

In the Matter of the

**FINANCIAL INSTITUTIONS ACT, RSBC 1996, c.141**

(the “Act”)

and the

**INSURANCE COUNCIL OF BRITISH COLUMBIA**

(“Council”)

and

**MANSOUREH NEMATI**

(the “Licensee”)

**ORDER**

As Council made an intended decision on March 11, 2025, 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 March 27, 2025; 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 period of one year, commencing on April 24, 2025, and ending at midnight on April 23, 2026;
- 2) The Licensee is required to complete the following courses, or equivalent courses, as acceptable to Council, by October 21, 2025:
  - i. the Insurance Council Rules Course for General Insurance Agents, Salespersons and Adjusters; and
  - ii. an ethics course(collectively, the “Courses”);
- 3) The Licensee is assessed Council’s investigation costs of \$937.50, to be paid by July 23, 2025; and
- 4) A condition is imposed on the Licensee’s general insurance licence that failure to complete the Courses and to pay the investigation costs in full by their deadlines will result in the

Order  
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continued suspension of the Licensee's licence, and the Licensee will not be permitted to complete the Licensee's 2027 annual licence renewal until such time as the Licensee has complied with the conditions listed herein.

This order takes effect on the **24<sup>th</sup> day of April, 2025.**



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Per Janet Sinclair, Executive Director  
Insurance Council of British Columbia

## **INTENDED DECISION**

of the

### **INSURANCE COUNCIL OF BRITISH COLUMBIA**

("Council")

respecting

### **MANSOUREH NEMATI**

(the "Licensee")

1. Pursuant to section 232 of the *Financial Institutions Act* (the "Act"), Council conducted an investigation to determine whether the Licensee committed academic dishonesty in her Canadian Accredited Insurance Broker ("CAIB") 2 exam and whether the Licensee provided material misstatements to Council during its investigation.
2. On February 4, 2025, 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 Licensee prior to the meeting, and the Licensee was given an opportunity to make submissions and provide further information. The Licensee attended the meeting. A discussion of the investigation report took place at the meeting.
3. Having reviewed the investigation materials and having discussed the matter at the February 4, 2025, meeting, the Committee prepared a report for Council that was reviewed by Council at its March 11, 2025, meeting. Council determined that 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 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**

5. The Licensee has been licensed with Council as a Level 1 general insurance salesperson ("Level 1 Salesperson") since July 13, 2023.

6. The Licensee had an authorization to represent (“ATR”) an insurance agency (the “Agency”) from July 13, 2023, to March 20, 2025. The Licensee’s current licence status is inactive.
7. On July 9, 2024, the Insurance Brokers Association of British Columbia (“IBABC”) submitted a complaint to Council advising that IBABC disqualified the Licensee’s CAIB 2 examination (“exam”) written on July 8, 2024, due to academic dishonesty. The Licensee received a mark of zero for the exam and is not permitted to write any examinations with IBABC for a period of one year from the time of disqualification.
8. IBABC noted that during the exam, the Licensee was reading something below her screen. The Licensee was not looking at the screen, nor was she using the keyboard. IBABC noted that this happened throughout the exam.
9. IBABC also reported that the virtual examination proctor interrupted the Licensee’s exam and asked to see her desk and surrounding area. IBABC noted that the proctor was very thorough and insisted on seeing the chair beside where the Licensee was sitting. The proctor asked for the Licensee to lift the seat cover, and it was clear that the Licensee also lifted a cell phone with the seat cover.
10. IBABC noted that after denying multiple times that she had a cell phone, the Licensee finally admitted that she had a cell phone in the exam room.
11. IBABC’s exam policies and procedures include a rule that all exams are closed book. Access to any materials or aids during an exam is prohibited and will result in an immediate mark of zero.
12. On August 8, 2024, the Licensee was interviewed by Council staff. The Licensee expressed regret and stated that she made a mistake by attempting to use a dictionary during the CAIB 2 exam. She stated that English is her second language, and she was unaware that dictionaries were not allowed. She claimed that she had used the cell phone to translate English into a different language by using an offline dictionary application on her phone.
13. The Licensee stated that she did not show the proctor her cell phone at the start of the exam. She stated that the proctor did not specifically ask about her cell phone. In addition, the Licensee stated that the proctor yelled at her and had a thick accent, making it difficult for her to understand. Although she had received an email detailing the exam rules, she said she did not read it thoroughly as she was at work when it arrived. She acknowledged that the proctor saw her cell phone during the exam and that she had it hidden under fabric.
14. On August 20, 2024, IBABC provided Council with the video of the Licensee’s exam. In the video, the proctor repeatedly reviewed the exam rules and instructions with the Licensee before the start of the exam. The Licensee clicked a button on the exam screen to confirm that she had read and understood the exam instructions, which included the prohibition on using a cell phone during the exam.
15. The Licensee told the Committee that she had made a mistake in misunderstanding that she was not allowed to use the dictionary on her cell phone. The Licensee believed that there was no specific

IBABC exam rule that prohibited her from using a dictionary. The Licensee claimed that this was a one-off mistake and that she would not repeat this in future exams.

16. The Licensee admitted to the Committee that she hid the cell phone underneath the cloth on the chair beside her. She stated that she hid the cell phone because she had a feeling that the proctor would not allow her to use the cell phone. She wanted the phone to be there in case she had to use the dictionary, and the physical presence of the phone gave her confidence during the exam.
17. The Licensee told the Committee that she used the dictionary “one or two times” during the exam and after each time she put the cell phone underneath the cloth. She stated that she had difficulty with the English language and found it challenging to type exam answers in English.

