

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

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

and

ALI MATINFAR
(the “Licensee”)

ORDER

As Council made an intended decision on March 13, 2018, pursuant to sections 231, 236, and 241.1 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 May 15, 2018; and

As the Licensee, in accordance with section 237 of the Act, requested a hearing of Council’s intended decision, but no longer wishes to proceed with the hearing;

Under authority of sections 231, 236, and 241.1 of the Act, Council orders that:

1. the Licensee’s general insurance licence is suspended for a period of one year commencing March 1, 2019 and ending at midnight on February 29, 2020;
2. the Licensee is assessed Council’s investigative costs of \$562.50, payable on or before February 29, 2020; and
3. a condition is imposed on the Licensee’s general insurance licence that failure to pay the investigative costs as stipulated will result in the automatic continuation of his licence suspension and the Licensee will not be permitted to complete his 2020 annual filing until the investigative costs are paid in full.

This order takes effect on the **1st day of March, 2019.**



Ken Kukkonen
Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

ALI MATINFAR
(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, the Licensee was provided the opportunity to respond to the allegation that he had cheated on his Canadian Accredited Insurance Broker (“CAIB”) exam by accessing his study notes through a web browser while writing the exam online.

An investigation report was distributed to Council for review at its meeting on March 13, 2018, 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 been licensed with Council as a Level 1 general insurance salesperson (“Salesperson”) since July 2014.

The Licensee has held an authority to represent an agency (the “Agency”) since July 2014. At the material time in this matter, he was working towards obtaining his Level 2 general insurance agent (“Level 2 agent”) licence.

The Licensee wrote his CAIB 3 exam on June 9, 2017. The CAIB 3 exam is offered by the Insurance Brokers Association of British Columbia (“IBABC”), the exam is proctored, and is written online. Its successful completion can be a step toward qualifying to hold a Level 2 agent licence with Council.

Prior to writing the CAIB 3 exam, the Licensee signed a form acknowledging the exam’s policy and procedures, which was provided to him by the IBABC exam administrator, and included the following clause:

Section D. Academic Dishonesty, which states cheating will result in an automatic mark of zero, one year prohibition of writing the exam and forfeiture of the exam fee.

More than halfway through taking the CAIB 3 exam, the Licensee was observed by an exam proctor to have his email and study notes open on a web browser. The proctor sent an online note to the Licensee, which appeared on his computer screen, to advise him that no other browsers can be open while taking the exam.

To remove the proctor’s note from his computer screen, the Licensee was required to click an “OK” prompt on the screen. The proctor stated the Licensee closed the browser where his study notes had been available only after she sent a second online note to him to exit the browser.

On June 13, 2017, the IBABC exam administrator issued the Licensee a letter advising of his exam disqualification. The letter noted that the Licensee was warned twice by the proctor to not have any browsers open while writing the CAIB 3 exam.

The Licensee submitted a letter to Council acknowledging he made a mistake. The Licensee stated he would never do it again.

ANALYSIS

The Licensee does not dispute that he cheated on the CAIB 3 exam.

Council views any kind of academic dishonesty to be serious particularly where it is carried out in order to help an individual potentially qualify to hold or to upgrade an insurance licence, as is the case in this instance with the Licensee. Such behaviour, in Council’s opinion, must not be tolerated as any other stance could bring into disrepute the qualification process to hold an insurance licence.

Council considered a number of cases where licensees have been found to have cheated or facilitated cheating on exams that can be used as part of the licence qualification process.

Council considered three previous cases in determining penalty. In the first case a licensee was suspended for one year and required to re-complete the education required to hold her insurance licence after being found to have cheated on a CAIB 2 exam. In the second case a licensee was suspended for four months, required to complete a course in ethics, and barred from writing a CAIB exam for a one year period after she and her sister were found to have copied each others' answers on a CAIB 2 exam. In the third case, a licensee was deemed to be unsuitable to hold an insurance licence for a period of two years after he was found to have engaged in activity that had the potential to compromise national life licensing qualification exams and to have attempted to mislead Council in the matter. All licensees were assessed investigative costs.

While the Licensee's situation is not factually identical to the cited cases, the common theme is that each licensee cheated or helped others to cheat on a licence qualification exam. What distinguishes the Licensee's case from these other situations is that the Licensee was not deceptive when confronted about his behaviour.

Council determined that since it continues to identify instances of qualification exam cheating, it is necessary to impose a significant suspension in this matter for both specific and general deterrence purposes.

INTENDED DECISION

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

1. Suspend the Licensee's general insurance licence for a period of one year; and
2. Assess the Licensee Council's investigative costs of \$562.50.

The Licensee is advised that should the intended decision become final, the investigative costs will be due and payable before the suspension of his general insurance licence can be lifted and he will not be permitted to complete his 2019 annual filing if the investigative costs remain unpaid.

The Licensee's suspension will be effective as of the date of the order.

Subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act, the intended decision will take effect after the expiry of the hearing period.

Intended Decision
Ali Matinfar
LIC-196512C143458R1 / COM-2017-00271
May 15, 2018
Page 4 of 4

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 thby 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.

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 or contact them directly at:

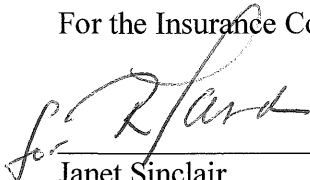
Financial Services Tribunal
PO Box 9425 Stn Prov Govt
Victoria, British Columbia
V8W 9V1

Reception: 250-387-3464
Fax: 250-356-9923

Email: FinancialServicesTribunal@gov.bc.ca

Dated in Vancouver, British Columbia, on the **15th day of May, 2018**.

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director
604-695-2001
jsinclair@insurancecouncilofbc.com

JS/lh