



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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Toronto ON M5H 3S8

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

- AND -

**IN THE MATTER OF
GLOBAL CONSULTING AND FINANCIAL SERVICES, GLOBAL CAPITAL GROUP,
CROWN CAPITAL MANAGEMENT CORP., MICHAEL CHOMICA, JAN CHOMICA
and LORNE BANKS**

ORDER

(Section 127 of the *Securities Act*)

WHEREAS on March 27, 2013, the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing (the “Notice of Hearing”) pursuant to sections 37, 127 and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the “Act”) accompanied by a Statement of Allegations of Staff of the Commission dated March 27, 2013 (the “Statement of Allegations”) with respect to Global Consulting and Financial Services (“Global Consulting”), Global Capital Group (“Global Capital”), Crown Capital Management Corp. (“Crown Capital”), Michael Chomica, Jan Chomica and Lorne Banks (“Banks”) (collectively, the “Respondents”);

AND WHEREAS the Notice of Hearing announced that a hearing would be held at the offices of the Commission on April 17, 2013;

AND WHEREAS on April 17, 2013, Staff attended the hearing, counsel for Banks appeared through a Student-at-law from his office, and no one appeared on behalf of the remaining Respondents;

AND WHEREAS Staff filed the affidavit of Nancy Poyhonen, sworn April 15, 2013, demonstrating service of the Notice of Hearing and the Statement of Allegations on the Respondents;

AND WHEREAS Staff counsel requested that the matter be adjourned to a date in May 2013 for the purpose of setting further dates in this matter;

AND WHEREAS on April 17, 2013, the Commission ordered that the hearing be adjourned to May 22, 2013 at 9:45 a.m.;

AND WHEREAS on May 22, 2013, Staff and counsel for Banks attended the hearing and no one appeared on behalf of the remaining Respondents;

AND WHEREAS Staff filed the affidavit of Peaches A. Barnaby, sworn May 21, 2013, demonstrating service of the Commission's Order dated April 17, 2013 (the "April 17th Order") on the Respondents;

AND WHEREAS the Commission was satisfied that Staff had taken all reasonable steps to serve the Respondents with the April 17th Order and that all Respondents had reasonable notice of the hearing;

AND WHEREAS Staff requested that a confidential pre-hearing conference be scheduled in this matter;

AND WHEREAS on May 22, 2013, the Commission ordered that:

- (i) the hearing be adjourned to a confidential pre-hearing conference to be held on June 24, 2013 at 10:00 a.m.; and
- (ii) at the June 24, 2013 pre-hearing conference, the parties be prepared to: (a) set dates for the hearing on the merits, and (b) set a schedule for the completion of any and all interlocutory matters;

AND WHEREAS on June 24, 2013, Staff attended the pre-hearing conference and no one appeared on behalf of Global Consulting, Global Capital, Crown Capital, Michael Chomica or Jan Chomica;

AND WHEREAS due to a miscommunication, counsel to Banks was unavailable to attend the pre-hearing conference, but later consented to the order requested by Staff;

AND WHEREAS Staff filed the affidavit of Peaches A. Barnaby, sworn June 21, 2013, demonstrating service of the Commission's Order dated May 22, 2013 (the "May 22nd Order") on Global Consulting, Global Capital, Michael Chomica, Jan Chomica and Lorne Banks;

AND WHEREAS the Commission was satisfied that Staff had taken all reasonable steps to serve the Respondents with the May 22nd Order and that all Respondents had reasonable notice of the hearing;

AND WHEREAS it has become evident that service on Crown Capital and Global Capital is not possible;

AND WHEREAS the Commission ordered that:

