



CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

THE MARKET PRACTICES COMMITTEE

("Committee")

of

THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("Council")

And

Matthew (Matt) Lee Bergen

("Licensee")

With

Olson Insurance Group Ltd.

("Agency")

The Licensee 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 17, 2022.

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

The Licensee acted as insurance agent in Saskatchewan during a period he did not hold a license through Council to do so, which is a violation of Bylaw 4-1(1)(c) and the Act section 5-4(2)(a) 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

Matthew (Matt) Lee Bergen
Olson Insurance Group Ltd.

The Act: Insurance agent's licence required

5-4(2)(a) No individual shall act or offer to act as an insurance agent with respect to a class of insurance unless the individual:

(a) is an employee or independent contractor of a business or partner of a partnership that holds a valid insurance agent's licence for that class of insurance and the individual holds a valid insurance agent's licence for that class of insurance.

The Licensee 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 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.

The Licensee having waived his 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(2)(a), which is attached as Appendix A to the Agreement.



Consensual Agreement and Undertaking

Matthew (Matt) Lee Bergen
Olson Insurance Group Ltd.

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: Matthew Bergen

Matthew (Matt) Lee Bergen

August 9, 2022

Date

Originally signed by Anne Parker for:

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

August 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.

APPENDIX A



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

Warning Letter

_____, 2022

Olson Insurance Group Ltd.
105 440 2nd Ave North
Saskatoon, SK S7K 2C3
Attention: Matthew Lee Bergen

Dear Mr. Bergen:

RE: Unlicensed activity

The Market Practices Committee (the "Committee") of the General Insurance Council of Saskatchewan ("GIS"), concluded their review of the allegation that you acted as an insurance agent during a period of time you did not hold a license in Saskatchewan. The Committee determined that you breached GIS Bylaw 4-1(1)(c) and The Insurance Act (the "Act") section 5-4(2)(a) 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(2)(a) No individual shall act or offer to act as an insurance agent with respect to a class of insurance unless the individual:

(a) is an employee or independent contractor of a business or partner of a partnership that holds a valid insurance agent's licence for that class of insurance and the individual holds a valid insurance agent's licence for that class of insurance.

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

APPENDIX A



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Warning Letter

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.

A copy of the Bylaws and the Agent Code of Conduct can be found on our website at www.skcouncil.sk.ca. Select Legislation & Enforcement from the menu at the top of the page and then select Legislation. The link to the Bylaws and Code of Conduct are located on the left side menu.

Sincerely,

Anne Parker
Market Practices Committee
General Insurance Council of Saskatchewan