

Consensual Agreement and Undertaking

Between

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

And

Sundog Vacations Ltd. o/a Sundog Travel

And

Lana Marie Becker
(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.

Sundog Vacations Ltd. o/a Sundog Travel (Sundog Vacations Ltd.) 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:

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- I. Acted contrary to Bylaw 2 Section 1, subsection (4)(c)(v) it failed to notify Council within 30 days of the name change.
 - II. Acted contrary to Section 416. When it acted as an insurance agent unless he is the holder of a subsisting licence under this Act as an agent or as a salesman of a licensed agent.
 - III. Acted contrary to Section 417. Held out as an agent or as a salesman of an agent unless he is the holder of a subsisting licence under this Act.
 - IV. 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.
 - V. Acted contrary to Section 422(2). Every partnership or corporation acting as an agent must hold a licence as an agent in the name of the partnership or corporation.
 - VI. Acted contrary to Section 422(3). Every person soliciting insurance other than life insurance on behalf of a partnership or corporation must hold a licence as a salesman of the partnership or corporation.
 - VII. Acted contrary to Section 444. When it compensated unlicensed persons for sales of insurance while they did not hold an active licence.
- C. Contrary to Bylaw 8, Section 2 (q) it:
- i. Failed to follow sound business practices.

Lana Marie Becker (Mrs. Becker) acknowledges and agrees that:

1. She violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2, subsection (d)
 - i. makes a material mis-statement in an application for licence or report to continue a licence
 - B. Contrary to Bylaw 8, Section 2 (r) the designated representative:
 - i. Failed to exercise reasonable and prudent oversight when acting in a supervisory capacity.

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Sundog Vacations Ltd and Mrs. Becker 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 further investigation against Sundog Vacations Ltd. and/or Mrs. Becker for future activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
5. Sundog Vacations Ltd. and Mrs. Becker 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 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. Sundog Vacations Ltd. and Mrs. Becker hereby affirm that they have read and understand the terms of this Agreement and are signing it voluntarily and of their own free will.

Sundog Vacations Ltd. having waived its rights, undertakes to:

1. Pay a fine in the amount of \$6,500;

Mrs. Becker, having waived her rights, undertakes to:

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

Sundog Vacations Ltd and/or Mrs. Becker, jointly or severally agree to:

1. Reimburse Council's cost of investigation in the amount of \$1,100;
2. Pay all fines within 30 days of receipt of this Agreement.
3. Upon completion of every Annual Reporting Form, Sundog Vacations Ltd. must provide proof to Council that their corporate registration in Saskatchewan remains valid.

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The Committee's Agreement:

1. The Committee agrees to accept from Sundog Vacations Ltd. and Mrs. Becker the payment of \$8,850 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 Sundog Vacations Ltd. and/or Mrs. Becker for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Rocanville, in the province of, Saskatchewan, this 16th day of January, 2019.

Originally signed by

Lana Marie Becker for Sundog Vacations Ltd. o/a Sundog Travel

Dated at Rocanville, in the province of, Saskatchewan, this 16th day of January, 2019.

Originally signed by

Lana Marie Becker

Dated at Saskatoon, in the province of, Saskatchewan, this 21st day of January, 2019.

Originally signed by

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

Dated at Regina, in the province of, Saskatchewan, this 28th day of January, 2019.

Originally signed by

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