



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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**IN THE MATTER OF THE *SECURITIES ACT*,
R.S.O. 1990, c. S.5, AS AMENDED**

- AND -

**GOLDPOINT RESOURCES CORPORATION, PASQUALINO NOVIELLI also known as
Lee or Lino Novielli, BRIAN PATRICK MOLONEY also known as Brian Caldwell, and
ZAIDA PIMENTEL also known as Zaida Novielli**

ORDER

WHEREAS on April 30, 2008 the Ontario Securities Commission (the "Commission") issued a Temporary Order pursuant to subsections 127(1) and (5) of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the "Act") that: all trading in securities by Goldpoint Resources Corporation ("Goldpoint") shall cease; all trading in Goldpoint securities shall cease; and, Lino Novielli ("Novielli"), Brian Moloney ("Moloney"), Evanna Tomeli ("Tomeli"), Robert Black ("Black"), Richard Wylie ("Wylie"), and Jack Anderson ("Anderson") cease trading in all securities (the "Temporary Order");

AND WHEREAS on April 30, 2008, the Commission ordered that the Temporary Order shall expire on the 15th day after its making unless extended by order of the Commission;

AND WHEREAS on May 1, 2008 the Commission issued a Notice of Hearing (the "May Notice of Hearing") to consider, among other things, the extension of the Temporary Order, such hearing to be held on May 14, 2008 at 10 a.m.;

AND WHEREAS the May Notice of Hearing sets out that the hearing is to consider, among other things, whether, in the opinion of the Commission, it is in the public interest,

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pursuant to subsections 127(7) and (8) of the Act, to extend the Temporary Order until such further time as considered necessary by the Commission;

AND WHEREAS Staff of the Commission (“Staff”) served all of the respondents with copies of the Temporary Order, the May Notice of Hearing, Staff’s Statement of Allegations and Staff’s supporting materials as evidenced by the Affidavits of Service filed with the Commission;

AND WHEREAS a hearing to extend the Temporary Order was held on May 14, 2008 commencing at 10 a.m. and Staff appeared;

AND WHEREAS Tomeli, Black, Wylie, and Anderson did not appear to oppose Staff’s request for the extension of the Temporary Order;

AND WHEREAS counsel for Staff advised the panel that counsel for Novielli did not oppose the extension of the Temporary Order;

AND WHEREAS counsel for Staff advised the panel that Moloney did not oppose the extension of the Temporary Order;

AND WHEREAS counsel for Staff advised the panel that counsel for Novielli advised that it was his understanding that Goldpoint would not be opposing Staff’s request for an extension of the Temporary Order and would not be attending the hearing;

AND WHEREAS the panel considered the evidence and submissions before it;

AND WHEREAS on May 14, 2008, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to July 19, 2008 and that the hearing be adjourned to July 18, 2008 at 10 a.m.;

AND WHEREAS a hearing to consider extending the Temporary Order was held on July 18, 2008 commencing at 10 a.m. and Staff appeared and made submissions;

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AND WHEREAS on July 18, 2008, Staff advised the panel of the Commission that counsel for Moloney did not oppose the extension of the Temporary Order;

AND WHEREAS Staff advised the panel of the Commission that Novielli did not oppose the extension of the Temporary Order as against himself or as against Goldpoint;

AND WHEREAS Staff advised the panel of the Commission that Tomeli, Black, Wylie, and Anderson were sent, via registered mail, a certified copy of the May 14, 2008 Order of the Commission extending the Temporary Order and Staff advised these respondents, by letter, of the July 18, 2008 hearing date to consider further extending the Temporary Order;

AND WHEREAS on July 18, 2008, Tomeli, Black, Wylie, and Anderson did not appear before the panel of the Commission to oppose Staff's request for the extension of the Temporary Order;

AND WHEREAS on July 18, 2008, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to September 17, 2008 and that the hearing be adjourned to September 16, 2008 at 2:30 p.m.;

AND WHEREAS a hearing to consider extending the Temporary Order was held on September 16, 2008 commencing at 2:30 p.m. and Staff appeared and made submissions;

AND WHEREAS on September 16, 2008, Staff advised the panel that Novielli did not oppose the extension of the Temporary Order;

AND WHEREAS on September 16, 2008, Staff advised the panel that Staff had inquired of Moloney as to whether or not he intended to appear at the hearing on September 16, 2008 and oppose the extension of the Temporary Order;

AND WHEREAS Staff advised the panel that Moloney had not responded to Staff's inquiries and Moloney did not attend at the hearing on September 16, 2008;

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AND WHEREAS Staff advised the panel that, on July 29, 2008, Goldpoint, Tomeli, Black, Wylie, and Anderson were sent, via registered mail, a certified copy of the July 18, 2008 Order of the Commission extending the Temporary Order and Staff advised these respondents, by letter, of the September 16, 2008 hearing date to consider further extending the Temporary Order;

AND WHEREAS on September 16, 2008, Goldpoint, Tomeli, Black, Wylie, and Anderson did not appear to oppose Staff's request for the extension of the Temporary Order;

AND WHEREAS on September 16, 2008, a panel of the Commission considered the evidence and submissions before it;

AND WHEREAS on September 16, 2008, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to December 1, 2008 and that the hearing be adjourned to November 28, 2008 at 10:00 a.m.;

AND WHEREAS a hearing to consider extending the Temporary Order was held on November 28, 2008 commencing at 10:00 a.m. and Staff appeared and made submissions;

AND WHEREAS Staff filed the Affidavit of Service of Kathleen McMillan, sworn on November 20, 2008, evidencing service of a certified copy of the Order of the Commission dated September 16, 2008 on Novielli, Moloney and Goldpoint;

