

BC FINANCIAL SERVICES AUTHORITY

IN THE MATTER OF THE *MORTGAGE BROKERS ACT*,
RSBC 1996, c 313 as

amended AND

IN THE MATTER OF

**INVIS INC. doing business as
INVIS (X027994)**

CONSENT ORDER

(Pursuant to sections 8(1) and 8(1.1) of the *Mortgage Brokers Act*)

[This Order has been redacted before publication.]

WHEREAS Invis Inc. doing business as Invis ("Invis") was at all material times registered as a mortgage broker under the *Mortgage Brokers Act*, RSBC 1996, c. 313 ("MBA");

AND WHEREAS Invis was at all material times the mortgage brokerage supervising [Broker 1] ("Broker 1") who is currently unregistered;

AND WHEREAS the Registrar of Mortgage Brokers (the "Registrar") issued a Notice of Hearing to Invis on March 2, 2022 ("Notice of Hearing");

AND WHEREAS Invis and the Registrar agree to the following terms of a consent order:

A. FINDINGS

The Registrar makes the following findings against Invis, and Invis accepts the following findings made against it:

1. Contrary to sections 8(1)(f) and 8(1)(i) of the MBA, Invis, in its capacity as a mortgage broker, breached the conditions of [Broker 1]'s registration that Invis agreed to and conducted business in a manner that was otherwise prejudicial to the public interest by:
 - a. Failing to ensure that [Broker 1] did not meet with female assistants in the course of business activities relating to mortgage brokering and the mortgage broker industry without being in the company of a supervisor for periods of time in 2018 and 2019; and
 - b. Failing to directly supervise [Broker 1] beginning in or around November 2019 when he ceased working out of the Invis office.

8. ORDERS AND PENALTY

Pursuant to sections 8(1) and 8 (1.1) of the MBA, Invis hereby consents to, and the Registrar hereby makes the following orders:

1. Pursuant to section 8(1.1) of the MBA, Invis pay an administrative penalty of \$12,500.00;
2. Pursuant to section 6(9) of the MBA, Invis pay investigation costs in the amount of \$3,591.92; and
3. All amounts are immediately due and payable, and all payments must be made by cheque, bank draft, or money order, payable to the BC Financial Services Authority. This order may be filed with the court pursuant to the MBA, and steps to enforce this order may be taken if payment is not made in full within thirty (30) calendar days.

C. AGREED FACTS

As a basis for this Consent Order, Invis acknowledges the following facts as correct and makes the following admissions:

1. Invis has been registered as a mortgage broker since July 18, 2000.
2. In August 2000, [Broker 1] was charged with nine counts of sexual assault. He was convicted on three of the counts and sentenced to a one-year suspended sentence and one year of probation.
3. [Broker 1] applied for registration in December 2002 and a suitability hearing was held. The Registrar determined that he was unsuitable for registration and barred him from applying for five years.
4. [Broker 1] again applied for registration in September 2016.
5. On March 1, 2018, [Broker 1] was registered as a submortgage broker with Invis; however, his registration was subject to a number of conditions, including:
 - a. [Broker 1] complete the Mortgage Brokerage in BC course from UBC;
 - b. For a period of two years, [Broker 1] be under the direct supervision of a registered submortgage broker appointed by the Designated Individual for Invis to act [Broker 1]'s supervisor;
 - c. For a period of two years, [Broker 1] be prohibited from meeting in-person with any female individuals in the course of any business activities related to mortgage brokering and the mortgage broker industry, including consumers and industry participants, except and unless he is in the company of the supervisor at all times; and
 - d. The supervisor must agree to conduct oversight of all conditions.
6. The Designated Individual for Invis appointed a submortgage broker at Invis to act as [Broker 1]'s supervisor (the "Supervisor"). Both the Designated Individual and Supervisor reviewed the conditions prior to [Broker 1]'s registration and the Supervisor agreed to supervise [Broker 1].
7. From December 2018 to February 2019, [Broker 1] employed a female assistant and from July to September 2019, [Broker 1] employed another female assistant.
8. One of the female assistants was aware of the conditions on [Broker 1]'s registration, but the other one was not.
9. During the course of their employment, there were occasions on which [Broker 1] was alone in the Invis office with the female assistants while not in the direct company of the Supervisor.

10. At times, the Supervisor was in the Invis office, but not directly supervising the interactions between [Broker 1] and the female assistants.
11. Neither female assistant reported any inappropriate behaviour on the part of [Broker 1].
12. In November 2019, [Broker 1] stopped working out of the Invis office and began working out of an office space located in a commercial building which he had purchased.
13. As a result, the Supervisor could not supervise [Broker 1] on a day-to-day basis.
14. On February 11, 2020, [Broker 1] applied to renew his registration. At that time, it was determined that [Broker 1] had not completed the Mortgage Brokerage in BC course and an investigation was commenced.
15. On June 29, 2020, [Broker 1]'s registration was renewed with the same conditions pending the results of the investigation.
16. As of August 25, 2021, [Broker 1] was still working out of his own office and not the Invis office.
17. A Notice of Hearing was issued to Invis and [Broker 1] on March 2, 2022.
18. On the same date, Invis' Designated Individual informed the Registrar that Invis would not be renewing [Broker 1]'s registration.
19. To date, [Broker 1] has not applied to renew his registration.
20. The following factors are relevant to the assessment of penalty:

Aggravating Factors

- a. Invis was aware of the conditions on [Broker 1]'s registration and agreed to them;
- b. The misconduct with respect to not properly supervising [Broker 1] occurred over the period of several years as [Broker 1] stopped working out of the Invis office in November 2019; and
- c. While there was no specific public harm as there is no evidence that [Broker 1] dealt with any females in an inappropriate manner, there was some risk of harm.

Mitigating Factors

- a. Invis does not have a discipline history with the Registrar and has been registered continuously since 2000;
- b. The misconduct at issue was not fraudulent or dishonest;
- c. Invis has taken responsibility for its misconduct; and
- d. There was no harm to the public.

D. WAIVER

Invis waives its right to a hearing under ss. 4 and 8 of the MBA and waives its right to appeal under s. 9 of the MBA.

Approved as to form and content by:

“DEBORAH BATTEN”

_____ This 4th day of October, 2022.
DEBORAH BATTEN, Authorized Signatory for
Invis Inc. doing business as Invis.

Issued this 19th day of October, 2022 at Vancouver, British Columbia.

“JONATHAN VANDALL”

Jonathan Vandall
Acting Registrar of Mortgage Brokers
Province of British Columbia