

**DECISION**  
**of the**  
**LIFE INSURANCE COUNCIL OF MANITOBA**  
**("Council")**  
**Respecting**  
**CINDY TINA-MARIE HOWELL-HUCKERBY**  
**("Former Licensee")**

**INTRODUCTION**

The Life Insurance Council of Manitoba ("Council") derives its authority from *The Insurance Act C.C.S.M. c. 140* (the "*Act*") and the *Insurance Councils Regulation 227/91*.

In response to information received by Council, an investigation was conducted pursuant to sections 375(1) and 396.1(7)(e) of the *Act* and section 7(2)(e) of *Regulation 227/91*. The purpose of the investigation was to determine whether the Former Licensee violated the *Act*, its *Regulations*, and/or the Life Insurance and Accident and Sickness Agent's Code of Conduct (the "*Code of Conduct*").

During the investigation, the Former Licensee was notified of Council's concerns and was given an opportunity to make submissions.

On April 17, 2024, during a meeting of Council, the information and evidence compiled during the investigation was presented and reviewed. Upon assessment of the evidence, Council determined its Intended Decision.

As part of its Intended Decision, Council informed the Former Licensee that she may request a Hearing to dispute Council's determinations and penalty/sanction. The Former Licensee failed to provide a response to Council within the allotted time period.

Pursuant to section 375(1) of the *Act* and section 7(2)(e) of *Regulation 227/91*, the Council hereby renders its Decision and corresponding reasons.

## **ISSUES**

1. Did the Former Licensee violate the *Act* and/or *Code of Conduct* when they inaccurately indicated to the Complainant that they would receive a refund of premium from their policy at the end of 10 (ten) years?
2. Did the Former Licensee violate the *Act* and/or *Code of Conduct* when she indicated to the Complainant that if she had cancelled her policy at any time, the Complainant would receive 75% of her insurance premiums.
3. When the Former Licensee failed to respond to Council's Investigator by the required deadline(s), did she violate the *Act* and/or *Code of Conduct*?
4. Did the Former Licensee violate the *Act* and/or *Code of Conduct* when she failed to provide full and complete responses, in writing, to Council's Investigator?

## **FACTS AND EVIDENCE**

1. The Former Licensee held Life and Accident & Sickness licences in Manitoba with Sponsor A from July 20, 2007 to April 9, 2009 and from October 5, 2011 to January 31, 2017.
2. From February 10, 2017 to May 31, 2000, the Former Licensee held Life & A&S licences with Sponsor B, at which time her licence expired.
3. By email dated January 25, 2023, Council's Investigator received a Consumer Complaint form, dated January 25, 2023. The Complainant clarified to Council's Investigator that the allegations against the Former Licensee were:
  - a. The Former Licensee told the Complainant that if she had no claims on her policy in the first 10 years, she would receive \$XXXX.XX. The Complainant understood this to be the total of her premiums.
  - b. If the Complainant cancelled her policy at any time, she would receive 75% of her insurance premiums as a refund.
4. During a telephone call on July 31, 2023, the Former Licensee indicated to Council's Investigator that she no longer had access to client files, as they had gone to her Supervisor, at the Agency. Council's Investigator requested that the Former Licensee provide that information in writing.
5. As no response was received, Council's Investigator followed up by email dated November 17, 2023 and requested the Former Licensee's written response to their July 31, 2023 conversation.

6. By email dated November 29, 2023, the Former Licensee indicated to Council's Investigator that:
  - a. *"As a non-licensee since 2020, without access to the original files, I do not feel that I have anything further to add to your inquiry."*
  - b. She left the Agency in December 2016 and *"all files and records were left with [her Supervisor's office], as directed by [the Agency] at that time. As a result, I do not have copies of any of my notes or files from that time."*
7. By email dated January 4, 2024, Council's Investigator asked the Former Licensee to clarify how her client files were transferred to the Agency. The Former Licensee was required to respond to Council's Investigator by January 11, 2024.
8. As no response was received from the Former Licensee, Council's Investigator followed up with the Former Licensee on January 17, 2024.
9. By email dated January 18, 2024, the Former Licensee apologized to Council's Investigator and indicated that she was extremely busy and that:

*"...Any files within the branch stayed at the branch, whatever files were at head office remained at head office. When they moved up to [her Supervisor] he would have had access to the files via the insurance company that had the policy."*
10. During a telephone call on January 30, 2024, the Former Licensee provided Council's Investigator with fulsome details as to how her files had been left with the Agency and indicated that she would provide that information in writing.
11. By email dated February 9, 2024, Council's Investigator followed up with the Former Licensee to obtain the written statement regarding the Former Licensee's handling of her client files with the Agency.
12. By email dated February 9, 2024, the Former Licensee responded to Council's Investigator and indicated that:
  - a. Her files were left at the office in her desk space.
  - b. Her office was located on [redacted], whereas [her Supervisor's] office was situated [at a different address].

