

In the Matter of

The *FINANCIAL INSTITUTIONS ACT*
(RSBC 1996, c.141)
(the "Act")

and

The *INSURANCE COUNCIL OF BRITISH COLUMBIA*
("Council")

and

WYNITA LYNN JAWORSKI
(the "Licensee")

ORDER

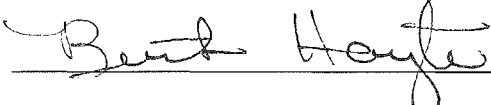
As Council made an intended decision on September 16, 2014, pursuant to sections 231 and 236 of the Act; and

As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons and notice of the intended decision dated September 23, 2014; 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 the Licensee's life and accident and sickness insurance licence is terminated.

This order takes effect on the **15th day of October, 2014**.



Ruth Hoyte
Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

WYNITA LYNN JAWORSKI
(the “Licensee”)

INTRODUCTION

Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether there was compliance by the Licensee with the requirements of the Act.

At its September 16, 2014 meeting, Council considered allegations the Licensee failed to meet the requirements of Council Rule 7(11) by not having maintained errors and omissions (“E&O”) insurance.

After receiving notification of the termination of her E&O insurance, the Licensee was sent three letters requesting confirmation her E&O insurance was current and in effect. In the last letter sent, the Licensee was advised that if no response was received, Council would consider terminating her licence. No response was received. Council staff also attempted to contact the Licensee by telephone; however, the residence telephone number was not in service and a minimum of three messages were left on her cellular voice mail to contact Council’s office.

PROCESS

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

Based on the Licensee's file, Council made the following findings of fact:

1. Council received notification from Sun Life that the Licensee's E&O insurance was terminated, effective June 1, 2014.
2. On June 19, 2014, a letter was mailed to the Licensee requesting proof of E&O insurance, as required under Council Rule 7(11).
3. On three separate days in July 2014, Council staff telephoned the Licensee on her cellular telephone number provided to Council. Two messages were left for the Licensee to contact Council. No response was received.
4. On July 18, 2014, a follow-up letter was mailed to the Licensee requesting proof of E&O insurance. No response was received.
5. On August 5, 2014, Council staff telephoned the Licensee on her cellular telephone number. The Licensee did not answer, and a message was left for the Licensee to contact Council. No response was received.
6. On August 5, 2014, Council staff contacted the Licensee's life and accident and sickness insurance agent supervisor who confirmed he had the same contact information as Council.
7. On August 8, 2014, Council staff telephoned the Licensee on her cellular telephone number. The Licensee did not answer, and a message was left for the Licensee to contact Council and confirm she had received Council's letters. No response was received.
8. On August 18, 2014, Council staff telephoned the Licensee on her cellular telephone number. The Licensee did not answer, and a message was left for the Licensee to contact Council. No response was received.
9. On August 18, 2014, a letter was sent to the Licensee advising that if no response was received regarding her E&O insurance, Council would consider terminating her licence for not having E&O insurance. No response was received.

ANALYSIS

Section 231 of the Act requires a licensee to continue to meet the licensing requirements established by a rule made by Council. Council Rule 7(11) requires a licensee meet a minimum level of E&O insurance. When this condition is not met, the licence is suspended and if E&O insurance is not in place for a period exceeding 60 calendar days, the licence is terminated.

As a result of the Licensee's failure to provide the required proof or respond to any of Council's enquiries, and in light of Sun Life's notification that the Licensee's coverage had terminated as of June 1, 2014, Council determined the Licensee to be in breach of Council Rule 7(11) by not having the required E&O insurance in place for an excess of 60 days.

INTENDED DECISION

Pursuant to sections 231 and 236 of the Act, Council made an intended decision to terminate the Licensee's life and accident and sickness insurance licence in accordance with Council Rule 7(11).

The intended decision will take effect on **October 15, 2014**, subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act.

RIGHT TO A HEARING

If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case at 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 by **October 14, 2014**. 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 by **October 14, 2014**, the intended decision of Council will take effect.

Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the Financial Institutions Commission still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The Financial Institutions Commission has 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 fst.gov.bc.ca or contact them directly at:

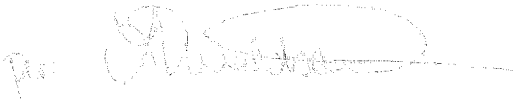
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September 23, 2014
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Financial Services Tribunal
PO Box 9425 Stn Prov Govt
Victoria, British Columbia
V8W 9V1

Reception: 250-387-3464
Fax: 250-356-9923
Email: FinancialServicesTribunal@gov.bc.ca

Dated in Vancouver, British Columbia, on the **23rd day of September, 2014.**

For the Insurance Council of British Columbia

A handwritten signature in blue ink, appearing to read "Agnes Healey", is written over a horizontal line. To the left of the signature, the word "per:" is written in a light, handwritten style.

Agnes Healey
Deputy Executive Director

AH/rg