



CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

THE MARKET PRACTICES COMMITTEE

(the "Committee")

of

THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("Council")

And

CLAY PAGET GENERAL INSURANCE ADJUSTERS LTD. O/A MIDWEST CLAIMS SERVICES

(the "Adjusting Firm")

AS REPRESENTED BY

Garrett Schous, Designated Representative

(the "DR")

The Adjusting Firm, through its DR, acknowledges and agrees that it 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 21, 2023.

The DR acknowledges and agrees that the Adjusting Firm is guilty of misconduct and that it violated Council Bylaws as follows:

Bylaw 3-1 Licences and obligations

(4) A licence imposes on the licensee, and if a business, the designated representative, obligations including but not limited to, the following:

(c) to immediately notify GICS of:

(v) any withdrawal of a licence recommendation;



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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.

The Adjusting Firm, through its DR acknowledges and agrees that:

- a. Its right to make a written submission to or appear before the Committee at an oral hearing to make representations as to why this action should not be taken has been explained and that it fully understands its rights and/or obligations.
- b. It waives its 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 Council from pursuing any other investigation and/or sanctions against the Adjusting Firm for activities not identified in this Agreement that may be in violation of the Act, *The Insurance Regulations* or Council Bylaws.
- d. It has been advised that it is in its best interest to obtain independent legal advice before entering into this Agreement. The Adjusting Firm has either:
 - a. obtained such independent legal advice prior to executing this Agreement; or
 - b. has willingly chosen not to obtain such advice prior to executing this Agreement.
- e. The DR hereby affirms that he has read and understands the terms of this Agreement and is signing it voluntarily on behalf of the Adjusting Firm.

The DR, on behalf of the Adjusting Firm, having waived its rights, accepts and undertakes to fulfill the sanctions imposed by the Committee as follows:

- a. Pay a penalty in the amount of \$300.00.
- b. Pay the costs of investigation in the amount of 4 hours x \$110.00 per hour = \$440.00
- c. Pay the fine and costs of investigations (for a total of \$740.00) within 30 days from the date of receipt of this Agreement.



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The Committee's Agreement:

Upon fulfillment of the sanctions imposed, the Committee agrees this will be the full and final resolution of the violations of *The Insurance Regulations* and Council's Bylaws by the Adjusting Firm as outlined in this Agreement.

Originally signed by:

**Garrett Schous, Designated Representative
Clay Paget General Insurance Adjusters Ltd.
o/a Midwest Claims Services**

August 30, 2023

Date

Originally signed by Laureen Major for:

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

September 6, 2023

Date

Penalties affecting insurance intermediary's licence

Section 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.