

In the Matter of

**The *FINANCIAL INSTITUTIONS ACT*
(RSBC 1996, c.141)
(the "Act")**

and

**The *INSURANCE COUNCIL OF BRITISH COLUMBIA*
(“Council”)**

and

**ANTONY RONALD FRANSEN
(the “Licensee”)**

**DECISION AND ORDER
UNDER SECTIONS 231 & 238 OF THE ACT**

WHEREAS, on May 21, 2015, after determining that Fransen Insurance Services Ltd. dba Sea to Ski Insurance Services (the “Agency”), for which the Licensee was the principal shareholder, director, and nominee, had, contrary to Council Rule 7(2), failed to remit insurance premiums due to insurers, on more than one occasion, and continued to remain in arrears on these premium payments, Council imposed conditions on the Agency’s general insurance licence, pursuant to section 238 of the Act (the “May 21 238 Order”);

AND WHEREAS the May 21 238 Order included a licence condition requiring the Agency to deposit all insurance premiums collected from clients into a trust account that was to be managed and controlled by a Chartered Professional Accountant (“CPA”);

AND WHEREAS, after the Agency failed to comply with one of the conditions in the May 21 238 Order, the Agency’s general insurance licence was suspended on June 12, 2015, resulting in the Licensee’s general insurance licence becoming inactive as he ceased to have the authority to represent any insurance agency, in accordance with Council Rule 7(12);

AND WHEREAS, on June 19, 2015, after determining that the Licensee attempted to mislead Council regarding his and the Agency’s compliance with the May 21 238 Order, Council determined that the Licensee represented a risk to the public, and ordered that his general insurance licence and the Agency’s general insurance licence be suspended, pending the conclusion of Council’s investigation into the matter (the “June 19 238 Order”);

AND WHEREAS the Licensee and the Agency appealed the June 19 238 Order to the Financial Services Tribunal and were granted a stay of the June 19 238 Order, resulting in the Licensee's and the Agency's general insurance licences being reinstated on July 10, 2015;

AND WHEREAS the Agency's general insurance licence was suspended on July 22, 2015 after it failed to comply with the requirements of the May 21 238 Order, resulting in the Licensee's general insurance licence becoming inactive;

AND WHEREAS the Licensee's licence remained inactive until August 10, 2015, when he obtained an authority to represent another general insurance agency, Insurebc Underwriting Services Incorporated ("Insurebc");

AND WHEREAS, on September 2, 2015, Council made an intended decision pursuant to section 231 of the Act to take disciplinary action against the Licensee, resulting in the Licensee requesting a hearing, which is currently pending;

AND WHEREAS evidence has come forward that, after the May 21 238 Order, the Licensee and the Agency collected insurance premiums that were neither deposited into a trust account that was managed and controlled by a CPA, nor remitted to the insurer in accordance with Council Rule 7(2);

AND WHEREAS, on September 10, 2015, the Licensee collected insurance premiums from two clients in excess of \$90,000.00; and deposited the premiums into an account that was not an account of Insurebc, and subsequently failed to remit all of the collected premiums to the insurer in accordance with Council Rule 7(2);

AND WHEREAS Council has determined that the Licensee continued to collect and handle insurance premiums, contrary to the licence conditions imposed by the May 21 238 Order and Council Rule 7(2), and that some of these insurance premiums remain outstanding;

AND WHEREAS Council found the Licensee's conduct regarding the collection, retention, and remittance of insurance premiums, brings into question his competence, trustworthiness, financial reliability, and his ability to act in good faith and in accordance with the usual practice of the business of insurance, and has concluded that the Licensee cannot be regulated through the use of licence conditions and restrictions or through supervision;

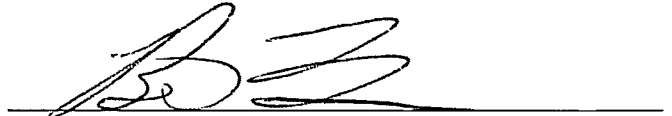
AND WHEREAS Council considers the length of time required to make a decision, pursuant to section 231 of the Act, on the Licensee's suitability to hold an insurance licence, would be detrimental to the due administration of the Act and contrary to the interests of the public;

NOW THEREFORE, pursuant to sections 231 and 238 of the Act, Council orders that, effective March 8, 2016, the Licensee's general insurance licence be suspended until such time as the hearing relating to Council's September 2, 2015 intended decision has been held and Council has made a decision in accordance with section 237 of the Act.

Decision and Order under Sections 231 & 238 of the Act
Antony Ronald Fransen
84611-I1870
March 8, 2016
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TAKE NOTICE that pursuant to section 238 of the Act, the Licensee has the right to require a hearing on this order before Council by delivering written notice within 14 days of receipt of this order to Council at Suite 300, 1040 West Georgia Street, Vancouver, British Columbia, V6E 4H1; alternatively, the Licensee may appeal this order to the Financial Services Tribunal.

Dated in Vancouver, British Columbia, on the **8th day of March, 2016.**



Brett Thibault
Chairperson, Insurance Council of British Columbia