



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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**IN THE MATTER OF
EVOLUTION MENTOR CAPITAL INC. and
PASQUALINO (PATRICK) MICHAEL MAZZA**

**APPLICATION OF
STAFF OF THE ONTARIO SECURITIES COMMISSION**

(For Extension of a Temporary Order
Subsections 127(1) and 127(8) of the *Securities Act*, RSO 1990, c S.5)

A. ORDERS SOUGHT

The Applicant, Staff of the Ontario Securities Commission (“Staff”), requests that the Ontario Securities Commission (the “Commission”) make the following orders:

1. an order extending a temporary order of the Commission made with respect to Evolution Mentor Capital Inc (“EMCI”) and Pasqualino (Patrick) Michael Mazza (“Mazza”), dated June 17, 2020 (the “Temporary Order”), for such period as it considers necessary..., pursuant to subsection 127(8) of the *Securities Act*, RSO 1990, c S.5 (the “Act”);
2. if necessary, an order abridging the time required for service pursuant to Rules 3 and 4(2) of the Ontario Securities Commission Rules of Procedure; and
3. such other Order as the Commission considers appropriate in the public interest.

B. GROUNDS

The grounds for the request are:

1. Staff are conducting an investigation;
2. A complaint was referred to Staff by the Vermont Department of Financial Regulation (the “VDFR”) regarding Frances Tobia (“Tobia”) a Vermont resident, who received an unsolicited email from Mazza of EMCI to invest in a crypto currency mining scheme;
3. EMCI is an Ontario corporation with a head office in Toronto, Ontario. EMCI is not a reporting issuer in Ontario, has made no filings and is not registered with the Commission;
4. Mazza is an Ontario resident and the sole director of EMCI. He is not registered with the Commission;
5. Information available to Staff at the time the Temporary Order was obtained indicated that:
 - (a) in May 2020, Tobia wired a total of US \$100,000 to Mazza at a TD Bank branch located in Toronto. The investment was detected by Tobia’s spouse, Robert, who filed a fraud complaint with the Federal Bureau of Investigation Internet Crime Complaint Centre which was then sent to the VDFR;
 - (b) Robert provided an “Investment Agreement” signed by Tobia, Mazza and Harvey Goldberg J.S.D. as witness, on May 19, 2020. The investment is described as a “Crypto Currency Mining Investment/Joint Venture Investment”;
 - (c) Robert also provided PowerPoint presentations sent to Tobia by Mazza outlining an investment opportunity in crypto currency mining;
 - (d) Robert has also represented that after they complained that they had been defrauded and tried to recover their funds, they have received many calls and other communications from Mazza threatening the complainant, her husband, their two daughters, and the complainant’s sister;

- (e) in early June 2020 the VDFR issued an Ex Parte Cease and Desist Order against EMCI and Mazza in connection with Tobia's complaint; and
 - (f) the VDFR also issued an Order directing TD Bank to maintain a freeze on the funds in the account, however TD advised that they may have no jurisdiction to hold the funds based on the VDFR Order to freeze.
6. Information subsequent to Staff obtaining the Temporary Order indicates that:
- (a) Mazza, through counsel, has provided signed Purchase Agreements indicating that the US \$100,000 was for the purchase of a non-refundable digital asset in Ethereum;
 - (b) Mazza has provided mobile text messages allegedly received from Tobia discussing a desire to purchase Ethereum;
 - (c) Tobia and Robert have retained counsel and have initiated civil proceedings against Mazza and EMCI;
 - (d) Mazza and EMCI have retained counsel to defend the civil claim and have counter-claimed against Tobia and Robert;
7. The Temporary Order was extended on June 30, 2020 ("the First TCTO Extension"). Subsequent to the First TCTO Extension, staff obtained additional evidence which indicates that:
- (a) Mazza, through counsel, has provided documents purporting to show that the fictitious persona of Harvey Goldberg was created by Tobia;
 - (b) Mazza swore an affidavit asserting that Tobia owns the harveygoldberg.ca domain;
 - (c) evidence obtained from NamesPro, E-xact Transactions Ltd. and confirmed through Mazza's TD Bank statements show that Mazza's card # 4724 0903 3752 2328 was used to pay for the harveygoldberg.ca domain;
 - (d) Mazza swore an affidavit asserting that he had been in contact with one of the sources quoted in an article from 3w Market News Reports, Mr. Martin Harper;

(e) Senior Resident Agent Matt Moughty of the U.S. Secret Service swore an affidavit concluding that he has reason to believe that media articles and the affidavit of Martin Harper appear to be fraudulent documents, that he has reason to believe the existence of alleged victim Martin Harper in Delaware to be dubious and that the unreliable documents referenced in Mazza and Harper's affidavits may serve to mislead the Court in its quest to determine the truth, if relied upon.

8. The Order sought by Staff is necessary to protect investors from serious and ongoing harm and is in the public interest;

9. Subsections 127(1) and 127(8) of the Act; and

10. Such further and other grounds as counsel may advise and the Commission may permit

C. EVIDENCE

1. The Applicant intends to rely on the following evidence at the hearing:

(a) The affidavit of Marcel Tillie to be filed.

Date: September 16, 2020

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