



Consensual Agreement and Undertaking

(“Agreement”)
Bylaw 7(5)(3)(b)

Between

The Complaints and Investigation Committee

(“Committee”)

of

The General Insurance Council of Saskatchewan

(“Council”)

and

SWG Holdings Ltd. o/a Gilbert Agencies

(“Gilbert Agencies”)

and

Scott Gilbert

(“Gilbert”)

1. Gilbert and Gilbert Agencies acknowledge and agree that they violated Council Bylaws when:

- a) contrary to Bylaw 8(2)(g) they violated any provisions of the Act, regulations or bylaws:

The Saskatchewan Insurance Act

418 No insurer or agent shall appoint, permit or authorize any person to do any of the things in respect of which a license is required unless the person is the holder of a subsisting license.

444 No insurer and no officer, agent or employee of an insurer and no licensed agent or salesman shall, directly or indirectly, pay or allow, or offer or agree to pay or allow, any commission or other compensation or anything of value to any person for acting or attempting or assuming to act as an insurance agent in respect of insurance in Saskatchewan unless that person holds at the time a subsisting license under this Act as an agent or a salesman.

- b) contrary to Bylaw 8(2)(q) they failed to follow sound business practices;



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- c) contrary to Bylaw 8(2)(r) they failed to exercise reasonable and prudent oversight and review when acting in a supervisory capacity.
 2. Gilbert and Gilbert Agencies right to appear before a Discipline Hearing Committee of Council has been explained to them and they fully understand their rights and/or obligations under Council Bylaw 10.
 3. Gilbert and Gilbert Agencies waive their right to appear before a Discipline Hearing Committee and undertake not to exercise any appeal rights they may have under Council Bylaw 10, Section 3 or *The Saskatchewan Insurance Act*, (“Act”) as it relates to matters set out in this Consensual Agreement and Undertaking.
 4. This Agreement does not preclude Council from pursuing any other investigation against Gilbert and Gilbert Agencies for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
 5. Gilbert and Gilbert Agencies have been advised by the Committee that it is in their interest to obtain independent legal advice before entering into this Agreement. Gilbert and Gilbert Agencies 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.
 6. Gilbert and Gilbert Agencies hereby affirm that they have read and understand the terms of this Agreement and are signing it voluntarily and of their own free will.

Gilbert Agencies, having waived its rights, undertakes to:

Pay the amount of \$2000.

Gilbert, having waived his rights, undertakes to:

Pay a fine in the amount of \$1000.

Gilbert and Gilbert Agencies, jointly and severally agree to:

1. Reimburse Council’s investigation costs in the amount of \$220.
2. Pay all fines and investigation costs within 30 days of receipt of this Agreement, totaling \$3220.



The Committee's Agreement:

1. The Committee agrees to accept from Gilbert and Gilbert Agencies the payments of \$3220 as full and final resolution of this violation of Council's Bylaws as outlined in this Agreement.
2. The Committee further agrees to take no further action against Gilbert and Gilbert Agencies for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Unity, in the province of, Saskatchewan, this 10th day of April, 2019

Originally signed by

Scott Gilbert

Dated at Unity, in the province of, Saskatchewan, this 10th day of April, 2019

Originally signed by Scott Gilbert on behalf of

SWG Holdings Ltd. o/a Gilbert Agencies

Dated at Saskatoon, in the province of, Saskatchewan, this 1st day of May, 2019

Originally signed by

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

Dated at Regina, in the province of, Saskatchewan, this 2nd day of May, 2019

Originally signed by

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

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 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.