

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

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

**and**  
**TONI MARIE BOCKUS**  
(the “Licensee”)

**ORDER**

As Council made an intended decision on October 1, 2019, 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 November 18, 2019; and

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

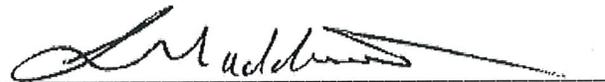
Under authority of sections 231, 236 and 241.1 of the Act, Council orders that:

1. the Licensee’s general insurance licence is suspended for a nine month period, beginning on December 12, 2019 and ending on September 12, 2020;
2. the Licensee is required to complete the Council Rules Course by March 11, 2020;
3. the Licensee is required to complete an ethics course as approved by Council by March 11, 2020;
4. the Licensee is assessed Council’s investigative costs of \$562.50, due and payable by March 11, 2020; and
5. a condition is imposed on the Licensee’s general insurance licence that if the required courses are not completed or if the investigative costs remain

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outstanding by March 11, 2020, the Licensee will not be permitted to complete any annual filings until such time as the courses are completed and the costs are paid in full, and if the required courses and investigative costs are still outstanding once the licence suspension period is served, the Licensee's licence will remain suspended until such time as the courses are completed and the costs are paid in full.

This order takes effect on the **12<sup>th</sup> day of December, 2019.**

A handwritten signature in black ink, appearing to read 'L. Maddison', is written over a horizontal line.

Lesley Maddison  
Chairperson, Insurance Council of British Columbia

## **INTENDED DECISION**

**of the**

**INSURANCE COUNCIL OF BRITISH COLUMBIA**

(“Council”)

**respecting**

**TONI MARIE BOCKUS**

(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, Council Rules, and Code of Conduct, and particularly to determine whether the Licensee acted contrary to her duties of trustworthiness as set out in section 3 of the Code of Conduct.

As part of Council’s investigation, the Licensee was provided the opportunity to respond to the allegation that she had cheated on a Canadian Accredited Insurance Broker (“CAIB”) exam by using the internet to look up answers as she wrote the exam. An investigation report, prepared by Council staff, was sent to the Licensee for her review.

The aforementioned investigation report, along with submissions provided by the Licensee and her manager, were reviewed and discussed by Council at its October 1, 2019 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 was first licensed with Council as a Level 1 general insurance salesperson (“Level 1 Salesperson”) in February 2007, and was upgraded to a Level 2 general insurance agent (“Level 2 Agent”) in January 2018. The Licensee has had authority to represent the agency she currently works for (the “Agency”) since April 2014.

On May 14, 2019, the Licensee wrote a CAIB 4 exam offered by the Insurance Brokers Association of British Columbia (the "IBABC"). Successful completion of the CAIB 4 exam is necessary in order for a licensee to qualify to hold a Level 3 general insurance agent ("Level 3 Agent") licence with Council.

The Licensee wrote the exam at a test centre, on a computer provided by the test centre. The CAIB 4 exam is administered in a closed-book style, meaning that exam writers are prohibited from bringing reference materials to the exam or otherwise accessing reference materials during the exam.

Towards the end of the Licensee's exam, a proctor noticed that the Licensee had a website open on her computer screen. The proctor confronted the Licensee, and the Licensee admitted to accessing the internet. The proctor then ended the Licensee's exam, informing her that the IBABC would be notified about the incident. The IBABC subsequently gave the Licensee a mark of zero on the exam, barred her from writing any exam for a one-year period, and reported the incident to Council.

The Licensee was immediately forthcoming to Council about the incident, providing a written statement in which she expressed remorse about cheating, and explained that the stress of the exam had led her to react with uncharacteristically poor judgement. The Licensee's manager also submitted a written statement concerning the incident, in which he vouched for the Licensee's character and stated that the Agency would be subjecting the Licensee to internal remedial measures.

