



Consensual Agreement and Undertaking
("Agreement")

Bylaw 7(5)(3)(b)

between

The Complaints and Investigation Committee
("Committee")

of

The Hail Insurance Council of Saskatchewan
("Council")

and

Stuart Henry James
("James")

1. **James acknowledges and agrees that he violated Council Bylaws when:**
 - a) he acted contrary to the best interests of the consumer or licensees or insurance companies pursuant to Bylaw 8(1)(a);
 - b) contrary to Bylaw 8(2)(g) a licensee may be guilty of misconduct if the licensee violates any provision of the Act, the regulations or the bylaws;
 - i. contrary to Schedule A, Part II, subsection (4)(1) he failed to maintain a valid policy of Errors and Omissions Insurance ("E&O") when on April 2, 2019 he allowed his E&O to lapse for 7 days while his licence remained active;
 - ii. contrary to Bylaw 2(1)(4)(d) he failed to immediately notify Council of cancellation or non-renewal of his E&O.
2. James right to appear before a Discipline Hearing Committee of Council has been explained to him and he fully understands his rights and/or obligations under Council Bylaw 10.
3. James waives his right to appear before a Discipline Hearing Committee and undertakes not to exercise any appeal rights he 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 him for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.



Consensual Agreement and Undertaking Stuart Henry James

5. James has been advised by the Committee that it is in his interest to obtain independent legal advice before entering into this Agreement. James has 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. James hereby affirms that he has read and understands the terms of this Agreement and is signing it voluntarily and of his own free will.

James, having waived his rights, undertakes to:

Pay all fines and costs within 30 days of receipt of this Agreement, totaling \$529.

The Committee's Agreement:

1. The Committee agrees to accept from James the payments of \$529 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 James for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Watrous, in the province of, Saskatchewan, this 28th day of June, 2019
(Town/City) (Month) (Year)

Originally signed by _____

Stuart Henry James

Dated at Regina, in the province of, Saskatchewan, this 5th day of July, 2019
(Town/City) (Month) (Year)

Originally signed by _____

**Rodney Schoettler, Chair, Complaints and Investigation Committee
Hail 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.