

Surjeet Singh
Registration Number: S54048
St. Catharines, Ontario

HEARING DATE: June 21, 2023

MISCONDUCT: Ontario Regulation 991, s. 5(1)(a)(v)

BACKGROUND:

Surjeet Singh ("the Member") wrote the Entry Level RIBO Licensing Exam ("Level 1 exam") via Virtual Proctoring ("VP") on November 25, 2022, and received a passing mark.

The Member received a license as a Registered Insurance Broker. Subsequent to this, the Member's passing mark was nullified by the Member's exam service provider, Insurance Institute of Canada ("the Institute"), following exam administration audits conducted due to a potential breach of exam security.

The Institute informed the Member of the exam nullification on April 3, 2023. The Member was subsequently informed by the Registered Insurance Brokers of Ontario ("RIBO") on April 4, 2023, that it is a requirement to have successfully passed a licensing exam to act as an insurance broker and that the matter had been referred to the Qualification and Registration Committee ("the Committee") for consideration at the next scheduled meeting on April 12, 2023.

The Member was offered a free re-write of the exam using the In-Person Proctoring format ("IP").

It was further recommended that the Member voluntarily refrain from dealing with the public until, the earlier of, writing and passing an IP Level 1 exam and providing proof to RIBO of passing the Level 1 exam, or until such time as the Committee issued its final decision. The Member ceased dealing with the public at this time.

The Member wrote an IP exam on April 12, 2023, and received a failing grade. On April 12, 2023, the Committee accepted the recommendation of RIBO and directed that the registration of the Member be suspended immediately on the following grounds:

"1. THAT, the registrant does not meet the requirements of Section 5 (1)(a)(v) of Regulation 991, as amended, which provides:

5.(1) An individual is qualified to be issued and hold a certificate of registration as an insurance broker where,

(a) the individual,

(v) satisfies the educational and experience requirements established by the Qualification and Registration Committee.

The Committee further ordered that the suspension be ongoing until the Member:

1. Completed a 2-week training course, delivered either by the Insurance Institute of Ontario or the Insurance Brokers Association of Ontario; and
2. Rewrote and passed an IP Level 1 exam with the Insurance Institute.

RIBO communicated the decision of the Committee to the Member on April 13, 2023, via e-mail and the Member was advised of his right to request a hearing before the Committee.

QUALIFICATION AND REGISTRATION COMMITTEE'S DISPOSITION:

The Committee accepted the evidence presented by RIBO and heard oral testimonies given by RIBO staff as well as staff from the Institute, including the Exhibits that were filed, and they also heard oral testimony from the member.

Having considered the submissions and standard of proof, the Committee finds that the Member does not currently meet the requirements for licensing as a Registered Insurance Broker under Section 5(1)(a)(v) of Regulation 991, made under the *Registered Insurance Brokers Act* (Reg. 991).

The Committee, therefore, directs that the Member complete the following requirements to be licensed under Section 5(1)(a)(v) of Reg. 991:

1. That the member successfully completes a full Level One Licensing course offered by the Institute or the Insurance Brokers Association of Ontario;
2. Successfully writes and passes an IP Level One Licensing Examination offered by the Institute without having to wait the stipulated 8 month waiting period outlined in RIBO's rewrite policy on this one occasion; and

3. If the IP examination is unsuccessful the Member will be required to wait eight months from the unsuccessful attempt before writing any subsequent examination as outlined in the RIBO examination standards.

REASONS FOR DECISION

In considering this matter, the Panel is required to keep in mind the primary focus of RIBO - namely the protection of the public, insurance purchasing consumers, in Ontario.

The Panel accepts the submissions of RIBO as to the accuracy and validity of the Data Forensics process used by the Institute to ensure the integrity of the examination process. The Panel acknowledges that the integrity of the examination process is vital to protecting the public and all available technology should be used to ensure examinations are free from any disrepute.

The Panel is sympathetic to the Member's feelings of perceived unfairness - namely the length of time between the initial examination and the nullification of that examination. However, the Panel does not accept the Member's submission that the second attempt at the examination was unsuccessful due to knowledge loss caused by working exclusively with automobile insurance during the period between the initial examination and the notification of license suspension. The knowledge tested in the Level 1 Licensing Examination is the baseline standard that all Registered Insurance Brokers are expected to maintain for the duration of their employment as a Registered Insurance Broker regardless of the area of practice/specialization a Member may pursue.

The Panel accepts the submission that the Member has not worked with the public as an insurance broker since the date of his license suspension and wishes to thank him for his prompt and complete cooperation, regardless of his personal feelings on the matter.