

## ENFORCEMENT SUMMARY

### **In the Matter of *The Securities Act* and in the Matter of Hans-Ove HYBSCHMANN (“HYBSCHMANN”)**

#### **Charges:**

On February 22, 2007, HYBSCHMANN plead guilty before Judge Lismer of the Provincial Court of Manitoba to one (1) count of trading without registration contrary to *The Securities Act* of Manitoba (“Act”).

#### **Summary:**

At all material times, HYBSCHMANN had a restricted registration under *The Securities Act* as a mutual fund salesman. HYBSCHMANN was not registered to sell securities beyond the scope of this restricted registration. Over an eight month period in 2000, discussions occurred between HYBSCHMANN and an investor who was looking for an alternative to her existing pension investment with a higher rate of return. During this time, HYBSCHMANN built up the trust of the investor and advised her of an alternative with a greater return and without tax liability. To this end, HYBSCHMANN prepared documentation for the investor to sign to open a new self-directed RRSP account with a trust company and to transfer \$100,000 of her locked in retirement pension. Following the transfer, \$99,960 of the monies were used to purchase shares of a company called GDL Evergreen Inc. In 2002, the investor was informed that the shares were worthless.

#### **Sentence:**

On April 27, 2007, Judge Lismer sentenced HYBSCHMANN to six (6) months incarceration.

The Manitoba Securities Commission  
April 27, 2007.

#### **Sentence update:**

HYBSCHMANN appealed the above sentence to the Court of Queen’s Bench. On appeal, on October 11, 2007, a sentence of imprisonment for 90 days less time served of 18 being 72 days was imposed. Sentence to be served intermittently.

The Manitoba Securities Commission  
October 22, 2007.