

**DISCIPLINE DIGEST**  
The Society of Notaries Public of British Columbia

Rashida Samji  
July 2015

Hearing Dates

Inquiry Hearing: October 22, 2014

Board Hearing: January 16, 2015

Directors:

Akash Sablok (chair), Dan Boisvert, Filip de Sagher, John Eastwood, Philip Kanigan, Joan Letendre, Lorne Mann, Linda Manning, Kate Manvell, Daryl McLane, Tammy Morin-Nakashima, Susan Tong, Jessie Vaid, David Watts, Rhoda Witherly, and Patricia Wright

This was a review of the Member's conduct with respect to a Ponzi scheme. The Board hearing was conducted on January 16, 2015. The member did not attend although served through counsel.

This was a review pursuant to Sections 34 and 35 of the *Notaries Act* to review the report of the inquiry panel. The inquiry hearing was on October 22, 2014. The member did not attend that hearing either although notice was duly provided to her through counsel. The inquiry panel issued a report dated October 31, 2014 which was reviewed by the directors.

The Notice of Inquiry

1. The Notice of Inquiry sent to the member by the Society alleged as follows:

That between approximately 2003 and 2012 [the member] did recklessly and/or knowingly assist in dishonesty, crime or fraud by promoting and/or facilitating an investment scheme or schemes, one of which is known as the "Mark Anthony Investment".

Member's History

2. The member has been a member since 1988. She is presently suspended but had a practice in Vancouver.

The Facts and Findings of the Inquiry

3. The inquiry panel report sets out the facts and findings of the panel, which were accepted by the directors. Those facts and findings are as follows.

4. The panel was provided with a brief by the Society which contained the report of the findings of the British Columbia Securities Commission on their inquiry into allegations that Ms. Samji breached the Securities Act (2014 BCSECCOM 286), an affidavit of J.S., an investor in the Mark Anthony Investment, and an affidavit of Ron Usher, the court appointed custodian of Ms. Samji's notary practice. Mr. Usher also gave evidence in person to the panel.
5. A brief synopsis of the salient facts regarding Ms. Samji was provided to the panel by the Society. The investment scheme itself has become notorious among the people in the notary and to a certain extent, general legal and banking communities in this province. The nature of the scheme and the facts found by the Securities Commission are well laid out in the decision noted above. For the purposes of its report the panel did not feel it necessary to revisit the entire story in detail.
6. In reviewing the evidence before the panel it was clear that Ms. Samji was not honest with Ms. S. Ms. S's evidence is that Ms. Samji provided information to her about an investment with the Mark Anthony Group, part of which was that should Ms. S choose to invest, her investment would be held by Ms. Samji in a trust account. Ms. S invested \$200,000.00.
7. Mr. Usher's evidence was clear that in his review of Ms. Samji's records, transcripts of her evidence given in other proceedings and his attendance to hear her evidence, Ms. Samji did not have a trust account at the time she received Ms. S's investment and did not therefore deposit the funds in that account as she said she would.
8. That clear act of dishonesty which led Ms. S to give her funds to Ms. Samji was sufficient for the panel to find Ms. Samji engaged in conduct contrary to the best interests of the public and the profession and which harms the standing of the notarial profession.
9. There appears ample reason to find that Ms. Samji's actions were of such a nature that they strike at the very heart of what the public does and should expect from notaries public. Ms. Samji's actions embarrass the notarial profession and harm the public as the most blatant breach of what is expected of an individual who enjoys the privilege that comes with admission to the profession.

#### Decision

10. Based on the evidence and findings made by the inquiry panel and the fact that the member has not provided any evidence, the directors find that the member has breached the Act and Rules as described in the Notice of Inquiry and that her actions constitute professional misconduct.

11. The directors agree with the comments of the inquiry panel regarding the gravity of Ms. Samji's actions and that there is no place in the profession for that conduct.

Penalty

12. After deciding the issue of liability, the directors considered the inquiry panel's recommendation that Ms. Samji's membership be terminated.
13. The directors agree that it is abundantly clear that acts as dishonest as Ms. Samji's must result in termination. There can be no mitigating circumstances and an individual that is capable of this behavior has no place in a profession that necessarily places trustworthiness at the pinnacle of requirements of its members.
14. The directors have assessed the following penalty in this matter:
  - a. The member be terminated;
  - b. The member pay costs.