



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

-AND-

**IN THE MATTER OF SCOTT MICHAEL ALLAN
(Pursuant to section 8 of the *Mortgage Brokers Act*)**

NOTICE OF HEARING

NOTICES OF HEARING issued by the Registrar of Mortgage Brokers include allegations which will be considered at a hearing. The allegations contained in a Notice of Hearing are unproven until the Registrar of Mortgage Brokers or her appointee has determined their validity.

To: Scott Michael Allan

TAKE NOTICE that the Registrar of Mortgage Brokers (“Registrar”) will hold a hearing pursuant to section 8 of the *Mortgage Brokers Act* (“MBA”) on **November 9 and 10, 2015** commencing at **9:30 am** at the offices of the Financial Institutions Commission at **2800 - 555 West Hastings Street in Vancouver, BC** to provide you with an opportunity to be heard prior to the Registrar making any order under the MBA should it be determined that your conduct contravened the MBA, or regulations made under the MBA (“Regulations”).

AND TAKE NOTICE that the allegations against you are as follows:

1. In your capacity as a submortgage broker, you contravened section 8(1)(i) of the MBA in that you conducted business in a manner that is prejudicial to the public interest by altering an email sent to you by **Financial Institutions Commission**, on January 16, 2015, and redistributing the altered email to other mortgage brokers and/or sub-mortgage brokers as if it were genuine correspondence from the Financial Institutions Commission, and in particular:

- a. on or about January 21, 2015, you posted a message to _____ website's contact page at _____ in which you falsely identified yourself as "FICOM Compliance", which resulted in an email being received by _____ with the message posted by you. The message you posted, in part, advised _____ that the trade name _____ was not a registered trade name under the MBA and could not be used in any advertisement, website, circular, pamphlet or other similar material; all without the knowledge or authorization of the Financial Institutions Commission or the Registrar of Mortgage Brokers to do so and when you knew or ought to have known that such a message would be treated as genuine by the recipient; and
 - b. on or about January 25, 2015, you posted a message to _____ website's _____ page at _____ in which you falsely identified yourself as "FICOM Compliance", which resulted in an email being received by _____ with the message posted by you. The message you posted, in part, advised _____ that the trade name _____ was not a registered trade name under the MBA and could not be used in any advertisement, website, circular, pamphlet or other similar material; all without the knowledge or authorization of the Financial Institutions Commission or the Registrar of Mortgage Brokers to do so and when you knew or ought to have known that such a message would be treated as genuine by the recipient.
2. You contravened section 8(1)(h) of the MBA in that you made the following statements, or any one of them, in a record filed or provided under the MBA that, at the time and in light of the circumstances under which the statement was made, were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statements false and misleading as follows:
- a. on February 13, 2015, in an interview with _____ at the offices of the Financial Institutions Commission, you stated that you did not send the message identifying as "FICOM Compliance" to _____ as described in paragraph 1(a) above, when in fact you did send the message;
 - b. on February 20, 2015 you sent an email to _____ stating that whomever did send the message set out in paragraph 1(a) above may have obtained your information from a previous Facebook comment or "like", when you knew that you had actually posted the message set out in paragraph 1(a) above, and not another person; and
 - c. on March 30, 2015, in an interview with _____ at the Financial Institutions Commission, you stated that you did not send the message identifying as "FICOM Compliance" to _____ as described in paragraph 1(b) above, when in fact you did send the message.

AND TAKE FURTHER NOTICE that the Registrar will determine if you would be disentitled to registration if you were an applicant under section 4 of the MBA, pursuant to section 8(1)(e) of the MBA.

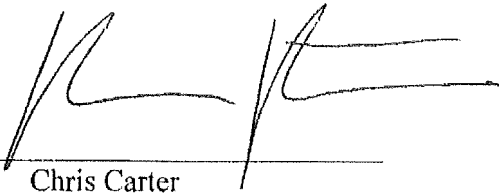
AND TAKE FURTHER NOTICE that in the event the Registrar determines that your conduct, as set out above, contravened the MBA and/or the Regulations, the Registrar may make any of the orders set out in section 8 of the MBA, including but not limited to, the remedies permitted pursuant to sections 8(1) and 8(1.1) of the MBA. In addition the Registrar may make an order against you for payment of the investigation and costs of the hearing, pursuant to section 6(9) of the MBA, and may make any further orders under the MBA as deemed appropriate by the Registrar.

AND TAKE FURTHER NOTICE that in the event of your non-attendance at the hearing, the Registrar may proceed with the hearing in your absence. The Registrar may hear evidence and make findings regarding your conduct and may make orders described above, all without further notice to you.

AND TAKE FURTHER NOTICE that you are entitled, at your own expense, to be represented by legal counsel at the hearing and you and your counsel will have the full right to cross-examine all witnesses called and to call evidence in your defence and reply in answer to the allegations.

Issued at the City of Vancouver, BC this 7th day of August 2015.

Registrar of Mortgage Brokers

A handwritten signature in black ink, appearing to read 'Chris Carter', written over a horizontal line.

Per: Chris Carter
Deputy Registrar of Mortgage Brokers
Province of British Columbia