- (i) pursuant to Rule 1.4 and Rule 1.5.3(3) of the Commission's *Rules of Procedure* (2012), 35 O.S.C.B. 10071, future service on Crown Capital and Global Capital is waived;
- (ii) the hearing be adjourned to a confidential pre-hearing conference to be held on September 4, 2013 at 2:00 p.m.;
- (iii) the hearing on the merits with respect to Global Consulting, Jan Chomica and Lorne Banks shall commence on November 25, 2013 at 10:00 a.m. and shall continue on November 26, 27, 28 and 29, 2013 or such other dates as may be agreed to by the parties or set by the Office of the Secretary;
- (iv) in the event that Staff intends to bring a motion for an order to convert the oral hearing on the merits as it relates to Michael Chomica, Crown Capital and Global Capital to a written hearing (the "Motion"), the parties shall comply with the following schedule:
 - (a) Staff shall file and serve a notice and its materials in connection with the Motion by August 15, 2013;
 - (b) if Michael Chomica, Crown Capital or Global Capital objects to the Motion, they shall file and serve materials in connection with the Motion by August 29, 2013 and the Motion will be heard on September 4, 2013 at 2:00 p.m.,

- (c) if the Motion is not granted by the Commission, an oral hearing on the merits with respect to Michael Chomica, Crown Capital and Global Capital will be held on September 27, 2013 at 11:00 a.m.; and
- (d) if Michael Chomica, Crown Capital or Global Capital do not oppose the Motion, Staff shall file its written submissions and any evidence that it intends to rely on in connection with the hearing as it relates to Michael Chomica, Crown Capital or Global Capital by September 15, 2013 and Michael Chomica, Crown Capital or Global Capital shall file any responding materials by September 30, 2013;

AND WHEREAS on July 17, 2013, the Commission approved a settlement agreement between Staff and Banks;

AND WHEREAS on August 6, 2013, the Commission approved a settlement agreement between Staff and Global Consulting and Jan Chomica;

AND WHEREAS by Notice of Motion, Motion Record and Written Submissions dated August 14, 2013 (“Staff’s Motion Materials”), Staff brought a motion for an order to convert the oral hearing on the merits as it relates to Michael Chomica, Crown Capital and Global Capital to a written hearing (defined above as the “Motion”);

AND WHEREAS Staff filed the Affidavit of Tia Faerber, sworn September 3, 2013, demonstrating personal service of Staff’s Motion Materials on Michael Chomica;

AND WHEREAS Staff appeared at the Motion hearing on September 4, 2013 and Michael Chomica did not appear but had communicated to Staff that he did not oppose the Motion;

AND WHEREAS the Commission ordered that the dates scheduled for the hearing on the merits with respect to Global Consulting, Jan Chomica and Lorne Banks, namely November 25-29, 2013, be vacated;

AND WHEREAS the Commission further ordered that the oral hearing on the merits as it relates to Michael Chomica, Crown Capital and Global Capital be converted to a written hearing and the parties shall comply with the following schedule:

- a) Staff shall file its written submissions and any evidence that it intends to rely on in connection with the hearing as it relates to Michael Chomica, Crown Capital or Global Capital by October 9, 2013;
- b) Michael Chomica, Crown Capital and Global Capital shall file any responding materials by October 23, 2013;
- c) Staff shall file any reply submissions by October 30, 2013; and
- d) Staff and any participating Respondents will attend at a date appointed by the Panel after October 30, 2013 to answer questions, make submissions or make any necessary witnesses available for cross-examination;

AND WHEREAS Staff and Michael Chomica jointly request a hearing to be held on October 2, 2013 at 9:30 a.m., pursuant to subsections 127(1) and 127(10) of the Act (the “October 2 Hearing”), to consider an agreed statement of facts (the “Agreed Statement of Facts”) and joint submission on sanctions (the “Joint Submission on Sanctions”) in respect of Michael Chomica;

AND WHEREAS Staff and Michael Chomica jointly request that Michael Chomica be permitted to participate in the October 2 Hearing by telephone conference and that the October 2 Hearing commence *in camera* to permit the parties to address any preliminary matters with the Panel;

IT IS HEREBY ORDERED that an oral hearing, which shall commence *in camera* and may continue as a public hearing, shall be held on October 2, 2013 at 9:30 a.m. to consider:

- (i) the Agreed Statement of Facts and Joint Submission on Sanctions entered into by Staff and Michael Chomica; and
- (ii) the next steps in the proceeding with respect to Crown Capital and Global Capital.

DATED at Toronto this 1st day of October, 2013.

“Alan J. Lenczner”

Alan J. Lenczner