

**THE DISCIPLINE COUNCIL OF THE  
CANADIAN SOCIETY OF IMMIGRATION CONSULTANTS**

IN THE MATTER OF a complaint against

YOLANDA SIMAO, CSIC Member

- and -

THE CANADIAN SOCIETY OF IMMIGRATION CONSULTANTS

**DISPOSITION OF THE DISCIPLINE COUNCIL**

This disposition relates to our previous finding that Ms. Simao breached Rule 3.2. of the Rules of Professional Conduct of the Canadian Society of Immigration Consultants.

We have had the opportunity to hear and weigh submissions with respect to the appropriate discipline in this matter from counsel for CSIC, Mr. Brendan Van Niejenhuis and from Mr. James Diamond, counsel for Ms. Simao.

During submissions and by his letter to Ms. Simao's counsel dated July 3, 2008 counsel for CSIC expressed his view that the circumstances of this case warranted a period of suspension as well as an administrative fine and continuing education. Mr. Diamond noted that the discipline options available to us as set out in Section 4.29 of CSIC's Complaints & Discipline Policy range from a personal reprimand from the Discipline Council through to termination of the member's membership. Mr. Diamond expressed the view that a suspension would not be appropriate and that an order in the nature of a reprimand should be the maximum disposition ordered by the Discipline Council. While

we agree with Mr. Diamond's argument that a suspension is not appropriate, we cannot agree that a simple reprimand is an appropriate disposition in this case.

We are of the unanimous view that the following Order for Discipline should be recorded against Ms. Simao.

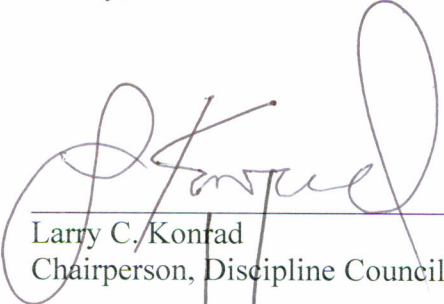
1. Pursuant to Section 4.29(b) of CSIC's Complaints & Discipline Policy we order that Ms. Simao review and satisfy the Manager of Complaints and Discipline that she has reviewed, at her expense, the video recording of the education session 301 "Ethical Issues" given at the CSIC Conference held May 11-12, 2007, which is available from CSIC.
2. Pursuant to Section 4.29(c) of CSIC's Complaints & Discipline Policy we order that Ms. Simao pay restitution to each of the five complainants in this case in the amount of \$1,000.00 per complainant, for a total of \$5,000.00 dollars paid out in restitution.
3. Pursuant to Section 4.29(d) of CSIC's Complaints & Discipline Policy we order that Ms. Simao pay an administrative penalty in the amount of \$3,000.00 to CSIC.

Payment with regard to the restitution will be made by Ms. Simao to CSIC. CSIC will make best efforts to make contact with and arrange for payment of the restitution to each of the five complainants. Restitution is to be accompanied by a letter from the Manager for Complaints and Discipline from CSIC explaining to the complainants the finding of the panel regarding the breach by Ms. Simao of Rule 3.2 and our order for restitution.

As the complainants were all Korean nationals and may well have returned to Korea we further order that if best efforts to make contact and pay restitution fail, then any outstanding amount held by CSIC on account for restitution are to be considered a further administrative penalty pursuant to Section 4.29(d) and are to be retained by CSIC. Any amounts that are not able to be paid out by way of restitution are not to be credited to the \$3,000 administrative penalty ordered pursuant to paragraph 3 above.

However, if there is a cost to Ms. Simao to obtain and view the video recording of the education session "Ethical Issues" given at the CSIC Conference held May 12, 2007, then any such amount paid by Ms. Simao to obtain and view this education session is to be credited to her against the payment of the \$3,000.00 administrative penalty set out in paragraph 3 above. Ms. Simao is to be awarded appropriate Mandatory Continuing Professional Development points for reviewing the conference materials.

This is the disposition and order of the Discipline Council in this matter. Dated this 22<sup>nd</sup> of July, 2008.

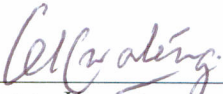


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Larry C. Konrad  
Chairperson, Discipline Council

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Alex Ning  
Member, Discipline Council



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James Kwaateng  
Member, Discipline Council