

- CSF -
ESSENTIALS

FOR PROFESSIONALS OF
ALL FIELDS OF PRACTICE

GUIDE FOR SELF-REPRESENTED RESPONDENTS

Disciplinary Committee of the Chambre de la sécurité financière

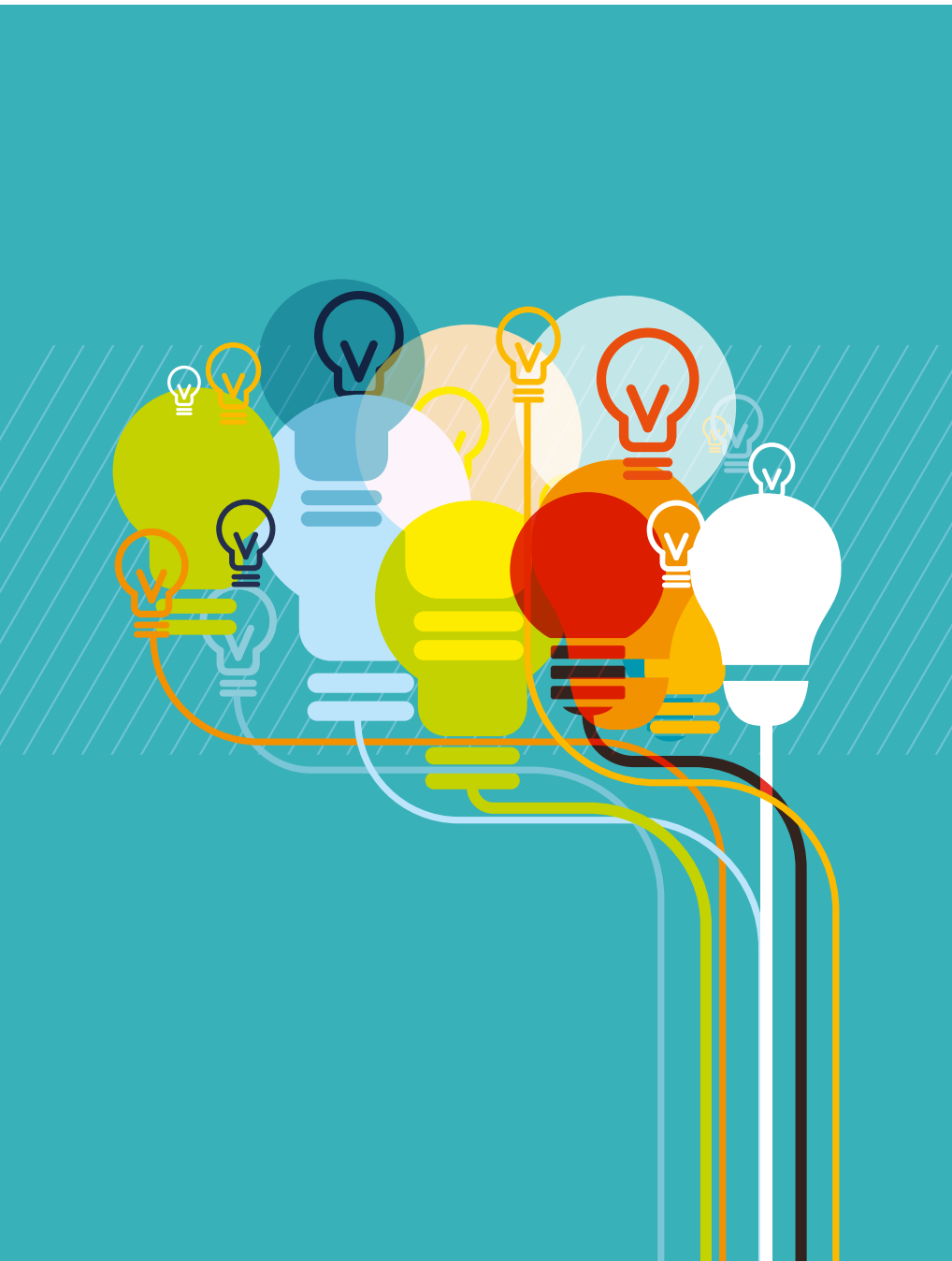


Chambre
de la sécurité
financière

TABLE OF CONTENTS



I. PREAMBLE	3
II. PARTICIPANTS INVOLVED IN THE DISCIPLINARY PROCESS	4
The syndic _ 4	
The secretariat of the disciplinary committee _ 4	
The disciplinary committee _ 5	
The parties _ 5	
• The plaintiff _ 5	
• The respondent _ 5	
III. THE DISCIPLINARY PROCESS	6
1. THE DISCIPLINARY COMPLAINT	7
Filing of the complaint _ 7	
Contents of a complaint _ 7	
Documents submitted with the complaint _ 8	
2. EMERGENCY MEASURE: PROVISIONAL STRIKING OFF THE ROLL	9
3. CALLING OF THE PROVISIONAL ROLL	9
4. PRELIMINARY MOTIONS	10
Application for postponement _ 10	
Application for clarification _ 10	
Application for a summary dismissal of the complaint _ 10	
Application for a stay of proceedings _ 10	
HEARINGS	11
PRELIMINARY APPLICATIONS	11
In camera hearing _ 11	
Order banning the disclosure, publication, or release of information _ 11	
CONDUCT OF A HEARING	11
Absence of the respondent _ 11	
5. HEARING ON GUILT	12
The evidence _ 12	
Objections _ 13	
Addresses to the Committee (oral arguments) _ 13	
After the hearing _ 13	
In the event of a guilty plea _ 13	
6. THE CASE MANAGEMENT CONFERENCE	14
7. THE HEARING ON SANCTION	14
Possible sanctions _ 15	
Joint recommendations _ 15	
8. THE APPEAL	16
9. CLOSING THE FILE	17
Costs _ 17	
Notice published in a newspaper _ 17	
Publication _ 17	
IV. GLOSSARY	18



I. PREAMBLE

This guide has been created for representatives who choose to represent themselves before the Disciplinary Committee (hereinafter the “Committee”) of the Chambre de la sécurité financière (hereinafter the “CSF”). It is provided for information purposes only and does not constitute legal advice.

Keep in mind that you can always consult a lawyer for legal advice and assistance without the lawyer representing you before the Disciplinary Committee. You can also choose to be represented by a lawyer at any time during the disciplinary process.

Representing yourself is a decision not to be taken lightly. Moreover, not having any legal representation confers no particular advantage before the Disciplinary Committee. Neither the Disciplinary Committee nor the secretariat will be able to provide more than minimal assistance. They will not be able to act as your legal representative.

Please note that when the plaintiff is the syndic of the CSF, they will always be represented by a lawyer.

Tip

Highlighted words are defined in the Glossary (page 18).

II. PARTICIPANTS INVOLVED IN THE DISCIPLINARY PROCESS

THE SYNDIC OF THE CSF

