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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 Tamara Macalalad, life and accident & sickness agent

DECISION AND ORDER

Introduction:

A Notice of Opportunity for Hearing dated March 20, 2012 (the Notice) informed Tamara Macalalad of allegations against her and the opportunity for a hearing before an Advisory Board. The Notice advised Ms. Macalalad 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). Ms. Macalalad was also advised that such decision could include suspension or revocation of her licence as a life insurance agent.

I have received an affidavit from Paul Fournier, Licensing and Registration Specialist at the Commission that the Notice was sent by registered mail and regular mail. Canada Post advised that the registered letter was unclaimed. While not required, Commission staff verified the address in the Commission's files with the address records at the Ministry of Transportation. The affidavit further states that no request for a hearing was

received. I am satisfied that the Notice was properly served in accordance with the provisions of the Insurance Act and that Ms. Macalalad did not request a hearing.

A copy of the allegations is attached to this Decision.

The Evidence:

Since Ms. Macalalad 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. Ms. Macalalad held a licence as a life insurance agent which expired on September 23, 2011. Ms. Macalalad did not complete the required continuing education during the licence term ending on that date. Ms Macalalad applied to renew her licence. A licence was issued on October 14, 2011 conditional on Ms. Macalalad completing her continuing education requirements. Commission staff attempted to contact Ms. Macalalad by letter, email and telephone to ascertain her compliance. Ms. Macalalad did not respond to these requests.

Findings of Fact

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

I find that Ms. Macalalad failed to respond to requests for information from the Commission. Commission staff made four requests by telephone, email, and mail without success.

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

The Notice referred to a period of illness as a reason stated by Ms. Macalalad for non-compliance with the continuing education requirement. Ms Macalalad did not request a hearing. Accordingly in the absence of testimony by Ms. Macalalad, I am unable to consider any explanations for her behaviour or mitigating circumstances

Decision:

I have found that Ms. Macalalad 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 Ms. Macalalad 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, Ms. Macalalad failed to comply with the continuing education requirement despite requests from the Commission. Ms. Macalalad did not meet her obligation to respond to information requests from the Commission. Insurance agents must be governable and amenable to being regulated.

Since Ms. Macalalad has not requested a hearing, there are no explanations for her behaviour, nor is there any demonstrated interest in maintaining her 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 Ms. Macalalad's licence as an insurance agent.

ORDER

Accordingly, the life and accident & sickness insurance agent licence of Tamara Macalalad is hereby revoked by this order.

DATED at Toronto, this seventeenth day of August, 2012

Original Signed By

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

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