### **ANALYSIS**

18. Council considered the impact of Council’s Code of Conduct (the “Code”) on the Licensee’s conduct, including section 3 (“Trustworthiness”), section 4 (“Good Faith”) and section 12 (“Dealing with the Insurance Council of British Columbia”). Council concluded that the Licensee’s conduct amounted to clear breaches of these three sections of the Code and the professional standards set by the Code. Licensees are required by Council Rule 7(8) to comply with the Code.
19. Council determined, based on the information contained in the investigation report and the Licensee’s evidence at the Committee meeting, that the Licensee committed academic dishonesty 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 general insurance transactions and serve the public.
20. The act of cheating and the Licensee’s actions are contrary to the principle that licensees are trustworthy and are expected to conduct all professional activities with integrity and reliability. Council found that the Licensee’s decision to use the cell phone was a clear contravention of the IBABC exam rule that prohibits the use of aids. Council determined that ignorance is not an excuse in this case, and the Licensee’s decision to use her cell phone reflected adversely on her trustworthiness. For these reasons, Council found that the Licensee breached her duty of good faith to the insurance industry, Council and the public.
21. Council determined that, on a balance of probabilities, the Licensee did not respond honestly to inquiries from Council. Council noted that the Licensee’s explanation regarding the details of her cell phone use changed during the investigation and the Licensee could not provide a logical answer as to why she hid her cell phone underneath a cloth. To that end, Council found the Licensee to not be credible. Council concluded that the Licensee made a calculated and deliberate decision to use the cell phone during the exam. Council also questioned whether the Licensee was genuinely remorseful for her misconduct.

## PRECEDENTS

22. Before making its decision in this matter, Council took into consideration the following precedent cases. 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.
23. [Bradley Kenneth Harold Van Altena](#) (June 2024): concerned a former Level 1 Salesperson who cheated on the CAIB 2 exam by exchanging cell phone text messages with another licensee during the exam. The licensee had provided exam answers via text message to the former licensee. The former licensee admitted to being aware he should not have had the cell phone in the exam and claimed he texted the licensee as he got nervous during the exam. Council considered that the former licensee acknowledged the misconduct and co-operated 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. Council ordered that it would not consider an application for any insurance licence from the former licensee for a period of one year and that the former licensee was required to complete the Council Rules Course and an ethics course. The former licensee was ordered to pay investigation costs.
24. [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 ordered to pay investigation costs.
25. [Ali Matinfar](#) (March 2019): concerned a Level 1 Salesperson 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 investigation costs.
26. [Mahnoosh Ebtia](#) (June 2018): concerned a Level 1 Salesperson and life and accident and sickness insurance agent 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 general and life insurance licences suspended for one year and was ordered to pay investigation costs.

27. [Timothy Tin Yat Li](#) (October 2018): concerned a Level 1 Salesperson 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 warnings to stop. The licensee's licence was suspended for one year, and he was ordered to pay investigation costs and required to complete an ethics course.

#### **MITIGATING AND AGGRAVATING FACTORS**

28. Council found several mitigating factors to be applicable in this case. Council considered that the Licensee received a mark of zero on the exam and was prohibited from writing exams with IBABC for one year. Council believed that the Licensee's misconduct was an isolated incident. In addition, Council acknowledged that language barriers may have affected the Licensee's nervousness and may have increased her anxiety on the exam; however, Council did not find this to be a mitigating factor.
29. As for aggravating factors, Council found the Licensee to be evasive with Council, both during its investigation and at the Committee meeting. Council determined that the Licensee's misconduct demonstrated a clear breach of the IBABC exam rules. Although the Licensee admitted that she had made a mistake on the exam, Council noted that the Licensee repeatedly attempted to justify her actions to claim that it was a misunderstanding. Council also believed that the Licensee's misconduct had inflicted harm to the reputation of the insurance industry.

#### **CONCLUSIONS**

30. After weighing all of the relevant considerations, Council concluded that the Licensee's general insurance licence should be suspended for one year, and that the Licensee be required to complete the Council Rules Course and an ethics course, and be assessed investigation costs.
31. Council has determined that investigation costs should be assessed against the Licensee. As a self-funding regulator, the cost to investigate the misconduct of a licensee or former licensee should not be borne by members of the insurance industry unaffiliated with the investigation. This is particularly true when the evidence is clear that the actions of a licensee or former licensee have amounted to misconduct.

## **INTENDED DECISION**

32. Pursuant to sections 231, 236 and 241.1 of the Act, Council made an intended decision to:
- a. Suspend the Licensee's general insurance licence for a period of one year, commencing on the date of Council's order;
  - b. Require the Licensee to complete the following courses, or equivalent courses as acceptable to Council, within 180 days of Council's order:
    - i. the Council Rules Course for General Insurance Agents, Salespersons and Adjusters; and
    - ii. an ethics course(collectively, the "Courses");
  - c. Assess the Licensee Council's investigation costs of \$937.50, to be paid within 90 days of Council's order; and
  - d. Impose a condition on the Licensee's general insurance licence that failure to complete the Courses and to pay the investigation costs in full by their deadlines will result in the continued suspension of the Licensee's licence, and the Licensee will not be permitted to complete the Licensee's 2027 annual licence renewal until such time as the Licensee has complied with the conditions listed herein.
33. 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 COSTS**

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

## **RIGHT TO A HEARING**

35. 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 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.**

36. 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 **27<sup>th</sup> day of March 2025**.

For the Insurance Council of British Columbia



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Janet Sinclair  
Executive Director