#### Response by the Agency

13. By email dated December 13, 2023, the Agency provided Council's Investigator with their Agent Agreement and a March 28, 2017 letter to the Former Licensee which indicated that the Former Licensee must:

*“...immediately return to [the Agency], files and lists containing any confidential and proprietary information or trade secrets without retaining copies or duplicates of them.”*

However, the Agency indicated that no audit had been completed on the Former Licensee's files, and the Agency could not confirm whether the Former Licensee had returned client files to the branch.

14. By email dated December 19, 2023, the Agency confirmed to Council's Investigator that they did not have any record of a follow-up with the Former Licensee regarding her client files after her termination from the Agency.

## **ANALYSIS AND DETERMINATIONS**

Section 375(1) of the *Act* states that:

*If, after due investigation by the superintendent and after a discipline hearing, if a hearing is required under the regulations, the superintendent determines that the holder or former holder of an insurance agent licence*

*(a) has been guilty of misrepresentation, fraud, deceit or dishonesty;*

*(b) has violated any provision of this Act or any rule or regulation under this Act;*

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*(e) has demonstrated his or her incompetency or untrustworthiness to transact the business of insurance agency for which the licence was granted;*

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*the superintendent may take one or more of the actions set out in subsection (1.1).*

Section 375(1.1) Disciplinary actions by the superintendent, of the *Act* states that:

*For the purposes of subsection (1), the superintendent may do one or more of the following after giving a notice of decision in writing to the licence holder or former licence holder:*

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*(c) subject to the regulations, impose a fine on the licence holder or former licence holder and fix a date for the payment of the fine;*

*(d) subject to the regulations, require that the licence holder or former licence holder pay some or all of the costs of the investigation and, where applicable, of the hearing and fix a date for the payment of the costs assessed.*

In accordance with section 9 (Dealing with the Insurance Council of Manitoba), of the *Code of Conduct*, an agent must respond promptly, honestly, with full disclosure, to inquiries from the ICM.

As Council has the authority to compel participation through the *Act*, the Former Licensee's responses to the allegations and additional questions by Council's Investigator should have been considered seriously. The Former Licensee was required to respond to all requests within the specified deadlines, providing full and complete responses, as failure to do so can by itself be reason for disciplinary action regardless of other violations.

By failing to respond within the deadlines, and providing incomplete responses, the Former Licensee delayed the investigative process, which resulted in higher investigation costs.

In this case, Council was unable to substantiate the complaint submitted by the Complainant; however, Council did have concerns regarding the Former Licensee's failure to respond to Council's Investigator within the deadlines, providing full and complete responses to all questions. Based on the information and evidence reviewed, Council concluded that the Former Licensee violated ss. 375(1)(a) Misrepresentation, deceit and/or dishonesty, 375(1)(b) Has violated any provision of this *Act* or any rule or regulation under this *Act*, and 375(1)(e) Has demonstrated his or her incompetency or untrustworthiness to transact the business of insurance agency for which the licence was granted, of the *Act* and section 9 (Dealing with the Insurance Council of Manitoba), of the *Code of Conduct* and that disciplinary action is warranted.

## **PENALTY AND FINAL DECISION**

Council's Decision dated May 13, 2025, was served to the Former Licensee on May 19, 2025. The Decision outlined the foregoing background, analysis, and conclusion on a preliminary basis. The Decision outlined the foregoing background, analysis and conclusions on a preliminary basis.

In consideration of the foregoing violations and pursuant to sections 375(1.1)(c), and 375(1.1)(d), of the *Act* and section 7(1) of *Regulation 227/91*, Council imposed the following reprimand:

1. The Former Licensee be fined \$500.00 and assessed investigation costs of \$2,500.00.

Pursuant to section 389.0.1(1) of the *Act*, the Former Licensee had the right to appeal this Decision **within twenty-one (21) days of receipt**. The Former Licensee was advised of this right in the Decision and was provided with the Notice of Appeal form, in accordance with section 389.0.1(2) of the *Act*. As an appeal was not requested in this matter, this Decision of Council is final.

In accordance with Council's determination that publication of its Decisions is in the public interest, this will occur, in accordance with sections 7.1(1) and 7.1(2) of Regulation 227/91.

Dated in Winnipeg, Manitoba on the 12<sup>th</sup> day of June, 2025.