



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 NEW FOUND FREEDOM FINANCIAL,
RON DEONARINE SINGH, WAYNE GERARD MARTINEZ, PAULINE LEVY,
DAVID WHIDDEN, PAUL SWABY AND ZOMPAS CONSULTING**

**ORDER
(Subsections 127(1) and 127.1 of the *Securities Act*)**

WHEREAS on November 2, 2011, the Ontario Securities Commission (the “**Commission**”) issued a 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**”), in connection with a Statement of Allegations filed by Staff of the Commission (“**Staff**”) on November 1, 2011 with respect to New Found Freedom Financial (“**NFF**”), Ron Deonarine Singh (“**Singh**”), Wayne Gerard Martinez (“**Martinez**”), Pauline Levy (“**Levy**”), David Whidden (“**Whidden**”), Paul Swaby (“**Swaby**”) and Zompas Consulting (“**Zompas**”);

AND WHEREAS on July 26, 2012, the Commission approved a settlement agreement between Swaby and Zompas;

AND WHEREAS on September 7, 2012, the Commission approved a settlement agreement between Staff and Whidden;

WHEREAS the Commission found on December 17, 2012 that the respondents engaged in conduct which was contrary to sections 127 and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the “*Act*”) and contrary to the public interest;

AND WHEREAS on March 13, 2013, the Commission held a hearing with respect to the sanctions and costs to be imposed in this matter;

AND WHEREAS I find that it is in the public interest to issue this order pursuant to subsection 127(1) of the *Act* to make this order;

IT IS HEREBY ORDERED THAT:

- (a) against NFF, Singh and Martinez:
 - (i) pursuant to paragraphs 2 and 2.1 of subsection 127(1) of the *Act*, that NFF, Singh and Martinez cease trading in and acquiring securities permanently;
 - (ii) pursuant to paragraph 3 of subsection 127(1) of the *Act*, that any exemptions contained in Ontario securities law do not apply to NFF, Singh and Martinez permanently;
 - (iii) pursuant to paragraph 6 of subsection 127(1) of the *Act*, that Singh and Martinez be reprimanded;
 - (iv) pursuant to paragraphs 7, 8.1 and 8.3 of subsection 127(1) of the *Act*, that Singh and Martinez shall resign all positions they hold as a director or officer of any issuer, registrant or investment fund manager;
 - (v) pursuant to paragraphs 8, 8.2 and 8.4 of subsection 127(1) of the *Act*, that Singh and Martinez are permanently prohibited from becoming or acting as a director or officer of any issuer, registrant or investment fund manager;
 - (vi) pursuant to paragraph 8.5 of subsection 127(1) of the *Act*, that NFF, Singh and Martinez are permanently prohibited from becoming or acting as a registrant, investment fund manager or promoter;
 - (vii) pursuant to paragraph 9 of subsection 127(1) of the *Act*, that Singh and Martinez shall each pay an administrative penalty of \$250,000, to be designated for allocation or use by the Commission pursuant to subsection 3.4(2)(b) of the *Act*;

- (viii) pursuant to paragraph 10 of subsection 127(1) of the *Act*, that NFF, Singh and Martinez are jointly and severally liable to disgorge to the Commission \$1,071,269 obtained as a result of their non-compliance with Ontario securities law, to be designated for allocation or use by the Commission pursuant to subsection 3.4(2)(b) of the *Act*; and
- (ix) pursuant to section 127.1 of the *Act*, that NFF, Singh and Martinez shall pay on a joint and several basis \$85,856 for costs incurred in the hearing of this matter;

(b) against Pauline Levy:

- (i) pursuant to paragraphs 2 and 2.1 of subsection 127(1) of the *Act*, that Levy cease trading in and acquiring securities for a period of 5 years, with the exception that she be permitted to trade and acquire securities for the account of her registered retirement savings plan, as defined in the *Income Tax Act*, R.S.C. 1985, c. 1, as amended, after the administrative penalty at subparagraph (vii) and disgorgement at subparagraph (viii) ordered against her below are paid in full;
- (ii) pursuant to paragraph 3 of subsection 127(1) of the *Act*, that any exemptions contained in Ontario securities law do not apply to Levy for a period of 5 years, except as required to trade in or acquire securities in accordance with the exception provided above;
- (iii) pursuant to paragraph 6 of subsection 127(1) of the *Act*, that Levy be reprimanded;
- (iv) pursuant to paragraphs 7, 8.1 and 8.3 of subsection 127(1) of the *Act*, that Levy shall resign all positions she holds as a director or officer of any issuer, registrant or investment fund manager;
- (v) pursuant to paragraphs 8, 8.2 and 8.4 of subsection 127(1) of the *Act*, that Levy is prohibited from becoming or acting as a director or officer of any issuer, registrant or investment fund manager for a period of 5 years;
- (vi) pursuant to paragraph 8.5 of subsection 127(1) of the *Act*, that Levy is prohibited from becoming or acting as a registrant, investment fund manager or promoter for a period of 5 years;
- (vii) pursuant to paragraph 9 of subsection 127(1) of the *Act*, that Levy shall pay an administrative penalty of \$5,000, to be designated for allocation or use by the Commission pursuant to subsection 3.4(2)(b) of the *Act*;

- (viii) pursuant to paragraph 10 of subsection 127(1) of the *Act*, that Levy disgorge to the Commission \$59,849 obtained as a result of her non-compliance with Ontario securities law, to be designated for allocation or use by the Commission pursuant to subsection 3.4(2)(b) of the *Act*; and
- (ix) pursuant to section 127.1 of the *Act*, that Levy shall pay jointly and severally with NFF, Singh and Martinez, \$5,000 for costs incurred in the hearing of this matter.

DATED at Toronto this 26th day of June, 2013.

“James D. Carnwath”

James D. Carnwath, Q.C.