

## ENFORCEMENT SUMMARY

### **In the Matter of *The Securities Act* And in the matter of DONALD MARK WERBENIUK**

#### **Charges:**

On December 12, 2003, Judge Miller of the Provincial Court of Manitoba accepted the guilty pleas of Donald Mark Werbeniuk ("Werbeniuk") to 10 counts of offences under section 136(1)(c) of *The Securities Act* of Manitoba (the "Act") being 5 counts of trading without registration and 5 counts of trading without prospectus. Werbeniuk also pled guilty to one count of making false/misleading statements in evidence during an examination contrary to section 136(1)(a) of the Act.

#### **Summary:**

Werbeniuk dealt with five investors. Another individual, Barbara Caroline Joseph (formerly Todd) was also involved with three of the investors. The investment involved was described in terms such as: off-shore trades, joint venture investment and/or a managed trading program. The return on the investment was purported to be 160% with a term of 12 to 14 months. The investors were provided with joint venture agreements which they signed. The total amount invested by the five individuals was \$53,920.52. The investors paid these monies directly to Werbeniuk and Joseph. None of the investors received any return on their investment. Werbeniuk had not returned any monies to the investors although Joseph had paid the sum of \$20,412.04 towards restitution which was pro-rated amongst the investors she was involved with.

#### **Sentence:**

Werbeniuk was sentenced on December 17, 2003. Judge Miller imposed a term of 4 months imprisonment to be served concurrently on each charge.

The Manitoba Securities Commission

December 17, 2003