The syndic of the CSF receives requests for inquiries, conducts inquiries into the professional conduct of representatives, and files charges before the Disciplinary Committee of the CSF if they have grounds to believe that a representative has committed a breach of their ethics as per the *Act respecting the distribution of financial products and services*, the *Securities Act* or one of their regulations (such as the *Code of ethics of the Chambre de la sécurité financière*) (hereinafter the “*Code of ethics*”).

In addition to the syndic, the office of the syndic employs numerous assistant syndics as well as a team of investigators.

A brief overview of the inquiry process

Inquiries are confidential. The representative is not accused of anything until the syndic has grounds to believe that ethical misconduct has taken place.

Once the inquiry is complete, the syndic must assess whether they have grounds to believe that ethical misconduct has taken place.

IF THIS IS THE CASE

The syndic files a disciplinary complaint before the Committee and the representative is then informed.

IF THIS IS NOT THE CASE

The file is closed, but the syndic can still impose administrative measures (e.g., a warning or compulsory training course).

THE SECRETARIAT OF THE DISCIPLINARY COMMITTEE

The secretariat of the Committee assists the Disciplinary Committee with administrative tasks pertaining to the files. The secretariat:

- receives disciplinary complaints;
- informs parties of the various steps of the disciplinary process;
- oversees the notification of pleadings;
- draws up the minutes of the hearings and case management conferences; and
- ensures the decisions rendered by the Committee are executed.

Even though all pleadings and applications are sent to the secretariat, they only act as an intermediary. They are never in charge of making decisions. They must remain objective at all times. The secretariat staff may therefore not:

- represent you before the Disciplinary Committee;
- provide the name of a lawyer who can represent you;
- help you draw up an application for the Committee.

You can reach the secretariat by emailing comitediscipline@chambresf.com or by calling the CSF’s information centre.

II. PARTICIPANTS INVOLVED IN THE DISCIPLINARY PROCESS

THE DISCIPLINARY COMMITTEE

The Disciplinary Committee of the CSF is a decision-making authority created by law. Its mandate is to hear disciplinary complaints and assess if a representative has committed ethical misconduct. If this is the case, they must then determine the appropriate sanctions.

Every complaint will be judged by three people: a chair (who is a lawyer) and two members of the CSF who must have at least 10 years of experience and hold a permit to practise in the same discipline as the representative who is the subject of the complaint. This is the principle of justice by peers.

