

Insurance Councils Appeal Board of Alberta

REGISTERED MAIL

February 11, 2022

Efrosinia Martushev

Personal Information

Alberta Insurance Council
2700 Manulife Place
10180 – 101 Street NW
Edmonton, Alberta T5J 3S4

Alberta Treasury Board and Finance
Superintendent of Insurance
402 – 9515 – 107 Street NW
Edmonton, Alberta T5K 2C3

Dear Madam/Sir:

RE: Appeal of December 8, 2021 Insurance Adjusters' Council Decision

Please find enclosed the Decision and Order of the Insurance Councils Appeal Board in respect of the appeal of Efrosinia Martushev from the December 8, 2021 decision of the Insurance Adjusters' Council.

Yours truly,



Gwen Harris
Appeal Panel Chair

RECEIVED

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ALBERTA INSURANCE
COUNCIL

INSURANCE COUNCILS APPEAL BOARD OF ALBERTA

In the Matter of the *Insurance Act*, R.S.A. 2000, Chapter I-3, as amended
and
In the Matter of the *Insurance Councils Regulation*, 126/2001, as amended

BETWEEN:

EFROSINIA MARTUSHEV

Appellant

-and-

THE INSURANCE ADJUSTERS' COUNCIL

Respondent

DECISION AND ORDER

1. On February 2, 2022, the Superintendent of Insurance assigned a panel ("the Appeal Panel") of the Insurance Councils Appeal Board to hear Efrosinia Martushev's ("the Appellant") appeal of the December 8, 2021 decision of the Insurance Adjusters' Council.
2. On February 8, 2022, the Appeal Panel received written notice from Legal Counsel for the Insurance Adjusters' Council indicating that the Council wished to withdraw the complaint against the Appellant as it related to the December 8, 2021 decision.
3. The Appellant advised the Appeal Panel on February 8, 2022 that she was in agreement with the withdrawal of the complaint.
4. Having reviewed the written submissions of both parties, the Appeal Panel is satisfied that requirements of section 481 of the *Insurance Act*, which were the subject of the December 8, 2021 decision, are no longer at issue. As such, no civil penalty is to be levied or payable by the Appellant.

Appeal Fee

5. Section 24 of the *Insurance Councils Regulation* provides that, in determining an appeal, a panel shall also determine the allocation of the appeal fee paid by the Appellant to commence the appeal to one or both of the parties taking into consideration both the results of the appeal and the conduct of the parties. Given the result, the Appeal Panel is of the view that the appeal fee paid to the Superintendent of Insurance in respect of the Appellant's appeal should be awarded to the Appellant.

Order

6. For the reasons set out above, it is ordered that:

- a. The complaint against the Appellant has been withdrawn by the Insurance Adjusters' Council and no civil penalties are payable by the Appellant.
- b. The appeal fee is awarded to the Appellant.

DATED at Edmonton, Alberta this 11th day of February 2022.

INSURANCE COUNCILS APPEAL BOARD OF ALBERTA

Per: 
Gwen Harris, Appeal Panel Chair

Authorized to sign for:

Per: 
Silvano Giacchetta, Panel Member

Per: 
Chris Gentle, Panel Member