

In the Matter of the

FINANCIAL INSTITUTIONS ACT, RSBC 1996, c.141

(the “Act”)

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

and

BRADLEY KENNETH HAROLD VAN ALTENA

(the “Former Licensee”)

ORDER

As Council made an intended decision on April 30, 2024, pursuant to sections 231, 236, and 241.1 of the Act; and

As Council, in accordance with section 237 of the Act, provided the Former Licensee with written reasons and notice of the intended decision dated May 13, 2024; and

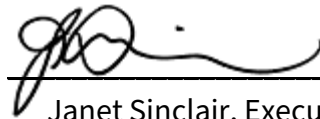
As the Former Licensee has not requested a hearing of Council’s intended decision within the time period provided by the Act;

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

- a. Council will not consider an application for any insurance licence from the Former Licensee for a period of one year, commencing on the date of Council’s order and ending at midnight on June 5, 2025;
- b. The Former Licensee be required to complete the following courses, or equivalent courses as acceptable to Council:
 - i. the Council Rules Course for General Insurance Agents, Salespersons and Adjusters course available through Council; and

- ii. an ethics course;
- c. The Former Licensee is assessed Council's investigation costs in the amount of \$2,562.50, to be paid by September 4, 2024; and
- d. Any future licensing applications by the Former Licensee to Council will not be considered until such time as the Former Licensee has complied with the conditions listed herein.

This order takes effect on the **6th day of June 2024.**



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

respecting

BRADLEY KENNETH HAROLD VAN ALTENA

(the “Former Licensee”)

1. Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Former Licensee acted in compliance with the requirements of the Act, Council Rules, and Code of Conduct, and in particular to determine whether the Former Licensee breached section 3 (“Trustworthiness”) of the Code of Conduct relating to an allegation that the Former Licensee cheated on the Canadian Accredited Insurance Broker 2 (“CAIB 2”) examination.
2. On March 6, 2024, as part of Council’s investigation, a Review Committee (the “Committee”) comprised of Council members met via video conference to discuss the investigation. An investigation report prepared by Council staff was distributed to the Committee and the Former Licensee prior to the meeting. The Former Licensee was invited to the meeting, but he declined to attend and did not provide further submissions. A discussion of the investigation report took place at the meeting. Having reviewed the investigation materials and after discussing the matter, the Committee prepared a report for Council.
3. The Committee’s report, along with the aforementioned investigation report, were reviewed by Council at its April 30, 2024, meeting, where it was determined the matter should be disposed of in the manner set out below.

PROCESS

4. Pursuant to section 237 of the Act, Council must provide written notice to the Former Licensee of the action it intends to take under sections 231, 236 and 241.1 of the Act before taking any such action. The Former 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 Former Licensee.

FACTS

5. The Former Licensee became licensed with the Insurance Council as a Level 1 general insurance salesperson (“Level 1 Salesperson”) on November 18, 2020. The Former Licensee held the authority to represent (“ATR”) an agency (the “Agency”) until January 26, 2022, when the Agency terminated the Former Licensee’s employment.

6. On March 4, 2021, the Former Licensee completed the CAIB 2 examination.
7. On January 24, 2022, KB, a VP of Operations for the Agency, attended an Agency's branch, for the resignation of that Branch Manager, JB, whom the Former Licensee knew. During the employment departure, JB surrendered their corporate cellular phone and laptop. As KB went through JB's cell phone, KB discovered screenshots of text messages relating to examination content dated March 4, 2021.
8. JB and the Former Licensee were both employed by the Agency at the time the Former Licensee was taking his CAIB 2 examination, however, they worked at different locations.
9. On January 26, 2022, the Agency completed an investigation and the Former Licensee confirmed that he cheated during the CAIB 2 examination on March 4, 2021. In a meeting with the Former Licensee, KB questioned the Former Licensee about cell phone text messages with JB which showed evidence of answers being provided during the Former Licensee's CAIB 2 exam on March 4, 2021. The Former Licensee admitted, "*that it did in fact happen and he regretted doing it*". As a result, the Agency terminated his employment on January 26, 2022.
10. On January 27, 2022, KB notified the nominee of the Agency that the Former Licensee had cheated on his CAIB 2 examination. The nominee notified Council on January 27, 2022, that the Former Licensee was found cheating on his CAIB 2 examination. Four screenshots were provided in the email to Council demonstrating that exam answers were provided via text message.
11. On March 1, 2022, the Former Licensee informed Council's investigator that he submitted CAIB 2 written questions by way of text messaging to JB during the exam, stating he "*couldn't understand*" the exam content and chose to seek help from JB. The Former Licensee stated he accepts full responsibility and regrets his decision. The Former Licensee stated that JB was unaware he was in an exam.
12. JB stated they were unaware that those text messages occurred while the Former Licensee was writing the CAIB 2 examination. JB stated they did not know the exact time or date that the Former Licensee was taking the CAIB 2 examination. JB further advised that the Former Licensee was self-studying for the exams and that they were communicating back and forth "*for several weeks or a month prior*" about exam content. JB shared that the Former Licensee would send screenshots of test exams similar to what occurred on March 4, 2021.
13. The Former Licensee confirmed that he read the CAIB 2 exam rules and understood them. The Former Licensee admitted to having a cellular phone in the exam on the date of the exam. The Former Licensee admitted to being aware he should not have had the cellular phone in the exam. The Former Licensee stated he texted JB for examination information as he got "*nervous on questions*" during the exam.

