

In the Matter of the

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

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

and

GORDON KIMBERLEY HINKSON
(the “Licensee”)

and

OCEAN WEST FINANCIAL GROUP INC.
(the “Agency”)

ORDER

As Council made an intended decision on July 29, 2025, pursuant to sections 231 and 241.1 of the Act; and

As Council, in accordance with section 237 of the Act, provided the Licensee and the Agency with written reasons and notice of the intended decision dated August 21, 2025; and

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

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

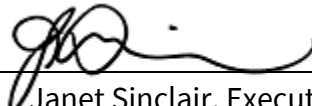
- 1) The Licensee is fined \$4,500, to be paid by December 22, 2025;
- 2) The Licensee is required to complete the following courses, or equivalent courses as acceptable to Council, by December 22, 2025:
 - i. The Council Rules Course for Life and/or Accident & Sickness Insurance Agents; and

ii. Continuing Education Requirements & Guidelines course

(collectively, the “Courses”);

- 3) The Licensee is required to complete the outstanding 42.25 continuing education credits by December 22, 2025;
- 4) The Licensee and Agency are jointly and severally assessed Council’s investigation costs of \$1,000, to be paid by December 22, 2025;
- 5) A condition is imposed on the Licensee’s life and accident and sickness insurance agent licence that failure to pay the fine and investigation costs in full, complete the Courses, and complete the continuing education credits 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 2027 annual licence renewal until such time as the Licensee has complied with the conditions listed herein; and
- 6) A condition is imposed on the Agency’s life and accident and sickness insurance licence that failure to pay the investigation costs in full by the deadline will result in the automatic suspension of the Agency’s licence, and the Agency will not be permitted to complete the Agency’s 2027 annual licence renewal until such time as the Agency has complied with the condition listed herein.

This order takes effect on the **23rd day of September, 2025.**



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

GORDON KIMBERLEY HINKSON
(the “Licensee”)

and

OCEAN WEST FINANCIAL GROUP INC.
(the “Agency”)

1. Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee and Agency 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 licensing periods (the “Licence Periods”); maintain required errors and omissions (“E&O”) insurance; and notify Council that his E&O insurance had lapsed. The Licensee was also alleged to have provided misstatements in his annual licence renewals about having completed the required CE credits.
2. The Agency was alleged to have failed to maintain required E&O insurance and to notify Council that its E&O insurance had lapsed. The Agency was also alleged to have failed to notify Council that it had been disciplined by the Insurance Councils of Saskatchewan (“ICS”).
3. On June 10, 2025, as part of Council’s investigation, a Review Committee (the “Committee”) comprised of Council members met via video conference to discuss the investigation. The Licensee attended the meeting with the Committee and was given an opportunity to make submissions and provide further information. An investigation report prepared by Council staff was distributed to the Licensee and Committee before the meeting. After reviewing the investigation materials and discussing the investigation, the Committee prepared a report for Council.
4. Council reviewed the Committee’s report and the investigation report at its July 29, 2025, 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 and Agency of the action it intends to take under sections 231 and 241.1 of the Act before taking any such action. The Licensee and Agency 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 and Agency.

FACTS

6. The Licensee has held a life and accident and sickness insurance agent (“Life Agent”) licence since April 3, 1990, and his licence remains active as of the date of this report. The Licensee has been the nominee of the Agency since February 14, 2007. The Licensee is the sole licensee at the Agency.
7. The Agency has held an active corporate life insurance licence with Council since February 14, 2007.
8. On March 23, 2023, ICS disciplined the Agency for not complying with its E&O insurance requirements.
9. On April 27, 2023, Council staff initiated an audit of the Agency’s E&O insurance following the disciplinary action taken by ICS.
10. The Agency and the Licensee had been without E&O insurance from August 14, 2021, to December 10, 2021, a total of 118 calendar days (the “E&O Lapse Period”). The Licensee confirmed that he had been covered under the Agency’s E&O insurance, and when the Agency’s E&O insurance lapsed, the Licensee’s E&O insurance also ended.
11. On June 26, 2023, the Licensee confirmed that he had failed to report to Council that the Agency had been disciplined by another professional body pursuant to Council Rules and further admitted that he was unaware that he was required to do so.
12. On November 1, 2023, the Licensee provided Council with a letter from his E&O insurance agency (the “E&O Agency”) to explain the E&O lapse. This issue was compounded by the departure of E&O Agency staff who had previously been responsible for handling the Agency’s E&O insurance. The Licensee further stated that there had been insufficient follow-up by the E&O Agency, which contributed in the Agency’s E&O insurance lapse.
13. On January 22, 2024, the Licensee stated that the E&O Agency had issued an Extended Reporting Period Policy that was an incorrect E&O insurance policy for him and the Agency.
14. On January 30, 2025, the Licensee and Agency confirmed that 11 meetings with clients or prospects, five of which took place in BC, had been conducted during the E&O Lapse Period.
15. As part of the audit, Council staff asked the Licensee to provide proof that he had met his CE requirements for the Licence Periods. The Licensee provided two CE certificates, demonstrating that he had completed a total of 2.75 CE credits in the 2022/2023 licence period, which meant that he was short 42.25 CE credits out of the 45 CE credits required for the Licence Periods.

