

**In the Matter of the**  
***FINANCIAL INSTITUTIONS ACT, RSBC 1996, c.141***  
(the “Act”)

**and the**

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

**and**

**MARK WAGNER**  
(the “Licensee”)

**ORDER**

As Council made an intended decision on May 8, 2018, pursuant to sections 231 and 236 of the Act;  
and

As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons  
and notice of the intended decision dated July 27, 2018; and

As the Licensee has not requested a hearing of Council’s intended decision within the time period  
provided by the Act;

Under authority of sections 231 and 236 of the Act, Council orders:

1. A condition is imposed on the Licensee’s life and accident and sickness insurance agent licence that requires the Licensee to successfully complete the Council Rules Course by no later than **December 5, 2018**;
2. A condition is imposed on the Licensee’s life and accident and sickness insurance agent licence that requires the Licensee to successfully complete the course *Making Choices: Ethics and Responsibility and Practice* (Modules I and II), available through Advocis, by no later than **December 5, 2018**;
3. The Licensee is fined \$2,500.00, to be paid no later than **December 5, 2018**;
4. The Licensee’s life and accident and sickness insurance agent licence is suspended until such time as the Licensee has paid the ordered fine in full and successfully completed the ordered courses, and a condition is imposed on his licence that he will not be permitted to complete any annual filing while his licence is under suspension; and

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5. A condition is imposed on the Licensee's life and accident and sickness insurance agent licence that requires the Licensee to be supervised for a period of two years by a supervisor, as approved by Council, commencing from when the Licensee has completed the above conditions and the suspension is lifted.

This order takes effect on the **6<sup>th</sup> day of September, 2018.**



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Ken Kukkonen  
Chairperson, Insurance Council of British Columbia

## **INTENDED DECISION**

**of the**

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

**Respecting**

**MARK WAGNER**  
(the “Licensee”)

Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee acted in compliance with the requirements of the Act.

As part of Council’s investigation, on March 19, 2018, a Review Committee (the “Committee”) met with the Licensee via teleconference to discuss allegations that the Licensee improperly completed various client insurance documents.

The Committee was comprised of one voting member and three non-voting members of Council. Prior to the Committee’s meeting with the Licensee, an investigation report was distributed to the Committee and the Licensee for review. A discussion of this report took place at the meeting and the Licensee was provided an opportunity to make further submissions. Having reviewed the investigation materials and after discussing this matter with the Licensee, the Committee prepared a report for Council.

The Committee’s report, along with the aforementioned investigation report, were reviewed by Council at its May 8, 2018 meeting, where it was determined the matter should be disposed of in the manner set out below.

### **PROCESS**

Pursuant to section 237 of the Act, Council must provide written notice to the Licensee of the action it intends to take under sections 231, 236, and 241.1 of the Act before taking any such action. The Licensee may then accept Council’s decision or request a formal hearing. This intended decision operates as written notice of the action Council intends to take against the Licensee.

## **FACTS**

The Licensee has held an unaffiliated life and accident and sickness insurance (“life agent”) licence since January 2010.

Council was notified by an insurer (the “Insurer”) that the Insurer had identified approximately 25 improperly completed insurance forms in the Licensee’s client files, including signed blank forms, altered forms, incomplete forms, forms witnessed prior to client execution and forms with date discrepancies. Council noted that the improperly completed documents included instances in which the Licensee had witnessed a client signature that was not original and had added information to forms after the client had signed.

The Licensee stated that he had no specific recollection of the identified documents. He acknowledged that the administrative aspect of the business was not his strength. The Licensee stated that he felt many of the issues identified by the Insurer stemmed from the high turnover rate with his assistants. The Licensee believed that this contributed to the improperly completed insurance forms. The Licensee submitted that the document alterations would have been done to convenience clients, rather than for any improper personal benefit. The Insurer did not identify any client harm as a result of the concerns identified in the client documents.

## **ANALYSIS**

Council determined that the Licensee’s improper completion of numerous insurance documents brought into question his competence. Council was particularly concerned that the Licensee had altered or added to insurance forms after the client had signed, and had purported to witness documents that did not contain an original client signature.

Council accepted that the Licensee appeared to be focused on assisting his clients and not personal benefit; however, Council concluded that an insurance agent with the Licensee’s years of experience should know how to properly complete insurance documents.

Council determined that the Licensee would benefit from remedial education, and a period of supervision to address the competency issues identified. Council also determined that a fine of \$2,500.00 was appropriate in the circumstance.

## **INTENDED DECISION**

Pursuant to sections 231, 236, and 241.1 of the Act, Council made an intended decision to:

1. Impose a condition on the Licensee's life and accident and sickness insurance agent licence that requires the Licensee to successfully complete the Council Rules Course within 90 days of the date of this order;
2. Impose a condition on the Licensee's life and accident and sickness insurance agent licence that requires the Licensee to successfully complete the course Making Choices: Ethics and Responsibility and Practice (Modules I and II) available through Advocis within 90 days of the date of this order;
3. Fine the Licensee \$2,500.00, to be paid within 90 days of the date of this order;
4. Suspend the Licensee's life and accident and sickness insurance agent licence until such time as the Licensee has completed the Council Rules Course, the ethics course, and paid the above-noted fine;
5. Impose a condition on the Licensee's life and accident and sickness insurance agent licence that requires the Licensee to be supervised for a period of two years by a supervisor as approved by Council, commencing from when the Licensee has completed the above conditions and the suspension is lifted.

The Licensee is advised that should the intended decision become final, the Licensee will not be permitted to complete any annual filing while his licence is under suspension.

## **RIGHT TO A HEARING**

If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case at a hearing before Council. Pursuant to section 237(3) of the Act, to require Council to hold a hearing, the Licensee must give notice to Council by delivering to its office written notice of this intention **within fourteen (14) days of receiving this intended decision**. A hearing will then be scheduled for a date within a reasonable period of time from receipt of the notice. Please direct written notice to the attention of the Executive Director.

If the Licensee does not request a hearing **within fourteen (14) days of receiving this intended decision**, the intended decision of Council will take effect.

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Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the Financial Institutions Commission still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The Financial Institutions Commission has 30 days to file a Notice of Appeal, once Council's decision takes effect. For more information respecting appeals to the FST, please visit their website at [fst.gov.bc.ca](http://fst.gov.bc.ca) or contact them directly at:

Financial Services Tribunal  
PO Box 9425 Stn Prov Govt  
Victoria, British Columbia  
V8W 9V1

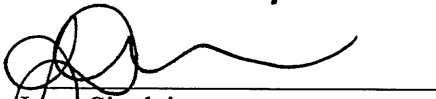
Reception: 250-387-3464

Fax: 250-356-9923

Email: [FinancialServicesTribunal@gov.bc.ca](mailto:FinancialServicesTribunal@gov.bc.ca)

Dated in Vancouver, British Columbia, on the **27<sup>th</sup> day of July, 2018.**

For the Insurance Council of British Columbia



Janet Sinclair  
Executive Director

604-695-2001

[jsinclair@insurancecouncilofbc.com](mailto:jsinclair@insurancecouncilofbc.com)

JS/TH/lh