



CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

THE MARKET PRACTICES COMMITTEE

("Committee")

of

THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("Council")

And

SUSAN TEMPLE

("Temple")

Designated Representative

for

606530 Saskatchewan Ltd. o/a Choiceland Insurance

("Choiceland")

Temple acknowledges and agrees that she 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 December 16, 2021.

Temple as Designated Representative ("DR") acknowledges and agrees that she is guilty of misconduct by violating the following Sections of the Act and Council Bylaws:

Bylaw 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.

Bylaw 4-1 Professional misconduct

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



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(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;

By allowing an individual to represent Choceland as an insurance agent and allowing that individual to solicit individuals and/or organizations to place contracts of insurance, Temple, as DR further breached section 5-4(3) of the Act, which states:

Insurance agent's licence required

5-4(3) No business that holds an insurance agent's licence, other than a restricted insurance agent's licence, shall employ or appoint an individual to act as an insurance agent unless the individual holds a valid insurance agent's licence.

Temple allowed Choceland to operate under a business name that was not registered with the Information Services Corporation ("ISC") from July 31, 2012 to October 12, 2021 which is a breach of Bylaw 7-4 which states:

Bylaw 7-4 Licensing requirements – Agency or Restricted Insurance Agent

(1) GICS hereby establishes in Table 7-4-1 the licensing requirements for the licensing of an agency or Restricted Insurance Agent.

Table 7-4-1 Licensing Requirements – Agency or Restricted Insurance Agent

1) An agency must:

- a) provide evidence that the agency is registered with the Corporate Registry of the Information Services Corporation; and
- b) maintain that registration for as long as they hold an active licence.

Temple as DR 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.



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- 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.

Temple as DR having waived her rights, accepts and undertakes to fulfill the sanctions imposed by the Committee as follows:

- a. Pay a penalty in the amount of \$2,500.00.
- b. Pay the costs of investigation in the amount of 5 hours x \$110 = \$550.00; and
- c. Pay the total fine of \$3,050.00 within 30 days from the date of service of this Agreement.

The Committee's Agreement:

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 Temple as outlined in this Consensual Agreement and Undertaking

Originally signed by:

December 22, 2021

**Susan Temple, DR
606530 Saskatchewan Ltd. o/a Choiceland Insurance**

Date

Originally signed by Anne Parker for:

January 5, 2022

**THE MARKET PRACTICES COMMITTEE
General Insurance Council of Saskatchewan**

Date



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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.