16. The Licensee's declarations submitted as part of his 2021, 2022 and 2023 annual licence renewals stated that he had fulfilled his CE requirements.
17. The Licensee told the Committee that his executive assistant had managed his CE records; however, he had terminated his assistant's employment and did not have access to her files. He acknowledged that, in hindsight, he should have been more diligent in saving his CE records so that he could access them.
18. With respect to the E&O lapse, the Licensee told the Committee that he had relied on the E&O Agency to provide the correct coverage, which it had failed to do.
19. When asked about the misstatements in the annual licence renewal declarations, the Licensee told the Committee that he thought he had completed the CE requirements because his executive assistant told him that he had met the requirements.
20. The Licensee stated that he had learned his lesson and that moving forward he is committed to completing his CE requirements by the deadlines and ensuring that he and the Agency have valid E&O insurance.

ANALYSIS

21. Council found that the Licensee had failed to obtain the required CE credits for the 2020/2021, 2021/2022 and 2022/2023 licensing periods, in breach of Council Rules 7(5) and 7(8) and Code of Conduct section 5 ("Competence") and section 13 ("Compliance with Governing Legislation and Council Rules"). In particular, Council reviewed the CE credits provided to Council by the Licensee and noted that the Licensee had completed only 2.75 of the total 45 CE credits required for the Licence Periods, therefore being short 42.25 CE credits. Council also found that the Licensee had provided misstatements in his annual licence renewal declarations, in breach of section 12 ("Dealing with the Insurance Council of British Columbia") of the Code of Conduct.
22. Council found that the Licensee and Agency had failed to maintain E&O insurance, as required, between August 14, 2021, and December 10, 2021, a period of 118 calendar days, and failed to notify Council of this lapse, in breach of Council Rules 7(8) and 7(11), as well as Code of Conduct section 13. Further, as the Agency's nominee, the Licensee was responsible for the Agency's breach, pursuant to Council Rule 7(6) and Code of Conduct section 5, specifically subsection 5.3.3.
23. Council found that the Agency had failed to notify Council within five business days that it had been disciplined by ICS, in breach of Council Rule 7(3).

PRECEDENTS

24. 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.
25. [*Satvir Kaur Parmar*](#) (December 2024): concerned a life agent licensee who failed to obtain required CE credits for three consecutive licence periods and made false declarations on an audit form regarding the completion of her CE requirements. The licensee was fined \$3,500, representing \$1,000 for each licence period she failed to obtain the required CE, and an additional \$500 for making misstatements to Council on her audit declarations. The licensee was also required to make up the missing CE credits. Additionally, the licensee was required to complete the Council Rules Course and the Continuing Education Requirements and Guidelines Course, and assessed investigation costs.
26. [*The Ascension Group Benefit Consultants Inc. and Vincent Grant Olfert*](#) (July 2024): concerned an insurance agency that failed to maintain required E&O insurance for a period of six years and nine months. The insurance agency did not conduct any insurance business during the lapse period. Council found that the insurance agency's nominee was responsible for the breach, as nominees are responsible to Council for all activities of their insurance agency. The insurance agency was fined \$10,000 and the nominee was fined \$2,000. The insurance agency and the nominee were jointly and severally assessed investigation costs.
27. [*Gina Digao Bool*](#) (April 2024): concerned a life agent licensee who failed to obtain required CE credits for three consecutive licence periods and failed to maintain E&O insurance. The licensee did not have E&O insurance for a period of 268 calendar days, but did not conduct any insurance business during the lapse period. The licensee failed to notify Council that her E&O insurance had lapsed and that she did not have authority to represent at least one insurer. The licensee was fined \$4,000, representing \$1,000 for each licence period she failed to obtain the required CE credits, and an additional \$1,000 for failing to maintain E&O insurance. The licensee was also required to make up the missing CE credits. Additionally, the licensee was required to complete the Council Rules Course and assessed investigation costs.
28. [*Cameron Alexander Fortin*](#) (August 2023): concerned a life agent licensee who failed to maintain E&O insurance and failed to notify Council of the lapse in E&O coverage. The licensee did not have E&O insurance for a period of 35 calendar days. The licensee conducted an insurance transaction during the lapse period by meeting with a client and completing an investment change form. Council considered that the licensee self-reported the E&O insurance lapse, even though it was after the required timelines established by the Council Rules. Council also considered that the licensee had experienced a personal event with his family near the time his E&O policy was set to renew and that his focus had been pulled away from meeting the requirements. On the other hand, Council noted that the licensee had a disciplinary history with Council, and that he had completed a transaction

during the lapse period. The licensee was fined \$1,500 and assessed investigation costs. The licensee was also required to complete the Council Rules Course.

