

IN THE MATTER OF: Financial Advisers Act 2008
BETWEEN: FINANCIAL MARKETS AUTHORITY
Complainant
AND RODNEY IAN BOURKE-SHAW
Respondent

Counsel: R. Manttan for Complainant
R. Raymond for the Respondent

Date of Decision: 13 August 2013

DECISION OF THE COMMITTEE ON CODE STANDARD BREACHES

Solicitors:

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1. On 30 April 2013 the FMA referred a complaint against Rodney Ian Bourke-Shaw to the Committee which included alleged breaches of Code Standards 1, 6, 8, 9 and 12.
2. On 8 May a panel of the Committee held that a full hearing was necessary and resolved to serve a Notice of Complaint.
3. Various preliminary conferences were convened and discussions took place between counsel.
4. On 9 August it was confirmed that Mr Bourke-Shaw accepted that there had been breaches of Code Standards 6, 8, 9 and 12, but not Code Standard 1. The FMA advised that they would not offer evidence on that allegation.
5. A summary of facts was prepared and filed by the FMA on 16 August which subject to some minor editorial matters is accepted by Mr Bourke-Shaw.
6. In the circumstances the Committee finds that there have been breaches of Code Standards 6, 8, 9 and 12 on the basis outlined in the summary of facts. Notwithstanding the provisions of Rule 28 and having regard to the provisions of Rules 4, 5 and 6 it is not appropriate or fair for the Committee to indicate any view on disposition without input from either party.
7. The FMA is to file submissions on disposition by 5pm Wednesday 14 August and there is to be a response by Mr Bourke-Shaw.
8. The case will be listed as scheduled before a Committee panel on Friday 16 August at 10am to monitor progress. If necessary documentation has been filed, the Committee will proceed to determine the matter and issue a written decision on the papers as requested by both parties



For the Committee
Chairman – Sir Bruce Robertson