



Consensual Agreement and Undertaking

Between

**The Complaints and Investigation Committee
of
The General Insurance Council of Saskatchewan**

And

**The Life Insurance Council of Saskatchewan
(the Committee)**

And

Full Throttle Sports & Leisure Inc.

**Deren Seeman
(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 council - General Insurance Council of Saskatchewan (GICS) or Life Insurance Council of Saskatchewan (LICS) has the authority to issue a licence."

Disciplinary actions as described are reported on the Insurance Councils of Saskatchewan (Council) website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Full Throttle Sports & Leisure Inc. (Full Throttle) acknowledges and agrees that:

1. It violated the GICS and LICS Bylaws when:
 - A. Contrary to GICS and LICS Bylaw 8, Section 1 (a) it acted contrary to the best interests of the consumer or licensees or insurance:

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- B. Contrary to GICS and LICS Bylaw 8, section 2 (d) it failed to exercise due diligence, resulting in material mis-statements on an application for a licence or reports to continue a licence;
- C. Contrary to GICS and LICS 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 GICS Schedule A, Part V, Section 3, subsection (1) it failed to maintain a valid policy of errors and omissions insurance;
 - ii. When contrary to LICS Schedule A, Part III, Section 3, subsection (1) it failed to maintain a valid policy of errors and omissions insurance;
 - a) When on January 9, 2017 Full Throttle allowed its E&O to lapse while its licence remained active.
 - b) E&O was re-established on March 30, 2017.
 - c) Full Throttle was without E&O coverage for 80 days and;
 - iii. When contrary to GICS and LICS Bylaw 2, Section 1, subsection (4) (d) it failed to immediately notify Council of cancellation or non-renewal of its errors and omissions insurance.
- 2. Its rights to appear before a Discipline Committee of Council has been explained to it and it fully understands its rights and/or obligations under Council Bylaw 10;
- 3. It waives its right 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 Full Throttle for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
- 5. Full Throttle has been advised by the Committee that it is in its interests to obtain independent legal advice before entering into this Agreement. Full Throttle has either:
 - a) Obtained such independent legal advice and are satisfied with the same, prior to executing this Agreement, or
 - b) Willingly chosen not to obtain such advice prior to executing this Agreement.

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6. Full Throttle hereby affirms that it has read and understood the terms of this Agreement and is signing it voluntarily and of its own free will.

Full Throttle having waived its rights, undertakes to:

1. Pay a fine in the amount of \$3,500.00;
2. Full Throttle will pay all fines within 30 days of receipt of this Agreement.
3. Full Throttle will ensure E&O insurance is in place while it continues to hold an insurance licence in Saskatchewan.

The Committee's Agreement:

1. The Committee agrees to accept from Full Throttle the payment of \$3,500.00 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 Full Throttle for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Saskatoon, in the province of, Saskatchewan, this 20th day of November, 2018

Originally Signed by

Deren Seeman for Full Throttle Sports & Leisure Inc.

Dated at Regina, in the province of, Saskatchewan, this 11th day of December, 2018

Originally Signed by

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

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Full Throttle Sports & Leisure Inc.

Dated at Regina, in the province of, Saskatchewan, this 13th day of December, 2018.

Originally Signed by

Anne Parker, Co-Chair, Complaints and Investigation Committee
General Insurance Council of Saskatchewan

Dated at Regina, in the province of, Saskatchewan, this 13th day of December, 2018

Originally Signed by

Laureen Major, Co-Chair, Complaints and Investigation Committee
General Insurance Council of Saskatchewan