

DISCIPLINARY COMMITTEE

CHAMBRE DE LA SÉCURITÉ FINANCIÈRE

CANADA
PROVINCE OF QUEBEC

DATE : February 27, 2018

THE COMMITTEE M^{re} Claude Mageau President

N° : CD00-1295

RUBIA CAROLE BASHIR on behalf of **YOLANDE MEYSMANS & JOSEPH MATJASEC**

Plaintiff

vs.

INVESTORS GROUP FINANCIAL SERVICES INC. AND I.G. INSURANCE SERVICES INC.

Respondents

N° : CD00-1292

vs.

GEOFFREY FAGE (Certificate Number 111899, NRD 1589031)

Respondent

N° : CD00-1293

vs.

MORTEZA SEYED JAMALI, financial security advisor, group insurance and group annuity plans advisor and dealing representative of a mutual fund dealer (Certificate Number 201195, NRD 3017541)

Respondent

N° : CD00-1294

vs.

BOAZ LEVY, financial security advisor, group insurance and group annuity plans advisor and dealing representative of a mutual fund dealer (Certificate Number 121826, NRD 1645331)

Respondent

DECISION ON THE PLAINTIFF'S REQUEST TO WITHDRAW HER COMPLAINT

[1] Whereas on November 17, 2017, the Plaintiff filed with the Disciplinary Committee of the Chambre de la sécurité financière (the "Committee") the complaint numbers CD00-1292, CD00-1293, CD00-1294 and CD00-1295 (the « Complaint ») against the Respondents.

[2] Whereas the Plaintiff filed the Complaint on behalf of Mrs. Yolande Meysmans and Mr. Joseph Matjasec.

[3] Whereas on January 22, 2018, a Provisional Role session was held by the Committee at which time the Plaintiff attended by conference call.

[4] Whereas, at the Provisional Role, the Committee informed the Plaintiff of the contents of Article 87, paragraph 1, of the *Code of Civil Procedure*, which provides as follows:

“87. The following are required to be represented before the courts by a lawyer in contentious proceedings, and by a lawyer or a notary in non-contentious proceedings:

- (1) representatives, mandataries, tutors and curators and other persons acting on behalf of another person who, for serious reasons, cannot act on their own behalf;”*

[5] Whereas, at the Provisional Role, the Committee also informed the Plaintiff of the contents of Article 128, paragraph 2, of the *Act respecting the Barreau du Québec*, which provides as follows:

“128. (2) The following acts, performed for others, shall be the exclusive prerogative of the practising advocate and not of the solicitor:

(a) to plead or act before any tribunal, except before:

(1) a conciliation officer or an arbitrator of disputes or grievances, within the meaning of the Labour Code (chapter C-27);

(2) the Administrative Labour Tribunal;

(3) the Commission des normes, de l'équité, de la santé et de la sécurité du travail established by the Act respecting occupational health and safety (chapter S-2.1), a review board established under the Workers' Compensation Act (chapter A-3) or the social affairs division of the Administrative Tribunal of Québec, instituted under the Act respecting administrative justice (chapter J-3), in the case of a proceeding pertaining to compensation for rescuers and victims of crime, a proceeding brought under section 65 of the Workers' Compensation Act or a proceeding brought under section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7);

(4) the Régie du logement established under the Act respecting the Régie du logement (chapter R-8.1);

(5) the social affairs division of the Administrative Tribunal of Québec, to the extent that the Minister of Employment and Social Solidarity or a body which is his delegatee as regards the application of the Individual and Family Assistance Act (chapter A-13.1.1) is to be represented to plead or act in his or its name;

(6) an arbitration officer, a conciliation officer, a council of arbitration or an investigator within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);

(7) in matters of immigration, the social affairs division of the Administrative Tribunal of Québec, in the case and subject to the conditions set out in the third paragraph of section 102 of the Act respecting administrative justice;

(b) to prepare and draw up a will or codicil or a discharge or any contract or document, except leases, affecting immovable property and requiring registration or cancellation of a registration in Québec;

(c) to prepare, draw up and file the declaration of value of an estate, required by the taxation laws; this paragraph c shall not apply to legal persons authorized by law to act as liquidators of successions or as trustees;

(d) to prepare and draw up a document or proceeding, for registration as prescribed by law, of a person or partnership carrying on a business or operating an industry;

(e) to make collections or make any claim with costs or to imply that judicial proceedings will be taken.”

[6] Whereas, at the Provisional Role, the Respondents informed the Committee their intention to file Motions to Dismiss the Complaint.

[7] Whereas, at the Provisional Role, the Committee ordered the Respondents to file their Motions to dismiss at the latest on February 16, 2018, and postponed the files to the next Provisional Role scheduled on February 26, 2018.

[8] Whereas on January 25, 2018, Plaintiff informed inter alia the Committee by email *“that no further action shall be taken by the CSF regarding the referenced private complaint”*.

[9] Whereas on February 7, 2018, the Assistant Secretary of the Disciplinary Committee requested from the Plaintiff and the Respondents their availability for a conference call on February 13 or 14, 2018.

[10] Whereas on February 9, 2018, the Assistant Secretary of the Disciplinary Committee informed the Plaintiff and the Respondents that the conference call was scheduled on February 13, 2018, at 11:00 a.m. and if Plaintiff's intention was to withdraw the Complaint, she should provide the Committee with a request in writing.

[11] Whereas on February 13, 2018, a conference call was held, at which time, Plaintiff did not attend.

[12] On February 16, 2018, the Respondents filed as scheduled their Motions to dismiss the Complaint.

[13] Whereas on February 22, 2018, the Plaintiff filed an official request to withdraw the Complaint and informed the Committee that she will participate by telephone to the Provisional Role scheduled on February 26, 2018.

[14] Whereas on the Provisional Role of February 26, 2018, Plaintiff declared by conference call that no further action shall be taken with respect to the Complaint and confirmed to the Committee her request to withdraw the Complaint.

[15] Whereas it is not against the protection of the public that Plaintiff's request be granted.

[16] Whereas granting the withdrawal of the Complaint is not against the proper administration of justice.

[17] Whereas the Committee refers to the Judgement rendered by the Québec Court of Appeal in the matter of *Palacios*¹ and the Decisions rendered by the Committee in the matters of *Vigneault*² and *Major*³.

THEREFORE, the Committee:

GRANTS Plaintiff's request to withdraw the Complaint numbers CD00-1292, CD00-1293, CD00-1294 and CD00-1295 against Respondents, without costs;

DECLARES the Motions to dismiss the Complaint filed by the Respondents moot in view of the present Decision.

(S) Claude Mageau

M^e CLAUDE MAGEAU
President of the Discipline Committee

Mrs. Rubia Carole Bashir
(on behalf of Mrs. Yolande Meysmans
and Mr. Joseph Matjasec)

M^{re} Alexandre Boileau
DENTONS CANADA LLP
Lawyers for Respondents
Investors Group Financial Services Inc.
and I.G. Insurance Services Inc.
-and- Mr. Boaz Levy

M^{re} Suzan Nour

¹ *Palacios vs. Comité de déontologie policière*, 2007 QCCA 581 (CanLII).

² *Chambre de la sécurité financière vs. Major*, 2017 QCCDCSF 48 (CanLII).

³ *Chambre de la sécurité financière vs. Vigneault*, 2017 QCCDCSF 77 (CanLII).

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Lawyer for Respondent
Mr. Morteza Seyed Jamali

Mr. Geoffrey Fage, Respondent
(represented himself)

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