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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 James Hockley, life insurance agent

Decision and Order

Introduction:

A Notice of Opportunity for Hearing dated June 2, 2011 (the Notice) informed James Hockley of allegations against him and the opportunity for a hearing before an Advisory Board. The Notice advised Mr. Hockley 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. Hockley 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 Teresa Cayanong, Licensing and Registration Specialist at the Commission that the Notice was sent by registered and regular mail to the last known address on record at the Commission. Canada Post returned the registered letter to the Commission. While not required under the Insurance Act,

Commission staff attempted to locate Mr. Hockley by conducting a search of records at the Ministry of Transportation. When it was determined that Mr. Hockley had moved, on March 23, 2012, the Notice was sent again by regular and registered mail to his new address. Canada Post was unable to deliver the registered letter. 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 Mr. Hockley did not request a hearing.

A copy of the allegations is attached to this Decision.

The Evidence:

Since Mr. Hockley 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. The Commission received an application from Mr. Hockley for renewal of his licence on April 7, 2010. In that application Mr. Hockley noted that he did not have the required continuing education. Mr. Hockley's licence was renewed on the basis that he would rectify the non-compliance with the continuing education requirement. Commission staff attempted to contact Mr. Hockley by letter, registered mail, email and telephone to ascertain his compliance. Mr. Hockley did not respond to these requests.

Findings of Fact

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

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

I find that Mr. Hockley 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 absence of testimony by Mr. Hockley, I am not aware of any explanations for his behaviour or mitigating circumstances.

Decision

I have found that Mr. Hockley 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. Hockley 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. Hockley failed to comply with the continuing education requirement despite requests from the Commission. Mr. Hockley 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. Hockley has not requested 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. Hockley's licence as an insurance agent.

Order

Accordingly, the life insurance agent licence of James Hockley is hereby revoked by this order.

Dated at Toronto, this twenty seventh day of June, 2012

Original Signed By

Grant Swanson
Executive Director, Licensing and Market Conduct Division

By Delegated Authority from
The Superintendent of Financial Services

Schedule 1

The following allegations were set out in the Notice:

1. Hockley failed to comply with the statutory requirement to complete 30 hours within the 2-year term of his previous licence.

2. Hockley 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.