

ALBERTA INSURANCE COUNCIL  
(the "AIC")

In the Matter of the *Insurance Act*, R.S.A. 2000, Chapter I-3  
(the "Act")

And

In the Matter of Kurt Baksh  
(the "Adjuster")

**AGREED STATEMENT OF FACTS AND JOINT SUBMISSION**

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Adjuster's 2014/2015 Application for Adjusters Certificate of Authority dated May 30, 2014, during which review information came to light that indicated that the Adjuster had been acting as an insurance adjuster while unlicensed;

AND WHEREAS the review established that the Adjuster handled insurance claims during the period from June 1, 2013 to and including August 7, 2014, without a valid and subsisting Certificate of Authority and during that same period of time, the Adjuster was compensated for acting as an insurance adjuster by Sedgwick CMS Canada Inc./Sedgwick CMS Du Canada Inc. ("Sedgwick");

AND WHEREAS the Adjuster is aware of the opportunity to retain and instruct legal counsel with respect to the matters referred to in this Agreed Statement of Facts and Joint Submission;

NOW THEREFORE the Adjuster and the Investigator agree as follows:

- 1.0 For the purposes of this Agreed Statement of Facts and Joint Submission, the Adjuster makes the following admissions and submissions:
  - 1.1.1 The Adjuster is a holder of a Certificate of Authority (C-142506) to transact business as an Insurance Adjuster and has been licensed since September 30, 2011, other than for the period from June 1, 2013 to and including August 7, 2014;
  - 1.1.2 The AIC received an email from the Adjuster dated August 8, 2014, which confirmed that the Adjuster had acted as, and been compensated for acting as, an insurance adjuster since June 1, 2013;
  - 1.1.3 The AIC sent a letter to the Adjuster dated October 29, 2014, which requested details as to the number of insurance claims the Adjuster handled between June 1, 2013 and August 7, 2014, as well as details in relation to the compensation he had received for doing so;

- 1.1.4 The Adjuster sent a letter to the AIC dated November 27, 2014, advising the AIC that he handled a total of 42 claims during the period of time he was unlicensed and received commission income in the amount of \$91,800.00. The Adjuster explained that while he was on medical leave his certificate of authority lapsed, which was an oversight on his part;
  - 1.1.5 In response to a letter from the AIC dated December 3, 2014, Maria Joshua (“MJ”), Director, with the Agency sent a letter dated December 17, 2014 to the AIC, which confirmed that the Agent handled a total of 41 insurance claims and received commission income in the amount of \$91,800.00.
- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Adjuster contravened section 460 (2) of the Act, and consequently violated section 480 (1) (b) of the Act for unlicensed activity.
- 3.0 The Adjuster and the Investigator jointly recommend to the Insurance Adjusters' Council (“Council”) that the Council approve this Agreed Statement of Facts and Joint Submission and resolve, dispose of and finally conclude this matter involving the Adjuster by approving a decision in the form annexed hereto as Schedule 1, which provides for a civil penalty in the amount of \$300.00, in accordance with the penalties prescribed in section 13 (1) (b) of the Certificate Expiry, Penalties and Fees Regulation, A.R. 125/2001.
- 4.0 The Adjuster recognizes that the acceptance of the decision set out in Schedule 1 shall be at the unfettered discretion of the Council.
- 5.0 The Adjuster is aware of and acknowledges that upon receiving notification of the Council’s decision, the civil penalty specified in Schedule 1 must be paid within the time frames set out in section 480 (4) of the Act.
- 6.0 The Adjuster is also aware of and acknowledges that by entering into this Agreed Statement of Facts and Joint Submission, the Adjuster waives his right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Adjuster waives any existing right he may have under the Act or otherwise to a hearing, review, judicial review or appeal of this matter.
- 8.0 The Adjuster acknowledges that this Agreed Statement of Facts and Joint Submission may be referred to in this or any other proceeding under the Act, and in regulatory proceedings in other jurisdictions.

9.0 The Adjuster recognizes that this Agreed Statement of Facts and Joint Submission resolves all issues involving the Adjuster in this matter only, as the matter is described above.

Dated at the City of Edmonton, in the Province of Alberta this 9 day of March, 2015.

ALBERTA INSURANCE COUNCIL

PER:

Original Signed By  
Trisha Lunt, Investigator

Dated at the City of Toronto, in the Province of Ontario, this 25 day of March 2015.

Original Signed By  
Kurt Baksh, Adjuster

**In the presence of:**

Signed  
Signature of Witness

\_\_\_\_\_  
Name of Witness (please print)

**SCHEDULE 1**

ALBERTA INSURANCE COUNCIL  
(the "AIC")

In the Matter of the *Insurance Act*, R.S.A. 2000, Chapter I-3  
(the "Act")

And

In the Matter of Kurt Baksh  
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DECISION OF  
The Insurance Adjusters' Council  
(the "Council")

WHEREAS the Investigator of the Alberta Insurance Council ("AIC") made a request for information in relation to an investigation being conducted by the AIC into the compensation of an unlicensed insurance adjuster, namely Kurt Baksh, from June 1, 2013 to and including August 7, 2014;

AND WHEREAS as a result of information received, the Investigator and the Adjuster entered into an Agreed Statement of Facts and Joint Submission, a copy of which is attached hereto;

AND WHEREAS pursuant to the Agreed Statement of Facts and Joint Submission, the Adjuster has agreed that he will pay a civil penalty in the amount of THREE HUNDRED DOLLARS (\$300.00) and has acknowledged that the Council has the discretion to accept or reject that recommendation;

AND WHEREAS the Council considers that it would be in the public interest to approve the said Agreed Statement of Facts and Joint Submission;

IT IS ORDERED that:

1. The Agreed Statement of Facts and Joint Submission be accepted and is hereby approved; and
2. The Adjuster pay a fine of THREE HUNDRED DOLLARS (\$300.00), in accordance with the terms and conditions set out in the Agreed Statement of Facts and Joint Submission.

The attached Agreed Statement of Facts and Joint Submission was reviewed by the Council and a motion to approve this decision was made and carried at a properly conducted meeting of the Insurance Adjusters' Council. The motion was duly recorded in the minutes of that meeting.

Date : November 5, 2015

Original Signed By  
Nancy Toso, Chairperson  
Insurance Adjusters' Council

