



Citation: 2021 BCSECCOM 144

Settlement Agreement

Monita Hung Mui Chan

Securities Act, RSBC 1996, c. 418

- ¶ 1 The Executive Director of the British Columbia Securities Commission (the Executive Director) and Monita Hung Mui Chan (Chan) agree as follows:

Agreed Statement of Facts

Background

1. Chan is a resident of Burnaby, British Columbia.
2. Daniel Fernandes Rojo Filho (Filho), a United States resident, orchestrated a fraudulent Ponzi and pyramid scheme that involved selling membership units (Investments) in inactive companies (DFRF). Filho deceived investors, and raised approximately US\$ 15 million worldwide, including approximately US\$ 1.15 million in British Columbia, by falsely claiming at public meetings, in YouTube videos, and in written promotional materials, that:
 - a) the Investments would earn a 15% monthly return
 - b) there was no risk of loss because the Investments were fully insured
 - c) DFRF could pay such returns because it produced more than 10 tons of gold per month from mines in Mali
 - d) DFRF would soon “go public” and the Investments would triple in value.

(Filho’s Claims)

Misconduct

3. From December 2014 to July 2015, Chan participated in the scheme by assisting Filho in British Columbia when she reasonably should have known that Filho’s Claims were false. Specifically, she:
 - a) appeared in promotional videos with Filho
 - b) distributed promotional materials



- c) hosted opportunity meetings for investors
 - d) forwarded representations from Filho to investors through social media
 - e) distributed application forms and payment instructions to investors and accepted payments from investors
 - f) repeated Filho's Claims to investors.
4. Chan raised US\$211,000 from 34 investors. She also recruited other participants who promoted the Investments in British Columbia.
5. By engaging in the conduct set out above, Chan contravened section 57(b) of the Act.

Mitigating Factors

6. Chan agreed to make admissions with respect to the above-noted misconduct prior to the hearing.

Public Interest

7. It is in the public interest that the Executive Director issue orders under section 161 of the Act.

Disgorgement

8. Chan agrees to disgorge \$100,000 to the British Columbia Securities Commission (the Commission) pursuant to section 161(1)(g) of the Act, which represents the net funds obtained from her misconduct. This amount is due and payable immediately, without further demand.

Undertaking

9. Chan undertakes to pay \$35,000 to the Commission in respect of settlement of this matter, which sum is due and payable immediately, without further demand.

Order

- ¶ 2 The Executive Director will issue orders under section 161(1) of the Act against Chan (the Order) that:

1. Chan is prohibited for the later of 10 years, or until she has paid the amounts in paragraphs 1.8 and 1.9:
- (a) under section 161(1)(b)(ii), from trading in or purchasing any securities or exchange contracts, except that she may trade and purchase securities or exchange contracts for her own account through a registered dealer, if she gives the registered dealer a copy of the Order;



- (b) under section 161(1)(c), from relying on any of the exemptions set out in the Act, the regulations or a decision;
- (c) under section 161(1)(d)(ii), from becoming or acting as a director or officer of any issuer or registrant;
- (d) under section 161(1)(d)(iii), from becoming or acting as a registrant or promoter;
- (e) under section 161(1)(d)(iv), from acting in a management or consultative capacity in connection with activities in the securities market;
- (f) under section 161(1)(d)(v), from engaging in promotional activities by or on behalf of an issuer, security holder or party to a derivative, or another person that is reasonably expected to benefit from the promotional activity; and
- (g) under section 161(1)(d)(vi), from engaging in promotional activities on her own behalf in respect of circumstances that would reasonably be expected to benefit her.

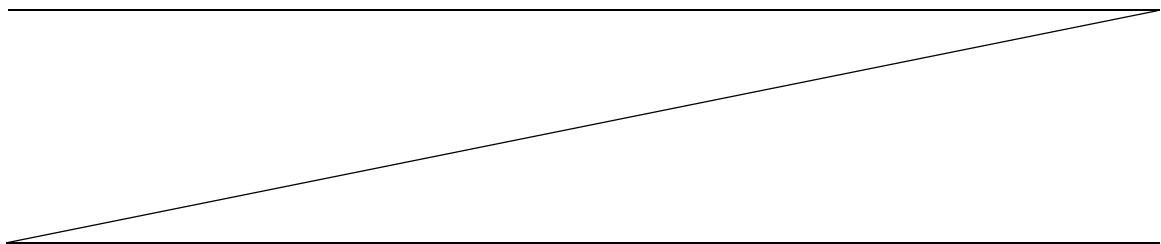
2. Chan pay to the Commission \$100,000, pursuant to section 161(1)(g) of the Act.

Consent to Regulatory Orders

- ¶ 3 Chan consents to a regulatory Order made by any provincial or territorial securities regulatory authority in Canada containing any or all of the Orders set out in paragraph 2 above.

Waiver

- ¶ 4 Chan waives any right she may have, under the Act or otherwise, to a hearing, hearing and review, judicial review or appeal related to, in connection with, or incidental to this settlement.





Counterpart

¶ 5 This Settlement Agreement may be signed in counterpart and all such counterparts of signed copies, whether delivered electronically or otherwise, shall be read or construed together as if they formed one originally executed document.

¶ 6 April 17, 2021

¶ 7 Monita Hung Mui Chan
Monita Hung Mui Chan
(Signing Authority)

Redacted)
Witness Signature)
Redacted)
Witness Name (please print))
Redacted)
Redacted)
Address)
Redacted)
Occupation)

¶ 8 April , 2021

Peter J Brady
Apr 19 2021 9:46 AM -07:00

¶ 9 Peter J. Brady
Executive Director