



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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**IN THE MATTER OF THE *SECURITIES ACT*,
R.S.O. 1990, c. S.5, AS AMENDED**

- AND -

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**IN THE MATTER OF THE JUNIPER FUND MANAGEMENT CORPORATION,
JUNIPER INCOME FUND, JUNIPER EQUITY GROWTH FUND and
ROY BROWN (a.k.a. ROY BROWN-RODRIGUES)**

ORDER

(Sections 127 and 127.1 of the *Securities Act*)

WHEREAS on March 21, 2006, the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing pursuant to sections 127 and 127.1 of the *Securities Act*, R.S.O. 1990 c. S.5, as amended (the “Act”), accompanied by a Statement of Allegations dated March 21, 2006 filed by Staff of the Commission (“Staff”) in respect of Juniper Fund Management Corporation, Juniper Income Fund, Juniper Equity Growth Fund and Roy Brown (a.k.a. Roy Brown-Rodrigues) (collectively, the “Respondents”);

AND WHEREAS on July 5, 2007, Staff filed an Amended Statement of Allegations;

AND WHEREAS a hearing on the merits in this matter was held before the Commission on September 19, 20, 21, 22, 23, 28, 29, October 5, November 9 and December 21, 2011, and February 14, 22, April 4, May 28, 30, June 8 and September 4, 2012;

AND WHEREAS following the hearing on the merits, the Commission issued its Reasons and Decision with respect to the merits on April 11, 2013;

AND WHEREAS on April 11, 2013, the Commission ordered that the parties shall appear before the Commission on June 14, 2013 at 10:00 a.m. at the offices of the Commission at 20 Queen Street West, Toronto, ON, for the sanctions and costs hearing, and further ordered that:

- (i) Staff shall file written submissions by 4:30 p.m. on May 24, 2013;

- (ii) The Respondents shall file responding written submissions by 4:30 p.m. on June 7, 2013;
- (iii) Staff shall file reply written submissions (if any) by 4:30 p.m. on June 12, 2013; and

AND WHEREAS by email dated April 13, 2013 Roy Brown advised the Secretary's Office that he was unavailable to attend the sanctions and costs hearing on June 14, 2013 due to travel commitments and a planned vacation;

AND WHEREAS the Commission scheduled a case management conference on May 7, 2013 to consider Roy Brown's request to adjourn the sanctions and costs hearing;

AND WHEREAS on May 7, 2013, Roy Brown participated in the case management conference by way of conference call and Staff attended in person;

AND WHEREAS Roy Brown advised that he was making efforts through Pro Bono Law Ontario ("PBLO") to obtain counsel and Staff advised that it was not opposed to a short adjournment of the sanctions and costs hearing if Roy Brown was unavailable on June 14, 2013;

AND WHEREAS following the case management conference, Staff requested that the time for delivery of its written sanctions and costs submissions be extended to May 31, 2013 at 4:30 p.m. and Roy Brown took no position on Staff's request to extend the date for Staff to file its written sanctions and costs submissions with the Commission;

AND WHEREAS on May 15, 2013, the Commission issued an order that:

- (i) the June 14, 2013 sanctions and costs hearing date be vacated;
- (ii) that Staff shall file written sanctions and costs submissions by 4:30 p.m. on May 31, 2013; and
- (iii) the parties shall appear before the Commission on July 4, 2013 at 10:00 a.m. so that Roy Brown can provide the Commission with an update on his efforts to retain counsel;

AND WHEREAS on May 31, 2013, Staff filed its written submissions on sanctions and costs and brief of authorities on sanctions and costs;

AND WHEREAS on July 4, 2013 a hearing was held to get a status update on Roy Brown's efforts to retain counsel and to schedule the sanctions and costs hearing and Roy Brown participated by way of conference call and Staff attended in person;

AND WHEREAS Roy Brown provided an update through an email dated July 4, 2013 that PBLO is "still in the process of attempting to recruit the appropriate legal counsel for this file" and that this "process may take another two to four weeks";

AND WHEREAS Roy Brown made an undertaking at the hearing to inquire and to get a response from PBLO regarding the status of his application for counsel and timing for a response from PBLO, and that any response be provided to Staff and the Commission;

AND WHEREAS Staff submitted that the sanctions and costs hearing should be scheduled far enough in advance that it would provide Roy Brown sufficient time to retain counsel and sufficient time for that counsel to prepare for the sanctions and costs hearing;

AND WHEREAS in the Commission's view, scheduling the sanctions and costs hearing at the end of October (more than three and half months from the date of the July 4, 2013 order and more than six months after the issuance of the Reasons and Decision on the merits) will provide adequate time for Roy Brown to retain counsel and for that counsel to prepare for the sanctions and costs hearing;

AND WHEREAS on July 4, 2013, it was ordered that: the sanctions and costs hearing in this matter is scheduled for October 25, 2013 at 10:00 a.m. and will proceed on a peremptory basis regardless of whether Roy Brown retains counsel and that the parties shall file their hearing materials for the sanctions and costs hearing as follows:

- (i) Roy Brown (or counsel retained by Roy Brown) shall file responding written sanctions and costs submissions by 4:30 p.m. on September 9, 2013;

- (ii) Staff shall file reply written sanctions and costs submissions by 4:30 p.m. on September 23, 2013;

AND WHEREAS by email on September 3, 2013, Roy Brown made a request for a one week extension to file his responding written sanctions and costs submissions on September 16, 2013;

AND WHEREAS the Commission considers it in the public interest to make this order;

IT IS ORDERED that:

- (i) Roy Brown (or counsel retained by Roy Brown) shall file responding written sanctions and costs submissions by 4:30 p.m. on September 16, 2013, and no further extensions to filing deadlines shall be granted; and
- (ii) Staff shall file reply written sanctions and costs submissions by 4:30 p.m. on September 30, 2013, and no further extensions to filing deadlines shall be granted;

IT IS FURTHER ORDERED that the sanctions and costs hearing in this matter remains scheduled for October 25, 2013 at 10:00 a.m. and will proceed on a peremptory basis regardless of whether Roy Brown retains counsel.

DATED at Toronto this 4th day of September, 2013.

“Vern Krishna”

Vern Krishna, QC