29. [Joel Rene Joseph Bourgouin](#) (March 2016): concerned a life agent licensee who failed to notify Council that he was the subject of a disciplinary action taken by a financial sector regulator. The regulator disciplined the licensee for failing to maintain required E&O insurance. The licensee had previously failed to notify Council of a separate disciplinary action several years prior to this incident, and Council had already issued a letter to the licensee addressing the same. The licensee was fined \$1,000.

MITIGATING AND AGGRAVATING FACTORS

30. Council considered relevant mitigating and aggravating factors. In terms of mitigating factors, Council considered that the Licensee and Agency had relied on the E&O Agency to renew coverage for their needs, which the E&O Agency had failed to do. Council noted that the Licensee had acknowledged the misconduct and was remorseful. Council also noted that the Licensee and Agency do not have a prior disciplinary history with Council. Council considered that the Agency had been disciplined by ICS for the E&O insurance lapse. Finally, Council considered that there was no known client harm.
31. Council found the Licensee's failure to complete his CE requirements over three consecutive licence periods to be an aggravating factor. Council noted that the Licensee failed to complete his CE requirements in every licence period examined in the audit conducted by Council staff.
32. With respect to the failure to complete his CE requirements, in weighing the mitigating factors and aggravating factors listed above, Council believed that the mitigating factors did not significantly outweigh the aggravating factors. Taken as a whole, Council found the mitigating factors were not sufficient to displace the baseline \$1,000 fine per licence period.
33. However, as for the E&O insurance lapse, Council found the mitigating factors to be substantial. Council accepted that the E&O Agency had provided the incorrect E&O policy to the Licensee and Agency, and that the Licensee and Agency believed there was a valid E&O policy at the time. Council determined that the mitigating factors were sufficient to displace the fine established by precedent.

CONCLUSIONS

34. Council concluded that a fine of \$4,500 for the Licensee was appropriate, representing \$1,000 for each licence period (totalling \$3,000) in which the Licensee failed to demonstrate that he met the CE requirements, plus an additional \$500 for each misstatement (totalling \$1,500) in his annual licence renewal declarations.
35. Council also concluded that the Licensee be required to complete the Council Rules Course and the Continuing Education Requirements and Guidelines Course, and that he make up the missing CE credits.

36. As discussed above, Council found that a fine was not appropriate for the E&O lapse. Similarly, Council found that a fine was not appropriate for the Agency's failure to notify Council of the disciplinary matter from ICS, given that this was the first offence, as distinguished from the [Bourgouin](#) precedent.
37. With respect to investigation costs, Council determined that these costs should be assessed jointly and severally to the Licensee and Agency. 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

38. Pursuant to sections 231 and 241.1 of the Act, Council made an intended decision that:
- a. The Licensee be fined \$4,500, to be paid within 90 days of Council's order;
 - b. The Licensee be required 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. The Licensee be required to complete the outstanding 42.25 continuing education credits within 90 days of Council's order;
 - d. The Licensee and Agency be jointly and severally assessed Council's investigation costs of \$1,000, to be paid within 90 days of Council's order;
 - e. A condition be imposed on the Licensee's life and accident and sickness insurance agent licence that failure to pay the fine and investigation costs in full, complete the Courses, and complete the CE credits 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 2027 annual licence renewal until such time as the Licensee has complied with the conditions listed herein; and

- f. A condition be imposed on the Agency's life and accident and sickness insurance licence that failure to pay the investigation costs in full by the deadline will result in the automatic suspension of the Agency's licence, and the Agency will not be permitted to complete the Agency's 2027 annual licence renewal until such time as the Agency has complied with the condition listed herein.

39. Subject to the Licensee's and Agency'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

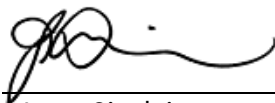
40. Council may take action or seek legal remedies against the Licensee and Agency to collect the outstanding fine and/or costs, should these not be paid by the 90-day deadline.

RIGHT TO A HEARING

41. If the Licensee or Agency wishes to dispute Council's findings or its intended decision, the Licensee or Agency 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 or Agency **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 or Agency does not request a hearing within 14 days of receiving this intended decision, the intended decision of Council will take effect.**
42. Even if this decision is accepted by the Licensee and Agency, 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 **21st day of August, 2025.**

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director