



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

22nd Floor
20 Queen Street West
Toronto ON M5H 3S8

22e étage
20, rue queen ouest
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
DAVID DE GOUVEIA**

**STATEMENT OF ALLEGATIONS
OF STAFF OF THE ONTARIO SECURITIES COMMISSION**

Staff of the Ontario Securities Commission (“Staff”) allege:

I. OVERVIEW

1. David De Gouveia (“De Gouveia”) is subject to an order made by the Alberta Securities Commission (“ASC”) dated June 6, 2013 (the “ASC Order”) that imposes sanctions, conditions, restrictions or requirements upon him.
2. In its findings on liability dated March 13, 2013, a panel of the ASC (the “ASC Panel”) found that De Gouveia engaged in market manipulation.
3. Staff are seeking an inter-jurisdictional enforcement order reciprocating the ASC Order, pursuant to paragraph 4 of subsection 127(10) of the Ontario *Securities Act*, R.S.O. 1990, c. S.5, as amended (the “Act”).
4. The conduct for which De Gouveia was sanctioned took place between 2008 and 2009 (the “Material Time”).
5. During the Material Time, De Gouveia was a resident of Calgary, Alberta.

II. THE ASC PROCEEDINGS

The ASC Findings

6. In its Findings, the ASC Panel found the following:
 - a. De Gouveia engaged in market manipulation, contrary to section 93(a) of the *Alberta Securities Act*, R.S.A. 2000, c. S.4 (the “ASA”), and acted contrary to the public interest.

The ASC Order

7. The ASC Order imposed the following sanctions, conditions, restrictions or requirements upon De Gouveia:
 - a. pursuant to section 198(1)(b) of the ASA, De Gouveia must cease trading in or purchasing any securities or exchange contracts, for 10 years to and including 6 June 2023;
 - b. pursuant to section 199 of the ASA, De Gouveia must pay an administrative penalty of \$75,000; and
 - c. pursuant to section 202 of the ASA, De Gouveia must pay \$60,000 of the costs of the investigation and hearing.

III. JURISDICTION OF THE ONTARIO SECURITIES COMMISSION

8. De Gouveia is subject to an order of the ASC imposing sanctions, conditions, restrictions or requirements upon him.
9. Pursuant to paragraph 4 of subsection 127(10) of the Act, an order made by a securities regulatory authority, derivatives regulatory authority or financial regulatory authority, in any jurisdiction, that imposes sanctions, conditions, restrictions or requirements may form the basis for an order in the public interest made under subsection 127(1) of the Act.
10. Staff allege that it is in the public interest to make an order against De Gouveia.

11. Staff reserve the right to amend these allegations and to make such further and other allegations as Staff deem fit and the Commission may permit.
12. Staff request that this application be heard by way of a written hearing pursuant to Rules 2.6 and 11 of the *Ontario Securities Commission Rules of Procedure*.

DATED at Toronto, this 18th day of February, 2014.