



CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

THE MARKET PRACTICES COMMITTEE

("Committee")

of

THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("Council")

And

Neil Jack Paetkau

("Paetkau")

Designated Representative

Hepburn Agencies Ltd.

Paetkau acknowledges and agrees that he received the Notice regarding a proposed action pursuant to Section 10-11 of *The Insurance Act* (the "Act"), and the reasons therefor, from Council, dated August 31, 2021.

Paetkau acknowledges and agrees that he is guilty of misconduct by violating the Act and Council Bylaws 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.

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

(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;



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Neil Jack Paetkau (Designated Representative)

The Act states:

Section: 5-23 If a designated representative who recommended that an individual be issued an insurance agent's licence cancels the recommendation:

(b) the designated representative shall immediately notify the Superintendent in writing of the cancellation and the specific reasons for the cancellation.

Paetkau acknowledges and agrees that:

- a. His 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 him and that he fully understands his rights and/or obligations.
- b. He waives his 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 him for activities not identified in this Agreement that may be in violation of the Act, *The Insurance Regulations* ("the regulations") or Council Bylaws.
- d. He has been advised that it is in his best interest to obtain independent legal advice before entering into this Agreement, and he 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. He hereby affirms that he has read and understands the terms of this Agreement and is signing it voluntarily and of his own free will.

Paetkau having waived his 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 \$500.00 and
 - b. costs of investigation (3 hours x \$110.00) in the amount of \$330.00.
2. To pay the fine and costs of \$830.00 within 30 days from the date of service of this Agreement.



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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 Paetkau as outlined in this Consensual Agreement and Undertaking

Originally signed by:

September 27, 2021

Neil Jack Paetkau

Date

Originally signed by Anne Parker for:

October 4, 2021

THE MARKET PRACTICES COMMITTEE
General Insurance Council of Saskatchewan

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.