

**COUNCIL DECISIONS 2008**

**BENJAMIN DANIEL FITZPATRICK**  
**(“LICENSEE”)**  
**KELOWNA, B.C.**  
*(Level 2 General Insurance Agent)*

Council determined the Licensee failed to act in a trustworthy manner and in accordance with the usual practice of the business of insurance and ordered:

- the Licensee be fined \$1,000.00; and
- the Licensee be assessed the costs of Council’s investigation.

The Licensee wrongly overrode an outstanding ICBC debt for himself and two of his clients to delay payment of the debts.

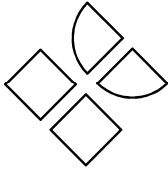
**DOUGLAS DAMON CLARKE**  
**(“NOMINEE”)**  
**MARKHAM, ON**  
*(Level 3 General Insurance Nominee)*

**DKC INSURANCE AND FINANCIAL CORP.**  
**(“AGENCY”)**  
**MARKHAM, ON**  
*(General Insurance Corporate Agent)*

Council found the Nominee and the Agency made a material misstatement on their applications for an insurance licence and breached a condition of their licences by failing to notify Council within five business days of disciplinary action taken against them in Ontario and ordered:

- the Nominee be fined \$2,500.00;
- the Agency be fined \$2,500.00; and
- the Agency be assessed the costs of Council’s investigation.

The Nominee and the Agency failed to disclose on their applications for licensing that they had been disciplined by the Registered Insurance Brokers of Ontario (“RIBO”) in 2004. The Nominee and the Agency also failed to notify Council within five business days after they were again disciplined by RIBO in March 2007, as required by Rule 7(3) of Council Rules.



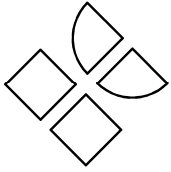
**MICHAEL FREDERICK GARSIDE**  
**(“LICENSEE”)**  
**SALT SPRING ISLAND, B.C.**  
*(Level 2 General Insurance Agent)*

**ISLAND SAVINGS INSURANCE SERVICES LTD.**  
**(“AGENCY”)**  
**SALT SPRING ISLAND, B.C.**  
*(General Insurance Corporate Agent)*

Council determined the Licensee and the Agency failed to act in a competent manner and in accordance with the usual practice of the business of insurance and ordered:

- the Licensee be reprimanded;
- as a condition of his licence, the Licensee successfully complete the following three courses offered by the Insurance Institute of Canada as part of its CIP program: C12 – Insurance on Property, C13 – Insurance Against Liability Part 1 and C40 – Business Interruption Insurance or, in the alternative, successfully complete CAIB 2 and 3 within two years from the date Council’s order takes effect;
- as a condition of his licence, the Licensee successfully complete an errors and omissions course offered through the Insurance Brokers Association of British Columbia, or an equivalent course as determined by Council, within six months from the date Council’s order takes effect;
- as a condition of his licence, the Licensee appoint a general insurance agent with a minimum of five years’ experience, subject to approval by Council, to supervise and be accountable for his insurance activities for a minimum period of two years from the date Council’s order takes effect. The supervising general insurance agent will have a condition placed on his/her insurance licence making him/her accountable for the Licensee’s insurance activities;
- the Agency be fined \$2,000.00;
- as a condition of its licence, the Agency conduct an internal audit of all the Licensee’s files within three months from the date Council’s order takes effect and, within a reasonable time following completion of the audit, provide confirmation of the same to Council; and
- the Agency be assessed the costs of Council’s investigation.

