

Consensual Agreement and Undertaking

Between

**The Complaints and Investigation Committee
of
The Life Insurance Council of Saskatchewan
(the Committee)
and**

Walmart Canada Bank

**Kevin Pearce
(Designated Representative)**

The Committee is authorized under Bylaw 7, Section 5, subsection 3, subparagraph (b), to enter into consensual resolutions of complaints.

Bylaw 5, Section 1, subsection 1 reads: "The administrator shall, in addition to the requirements for the contents of a register required by the Act and the regulations, record on the register the existence and results of all disciplinary decisions or orders, court orders, alternative dispute resolution agreements, undertakings and mediation agreements involving a licensee or a person to whom the Life Insurance Council of Saskatchewan (Council) has the authority to issue a licence." Disciplinary actions as described are reported on the Insurance Councils of Saskatchewan website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Walmart Canada Bank (Walmart Canada) acknowledges and agrees that:

1. It violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2 (d) it failed to exercise due diligence, resulting in a material mis-statement on applications for licence or reports to continue its licence;
 - B. Contrary to Bylaw 8, Section 2 (r) the designated representative:
 - Failed to exercise reasonable and prudent oversight when acting in a supervisory capacity.

Consensual Agreement and Undertaking

Walmart Canada Bank

2. Its rights to appear before a Discipline Committee of Council have been explained to it and it fully understands it's rights and/or obligations under Council Bylaw 10;
3. It waives its rights to appear before a Discipline Committee and undertakes not to exercise any appeal rights it may have under Council Bylaw 10, Section 3 or *The Saskatchewan Insurance Act*, (the Act) as it relates to matters set out in this Consensual Agreement and Undertaking (Agreement).
4. This Agreement does not preclude Council from pursuing any other investigation against Walmart Canada for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
5. Walmart Canada has been advised by the Committee that it is in its interests to obtain independent legal advice before entering into this Agreement:
 - A. Walmart Canada has obtained such independent legal advice and is satisfied with the same, prior to executing this Agreement, or
 - B. Walmart Canada has willingly chosen not to obtain such advice prior to executing this Agreement.
6. Walmart Canada hereby affirms that it has read and understood the terms of this Agreement, and is signing it voluntarily and of its own free will.

Walmart Canada having waived its rights, undertakes to:

1. Pay a fine in the amount of \$750.00
2. Reimburse Council's investigation costs in the amount of \$440.00.
3. Pay all fines and investigative costs within 30 days of receipt of this Agreement.

The Committee's Agreement:

1. The Committee agrees to accept from Walmart Canada the payment of \$1,190.00 as full and final resolution of this violation of Council's Bylaws as outlined in this Agreement; and
2. The Committee further agrees to take no further action against Walmart Canada for the acknowledged violations of Council's Bylaws as set out in this Agreement.

Consensual Agreement and Undertaking

Walmart Canada Bank

Dated at Mississauga, in the Province of Ontario, this 15th day of May, 2017.

Originally Signed by

Kevin Pearce

Dated at Saskatoon, in the Province of Saskatchewan, this 25th day of May, 2017.

Originally Signed by

**Roderick Baxter, Chair, Complaints and Investigation Committee
Life Insurance Council of Saskatchewan**