

**Decision 2015-04 of 18 November 2015 against Ms. Maria Alice Vilar da Lomba Meneses
(cleared)**

In this case where, for the first time, the Committee has cleared the defendant, the College had pressed charges against an insurance broker, Ms. Meneses, for not meeting the good repute condition on the grounds that she had not paid back to her partners all of the premiums paid by the clients, on the one hand, and had drawn up two false documents, on the other.

As regards the first charge, the Committee considered that the collection in 2013 of over EUR 30,000 paid in cash by clients for the settlement of insurance premiums and the statement of Ms. Meneses' bank details on the insurance policies could not, in themselves, be sufficient to establish a lack of good repute. This would imply that it be demonstrated to the Committee that the defendant used the corresponding sums for purposes other than those for which they were intended and that it be specified for what amounts and to the detriment of which clients these sums had been misappropriated. The Committee specified that the fault could only be established in the absence of an equivalent debit on her bank accounts and that, in this regard, while the prosecution emphasized that the documents produced by Ms. Meneses failed to show that all cash payments made by clients in 2013 had resulted in the subscription of insurance policies, her inability to produce such documents and the confusion of her management were not enough to prove that she had diverted part of these payments to the detriment of her clients.

As regards the second charge concerning the drawing up of two false documents, the Committee found that there was insufficient evidence to contradict the explanation of Ms. Meneses that one false certificate was attributable to her assistant and the other document had been drawn up in good faith.

The Committee therefore considered that, while the file highlights the disorderly and imprecise organisation and management of this brokerage firm, there is no evidence of both faults to call into question the good repute of Ms. Meneses.