



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 FERNANDO POSTRADO

ORDER

**(Pursuant to subsection 127(1) and section 127.1 of the Securities Act and
Rule 12 of the Commission's Rules of Procedure)**

WHEREAS:

1. On May 17, 2016, the Ontario Securities Commission (the "Commission") issued a Notice of Hearing (the "Notice of Hearing") pursuant to sections 127 and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the "Act") and Staff of the Commission ("Staff") filed a Statement of Allegations dated May 17, 2016 (the "Statement of Allegations") in respect of Fernando Postrado (the "Respondent");
2. The Respondent and Staff entered into a Settlement Agreement dated May 16, 2016 (the "Settlement Agreement") in which they agreed to a settlement in relation to the matters set out in the Notice of Hearing and the Statement of Allegations subject to the approval of the Commission;
3. The Commission has reviewed the Notice of Hearing, the Statement of Allegations and the Settlement Agreement and has heard submissions from counsel for Staff and counsel for the Respondent;
4. The Commission is of the opinion that it is in the public interest to make this Order;

IT IS ORDERED that:

- (a) the Settlement Agreement is approved;
- (b) pursuant to subsection 127(1)2 of the Act, trading in any securities by the Respondent shall cease for five years;
- (c) pursuant to subsection 127(1)2.1 of the Act, the acquisition of any securities by the Respondent is prohibited for five years;
- (d) pursuant to subsection 127(1)3 of the Act, any exemptions contained in Ontario securities law do not apply to the Respondent for five years;
- (e) pursuant to subsection 127(1)6 of the Act, the Respondent is reprimanded;
- (f) pursuant to subsection 127(1)7 of the Act, the Respondent resign any position he holds as a director or as an officer of any issuer;
- (g) pursuant to subsection 127(1)8 of the Act, the Respondent is prohibited from becoming or acting as a director or as an officer of any issuer for five years;
- (h) pursuant to subsection 127(1)8.1 of the Act, the Respondent resign any position he holds as a director or as an officer of a registrant;
- (i) pursuant to subsection 127(1)8.2 of the Act, the Respondent is prohibited from becoming or acting as a director or as an officer of a registrant for five years;
- (j) pursuant to subsection 127(1)8.3 of the Act, the Respondent resign any position he holds as a director or as an officer of an investment fund manager for five years;
- (k) pursuant to subsection 127(1)8.4 of the Act, the Respondent is prohibited from becoming or acting as a director or as an officer of an investment fund manager for five years;
- (l) pursuant to subsection 127(1)8.5 of the Act, the Respondent is prohibited from becoming or acting as a registrant, investment fund manager or promoter for five years;

- (m) pursuant to subsection 127(1)9 of the Act, the Respondent pay an administrative penalty of \$10,000, of which \$4,000 is payable forthwith, which amount is designated for allocation or use by the Commission in accordance with paragraphs b(i) or (ii) of subsection 3.4(2) of the Act;
- (n) pursuant to subsection 127(1)10 of the Act, the Respondent disgorge to the Commission forthwith the amount of \$109,200, which amount is designated for allocation or use by the Commission in accordance with paragraphs b(1) or (ii) of subsection 3.4(2) of the Act;
- (o) pursuant to subsection 127.1(1) of the Act, the Respondent pay forthwith the costs of the Commission's investigation in the amount of \$4,250;
- (p) after the balance of the payment set out in paragraph (m) above, is made in full, as an exception to the provisions of paragraphs (b), (c) and (d) of this Order, Fernando is permitted to trade or acquire in mutual fund, exchange-traded fund or index fund securities for the account of any registered retirement savings plans, tax-free savings accounts and self-directed retirement savings plans (as defined in the *Income Tax Act* (Canada)) of which the Respondent has a sole legal and beneficial ownership, and such trading is carried out through a registered dealer in Canada to whom he must give a copy of this Order at the time he opens or modifies these accounts; and
- (q) with respect to the monetary order made in sub-paragraph (m), the Respondent shall pay any outstanding balance owing within three years of the making of this order.

DATED at Toronto this 19th day of May, 2016.

“Christopher Portner”
