



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 FUTURES TRADING INTERNATIONAL CORPORATION and
FERNANDO HONORATE FAGUNDES also known as HENRY ROCHE**

**ORDER
(Subsection 127(1) and 127(10) of the *Securities Act*)**

WHEREAS on March 18, 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 New Futures Trading International Corporation (“New Futures”) and Fernando Honorate Fagundes also known as Henry Roche (“Fagundes”) (collectively, the “Respondents”);

AND WHEREAS on March 18, 2013, Staff of the Commission (“Staff”) filed a Statement of Allegations in respect of the same matter;

AND WHEREAS on April 3, 2013, the Commission heard applications by Staff to waive service on the Respondents in accordance with Rule 1.5.3 of the Commission’s *Rules of Procedure* (2012), 35 O.S.C.B. 10071 (the “*Rules of Procedure*”), and to convert the matter to a written hearing pursuant to Rule 11.5 of the *Rules of Procedure*;

AND WHEREAS on April 9, 2013, the Commission granted Staff’s application to waive service of process on Fagundes, pursuant to Rule 1.5.3 of the *Rules of Procedure*;

AND WHEREAS on April 9, 2013, the Commission granted Staff's application to proceed by way of written hearing is granted, pursuant to Rule 11 of the *Rules of Procedure* and set down a schedule for the submission of materials;

AND WHEREAS on April 18, 2013, the Commission waived future service on New Futures, pursuant to subrule 1.5.3(3) of the *Rules of Procedure*;

AND WHEREAS Staff filed written materials, a hearing brief, a brief of authorities and affidavits of service;

AND WHEREAS the Respondents did not provide any materials;

AND WHEREAS the Respondents are subject to final judgments of the United States District Court of New Hampshire, dated May 24, 2012, which find that the Respondents have contravened United States laws respecting the buying or selling of securities (*Securities and Exchange Commission v. New Futures Trading International Corporation and Henry Roche*, Civil Action No. 11 CV 532-JL (D. N.H. 2012) within the meaning of paragraph 3 of subsection 127(10) of the Act;

AND WHEREAS on May 31, 2013, the Commission issued its reasons and decision in this matter;

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

IT IS ORDERED that:

- (a) pursuant to paragraph 2 of subsection 127(1) of the Act, trading in any securities of New Futures cease permanently;
- (b) pursuant to paragraph 2 of subsection 127(1) of the Act, trading in any securities or derivatives by the Respondents cease permanently;
- (c) pursuant to paragraph 2.1 of subsection 127(1) of the Act, the acquisition of any securities by the Respondents cease permanently;
- (d) pursuant to paragraph 3 of subsection 127(1) of the Act, that any exemptions contained in Ontario securities law do not apply to the Respondents permanently;

- (e) pursuant to paragraphs 7, 8.1 and 8.3 of subsection 127(1) of the Act, that Fagundes shall resign any positions that he holds as director or officer of an issuer, registrant or investment fund manager;
- (f) pursuant to paragraphs 8, 8.2 and 8.4 of subsection 127(1) of the Act, that Fagundes is prohibited permanently from becoming or acting as director or officer of any issuer, registrant or investment fund manager; and
- (g) pursuant to paragraph 8.5 of subsection 127(1) of the Act, that Fagundes is prohibited permanently from becoming or acting as a registrant, investment fund manager or as a promoter.

Dated at Toronto this 31st day of May, 2013.

Alan Lenczner

Alan J. Lenczner, Q.C.