

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 Gail Mangiante (the "Agent")

**AGREED STATEMENT OF FACTS AND JOINT SUBMISSION**

WHEREAS the AIC undertook a review of the Agent's 2018/19 renewal Application for the Agents Certificate of Authority completed on May 9, 2018, during which review information came to light that indicated the Agent failed to provide information required by the Minister on her 2017/18 application completed on May 26, 2017;

AND WHEREAS the review established that the Agent did disclose her prior bankruptcy in her application of May 9, 2018, however, she failed to disclose her prior bankruptcy in 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 Certificate of Authority Q-146240-3119094 to transact business as an Accident and Sickness (A&S) insurance agent and has been licensed since November 20, 2012;
  - 1.1.2 The AIC received an on-line renewal application from the Agent for an A&S insurance agent's certificate on May 9, 2018;
  - 1.1.3 In response to a question regarding having been subject to proceedings in bankruptcy in the last ten years, the agent answered "yes" and responded, "Personal bankruptcy 07/25/2017". The Agent then subsequently confirmed by email that she filed for bankruptcy on April 13, 2017 and was granted a discharge on July 25, 2017;
  - 1.1.4 On June 22, 2018, the investigator contacted the Agent regarding non-disclosure of her prior bankruptcy information to the AIC;
  - 1.1.5 The Agent apologized to the investigator about the confusion in answering the question relating to prior bankruptcy. She also stated that she had answered "NO" to the question about bankruptcy as she thought it would have to be final and discharged before answering "YES". She confirmed that she did not have anything else to disclose. This is the first such contravention by the Agent;
- 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 the Act and consequently violated section 480(1)(b) of the Act.
- 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, 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 19th day of July, 2018.

ALBERTA INSURANCE COUNCIL

PER:

[original signed by]

Roy Dias, Investigator

Dated at the City of Warwick, in the State of Rhode Island, USA, this 11th day of August, 2018.

[original signed by]

Gail Mangiante, Agent

In the presence of:

[original signed by]

Signature of Witness

[M.H.M.]

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  
Gail Mangiante  
(the “Agent”)

**DECISION OF  
The Life Insurance Council  
(the “Council”)**

WHEREAS the Investigator of the AIC made a request for information in relation to an investigation being conducted by the AIC into the Agent’s not disclosing a prior bankruptcy;

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 Agent 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 Life Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: September 12, 2018

[original signed by]  
Chair  
Life Insurance Council