

Karrunawatti (Kay) Persaud
Registration Number: D16567
Brampton, Ontario

HEARING DATE: September 29, 2011

MISCONDUCT: Ont. Reg. 991, ss. 14(1) and 14(13).

PARTICULARS OF THE COMPLAINT:

It was alleged that Karrunawatti (Kay) Persaud (hereinafter referred to as "Kay Persaud") failed to follow underwriting procedures as set out by an insurer and the Servicing Carrier by: a) not disclosing U.S. exposure on applications of insurance and, b) by issuing false MCS90 forms to drivers to allow them to transport into the United States.

DISCIPLINE COMMITTEE'S DISPOSITION:

The Discipline Committee found that Kay Persaud was properly served with the Notice of Hearing on February 1, 2011.

The Discipline Committee heard oral evidence from RIBO staff, and considered exhibits which formed part of RIBO's evidence. They also heard testimony from the complainant, a Michigan State Officer and 3 witnesses employed by the insurer who were contacted to verify the validity of the "MCS 90". Two of the witnesses could not offer any direct evidence but they were able to establish the chain of events that led to the testimony of another witness who worked for the insurer. She was able to give the panel information on what determined the need for the MCS 90 form, and how a broker was to proceed in order to obtain the document. The Discipline Committee was also told by the witness that the rules surrounding the issuance of certificates were very clear and spelled out in the insurer's manual. There was no disputing the fact that the certificates were in fact produced by the broker in contravention of insurer's rules. No explanation was given as to why they were produced or why the rules and procedures set out in the insurer's manual were not followed. Ms. Persaud testified that she made several attempts to ascertain whether the forms were actually required to transport garbage into the U.S., however, this proved to be a moot point in the view of the Discipline Committee and not germane to the complaint before them.

Ultimately, the Committee found that there was overwhelming evidence that the MCS 90's were indeed produced by the broker and distributed to her clients contrary to the rules of the insurer. Further, Ms. Persaud was unable to offer any evidence to the contrary and never denied that the certificates had been produced by her. The Discipline Committee therefore ordered:

- (a) That the Certificate of Registration of Kay Persaud 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 Kay Persaud to reapply for a Certificate of Registration for not less than 5 years from the date of revocation.