

ENFORCEMENT SUMMARY

In the Matter of *The Securities Act* and in the Matter of Barrie William CAHILL ("CAHILL")

Charges:

After trial in the Provincial Court of Manitoba, the Honourable Judge Smith found CAHILL guilty of one (1) count under *The Securities Act* of Manitoba ("Act") of acting as a salesman of Premier Gymnastics Limited ("Premier") in connection with a trade in a security while not registered to do so contrary to s.6(3) of the Act, an offence under s.136(1)(c).

Summary:

At the time of the offence, CAHILL was registered under the Act as a mutual fund salesman. CAHILL was not registered to sell securities of Premier. Premier was a Manitoba company in which CAHILL's wife was a director, officer, and shareholder and CAHILL himself was a director and general manager. CAHILL met with a long-time mutual funds client, an elderly widow of modest means, for the purpose of advising her on investing \$60,000 from the sale of a cottage. CAHILL took a blank payee cheque from her for \$60,000, later filled in the payee as Premier, and deposited the funds into Premier's account. No paperwork was done at the time documenting the investment. The investor thought the funds would be invested in mutual funds. CAHILL invested the funds in Premier. At the time of the investment, Premier was in financial difficulty. Some interest payments were made to the investor. The principal of \$60,000 was never returned.

Sentence:

On August 12, 2010, the Honourable Judge Smith sentenced CAHILL to six (6) months imprisonment. Costs and surcharges waived.

The Manitoba Securities Commission
August 16, 2010.