The Licensee and the Agency had been handling a client’s commercial insurance for five years when the client suffered a fire loss and learned that it had been underinsured. The limits of insurance on the client’s building had not been increased since the Licensee had first taken over the file in 1999 and, in calculating the limits for the loss of rental income, the Licensee neglected to advise the client that it could claim for rent on the portion of the building that it occupied. As well, the Licensee erroneously assumed that by-laws coverage was included in the client’s policy and did not offer it to the client. Council found the Licensee failed to evaluate, advise and recommend to the client adequate limits of insurance on three significant aspects of its



commercial policy, namely, property values, loss of rental income or business interruption generally, and by-laws coverages. Council further determined that the Agency did not have sufficient renewal procedures in place and failed to ensure the Licensee was acting competently.

**PACIFIC NATIONAL TRAVELS INC. DBA CRUISE HOLIDAYS OF METROTOWN  
("AGENCY")  
RICHMOND, B.C.**

*(Restricted Travel Insurance Corporate Agent)*

Council determined the Agency breached a condition on its licence and ordered:

- the Agency be fined \$1,000.00.

The Agency failed to maintain or be covered by errors and omissions insurance, failed to notify Council within five business days that it was not insured for errors and omissions, and failed to stop conducting travel insurance activities in the absence of having errors and omissions insurance.

**SWEE HENG TEH  
("LICENSEE")**

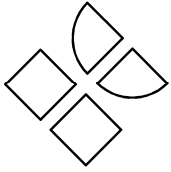
**RICHMOND, B.C.**

*(Level 2 General Insurance Agent)*

Council determined the Licensee failed to act in a trustworthy manner, in good faith and in accordance with the usual practice of the business of insurance and ordered:

- the Licensee's Level 2 general insurance agent's licence and her life and accident and sickness insurance agent's licence be suspended for a period of two months;
- the Licensee be fined \$2,000.00; and
- the Licensee be assessed the costs of Council's investigation.

For a fee, the Licensee falsely obtained continuing education credits for another licensed agent who subsequently used the continuing education credits to renew his insurance licence.



**KUN-YONG WARREN SONG**

**("APPLICANT")**

**SURREY, B.C.**

*(Level 2 General Insurance Agent)*

Council determined the Applicant failed to act in a trustworthy manner and in accordance with the usual practice of the business of insurance and ordered:

- the Applicant be fined \$1,000.00;
- as a condition of his licence, the Applicant is required to notify future employers of the circumstances surrounding Council's investigation; and
- the Applicant be assessed the costs of Council's investigation.

While licensed, the Applicant took premium and debt monies from ICBC clients for personal use and replaced these funds with payments from his personal credit cards. The Applicant benefited by accessing money without incurring interest and collecting points and other loyalty rewards on his credit cards. The Applicant also personally financed a client's ICBC debt and charged interest to the client.

Overall, the Applicant used his position as an insurance agent for personal gain and to the detriment of ICBC and the credit card companies through increased merchant fees and payment of rewards to which he was not entitled. In reviewing this matter, Council determined while a suspension may have been appropriate in these circumstances, consideration was given to the fact that the Applicant had been unlicensed for two months while awaiting the outcome of Council's investigation.

**MICHELLE ANGELA HUNTER**

**("LICENSEE")**

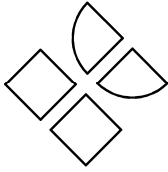
**SURREY, B.C.**

*(Life Insurance Agent)*

Council determined the Licensee failed to act in a trustworthy manner and in accordance with the usual practice of the business of insurance and ordered:

- the Licensee be suspended for a period of 30 days;
- the Licensee be fined \$1,000.00; and
- the Licensee be assessed the costs of Council's investigation.

The Licensee forged a client's signature on a policy illustration and Basic Disclosure Statement and made a material misstatement in reply to an inquiry from Council.



**ROBIN FONDA POWLEY**

**("LICENSEE")**

**NEW WESTMINSTER, B.C.**

*(Level 2 General Insurance Agent)*

Council determined the Licensee failed to act in a trustworthy manner and in accordance with the usual practice of the business of insurance, and made a material misstatement in reply to an inquiry from Council and ordered:

- the Licensee be suspended for a period of one month;
- the Licensee be fined \$1,000.00;
- the Licensee be assessed half the costs of Council's investigation; and
- as a condition of her licence, the Licensee successfully complete an errors and omissions course offered through the Insurance Brokers Association of British Columbia, or an equivalent course as determined by Council.

