

Judy Clarke
Registration Number: D26773
Garson, Ontario

HEARING DATE: October 16, 2014

MISCONDUCT: Ont. Reg. 991, ss. 14(1) and 14(3)

PARTICULARS OF THE COMPLAINT:

Judy Clarke failed to discharge her duties to fellow members with integrity, and also failed to serve the member's client in a conscientious, diligent and efficient manner and failed to provide a quality of service at least equal to that which members would generally expect of a member, as a result of confirming to the brokerage that coverage was placed with insurers on behalf of consumers, when in fact, coverage was not so placed. Furthermore, Judy Clarke failed to place or replace coverage, failed to forward underwriting information to insurers, failed to forward premium information to insurers and failed to request cancellation of a policy. As a result of Ms. Clarke's actions, consumers were left with a gap in their insurance coverage and also had their insurance cancelled for underwriting reasons and for non-payment of premiums.

DISCIPLINE COMMITTEE'S DISPOSITION:

Counsel for RIBO submitted that Judy Clarke was properly served with the Notice of Hearing in the matter as per the Affidavit of Service of the Process Server, for the returnable date of April 10, 2014. On that date, Ms. Clarke attended at the RIBO Office and requested an adjournment to obtain Counsel, for a date to be set in the future. That date was adjourned and rescheduled for October 16, 2014, and, as per the testimony of RIBO's Trial Co-Ordinator, a letter was sent out to Ms. Clarke at the address registered with the Manager, as per s. 28(2) of the Registered Insurance Brokers Act, advising her of the new date and time. In addition, the Trial Co-Ordinator testified that she made a telephone call to Ms. Clarke on October 15, 2014 at the last known number and there was no answer or voice mail prompt. Also, a RIBO Investigator testified that he had made several unsuccessful attempts to contact Ms. Clarke by telephone to advise her of the October 16, 2014 hearing. Counsel for RIBO noted that RIBO have not heard from Ms. Clarke since April 10, 2014.

The Panel accepted the submissions by RIBO that Judy Clarke was properly served with the Notice of Hearing as well as the rescheduled hearing date. A plea of not guilty was entered on behalf of Judy Clarke.

The Panel heard and accepted the evidence adduced by RIBO, specifically the evidence and documentation proffered by the Operations Manager for the

brokerage, who detailed with numerous supporting exhibits, seven instances in which Ms. Clarke failed to submit completed applications for insurance, leaving the respective clients without the insurance they believed they had.

Based upon the above, the Committee finds that Judy Clarke is guilty of misconduct as alleged. The Discipline Committee therefore orders:

- (a) That the Certificate of Registration of Judy Clarke be and is hereby revoked effective immediately.
- (b) That a recommendation be made to the Qualification and Registration Committee that they not consider any application by Judy Clarke to reapply for a certificate of registration for no less than 5 years from the date of this Decision.