ANALYSIS

14. Council determined, based on the information contained in the investigation report, that the Former Licensee cheated on the CAIB 2 exam. Council notes that qualifying exams play an important role in ensuring that all licensees possess a basic level of competency and knowledge in order to effectively, properly, and ethically engage in insurance transactions and serve the public.
15. The act of cheating and the Former Licensee's actions are contrary to the principle that licensees are trustworthy and are expected to conduct all professional activities with integrity and reliability.
16. Council has concluded that a licensee who has engaged in cheating while obtaining licensee qualifications has engaged in conduct that is not consistent with the standards that a licensee is expected to uphold, and that such conduct raises concerns about the Former Licensee's competency and whether they possess the minimum competency required to hold a licence.
17. Council considered the impact of Council Rule 7(8) and Council's Code of Conduct guidelines on the Former Licensee's conduct, particularly section 3 ("Trustworthiness"). Council concluded that the Former Licensee's conduct amounted to breaches of the above Rules and Code of Conduct sections and the professional standards set by the Code.

PRECEDENTS

18. Council took into consideration the following precedent cases regarding exam cheating. While Council is not bound by precedent and each matter is decided on its own facts and merits, Council found that these decisions were instructive in providing a range of sanctions for similar types of misconduct.
19. [Toni Marie Bockus](#) (December 2019) concerned a Level 2 general insurance agent who cheated on a CAIB 4 exam in order for the licensee to qualify and obtain a Level 3 general insurance agent licence. During the exam, the 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 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 judgment. Council considered the fact that the licensee was a Level 2 Agent striving to become a Level 3 Agent to be an aggravating factor. Council also took into consideration the licensee's remorsefulness, as well as the behaviour the licensee exhibited following the cheating incident. The licensee's general insurance licence was suspended for nine months, and the licensee was required to complete the Council Rules Course and an ethics course, and she was ordered to pay investigation costs.
20. [Ali Matinfar](#) (March 2019) 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 could 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.

21. [*Mahnoosh Ebtia*](#) (June 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 could be open during the exam. The licensee had both her Level 1 Salesperson and Life Agent licences suspended for one year and was ordered to pay investigative costs.
22. [*Timothy Tin Yat Li*](#) (October 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 ignored the warning to stop. The licensee's licence was suspended for one year, was ordered to pay investigative costs and was required to complete an ethics course.

MITIGATING AND AGGRAVATING FACTORS

23. Council considered relevant mitigating and aggravating factors in this matter. The primary mitigating factor was that the Former Licensee acknowledged the misconduct and cooperated throughout the investigation. Council noted that although there was no proof of actual harm to the clients, there was a potential risk of harm to the clients as the Former Licensee may not have possessed the knowledge required of a licensee who had honestly passed the CAIB 2 exam.

CONCLUSIONS

24. After weighing all of the relevant considerations, Council views the Former Licensee in breach of Council's Rules and the Code of Conduct and, after considering the Matinfar, Ebtia and Li decisions precedents, determined that it is appropriate for Council not to consider any insurance licence application from the Former Licensee for one year.
25. With respect to investigation costs, Council has concluded that these costs should be assessed to the Former Licensee. As a self-funded regulatory body, Council looks to licensees who have engaged in misconduct to bear the costs of their discipline proceedings, so that those costs are not otherwise borne by British Columbia's licensees in general. Council has not identified any reason for not applying this principle in the circumstances.

INTENDED DECISION

26. Pursuant to sections 231, 236 and 241.1(1) of the Act, Council made an intended decision that:
- a. Council will not consider an application for any insurance licence from the Former Licensee for a period of one year, commencing on the date of Council's order;
 - b. The Former Licensee be required to complete the following courses, or equivalent courses as acceptable to Council:
 - i. the Council Rules Course for General Insurance Agents, Salespersons and Adjusters course available through Council; and
 - ii. an ethics course;
collectively, the "Courses"
 - c. The Former Licensee be assessed Council's investigation costs in the amount of \$2,562.50, to be paid within 90 days of Council's order; and
 - d. Any future licensing applications by the Former Licensee to Council will not be considered until such time as the Former Licensee has complied with the conditions listed herein.
27. Subject to the Former 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.

ADDITIONAL INFORMATION REGARDING FINES/COSTS

28. Council may take action or seek legal remedies against the Former Licensee to collect outstanding fines and/or costs, should these not be paid by the 90-day deadline.

RIGHT TO A HEARING

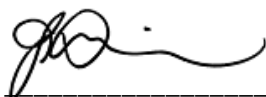
29. If the Former Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case in a hearing before Council. **Pursuant to section 237(3) of the Act, to require Council to hold a hearing, the Former Licensee must give notice to Council 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 Former Licensee does not request a hearing within 14 days of receiving this intended decision, the intended decision of Council will take effect.
30. Even if this decision is accepted by the Former Licensee, pursuant to section 242(3) of the Act, the British Columbia Financial Services Authority ("BCFSA") still has a right of appeal to the Financial

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Services Tribunal (“FST”). The BCFSa has thirty (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 www.bcfst.ca or visit the guide to appeals published on their website at <https://www.bcfst.ca/app/uploads/sites/832/2021/06/guidelines.pdf>.

Dated in Vancouver, British Columbia, on the **13th day of May, 2024.**

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director