

Consensual Agreement and Undertaking

Between

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

And

Maria Theresa Saynes

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.

Maria Theresa Saynes (Ms Saynes) acknowledges and agrees that:

1. She violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2 (d) she made a material mis-statement in an application for licence or report to continue a licence;
 - i. When she confirmed she had maintained a valid policy of errors and omissions ("E&O") insurance, knowing she neglected to renew her E&O insurance on November 15, 2016.
 - ii. When on January 23, 2017 she declared all statements and answers on her application for licence were true and correct;
 - B. Contrary to Bylaw 8, Section 2 (g) a licensee may be guilty of misconduct if the licensee: violates any provision of the Act, the regulations or the bylaws;

- i. When contrary to Schedule A, Part II, Section 6, subsection (1) she failed to maintain a valid policy of errors and omissions insurance;
 - a) When on November 15, 2016 she allowed her E&O insurance to lapse while her licence remained active,
 - b) E&O was not re-established until January 9, 2017.
 - c) Ms Saynes was without E&O coverage for 55 days; and
 - ii. When contrary to Bylaw 2, Section 1, subsection (4) (d) she failed to immediately notify Council of cancellation or non-renewal of her errors and omissions insurance.
2. Her rights to appear before a Discipline Committee of Council have been explained to her and she fully understands her rights and/or obligations under Council Bylaw 10;
3. She waives her rights to appear before a Discipline Committee and undertakes not to exercise any appeal rights she 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 Ms Saynes for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
5. Ms Saynes has been advised by the Committee that it is in her interests to obtain independent legal advice before entering into this Agreement.
 - a. Ms Saynes has obtained such independent legal advice and is satisfied with the same, prior to executing this Agreement, or
 - b. Ms Saynes has willingly chosen not to obtain such advice prior to executing this Agreement.
6. Ms Saynes hereby affirms that she has read and understood the terms of this Agreement, and is signing it voluntarily and of her own free will.

Ms Saynes having waived her rights, undertakes to:

1. Pay a fine in the amount of \$1,250.00;

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2. Ms Saynes will pay all fines and investigative costs within 30 days of receipt of this Agreement.
3. Ms Saynes will ensure E&O insurance is in place while she continues to hold an insurance licence in Saskatchewan.

The Committee's Agreement:

1. The Committee agrees to accept from Ms Saynes the payment of \$1,250.00 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 Ms Saynes for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Nanaimo, in the province of, British Columbia, this 9th day of March, 2018

Originally Signed by
Maria Theresa Saynes

Dated at Saskatoon, in the province of, Saskatchewan, this 16th day of March, 2018

Originally Signed by
Roderick Baxter, Chair, Complaints and Investigation Committee
Life Insurance Council of Saskatchewan