



BC FINANCIAL
SERVICES AUTHORITY

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

-AND-

**IN THE MATTER OF JUSTIN PHU PHAM and JP ELITE MORTGAGE
(Pursuant to section 8(1.4) 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: **JUSTIN PHU PHAM**

JP ELITE MORTGAGE

210 – 4603 Kingsway, Burnaby, BC, V5H 4M4

TAKE NOTICE that the Registrar of Mortgage Brokers (“Registrar”) will hold a hearing pursuant to section 8 of the *Mortgage Brokers Act* (“Act”) 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 you, JUSTIN PHU PHAM, are as follows:

1. Contrary to section 8(1.4) of the Act, JUSTIN PHU PHAM (“Mr. Pham”), having been formerly registered, carried on business as a mortgage broker or submortgage broker without being registered to do so as required by section 21(1)(a) of the Act, and without being exempt from registration pursuant to section 11 of the Act by:

2800 – 555 West Hastings Street
Vancouver, BC
V6B 4N6

Telephone: (604) 660-3555
Facsimile: (604) 660-3365
Website: www.bcfsa.ca

- a. Directing the course of mortgage applications on behalf of borrowers including giving instructions or directions to Dulce Maria Coelho-Fedoriw ("Ms. Coelho"), a Registrant, as to the financial information, qualifications, and personal information of one or more of the borrowers and mortgage applications in Schedule "A".
 - b. Conducting one or more of the following activities on behalf of any one or more of the borrowers in Schedule "A" when he:
 - i. Accepted the personal information of borrowers for the purposes of obtaining mortgage financing on their behalf;
 - ii. Obtained documents and information from borrowers to support their mortgage applications;
 - iii. Collected personal information of borrowers and forwarding that information to Ms. Coelho;
 - iv. Acted as a liaison between the borrowers and Ms. Coelho and referred borrowers to Ms. Coelho; and
 - v. Received remuneration in excess of \$1,000 during any one year for arranging mortgages.
2. Contrary to section 8(1.4) of the Act, Mr. Pham, having been formerly registered under the Act and having been ordered by the Registrar to cease all mortgage broker activities by way of a Cease and Desist Order dated December 22, 2017, continued to carry on business as a mortgage broker or submortgage broker by:
- a. Directing the course of mortgage applications on behalf of borrowers including giving instructions or directions to [REDACTED] a Registrant, as to the financial information, qualifications, and personal information of one or more of the borrowers and mortgage applications in Schedule "B".
 - b. Conducting one or more of the following activities on behalf of one or more of the borrowers in Schedule "B" when he:
 - i. Accepted the personal information of borrowers for the purposes of obtaining mortgage financing on their behalf;
 - ii. Obtained documents and information from borrowers to support their mortgage applications;
 - iii. Collected personal information of borrowers and forwarded that information to [REDACTED]

- iv. Acted as a liaison between the borrowers and [REDACTED]
- v. Referred borrowers to [REDACTED]
- vi. Received remuneration in excess of \$1,000 in any one year for arranging mortgages; and
- vii. Held himself out to the public as a submortgage broker and JP Elite as a mortgage broker to a notary in respect of the [REDACTED] transaction.

AND TAKE NOTICE that the allegations against you, JP ELITE ("JP Elite"), are as follows:

- 3. Contrary to section 8(1.4) of the Act, JP Elite carried on business as a mortgage broker in British Columbia without being registered to do so as required by section 21(1)(a) of the Act, and without being exempted from registration pursuant to section 11 of the Act by permitting Mr. Pham to hold himself out as a mortgage broker with JP Elite while neither were registered under the Act.

AND TAKE FURTHER NOTICE that in the event the Registrar determines that any of your conduct, as set out above, contravened the Act and/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(1.4) of the Act. In addition, the Registrar may make an order against either of 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 either of 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	MORTGAGE APPLICATION DATED
[REDACTED]	Mortgage applications dated November 13, 2017 and November 17, 2017.
[REDACTED]	Mortgage application dated July 6, 2017.
[REDACTED]	Mortgage application dated September 4, 2017.
[REDACTED]	Mortgage application dated November 7, 2017.
[REDACTED]	Mortgage application dated September 4, 2017.

SCHEDULE "B" TO NOTICE OF HEARING

BORROWER	PROPERTY REFINANCED or PURCHASED
[REDACTED]	Refinance of [REDACTED] [REDACTED]
[REDACTED]	Refinance of [REDACTED]
[REDACTED]	Purchase of [REDACTED]
[REDACTED]	Refinance of [REDACTED] [REDACTED]
[REDACTED]	Refinance of [REDACTED]
[REDACTED]	Purchase of [REDACTED]
[REDACTED] [REDACTED]	Refinance of [REDACTED] [REDACTED]
[REDACTED]	Refinance of [REDACTED] [REDACTED]
[REDACTED]	Refinance [REDACTED] [REDACTED]