

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 Paolo Salvatore  
(the "Adjuster")

**AGREED STATEMENT OF FACTS AND JOINT SUBMISSION**

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Adjuster's 2015/2016 Application for Adjusters Certificate of Authority dated April 14, 2015 to act as an adjuster, during which review information came to light that indicated that the Adjuster was acting as an adjuster while unlicensed;

AND WHEREAS the review established that the Adjuster had handled insurance claims during the period from July 1, 2014 to and including June 24, 2015, without a valid and subsisting Certificate of Authority and was compensated for acting as an insurance adjuster by Sedgwick CMS Canada Inc./Sedgwick CMS Du Canada Inc.(the "Firm");

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 (B-142189) to transact business as an Insurance Adjuster and was licensed since September 16, 2011, other than for the period of time from July 1, 2014 to and including June 24, 2015;
  - 1.1.2 In response to a request for information from the AIC, the Adjuster sent an email to the AIC on September 1, 2015 in which he disclosed that between July 1, 2014 to and including June 24, 2015, he handled 37 claims files, for which he received a salary from the Firm in the amount of \$78,540.00 per year and thus was compensated for the handling of those claims files;
  - 1.1.3 In response to a request for information from the AIC, Maria Joshua ("MJ"), Director, Claims with the Firm sent an email to the AIC on January 29, , which confirmed that the information the Adjuster provided the AIC regarding the amount of claims file he handled and the compensation he received were correct;

- 1.1.4 In response to requests for information from the AIC, the Adjuster sent emails advising the AIC that this occurred because he thought that he had renewed his Alberta certificate of authority. The Adjuster is licensed in Ontario and is also licensed as an adjuster in Ontario;
  - 1.1.5 The Adjuster is aware that any similar future occurrences may result in a potential fine amount as high as \$1,000.00 per claim handled when unlicensed.
- 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 acting as an adjuster during a period of time he did not hold a valid and subsisting certificate of authority.
- 3.0 The Adjuster and the Investigator jointly recommend to the AIC that the AIC 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 AIC.
- 5.0 The Adjuster is aware of and acknowledges that upon receiving notification of the AIC'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 11<sup>th</sup> day of February, 2016.

ALBERTA INSURANCE COUNCIL

PER:

\_\_\_\_\_  
Original Signed By  
Trisha Lunt, Investigator

Dated at the City of Toronto, in the Province of Ontario, this 22<sup>nd</sup> day of February, 2016.

\_\_\_\_\_  
Original Signed By  
Paolo Salvatore, Adjuster

**In the presence of:**

\_\_\_\_\_  
Original 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 Paolo Salvatore  
(the " Adjuster")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 Paolo Salvatore, from July 1, 2014 to and including June 24, 2015;

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 : September 8, 2016

Original Signed By

Ron Pearson, Member  
Insurance Adjusters' Council