THE PARTIES

The plaintiff

The **plaintiff** is the party that files a complaint with the Disciplinary Committee. Generally, this will be the syndic or an assistant syndic at the CSF. However, anyone who believes that a representative has committed a breach of their professional ethics may submit a complaint directly to the Disciplinary Committee by contacting the secretariat.

The respondent

The respondent is the representative who is the subject of the disciplinary complaint. They may also be called the “**defendant**”.



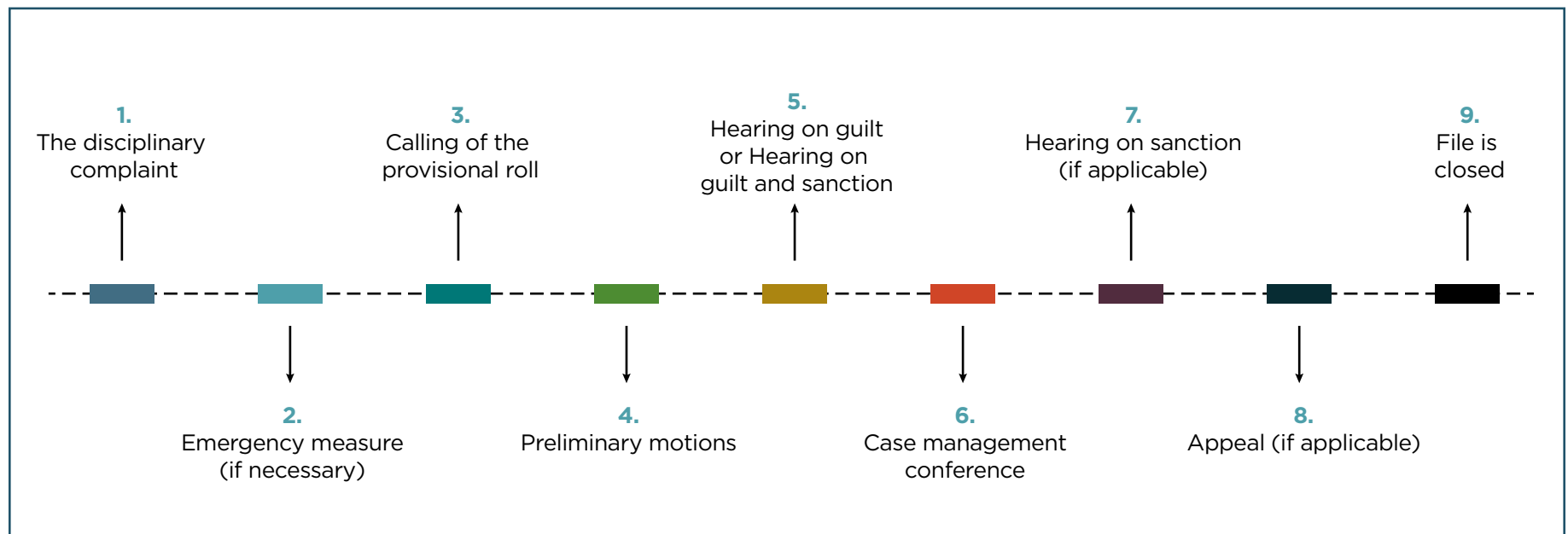
III. THE DISCIPLINARY PROCESS

The Disciplinary Committee relies on disciplinary law, as do disciplinary councils in professional orders.

Disciplinary law is inspired by civil, criminal, and administrative law and is used to sanction ethical misconduct. It is rooted in the *Professional Code*, the *Code of ethics*, as well as the CSF's various regulations.

The aim is to protect the public by maintaining discipline, integrity, and professional standards.

The main steps of a disciplinary process depicted below. You will be kept informed at every stage and invited to every hearing:



III. THE DISCIPLINARY PROCESS

1 Disciplinary complaint

Filing of the complaint

After their inquiry, the syndic of the CSF (or the plaintiff) files a complaint with the Disciplinary Committee.

The complaint must be in writing and forwarded to the secretariat of the Disciplinary Committee. The secretariat will then email the representative the complaint (the representative will then be said to have been “notified”) or send the complaint by bailiff (the representative will then be said to have been “served”).

Contents of a complaint

The complaint contains the parties’ contact information, the representative’s certificate and NRD number (if applicable), and the file number.

The complaint must give a clear summary of the nature and circumstances (time and location) of the alleged offence. This allows the representative to understand the accusation that is made against them. If you do not understand what you’re being accused of, you can submit an application for clarification (see page 10).

Finally, the complaint must be dated and signed by the plaintiff, who must also produce a sworn statement.

