

Jesse Boles
Registration Number: D38421
Niagara Falls, Ontario

HEARING DATES: January 24, 2019 and April 11, 2019

MISCONDUCT: Ontario Regulation 991, ss. 14.1; 14.3; and 14.4

PARTICULARS OF THE COMPLAINTS:

At all material times Jesse Boles was a registered insurance broker conducting business in the Niagara Falls, Ontario area.

As a result of information received from former employer brokerages it appeared that Jesse Boles committed misconduct by:

- obtaining and having possession of files with members of the public confidential information which was unknown to and not authorized by the members of the public or the brokerage servicing those policies;
- taking out advertising contracts in employer brokerage's name without the brokerage's knowledge and/or authorization;
- having a secondary occupation and failing to inform RIBO and employer brokerage of such activities;
- failing to service clients;
- being convicted of a criminal offence;
- providing RIBO with false and misleading information; and
- exceeding his binding authority and providing false information to Underwriters.

DISCIPLINE COMMITTEE'S DISPOSITION:

The Discipline Committee (hereinafter referred to as the "Committee") received submissions from Counsel for RIBO, including the filing of an Affidavit of Service from RIBO's Legal and Administrative Coordinator sworn and dated July 23, 2018 indicating that Jesse Boles was served with the Notice of Hearing and Directions by registered mail and by email; after reviewing post office tracking sheet that the mail was accepted at the post office on August 9, 2019 by Jesse Boles, the Committee found that Jesse Boles was properly served with the Notice of Hearing and Directions for the Hearing date scheduled for January 24, 2019. Mr. Boles did not attend on January 24, 2019.

The Committee also received submissions from Counsel for RIBO and heard the testimony of RIBO's Legal and Administrative Coordinator that on numerous occasions she sent emails to Jesse Boles confirming the date for the return of the Discipline Hearing in this matter as it related to the penalty phase and Jesse

Boles was properly notified of the April 11, 2019 Hearing date. The Committee was satisfied that Jesse Boles was properly notified of the April 11, 2019 Discipline Hearing date as it related to the penalty phase. Jesse Boles did not attend the Hearing regarding the penalty phase on April 11, 2019. The Committee noted that Jesse Boles did not renew his license on or before September 30, 2017, and that RIBO accordingly de-registered his license effective September 30, 2017. The Committee retained its jurisdiction to hear this matter as the events in question occurred during the time Jesse Boles was registered with RIBO and in accordance with the provisions of Section 5 of the *Registered Insurance Brokers Act*.

The Committee accepted the evidence adduced by RIBO in these proceedings which included the Exhibits that were filed, and the evidence adduced from the Principal Brokers and Owners of Jesse Boles' former employer brokerages and found that Jesse Boles was guilty of misconduct as set out in the Directions. The Discipline Committee provided Jesse Boles with its written Reasons on April 11, 2019 following the January 24, 2019 Hearing date. The Committee, therefore, ordered:

- (a) that the Certificate of Registration of Jesse Boles be suspended for a period of 9 months effective from the date that Jesse Boles' Certificate of Registration is reinstated, if he decides to reapply.
- (b) that a recommendation be made to the Qualification and Registration Committee that Jesse Boles not be considered for registration until he takes and passes the Basic Broker Licensing Course and examination.
- (c) that Jesse Boles pay a fine by cheque made payable to the Minister of Finance in the amount of \$5,000.00 and to be received by RIBO no later than June 30, 2019.