

ALBERTA SECURITIES COMMISSION

Docket: ENF-010137

Citation: Re Bluforest Inc., 2021 ABASC 89

Date: 20210608

NOTICE OF APPLICATION

In the Matter of: Bluforest Inc., Cem (Jim) Can and Charles Michael Miller

Applicant: Staff of the Alberta Securities Commission (**Staff**)

Respondent: Bluforest Inc. (**Respondent**)

Notice: Written Application for an Order Permitting an Alternative Means of Service on the Respondent

Order Sought

The Applicant, Staff, request that the Alberta Securities Commission (**Commission**):

1. Pursuant to section 5.10 of Alberta Securities Commission Rule 15-501, Rules of Practice and Procedure for Commission Proceedings, specifically the version that was in effect for proceedings commenced between April 1, 2009 and March 31, 2019 (the **Rules**):
 - 1.1 Issue an order permitting an alternative means of sending the Commission's decision in *Re Bluforest Inc.*, 2021 ABASC 25 (**Sanctions Decision**) to the Respondent by sending the Sanctions Decision to its sole director and officer, Charles Michael Miller (**Miller**), by email to his email address of charliemiller@hotmail.ca.

Grounds

The grounds for the application are:

2. Both Miller and the Respondent were named as parties in a Commission Notice of Hearing issued February 5, 2018 (**NOH**).
3. The Respondent is a company incorporated pursuant to the laws of the State of Nevada. Public filings and corporate records list the Respondent's mailing address and head office address and address of principal executive office as Ave. Republica del Salvador y Shyris Edificio Onix piso 10-C, Quito, Ecuador (**Address**).

4. The Address is the last known address for the Respondent. Previous attempts to serve the Respondent at the Address were unsuccessful.
5. Previous attempts to serve the Respondent via facsimile were unsuccessful.
6. Staff are not aware of any active electronic mail addresses for the Respondent.
7. The Respondent has not filed an address for service in Alberta with the Executive Director of the Commission.
8. Service of the Sanctions Decision on the Respondent in accordance with section 5.1 of the Rules or the *Securities Act*, RSA 2000, c S-4 (the *Act*) is not practicable.
9. Miller is the sole director and officer of the Respondent. Miller represented the Respondent in American legal proceedings until at least November 26, 2018.
10. Service of the NOH on the Respondent was effected by serving it on Miller in his role as sole director and officer of the Respondent.
11. Miller's last known email address is charliemiller@hotmail.ca.
12. The Sanctions Decision has been served on Miller by email at charliemiller@hotmail.ca.

Law

The Applicant intends to rely on the following:

13. Sections 1.1(j), (k) and (o), 2.2, 5.1(a), 5.1(b), 5.1(c) and 5.10 of the Rules;
14. Section 217 of the *Act*;
15. Certain findings made by the Commission in *Re Bluforest Inc*, 2020 ABASC 138; and
16. Staff's written submissions.

Evidence

The Applicant intends to rely on the following evidence and materials:

17. Affidavit of Leanna Fernandez-Somoza sworn March 14, 2018.
18. Affidavit of Attempted Service of Leanna Fernandez-Somoza sworn May 14, 2021.
19. Affidavit of Service of Leanna Fernandez-Somoza sworn May 26, 2021.

20. Affidavit of Cassie Hough sworn June 3, 2021.

Calgary, Alberta, June 8, 2021.

) ALBERTA SECURITIES COMMISSION

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) *Carson Pillar*

) Carson Pillar

) Litigation Counsel