

**IN THE MATTER of a hearing of the Discipline Committee
of the Registered Insurance Brokers of Ontario,
held pursuant to the Registered Insurance Brokers Act,
R.S.O., 1990, c. R-19, s.18.**

MEMBERS OF THE PANEL:

Darren Hamilton, Chairperson	}	
Gil St. Martin	}	HELD ON THURSDAY, THE
Rod Finlayson	}	
Bruce Cartwright	}	7th DAY OF MAY, 2009.
Ruth Gottfried	}	

RE: Mustapha Kassab
of the City of Brampton
a Registered Insurance Broker
Registration Number: I24120

DECISION OF THE COMMITTEE WITH REASONS

This matter coming on for a hearing this day, held pursuant to the Registered Insurance Brokers Act, R.S.O. 1990, c.R-19, s.18, before a properly constituted panel of the Discipline Committee of the Registered Insurance Brokers of Ontario, upon direction of the Complaints Committee dated the 15th day of October, 2008 a copy of which is attached hereto, and upon hearing a plea of guilty entered by Mustapha Kassab, and upon hearing evidence adduced and representations made by Mustapha Kassab and by counsel for the Registered Insurance Brokers of Ontario:

1. This hearing was the result of 2 separate complaints brought against Mustapha Kassab. Mr. Kassab pleaded not guilty to complaint No 5568. He pleaded guilty to the second complaint, No. 5581.
2. The facts of the first case in which the insured pleaded guilty are as follows. The panel heard evidence from a number of witnesses that Mustapha Kassab had also been representing himself as Hadi Kassab who is in fact his son. We heard evidence from Crystal Skivington that when she approached Mustapha, he answered to the name of Hadi Kassab. We also heard evidence from Hadi

Kassab's employer at Edge Insurance Brokers, Ben Singh that he had known "Hadi" for over 6 years. "Hadi" was in fact Mustapha Kassab. The panel also heard from Betty Anderson, Personal Lines Manager at Partners Indemnity, that they had also employed "Hadi Kassab" although it was determined by the witness that the person was in fact Mustapha Kassab.

3. The panel concluded that there was more than enough evidence to accept the guilty plea.
4. The second complaint was initiated by Weir Foulds on behalf of their client Antoni Khalil. Mr. Khalil identified Mr. Mustapha Kassab as being known to him as Hadi Kassab. The complaint was the result of a claim submitted by Antoni Khalil which was subsequently denied by his carrier Kingsway General Insurance Company. Mr. Khalil had met with "Hadi" to discuss his insurance policy insuring two vehicles. "Hadi" advised Khalil that he could get him a rate for the 2 vehicles for around \$250.00 per month. Mr. Khalil requested that "full" coverage needed to be placed on both vehicles as there was financing in place. Mr. Khalil produced evidence to show that he did in fact have full coverage with his prior carrier. When he received his first copy of the policy, the premium was extremely high, nowhere close to the \$250 per month as originally quoted. He contacted "Hadi" and provided documentation of a name change and an endorsement ensued. A new, lower premium was generated but again it was quite a bit higher than the \$250.00 a month quoted by "Hadi". Mr. Khalil again contacted "Hadi" who agreed to take care of the matter. A third revision of the policy followed with reduced premiums close to the original promise of \$250.00 per month.
5. Several weeks later, one of the 2 vehicles was stolen. Mr. Khalil called the police who asked if the vehicle was insured for theft. He advised that it was, and the police told him to contact his insurance company. It is at this point that Mr. Khalil is advised by Kingsway that he no longer had physical damage coverage on either of his 2 cars.
6. It is Kassab's assertion that Khalil had requested the change in coverage. Khalil denied this vehemently. He stated that he needed full coverage to protect his two vehicles which were financed. In order to prove his assertion, Kassab produced a photocopy with insured's "signature" requesting that the physical damage coverage be removed. When Khalil was shown a copy of the request, he denied that he had signed it. He even went so far to say that it was not even his signature. When asked to produce the original, Kassab said he did not have it with him. The panel did not believe this to be a credible piece of evidence.
7. There was also a discussion as to the amount of money that was originally paid for the down payment. Khalil said he was told by Kassab to give him \$620.00. There was no evidence or reason for the panel to dispute this fact.

8. A subsequent witness Ahmad Ali (Jimmy) gave mostly credible corroborating statements.
9. Ultimately the complaint was a case of one individual's word versus another. The panel found that Khalil's testimony was, on a balance of probabilities, more credible, and since he was forthcoming about the cars being financed both to the police and to the panel and that he had previously had full coverage for his vehicles, the panel found it reasonable to believe that he asked for the same coverage to be placed by Mr. Kassab. Mr. Kassab's credibility was clearly at an issue. He had spent close to 6 years under the assumed identity of his son Hadi Kassab. He carried in business under that name and when approached by RIBO investigators, still tried to convince them that he was in fact Hadi Kassab. As a result of the previous testimony and evidence, the panel found Mr. Khalil to be far more credible. Ultimately, the panel unanimously found Mr. Kassab guilty. We agreed with RIBO's recommended penalty and also that the matter be published.
10. The Panel finds that there is sufficient evidence in support of the plea of guilty by Mustapha Kassab to the allegations contained in paragraphs 2 through to 41 under the Particulars of the Complaint of the attached Direction and finds that, Mustapha Kassab is guilty of misconduct as alleged therein.
11. The Panel therefore, orders as follows:
 - (a) **IT IS ORDERED** that the Certificate of Registration of Mustapha Kassab be and is hereby revoked immediately.
 - (b) **AND IT IS ORDERED** that a recommendation be made to the Qualification and Registration Committee that Mustapha Kassab may not reapply for his Certificate of Registration until after May 7, 2014.

This Decision will be published in accordance with section 23 of Regulation 991 under the Registered Insurance Brokers Act, RSO 1990.

**THE DISCIPLINE COMMITTEE OF THE
REGISTERED INSURANCE BROKERS OF ONTARIO**

Darren Hamilton, Chairperson