

Consensual Agreement and Undertaking

Between

Kenneth Lorne Percival

And

The Complaints and Investigation Committee (Committee) of
The Hail Insurance Council of Saskatchewan (Council)

The Committee is authorized under Bylaw 7, Section 5, subsection 3, subparagraph (b), to enter into consensual resolutions of complaints.

Kenneth Lorne Percival acknowledges and agrees that:

- 1. Contrary to Section 447 of *The Saskatchewan Insurance Act (The Act)* and Bylaw 8, Section 2, (g) of The Hail Insurance Council of Saskatchewan (Council) he did adjust hail insurance claims without holding a valid licence when:
 - a. He allowed his Saskatchewan Hail Adjuster license #43979 to lapse on July 2, 2008;
 - b. Between August 6, 2008 and August 15, 2008 (the relevant dates) he adjusted 17 hail insurance claims in Saskatchewan for Co-operative Hail Insurance Company Ltd. and was compensated for adjusting those claims;
 - c. During the relevant dates he did not hold an existing licence under *The Act* to adjust hail insurance claims; and
 - d. He reapplied for and was issued Hail Adjuster license #50387 on October 22, 2008.
- 2. His rights to appear before a Discipline Committee of Council have been explained to him and he fully understands his rights and/or obligations under Bylaw 10;
- 3. He waives his rights to appear before a Discipline Committee and undertakes not to exercise any appeal rights he may have under Council Bylaw 10, Section 3 or *The Act*, as it relates to matters set out in this agreement and undertaking.



4. He has been advised by The Committee that it is in his interests to obtain independent legal advice before entering into this consensual agreement and undertaking.

Having waived my rights, I Kenneth Lorne Percival undertake to:

- 1. Pay a fine in the amount of \$162.00 which represents 10% of the\$1,620.00 remuneration received during the relevant dates for adjusting hail claims while not being licensed to do so.
- 2. Reimburse Council's investigation costs in the amount of \$220.00.

The Committee's Agreement

- 1. The Committee agrees to accept payment of \$382.00 representing a fine of \$162.00 and costs of investigation in the amount of \$220.00 as full and final resolution of the complaint against Kenneth Lorne Percival.
- 2. The Committee further agrees to take no further action against Kenneth Lorne Percival for the acknowledged violations of Council's Bylaws or *The Act* that are not set out in this agreement.

Chairman, Complaints and Investigation Committee Hail Insurance Council of Saskatchewan