



CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

THE MARKET PRACTICES COMMITTEES

("Committees")

of

THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("GICS")

And

THE LIFE INSURANCE COUNCIL OF SASKATCHEWAN

("LICS")

(Collectivity, the "Councils")

And

LARRY WAYNE KOZAKEVICH

("Kozakevich")

Director

and Designated Representative (General licence only)

for

Mark's Agency (1981) Ltd. o/a Trustmark Insurance Brokers

("Trustmark")

Kozakevich 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 the Councils, dated April 27, 2022.

Kozakevich acknowledges and agrees that he is guilty of misconduct by violating the following Sections of the Act and Council Bylaws:



Consensual Agreement and Undertaking

Larry Wayne Kozakevich, Director
Mark's Agency (1981) Ltd. o/a Trustmark Insurance Brokers

Kozakevich allowed Trustmark to operate under corporate and business names that were not registered with the Information Services Corporation ("ISC"). The corporate name, Mark's Agency (1981) Ltd., was not registered from August 10, 2020 to March 15, 2021 (217 days). The business name, Trustmark Insurance Brokers, was not registered from August 10, 2020 to July 13, 2021 (337 days) which is a breach of Bylaw 7-4 which states:

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

- (1) GICS [and LICs] 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.

Kozakevich did not disclose a criminal code conviction on six (6) Annual Reporting Forms ("ARF") that he submitted to the Councils for Trustmark and his personal ARF's which is a breach of Bylaw 4-1(2)(k).

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:
 - (k) makes a material misstatement in an application for licence or report to continue a licence, pursuant to clauses 5-39 (1)(a) and 5-64 (1)(a) of the Act*

Kozakevich did not follow sound business practices for one-month as there was no evidence to support that he had the Trustmark's mail redirected to him during the time he was absent from the Trustmark, which is a breach of Bylaw 4-1(2)(r).

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:
 - (r) fails to follow sound business practices or maintain proper records*



Consensual Agreement and Undertaking

Larry Wayne Kozakevich, Director
Mark's Agency (1981) Ltd. o/a Trustmark Insurance Brokers

Kozakevich acknowledges and agrees that:

- a. His right to make a written submission to, or appear before the Committees 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 Committees or to appear before the Committees 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 the Councils 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 the Bylaws of the Councils.
- 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.

Kozakevich, having waived his rights, accepts and undertakes to fulfill the sanctions imposed by the Committee as follows:

- a. Pay a penalty in the amount of \$3000.00
- b. Pay the costs of investigation in the amount of 6 hours x \$110 = \$660.00; and
- c. Pay the total fine of \$3660.00 within 30 days from the date of service of this Agreement.



Consensual Agreement and Undertaking

Larry Wayne Kozakevich, Director
Mark's Agency (1981) Ltd. o/a Trustmark Insurance Brokers

The Committee's Agreement:

Upon fulfillment of the sanctions imposed, the Committees agree this to be the full and final resolution of the violations of Councils' Bylaws by Trustmark as outlined in this Consensual Agreement and Undertaking

Originally signed by :

**Larry Wayne Kozakevich, Director
Mark's Agency (1981) Ltd.
o/a Trustmark Insurance Brokers**

May 12, 2022

Date

Originally signed by Laureen Major for:

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

May 25, 2022

Date

Originally signed by Grant Laube for:

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

May 17, 2022

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.