



REGARDING the *Insurance Act*, RSO 1990, c I-8, as amended (the “Act”), in particular, sections 393(9) – 393(11)

AND REGARDING Rosemari Rodriguez Obille, Life Insurance and Accident and Sickness Insurance Agent

DECISION AND ORDER

Overview:

Ms. Rosemari Rodriguez Obille has not requested a hearing in response to the September 30, 2014 Notice of Opportunity for Hearing (the “Notice”) to revoke her life insurance and accident and sickness insurance agent licence (“insurance agent licence”). There are no explanations for her behaviour. Nor is there any demonstrated interest in maintaining her insurance agent licence. The insurance agent licence of Ms. Obille is revoked.

Introduction:

On July 22, 2014, the Superintendent of Financial Services (“Superintendent”) issued a Notice to Ms. Rosemari Rodriguez Obille. The Notice informed Ms. Obille of allegations against her and the opportunity for a hearing before an Advisory Board. The Notice advised Ms. Obille that if a hearing was not requested the Superintendent would make a decision based on information in the possession of the Financial Services Commission of Ontario (the “Commission”). Ms. Obille was also advised that such decision could include the suspension or revocation of her insurance agent licence.

I received evidence from Legal Counsel at the Commission that the Notice was sent by both registered and regular mail to the address on file at the Commission and that no request for a hearing was received. I am satisfied that the Notice was properly served in accordance with the provisions of the Act and that Ms. Obille did not request a hearing.

A copy of the allegations is attached to this Decision in Schedule 1.

The Evidence:

Since Ms. Obille has not requested a hearing, the evidence of Commission staff in the particulars attached to the Notice is uncontested.

The evidence can be summarized as follows. Ms. Obille held a licence as a life insurance and accident and sickness insurance agent since June 9, 2011. On December 13, 2013, Commission staff sent Ms. Obille an e-mail in an attempt to contact her about allegations made by Sun Life Assurance Company of Canada (Sun Life) regarding several banking and financial practice concerns. Later, further notices were sent by both registered and regular mail requesting proof of errors and omissions (“E&O”) insurance. Finally, on July 4, 2014, a FSCO Investigator attended the address that Ms. Obille has registered with Commission, and another possible residence address, without locating her. Commission staff attempted to contact Ms. Obille by letter, email, telephone and in-person to ascertain her competence, trustworthiness, suitability and compliance. Ms. Obille did not respond to these requests.

Findings of Fact:

I find that Ms. Obille repeatedly failed to respond to requests for information from the Commission. Commission staff made many requests by letter, email, telephone and in-person. The June 17, 2014 Demand to Furnish Information letter that was sent via registered and regular mail was returned to the Commission by Canada Post on July 2, 2104 with the inscription “moved”. As such, Ms. Obille also failed to provide notification to the Commission of a change in her contact information.

I find that Ms. Obille is unsuitable to hold a licence as an insurance agent to be established by virtue of her failure to respond to information requests from the Commission.

In the absence of testimony by Ms. Obille, I am not aware of any explanations for her behaviour or mitigating circumstances.

Decision:

I have found that Ms. Obille has failed to respond to information requests from the Commission.

Sections 442.1 and 442.3 of the Act permit the Superintendent to direct an inquiry to an agent and require the agent to give the Superintendent full information about any matters as may be specified by the Superintendent.

Section 443 of the Act states that it is a condition of the licensing of an agent that the agent facilitate examinations by the Superintendent, and that for the purpose of an

examination, the person prepare and submit to the person conducting the examination such statements or returns with respect to the agent's business, finances or other affairs, as the Superintendent may require.

Section 5.1 of Ontario Regulation 347/04 (the Regulation) states that if the agent's mailing address, e-mail address, telephone number or fax number changes, the agent must provide the Superintendent with the new address or number within five days after the change.

Ms. Obille failed to notify the Superintendent, give or furnish the information requested, and failed to facilitate examinations by the Superintendent, and therefore a penalty is warranted. Refusing to co-operate with Commission staff or to offer any explanation is a serious breach of the Act, and demonstrates an unwillingness to being regulated and a lack of suitability to hold an insurance agent licence within the meaning of section 4(1)(i) of the Regulation.

Insurance agents must be governable and amenable to being regulated. In this case, Ms. Obille failed to meet her obligation to respond to information requests from the Commission about her competence, trustworthiness and suitability, as well as about her E&O insurance policy, and she failed to facilitate an examination.

Findings of unsuitability frequently result in the revocation of an insurance agent licence. Accordingly, I believe that the appropriate penalty is revocation of Ms. Obille's licence as an insurance agent.

ORDER

The life insurance and accident and sickness insurance agent licence of Rosemari Rodriguez Obille is hereby revoked.

DATED at Toronto, Ontario, February 13, 2015.

Anatol Monid
Executive Director, Licensing & Market Conduct Division

By Delegated Authority from:
The Superintendent of Financial Services