



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 -

GOLDPOINT RESOURCES CORPORATION, PASQUALINO NOVIELLI also known as Lee or Lino Novielli, BRIAN PATRICK MOLONEY also known as Brian Caldwell, and ZAIDA PIMENTEL also known as Zaida Novielli

ORDER

WHEREAS on April 30, 2008 the Ontario Securities Commission (the "Commission") issued a Temporary Order pursuant to subsections 127(1) and (5) of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the "Act") that: all trading in securities by Goldpoint Resources Corporation ("Goldpoint") shall cease; all trading in Goldpoint securities shall cease; and, Lino Novielli ("Novielli"), Brian Moloney ("Moloney"), Evanna Tomeli ("Tomeli"), Robert Black ("Black"), Richard Wylie ("Wylie"), and Jack Anderson ("Anderson") cease trading in all securities (the "Temporary Order");

AND WHEREAS on April 30, 2008, the Commission ordered that the Temporary Order shall expire on the 15th day after its making unless extended by order of the Commission;

AND WHEREAS on May 1, 2008 the Commission issued a Notice of Hearing (the "May Notice of Hearing") to consider, among other things, the extension of the Temporary Order, such hearing to be held on May 14, 2008 at 10 a.m.;

AND WHEREAS the May Notice of Hearing sets out that the hearing is to consider, among other things, whether in the opinion of the Commission it is in the public interest, pursuant to subsections 127(7) and (8) of the Act, to extend the Temporary Order until such further time as considered necessary by the Commission;

AND WHEREAS Staff of the Commission ("Staff") served all of the respondents with copies of the Temporary Order, the May Notice of Hearing, Staff's Statement of Allegations and Staff's supporting materials as evidenced by the Affidavits of Service filed with the Commission;

AND WHEREAS a hearing to extend the Temporary Order was held on May 14, 2008 commencing at 10 a.m. and Staff appeared;

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AND WHEREAS Tomeli, Black, Wylie, and Anderson did not appear to oppose Staff's request for the extension of the Temporary Order;

AND WHEREAS counsel for Staff advised the panel that counsel for Novielli did not oppose the extension of the Temporary Order;

AND WHEREAS counsel for Staff advised the panel that Moloney did not oppose the extension of the Temporary Order;

AND WHEREAS counsel for Staff advised the panel that counsel for Novielli advised that it was his understanding that Goldpoint would not be opposing Staff's request for an extension of the Temporary Order and would not be attending the hearing;

AND WHEREAS the panel considered the evidence and submissions before it;

AND WHEREAS on May 14, 2008, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to July 19, 2008 and that the hearing be adjourned to July 18, 2008 at 10 a.m.;

AND WHEREAS a hearing to consider extending the Temporary Order was held on July 18, 2008 commencing at 10 a.m. and Staff appeared and made submissions;

AND WHEREAS on July 18, 2008, Staff advised the panel that counsel for Moloney did not oppose the extension of the Temporary Order;

AND WHEREAS Staff advised the panel that Novielli did not oppose the extension of the Temporary Order as against himself or as against Goldpoint;

AND WHEREAS Staff advised the panel that Tomeli, Black, Wylie, and Anderson were sent, via registered mail, a certified copy of the May 14, 2008 Order of the Commission extending the Temporary Order and Staff advised these respondents, by letter, of the July 18, 2008 hearing date to consider further extending the Temporary Order;

AND WHEREAS on July 18, 2008, Tomeli, Black, Wylie, and Anderson did not appear before the panel to oppose Staff's request for the extension of the Temporary Order;

AND WHEREAS on July 18, 2008, a panel ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to September 17, 2008 and that the hearing be adjourned to September 16, 2008 at 2:30 p.m.;

AND WHEREAS a hearing to consider extending the Temporary Order was held on September 16, 2008 commencing at 2:30 p.m. and Staff appeared and made submissions;

AND WHEREAS on September 16, 2008, Staff advised the panel that Novielli did not oppose the extension of the Temporary Order;

