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**Financial Services
Commission
of Ontario**

5160 Yonge Street,
Box 85
Toronto ON M2N 6L9

REGARDING the Insurance Act, R.S.O. 1990, c.1.8, as amended, in particular, sections 393(9) - 393 (11)

AND REGARDING Chandrakant Nathalal Joshi, life insurance agent

DECISION AND ORDER

Introduction:

A Notice of Opportunity for Hearing dated January 31, 2012 (the Notice) informed Chandrakant Joshi of allegations against him and the opportunity for a hearing before an Advisory Board. The Notice advised Mr. Joshi if a hearing was not requested the Superintendent would make a decision based on information in possession of the Financial Services Commission of Ontario (the Commission). Mr. Joshi was also advised that such decision could include suspension or revocation of his licence as a life insurance agent.

I have received an affidavit from Shenaz Jaffer, Licensing and Registration Specialist, at the Commission that stated that Mr. Joshi had requested a hearing, but failed to attend a pre-hearing conference and subsequently withdrew his request for a hearing. I am satisfied that the Notice was properly served in accordance with the provisions of the Insurance Act and that Mr. Joshi does not want a hearing.

A copy of the allegations is attached to this Decision.

The Evidence:

Since Mr. Joshi has not requested a hearing, the evidence of Commission staff in the particulars attached to the Notice is uncontroverted.

The evidence can be summarized as follows. Mr. Joshi made an application to renew his licence as a life insurance agent on July 27, 2010. In that application Mr. Joshi declared that he had not completed his continuing education requirement. Mr. Joshi's licence was renewed on the condition that he would file and complete a compliance plan. There were numerous contacts between Commission staff and Mr. Joshi over the next eleven months. However, Mr. Joshi did not provide evidence of compliance with the continuing education requirement.

Findings of Fact

I find that Mr. Joshi has failed to comply with the continuing education requirements. Mr. Joshi admitted that he had not done so and failed to provide evidence of compliance thereafter.

I find that Mr. Joshi failed to respond to provide the information about compliance that was requested by the Commission. Commission staff contacted Mr. Joshi on numerous occasions and provided him several extensions of time to comply.

I find that Mr. Joshi is unsuitable to hold a licence as an insurance agent to be established by virtue of his failure to complete the continuing education requirement and his failure to respond to information requests from the Commission.

In the affidavit from Shenaz Jaffer, an email message from Mr. Joshi was attached. In that email message, Mr. Joshi indicated that because of ill health he no longer wanted to continue to hold a life insurance agent licence. He stated "You can treat this email as surrendering my licence and revoke it." Accordingly there are no extenuating circumstances to consider.

Decision:

I have found that Mr. Joshi has failed to comply with the continuing education requirement, has failed to rectify the non compliance, and is not suitable to hold a licence as a life insurance agent.

Regulation 347/04 requires the completion of thirty hours of continuing education in each two year licence period. This Mr. Joshi failed to do, and a penalty is warranted. The penalties imposed in other cases have typically been suspensions in the range of 30 to 90 days. However more serious penalties, including revocation of licence, have also been imposed. These serious penalties have been ordered in

circumstances such as agents that did not demonstrate an intention to complete the continuing education requirement or through their refusal to co-operate with the Commission demonstrated that they were not prepared to be regulated.

In this case, Mr. Joshi failed to comply with the continuing education requirement despite requests from the Commission. Mr. Joshi did not meet his obligation to respond to information requests from the Commission. Insurance agents must be governable and amenable to being regulated.

Since Mr. Joshi has withdrawn his request for a hearing, there are no explanations for his behaviour, nor is there any demonstrated interest in maintaining his licence as an insurance agent.

Accordingly considering the lack of suitability as demonstrated by the failure to meet the continuing education requirement, the failure to respond to the Commission, and lack of any explanation for such behaviour, I believe that the appropriate penalty is revocation of Mr. Joshi's licence as an insurance agent.

ORDER

Accordingly, the life insurance agent licence of Chandrakant Nathalal Joshi is hereby revoked by this order.

DATED at Toronto, this second day of August, 2012

Original Signed By

Grant Swanson
Executive Director, Licensing and Market Conduct
by delegated Authority from
Superintendent of Financial Services

Schedule 1

The following allegations were set out in the Notice:

1. Joshi failed to comply with the statutory requirement to complete 30 hours of continuing education within the 2-year term of his previous licence.
2. Joshi is not amenable to regulation, pursuant to sections 4(1) (i) and 8(d) of Regulation 347/04. Repeated efforts made to contact the agent were

unsuccessful in obtaining required information regarding Continuing Education credits.

3. As a result of the above violations, he is not suitable to maintain his licence, pursuant to section 4(1) (i) of the Regulation.
4. Such further allegations as counsel for FSCO may advise.