AND WHEREAS on November 28, 2008, Goldpoint, Novielli, Moloney, Tomeli, Black, Wylie, and Anderson did not appear to oppose Staff's request for the extension of the Temporary Order;

AND WHEREAS on November 28, 2008, a panel of the Commission considered the evidence and submissions before it;

AND WHEREAS on November 28, 2008, a panel of the Commission determined that satisfactory information has not been provided to the Commission by the respondents;

AND WHEREAS on November 28, 2008, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to January 7, 2009 and that the hearing be adjourned to January 6, 2009 at 3:00 p.m.;

AND WHEREAS on December 19, 2008 the Commission issued a Notice of Hearing pursuant to sections 37, 127 and 127.1 of the Act accompanied by an Amended Statement of Allegations, dated December 18, 2008, filed by Staff with respect to Goldpoint Resources Corporation, Pasqualino Novielli, also known as Lee or Lino Novielli, Brian Patrick Moloney, also known as Brian Caldwell, and Zaida Pimentel, also known as Zaida Novielli (“Pimentel”);

AND WHEREAS the matter was set down for a hearing to commence on Tuesday, January 6, 2009 at 3 p.m.;

AND WHEREAS Staff filed the affidavit of service of Kathleen McMillan, sworn on January 5, 2009, evidencing service of: a certified copy of the Order of the Commission dated November 28, 2008; the Notice of Hearing dated December 19, 2008; and, the Amended Statement of Allegations of Staff dated December 18, 2008 on Goldpoint, Novielli, Moloney and Pimentel;

AND WHEREAS Staff attended at the hearing on January 6, 2009 and made submissions, including advising the Panel that the disclosure with respect to this matter would be available to be picked up by the respondents by January 14th, 2009;

AND WHEREAS Novielli and Pimentel attended at the hearing on January 6th, 2009 and made submissions to the Panel;

AND WHEREAS Goldpoint and Moloney did not attend at the hearing on January 6th, 2009;

AND WHEREAS on January 6th, 2009, the Panel considered the evidence and submissions before it;

AND WHEREAS on January 6, 2009, Staff confirmed to the Panel that Tomeli, Black, Wylie, and Anderson were no longer named as respondents on the Amended Statement of Allegations of Staff dated December 18, 2008. Staff also advised the Panel that Staff would not be seeking to extend the Temporary Order as against Tomeli, Black, Wylie, and Anderson;

AND WHEREAS on January 6th, 2009, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended as against Goldpoint, Novielli, and Moloney to February 18th, 2009 and that the hearing be adjourned to February 17th, 2009 at 9 a.m.;

AND WHEREAS Staff filed the affidavit of service of Kathleen McMillan, sworn on February 5th, 2009, evidencing service of: a certified copy of the Order of the Commission dated January 6th, 2009 Goldpoint, Novielli, and Pimentel;

AND WHEREAS Staff filed the affidavit of service of Wayne Vanderlaan, sworn on February 2nd, 2009, evidencing service of, *inter alia*, a certified copy of the Order of the Commission dated January 6th, 2009 on Moloney;

AND WHEREAS Staff attended at the hearing on February 17th, 2009 and made submissions;

AND WHEREAS Novielli and Pimentel attended at the hearing on February 17th, 2009 and made submissions to the Panel;

AND WHEREAS Goldpoint and Moloney did not attend at the hearing on February 17th, 2009;

AND WHEREAS on February 17th, 2009, a panel of the Commission considered the evidence and submissions before it;

AND WHEREAS on February 17th, 2009, a panel of the Commission determined that satisfactory information has not been provided to the Commission by the respondents;

7.

AND WHEREAS on February 17, 2009, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended as against Goldpoint, Novielli, and Moloney to March 24th, 2009 and that the hearing be adjourned to March 23rd, 2009 at 9 a.m.;

AND WHEREAS Staff attended at the hearing on March 23rd, 2009 and made submissions;

AND WHEREAS Novielli, Pimentel, and Moloney attended at the hearing on March 23rd, 2009 and made submissions to a Panel of the Commission;

AND WHEREAS Noveilli stated that he represented Goldpoint at the hearing on March 23rd, 2009;

AND WHEREAS on March 23rd, 2009, a Panel of the Commission considered the evidence and submissions before it;

AND WHEREAS on March 23rd, 2009 a Panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended as against Goldpoint, Novielli, and Moloney to June 15th, 2009 and that a pre-hearing conference before the Commission take place on May 14th, 2009 at 2:30 p.m.

AND WHEREAS on May 14th, 2009, a pre-hearing conference was held with Staff, Novielli, in his personal capacity and on behalf of Goldpoint, Moloney, and Pimentel attending before Commissioner Wendell S. Wigle, Q.C.;

8.

AND WHEREAS pursuant to Rule 2.7 of the Ontario Securities Commission *Rules of Practice*, the Commissioner presiding at a pre-hearing conference may make such orders with respect to the conduct of the proceeding as he or she sees fit, which orders shall be binding on all parties to the proceeding;

IT IS HEREBY ORDERED THAT the Hearing on the Merits of this matter shall be held commencing on Monday, 21st of September 2009 through to October 2nd, 2009, with the exception that the hearing will not held on September 29th, 2009. The Hearing on the Merits will commence each day at 10:00 a.m. at the offices of the Commission on the 17th floor, 20 Queen Street West in Toronto.

DATED at Toronto this 14th day of May, 2009.

“Wendell S. Wigle”

Wendell S. Wigle, Q.C.