

In the Matter of the

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

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
 (“Council”)

and

JIANG PING (TRACY) TAN
(the “Licensee”)

ORDER

As Council made an intended decision on July 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 Licensee with written reasons and notice of the intended decision dated September 10, 2024; 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 is fined \$2,500, to be paid by January 27, 2025;
2. The Licensee is required to complete the following courses, available through Council, by January 27, 2025:
 - i. Insurance Council Rules Course for Life and/or Accident & Sickness Insurance Agents; and
 - ii. Continuing Education Requirements & Guidelines Course(collectively, the “Courses”);
3. The Licensee is assessed Council’s investigation costs of \$625, to be paid by January 27, 2025;
4. A condition is imposed on the Licensee’s life and accident and sickness insurance agent licence that failure to complete the Courses and to pay the fine and investigation costs in

Order

Jiang Ping (Tracy) Tan

LIC-2022-0033375-R01, COM-2022-00704

October 29, 2024

Page 2 of 2

full by their deadlines will result in the automatic suspension of the Licensee's licence, and the Licensee will not be permitted to complete the Licensee's 2026 annual licence renewal until such time as the Licensee has complied with the conditions listed herein.

This order takes effect on the **29th day of October 2024**.



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

JIANG PING (TRACY) TAN
(the “Licensee”)

1. Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee had acted in compliance with the requirements of the Act, Council Rules and Code of Conduct.
2. An investigation report prepared by Council staff (the “Investigation Report”) indicated the Licensee failed to complete the required continuing education (“CE”) credits for the 2021/2022 and 2022/2023 licence periods (the “Licence Periods”). The Licensee was also alleged to have made false declarations on her annual licence renewal about having completed the required CE.
3. On June 12, 2024, as part of Council’s investigation, a Review Committee (the “Committee”) comprised of Council members met with the Licensee via videoconference to discuss the investigation. The Investigation Report was distributed to the Committee and the Licensee before the meeting. A discussion of the Investigation Report took place at the meeting, and the Licensee was given an opportunity to make submissions and provide further information.
4. Having reviewed the investigation materials, the Committee prepared a report for Council. The Committee’s report, along with the Investigation Report, were reviewed by Council at its July 30, 2024, meeting, where it was determined the matter should be disposed of in the manner set out below.

PROCESS

5. 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

6. The Licensee has been licensed with Council as a life and accident and sickness insurance agent (“Life Agent”) since January 13, 2022. She currently holds an authority to represent (“ATR”) an insurance agency and is under the supervision of another licensee.
7. On October 14, 2022, Council audited the Licensee, following which she was asked to provide CE records and proof of errors and omissions insurance (“E&O”) coverage for the 2021/2022 licence period.
8. In response, the Licensee provided CE certificates demonstrating that she had completed a total of eight credits. However, Council staff later determined the CE courses did not meet the technical requirements and accordingly did not count towards the Licensee’s CE requirements.
9. On February 28, 2023, the Licensee provided a further 14 CE credit certificates, completed between November 15 and 18, 2022. On May 2, 2023, the Licensee provided a certificate for one further CE credit. On June 18, 2023, the Licensee provided a further 16 CE credit certificates, completed between May 31 and June 4, 2023.
10. However, many of the CE certificates provided were duplicates. After reviewing the CE certificates provided, Council staff determined the Licensee had successfully completed all of the CE required for the 2021/2022 licence period and was short one CE credit for the 2022/2023 licence period.
11. Despite having not completed the required CE during either of the Licence Periods, the Licensee had inaccurately declared that she met the CE requirements on each of her annual renewal submissions.
12. During the Committee meeting, the Licensee explained that she had indicated she completed her CE credits for the 2021/2022 licence period on the mistaken belief that she was entitled to make the credits up the following year.
13. However, through further discussion, the Licensee acknowledged that when she made her 2022/2023 annual renewal declaration, she knew that she should not have declared that she had completed her CE requirements when she had not done so.
14. During the Committee meeting, the Licensee provided additional CE certificates indicating that she had completed 16.5 CE credits between May 20 and 24, 2024. Accordingly, the Licensee has completed all of the outstanding CE credits.
15. Additionally, the Licensee advised that she is now tracking her CE credits on an ongoing basis using a global licensing system.

