



# **DECISION**

## **IN THE MATTER OF THE LIFE INSURANCE COUNCIL OF SASKATCHEWAN ("Council")**

### **MARKET PRACTICES COMMITTEE ("the Committee")**

### **RESPECTING**

### **GURBIR SINGH RANA ("the licensee")**

The Committee is authorized under Council's Bylaw 2, section 2-3, to investigate complaints and adjudicate or mediate disputes respecting alleged non-compliance with *The Insurance Act* (the "Act"), *The Insurance Regulations* (the "regulations") or the Life Insurance Council's Bylaws by applicants, licensees or persons who are required to be licensees pursuant to clause 5-31(3)(i) of the regulations, and to make decisions respecting penalties and other charges pursuant to clause 5-31(3)(k) of the regulations.

Upon review of the Life and Accident & Sickness Annual Reporting Form submitted by the licensee on May 17, 2021, regarding the conduct of the licensee, an investigation was undertaken, the outcome of which was submitted to the Committee dated September 15, 2021.

The Committee reviewed the investigation report and recommended a Notice of Proposed Action/Consensual Agreement and Undertaking ("the Agreement") be sent to the licensee. On September 23, 2021 the Agreement was sent via registered mail to the licensee.

The Agreement provides the licensee with two options if they do not wish to accept the Agreement. Sections 10-11(3)(a) and (b) of the Act allow the licensee to request an oral hearing or make written recommendations to the Committee. On September 30, 2021 the licensee opted, as per section 11(3)(b) of the Act, to submit his written representation which outlined his

position with respect to the actions against him as identified in the Agreement, and the reasons why these actions should not be taken, or in the alternative, the fine be reduced.

The Committee on October 14, 2021 as per 10-11(10)(a) of the Act, considered the licensee's representations regarding the misconduct identified hereunder:

**MISCONDUCT AND BYLAW VIOLATIONS BY THE LICENSEE:**

Please note that while in the process of formalizing this decision, it was noted that Bylaw 3-1(4)(c)(i) was incorrectly referenced in the Agreement which was sent to the licensee on September 23, 2021. The bylaw wording provided in the Agreement was however correct and continues to represent one of the violations made by the licensee. This decision contains the corrected Bylaw 3-1(4)(d)(i) throughout.

**4-1 Professional misconduct**

(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 licensee was guilty of misconduct when he breached the following Council Bylaws:

**Bylaw 3-1(4)(d)(i) when:** the licensee did not notify Council within the 30 day timeline that he had been charged with a criminal offence which occurred on September 9, 2017.

**Bylaw 4-1(2)(k) when:** the licensee failed to disclose on his 2018, 2019, and 2020 Annual Reporting Forms ("ARF") the criminal offence which occurred on September 9, 2017.

**ARGUMENTS PRESENTED BY THE LICENSEE**

**Bylaw 3-1(4)(d)(i)**

The licensee stated that he did not notify Council of the charge which occurred on September 9, 2017 as it was his understanding that he and his wife compromised and therefore, he was not convicted and had no charges against him as a result. He argued that it was not his intent to not disclose the September 9, 2017 charge and further stated that he has disclosed all other charges/convictions since being licensed in Saskatchewan and has not had any complaints from any clients and provides proper services to them on time.

**Bylaw 4-1(2)(k)**

The licensee represents in his September 29, 2021 letter to the Insurance Councils of Saskatchewan that he wasn't truly lying and that it was not his intent to not disclose the charge.

**REASONS FOR THE DECISION**

**Violation of Bylaw 4-1(1)(c)**

The Committee reviewed the evidence and found that the licensee was charged and pleaded guilty to the charge, which countered the representation made by the licensee that there were no charges. As the licensee knew, or ought to have known he had been charged with a Criminal offence, the Committee finds the licensee violated bylaw 4-1(1)(c) when he violated bylaw 3-1(4)(d)(i).

**Violation of 4-1(2)(k)**

The Committee reviewed the evidence and found that the licensee was untruthful when answering his 2018, 2019, and 2020 ARF's. The licensee answered "No" to the question "Within the past ten years, have you been investigated, charged or convicted of any criminal or quasi-criminal offence, in Canada or anywhere in the world?" on his 2018, 2019, and 2020 ARF's. He then answered "Yes" to the same question on the 2021 ARF where he disclosed the incident which occurred September 9, 2017. The question is clear when it asked whether the licensee had been charged with a criminal offence in Canada.

The Committee reviewed the wording on the Declaration section of each of the three ARF's. The Declaration states that the licensee does "solemnly declare that all statements and answers in the foregoing application including attachments are true and correct, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath." The declaration clearly states that the making of a false statement constitutes a material misstatement.

For these reasons, and based on the evidence, the Committee has unanimously agreed that the licensee did violate Bylaw 4-1(1)(c) and 4-1(2)(k) when he made a material misstatement on the ARF's for 2018, 2019, and 2020 and also failed to advise Council of the Criminal charge within the timeframe specified. When it comes to strict liability, intent is not usually considered as you either did or did not violate the law.

**THE COMMITTEE HEREBY ORDERS THAT:**

1. The licensee pay the following fines:

<b>Bylaw 4-1(1)(c)</b>	(\$250.00 x 1)	<b>\$ 250.00</b>
<b>Bylaw 4-1(2)(k)</b>	(\$250.00 x 3)	<b>\$ 750.00</b>
<b>Costs of Investigation</b>	(5 hours x \$110.00)	<b>\$ 550.00</b>

**Total:      \$1,550.00**

2. The licensee must pay the fine within 30 days of service of this Written Decision.

**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.

Dated at Regina, in the Province of Saskatchewan, this 16 day of November, 2021.

*Originally signed by:*

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Grant Laube, Chair  
Market Practices Committee