



## **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

**Ralph Martin Hilderman**

("Hilderman")

### **Misconduct**

**1. Hilderman acknowledges and agrees that he violated Council Bylaws when:**

- a) pursuant to Bylaw 8(2)(g) he violated a provision of the Bylaw when he:
  - i. acted contrary to Schedule A, Part II, subsection (6)(1) by failing to maintain a valid policy of Errors and Omissions Insurance (E&O) and allowed his E&O to lapse for 42 days while his licence remained active.
- b) pursuant to Bylaw 8(2)(d) he made a material misstatement by:
  - i. failing to disclose on his 2019 Annual Reporting Form ("ARF") the 2018 Cautionary Letter Council issued him which addressed his 2018 E&O lapse.
  - ii. falsely answering "Yes" to having maintained a valid E&O policy, as required by Council, after lapsing his E&O.

### **Rights and Obligations**

1. Hilderman's 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.



## Consensual Agreement and Undertaking

Ralph Martin Hilderman

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2. Hilderman 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.
3. This Agreement does not preclude Council from pursuing any other investigation against Hilderman for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
4. Hilderman has been advised by the Committee that it is in his interest to obtain independent legal advice before entering into this Agreement. He 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.
5. Hilderman hereby affirms that he has read and understands the terms of this Agreement and is signing it voluntarily and of his own free will.

### **Hilderman, having waived its rights, undertakes to:**

1. Pay the amount of \$589.
2. Reimburse Council’s investigation costs in the amount of \$330.
3. Pay all fines and investigation costs, totaling \$919, within 30 days of receipt of this Agreement.

### **The Committee’s Agreement:**

1. The Committee agrees to accept from Hilderman the payments of \$919 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 Hilderman for the acknowledged violations of Council’s Bylaws that are set out in this Agreement.

Dated at Togo, in the province of, Saskatchewan, this 16<sup>th</sup> day of August, 2019  
(Town/City) (Month) (Year)

Originally signed by \_\_\_\_\_  
**Ralph Martin Hilderman**



**Consensual Agreement and Undertaking**  
**Ralph Martin Hilderman**

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Dated at Regina, in the province of, Saskatchewan, this 27<sup>th</sup> day of August, 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.