Here’s an example:

CANADA

PROVINCE OF QUÉBEC

DISCIPLINARY COMMITTEE OF THE CHAMBRE DE LA SÉCURITÉ FINANCIÈRE

No: CD00-0000 ← **Case number**

ASSISTANT SYNDIC OF THE CHAMBRE DE LA SÉCURITÉ FINANCIÈRE,
headquartered at 2000 McGill College Ave.,
12th floor, Montréal, Québec, H3A 3H3

Plaintiff

v.

JANE DOE, financial security advisor, group insurance and group annuity plans advisor, mutual fund dealer representative, financial planner (certificate number 000000 and NRD 0000000), whose address is 1111, Sainte-Catherine Ouest Street, Montreal, Québec, H0A 0R0

Respondent

DISCIPLINARY COMPLAINT

I, the undersigned, **XX**, in my capacity of assistant syndic of the Chambre de la sécurité financière, solemnly affirm that I have reasonable grounds to believe that **JANE DOE**, when she was authorized to practise by the Autorité des marchés financiers (certificate 000000, NRD 0000000) and thereby governed by the Chambre de la sécurité financière, committed the following offence:

1. In Montreal, on or about October 27, 2016, the Respondent completed or allowed to be completed a « Life insurance proposal », bearing number 00, without analyzing J.S.’s financial needs in a complete manner, thereby contravening section 6 of the *Regulation respecting the pursuit of activities as a representative*.

Thereby rendering herself liable to one or more of the sanctions provided for in the *Act respecting the distribution of financial products and services and the Professional Code*.

Content of the complaint

IN WITNESS WHEREOF, I HAVE SIGNED IN:

MONTRÉAL, this 5th January 2024

XX
Assistant syndic

Plaintiff

SOLEMNLY DECLARED
Before me, in Montréal
This 5th January 2024

Commissioner for Oaths

III. THE DISCIPLINARY PROCESS

1 Disciplinary complaint (cont'd)

Documents submitted with the complaint

Waiver of service of certain documents and consent to notification by technological means

By law, any pleading must be delivered by a bailiff. However, with your consent, documents may be emailed to you.

Notice of appearance

This notice compels you to “appear” before the secretariat of the Committee within 10 days. In essence, you need to acknowledge receipt of the disciplinary complaint. To do so, you can simply send an email with the information requested.

You can also take the opportunity to state whether or not you acknowledge the offence that you are accused of. If you do not add anything to this effect, you will be presumed to have pled not guilty. This is also your opportunity to indicate whether you will be represented by a lawyer or if you will represent yourself.

Finally, the notice of appearance also indicates that disclosure of evidence (the evidence found during the inquiry) is ready and that you can request it from the plaintiff’s lawyer using the contact information provided in the notice.

It’s important to quickly contact the plaintiff’s legal counsel to obtain the disclosure of evidence. That way, you can understand the options available to you and open the discussion. (Please note that the plaintiff’s legal counsel will not be able to provide you with advice.)

Notice to attend the provisional roll call

The calling of the provisional role will take place in the weeks following the filling of the complaint. This is when your hearing will be scheduled before the Disciplinary Committee. This document already indicates in which months the hearing before the Disciplinary Committee may take place.

WARNING: if you do not attend the calling of the provisional roll, a date may be set without you. In the event of your absence, the information regarding the date of the hearing, and other information, will be communicated to you.

III. THE DISCIPLINARY PROCESS

2 Emergency measure: Provisional striking off the roll

A provisional striking off the roll is an emergency measure that may be imposed before the Disciplinary Committee has a chance to hear the complaint. It may be imposed in cases where funds have been misappropriated, the syndic's work has been hindered, or if it is deemed that the protection of the public may be compromised if you are permitted to continue practising.

If the syndic applies for a provisional striking off the roll, the secretariat of the Committee will notify you and a meeting with all parties involved will take place within 10 days to render a decision.

If an order for a provisional striking off the roll is issued, you must cease all your professional activities as soon as the decision is delivered to you by a bailiff. The provisional striking off the roll will remain in effect until a decision on the sanction or an appeal is filed or until the final decision is rendered.

3 Calling of the provisional roll

The calling of the provisional roll is the first hearing that takes place after the disciplinary complaint has been filed or, as the case may be, after the decision pertaining to the application for a provisional striking off the roll has been rendered.

This hearing will take place by phone and will be overseen by the chair of the Disciplinary Committee. This hearing takes place on the same day every month (except in July and December when no calling of the provisional roll is scheduled).

The main objective of the calling of the provisional roll is to schedule the date of the hearing and to obtain some information. This includes:

- If you intend to be represented by legal counsel;
- If the evidence has been disclosed (disclosure of evidence);
- If you are pleading guilty or not guilty and, if applicable, you and the plaintiff have agreed to the sanction to be imposed;
- If the parties would like to call any witnesses (and if so, how many);
- The time the parties estimate they will need to present their evidence and representations (oral argument). This will depend on how complex the case is.

