

## ALBERTA SECURITIES COMMISSION

Citation: Re DaSilva, 2020 ABASC 140

Docket: ENF-012141

Date: 20200817

### NOTICE OF HEARING

To: **Frederick Alexander DaSilva (Respondent)**

#### A. NOTICE

Staff of the Alberta Securities Commission (**Staff**) will make written submissions to the Alberta Securities Commission (the **Commission**) for an order pursuant to section 198.1(2)(c)(i) or section 198.1(2)(d)(i) and section 198(1) of the *Securities Act*, R.S.A. 2000 c. S-4, as amended (the *Act*).

#### B. ORDERS SOUGHT

Staff seek a permanent order that:

1. Under section 198(1)(b), the Respondent cease trading in any securities or derivatives;
2. Under section 198(1)(c), all of the exemptions contained in Alberta securities laws do not apply to the Respondent;
3. Under section 198(1)(d), the Respondent immediately resign from all positions he holds as a director or officer of any reporting issuer;
4. Under section 198(1)(e), the Respondent be prohibited from becoming or acting as a director or officer or as both a director and officer of any reporting issuer; and
5. Under section 198(1) such further and other orders as the Commission considers appropriate in the public interest.

#### C. GROUNDS

The grounds are:

- (a) The Respondent and the U.S. Securities and Exchange Commission agreed to the entry of a final judgment filed in the United States District Court for the Southern District of New York, which included both financial sanctions and director and officer bans.
- (b) It is in the public interest for the Commission to make the order sought by Staff.

**D. EVIDENCE**

The evidence is:

- (a) The Affidavit of Jolie Rattenbury, investigator in the Enforcement division of the Commission, sworn June 23, 2020, together with the Exhibits attached; and
- (b) Such further and other materials as Staff may advise and the Commission may permit.

**E. PROCEDURE**

The Respondent has an opportunity to be heard and may do so with or without legal counsel.

If the Respondent wishes to make oral submissions or present evidence to the Commission, the Respondent must, within 21 days of the date of service of this Notice, contact Jayne Lewis, Registrar, by telephone at 403.297.4277, by email at registrar@asc.ca, or facsimile at 403.297.4486, following which a hearing date and time will be set by the Commission.

If the Respondent wishes to make written submissions, the Respondent must, within 28 days of the date of service of this Notice, deliver the submissions, together with any supporting evidence, to Jayne Lewis, Registrar, Alberta Securities Commission, 6th Floor, 250 - 5 Street SW, Calgary, AB, T2P 0R4.

The Respondent may choose to make both oral and written submissions, in which case, the Respondent must comply with each of the above time limits.

If the Respondent does not choose to provide evidence or make submissions, the Commission will consider the application on or after 30 days from the date of this Notice and may make an order against the Respondent without further notice.

Calgary, Alberta, this 17<sup>th</sup> day of ) ALBERTA SECURITIES COMMISSION  
 August, 2020. )  
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 ) *“Original signed by”*  
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 ) David C. Linder, Q.C.  
 ) Executive Director