

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 Mary Grace Toribio
(the "Former Agent")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the AIC undertook a review of the Former Agent's licensing renewal applications, based on information provided by the Former Agent that indicated she had failed to disclose that she was engaged in an occupation other than as an insurance agent (her "Other Occupation").

AND WHEREAS this review established that the Former Agent failed to disclose her Other Occupation on the 2014/2015 renewal applications she submitted on June 30, 2014, the 2015/2016 renewal applications she submitted on June 30, 2015, the 2016/2017 renewal applications she submitted on June 28, 2016, the 2017/2018 renewal applications she submitted on May 31, 2017 and the 2018/2019 renewal applications she submitted on June 27, 2018;

AND WHEREAS the Former 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 Former Agent and the investigator agree as follows:

- 1.0 For the purposes of this Agreed Statement of Facts and Joint Submission, the Former Agent makes the following admissions and submissions:
 - 1.1.1 The Former Agent was the holder of Certificates of Authority (M-137585 & Q-137585) to transact business as a Full Life and Accident & Sickness insurance Agent. The Former Agent was licensed from June 15, 2012 to June 30, 2019;
 - 1.1.2 The Former Agent submitted renewal applications for Certificates of Authority for life and accident and sickness insurance, both dated June 28, 2019 ("2019/2020 Renewal Applications"). Both applications contained the following question: "*Since the date of your last application, have you engaged in or are you currently engaged in any business or occupation other than the insurance business?*" In response to that question, the Former Agent answered "Yes" on both applications and provided the name of a company, the title of her position and her start date at the company, which was January 26, 2009;
 - 1.1.3 The AIC reviewed the Former Agent's Certificate of Authority applications and found the Former Agent did not declare her Other Occupation, as required, on her 2014/2015, 2015/2016, 2016/2017, 2017/2018 and 2018/2019 applications. In each instance, she answered "No" to the question: "*Since the date of your last application, have you engaged*

in or are you currently engaged in any business or occupation other than the insurance business?”.

1.1.4 The Former Agent stated that she did not disclose her Other Occupation on her 2014/2015 – 2018/2019 applications because she had already provided disclosure on previous applications. She confirmed that she has held the same Other Occupation since January 26, 2009.

- 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 for failing to provide information required by the Minister on the applications for certificates of authority.
- 3.0 The Former Agent and the investigator jointly recommend to the The Life Insurance Council (the “Council”) that the Council approve this Agreed Statement of Facts and Joint Submission and resolve, dispose of and finally conclude this matter involving the Former Agent by approving a decision in the form annexed hereto as Schedule 1, which provides for a civil penalty in the amount of \$200.00, 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 Former 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 Former 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 Former Agent is also aware of and acknowledges that by entering into this Agreed Statement of Facts and Joint Submission, the Former Agent waives their right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Former 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 Former 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 Former Agent recognizes that this Agreed Statement of Facts and Joint Submission resolves all issues involving the Former Agent in this matter only, as set out 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 Calgary, in the Province of Alberta this 2nd day of April, 2020.

ALBERTA INSURANCE COUNCIL
PER:

[Original signed by]
Michael Stitt, Investigator

Dated at the City of Calgary, in the Province of Alberta this 27th day of March, 2020.

[Original signed by]
Mary Grace Toribio, Former Agent

In the presence of:

[Original signed by]
Signature of Witness

[S.D.G.]
Name of Witness (please print)

SCHEDULE 1

ALBERTA INSURANCE COUNCIL
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In the Matter of the *Insurance Act*, R.S.A. 2000, Chapter I-3
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And

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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 Former Agent's failure to disclose being engaged in an occupation other than as an insurance agent.

AND WHEREAS as a result of the information received, the investigator and the Former 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 Former Agent has agreed to pay a civil penalty in the amount of TWO HUNDRED (\$200.00) 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 Former Agent pay a fine of TWO HUNDRED DOLLARS (\$200.00), 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 Life Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: May 15, 2020

Original signed by
Chair Life Insurance Council