



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

22<sup>nd</sup> Floor  
20 Queen Street West  
Toronto ON M5H 3S8

22e étage  
20, rue Queen ouest  
Toronto ON M5H 3S8

---

**IN THE MATTER OF  
EVOLUTION MENTOR CAPITAL INC. and  
PASQUALINO (PATRICK) MICHAEL MAZZA**

**APPLICATION OF  
STAFF OF THE ONTARIO SECURITIES COMMISSION**

(For Extension of a Temporary Order  
Subsections 127(8) and 127(1) of the *Securities Act*, RSO 1990, c S.5)

**A. ORDERS SOUGHT**

The Applicant, Staff of the Ontario Securities Commission (“Staff”), requests that the Ontario Securities Commission (the “Commission”) make the following orders:

1. an order extending a temporary order of the Commission made with respect to Evolution Mentor Capital Inc (“EMCI”) and Pasqualino (Patrick) Michael Mazza (“Mazza”), dated June 17, 2020 (the “Temporary Order”), for such period as it considers necessary if satisfactory information is not provided to the Commission within the fifteen-day period after the Temporary Order was made, pursuant to subsection 127(8) of the *Securities Act*, RSO 1990, c S.5 (the “Act”);
2. if necessary, an order abridging the time required for service pursuant to Rules 3 and 4(2) of the Ontario Securities Commission Rules of Procedure; and
3. such other Order as the Commission considers appropriate in the public interest.

## **B. GROUNDS**

The grounds for the request are:

1. Staff are conducting an investigation;
2. A complaint was referred to Staff by the Vermont Department of Financial Regulation (the “VDFR”) regarding Frances Tobia (“Tobia”) a Vermont resident, who received an unsolicited email from Mazza of EMCI to invest in a crypto currency mining scheme;
3. EMCI is an Ontario corporation with a head office in Toronto, Ontario. EMCI is not a reporting issuer in Ontario, has made no filings and is not registered with the Commission;
4. Mazza is an Ontario resident and the sole director of EMCI. He is not registered with the Commission;
5. Information available to Staff at the time the Temporary Order was obtained indicated that:
  - (a) in May 2020, Tobia wired a total of US \$100,000 to Mazza at a TD Bank branch located in Toronto. The investment was detected by Tobia’s spouse, Robert, who filed a fraud complaint with the Federal Bureau of Investigation Internet Crime Complaint Centre which was then sent to the VDFR;
  - (b) Robert provided an “Investment Agreement” signed by Tobia, Mazza and Harvey Goldberg J.S.D. as witness, on May 19, 2020. The investment is described as a “Crypto Currency Mining Investment/Joint Venture Investment”;
  - (c) Robert also provided PowerPoint presentations sent to Tobia by Mazza outlining an investment opportunity in crypto currency mining;
  - (d) Robert has also represented that after they complained that they had been defrauded and tried to recover their funds, they have received many calls and other communications from Mazza threatening the complainant, her husband, their two daughters, and the complainant’s sister;

- (e) in early June 2020 the VDFR issued an Ex Parte Cease and Desist Order against EMCI and Mazza in connection with Tobia's complaint; and
  - (f) the VDFR also issued an Order directing TD Bank to maintain a freeze on the funds in the account, however TD advised that they may have no jurisdiction to hold the funds based on the VDFR Order to freeze.
6. Information subsequent to Staff obtaining the Temporary Order indicates that:
- (a) Mazza, through counsel, has provided signed Purchase Agreements allegedly indicating that the US \$100,000 was for the purchase of a non-refundable digital asset in Ethereum;
  - (b) Mazza has provided mobile text messages allegedly received from Tobia discussing a desire to purchase Ethereum;
  - (c) Tobia and Robert have retained counsel and have initiated civil proceedings against Mazza and EMCI;
  - (d) Mazza and EMCI have retained counsel to defend the civil claim and have counter-claimed against Tobia and Robert;
7. The Order sought by Staff is necessary to protect investors from serious and ongoing harm and is in the public interest;
8. Subsections 127(1) and 127(8) of the Act; and
9. Such further and other grounds as counsel may advise and the Commission may permit

**C. EVIDENCE**

1. The Applicant intends to rely on the following evidence at the hearing:

(a) The affidavit of Marcel Tillie to be filed.

**Date:** June 24, 2020

**Matthew Britton**

Tel: (416) 593-8294

Email: [mbritton@osc.gov.on.ca](mailto:mbritton@osc.gov.on.ca)

**Dihim Emami**

Tel. (416) 596-4253

Email: [demami@osc.gov.on.ca](mailto:demami@osc.gov.on.ca)

Lawyers for Staff of the  
Ontario Securities Commission