If you are represented by a lawyer, they will be the ones contacted to attend the calling of the provisional roll instead of you.

III. THE DISCIPLINARY PROCESS

4 Preliminary motions

Prior to the hearing (on guilt or any other type of hearing), any party can file a preliminary motion. It must be in writing, include the reasons for which it is filed, and be sent to the secretariat of the Committee and the opposing party.

Here are some common preliminary motions:

Application for postponement

This is a request to have the hearing on a different date.

The Committee will decide if they grant or dismiss the application. If it is granted, a new hearing date will be proposed by email or during a case management conference.

Application for clarification

If you do not understand the charges filed against you, you can ask for the content of the complaint and wording of the charge to be clarified.

To obtain this information, contact the legal counsel of the syndic. In case of a disagreement, you may contact the Committee.

Application for a summary dismissal of the complaint

The Committee chair may dismiss a complaint if they deem it to be abusive, frivolous, or clearly unfounded before the **hearing on guilt** even takes place. You can submit this type of application if you believe this to be the case.

Application for a stay of proceedings

You may file this application to denounce that the time elapsed is unreasonable, to argue that you've received unfair treatment, or if you deem the complaint to be unfounded. The **plaintiff** may also file this application if the respondent has passed away after the complaint was filed.

The party who is requesting a stay of proceedings must prove that their motives are founded.

The application will be heard at a hearing.

III. THE DISCIPLINARY PROCESS

HEARINGS

Approximately 10 business days before the hearing, the secretariat of the Committee will send each party a unique link they can use to submit their exhibits and authorities via the Docurium platform.

A [procedure](#) has been put in place to make it easier for parties to use this platform. You may also contact the secretariat of the Disciplinary Committee for assistance.

PRELIMINARY APPLICATIONS

On the morning of the hearing, or at the start of one, one of the parties may present a preliminary application.

Here are common preliminary applications:

In camera hearing

Every hearing is public. However, the Committee may order that a hearing be held in camera.

A party can request an in camera hearing if they have reasons to believe that a public hearing could hinder the administration of justice or that it could cause problems to a third party.

Order banning the disclosure, publication, or release of information

The Committee may, of its own initiative or upon request from a party, issue this order in accordance with section 142 of the Professional Code.

This order means that all personal information pertaining to the consumer(s) involved and maybe even information pertaining to the respondent must remain confidential. Every person, whether they attended the hearing or not, must comply with this order.

Exclusion of witnesses

This application is made to make witnesses exit the room where the hearing is taking place while another witness provides testimony.

CONDUCT OF A HEARING

Parties attending the hearing will include the Disciplinary Committee – two members and a chair – and the plaintiff (usually represented by legal counsel), the respondent, as well as a court clerk who records the hearing and draws up the minutes of the [hearing](#).

The chair begins the hearing by verifying what you intend to plead (guilty or not guilty).

Throughout the hearing, which may last a day or more, the chair will make sure the process runs smoothly and that all those who attend behave appropriately. The chair will also rule on the objections of the parties during the hearing.

The hearing may take place in French or English. For any other language, you must retain the services of an interpreter. If this is the case, please contact the secretariat.

Complaints submitted to the Committee are subject to the [Directive du Comité de discipline de la Chambre de la sécurité financière sur les règles de preuve et de pratique](#).

Absence of the respondent

The Disciplinary Committee can proceed with the hearing even in your absence. However, the Committee must ensure you have been duly notified, i.e., that you have received the [notice of hearing](#).

Hearings that take place without the respondent are known as [ex parte](#) hearings.

III. THE DISCIPLINARY PROCESS

5 Hearing on guilt

Once you receive the complaint, if you do not acknowledge receipt (notice of appearance) or if you do not submit a guilty plea, you will be deemed to have pleaded not guilty. You can also plead not guilty at the time of the notice of appearance.

The hearing will focus on the trial of the complaint. In other words, determining if you are guilty of the offence alleged in the disciplinary complaint. **The plaintiff must demonstrate your guilt. In other words, you are presumed innocent until proven otherwise.**

The hearing is an opportunity for you to be heard and demonstrate you are not guilty, if applicable. You can support your arguments by calling witnesses and presenting evidence.

The evidence

The plaintiff presents their evidence first. You may then present your own evidence, but you are under no obligation to do so.

After the evidence is presented, the opposing party may submit evidence in rebuttal. In other words, they can explain, contest, or contradict the evidence that has just been discussed.

Evidence as a whole is what will convince the Committee that, on the balance of probabilities, you have or have not committed the offence alleged in the complaint.

Either party may submit evidence, such as:

- **Evidence of admission**

If you have made a earlier statement that establishes your guilt, for example during the syndic's inquiry.

