

Kevin J. Talarico
Registration Number: D11520
Thunder Bay, Ontario

HEARING DATE: June 26, 2008

MISCONDUCT: Ont. Reg. 991, ss. 14(1), 14(3), 16(4)1, 4(i)

PARTICULARS OF THE COMPLAINT:

A client advised RIBO that he contacted Kevin J. Talarico to obtain automobile insurance coverage in June 2006 and that he paid \$1,297.00 by cheque for a three month policy term with an insurance company in June 2006. The client understood his insurance policy term was effective June 28, 2006 to September 28, 2006 with an insurance company. He paid Kevin Talarico the premium and was given a temporary liability certificate.

The client advised that a month passed and he did not receive his policy documents so he went to the brokerage and was given another temporary liability certificate for the remainder of the two months of the policy. When the three month time period expired in September, the client went to the brokerage once again and Kevin J. Talarico arranged for an annual term. This automobile policy was effective September 29, 2006 and placed with a different insurance company. The client paid Kevin J. Talarico \$2,832.00 for this automobile insurance policy.

The client also advised RIBO that the first cheque dated June 28, 2006 for \$1,297.00 given to Kevin J. Talarico was not deposited until after the three month term with the original insurance company had expired. The client's bank records confirmed this.

The original insurance company confirmed to RIBO that they did not provide any coverage for the client. The investigator contacted the other insurance company they confirmed that insurance coverage for the client was received on or about October 2, 2006 and the application was effective September 28, 2006. The vehicle information does indicate the vehicle was purchased in June 2006. In addition, a copy of an authorized refusal letter dated September 28, 2006 from the brokerage advised the other insurance company that the original insurer would not write the business due to unrepaired damage.

On or about October 16, 2006 another client advised the investigator at RIBO that she recently learned that Kevin J. Talarico may have not provided insurance on her vehicle or her husband's as she had requested. She also advised that she was

having difficulty in obtaining policy documents from Kevin J. Talarico as evidence that her vehicles were insured.

The client told the investigator that she believed she did not have insurance on her two vehicles for about 15 months, even though she arranged and paid Kevin J. Talarico for automobile insurance. She said she made payments in the form of two cheques to the brokerage and received a receipt as confirmation of her payment.

The client said that she arranged insurance some time in August 2005 with Kevin J. Talarico and the brokerage. In October 2006, the client told the investigator she was about to leave for vacation, and that she asked her new broker to fax copies of her receipt for payment of \$7,000.00, and her purchase agreement for her new vehicle a 2006 Acura and her liability slips that she received from Kevin J. Talarico to the investigator for a new automobile policy dated September 26, 2005.

The investigator also received a copy of a purchase agreement from the car dealership stating insurance particulars, including the policy number B954126. The investigator also received copies of several liability certificates indicating an insurance company as the insurer of a 1997 Saab 900 Turbo indicating several insured periods. The investigator contacted the insurance company with respect to the liability certificates. The insurance company confirmed that they did not provide coverage during the dates that were indicated on the liability certificates.

The insurance company advised that an automobile application was submitted to them from the brokerage in October 2003 for this client, however as the risk did not qualify it was cancelled by registered mail on October 29, 2003.

The client provided copies of 4 liability slips indicating another insurance company providing automobile coverage.

The other insurance company confirmed to the investigator that they did not have a record of the client ever being insured with them and that the number quoted on the liability certificates were not valid policy numbers from that company.

The client advised the investigator that she contacted Kevin J. Talarico concerned that she had not received any policy documents; she was advised that her coverage was switched over to a different insurance company.

This other insurance company also advised the investigator that they were not provided with insurance information for the period of August 2005 to May 2006.

DISCIPLINE COMMITTEE'S DISPOSITION:

The Discipline Committee found that there was sufficient evidence in support of the plea of guilty by Kevin J. Talarico to the allegations and found that Kevin J. Talarico was guilty of misconduct as alleged therein.

The Discipline Committee accepted RIBO's recommendation to withdraw matters under Section 16(4) in the matter dealing with the client that owned the 2006 Acura.

The Discipline Committee noted that Kevin J. Talarico did not renew his RIBO license, and therefore his Certificate of Registration was deregistered effective October 1, 2007. The Discipline Committee therefore ordered:

- (a) That a recommendation be made to the Qualification and Registration Committee that they not consider any application for reinstatement by Kevin J. Talarico for a period of five years, commencing from the date of the Order