

## DISCIPLINE DIGEST

The Society of Notaries Public of British Columbia

October 2010

### **Yvonne M. Geib**

Commissioned: December 6, 1990

The Member was charged with a breach of Rule 10.06 of the Rules of the Society and Section 28 of the *Notaries Act* for:

- a. failing to report to the Mortgage Discharge Center as required by Rule 10.06;
- b. failing to report to lenders, clients and other legal representatives in a timely manner or at all;
- c. failing to obtain copies of non-financial charges and plans on real estate transaction matters or to obtain written waivers in that regard;
- d. keeping incomplete copies of documents on file;
- e. failing to take complete and thorough instructions on Powers of Attorney and Will files;
- f. failing to follow up with clients to ensure that Wills are executed after instructions have been given;
- g. failing to maintain office systems that would alert the Member to an LTSA reject notice in a manner that would allow the correction of the defect before the documents were cancelled, resulting in an adverse charge being registered in priority to a client's transfer and a claim against the Society's insurance program..

The Member and the Society entered into an Agreed statement of Facts and Admission with respect to the charge.

### Background

The charge is brought as a result of three practice inspection reports conducted by the Society in December 2007, November, 2008 and January 2010. All three reports set out practice systems and procedures deficiencies as set out in the charge. Despite the recommendations of the practice inspectors over a three year period, insufficient processes were put in place to rectify these deficiencies resulting in an insurance claim and complaints from lenders about un-received final reports.

### Admission

The Member admits the charge as presented. The Member says that when these matters were drawn to her attention by the practice inspectors, she readily appreciated the deficiencies and assured the practice inspector that she would implement the recommendations made. While the subsequent inspections did disclose some improvements in the Member's practice procedures, the Member admits that she

continued to fail to report to the Mortgage Discharge Center as required by Rule 10.06 and continued to fall behind in her reporting requirements to lenders and others.

The Member admits that she has insufficient and/or inexperienced staff to deal with her volume of files and further admits that she may not have supervised them to the extent she should, particularly with respect to the LTSA reject notice, which the Member admits was inadvertently misfiled without having been brought to her attention.

The Member admits that her lack of attention to practice systems and procedures is professional misconduct, contrary to the best interests of the public and the notarial profession and which tends to harm the standing of the notarial profession.

### Findings

On the basis of the admissions and facts presented, the Inquiry Panel found that Ms. Geib breached the *Act* as described in the Agreement and accepts the facts as agreed. The panel noted that the Member has taken some steps to improve her office systems and also appreciates her co-operation with respect to this proceeding. The Member is not a new member however and should have sufficient experience to understand her duty to lenders, clients and to the Society to implement procedures that ensure her reporting is timely and that her files contain enough information to confirm the course of the transaction including full copies of all documents. The Member's failure to recognize that duty, despite the recommendations of three inspectors is a concern.

### Penalty

The Report of the Inquiry Panel and the Member's Agreement was reviewed by the Board of Directors. As part of the Agreement Statement of Facts, the Member proposed, among other things, that she would agree to remedial training by completing 2 weeks of the Society's in-class Practical Training course. The Board agrees that the Member, her clients, and the Society would benefit from such remedial training. Accordingly, the Board accepts the Report of the Inquiry panel and accepts the Member's proposed penalty as follows:

1. The member will receive a reprimand;
2. The member will pay a fine in the amount of \$1,000 for the breach of Rule 10.06;
3. The member will complete 2 weeks of the Society's in-class Practical Training course by January 31, 2011, the courses to be determined by Education Services;
4. The member will pay the cost of another practice inspection to be conducted within 12 months.