

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 Louis Kam  
(the "Agent")

**AGREED STATEMENT OF FACTS AND JOINT SUBMISSION**

WHEREAS the AIC undertook a review of the Agency's errors and omissions ("E&O") policy information that he disclosed on his 2017/18 renewal applications, during which review information came to light that indicated that the E&O information provided by the Agent was invalid;

AND WHEREAS the review established that the Agent provided the AIC with a fax number instead of his E&O policy number;

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 Certificates of Authority (Q and M-145900-1763384-2017) to transact business as an insurance agent to sell accident and sickness ("A&S") and life insurance and has been licensed since August 29, 2012;
  - 1.1.2 On January 11, 2017, the AIC sent an email to the Agent requesting that he provide the AIC with information regarding his E&O insurance policy. On January 11 and 23, 2018 the Agent provided a copy of his 2016/17 and 2017/18 E&O policy summary pages;
  - 1.1.3 The AIC, sent an email to the Agent on January 24, 2018, requesting that he provide an explanation as to why he provided the AIC with inaccurate E&O information. The Agent responded to the above-noted email, dated January 24, 2018, the Agent stated that he must have been "typing in another form that requires a phone number at the time also and mistakenly copied it to the policy number without double checking."

- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Agent contravened section 467(c) of the Act, and consequently violated section 480 (1) (b) of the Act for failing to provide information required by the Minister on the Applications in relation to the Agent's E&O policy.
- 3.0 The Agent and the Investigator jointly recommend to the Life 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, AR 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 his right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Agent waives any existing right it 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 Edmonton, in the Province of Alberta this 23 day of February, 2018.

ALBERTA INSURANCE COUNCIL

PER:

Original signed by

Trisha Lunt, Investigator

Dated at the City of Calgary, in the Province of Alberta, this 12 day of March, 2018.

Original signed by

Louis Kam, Agent

**In the presence of:**

Original signed by \_\_\_\_\_

Signature of Witness

[D B]

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 Louis Kam  
(the "Agent")

DECISION OF  
The Life 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 an errors and omission audit;

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 that the Agent will pay a civil penalty in the amount of THREE HUNDRED DOLLARS (\$300.00) in relation to the Agent providing the AIC with information that was inaccurate on his renewal applications 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 THREE HUNDRED DOLLARS (\$300.00) in accordance with the terms and conditions set out in this 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 Life Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: April 13, 2018

Original signed by  
Kenneth Doll, Chair  
Life Insurance Council