AND WHEREAS on September 16, 2008, Staff advised the panel that Staff had inquired of Moloney as to whether or not he intended to appear at the hearing on September 16, 2008 and oppose the extension of the Temporary Order;

AND WHEREAS Staff advised the panel that Moloney had not responded to Staff's inquiries and Moloney did not attend at the hearing on September 16, 2008;

AND WHEREAS Staff advised the panel that, on July 29, 2008, Goldpoint, Tomeli, Black, Wylie, and Anderson were sent, via registered mail, a certified copy of the July 18, 2008 Order of the Commission extending the Temporary Order and Staff advised these respondents, by letter, of the September 16, 2008 hearing date to consider further extending the Temporary Order;

AND WHEREAS on September 16, 2008, Goldpoint, Tomeli, Black, Wylie, and Anderson did not appear to oppose Staff's request for the extension of the Temporary Order;

AND WHEREAS on September 16, 2008, a panel considered the evidence and submissions before it;

AND WHEREAS on September 16, 2008, a panel ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to December 1, 2008 and that the hearing be adjourned to November 28, 2008 at 10:00 a.m.;

AND WHEREAS a hearing to consider extending the Temporary Order was held on November 28, 2008 commencing at 10:00 a.m. and Staff appeared and made submissions;

AND WHEREAS Staff filed the Affidavit of Service of Kathleen McMillan, sworn on November 20, 2008, evidencing service of a certified copy of the Order of the Commission dated September 16, 2008 on Novielli, Moloney and Goldpoint;

AND WHEREAS on November 28, 2008, Goldpoint, Novielli, Moloney, Tomeli, Black, Wylie and Anderson did not appear to oppose Staff's request for the extension of the Temporary Order;

AND WHEREAS on November 28, 2008, a panel considered the evidence and submissions before it;

AND WHEREAS on November 28, 2008, a panel determined that satisfactory information has not been provided to the Commission by the respondents;

AND WHEREAS on November 28, 2008, a panel ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended to January 7, 2009 and that the hearing be adjourned to January 6, 2009 at 3:00 p.m.;

4.

AND WHEREAS on December 19, 2008 the Commission issued a Notice of Hearing pursuant to sections 37, 127 and 127.1 of the Act accompanied by an Amended Statement of Allegations, dated December 18, 2008, filed by Staff with respect to Goldpoint Resources Corporation, Pasqualino Novielli, also known as Lee or Lino Novielli, Brian Patrick Moloney, also known as Brian Caldwell, and Zaida Pimentel, also known as Zaida Novielli (“Pimentel”);

AND WHEREAS the matter was set down for a hearing to commence on Tuesday, January 6, 2009 at 3 p.m.;

AND WHEREAS Staff filed the affidavit of service of Kathleen McMillan, sworn on January 5, 2009, evidencing service on Goldpoint, Novielli, Moloney and Pimentel of a certified copy of the Order of the Commission dated November 28, 2008, the Notice of Hearing dated December 19, 2008, and the Amended Statement of Allegations of Staff dated December 18, 2008;

AND WHEREAS Staff attended at the hearing on January 6, 2009 and made submissions, including advising the panel that the disclosure with respect to this matter would be available to be picked up by the respondents by January 14, 2009;

AND WHEREAS Novielli and Pimentel attended at the hearing on January 6, 2009 and made submissions to the panel;

AND WHEREAS Goldpoint and Moloney did not attend at the hearing on January 6, 2009;

AND WHEREAS on January 6, 2009, the panel considered the evidence and submissions before it;

AND WHEREAS on January 6, 2009, Staff confirmed to the panel that Tomeli, Black, Wylie, and Anderson were no longer named as respondents in the Amended Statement of Allegations of Staff dated December 18, 2008. Staff also advised the panel that Staff would not be seeking to extend the Temporary Order as against Tomeli, Black, Wylie and Anderson;

