



## CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

### THE MARKET PRACTICES COMMITTEE

("Committee")

of

### THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("Council")

And

**Brenda Fisher**

("Fisher")

Fisher as the Designated Representative ("DR") of Crystal Agencies Inc. acknowledges and agrees that she received Notice regarding a proposed action pursuant to Section 10-11 of *The Insurance Act* (the "Act"), and the reasons therefore, from Council, dated October 23, 2020.

**Fisher acknowledges and agrees that she is guilty of misconduct by violating Council Bylaws between April 9, 2019 and June 1, 2020 as follows:**

**Bylaw 4-1(1) For the purposes of the Act, the regulations and these bylaws, professional misconduct is a question of fact but includes any matter, conduct or thing, whether or not disgraceful or dishonorable that:**

(c) is a breach of the Act, the regulations or these bylaws.

**The Act:**

**s. 5-4(2)** No individual shall act or offer to act as an insurance agent with respect to a class of insurance unless the individual:

(a) is an employee or independent contractor of a business or partner of a partnership that holds a valid insurance agent's licence for that class of insurance



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and the individual holds a valid insurance agent's licence for that class of insurance;

**s. 5-10** Except where permitted in the regulations, no insurer and no insurance intermediary shall appoint, permit or authorize any person to do any of the things for which an insurance intermediary's licence is required by this Part unless the person is the holder of a valid insurance intermediary's licence.

**Bylaw 4-1(2) Without limiting the generality of subsection 4-1(1), a licensee may be guilty of misconduct if the licensee:**

- (r) fails to follow sound business practices or maintain proper records;
- (s) is a Designated Representative and fails to carry out his or her responsibilities as outlined in the Act, the regulations, or these bylaws, including Schedule B – Operating Principles for the Designated Representative.

**Fisher as the DR of Crystal Agencies Inc. acknowledges and agrees that:**

- a. Her right to make a written submission to, or appear before the Committee at an oral hearing, as to why this action should not be taken, has been explained to her and that she fully understands her rights and/or obligations.
- b. She waives her right to make a written submission to the Committee or to appear before the Committee at an oral hearing and chooses to resolve this matter by way of this Agreement and accordingly waives any right of appeal with respect to this action.
- c. This Agreement does not preclude Council from pursuing any other investigation and/or sanctions against her for activities not identified in this Agreement that may be in violation of the Act, *The Insurance Regulations* ("the regulations") or Council Bylaws.
- d. She has been advised that it is in her best interest to obtain independent legal advice before entering into this Agreement, and she has either:
  - i. obtained such independent legal advice prior to executing this Agreement; or,
  - ii. has willingly chosen not to obtain such advice prior to executing this Agreement.
- e. She hereby affirms that she has read and understands the terms of this Agreement and is signing it voluntarily and of her own free will.



**Fisher as the DR of Crystal Agencies Inc. having waived her rights, accepts and undertakes to fulfill the sanctions imposed by the Committee as follows:**

1. Pay the following:
  - a. a fine in the amount of \$1000 and
  - b. costs of investigation (3 hours x \$110) in the amount of \$300.
2. To pay the fine and costs of \$1330 within 30 days from the date of this Agreement.

**The Committee's Agreement:**

1. Upon fulfillment of the sanctions imposed, the Committee agrees this to be the full and final resolution of the violations of Council's Bylaws by Fisher as outlined in this Consensual Agreement and Undertaking

Originally Signed by \_\_\_\_\_  
**Brenda Fisher**

October 26, 2020  
**Date**

Anne Parker for \_\_\_\_\_  
**THE MARKET PRACTICES COMMITTEE**  
**General Insurance Council of Saskatchewan**

November 9, 2020  
**Date**

**Penalties affecting insurance intermediary's licence**

**5-39(3)**

If a penalty imposed against a holder of an insurance intermediary's licence pursuant to subsection (2) is not paid within 30 days after the holder is served with the written notice of the penalty and the decision of the Superintendent is not appealed, the licence is automatically suspended immediately following the last date for paying the penalty or appealing the decision, whichever is later, and remains suspended until the penalty is paid or the licence expires.