

DECISION

IN THE MATTER OF

THE LIFE INSURANCE COUNCIL OF SASKATCHEWAN ("Council")

MARKET PRACTICES COMMITTEE ("the Committee")

RESPECTING

Christopher (Chris) Findlay ("the Licensee")

The Committee is authorized under Council's Bylaw 2, section 2-3, to investigate complaints and adjudicate or mediate disputes respecting alleged non-compliance with *The Insurance Act* (the "Act"), *The Insurance Regulations* (the "Regulations") or Council's Bylaws by applicants, licensees or persons who are required to be licensees pursuant to section 5-31(3)(i) of the Regulations, and to make decisions respecting penalties and other charges pursuant to section 5-31(3)(k) of the Regulations.

The Compliance and Enforcement Department of the Insurance Councils of Saskatchewan ("Compliance") received notification from the Licensing Department of the Insurance Councils of Saskatchewan that the Licensee was representing an agency that is not Licensed in Saskatchewan which he did not disclose on his 2023-2024 Annual Reporting Form. The Licensee also failed to respond to correspondence from Council during the course of the investigation.

A Notice of Proposed Action dated April 15, 2024, enclosing a Consensual Agreement and Undertaking (the "Agreement") was served on the Licensee on April 16, 2024. The Agreement notified the Licensee that fines were being sought against him for breaching Council's Bylaws. The Licensee did not respond to Council in accordance with the timelines set out in the Agreement.

The Licensee did not provide written representations or request a hearing to advise the Committee why the actions identified in the Agreement should not be taken, pursuant to section 10-11(3) of the Act, within the required time.

As the Licensee failed to meet the requirements of section 10-11(3) of the Act within the required time, the Committee has confirmed that the actions outlined in the Agreement will be taken, pursuant to section 10-11(6) of the Act.

MISCONDUCT AND BYLAW VIOLATIONS BY THE LICENSEE:

The Insurance Act ("the Act"), Section 5-4 Insurance agent's licence required

5-4(2) 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;

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;

...

- (u) fails to reasonably respond to inquiries from LICS or ICS.

REASON FOR THE DECISION:

As the Licensee failed to provide written representations or request a hearing, the Committee, pursuant to section 10-11(11) of the Act, considers the Agreement appropriate and makes the following order:

THE COMMITTEE HEREBY ORDERS THAT:

1. The Licensee pay the following fine:

Bylaw 4-1(2)(k) Material Misstatement	<u>\$ 300.00</u>
Bylaw 4-1(2)(u) for Failure to Respond	<u>\$ 300.00</u>
Total:	\$ 600.00

2. The Licensee pay the costs of investigation: 4 hours at \$110.00 per hour = \$440.00.

3. The Licensee must pay the fine and costs of investigation, in the amount of \$1040.00, within 30 days of being served with this Decision, pursuant to section 5-39(3) of the Act.

Dated at Saskatoon, in the Province of Saskatchewan, this May 24, 2024 day of May 2024.

Originally Signed By:

Som Houmphanh, Chair
Market Practices Committee
Life Insurance Council of Saskatchewan

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.