

Citation: 2024 BCSECCOM 3

## Settlement Agreement

### Ascenta Finance Corp. and Tracy Anne Mabone

#### *Securities Act, RSBC 1996, c. 418 (the Act)*

- ¶ 1 The Executive Director of the British Columbia Securities Commission (the Executive Director), Ascenta Finance Corp. (Ascenta), and Tracy Anne Mabone (Mabone) agree as follows:

#### **Agreed Statement of Facts**

##### ***Background***

1. Ascenta is a British Columbia corporation, registered with the Commission as an exempt market dealer.
2. Mabone resides in British Columbia, is registered with the Commission as a chief compliance officer (CCO), and acts as the CCO of Ascenta.

##### ***Misconduct***

3. Between July 5, 2016 and August 16, 2019 (the Relevant Period), Ascenta failed to document how it conducted its suitability analysis for 170 investments by 111 clients.
4. Accordingly, Ascenta failed to maintain records sufficient to demonstrate the extent of its compliance with s. 13.3 of *National Instrument 31-103*, in contravention of s. 11.5 of NI 31-103.
5. As CCO of Ascenta during the Relevant Period, Mabone authorized, permitted, or acquiesced in Ascenta's contraventions and therefore contravened the same provision that it did pursuant to section 168.2 of the Act.

##### ***Facts Relevant to Settlement***

6. It is a mitigating factor that Ascenta and Mabone made admissions with respect to their misconduct prior to the commencement of the hearing of this matter.
7. Ascenta's registration was placed under terms and conditions, including independent compliance monitoring and terms of strict supervision, at its own cost. Since conditions have lapsed, Ascenta has voluntarily continued to send strict supervision reports to the Commission ongoing to the present.

8. Ascenta paid \$18,850 in costs to the Commission for its compliance review.
9. Ascenta and Mabone have no history of securities regulatory violations before or since the Relevant Period.
10. The evidence obtained by the Executive Director did not indicate that the misconduct resulted in any loss for investors.

***Undertaking***

11. Ascenta and Mabone undertake to jointly and severally pay \$25,000 to the Commission in respect of settlement of this matter, which sum is due and payable immediately without further demand.

**Public Interest**

- ¶ 2 In light of all the circumstances, including the undertaking provided by Ascenta and Mabone in the above paragraph, it is not in the public interest for the Executive Director to issue orders under section 161 of the Act against Ascenta and Mabone.

**Waiver**

- ¶ 3 Ascenta and Mabone waive any right they 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**

- ¶ 4 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.

- ¶ 5 January 3, 2024

- ¶ 6 Tracy Anne Mabone  
Tracy Anne Mabone

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

Redacted )  
 )  
Redacted )  
Address )  
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Redacted )  
Occupation )

¶ 7 Marshall Farris )  
Ascenta Finance Corp.  
(Signing Authority)

Marshall Farris )  
Print Signing Authority Name )  
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Redacted )  
Witness Signature )  
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Redacted )  
Witness Name (please print) )  
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Redacted )  
Address )  
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Redacted )  
Occupation )

*Peter J Brady*  
*1/4/2024 | 3:59 PM PST*

¶ 8 Peter J. Brady  
Executive Director