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**REGARDING** the *Insurance Act*, R.S.O. 1990, c. I.8, as amended, in particular sections 441.1, 441.2 and 441.3

**AND REGARDING** Herman Burke

### **ADMINISTRATIVE PENALTY ORDER**

Herman Burke (“Mr. Burke”) is licenced as a Life Insurance and Accident and Sickness insurance agent under the *Insurance Act* (the “Act”), licence number 14139775.

On June 2, 2017, the Superintendent of Financial Services (the “Superintendent”) issued a Notice of Proposal to Impose an Administrative Penalty in the amount of \$1,500 on Mr. Burke for providing false information to the Financial Services Commission of Ontario. Mr. Burke requested a hearing before the Financial Services Tribunal (the “Tribunal”) on July 19, 2017.

A Pre-Hearing Conference was held on October 12, 2017, by teleconference. Mr. Burke failed to attend the October 12, 2017 Pre-Hearing Conference, which was then rescheduled to October 24, 2017. Mr. Burke also failed to attend the Pre-Hearing Conference on October 24, 2017.

On October 24, 2017, the Tribunal issued a Notice of Intention to Dismiss that proposed to dismiss the proceeding without a hearing if Mr. Burke did not provide reasonable cause for his failure to appear at the Pre-Hearing Conference within 30 days. No reasonable cause was provided.

On November 28, 2017, the Tribunal ordered that the proceeding commenced by Mr. Burke by his Request for Hearing be dismissed without further notice.

Accordingly, the Act provides that the Superintendent may carry out the proposal to impose an administrative penalty when no hearing has been requested.

### **ORDER**

**Pursuant to section 441.3 of the Act, an administrative penalty of \$1,500 is imposed on Herman Burke.**

**TAKE NOTICE THAT** Herman Burke will be receiving shortly an invoice from Ontario Shared Services, a part of the Ministry of Government and Consumer Services, with information as to where and how to make the payment. Mr. Burke must pay the administrative penalty no later than 30 days after the date of the invoice.

If Mr. Burke fails to pay the administrative penalty in accordance with the terms of this Order, the Superintendent may file the Order with the Superior Court of Justice and the Order may be enforced as if it were an order of the court. An administrative penalty that is not paid in accordance with the terms of an order imposing the penalty is a debt due to the Crown and is enforceable as such.

**DATED** at Toronto, Ontario on the      day of                      , 2018.

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Anatol Monid  
Executive Director  
Licensing and Market Conduct Division

By Delegated Authority from  
The Superintendent of Financial Services