

In the matter of The Constitution of the Institute of Financial Advisers Inc. and its By-laws
and

In the matter of An application for an interim suspension order by the Disciplinary
Tribunal

Between: The Institute of Financial Advisers Inc.

and: Neville Cant, a Member

Order of the Disciplinary Tribunal
(Dated 26 November 2009)

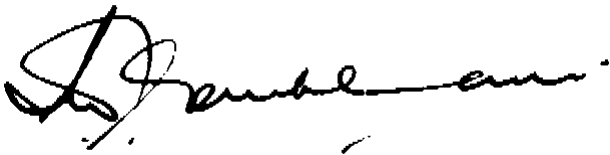
Disciplinary Tribunal:
Anthony N Frankham (Chairman)
Robert Narev
Karl Schweder

Order of the Disciplinary Tribunal

- [1] Neville Cant, (“the Member”), a member of the Institute of Financial Advisers (“the Institute” or “IFA”), is the subject of complaints to the Institute dated 15 June 2009, 22 August 2009 and 11 August 2009. The complainants are seemingly unrelated. The allegations made by the complainants are serious and prima facie warrant investigation and possible action by the Institute. In respect of one complaint, the Professional Conduct Committee of the institute asked the Member three times for an explanation of the issues complained about. It made those requests on 18 August, 1 October, and 9 October. The Member has acknowledged receiving the requests and his failure to respond, but has not provided any explanation. He has promised to provide a response sometime in the future. The other complaints are awaiting further evidence.
- [2] The Professional Conduct Committee has referred the issues to the Disciplinary Tribunal under bylaw 5.4, and recommended interim suspension of the member under Disciplinary Bylaw 6.2.a (bylaws dated 1st June 2009).
- [3] The Disciplinary Tribunal has reviewed the communications between the Institute, the complainants, and the Member and considers on the information available to it, it is necessary or desirable in the interests of the public and the complainants to make a suspension order pursuant to Rule 6.2 of the Disciplinary Bylaws dated 1 June 2009.
- [4] Rule 6.2 reads
- 6.2. Interim Suspension**
- (a) Where the Disciplinary Tribunal is called on by the Professional Conduct Committee to deal with a complaint or matter where the Disciplinary Tribunal considers it necessary or desirable to act promptly in the interests of the public, or the financial interest of any person, it may (without a hearing and without notice to the Member) make an order:
- (i) suspending the membership of the Member until further order of the Disciplinary Tribunal; and
- (ii) directing that after five working days has elapsed, notice of the suspension be published as contemplated under bylaw 11.3.
- (b) A Member who is suspended under bylaw 6.2(a) shall be immediately notified of the decision by the Compliance Manager and the Member may, within five working days of the date of receipt of such notification, apply in writing to the Disciplinary Tribunal for revocation of the suspension order and the order directing publication.
- (c) On receipt of an application for revocation, the Disciplinary Tribunal will convene a hearing and will provide an opportunity for the Member to be heard.
- (d) Where a Member makes an application for revocation under bylaw 6.2(b), publication shall be delayed until the application has been determined by the Disciplinary Tribunal.
- [5] The Disciplinary Tribunal of the Institute of Financial Advisers hereby makes an order

- (i) suspending the membership of the Neville Cant until further order of the Disciplinary Tribunal; and
- (ii) directing that after five working days has elapsed, notice of the suspension be published as contemplated under bylaw 11.3; and
- (iii) directing the Compliance Manager to immediately notify the Member of:
 - the decision of the Tribunal and that the Member may, within five working days of the date of receipt of such notification, apply in writing to the Disciplinary Tribunal for revocation of the suspension order and the order directing publication;
 - that on receipt of an application for revocation, the Disciplinary Tribunal will convene a hearing and will provide an opportunity for the Member to be heard;
 - that where a Member makes an application for revocation under bylaw 6.2(b), publication shall be delayed until the application has been determined by the Disciplinary Tribunal.

By Order of the Disciplinary Tribunal

A handwritten signature in black ink, appearing to read 'A N Frankham', with a stylized flourish at the end.

A N Frankham
Chairman
24 November 2009