



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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20 Queen Street West
Toronto ON M5H 3S8

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Toronto ON M5H 3S8

**IN THE MATTER OF
LARRY KEITH DAVIS**

**NOTICE OF MOTION
OF STAFF OF
THE ONTARIO SECURITIES COMMISSION**

**(Motion to Amend Statement of Allegations
Under Rule 18 of the Commission's *Rules of Procedure*)**

A. ORDER SOUGHT

Staff of the Enforcement Branch (**Staff**) of the Ontario Securities Commission (the **Commission**) request, with notice, that the Commission make the following order:

1. an order, pursuant to Rule 18 of the Commission's *Rules of Procedure* (the **Rules of Procedure**), to amend the Statement of Allegations with respect to Larry Keith Davis (the **Respondent**) in the form attached as Schedule "A";
2. an order that this matter proceed under the expedited procedure for inter-jurisdictional enforcement proceedings pursuant to Rule 11(3) of the *Rules of Procedure*; and
3. such further and other relief as Staff may request and the Commission considers appropriate.

B. GROUNDS

The grounds for the motion are:

1. Staff wish to amend the Statement of Allegations to address the determination of the Respondent's appeal of the British Columbia Securities Commission's (**BCSC**) findings on liability dated June 22, 2016 and sanctions order dated November 7, 2016, and the BCSC's reconsideration of sanctions against the Respondent dated September 19, 2018.
2. Staff have advised the Respondent of its intention to seek an amendment of the Statement of Allegations and have requested the Respondent's consent to same. Staff have not received a response from the Respondent.
3. It is unlikely that the proposed amendments to the Statement of Allegations will be unfairly prejudicial to the Respondent.
4. Staff relies upon the following rules and statutory provisions:
 - (a) Rules 11(3) and 18 of the Rules of Procedure.
5. Such further and other grounds as Staff may advise and the Commission may permit.

C. EVIDENCE

Staff intend to rely on the following evidence at the motion:

1. the proposed Amended Statement of Allegations attached as Schedule "A";
2. the Affidavit of Lee Crann sworn November 28, 2018;

3. British Columbia Court of Appeal Reasons for Judgment dated April 20, 2018 (*Davis v British Columbia (Securities Commission)*, 2018 BCCA 149);
4. British Columbia Securities Commission Order re: Reconsideration of Sanctions re: Larry Keith Davis dated September 19, 2018 (*Re Davis*, 2018 BCSECCOM 284); and
5. such further and other materials as counsel may advise and the Commission may permit.

DATED at Toronto this 28th day of November, 2018.

Ontario Securities Commission

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