

Consensual Agreement and Undertaking

Between

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

and

**ACU Insurance Services Inc.
And
Jenna Dawn Schultz
(Designated Representative)**

The Committee is authorized under Bylaw 7, Section 5, subsection 3, subparagraph (b), to enter 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.

ACU Insurance Services Inc. ("ACU.") acknowledges and agrees that:

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

- B. Contrary to Bylaw 8, section 2 (g) it violated provisions of the Act, the regulations or the bylaws when it:
 - i. Acted contrary to Section 418. When it appointed, permitted or authorized any person to do any of the things in respect of which a licence is required unless the person is the holder of a subsisting licence.
 - ii. Acted contrary to Section 444. When it compensated unlicensed individuals and/or entities for sales of insurance while they did not hold an active licence.
- C. Contrary to Bylaw 8, Section 2 (q) it failed to follow sound business practices.

Jenna Dawn Schultz (“Miss Schultz”) acknowledges and agrees that:

- 1. She violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2 (r) as designated representative, she failed to exercise reasonable and prudent oversight when acting in a supervisory capacity.

ACU and Miss Schultz acknowledge and agree that:

- 1. 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;
- 2. 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).
- 3. This Agreement does not preclude Council from pursuing any further investigation against ACU and/or Miss Schultz for future activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.

4. ACU and Miss Schultz 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:
 - 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.
5. ACU and Miss Schultz hereby affirm that they have read and understand the terms of this Agreement and are signing it voluntarily and of their own free will.

ACU, having waived its rights, undertakes to:

1. Pay a fine in the amount of \$5,750

Miss Schultz, having waived her rights, undertakes to:

1. Pay a fine in the amount of \$250

ACU and/or Miss Schultz, jointly or severely agree to:

1. Reimburse Council's investigation costs in the amount of \$1,100
2. 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 ACU the payment of \$7,100 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 ACU and/or Miss Schultz for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Naicam, in the province of, Saskatchewan, this 21st day of December, 2018.

Originally signed by _____

Miss Schultz for ACU Insurance Services Inc.

Dated at Naicam, in the province of, Saskatchewan, this 21st day of December, 2018.
(city)

Originally signed by _____

Jenna Dawn Schultz

Dated at Regina, in the province of, Saskatchewan, this 4th day of January, 2019.

Originally signed by _____

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

Dated at Saskatoon, in the province of, Saskatchewan, this 7th day of January, 2019.

Originally signed by _____

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