

**Consensual Agreement and Undertaking (Agreement)
Pursuant to the General Insurance Council of Saskatchewan (GIC)
Bylaw 7, Section 5, (3), (b)**

Between

**The Complaints and Investigation Committee (the Committee) of the
GIC**

and

D.A. Scrivener Adjusters Ltd. a/o/a Scrivener Adjusters (Scrivener)

Scrivener acknowledges and agrees that:

1. Contrary to the GIC Bylaw 8, Section 2(l), it failed to disclose to a consumer and an insurer a conflict of interest that may have existed when it did not advise a consumer and an insurer that Medius Claims Consulting Inc. (MCC), doing business as Medius Restoration Services (MRS) had shareholders and/or directors in common with Scrivener at the relevant time.

Scrivener undertakes to forthwith:

2. Continue to apply a procedure previously implemented and subsequently approved by the Committee to disclose to a consumer and an insurer a possible conflict of interest where a claim has been made on a contract of insurance of which Scrivener is adjusting the loss, and MCC has or may be retained to complete the remediation work.
3. Ensure that the approved procedures are used whenever Scrivener is employed to adjust a loss involving a contract of insurance.
4. Licence no later than the date of March 8, 2012 the trade name of Scrivener Claims with the GIC.

Scrivener acknowledges and agrees:

5. It has a right to appear before a Discipline Committee of the GIC.
6. It waives its rights to appear before a Discipline Committee of the GIC and undertakes not to exercise any appeal rights it may have under the GIC Bylaw 10, Section 3 or *The Saskatchewan Insurance Act* (the Act), as it relates to matters set out in this Agreement.

7. It has been advised by the Committee that it is in their interests to obtain independent legal advice before entering into this Agreement.
8. This Agreement does not preclude the Committee from pursuing any other investigation against Scrivener for activities not referenced in this Agreement that may be in violation of the GIC Bylaws or the Act.

Scrivener having waived its rights to a hearing undertakes to:

9. Reimburse the Committee's investigation costs in the amount of \$3,850.00.

The Committee acknowledges and agrees:

10. To accept as full and final resolution to the acknowledged violations of the GIC Bylaws as set out in this Agreement, the following:
 - a signed agreement between Scrivener and the Committee that will formalize the requirements of Section(s) 2 and 3 of this Agreement; and
 - on execution of this Agreement the payment to the GIC, the costs of the investigation in the total amount of \$3,850.00.

Dated at Regina, in the Province of Saskatchewan, this 6 day of March, 2012.

Originally signed by:

D.A. Scrivener Adjusters Ltd. a/o/a Scrivener Adjusters

Dated at Regina, in the Province of Saskatchewan, this 14 day of
March, 2012.

Originally signed by:

**Dave Prociuk, Chairman
Complaints and Investigation Committee
General Insurance Council of Saskatchewan**