

Consensual Agreement and Undertaking

Between

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

And

**Marc P Pouteaux & Michelle A Pouteaux
o/a P & P Hail Insurance**

And

Michelle Anne Pouteaux

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 Hail 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.

**Marc P Pouteaux & Michelle A Pouteaux o/a P & P Hail Insurance (P & P Hail)
acknowledges and agrees that:**

1. It violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 1, subsection (a) it:
 - Acted contrary to the best interests of the consumer, or licencees or insurance companies.

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- B. Contrary to Bylaw 8, section 2 (g) it violated provisions of the Act, the regulations or the bylaws when it:
- Acted contrary to Schedule A, Part II, Section 3, subsection (1) when it failed to maintain its registration with the Corporate Registry of the Information Services Corporation.
- C. Contrary to Bylaw 8, Section 2, subsection (q) it:
- Failed to follow sound business practices;
 - i. When it failed to maintain its registration on the Saskatchewan Corporate Registry but continued to maintain an in force insurance licence in Saskatchewan from May 27, 2009 to April 15, 2016, a total of 2515 days.

Michelle Anne Pouteaux (Pouteaux) acknowledges and agrees that:

- A. Contrary to Bylaw 8, Section 2 (r) she:
- Failed to exercise reasonable and prudent oversight when acting in a supervisory capacity:

P & P Hail and Pouteaux acknowledge and agree that:

2. Their rights to appear before a Discipline Committee of Council have been explained to them and they fully understand their rights and/or obligations under Council Bylaw 10;
3. They waive their rights to appear before a Discipline Committee and undertake not to exercise any appeal rights they 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 P & P Hail and/or Pouteaux for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
5. P & P Hail and Pouteaux have been advised by the Committee that it is in their interests to obtain independent legal advice before entering into this Agreement. They have either:

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- a. Obtained such independent legal advice and is satisfied with the same, prior to executing this Agreement, or
 - b. Willingly chosen not to obtain such advice prior to executing this Agreement.
6. P & P Hail and Pouteaux hereby affirm that they have read and understand the terms of this Agreement, and are signing it voluntarily and of their own free will.

P & P Hail having waived its rights, undertakes to:

- i. Pay a fine in the amount of \$750.00; and
- ii. Upon completion of every Annual Reporting Form, P & P Hail must provide proof to Council that their corporate registration in Saskatchewan remains valid.

Pouteaux having waived its rights, undertakes to:

- i. Pay a fine in the amount of \$250.00

P & P Hail and Pouteaux jointly or severally agree to:

- i. Reimburse Council's partial cost of investigation in the amount of \$880.00.
- ii. 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 P & P Hail and Pouteaux the payment of \$1,880.00 as full and final resolution of the violations of Council's Bylaws as outlined in this Agreement; and
2. The Committee further agrees to take no further action against P & P Hail and Pouteaux for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

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P & P Hail Insurance & Michelle Anne Pouteaux

Dated at Gravelbourg, in the province of, Saskatchewan, this 26th day of September, 2017.

Originally Signed by

Michelle Anne Pouteaux for P & P Hail Insurance

Dated at Gravelbourg, in the province of, Saskatchewan, this 26th day of September, 2017.

Originally Signed by

Michelle Anne Pouteaux for P & P Hail Insurance

Dated at Regina, in the province of, Saskatchewan, this 3rd day of October, 2017.

Originally Signed by

**Rodney Schoettler, Co-Chair, Complaints and Investigation Committee
Hail Insurance Council of Saskatchewan**