

IN THE MATTER OF BURTON FOLKINS

ORDER

(Sec 12(1)(c)(v) and 12(1)(f) of the Act)

WHEREAS the Administrator initiated certain proceedings against Burton Folkins ("FOLKINS") by way of summons dated December 18, 1991 pursuant to section 21(1) of the Securities Act, 1973, Chapter S-6;

AND WHEREAS FOLKINS and the Deputy Administrator entered into a Settlement Agreement dated February 13, 1992 in which they agreed to a proposed settlement of these proceedings respecting FOLKINS subject to the approval of the Administrator;

AND WHEREAS FOLKINS has consented to the issuance of this Order and has waived his right to a full hearing and appeal of this matter;

AND UPON HEARING the submissions of Counsel on behalf of the Deputy Administrator and Burton Folkins;

AND UPON the Administrator being of the opinion that it is in the public interest to make this order;


IT IS ORDERED, pursuant to section 12(1)(c)(v) and 12(1)(f) of the Act, that:

1. the Settlement Agreement dated February 13, 1992 attached hereto, as Schedule "A", be and the same is hereby approved;

2. FOLKINS's registration as a salesman employed by a mutual fund dealer is hereby suspended from March 29 , 1992 to April 11, 1992, inclusive; and
3. As a condition of reinstatement of FOLKINS's registration on or after April 12, 1992, FOLKINS has agreed to voluntarily donate to the Minister of Finance ~~\$800.00~~ <sup>400.00</sup> and to pay a further sum of \$1,000.00 to the Minister of Finance this sum being the total costs and expenses to be recovered pursuant to section 25(2) of the Act.
4. Upon FOLKINS requesting reinstatement on or after April 12, 1992 and satisfying the Registrar that the above conditions have been met, the Registrar shall so reinstate FOLKIN's registration.

DATED at the City of *Saint John*  
Brunswick, this *13<sup>th</sup>* day of February, 1992.

Province of New

  
DONNE W. SMITH, JR.  
ADMINISTRATOR,  
Securities Branch



SCHEDULE "A"

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

AND

IN THE MATTER OF BURTON FOLKINS  
("FOLKINS")

SETTLEMENT AGREEMENT

INTRODUCTION

1. The Deputy Administrator agrees to recommend and FOLKINS consents to the within settlement of the proceedings initiated by way of summons dated December 18, 1991, in accordance with the terms and conditions set out hereinafter.
2. Subject to approval of the Administrator, the Deputy Administrator and FOLKINS agree to an order, pursuant to section 12(1)(c)(v) and 12(1)(f) of the Securities Act, suspending FOLKINS's registration as a salesman employed by a mutual fund broker from March 29, 1992 to April 11, 1992 inclusive. FOLKINS hereby agrees to voluntarily donate to the Minister of Finance the sum of \$ 800.00. This figure is the amount of the sales commissions earned by FOLKINS for referring clients in respect of securities, the type of which he was not registered to sell. FOLKINS also agrees to pay to the Minister of Finance the sum of \$1,000.00 which sum represents the total amount to be recovered against FOLKINS pursuant to section 25(2) of the Act for costs and expenses incurred during the investigation and proceedings.

ADMISSIONS OF FACT

- 3. A statement of Admitted Facts is annexed as Schedule "A" hereto. FOLKINS has certified to the Administrator that the facts set out therein are true and correct.


PROCEDURE FOR APPROVAL OF SETTLEMENT

- 4. The approval of the settlement as set out in this Settlement Agreement shall be sought at a public hearing before the Administrator currently scheduled for February 13, 1992.
- 5. If, for any reason whatsoever, the settlement is not approved by the Administrator, FOLKINS will be entitled to seek such remedies as he may have at law with respect to the Hearing and proceedings herein unaffected by this Settlement Agreement or the settlement negotiations. If the settlement is not approved, the terms of the settlement agreement will not be raised in any other proceeding or disclosed to any person except with the written consent of FOLKINS.
- 6. FOLKINS agrees that he will not raise, in any subsequent proceedings, the Settlement Agreement or the process of approval as a basis for any attack on the Administrator's jurisdiction, alleged bias, alleged unfairness or any other challenge that may be available.


I have carefully read this agreement including the attached draft order and have obtained legal advice before signing this agreement.

DATED at *St. John*, this *13<sup>th</sup>* day of February, 1992.

  
Counsel/Witness

  
*Burton Folkins*

DATED at *Saint John*, this *13* day of February, 1992.

  
Counsel/Witness

  
Deputy Administrator

SCHEDULE "A"

IN THE MATTER OF THE SECURITIES ACT  
OF NEW BRUNSWICK, BEING CHAPTER S-6  
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AND

IN THE MATTER OF BURTON FOLKINS  
("FOLKINS")

STATEMENT OF ADMITTED FACTS

- 1.a) JM Veilleux Income Property Inc. ("JMV") was registered as a securities broker restricted to trading in real estate limited partnership ("RELP") on November 29, 1988. Its registration was renewed annually and has remained in effect until October 3, 1991. It initially operated under the name Veilleux Charlebois & Associes Inc.
- b) Money Concepts Group Capital Corporation ("MCGCC") was registered as a securities broker in New Brunswick on May 2, 1988. Its registration restricted it to trading in mutual funds only. The registration was renewed annually and remains in effect.
- c)i) FOLKINS was registered as a securities salesperson for Principal Consultants Inc. on March 2, 1987.
  - ii) FOLKINS transferred his registration to Investmet Financial Corporation on September 11, 1987 and remained so registered until April 12, 1988.
  - iii) FOLKINS requested to transfer his registration to MCGCC. This was authorized on November 1, 1988 and his registration was renewed and remained in effect until October 31, 1990. He was restricted to trading in mutual funds only.