

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 Alice Rizzoli
(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 information provided when the Agent applied to renew her license;

AND WHEREAS the review established that the Agent sold 7 general insurance policies during the period from March 6, 2017 to and including April 25, 2017, without a valid and subsisting Certificate of Authority and was compensated for acting as a general insurance agent by Canada Brokerlink Inc. ("CBL");

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 (I-62649-2686513) to transact business as a General Insurance Agent and has been licensed since at least February 13, 1996, other than for the period from October 14, 2016 to June 4, 2017 ("unlicensed period");
 - 1.1.2 On May 25 2017, the AIC was advised by CBL that the Agent had returned from a leave of absence on March 6, 2017. Upon her return CBL's management missed noting her insurance license had been terminated which resulted in the Agent selling 7 insurance policies without being licensed. On April 25, 2017, upon recognizing the error CBL immediately stopped the Agent from conducting further activities that required an insurance license until she obtained her license;
 - 1.1.3 CBL advised the AIC that they were compensated \$1,695.07 by Intact Insurance (II) and AMI Autoglass (AA) for these 7 policies. The Agent received a salary paid by CBL;
 - 1.1.4 The investigator wrote to II and AA who confirmed the number of insurance policies sold by the Agent as described by CBL. They also confirmed the commission amounts paid to CBL for these policies.

- 1.1.5 The Designated Representative (DR) of CBL advised the investigator that he acknowledged and regretted this lapse and has put processes in place to ensure that it did not reoccur. Similarly, the Agent is also aware of the seriousness of this matter. The DR and Agent are 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 \$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 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 her right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Agent waives any existing right she 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 15th day of August, 2017.

ALBERTA INSURANCE COUNCIL

PER:

Original signed by

Roy Dias, Investigator

Dated at the City of Calgary, in the Province of Alberta, this 23rd day of August, 2017.

Original signed by

Alice Rizzoli, Agent

In the presence of:

[SY]

[SY]

Signature of Witness
SCHEDULE 1

Name of Witness (please print)

ALBERTA INSURANCE COUNCIL
(the "AIC")

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

In the Matter of Alice Rizzoli
(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 into the Agent acting without a valid and subsisting certificate of authority;

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 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 Agency 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 General Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: April 16, 2018

Original signed by
Lorrie King, Chair
General Insurance Council