



REGARDING the *Insurance Act*, RSO 1990, c I-8, as amended (the "Act"), in particular sections 393(9) – 393(11)

AND REGARDING Jacqueline "Jackie" Melody Wedley,
Life Insurance and Accident and Sickness Insurance Agent

DECISION AND ORDER

Overview:

Ms. Jacqueline "Jackie" Melody Wedley has not requested a hearing in response to the June 18, 2014 Notice of Opportunity for Hearing (the "Notice") to refuse to renew her life insurance and accident and sickness insurance agent licence ("insurance agent licence"). There are no explanations for her behaviour. Nor is there any demonstrated interest in maintaining her insurance agent licence. The application for renewal of an insurance agent licence by Ms. Wedley is denied.

Introduction:

On June 18, 2014, the Superintendent of Financial Services ("Superintendent") issued a Notice to Ms. Jacqueline "Jackie" Melody Wedley. The Notice informed Ms. Wedley of allegations against her and the opportunity for a hearing before an Advisory Board. The Notice advised Ms. Wedley that if a hearing was not requested, the Superintendent would make a decision based on information in the possession of the Financial Services Commission of Ontario (the "Commission"). Ms. Wedley was also advised that such decision could include the refusal to renew her insurance agent licence.

I have received evidence from Legal Counsel at the Commission that the Notice was sent by registered mail and regular mail to the address on file at the Commission. Legal Counsel also confirmed that he was advised by the Assistant Registrar for the Financial Services Tribunal that no request for a hearing was received. I am satisfied that the Notice was properly served in accordance with the provisions of the Act and that Ms. Wedley did not request a hearing.

A copy of the allegations is attached to this Decision in Schedule 1.

The Evidence:

Since Ms. Wedley has not requested a hearing, the evidence of Commission staff in the particulars attached to the Notice is uncontested.

The evidence can be summarized as follows. Ms. Wedley held an insurance agent licence since December 4, 2001 and the licence expired on January 8, 2014. On January 10, 2014, she submitted an application to renew her insurance agent licence.

On January 15, 2014, Commission staff sent Ms. Wedley an e-mail requesting documentation in order to complete her 2014 insurance agent licence renewal application. The e-mail requested settlement documentation as Ms. Wedley had identified herself as a defendant in a civil proceeding at the time of her January 2012 insurance agent licence renewal application. Commission staff attempted to contact Ms. Wedley by letter, email and telephone to obtain this information or to request that Ms. Wedley withdraw her renewal application. Ms. Wedley did not respond to these requests.

Findings of Fact:

I find that Ms. Wedley failed to respond to requests for information from the Commission. Commission staff made six requests by telephone, email, and mail without success. The August 12, 2014 registered letter sent to Ms. Wedley by Legal Counsel was returned by Canada Post on September 4, 2014 with the notation "unclaimed".

I find that Ms. Wedley is unsuitable to hold a licence as an insurance agent by virtue of her failure to respond to information requests from the Commission.

In the absence of testimony by Ms. Wedley, I am not aware of any explanations for her behaviour or mitigating circumstances.

Decision:

I have found that Ms. Wedley has failed to respond to information requests from the Commission and is not suitable to hold a licence as an insurance agent.

Sections 442.1 and 442.3 of the Act permit the Superintendent to direct an inquiry to an agent and require the agent to give the Superintendent full information about any matters as may be specified by the Superintendent.

Furthermore, section 7(3)(e) of Ontario Regulation 374/04 (the "Regulation") under the Act authorizes the Superintendent to require anyone who applies for an insurance agent licence in Ontario (whether a new licence or a renewal) to furnish "such other information as the Superintendent may require." An applicant who fails to comply with the Superintendent's requirement for information frustrates this responsibility.

Ms. Wedley failed to give or furnish the information requested and therefore a penalty is warranted. Refusing to co-operate with Commission staff or to offer any explanation is a serious breach of the Act, and demonstrates an unwillingness to being regulated and a lack of suitability to hold an insurance agent licence within the meaning of section 4(1)(i) of the Regulation.

Insurance agents must be governable and amenable to being regulated. In this case, Ms. Wedley failed to meet her obligation to respond to information requests from the Commission about the settlement documentation related to a legal matter.

Findings of unsuitability frequently result in the denial of an application for the issuance or renewal of an insurance agent licence. Accordingly, I believe that the appropriate penalty is denial of Ms. Wedley's application to renew her licence as an insurance agent.

ORDER

The application for renewal of the life insurance and accident and sickness insurance agent licence by Jacqueline "Jackie" Melody Wedley is hereby denied.

DATED at Toronto, Ontario,

2015.

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Executive Director, Licensing & Market Conduct Division

By Delegated Authority from:
The Superintendent of Financial Services

Schedule 1

The following allegations were set out in the Notice:

Allegations

1. Ms. Wedley held a Life Insurance and Accident and Sickness Insurance agent licence since December 4, 2001. Her licence was last issued on January 9, 2012 and expired on January 8, 2014. Ms. Wedley's licence number is 01068690.
2. Ms. Wedley failed to comply with the legal requirement to furnish information to the Superintendent of Financial Services ("Superintendent"). The Superintendent's authority requiring an insurance agent to furnish information is found in section 7(3)(e) of Ontario Regulation 374/04 (the "Regulation") made under the *Insurance Act*, R.S.O. 1990, chapter I.8. (the "Act").
3. Ms. Wedley's failure to comply with the legal requirement to furnish information to the Superintendent indicates she is not a suitable person to hold a Life Insurance and Accident and Sickness insurance agent licence in Ontario within the meaning of section 4(1)(i) of the Regulation.