

BC FINANCIAL SERVICES AUTHORITY

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

AND

IN THE MATTER OF

SONJA MARIE ANDERSEN

CONSENT ORDER

(Pursuant to section 8 of the *Mortgage Brokers Act*)

[This Order has been redacted before publication.]

WHEREAS Sonja Marie Andersen ("Ms. Andersen") is registered as a submortgage broker with Total Mortgage Initiative Inc. d.b.a. Verico Total Mortgage under the Mortgage Brokers Act, RSBC 1996 Chapter 313 (the "MBA")

AND WHEREAS the Registrar of Mortgage Brokers (the "Registrar") issued a Notice of Hearing to Ms. Andersen on July 8, 2021 ("Notice of Hearing");

AND WHEREAS the following agreement has been reached between Ms. Andersen and the staff of the Registrar ("Staff");

AND WHEREAS the Registrar agrees to the following terms of a consent order:

A. FINDINGS

The Registrar makes the following findings against Ms. Andersen, and Ms. Andersen accepts the following findings made against her:

Ms. Andersen conducted mortgage business in British Columbia in a manner prejudicial to the public interest, contrary to section 8(1)(i) of the MBA, by facilitating the unregistered mortgage broker activities of Frederick Johnathon Nielsen a.k.a. Fred Nielsen ("F.N.") from approximately September 2018 to June 2019 when she carried out one or more of the following in respect of some or all of eight (8) mortgage applications:

- a. Permitted completed mortgage applications, which Ms. Andersen had sent to the borrowers, to be delivered by them through F.N. instead of directly from the borrowers, for the purpose of obtaining financing on behalf of the borrowers;
- b. Accepted the personal information of some of the borrowers from F.N., instead of directly from borrowers, for the purposes of obtaining mortgage financing on behalf of the borrowers;
- c. Obtained income supporting documents and information including Notices of Assessments and T1 General Income Tax and Benefit returns, which were not genuine, (together the "Altered Documents") from F.N. to support the borrowers' mortgage applications;
- d. Paid F.N. remuneration in excess of \$1,000 during any one year for arranging mortgages;

- e. Failed to conduct proper or any due diligence to verify the accuracy of the Altered Documents she submitted to lenders in respect of the mortgage applications;

B. ORDERS AND PENALTY

Pursuant to sections 8, 4, and 6(9) of the MBA, Ms. Andersen hereby consents to, and the Registrar hereby makes the following orders:

1. Pursuant to section 8(1.1) of the MBA, Ms. Andersen shall pay an administrative penalty of \$45,000;
2. Ms. Andersen's registration will be restricted as follows:
 - a. For a period of 24 months she must be under the direct supervision of the Designated Individual ("DI") or registered submortgage broker appointed by the DI of the brokerage which she is registered as a submortgage broker to be her supervisor ("Supervisor") and who is satisfactory to the Registrar;
 - b. For a period of 24 months, the DI or Supervisor must review and sign-off on all mortgage transactions involving Ms. Andersen, including any mortgage transactions that Ms. Andersen is indirectly involved with; and
 - c. Staff of BCFSFA will be at liberty to perform an examination review of Ms. Andersen's files at a time of their choosing, during the period of supervision, and the reasonable cost of the review will be paid by Ms. Andersen.
3. All amounts are immediately due and payable, and all payments must be made by cheque, bank draft, or money order, payable to the BC Financial Services Authority. This order may be filed with the court pursuant to the MBA, and steps to enforce this order may be taken if payment is not made in full within thirty (30) calendar days.

C. AGREED FACTS

As a basis for this Consent Order, Ms. Andersen acknowledges the following facts as correct and makes the following admissions:

1. Ms. Andersen was at all material times registered as a submortgage broker with Total Mortgage Initiative Inc. d.b.a. Verico Total Mortgage ("Verico").
2. Ms. Andersen has been registered as a submortgage broker since 2008. She has no prior discipline history with the Registrar of Mortgage Brokers.
3. Between September 2018 and June 2019, Ms. Andersen collaborated with F.N and facilitated F.N.'s unregistered mortgage broker activity. In particular, Ms. Andersen allowed F.N to:
 - a. Meet and communicate with the borrower(s) and discuss, collect and review the personal and financial information necessary to complete the mortgage application;
 - b. Provide information to Ms. Andersen regarding the income of the borrower(s);
4. Ms. Andersen accepted personal information, employment information and supporting documents, Canada Revenue Agency Notices of Assessment, T1 Generals, and other banking documents in respect of the Mortgage Applications directly from F.N .
5. The documents Ms. Andersen received from F.N. on behalf of the borrower(s) in each of the Mortgage Applications were not genuine and showed an income that was substantially higher than the borrower's reported earnings.

6. Ms. Andersen did not take sufficient, or any, steps to confirm the accuracy or authenticity of any of the documents for the Mortgage Applications and submitted the documents and information to lenders.
7. Ms. Andersen paid F.N. remuneration in excess of \$1,000 during any one year for arranging the Mortgage Applications.

Other Factors

8. In July 2019, Ms. Andersen learned that the income documents that were submitted with one of the Mortgage Applications were not genuine and that F.N. had demanded additional fees from a borrower. Ms. Andersen promptly reported these facts to the designated individual at Verico and in turn to the Registrar of Mortgage Brokers.
9. Since reporting this matter in July, 2019, Ms. Andersen has operated under the direct supervision of the DI at Verico, without any issue or complaint.
10. Due to Ms. Andersen's self-reporting of her conduct and cooperation with the investigation, the BCFSa has elected not to pursue the investigation costs recoverable under section 6(9) of the MBA.

D. WAIVER

Ms. Andersen waives her right to a hearing under sections 4 and 8 of the MBA and waives his right to appeal under section 9 of the MBA.

Approved as to form and content by:

"SONJA ANDERSEN"

_____ this 02 day of March, 2023.
Sonja Andersen

"MICHAEL JONES"

_____ this 7th day of March, 2023.
Michael Jones

Legal Counsel for the Staff of the
Registrar of Mortgage Brokers

Issued this 7th day of March, 2023 at Victoria, British Columbia.

"JONATHAN VANDALL"

Jonathan Vandall
Acting Registrar of Mortgage Brokers
Province of British Columbia