

THE SECURITIES ACT

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Order No. 3378

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Sections 148 and 19(5)

)

June 13, 2001

**ERNEST DAVID JANZEN and
TRI-WEST INVESTMENT CLUB**

WHEREAS:

(A) By Order No. 3353 dated June 1, 2001, The Manitoba Securities Commission (the "Commission") ordered, pursuant to section 148 of The Securities Act (the "Act"), that all trading in the securities of the Tri-West Investment Club shall cease forthwith for a period 12 days from and including the 31st day of May, 2001 to and including the 11th day of June, 2001 and further ordered, pursuant to subsection 19(5) of the Act, that:

(a) subsections 19(1) and 19(3) of the Act do not, with respect to such of the trades referred to in those subsections, apply to Ernest David Janzen ("Janzen"); and

(b) subsection 19(2) of the Act does not, with respect to such of the securities referred to in that subsection, apply to Janzen,

for a period 12 days from and including the 31st day of May, 2001 to and including the 11th day of June, 2001;

(B) On June 1, 2001, a Notice of Hearing was issued by the Commission, inclusive of Allegations of staff of the Commission (the "Notice of Hearing"), giving notice that on June 11, 2001, a hearing (the "Hearing") would be held before the Commission to consider, inter alia, whether or not it is in the public interest to order pursuant to subsection 148(1) of the Act that all trading in securities of Tri-West Investment Club shall cease and pursuant to subsection 19(5) of the Act that subsections 19(1), (2), and (3) not apply to Janzen;

(C) On June 11, 2001, the Hearing proceeded, with Janzen appearing in person together with Douglas M. Nagel ("Nagel"), acting as agent for Janzen in the matter before the Commission, and with neither Tri-West Investment Club nor anyone on its behalf appearing, although having been properly served with the Notice of the Hearing and Order No. 3353 by mail, facsimile transmission, and e-mail, as shown in the Affidavits of Service of Cathy Phillips sworn June 7, 2001 and as so ordered herein;

(D) Upon reviewing and hearing the evidence submitted in the form of Affidavit of Jason Roy ("Roy") sworn June 8, 2001, the Certified Statement of the Director dated June 6, 2001, oral testimony of Roy and of Janzen, and upon hearing the submissions of Nagel and of counsel for staff of the Commission, the Commission is of the opinion that it is in the public interest to make this order.

IT IS ORDERED:

1. **THAT**, pursuant to subsections 148(3), 144(1) and 5(1) of the Act, service in this matter upon Tri-West Investment Club may be effected by facsimile transmission and by e-mail and that proper service of the Notice of Hearing and Order No. 3353 has been so effected upon Tri-West Investment Club.

2. **THAT**, pursuant to subsection 148(1) of the Act, effective June 11, 2001, the prohibition on trading in the securities of Tri-West Investment Club imposed by Order No. 3353 be extended indefinitely, such that all trading in the securities of Tri-West Investment Club shall cease permanently.

3. **THAT**, pursuant to subsection 19(5), the provision that:

(a) subsections 19(1) and 19(3) of the Act do not, with respect to such of the trades referred to in those subsections, apply to Janzen; and

(b) subsection 19(2) of the Act does not, with respect to such of the securities referred to in that subsection, apply to Janzen,

as imposed by Order No. 3353 shall be extended to and inclusive of November 29, 2001, on which day submissions may be made at 10:00 a.m. as to whether it is in the public interest that a further order in respect of Janzen be made.

4. **THAT** in the event that following the completion of disclosure by both parties Janzen requests a full hearing as to whether or not it is in the public interest to issue an order pursuant to subsection 19(5) of the Act against Janzen, beyond the terms of this order, that the hearing shall be and is hereby set for November 27th – 29th, 2001 inclusive, commencing at 10:00 a.m..

BY ORDER OF THE COMMISSION

Director, Legal and Enforcement