

IN THE MATTER OF THE *SECURITIES ACT*,
S.N.B. 2004, c. S-5.5, AS AMENDED

AND IN THE MATTER OF

**GOLDPOINT RESOURCES CORPORATION,
LINO NOVIELLI, BRIAN MOLONEY,
EVANNA TOMELI, ROBERT BLACK,
RICHARD WYLIE, JACK ANDERSON,
and JIM CORCORAN**
(Respondents)

MOTION

(of Staff of the New Brunswick Securities Commission)

1. On 15 May 2008, Staff of the New Brunswick Securities Commission ("NBSC") filed a Statement of Allegations concerning the Respondents. The matter was heard on 26 May 2008 and 18 June 2008.
2. During the hearing on 18 June 2008, Staff of the NBSC advised the hearing panel that Staff of the Ontario Securities Commission ("OSC") had recently disclosed that a New Brunswick resident had invested in Goldpoint Resources Corporation ("Goldpoint"). Staff advised the hearing panel that they intended to monitor the OSC investigation, and then file an Amended Statement of Allegations in this matter, claiming disgorgement and administrative penalties.
3. Staff of the OSC has discontinued proceedings against the Respondents Evanna Tomeli, Robert Black, Richard Wylie, and Jack Anderson. The OSC proceeding did not involve the Respondent, Jim Corcoran.
4. Staff of the NBSC hereby withdraws its proceedings against Evanna Tomeli, Robert Black, Richard Wylie, Jack Anderson and Jim Corcoran. Staff is satisfied that these are pseudonyms.
5. Staff have not discovered any further New Brunswick investors in Goldpoint.
6. On 18 December 2008, Staff of the OSC filed a Statement of Allegations in their proceeding against Goldpoint, Lino Novielli, Brian Moloney and another individual. The Notice of Hearing issued by the OSC seeks disgorgement and administrative penalties, among other relief.
7. Given that Staff of the OSC is seeking disgorgement of all amounts obtained by the Respondents, including the amount obtained from the New Brunswick investor,

it would create a conflict for Staff of the NBSC to seek disgorgement of this same amount.

8. The OSC has jurisdiction over all the actions of the Respondents, given that they operated out of Ontario. The NBSC only has jurisdiction in respect of activity occurring in New Brunswick. The OSC is in a position to determine whether an administrative penalty is warranted in respect of the full market activities of the Respondents.
9. Staff of the NBSC possess no information that the Respondents own any property situate in New Brunswick. Any orders concerning disgorgement or administrative penalties would need to be enforced against property in Ontario.

Relief Sought

10. Staff of the NBSC seeks a permanent order pursuant to section 184(1)(c) of the *Securities Act*, S.N.B. 2004, c. S-5.5 (the "*Securities Act*"), that all trading in securities issued by Goldpoint shall cease.
11. Staff seeks a permanent order pursuant to section 184(1)(c) of the *Securities Act* that Goldpoint, Lino Novielli and Brain Moloney shall cease trading in all securities.
12. Staff seeks an order pursuant to section 184(1)(d) of the *Securities Act* that any exemptions in New Brunswick securities law do not apply to Goldpoint, Lino Novielli and Brain Moloney.

Evidence in Support of Relief Sought

13. At the hearing of this Motion, Staff of the NBSC will rely of the affidavit of Ed LeBlanc dated 17th February 2009.

DATED at the City of Saint John this 6th day of March 2009.

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