

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 Josephine Bechard-Lanoue
(the "Agent")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the AIC undertook a review of the Agent's 2018/19 renewal Application for Agents Certificate of Authority completed on May 7, 2018, during which review information came to light that indicated that the Agent failed to provide information required by the Minister on her 2017/18 application completed on March 8, 2018;

AND WHEREAS the review established that the Agent failed to disclose that she had declared bankruptcy on her 2017/18 application;

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 (H-2350276) to transact business as a General Insurance Agent and has been licensed since March 12, 2018;
 - 1.1.2. The AIC received an online application completed on March 8, 2018 to sell general insurance which contained a question regarding if the Agent had been subject to proceedings in bankruptcy, which question the Agent answered "NO";
 - 1.1.3. The AIC received an online renewal application completed on May 7, 2018 for general insurance, which contained a question regarding if the Agent had been subject to proceedings in bankruptcy, which question the Agent answered "YES";
 - 1.1.4. In response to an email from the AIC dated June 22, 2018, the Agent sent an email to the AIC dated July 6, 2018 explaining she did not disclose the bankruptcy as she had "technical complications" resulting in her completing and submitting the application "several times". The Agent also stated that she was in the "thick of training" and as a result failed to declare the bankruptcy. The Agent stated that this was unintentional and wants "nothing more than to be transparent with [the AIC]".

- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Agent contravened section 467 (1) (c) of Act, for failing to provide information required by the Minister on the application for certificate of authority.
- 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, 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 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 Edmonton, in the Province of Alberta this 24th day of July, 2018.

ALBERTA INSURANCE COUNCIL

PER:

[Original signed by]

Trisha Lunt, Investigator

Dated at Windsor, in the Province of Ontario, this 8th day of August, 2018

[Original signed by]

Josephine Bechard-Lanoue, Agent

In the presence of:

[Original signed by J.N.]
Signature of Witness

[J.N.] _____
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 Josephine Bechard-Lanoue
(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 failed to provide the information required by the Minister on her online application completed on March 8, 2018;

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 failing to disclose that she declared bankruptcy 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 General Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: September 5, 2018

[Original signed by]
Amanda Sawatzky, Acting Chair
General Insurance Council