



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

22nd Floor
20 Queen Street West
Toronto ON M5H 3S8

22e étage
20, rue Queen Ouest
Toronto ON M5H 3S8

Citation: Simba (Re), 2018 ONSEC 15

Date: 2018-04-04

File No. 2018-6

**IN THE MATTER OF
MUCHOKI FUNGAI SIMBA
(also known as Henderson MacDonald Alexander Butcher)**

REASONS AND DECISION

Hearing: March 29, 2018

Decision: April 4, 2018

Panel: D. Grant Vingoe Vice Chair and Chair of the Panel

Appearances: Alvin Qian For Staff of the Commission

No one appearing on behalf of
Muchoki Fungai Simba

REASONS AND DECISION

- [1] On February 8, 2018, Staff of the Ontario Securities Commission issued a Statement of Allegations pursuant to section 127 of the *Securities Act*, RSO 1990, c S.5, against Muchoki Fungai Simba (**Simba**).
- [2] The first attendance was originally scheduled for March 29, 2018. Staff appeared on this date. However, Simba did not attend although properly served.
- [3] At this attendance, Staff provided an Affidavit of Service of Laura Filice, sworn February 13, 2018, which contained as an exhibit an email from Simba advising of his request to remove all references to the name Henderson MacDonald Alexander Butcher (**Butcher**) on the basis that this name had historical connotations that were offensive to him.
- [4] I treated this email as a motion to amend the Statement of Allegations and waived the filing requirements for such a motion.
- [5] Staff advised that they did not agree with removing the reference to Butcher, but suggested instead to amend the Statement of Allegations to reflect that Butcher was a "previous" name of Simba. Staff advised that Simba had legally changed his name from Butcher to Simba.
- [6] Based on Simba's email and the submissions made at the attendance by Staff, in my view at this time, it is appropriate to follow Staff's proposal and an amended Statement of Allegations will be issued following these reasons. The amended Statement of Allegations will reflect that Butcher is the "previous" name of Simba.
- [7] I agree with Staff's approach because it is in the public interest for the public record to show when an individual has used more than one name, and particularly in cases where the individual is a former registrant and was registered under the former name.
- [8] Simba may make additional submissions on the issue of the amended Statement of Allegations at the next scheduled attendance on April 23, 2018 at 11:30 a.m.

Dated at Toronto this 4th day of April, 2018.

"D. Grant Vingoe"
D. Grant Vingoe