

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 Maria Cecilia Tagle Osana
(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") records, in response to the Demand for Information (the "Demand") sent to the Agent as part of the 2019 CE audit;

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 was the holder of Certificates of Authority (M-2288626 & Q-2288626) to transact business as a Full Life and Accident & Sickness insurance Agent and was licensed from November 14, 2017 to August 26, 2019 when her certificates of authority were suspended for failure to respond to the CE audit;
 - 1.1.2 On July 15, 2019, the AIC emailed the Agent the Demand requiring that she provide a copy of her CE certificates in response to the CE audit being conducted by the AIC;
 - 1.1.3 On July 29, 2019, the investigator emailed the Agent a reminder to send in the required CE certificates and advised her to respond by August 15, 2019;
 - 1.1.4 On August 8, 2019, the investigator emailed the Agent a reminder to send in the required CE certificates and advised her to respond by August 15, 2019;
 - 1.1.5 On August 13, 2019, the investigator spoke to the Agent to remind her to submit her CE certificates as per the Demand by August 15, 2019. The Agent stated she would submit the certificates on August 13, 2019;

- 1.1.6 The Agent's certificates of authority were suspended for failure to respond to the CE audit and the Demand;
 - 1.1.7 On October 8, 2019, the investigator spoke with the Agent and explained she must provide her CE certificates. The investigator advised the Agent she had not provided the certificates within the timeline and as such had not met the deadline to complete the CE audit as per the Demand sent on July 15, 2019;
 - 1.1.8 On October 10, 2019, the Agent provided the AIC with copies of 18 of her 22 CE certificates;
 - 1.1.9 On October 17, 2019, the agent provided the AIC with her remaining 4 CE Certificates.
- 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)(2) of the *Insurance Act*, R.S.A. 2000, Chapter I-3 and amendments thereto (the "Act") and Section 31(1) and (2) of the *Insurance Agents and Adjusters Regulation*, AR 122/2001 and consequently violated section 480 (1) (b) and (2) of the Act for failing to respond to the Demand in the time specified.
- 3.0 The Agent and the investigator jointly recommend to the 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 their right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Agent waives any existing right they 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 setout herein.
- 10.0 This Agreement can be executed in several counterparts, each of which will be treated in the same way as an original, and all the counterparts will together make a single agreement.
- 11.0 This Agreement can be executed and exchanged by facsimile or other electronic means and in such a way is binding as if original signatures were used.

Dated at the City of Edmonton, in the Province of Alberta this 9th day of January, 2020.

ALBERTA INSURANCE COUNCIL

PER:

[Original signed by]

Lee Ann Nicholson-Miller, Investigator

Dated at the City of Edmonton, in the Province of Alberta this 23 day of January, 2020.

[Original signed by]

Maria Cecilia Tagle Osana, Agent

In the presence of:

[Original signed by]

Signature of Witness

[O.O.]

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 Maria Cecilia Tagle Osana
(the "Agent")

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

WHEREAS the investigator of the Alberta Insurance Council ("AIC") made a Demand for Information (the "Demand") in relation to the 2019 audit for Continuing Education ("CE") course certificates;

AND WHEREAS as a result of the Agent's failure to respond to the Demand, in the timeframe set out in the Demand, the investigator and the Agent have 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) 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 Council. The motion was duly recorded in the minutes of that meeting.

Date: March 4, 2020

Michael Bibby [Original Signed by]
Chair Life Insurance Council