

Marvin Nickel
Exempt Market Dealing Representative, TriView Capital Ltd EMD
Calgary, Alberta, Canada
Phone (403) 975-2010 Fax (866) 740-9892 Cell (403) 975-2010
mnickel@triviewcapital.com www.triviewcapital.com

June 5, 2014

denise.weeres@asc.ca

consultation-en-cours@lautorite.qc.ca

Denise Weeres
Manager, Legal, Corporate Finance
Alberta Securities Commission
250 – 5th Street SW
Calgary, Alberta T2P 0R4

and

Me Anne-Marie Beaudoin
Directrice du secrétariat
Autorité des marchés financiers
800, square Victoria, 22e étage
C.P. 246, tour de la Bourse
Montréal, Québec H4Z 1G3

comments@osc.gov.on.ca

The Secretary
Ontario Securities Commission
20 Queen Street West
22nd Floor
Toronto, Ontario M5H 3S8

Re: CSA Proposed Amendments Relating to the Offering Memorandum [Exemption](#)

To whom it may concern:

I am writing, as an investor and an Exempt Market Dealing Representative, to comment on the proposed amendments to NI 45-106, in particular the proposed annual investment limits for non-accredited investors.

I have worked in the **financial services industry for 25 years** in the capacities as a registered rep, investment advisor, Branch Manager in securities, insurance advisor and Certified Financial Planner.

Given my knowledge of investors and the market, I became once again involved in offering exempt market products to my clients. Research and history has **proven** that owning alternative investments in a portfolio can reduce portfolio volatility and enhance returns. Studies show that **many pension plans and endowment funds have moved in this direction** as well and are increasing allocations to alternative investments.

By imposing a \$30,000 annual limit regardless of the investors experience, suitability, need and net worth displays a lack of understanding, lack of due diligence and unfairly targets the multi—asset approach.

By placing such restrictions on investors it is saying that the professionals who manage billions of dollars are wrong and should be reversing their allocations. I won't get into the other ramifications this will have in the industry.

On the other hand, I can see why someone would consider imposing a minimum given at least in the Calgary area given the vast number of fraudulent offerings, however, that has already been addressed with the **new regulations** that came into effect in 2010. If they were to only look at history, they would find fraudulent behavior in mutual funds in its infancy stages as well the current fraudulent practices in the highly regulated securities industry today which from my understanding have never had any maximum investment amount restrictions placed on them.

By placing this restriction because of past concerns in the industry, is akin to placing a black piece of tape over the dashboard of a car to cover an engine warning light. If there is a problem, covering it doesn't make the issues go away. The problem still exists no matter how small.

If the Securities Commission has a problem they should seek ways in which to make this industry stronger and more accountable but in a way that is not erroneous.

I did not pass this new imposed restriction info to my clients. I did not want to disrespect our Securities Commissions. Many would find such a restriction deplorable given their net worth not to mention the feelings that their liberties are being violated.

I know that once all concerned have done proper due diligence in this area that common sense and the betterment of the industry as a whole will prevail.

Thank you for your time.

Marvin Nickel

CC:

Honourable Doug Horner
Minister of Finance, Alberta
doug.horner@gov.ab.ca

Honourable Charles Sousa
Minister of Finance, Ontario
charles.sousa@ontario.ca

Cora Pettipas
Vice President, National Exempt Market Association
cora@nemaonline.ca