



CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

THE MARKET PRACTICES COMMITTEE

("Committee")

of

THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("Council")

And

Norma Hiebert

("DR")

Designated Representative

With

Sunova Financial Services Inc. o/a McElhoes & Duffy Insurance Brokers a/o/a Brio Insurance

("Agency")

The DR 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 June 3, 2022.

The DR acknowledges and agrees that she is guilty of misconduct by violating the following sections of the Act and Council Bylaws:

The DR failed to ensure that all persons employed with the Agency that acted as insurance agents in Saskatchewan held a license through Council, which is a violation of Bylaw 4-1 (1) (c) and the Act section 5-4(3) which state that:

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.



Consensual Agreement and Undertaking
Sunova Financial Services Inc. o/a McElhoes & Duffy Insurance Brokers a/o/a Brio
Insurance
Norma Hiebert (Designated Representative)

The Act: 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.

The 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.
- c. This Agreement does not preclude the Councils 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 the Bylaws of the Councils.
- 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.

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

Accept an official Warning Letter for the contravention of Council Bylaw 4-1(1)(c) and the Act, section 5-4(3), which is attached as Appendix A to the Agreement.



Consensual Agreement and Undertaking

Sunova Financial Services Inc. o/a McElhoes & Duffy Insurance Brokers a/o/a Brio
Insurance
Norma Hiebert (Designated Representative)

The Committee's Agreement:

The Committee agrees to the issuance of a Warning Letter to the DR as the full and final resolution of the violations of Council's Bylaws and the Act by the DR as outlined in this Consensual Agreement and Undertaking.

Originally signed by: Norma Hiebert

June 23, 2022

Date

Norma Hiebert, Designated Representative

Originally signed by Laureen Major for:

June 29, 2022

Date

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

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.

APPENDIX A



310 - 2631 28th Ave. Regina SK S4S 6X3
Tel: 306.347.0862 Fax: 306.347.0525

Warning Letter

_____, 2022

Norma Hiebert, Designated Representative
Sunova Financial Services Inc. o/a McElhoes & Duffy Insurance Brokers a/o/a Brio Insurance
233 Main Street
Selkirk, MB R1A 1S1

Dear Ms. Hiebert:

RE: Compensating an unlicensed agent

The Market Practices Committee (the "Committee") of the General Insurance Council of Saskatchewan ("GIS"), concluded their review of the allegation that you compensated unlicensed individuals to act as insurance agents in Saskatchewan. The Committee determined that you breached GIS Bylaw 4-1(1)(c) and *The Insurance Act* (the "Act") section 5-4(3) which state:

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: 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.

In accordance with the Consensual Agreement and Undertaking ("CAU") you entered into, this letter constitutes the Committee's Warning Letter to you.

You are advised that this Warning Letter will remain on your personal licensing file, and is reportable on all future Annual Reporting Forms.

Should there be any further violations, this letter may be used in future investigations and/or disciplinary actions which may include fines and investigative costs.

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Warning Letter

A copy of the Bylaws and the Agent's Code of Conduct can be found on our website at www.skcouncil.sk.ca under the "General Council" and then "General Bylaws" tabs.

Sincerely,

Laureen Major
Market Practices Committee
General Insurance Council of Saskatchewan