- **Testimonial evidence** (testimony)

This is when an individual delivers testimony before the Committee, sharing everything they know. The opposing party may cross-examine the witness.

A party may speak with their witnesses before the hearing in order to prepare them for examination. However, they may not have contact with the opposing party's witnesses outside of the cross-examination that will take place during the hearing.

- **Evidence by document provided** (documentary evidence)

These are documents that are submitted as evidence by the person who is familiar with the document in question.

For instance, an investigator working for the office of the syndic may submit a copy of the financial needs analysis they obtained from the representative during the inquiry.

- **Expert evidence** (expert witness)

The expert takes into account the facts related to the dispute and gives their opinion on the elements of the case.

For instance, an expert could be called upon to determine whether a product the representative sold to their client corresponds to this client's investor profile.

- **Evidence by admission**

This evidence is used when all parties agree on the facts without it being necessary to prove them.

For instance, all parties agree on the fact that you were a member of the CSF when the alleged offence took place.

III. THE DISCIPLINARY PROCESS

5 Hearing on guilt (cont'd)

Objections

If a party deems that a question, piece of information, or document is not relevant or if it is suggestive, laden with innuendo, unfounded, or unwarranted, they may raise an objection.

The party making the objection must explain the reason for the objection and the other party may present their point of view. The chair of the Disciplinary Committee will then render a decision as to the objection. If they agree with the objection, the document will not be taken into account by the Committee in its decision.

Addresses to the Committee (oral arguments)

Once the parties have no more evidence to present to the Committee, they will make their arguments to the Committee.

The plaintiff will begin with oral arguments intended to convince the Committee of the merits of their allegations. You will then have an opportunity to address the Committee.

After the hearing

Once the hearing on guilt is done, the Committee will take the case in advisement. The three members of the Committee will meet to analyze the evidence both parties presented.

The Committee will then issue a decision in writing. It will include the reasons that have led the Committee to declare the respondent guilty or not of the charges alleged in the disciplinary complaint.

A copy of this decision will be sent to the parties either by email, if so stated in the decision, or by bailiff.

In the event of a guilty plea

After receiving the complaint and consulting the evidence, and after exchanging with the plaintiff, you will have to decide if you will plead guilty or not guilty. You may also plead guilty at any point in the disciplinary process, for instance during the hearing on guilt.

If you decide to plead guilty to the offence alleged in the complaint, in whole or in part, you can draw up a plea of guilty or make a statement to the Disciplinary Committee.

The guilty plea is the document that demonstrates you understand and acknowledge the ethical misconduct you are charged with. The Disciplinary Committee will then find you guilty. You must transmit your guilty plea to the Committee during the hearing on guilt.

You can also plead guilty orally before the Committee at any time during a hearing.

The Committee must make sure the guilty plea is given freely, is voluntary, and is fully informed. The Committee must also make sure the evidence submitted by the plaintiff genuinely establishes your guilt. The Committee will officially establish the respondent's guilt during a hearing.

III. THE DISCIPLINARY PROCESS

6 The case management conference

If the Committee has found you guilty, they will impose a sanction.

To this effect, once the decision on your guilt has been sent to the parties, a case management conference will be scheduled by the Committee. Both you and the plaintiff will attend. The case management conference discusses the hearing on sanction, the duration, and date when the hearing will take place.



Keep in mind that a management conference could also be held at any time during the disciplinary process, for example when a hearing has been postponed and a new date needs to be determined.

7 The hearing on sanction

The hearing on sanction essentially follows the same process as the hearing on guilt.

During this hearing, each party will summarize the evidence heard during the hearing on guilt and make recommendations to the Disciplinary Committee as to the sanctions they deem appropriate.

The parties must take into account **objective and subjective factors** as well as any aggravating or mitigating factors. They will also submit any **jurisprudence** that may convince the Disciplinary Committee of the **merits of the sanction** suggested that falls amid the penalty range usually imposed for the type of offence committed.

A few examples of objective and subjective factors:

Objective, related to the offence

- the offence strikes at the heart of the profession;
- the offence is objectively serious, and;
- the number of consumer(s) involved.

Subjective, related to the representative

- Whether you have a disciplinary record;
- Your professional experience;
- Your age, and;
- Your willingness to correct your behaviour.

III. THE DISCIPLINARY PROCESS

7 The hearing on sanction (cont'd)

It is up to you to demonstrate what steps you have taken to improve your work methods, to prove that the offence will not happen again, and to state what impact the sanction recommended will have on you.

