



IN THE MATTER OF  
*THE SECURITIES ACT, 1988, S.S. 1988, c. S-42.2*

AND

IN THE MATTER OF  
ALENA MARIE PASTUCH  
TEAMWORX PRODUCTIONS LTD.  
IDENDEGO INC.  
101114386 SASKATCHEWAN LTD.  
101115379 SASKATCHEWAN LTD.  
CRYPTGUARD LTD.

**Dear Ms. Pastuch and Mr. Udemba:**

The Saskatchewan Financial Services Commission appointed Commissioner Peter Carton, Commissioner Gordon Hamilton, and Commissioner and Vice Chairperson Paul Robinson as the Hearing Panel to hear the above noted matter as provided for in the *Securities Act, 1988*.

This Letter will address the Respondents' request for an adjournment for four (4) months in order to prepare for the hearing.

### **The Request**

On June 20, 2011, the Respondents requested an adjournment of the hearing currently scheduled to commence on July 11, 2011. The Securities Division legal counsel opposed the request for an adjournment. The basis for the Respondents' request was contained in an email that read in part:

"c) two weeks before the hearing and no witness list has been produced from their side;"

“d) MAJOR disclosure is missing pertaining to the MAJORITY of their allegations and it appears that it will not be forthcoming as they for over a year have refused to diligently hand in disclosure as required by law;”

The Respondents’ request was made before they had received the Hearing Panel’s formal response to the disclosure issue as contained in its letter also dated June 20, 2011. On June 22, 2011, the Respondents received a witness list for the upcoming hearing.

The Hearing Panel convened a conference call with the Respondent Pastuch and counsel for the Securities Division, Sonne Udemgba, on June 24, 2011 to hear oral representations in relation to the request. The focus of the conference call was in relation to the Respondents’ preparedness for the hearing in light of significant confusion around the availability and location of certain documents. It was the Respondents’ position that a number of documents relevant to the defense could not be located and that copies could not be retrieved from third parties in time for Ms. Pastuch to be ready for July 11, 2011. Ms. Pastuch also contended that the list of the documents seized by SFSC investigators from her accountant’s office was not prepared and delivered to her in a timely fashion. It was her stated belief that there are crucial documents that have gone missing as a result of this process.

During the conference call, the Hearing Panel was told that there have been three electronic data discs containing disclosure documents and information sent to the Respondents. Disc 1 was originally delivered to the Respondents’ interim counsel on November 1, 2010, but there were issues with the first interim counsel and it was returned. On December 15, 2010, Disc 1 and Disc 2 were delivered to the Respondents’ second interim counsel. Disc 3 was delivered to the second interim counsel on April 19, 2011. A disagreement over the conditions attached to the disclosure was resolved through an Order dated February 15, 2011.

It was obvious to the Hearing Panel that more clarity was required surrounding the tracking of the business records and documents that were first delivered by Ms. Pastuch to her accountant’s office, of which some or all were subsequently seized by the Securities Division investigators. It is the opinion of the Hearing Panel that clarity on this issue should assist the Respondents’ in their preparation for the hearing, and the absence of clarity will only lead to further requests for adjournments and additional

delays. The Hearing Panel recognizes that Ms. Pastuch is unfamiliar with hearing procedures and is not represented by legal counsel. Even though some of the delays in preparation are clearly her responsibility, it is appropriate and fair that some leeway be considered.

Accordingly, the Hearing Panel will grant an adjournment. The hearing will commence on July 12 and 13, 2011 and the preliminary issue of the tracking of the business records and other documents will be the sole focus of the hearing on July 12<sup>th</sup> and July 13<sup>th</sup>. It is expected that the Securities Division investigators, Mr. Frank Garrett, and Ms. Pastuch (and any other witnesses that the parties believe will assist in clarifying this preliminary issue) will be available to attend the hearing and to provide information on the business records and other documents that were in their possession either prior to, during, and after the investigation process. The hearing will continue September 12 to 16, 2011 inclusive and thereafter as directed by the Hearing Panel. An adjournment order will be issued accordingly.

This is a unanimous decision of the Hearing Panel.

DATED at Saskatoon, Saskatchewan, on June 27, 2011.

  
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Gordon D. Hamilton  
Commissioner