

**IN THE MATTER OF THE MORTGAGE BROKERS ACT
R.S.B.C. 1996, c. 313**

And

RODERICK ALEXANDER McLEOD

CONSENT ORDER

The following agreement has been reached between Roderick Alexander McLeod ("McLeod") and the Registrar of Mortgage Brokers (the "Registrar"):

A. ORDERS:

McLeod consents to and the Registrar makes the following orders:

1. That McLeod's registration is suspended for a period of three weeks pursuant to section 8(1)(e) of the *Mortgage Brokers Act* (the "Act");
2. That McLeod shall commence his three-week suspension on September 16, 2008.
3. That McLeod shall pay an administrative penalty in the amount of \$7,500 immediately upon execution of this Order, pursuant to section 8(1.1) of the *Act*;
4. That McLeod pay investigation costs in the amount of \$2565 immediately upon execution of this Order, pursuant to section 6(9) of the *Act*.

B. FACTS AND ADMISSIONS

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

1. McLeod has been registered as a submortgage broker as follows:

- a. he was registered with Invis Inc. (Courtenay) from November 10, 2005 to June 28, 2006; and
 - b. he was registered with PR Mortgage Ltd. dba Invis-Comox Valley from August 25, 2006 to the present.
2. Just prior to becoming a mortgage broker, McLeod was a Senior Small Business and Personal Advisor with [REDACTED].
3. McLeod is presently general manager of PR Mortgage Ltd. dba Invis-Comox Valley.
4. McLeod's niece is [REDACTED] ("[REDACTED]") who submitted an application for registration as a submortgage broker to the Registrar on July 5, 2007.
5. In the course of considering her application, staff of the Registrar (the "Staff") sought information from [REDACTED] regarding the termination of her employment with the [REDACTED] ("[REDACTED]") which had been her previous employer.
6. On July 11, 2007, [REDACTED] faxed the Staff an undated resignation letter, signed by [REDACTED], and addressed to [REDACTED] (the "Resignation Letter") which read, in part, as follows:

"Please accept this letter as my formal resignation from the position of Senior Personal Banker for [REDACTED] effective March 30th/07."
7. Staff subsequently determined that [REDACTED] had not quit her job (and therefore had never submitted the Resignation Letter) but, rather, had been terminated by [REDACTED] for cause on April 16, 2007.
8. The Resignation Letter was drafted by McLeod's assistant, [REDACTED] ("[REDACTED]"), at his suggestion, in July 2007, well after [REDACTED] employment with [REDACTED] had been terminated.
9. It was McLeod who counselled [REDACTED] to submit the Resignation Letter to Staff in support of her application to be registered, for Staff to act upon as if it was genuine, when McLeod knew that it was not. On July 16, 2007, [REDACTED] submitted a Record of Employment to Staff showing that she had in fact been terminated from her employment with [REDACTED].
10. In or around April 20, 2007, McLeod instructed [REDACTED] to draft a letter "To Whom it May Concern", regarding employment for [REDACTED] with PR Mortgage Ltd. dba Invis-Comox Valley (the "Employment Letter"), which read as follows:


"We are pleased to confirm the [sic] [REDACTED] is in the process of joining our Company. Her expected income will be an average of \$80,000 per year with a minimum of \$50,000 per year."

11. McLeod (who was out of the office on vacation) did not see the letter in its final form and it was signed by [REDACTED], and faxed to [REDACTED], where it was used in support of [REDACTED] mortgage application.
12. At the time McLeod instructed [REDACTED] to draft, sign and fax the Employment Letter, [REDACTED] had not yet registered for the Mortgage Brokerage Challenge Course. In fact, [REDACTED] did not register for the Mortgage Brokerage Challenge Course until May 24, 2007, and did not successfully pass it until June 20, 2007.
13. At the time the Employment Letter was submitted, on McLeod's instructions, [REDACTED] employment with PR Mortgage Ltd. dba Invis-Comox Valley was, at best, uncertain.
14. The Registrar has since rejected [REDACTED]' application for registration as a submortgage broker.

C. WAIVER:

McLeod waives his right to a hearing under sections 4 and 8 of the *Act* and waives his right to appeal under section 9 of the *Act*.

Dated at Surrey, British Columbia, this 15th day of SEPTEMBER, 2008.



W. Alan Clark
Registrar of Mortgage Brokers
Province of British Columbia

Dated at Coquitlam BC, this 9 day of Sept, 2008.



Roderick Alexander McLeod