AND WHEREAS on January 6, 2009, a panel of the Commission ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended as against Goldpoint, Novielli, and Moloney to February 18, 2009 and that the hearing be adjourned to February 17, 2009 at 9 a.m.;

AND WHEREAS Staff filed the affidavit of service of Kathleen McMillan, sworn on February 5, 2009, evidencing service on Goldpoint, Novielli, and Pimentel of a certified copy of the Order of the Commission dated January 6, 2009;

AND WHEREAS Staff filed the affidavit of service of Wayne Vanderlaan, sworn on February 2, 2009, evidencing service on Moloney of, *inter alia*, a certified copy of the Order of the Commission dated January 6, 2009;

AND WHEREAS Staff attended at the hearing on February 17, 2009 and made submissions;

AND WHEREAS Novielli and Pimentel attended at the hearing on February 17, 2009 and made submissions to the panel;

AND WHEREAS Goldpoint and Moloney did not attend at the hearing on February 17, 2009;

AND WHEREAS on February 17, 2009, a panel considered the evidence and submissions before it;

AND WHEREAS on February 17, 2009, a panel determined that satisfactory information has not been provided to the Commission by the respondents;

AND WHEREAS on February 17, 2009, a panel ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended as against Goldpoint, Novielli, and Moloney to March 24, 2009 and that the hearing be adjourned to March 23, 2009 at 9 a.m.;

AND WHEREAS Staff attended at the hearing on March 23, 2009 and made submissions;

AND WHEREAS Novielli, Pimentel, and Moloney attended at the hearing on March 23, 2009 and made submissions to a panel;

AND WHEREAS Novielli stated that he represented Goldpoint at the hearing on March 23, 2009;

AND WHEREAS on March 23, 2009, a panel considered the evidence and submissions before it;

AND WHEREAS on March 23, 2009 a panel ordered, pursuant to subsection 127(8) of the Act, that the Temporary Order be extended as against Goldpoint, Novielli and Moloney to June 15, 2009 and that a pre-hearing conference before the Commission take place on May 14, 2009 at 2:30 p.m.;

AND WHEREAS on May 14, 2009, a pre-hearing conference was held with Staff, Novielli, in his personal capacity and on behalf of Goldpoint, Moloney, and Pimentel attending before a Commissioner;

AND WHEREAS on May 14, 2009, after hearing submissions from the parties, Commissioner ordered that the Hearing on the Merits of this matter shall be held commencing on Monday, September 21, 2009 through to October 2, 2009, with the exception that the hearing will not held on September 29, 2009. The Hearing on the Merits will commence each day at 10:00 a.m. at the offices of the Commission on the 17th floor, 20 Queen Street West in Toronto;

AND WHEREAS on May 26, 2009, the Commission issued a Notice of Hearing for a hearing to be held on June 15, 2009 at 10 a.m. to consider whether it is in the public interest for the Commission:

- 1) to extend the Temporary Order, pursuant to subsections 127(7) and (8) of the Act , as against Goldpoint, Novielli, and Moloney until the conclusion of the Hearing on the Merits, or until such further time as considered necessary by the Commission; and
- 2) to make such further orders as the Commission considers appropriate;

AND WHEREAS Staff and Moloney attended at the hearing on June 15, 2009, and made submissions, including Moloney advising the panel that he was not opposed to the extension of the Temporary Order until the conclusion of the Hearing on the Merits in this matter;

AND WHEREAS Novielli, Pimentel and Goldpoint did not attend at the hearing on June 15, 2009, despite being served with the Notice of Hearing dated May 26, 2009 as evidenced by the Affidavit of Kathleen McMillan sworn on June 3, 2009;

AND WHEREAS on June 15, 2009, a Commissioner considered the evidence and submissions before him;

IT IS HEREBY ORDERED that, pursuant to subsection 127(8) of the Act, the Temporary Order be extended as against Goldpoint, Novielli and Moloney until the conclusion of the Hearing on the Merits in this matter.

DATED at Toronto this 15th day of June, 2009.

“James E. A. Turner”

James E. A. Turner