## **Analysis**

Council considers academic dishonesty to be a serious matter, particularly when it is carried out in order to obtain or upgrade an insurance licence. Such behaviour, in Council's opinion, must not be tolerated, as any other stance could bring the qualification process to hold an insurance licence into disrepute. Accordingly, Council determined that the Licensee's actions were contrary to the principle of trustworthiness as established by section 3 of the Code of Conduct, and warranted discipline.

Council was of the opinion, however, based on written submissions provided by the Licensee, that the Licensee was genuinely remorseful about cheating on her exam. Council accepted the Licensee's submission that the incident of academic dishonesty was not premeditated, but was instead the result of uncharacteristically poor judgement brought about by the stress of the exam.

In determining a disposition in this matter, three previous cases were taken into consideration.

*Ali Matinfar* (March 2018) concerned a Level 1 Salesperson licensee who cheated on a CAIB 3 exam by accessing his email and study notes through a web browser. A proctor, noticing that the licensee was accessing these materials, sent two online notifications to the licensee, which appeared on his computer screen and advised him that no other browsers can be open during the exam. The licensee closed his study notes only after receiving the second notification from the proctor. The licensee's licence was suspended for one year, and he was ordered to pay investigative costs.

*Mahnoosh Ebtia* (March 2018) concerned a Level 1 Salesperson and life and accident and sickness insurance agent ("Life Agent") licensee who cheated on a CAIB 3 exam by accessing her email and study notes through a web browser. A proctor, noticing that the licensee was accessing these materials, sent two online notifications to the licensee, which appeared on her computer screen and advised her that no other browsers can be open during the exam. The licensee had both her Level 1 Salesperson and Life Agent licencessuspended for one year, and she was ordered to pay investigative costs.

*Timothy Tin Yat Li* (September 2018) concerned a Level 1 Salesperson licensee who cheated on a CAIB 3 exam by opening PDF files containing exam notes and using the internet to look up answers. The licensee received warnings from a proctor, but continued to cheat. The licensee's licence was suspended for one year, he was ordered to pay investigative costs, and he was required to complete an ethics course.

In the present matter, Council considered the fact that the Licensee is a Level 2 Agent striving to become a Level 3 Agent to be an aggravating factor that is not present in the precedents. Council found it concerning that someone seeking designation as a Level 3 Agent, which would qualify them for a supervisory position, would react to a stressful situation in a dishonest manner.

Council also took into consideration the Licensee's remorsefulness, as well as the behaviour the Licensee exhibited following the cheating incident. The Licensee called Council shortly after the incident in order to provide notice as to what occurred, and she also promptly notified her manager. Council considered this to be responsible behaviour which was viewed as a mitigating factor. Further, it was noted by Council that the Licensee's cheating was somewhat less brazen than in the precedent cases, in which the licensees had continued to cheat despite receiving warnings from their proctors.

## **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 nine months from the date of Council's order;
2. Require the Licensee to complete the Council Rules Course within 90 days of Council's order;
3. Require the Licensee to complete an ethics course as approved by Council within 90 days of Council's order; and
4. Assess the Licensee Council's investigative costs of \$562.50, due and payable within 90 days of Council's order.

The Licensee is advised that if the required courses are not completed within 90 days and if the investigative costs remain outstanding after 90 days, the Licensee will not be permitted to complete any annual filings until such time as the courses are completed and the costs are paid in full. If the required courses and the investigative costs are still outstanding once the licence suspension period is served, the Licensee's licence will remain suspended until such time as the courses are completed and the costs are paid in full.

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.

## **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.

Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the BC Financial Services Authority still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The BC Financial Services Authority 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:

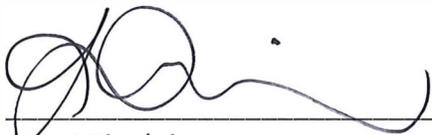
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Financial Services Tribunal  
PO Box 9425 Stn Prov Govt  
Victoria, British Columbia  
V8W 9V1

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 **18<sup>th</sup> day of November, 2019.**

For the Insurance Council of British Columbia

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Janet Sinclair  
Executive Director  
604-695-2001  
[jsinclair@insurancecouncilofbc.com](mailto:jsinclair@insurancecouncilofbc.com)