

IN THE MATTER OF  
THE *SECURITIES ACT*, R.S.N.S. 1989, CHAPTER 418, AS AMENDED (“Act”)

- and -

IN THE MATTER OF  
WAYNE J. BERRY (“Respondent”)

**AMENDED NOTICE OF HEARING**  
(Sections 134, 135, 135A and 136A of the Act)

**WHEREAS** by a Notice of Hearing dated December 10, 2012 (the “Original Notice”), the Nova Scotia Securities Commission (“Commission”) gave notice that it will hold a hearing pursuant to sections 134, 135, 135A and 136A of the Act at the offices of the Commission located at Suite 400, 5251 Duke Street, Halifax, Nova Scotia, or such other place as the Commission may designate on notice to the parties, on a date and time to be designated by the Commission;

**TAKE NOTICE** that the Commission will hold a hearing pursuant to sections 134, 135, 135A and 136A of the Act at the offices of the Commission located at Suite 400, 5251 Duke Street, Halifax, Nova Scotia, or such other place as the Commission may designate on notice to the parties, from Wednesday, August 28, 2013, to Friday, August 30, 2013, at 9:30 o’clock in the forenoon on each day, or so soon thereafter as the hearing can be held;

**AND TAKE NOTICE** that the purpose of the hearing will be for the Commission to consider whether it is in the public interest for the Commission to make:

1. An order pursuant to section 134 of the Act that the Respondent be sanctioned in a manner to be determined by the Commission;
2. An order pursuant to section 135 of the Act that the Respondent pay an administrative penalty in an amount to be determined by the Commission;
3. An order pursuant to section 135A of the Act that the Respondent pay costs in connection with the investigation and conduct of the proceedings before the Commission;
4. An order pursuant to section 136A of the Act imposing such terms and conditions on any order pursuant to sections 134 and 135 of the Act as the Commission considers appropriate; and
5. Such other order as the Commission considers appropriate;

**BY REASON OF** the allegations set out in the Statement of Allegations of the Director of Enforcement for the Commission dated the 27<sup>th</sup> day of November, 2012, attached to the Original Notice and such additional allegations as counsel may advise and the Commission may permit;

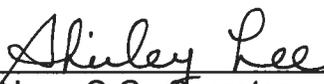
**AND TAKE NOTICE** that the disclosure of evidence and copies of documents to be presented at the hearing will be provided in accordance with Rule 15-501 General Rules of Practice and Procedure and any orders granted by the Commission;

**AND TAKE NOTICE** that any party to the proceeding may be represented by legal counsel or an authorized agent;

**AND TAKE NOTICE** that the Respondent shall provide written notice to the Commission, at least seven (7) days prior to the date of the hearing, of its intention to attend the hearing, and if no such notice is provided within this time or upon the failure of any party to attend at the hearing, the hearing may proceed in the absence of that party and an order granted and such party is not entitled to any further notice of the proceeding without leave of the Commission.

**DATED** at Halifax, Nova Scotia, this 4th day of February, 2013.

**NOVA SCOTIA SECURITIES COMMISSION**

  
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Shirley P. Lee, Q.C., Secretary