

Paul Holman
Registration Number: R5257
Markham, Ontario

HEARING DATE: January 10, 2013

MISCONDUCT: Ont. Reg. 991, ss. 14(3) and 15(1)(16)

PARTICULARS OF THE COMPLAINT:

Mr. Paul Holman as Principal Broker of a brokerage may have failed to serve the member's clients in a conscientious, diligent and efficient manner and may have failed to provide a quality of service at least equal to that which members would generally expect as a result of:

- (a) not providing insurance coverage as requested by the client; and
- (b) not following up on the client's automobile renewal policy.

As a result of an allegation made by a client of Mr. Holman, it appears that Mr. Holman may have failed to properly supervise brokers whose registration is restricted to acting under supervision with respect to:

- (a) not processing a client's request for automobile insurance coverage; and
- (b) the subsequent non-renewal of the client's automobile policy without notifying the client.

DISCIPLINE COMMITTEE'S DISPOSITION:

Mr. Paul Holman confirmed that he chose to proceed without counsel, even though he was entitled to have counsel acting for him.

The Discipline Committee finds that Mr. Paul Holman was properly served with the Notice of Hearing and Direction.

The Discipline Committee heard the testimony and considered the evidence of a client of Mr. Holman's deceased employee who was a broker employed by the brokerage for which Mr. Holman was the Principal Broker. The Discipline Committee found the client's evidence to be reliable and forthcoming with respect to her interaction with the brokerage including Mr. Holman.

The Discipline Committee also heard testimony and reviewed the evidence given by a representative of the insurance company. His evidence related to the communication between the client and the deceased broker and corroborated with the testimony given by the client. The Discipline Committee noted the testimony of the representative from the insurance company relating to a wrong email address used by Mr. Holman's brokerage that in part led to some of the problem between the brokerage and the client.

Mr. Holman chose not to give evidence but offered submissions.

The Discipline Committee noted that certain statements made by the deceased broker were referenced in the testimony from the client and the representative from the insurance company. RIBO's outside Counsel provided argument prior to the evidence being proffered that the evidence was admissible if it is necessary and reliable, with the Discipline Committee to decide what weight would be given that evidence. Mr. Holman had no objection to the statements of the deceased broker being referenced by the other witnesses. The Discipline Committee found that the statements were necessary, as the deceased broker was no longer available to testify that they, having been made in the ordinary course of the broker's business, were also reliable. That said, the Discipline Committee did not find those statements were integral to their ultimate decision.

Based on the evidence and submissions, the Discipline Committee finds that Mr. Paul Holman failed as the Principal Broker to properly supervise brokers whose registration is restricted to acting under his direction and supervision, in particular the deceased broker. The Committee found him guilty of failing to serve his client in a conscientious, diligent and efficient manner and providing a quality of service at least equal to that which members would generally expect of a member in a like situation. The Committee also found that the abeyance system at the brokerage which Mr. Holman is ultimately responsible for, was not sufficient to have minimized the risk of these events occurring.

Accordingly, the Discipline Committee further finds the allegations contained in the Direction have been proven and finds that Mr. Holman is guilty of misconduct as alleged therein. The Discipline Committee therefore ordered.

- (a) That Mr. Paul Holman be reprimanded for his actions.