

THE SECURITIES ACT

)

Order No. 3708

)

Section 19(5)

)

April 3, 2002

ERNEST DAVID JANZEN

WHEREAS:

(A) A hearing was held ("Hearing") under The Securities Act ("Act") before The Manitoba Securities Commission ("Commission") on November 27, 2001 pursuant to a Notice of Hearing and Statement of Allegations dated June 1, 2001, to consider:

(i) whether or not it is in the public interest to order, 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 sections, apply to Ernest David Janzen ("Janzen");

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

(ii) such further and other matters and the making of such further and other orders as the Commission may deem appropriate.

(B) By Order No. 3587 dated November 28, 2001, the Commission ordered pursuant to subsection 19(5) of the Act that 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. 3378 shall be extended until the panel renders a decision in this matter.

(C) Pursuant to the panel's direction for written argument from the parties, the panel received written argument of staff, no written argument having been submitted by the respondent;

(D) On April 3, 2002, at the joint request of staff and of the respondent through his legal counsel, the panel was reconvened;

(E) Upon hearing the evidence submitted, reviewing the written argument of staff, and hearing the submissions of staff and of the respondent, including those submissions made during the

appearance of April 3, 2002 by staff and by the respondent as then represented by legal counsel, which included the acknowledgement and admission of the respondent to having traded in securities of Tri-West Investment Club without registration and without prospectus contrary to sections 6 and 37 of the Act, as particularized in the evidence before the panel and as summarized in the written argument of staff, and further included the consent of the parties to the making of this order, the Commission is of the opinion that it is in the public interest to make this order.

IT IS ORDERED:

1. THAT, pursuant to subsection 19(5) of the Act:

(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,

for a period of five years from the date of this Order.

2. THAT, Janzen pay to the Commission as a contribution to its costs a lump sum in the amount of \$2,000, to be paid on or before June 15, 2002.

3. THAT, in the event that Janzen fails to comply with the provision for costs in the amount and in the time period as ordered above, the issue of costs against Janzen shall be referred back to the panel for its determination.

BY ORDER OF THE COMMISSION

Director, Legal and Enforcement