

Randolph Mendonca
Registration Number: D22330
London, Ontario

HEARING DATE: April 15, 2010

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

PARTICULARS OF THE COMPLAINT:

Randolph Mendonca was a registered insurance broker working for a brokerage carrying on business in the City of London. On March 2, 2009, the Principal Broker of the employer where Mr. Mendonca worked discovered several irregularities involving client files of Mr. Mendonca which resulted in his employment being terminated.

The Principal Broker advised RIBO that, as a result of receiving calls from clients concerned about payments or coverage on their insurance policies purchased through Mr. Mendonca, they had an audit of the London office clients especially those that indicated that they had made payments to Mr. Mendonca.

After further investigation it was discovered that in several situations it appeared that Mr. Mendonca accepted monies from clients intending to purchase insurance. Mr. Mendonca instructed them to deposit their premium payments into a specific account with TD Canada Trust. Further, some clients paid by cheques made payable to Mr. Randy Mendonca Insurance, which were also not deposited into the brokerage trust account. The account information supplied by Mr. Mendonca to specific clients was not the brokerage trust account.

On March 20, 2009, the RIBO investigator met with the Principal Broker in the London office. During this meeting, an individual arrived at this office and delivered 5 original money orders on behalf of Mr. Mendonca. The investigator and Principal Broker reviewed the money orders and searched for the corresponding client files. Some of the names on the money orders could not be located as clients or any information in the data base at the brokerage office. The investigator noted that all 5 money orders were all dated March 19, 2009.

On April 4, 2009 Mr. Mendonca sent an email to the Principal Broker requesting a list of the clients that had called the brokerage office and claimed to have paid their premiums to Mr. Mendonca as he wanted to resolve this issue. The Principal Broker responded to Mr. Mendonca however he did not receive any further money orders or clients' premiums from Mr. Mendonca; he followed up with a registered letter dated April 3, 2009.

The RIBO investigator met with two of the clients that support the allegations lodged by the Principal Broker. Both clients provided the investigator with statements including copies of their payments to Mr. Mendonca.

DISCIPLINE COMMITTEE'S DISPOSITION:

The Panel heard and accepted the evidence of the Principal Broker and a client and found them both to be credible. The Panel further finds that the allegations contained under the Particulars of the Complaint in the Direction have been proven and finds that Randolph Mendonca is guilty of misconduct as alleged therein, and ordered that the Certificate of Registration of Randolph Mendonca be revoked, and that a recommendation be made to the Qualification and Registration Committee that any application for reinstatement by Randolph Mendonca not be considered for not less than 5 years. The Panel determined that the matter be published in the RIBO Bulletin.