



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 -

**IN THE MATTER OF
JV RALEIGH SUPERIOR HOLDINGS INC.,
MAISIE SMITH (also known as MAIZIE SMITH) and INGRAM JEFFREY ESHUN**

ORDER

(Rules 11.4 and 11.5 of the Commission's *Rules of Procedure* (2012), 35 O.S.C.B. 10071)

WHEREAS on February 22, 2013, the Ontario Securities Commission (the "Commission") issued a Notice of Hearing pursuant to subsections 127(1) and 127(10) of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the "Act") in respect of JV Raleigh Superior Holdings Inc. ("JV Raleigh"), Maisie Smith (also known as Maizie Smith) ("Smith") and Ingram Jeffrey Eshun ("Eshun") (together, the "Respondents");

AND WHEREAS on February 15, 2013, Staff of the Commission ("Staff") filed a Statement of Allegations in respect of the same matter;

AND WHEREAS on March 6, 2013, the Commission considered the adjournment request of Eshun and heard an application by Staff to convert the matter to a written hearing, in accordance with Rule 11.5 of the Ontario Securities Commission *Rules of Procedure* (2012), 35 O.S.C.B. 10071 (the "*Rules of Procedure*"), and subsection 5.1(2) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended (the "*Statutory Procedures Act*");

AND WHEREAS the Respondents did not appear, although properly served as evidenced by the affidavit of Lee Crann sworn February 28, 2013;

AND WHEREAS pursuant to Rule 9.2 of the *Rules of Procedure*, the Commission considered the relevant factors in deciding whether to grant an adjournment;

AND WHEREAS the Commission perceived no immediate threat to Ontario's capital markets and noted that Eshun has advised the Commission that he intends to retain counsel;

AND WHEREAS on March 6, 2013, the Commission ordered, without precluding Eshun or the other Respondents from objecting to a written hearing, that:

- (a) Staff shall file material in respect of the hearing, and provide such material to the Respondents, no later than March 8, 2013;
- (b) The Respondents shall advise the Commission whether or not they have retained counsel, and the name of such counsel, no later than April 8, 2013;
- (c) Respondents' counsel, if any, shall advise the Commission whether or not the Respondents object to a written hearing, no later than April 8, 2013;
- (d) If the Respondents do not object to a written hearing, the Respondents' responding materials, if any, shall be filed with the Commission and provided to all other parties no later than April 15, 2013; and
- (e) If the Respondents do object to a written hearing, the Commission shall hold a hearing on April 15, 2013 at 9:00 a.m. to determine whether to continue the hearing as a written hearing pursuant to Rule 11 or as an oral hearing pursuant to Rule 10 of the *Rules of Procedure*;

AND WHEREAS on April 3, 2013 the Commission received correspondence from Eshun which indicated that he had not retained counsel and had not yet returned to Ontario and in which Eshun requested an adjournment of the hearing to May 22, 2013;

AND WHEREAS on April 4, 2013 the Commission dismissed the request for an adjournment and ordered that a hearing would be held on April 15, 2013 at 9:00 a.m. for the sole purpose of determining whether this matter shall proceed in writing;

AND WHEREAS on April 15, 2013, Staff appeared before the Commission and made submissions;

AND WHEREAS on April 15, 2013, the Respondents did not appear or make submissions;

AND WHEREAS the Commission is of the opinion that it is in the public interest to make this order;

IT IS ORDERED that:

- (i) pursuant to Rules 11.4 and 11.5 of the *Rules of Procedure*, Staff's application to conduct this hearing in writing is granted;
- (ii) a copy of this Order be provided to the Respondents;
- (iii) the Respondents will have until April 22, 2013 to serve and file any response to Staff's written submissions;
- (iv) if the Respondents file no written responses, the Commission will proceed to render a decision in this matter; and
- (v) if the Respondents file written responses, Staff shall have until April 29, 2013 to serve and file any reply.

DATED at Toronto this 15th day of April, 2013.

"Alan J. Lenczner"

Alan J. Lenczner