Possible sanctions

You may be subject to one or several of the following sanctions:

- A reprimand
- A temporary (a few weeks, months, or years) or permanent striking off the roll, even if you are no longer a member of the CSF
- A fine of not less than \$2,000 nor more than \$50,000 for each offence
- The obligation to transmit a document or the information contained in any document, and the obligation to complete, delete, update, or rectify any document or information
- Payment of fees and costs

When the sanction imposed is a fine, you can ask for a payment extension. This request must be justified. For example, you are in a precarious financial situation.

If the sanction imposed is a temporary striking off the roll, the Committee will decide if a notice of the decision must be published in your area. If the striking off the roll is permanent, this type of notice must be published.

When the Disciplinary Committee decides to impose several sanctions, they may be concurrent, consecutive, or cumulative. Fines

are always cumulative.

The Committee may also recommend to the CSF's board of directors that you successfully complete a continuing education course.

Joint recommendations

Joint recommendations mean that both parties have agreed on a sanction. They will present this recommendation during the hearing. However, the Committee is under no obligation to accept these recommendations.

If the Committee does not agree with the joint recommendations, they may reject them. This can occur if the Committee deems these recommendations to be contrary to public interest or likely to bring the administration of justice into disrepute. In this event, the Committee must inform the parties of its decision to reject the joint recommendations and provide them with an opportunity to present additional arguments.

III. THE DISCIPLINARY PROCESS

8 The appeal

Any decision rendered by the Disciplinary Committee may be appealed before the Court of Québec if any of the parties (or even both parties) are not satisfied with it . The parties have 30 days following receipt of the decision to submit an application for an appeal.

The decision can only be appealed when the decision to impose a sanction has been rendered.

Keep in mind that an appeal does not suspend the execution of the decision rendered by the Disciplinary Committee unless a judge of the Court of Québec, upon request, suspends the execution of the sanction until a judgment on the appeal has been rendered.

How to appeal a decision?

The application for an appeal must contain a detailed statement of the reasons for the appeal. It must then be **served** to the opposing party and the secretariat of the Disciplinary Committee. It also must be produced to the clerk of the [Court of Québec](#).

When the decision is appealed, the parties, other than the appellant party, must file a representation statement at the office of the Court of Québec within 10 days of receipt of the application for appeal.

The Disciplinary Committee will not make any representations during the appeals process. Representations will be made by the **respondent** and **plaintiff** before a judge of the Court of Québec.

When the judgment is rendered by the Court of Québec, a copy will be sent to the secretariat of the Committee and each party.



III. THE DISCIPLINARY PROCESS

🔒 Closing the file

Costs

The Disciplinary Committee may condemn the plaintiff or the respondent to pay the costs, or it may apportion the costs between them in the proportions it indicates.

The costs are the costs arising from the disciplinary hearing. They include, among others, **notification** costs, registration fees, the costs of expert opinions admitted as evidence, the costs of stenography services, the indemnities payable to the witnesses, publication fees of a notice of striking off the roll, as well as the travel and lodging expenses of members of the Disciplinary Committee.

When the file is closed, the secretariat of the Disciplinary Committee will draw up the list of costs and send it to the party or parties condemned to pay the costs.

Notice published in a newspaper

As described above, when a decision imposes a temporary striking off the roll, the Disciplinary Committee must decide if they publish a notice of this decision. This notice will be published in a newspaper having general circulation where you have your domicile and in any other place where you have practised.

You may apply for an exemption of this publication by proving there are exceptional circumstances.

When a permanent striking off the roll is imposed, the law requires the notice to be published. No exemptions may be delivered.

Moreover, a striking off the roll – temporary or permanent – is always published in a press release issued by the CSF.

Publication

All decisions rendered by the Disciplinary Committee are made public, like all judicial decisions.

Once the decision rendered is sent to the parties, it is published on the website of [SOQUIJ](#) (Société québécoise d'information juridique).

IV. GLOSSARY

This glossary lists the most commonly employed words in disciplinary law in Quebec. Some of the defined terms are not used in this guide but could be employed by members of the Committee or during the disciplinary process.

Tip

Highlighted words in the text are defined in the glossary

Address to the Committee: oral arguments made by a party to convince the Disciplinary Committee of the merits of its position.

Adjournment or postponement: when the hearing is postponed to a later time or date.

Admissibility: document that may be submitted as evidence.

Aggravating factors: facts surrounding the commission of the offence allowing the Disciplinary Committee to impose a harsher sanction on the respondent.

Amendment: a modification to a pleading.

Arguments: oral or written presentation of the legal arguments given in order to persuade the Committee of the merit of a position.

Authenticity: confirmation that the document is genuine and has not been tampered with.

Breach of professional ethics: breach of a standard, principle of morality, or principle of ethics specific to the practice of a profession.

Burden of proof: it is up to the plaintiff to provide evidence the respondent has committed the alleged offence.

Commissioner for Oaths: person empowered by law to administer oaths and witness solemn declarations.

