



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 ANDREI MIGUEL 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 June 3, 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 June 3, 2016 (the "Statement of Allegations") in respect of Andrei Miguel Postrado (the "Respondent");
2. The Respondent and Staff entered into a Settlement Agreement dated June 2, 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 HEREBY 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 seven years;
- (c) pursuant to subsection 127(1)2.1 of the Act, the acquisition of any securities by the Respondent is prohibited for seven 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 seven 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 seven 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 seven 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;
- (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 seven 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 seven years;

- (m) pursuant to subsection 127(1)9 of the Act, the Respondent pay an administrative penalty of \$20,000, 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 the amount of \$200,375, 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;
- (o) pursuant to subsection 127.1(1) of the Act, the Respondent pay the costs of the Commission's investigation in the amount of \$8,500;
- (p) after the balance of the payments set out in sub-paragraphs (m), (n), and (o) above, is made in full, as an exception to the provisions of sub-paragraphs (b), (c), and (d) above, Andrei is permitted to trade or acquire 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 Andrei has sole legal and beneficial ownership, and such trading is carried out through a registered dealer in Canada to whom Andrei must give a copy of this Order at the time he opens or modifies these accounts; and
- (q) with respect to the monetary orders made in sub-paragraphs (m), (n), and (o) above, the Respondent shall pay in full the entire amounts ordered in such sub-paragraphs within three years of the making of this Order.

DATED at Toronto this 8th day of June, 2016.

“Christopher Portner”
