

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 Kihoon Park
(the "Agent ")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Agent's Continuing Education (CE) certificates, further to a DEMAND for information sent to the Agent as part of a CE audit;

AND WHEREAS the Agent failed to respond to the DEMAND to provide CE certificates for one licensing period from December 14, 2017 to June 30, 2018;

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 Compliance Officer 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 was the holder of a General Insurance – Level 1 Certificate of Authority (H-2301621-983) and was licensed from December 14, 2017 to July 17, 2018 when his Certificate of Authority was terminated on July 17, 2018 by his previous employer after he resigned on July 1, 2018;
 - 1.1.2 On September 26, 2018, the AIC emailed the Agent a Demand for information requesting a copy of his CE certificates in response to the CE audit;
 - 1.1.3 On October 15, 2018, the AIC emailed the Agent a reminder to respond and complete the CE audit as per the Demand. The Agent responded by email advising that he had no access to his CE certificates and couldn't provide the AIC with the requested CE certificates to pass the CE audit because they were saved on his old work computer. In response, the AIC advised the Agent that even though he quit his job on July 1, 2018, he was still required to satisfy the CE audit.
 - 1.1.4 On October 16, 2018, the Agent emailed the Compliance Officer to confirm that he is not working in the insurance industry and would not be in the future.
 - 1.1.5 The Agent, however, understands that if he decides to return to the insurance industry, he must satisfy the CE requirements by completing the CE audit as per the Demand.
 - 1.1.6 This is the first occurrence of failure to respond to a DEMAND for a CE audit for this Agent.

- 1.1.7 The Agent is aware that any similar future occurrences may result in a potential fine as high as \$1,000.00.
- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Agent contravened section 481 (1) and (2) of the Act, and consequently violated section 480 (1) (b) of the Act for failing to respond to the DEMAND for information.
- 3.0 The Agent and the Compliance Officer 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 \$500.00, 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 its 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 Calgary, in the Province of Alberta this 20th day of February, 2019.

ALBERTA INSURANCE COUNCIL
PER:

[Original signed by]
Perry Lin, Compliance Officer

Dated at the City of Calgary, in the Province of Alberta this 20th day of February, 2019.

[Original signed by]
Kihoon Park

In the presence of:

[Original signed by]
Signature of Witness

[S.L.]
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 Kihoon Park
(the "Agent ")

DECISION OF
The General Insurance Council
(the "Council")

WHEREAS the Compliance Officer of the Alberta Insurance Council ("AIC") made a DEMAND for information in relation to an audit for Continuing Education (CE) course certificates being conducted by the AIC;

AND WHEREAS as a result of a failure to respond to this DEMAND for information in a timely manner, the Compliance Officer 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 FIVE HUNDRED DOLLARS (\$500.00) 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 FIVE HUNDRED DOLLARS (\$500.00), 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 The General Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: March 13, 2019

[Original Signed By]
Elizabeth Hak, General Insurance Council