



BC FINANCIAL
SERVICES AUTHORITY

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

-AND-

IN THE MATTER OF DONNA CATALINA BACIU
(Pursuant to section 8 including sections 8(1) and 8(1.1) of the *Mortgage Brokers Act*)

NOTICE OF HEARING

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

To: DONNA CATALINA BACIU



TAKE NOTICE that the Registrar of Mortgage Brokers (“Registrar”) will hold a hearing pursuant to section 8 of the *Mortgage Brokers Act* (“Act”), including sections 8(1) and 8(1.1), at the offices of the Registrar, located at the BC Financial Services Authority at **2800 - 555 West Hastings Street in Vancouver, British Columbia** to provide you with an opportunity to be heard prior to the Registrar making any order under the Act should it be determined that your conduct contravened the Act, or regulations made under the Act (“Regulations”).

The hearing will commence at a date to be determined by the parties, and if no agreement is reached within one month of the date of this notice, the hearing date will be determined by the Registrar.

AND TAKE NOTICE that the allegations against **DONNA CATALINA BACIU** are as follows:

1. In her capacity as a submortgage broker, Donna Catalina Baciú (“Ms. Baciú”) conducted business in a manner that is prejudicial to the public interest, contrary to section 8(1)(i) of the Act, in that she facilitated the unregistered mortgage broker activities of Justin Phu Pham (“Mr. Pham”) and JP Elite Mortgage (“JP Elite”), when she carried out one or more of the following:

- a. Permitted Mr. Pham to direct the course of mortgage applications, including taking instructions from Mr. Pham to input information on mortgage applications, including employment, income, and other personal information of the borrowers provided by Mr. Pham, despite having had notice by way of an Industry Alert dated January 15, 2018 that on December 22, 2017, the Registrar of Mortgage Brokers had issued a Cease and Desist Order relating to the unregistered mortgage activity of Mr. Pham and JP Elite;
- b. Accepted borrowers' personal, employment and financial information, and supporting documents as provided by Mr. Pham without contacting borrowers to verify, or otherwise verifying, the accuracy or authenticity of the documents and information provided;
- c. Submitted borrowers' personal, employment and financial information, and supporting documents as provided by Mr. Pham to lenders in support of mortgage applications;
- d. Paid, or permitted Mr. Pham or JP Elite to be paid, amounts in excess of \$1,000 for arranging mortgages; and
- e. Some or all of the above activities were carried out for one or more of the borrowers and their respective mortgage applications set out in Schedule "A".

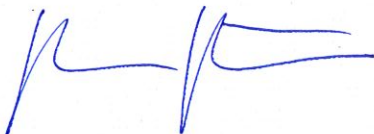
AND TAKE FURTHER NOTICE that in the event the Registrar determines that any of your conduct, as set out above, contravened the Act or the Regulations, the Registrar may make any of the orders set out in section 8 of the Act, including but not limited to, the remedies permitted pursuant to section 8(1.1) of the Act. The Registrar may also make an order against you for payment of the investigation and costs of the hearing, pursuant to section 6(9) of the Act and may make any further orders under the Act 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 29 day of November, 2019.

Registrar of Mortgage Brokers



Per: Chris Carter
Deputy Registrar of Mortgage Brokers
BC Financial Services Authority

SCHEDULE "A" TO NOTICE OF HEARING

BORROWER	PROPERTY REFINANCED or PURCHASED
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]