

In the Matter of the

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

and the

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

and

**JUBERT FERNANDEZ**  
(the “Licensee”)

## **ORDER**

As Council made an intended decision on April 29, 2025, pursuant to sections 231 and 236 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 22, 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 and 236 of the Act, Council orders that:

- 1) The Licensee is fined \$1,500, to be paid by September 9, 2025;
- 2) The Licensee is required to complete the following courses, or equivalent courses as acceptable to Council, by September 9, 2025:
  - a. The Council Rules Course for Life and/or Accident & Sickness Insurance Agents; and
  - b. Continuing Education Requirements & Guidelines Course(collectively, the “Courses”)
- 3) The Licensee is required to complete the outstanding 35.25 continuing education credits by September 9, 2025; and

- 4) A condition is imposed on the Licensee's life and accident and sickness insurance agent licence that failure to pay the fine in full and complete the Courses by September 9, 2025 will result in the automatic 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 **11<sup>th</sup> day of June, 2025.**



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Janet Sinclair, Executive Director  
Insurance Council of British Columbia

## **INTENDED DECISION**

of the

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

(“Council”)

respecting

### **JUBERT FERNANDEZ**

(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 regarding allegations that the Licensee failed to meet the continuing education (“CE”) requirements for the 2020/2021, 2021/2022 and 2022/2023 licence periods (“the Licence Periods”).
2. As part of Council’s investigation, the Licensee was provided with an investigation report, and on March 27, 2025, the Licensee acknowledged the breaches contained within the investigation report and accepted responsibility for his conduct. The Licensee agreed that remedial action was necessary as a result of the referenced breaches.
3. The investigation materials and the Licensee’s admission were reviewed by Council at its April 29, 2025, 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 Licensee of the action it intends to take under sections 231 and 236 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 held a life and accident and sickness insurance agent (“Life Agent”) licence since June 19, 2017.
6. On December 6, 2023, Council staff conducted an audit based on the Licensee’s 2022/2023 annual licence renewal declaration. As a part of the audit, Council staff asked the Licensee to provide Continuing Education (“CE”) records for the Licence Periods.

7. The Licensee could not demonstrate that he had obtained a total of 45 required CE credits for the 2019/2020, 2020/2021 and 2021/2022 licence years combined. Over the course of the audit, the Licensee provided evidence of completing only 9.75 credits for the Licence Periods.
8. The Licensee stated that he could not find his CE certificates due to changes in the Outlook platform. The Licensee further stated that in future he would ensure he maintains all CE credits and certificates. Additionally, the Licensee explained that after the pandemic, he had to take on additional work outside of the insurance industry to support his family, and that his insurance business was not his main focus at the time.
9. The Licensee acknowledged the breach and responded to Council inquiries in a timely manner. The Licensee understood and accepted that Council would make a determination on misconduct without requiring additional submissions from the Licensee.

#### **ANALYSIS**

10. Council determined that the Licensee failed to obtain the required CE credits for the Licence Periods and is in breach of Council Rules 7(5) and 7(8), as well as section 5 ("Competence") of the Code of Conduct.

#### **PRECEDENTS**

11. Prior to making its recommendation, 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 terms of providing a range of sanctions for similar types of misconduct.
12. [\*Maria Rhodora Banada Thomas\*](#) (July 2018): involved a life agent whose errors and omissions coverage had lapsed. The licensee advised Council that the lapse was inadvertent and that she had not conducted insurance business during the lapse period. Despite finding the breach of Council Rule 7(11) was unintentional, Council imposed a \$1,000 fine.
13. [\*Levita Bueno Velasco\*](#) (November 2023): involved a licensee who failed to complete continuing education credits for the 2018/2019, 2019/2020 and 2020/2021 licence periods. Although the licensee attempted to complete the outstanding continuing education credits, at the time of the investigation she had only completed 20 of the 45 outstanding credits. Council determined that it was appropriate to fine the licensee \$1,000 for each licence period in which she did not meet the continuing education requirements. The licensee was fined \$3,000, required to take the Council Rules Course and assessed investigation costs.

14. [Xiao Yan \(Ceila\) Xu](#) (May 2024): involved a licensee who failed to complete continuing education credits for the 2019/2020 and 2020/2021 licence periods. The licensee completed all outstanding continuing education credits and showed remorse for her failure to complete the credits. Given the licensee's efforts to self-correct and complete all outstanding continuing education credits, Council ordered that the licensee be assessed a fine of \$500 for each licence period in which she did not meet the continuing education requirements.

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

15. Council considered several mitigating factors in this matter. The Licensee fully accepted and acknowledged the breaches, which Council views as a mitigating factor. Further, the Licensee accepted that remedial action against him is warranted, as he was experiencing some personal matters that affected his ability to complete CE credits during the Licence Periods. The Licensee fully co-operated with Council's investigation by providing prompt replies to Council's inquiries, acknowledging the misconduct and providing fulsome responses in a timely manner. Council did not identify any aggravating factors.

#### **CONCLUSIONS**

16. Given the significant mitigating factors, Council concluded that a lower penalty is warranted when assessing an appropriate fine for failing to complete the required CE credits in a licensing year. Council determined that this matter had several mitigating factors and no aggravating factors, and that similar to the [Xu](#) precedent, a fine lower than the \$1,000 threshold is justified in these circumstances. Council concluded that a fine of \$1,500 is appropriate, representing \$500 for each licence year in which the Licensee had a CE shortfall.
17. 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 notes that in this particular instance, the Licensee's full co-operation and assistance in expediting the investigation process are important factors to consider when determining if costs should be assessed. In these circumstances, Council has determined that no costs be assessed against the Licensee.

#### **INTENDED DECISION**

18. Pursuant to sections 231 and 236 of the Act, Council made the following intended decision to:
  - a. Fine the Licensee \$1,500, to be paid within 90 days of Council's order;
  - b. Require the Licensee to complete the following courses, or equivalent courses as acceptable to Council, within 90 days of Council's order:

i. The Council Rules Course for Life and/or Accident & Sickness Insurance Agents; and

ii. Continuing Education Requirements & Guidelines Course

(Collectively, the “Courses”)

c. Require the Licensee to complete the outstanding 35.25 continuing education credits within 90 days of Council's order; and

d. Impose a condition on the Licensee's life and accident and sickness insurance agent licence that failure to pay the fine in full and complete the Courses and continuing education credits within 90 days of Council's order will result in the automatic 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.

19. 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**

20. 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.

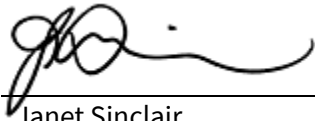
#### **RIGHT TO A HEARING**

21. 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.**

22. 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 [www.bcfst.ca/app/uploads/sites/832/2021/06/guidelines.pdf](https://www.bcfst.ca/app/uploads/sites/832/2021/06/guidelines.pdf).

Dated in Vancouver, British Columbia, on the **22<sup>nd</sup> day of May, 2025.**

For the Insurance Council of British Columbia

A handwritten signature in black ink, appearing to read 'Janet Sinclair', written over a horizontal line.

Janet Sinclair  
Executive Director