Costs: expenses incurred regarding the hearing of the complaint (they include the costs of notification, registration, expert consultants, travel and meals for the members of the Disciplinary Committee, etc.)

Disclosure of evidence: the plaintiff must deliver to the respondent all the evidence collected throughout the inquiry, whether this evidence incriminates or exonerates the respondent.

Doctrine: body of legal writings used to explain the law.

Ethics: set of legal and moral principles governing the practice of a profession.

Ex parte hearing: a hearing that takes place without the respondent.

Hearing on guilt: Hearing during which the Committee must rule on whether the respondent is guilty.

Hearing roll: list of cases submitted before the Disciplinary Committee including the date and location of the hearing.

Hearsay: statement from a person reporting facts they neither saw nor heard directly and that have been reported to them by someone else.

In camera hearing: a hearing that is not open to the public. “In camera” comes from the Latin and means “in chambers”.

Integrity: confirmation that a document is intact and complete.

Issues in dispute: set of facts or situation of facts that are the subject of a dispute between the parties and which will be debated before the Disciplinary Committee.

Jurisprudence: body of decisions rendered previously by various courts.

Legal counsel/lawyer: member duly registered with the Barreau du Québec who provides legal advice, attends, or represents a party before the Disciplinary Committee.

Minutes of the hearing: summary of a hearing or case management conference drawn up by the clerk.

Mitigating factors: facts surrounding the commission of the offence allowing the Disciplinary Committee to impose a less severe sanction on the respondent.

Notice of hearing: document prepared by the secretariat of the Committee and sent to the parties. It contains information about the hearing such as the date, time, and how it will take place (virtually or in person).

Notification/notify: sending a legal document to the addressee, for example, by technological means.

Objection: protest raised regarding a question or action made by the opposing party.

Penalty range: the gap between two possible sanctions that may be imposed.

Plaintiff: the party who has filed the complaint.

Proceeding: period between when the disciplinary process begins and the final decision is rendered (ex.: with the decision regarding the sanction).

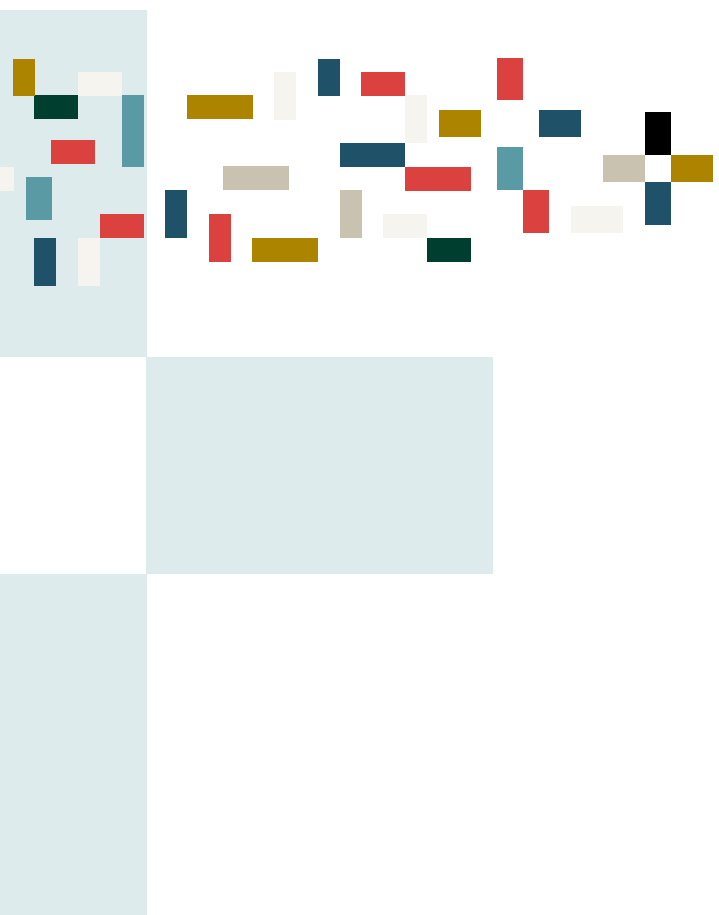
Reply: response by a party to the arguments presented by the opposing party.

Respondent: the party who is the subject of the complaint.

Service/serve: delivering a document to the addressee through a court bailiff.

Subpoena or summons: order issued by the Committee ordering a person to appear on a specific date, time, and location to testify or to produce a document.

Voir dire: examination outside the hearing by the Disciplinary Committee of an exhibit a party wants to present in order to assess the document’s admissibility.



**Chambre
de la sécurité
financière**

A PLUS FOR
YOUR PRACTICE

© Chambre de la sécurité financière
All rights reserved