ANALYSIS

16. Council determined that the Licensee failed to obtain the required CE credits for the 2021/2022 and 2022/2023 licence periods in breach of Council Rules 7(5) and 7(8) and Code of Conduct sections 5 and 13. Council further determined that the Licensee provided a false statement on each of her 2021/2022 and 2022/2023 annual renewal declarations about having completed CE, in breach of Council Rule 7(8) and Code of Conduct section 12.
17. Before making its determination, Council took several of its past decisions regarding insufficient CE into consideration as precedents. The following precedent summaries represent some of the most instructive of those past decisions.
18. [Keley Low](#) (February 2024): While licensed, a former licensee failed to maintain required CE for three consecutive licence periods. Subsequent to Council's investigation, the former licensee made up some of the deficit CE credits. The former licensee was fined \$3,000, representing \$1,000 for each licence period in which she failed to obtain required CE credits; required to complete the Council Rules Course; and required to pay investigation costs, all of which were required to be completed before the former licensee would be licensed by Council in the future.
19. [Ma-Isabel Perez Javillo](#) (October 2014): A Life Agent licensee's E&O insurance expired in June 2013. She received notice of the expiration but subsequently submitted her annual filing to Council, confirming that she was in compliance with all of the Council Rules. The licensee was fined \$2,800 for her failure to maintain E&O coverage, and an additional \$500 for making a material misstatement in her annual filing.
20. After reviewing the precedents, Council determined that the approach it has adopted in the past for disciplining licensees who have breached Council Rules pertaining to CE requirements is to assess a baseline fine of \$1,000 for each breach and to require the licensee to complete the Council Rules Course. In some cases, mitigating factors are identified that support a lowering of the fine. The precedents also support imposing a fine for willfully making material misstatements in an annual renewal declaration.
21. Council found the Licensee's efforts in completing the outstanding CE credits, co-operating with Council's investigation and taking proactive steps to monitor her CE credits in the future to be mitigating.
22. Council found several aggravating factors. In particular, Council found the Licensee had engaged in identical breaches for the two Licence Periods. Council also found the Licensee had failed to acknowledge the seriousness of the misconduct. Council found the Licensee's breaches produced a risk of harm to the public, especially with respect to her false statements to Council. In particular, Council determined that the Licensee's renewal declaration in 2022/2023 was knowingly false, in that the Licensee was aware by that time that she could not make up any CE in subsequent years while still complying with the CE requirements.

23. On balance, Council found that neither the mitigating or aggravating factors warranted a departure from the baseline established by precedent.

CONCLUSIONS

24. Council determined a fine of \$2,500 was appropriate, representing \$1,000 for each of the 2021/2022 and 2022/2023 licence periods the Licensee failed to complete the required CE, totalling \$2,000, and \$500 for making a material misstatement to Council on her 2022/2023 annual renewal. Council opted not to fine the Licensee for the misstatement made on her 2021/2022 annual renewal and accepted that the Licensee had a sincerely mistaken belief that she could make up missing CE credits the following year.
25. Council also determined that the Licensee would benefit from completing the Council Rules Course and the Continuing Education Guidelines and Requirements Course to better familiarize herself with the obligations that accompany licensure.
26. With respect to investigation costs, Council believes that these costs should be assessed to the 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. The Committee has not identified any reason for not applying this principle in the circumstances.

INTENDED DECISION

27. Pursuant to sections 231, 236 and 241.1 of the Act, Council made the following intended decision:
- a. That the Licensee be fined \$2,500, to be paid within 90 days of Council's order;
 - b. That the Licensee be required to complete the following courses, available through the Insurance Council, within 90 days of Council's order:
 - i. Insurance Council Rules Course for Life and/or Accident & Sickness Insurance Agents;
and
 - ii. Continuing Education Requirements & Guidelines Course

(collectively, the "Courses");
 - c. That the Licensee be assessed Council's investigation costs of \$625, to be paid within 90 days of Council's order;
 - d. That a condition be imposed on the Licensee's life and accident and sickness insurance agent licence that failure to complete the Courses and to pay the fine and investigation costs in full

by their deadlines will result in the automatic suspension of the Licensee's licence, and the Licensee will not be permitted to complete the Licensee's 2026 annual licence renewal until such time as the Licensee has complied with the conditions listed herein.

28. 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.

ADDITIONAL INFORMATION REGARDING FINES/COSTS

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

RIGHT TO A HEARING

30. If the 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 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 the written notice to the attention of the Executive Director. **If the Licensee does not request a hearing within 14 days of receiving this intended decision, the intended decision of Council will take effect.**
31. Even if this decision is accepted by the 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 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 <https://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 **10th day of September, 2024.**

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director