

ALBERTA SECURITIES COMMISSION

INTERIM ORDER: EXTENSION

Citation: Re Hunter, 2024 ABASC 76

Date: 20240501

Glenn Donald Hunter, Kyle William Watters, HW & Associates Inc.
and HW TradeFX LLC

Background

1. Staff (**Staff**) of the Alberta Securities Commission (the **Commission**) have issued a Notice of Application dated April 29, 2024 (the **Application**), naming the following as respondents: Glenn Donald Hunter (**Hunter**), Kyle William Watters (**Watters**), HW & Associates Inc. (**HW**), and HW TradeFX LLC (**TradeFX**), and together with Hunter, Watters and HW, the **Respondents**).
2. On May 4, 2023, the Commission issued an order (the **Interim Order**, cited as *Re Hunter*, 2023 ABASC 56) pursuant to ss. 33 and 198(1) of the *Securities Act* (Alberta) (the **Act**) that for a period of 12 months from the date of the Interim Order:
 - (a) the Respondents must cease trading in or purchasing any securities or derivatives, with the exception that Hunter and Watters are permitted to trade in or purchase securities or derivatives for their sole financial benefit, in accounts registered in their own names and over which they have sole beneficial ownership; for greater certainty, Hunter and Watters are prohibited from trading in or purchasing securities or derivatives in any accounts that directly or indirectly, through any mechanism, cause or otherwise allow the trading or purchasing activity of Hunter or Watters to be applied or replicated in accounts beneficially owned by third-parties;
 - (b) the Respondents are denied the use of all exemptions contained in Alberta securities laws; and
 - (c) the Respondents are prohibited from acting as registrants (together with paragraphs 2(a) and (b), the **Market Access Ban**).
3. In the Interim Order, the Commission also ordered that the affidavit filed in support of Staff's application (the **Affidavit**), and all other evidence admitted at the hearing of Staff's application must remain confidential and shall not be divulged except in accordance with s. 45 of the Act (the **Confidentiality Order**).
4. Subsequent to the issuance of the Interim Order, Staff provided an affidavit correcting an exhibit to the Affidavit (the **Correcting Affidavit**).

5. On April 26, 2024, Staff issued a Notice of Hearing (the **Notice of Hearing**, cited as *Re Hunter*, 2024 ABASC 70) against the Respondents alleging that they breached s. 75(1)(a) of the Act and that Hunter and Watters authorized, permitted or acquiesced in HW's and TradeFX's breaches of s. 75(1)(a).
6. In the Application, Staff seek an extension of the Interim Order until the proceeding initiated pursuant to the Notice of Hearing is finally determined or otherwise concluded.
7. The Application states that the Respondents, through their counsel, have advised that they are not opposed to the extension sought by Staff.
8. The Commission has agreed to proceed with the Application in writing.
9. The Commission has received and considered the Application, the Affidavit, the Correcting Affidavit, and the transcript of the Interim Order application and ruling.

Order

10. Considering that the length of time required to conduct a hearing and to render a decision could be prejudicial to the public interest, and the Respondents are not opposed to the order sought, the Commission orders under s. 33(4) of the Act that the Market Access Ban is extended until the proceeding initiated pursuant to the Notice of Hearing has been finally determined or otherwise concluded.
11. For greater certainty, the Confidentiality Order remains in effect and the Correcting Affidavit is included in the Confidentiality Order.

May 1, 2024

For the Commission:

"original signed by"
Kari Horn

"original signed by"
Tom Cotter