

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 Mark Stockford
(the "Agent")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Agent's licensing records, in response to an application received from the Agent where the Agent indicated that he had been acting as an insurance agent while unlicensed;

AND WHEREAS the review established that the Agent sold 20 general insurance policies during the period from July 1 2015 to and including May 3, 2016, without a valid and subsisting Certificate of Authority and was compensated for acting as an insurance agent by Kindersley Insurance Ltd. ("KI");

AND WHEREAS the Agent 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 Agent and the Investigator agree as follows:

- 1.0 For the purposes of this Agreed Statement of Facts and Joint Submission, the Agent makes the following admissions and submissions:
 - 1.1.1 The Agent is the holder of a Certificate of Authority (K-60068-2211) to transact business as a General Insurance Agent and has been licensed since at least August 4, 1992, other than for the period from July 1, 2015 to and including May 3, 2016 ("unlicensed period");
 - 1.1.2 On May 4, 2016, the AIC received an application from the Agent for renewal of his general insurance license. A review of the application revealed that the Agent did not renew his license for the previous calendar year;
 - 1.1.3 The AIC sent a letter to the Agent dated October 12, 2016, which requested details as to the number of insurance policies the Agent sold in the period unlicensed as well as details in relation to the compensation he had received for doing so;
 - 1.1.4 The Agent responded and confirmed that he had sold 20 policies and was compensated by way of a monthly salary by KI. KI in turn received \$1,451.62 in commission from SGI Canada Insurance Services Ltd. (SGI) for these sales made during the unlicensed period.
 - 1.1.5 The Investigator wrote to SGI who confirmed the above details.

- 1.1.6 The Agent is also the DR of the Agency and has been licensed for several years. The Agent acknowledges the seriousness of this matter. There was one year of licensing fees (\$95.00) missed for the unlicensed period.
 - 1.1.7 The Agent advised the investigator that he acknowledges and regrets his mistake and has instituted processes in place to ensure that it does not reoccur. The Agent is aware that any similar future occurrences may result in a potential fine amount as high as \$1,000.00 per policy sold when unlicensed.
- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Agent contravened section 452 (1) of the Act, and consequently violated section 480 (1) (b) of the Act for unlicensed activity.
- 3.0 The Agent and the Investigator jointly recommend to the General Insurance 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 Agent by approving a decision in the form annexed hereto as Schedule 1, which provides for a civil penalty in the amount of \$695.00, in accordance with the penalties prescribed in section 13 (1) (b) of the Certificate Expiry, Penalties and Fees Regulation, A.R. 125/2001. The penalty is arrived at with \$95 being the licensing fees missed the \$600 being the penalty for selling insurance when unlicensed.
- 4.0 The Agent recognizes that the acceptance of the decision set out in Schedule 1 shall be at the unfettered discretion of the Council.
- 5.0 The Agent 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 Agent is also aware of and acknowledges that by entering into this Agreed Statement of Facts and Joint Submission, the Agent waives his right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Agent 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 Agent 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 Agent recognizes that this Agreed Statement of Facts and Joint Submission resolves all issues involving the Agent in this matter only, as the matter is described above.

Dated at the City of Calgary, in the Province of Alberta this 11th day of January, 2017.

ALBERTA INSURANCE COUNCIL

PER:

ROY DIAS _____

Roy Dias, Investigator

Dated at the City of Kindersley, in the Province of Saskatchewan, this 18th day of January, 2017.

MARK STOCKFORD _____

Mark Stockford, Agent

In the presence of:

WITNESS _____

Signature of Witness

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 Mark Stockford
(the "Agent")

**DECISION OF
The General Insurance 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 about the Agent selling general insurance policies while unlicensed;

AND WHEREAS as a result of information received, the Investigator and the Agent 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 Agent has agreed to pay a civil penalty in the amount of SIX HUNDRED AND NINETY-FIVE DOLLARS (\$695.00) 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 Agent pay a fine of SIX HUNDRED AND NINETY-FIVE DOLLARS (\$695.00), 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 General Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: February 1, 2017

AMANDA SAWATZKY
Member and Designee
General Insurance Council