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## Report of the Superintendent of Financial Services

1. The *Insurance Act*, R.S.O. 1990, c. I-8 (“the Act”) prohibits any person from engaging in an unfair or deceptive act or practice.
2. Section 438 of the Act contains the following definition of “unfair or deceptive acts or practices”:

“unfair or deceptive acts or practices” means any activity or failure to act that is prescribed as an unfair or deceptive act or practice.
3. *Ontario Regulation 7/00*, amended to *O. Reg 261/04* (“the Regulation”) lists the various activities or failures to act which are prescribed as an “unfair or deceptive act or practice,” including the commission of any act prohibited under the Act or the regulations.
4. Pursuant to the *Act*, where, after an examination, an investigation or upon any other evidence, the Superintendent of Financial Services (“Superintendent”) is of the opinion that a person has committed an unfair or deceptive act or practice, the Superintendent shall make a report.
5. Under the *Act*, the Superintendent may give written notice, which shall include a copy of the report, that he or she intends to order a person to cease or refrain from doing any act or pursuing any course of conduct identified by the Superintendent and/or to perform the acts that, in the opinion of the Superintendent, are necessary to remedy the situation.

6. Where the Superintendent is of the opinion that the interests of the public may be prejudiced or adversely affected by any delay in the issuance of a permanent order, the Superintendent, without prior notice, may make an interim order which shall take effect immediately and which shall become permanent unless within 15 days the person requests a hearing before the Financial Services Tribunal.

### **Background**

7. Mary (Patricia) Norris, aka Pat Norris, aka Mary Patricia Kehoe, aka Patricia Ann Kehoe, aka Patricia Ann Riopelle, aka Mary Riopelle (“Norris”) is a paralegal whose business activities include acting as a representative on behalf of persons claiming statutory accident benefits arising out of automobile accidents. Norris is an employee of Swaminathan & Associates.
8. Norris filed the appropriate declarations and other information with the Superintendent in order to be exempt from the prohibition under section 398 of the *Act* so as to be able to act as a statutory accident benefit representative.
9. Norris was duly registered as a statutory accident benefit representative, number S-010355.
10. On April 28, 2005 information was received by FSCO that Norris may have a criminal record. An investigation was initiated by FSCO. The investigation revealed the following information.
11. In her filings with the Superintendent, Norris had indicated that she had not been convicted of any *Criminal Code* R.S. 1985, c. C-46 offence listed in the regulations.

12. FSCO staff conducted a criminal record check and discovered that Norris may have been convicted of the following offences listed in the regulation.
13. In 1982 Norris was convicted of the *Criminal Code* offence of fraud under \$200.00, for which she received a conditional discharge, six months probation and a restitution order.
14. In 1986 Norris was convicted of the *Criminal Code* offence of uttering forged document for which she received 24 months probation.
15. In 1997 Norris was convicted of the *Criminal Code* offence of possession of property obtained by crime over \$5,000.00 for which she received sixty days custody intermittent.
16. In 1999 Norris was convicted of the *Criminal Code* offences of false statement in writing; multiple counts of uttering forged document; 2 counts of personation with intent; false pretences; fraud under \$5,000.00; fraud over \$5,000.00; forgery; fail to comply with recognizance and fail to comply with probation order for which she received an aggregate sentence of 2 years custody on each charge concurrent and 56 days pre-sentence custody noted on the record.

### **Unfair or Deceptive Acts or Practices**

17. The Regulation includes as an “unfair or deceptive act or practice” an act or omission inconsistent with the *Code of Conduct for Statutory Accident Benefits Representatives* (the “Code”). The Code requires that a listed statutory accident benefits representative must act honestly in dealing with...FSCO, among others.
18. Norris failed to act honestly in dealing with FSCO contrary to Section 2.10 of the Code and section 447(2)(a) of the *Insurance Act* by providing false information to the effect that she had not been convicted of a criminal offence. In fact she has a criminal record for behaviour that calls into question her integrity and honesty. Norris has not dealt honestly

with FSCO thereby breaching the *Code* and “committing an unfair or deceptive act or practice”.

**ISSUED AT** the City of Toronto, August 31 , 2005.

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Cheryl Cottle  
Superintendent of Financial Services (Acting)