

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 Brittni Stewart  
(the "Former Agent")

**AGREED STATEMENT OF FACTS AND JOINT SUBMISSION**

WHEREAS the AIC conducted an investigation into the Former Agent based the Former Agent's termination for cause from Allstate Insurance Company of Canada ("Allstate");

AND WHEREAS the investigation established that the Former Agent negligently misrepresented client information on a number of insurance applications;

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 a Certificate of Authority (F-1752171 and G-1752171) to transact business as a General Insurance Agent and was licensed from December 22, 2015 to May 20, 2020, when the Former Agent was terminated by Allstate for cause.
- 1.1.2 On April 27, 2020, Allstate notified the AIC that the Former Agent had been terminated for cause as the Former Agent failed to classify client information properly on a number of insurance applications.
- 1.1.3 On July 8, 2020, Allstate provided a more detailed summary of events that lead to the Former Agent's termination for cause. In their summary, Allstate provided an outline of their review of their internal audit which concluded that, "Although Ms. Stewart did not appear to have acted with intent to harm others, the company took the position that her conduct constituted serious breaches of Allstate's Sales Code of Ethics."
- 1.1.4 On August 20, 2020, the Former Agent responded to a request for information from the AIC regarding the allegations and admitted to the alleged actions; however, the Former Agent stated that the issues were, "Human error and in no way intentional" and that,

*I am unable to explain exactly how I had made those errors. There were often small changes throughout the policy writing cycle, and it was established during this formal audit that at times I failed to thoroughly check all details before issuing the policies.*

- 1.1.5 The Former Agent has taken full ownership of her mistakes and unintentional errors.
  - 1.1.6 This is the first recorded occurrence of a contravention of the Act and/or Regulations on behalf of the Former Agent as the Former Agent has not been previously disciplined by the AIC.
  - 1.1.7 The Former Agent is aware that any similar occurrence may potentially result in a fine as high as \$1,000.00 per each occurrence of making a false or misleading statements, representations, or advertisements.
- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Former Agent contravened section 509(1)(a) of the Act, and consequently violated section 480(1)(b) of the Act for making false or misleading statements, representations, or advertisements.
- 3.0 The Former Agent and the investigator jointly recommend to the The General 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 \$750.00 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 the matter is described above.

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 20 day of October, 2020.

ALBERTA INSURANCE COUNCIL

PER:

[ORIGINAL SIGNED BY]

Nicholas Woodhouse, Investigator

Dated at the City of Airdrie, in the Province of Alberta this 29 day of October, 2020.

[ORIGINAL SIGNED BY]

Brittini Stewart, Former Agent

**In the presence of:**

[redacted]

Signature of Witness

[K.S.]

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 Brittni Stewart  
(the "Former Agent")

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

WHEREAS the AIC received a termination for cause letter regarding the Former Agent from Allstate Insurance Company of Canada;

AND 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 regarding her termination for cause;

AND WHEREAS as a result of 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 that the Former Agent will pay a civil penalty in the amount of SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) 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 SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00), 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 General Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date: March 10, 2021

[Original signed by]  
Chair General Insurance Council