The Licensee had not dealt with a client in a proper manner with respect to the non-renewal and subsequent lapse of a homeowner's policy. In addition, the Licensee made a material misstatement in order to mislead Council in its investigation.

**SHERRY LYNN MATTHEWS**

**("FORMER LICENSEE")**

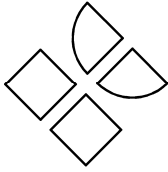
**VICTORIA, B.C.**

*(Former Life Insurance Agent)*

Council determined the Former Licensee failed to act in a trustworthy and competent manner, in good faith and in accordance with the usual practice of the business of insurance and ordered:

- the Former Licensee is unsuitable to hold an insurance licence for a minimum period of three years;
- the Former Licensee is required to successfully complete all four courses towards a CFP designation and an ethics and practice course as a requirement of any future application for an insurance agent's licence;
- the Former Licensee be fined \$10,000.00; and
- the Former Licensee be assessed the costs of Council's investigation.

The Former Licensee failed to act in the best interest of her clients and made unsuitable recommendations to invest in similar universal life insurance policies, regardless of their individual needs and financial circumstances. Council also determined the Former Licensee failed to keep adequate documentation and notes on client files.



**AURORA UNDERWRITING SERVICES INC.**

**(“AGENCY”)**

**EDMONTON, AB**

*(General Insurance Corporate Agent)*

**NONA ERIE MCCREEDY**

**(“NOMINEE”)**

**EDMONTON, AB**

*(Level 3 General Insurance Nominee)*

**LINDA DIANNE HAYNE**

**(“LICENSEE”)**

**EDMONTON, AB**

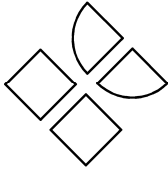
*(Level 2 General Insurance Agent)*

Council found the Agency, Nominee and Licensee failed to act in a trustworthy and competent manner, in good faith and in accordance with the usual practice of the business of insurance and ordered:

- the licences held by the Agency, Nominee and Licensee be suspended for a period of 18 months;
- the Agency be fined \$20,000.00;
- the Nominee be fined \$10,000.00;
- the Licensee be fined \$5,000.00; and
- the Agency, Nominee and Licensee be assessed the costs of Council’s investigation and hearing.

The Agency sub-brokered an insurance policy for an insurance agency in British Columbia who had a client that required commercial insurance coverage for its operations in Canada and the United States. The following transgressions occurred:

- under the direction of the Nominee, the Licensee altered a client’s insurance policy documents in order to conceal a policy fee that the Agency felt it had earned, but had not been disclosed to any of the parties in the insurance transaction;
- the Agency, Nominee and Licensee failed to competently review the client’s insurance documentation for accuracy, and the client’s file records were deficient;
- despite being aware of the client’s insurance requirements and that the coverage provided did not meet what had been requested, the Agency and Nominee failed to explain or clarify this to the producing broker, as was their obligation, which resulted in the client being misled and knowingly allowed to operate without insurance coverage for several months; and
- the Nominee made a material misstatement to Council investigators during the course of the investigation.



**SUKHJINDER JOHAL**

**("LICENSEE")**

**SURREY, B.C.**

*(Level 1 General Insurance Salesperson)*

Council determined the Licensee failed to act in a trustworthy manner, in good faith and in accordance with the usual practice of the business of insurance and ordered:

- the Licensee's Level 1 general insurance salesperson's licence be suspended for a period of one month; and
- the Licensee be assessed the costs of Council's investigation.

The Licensee admitted to forging a client's signature on an ICBC Temporary Operating Permit policy.

**ACCESS CHINA TOURS, INC.**

**("AGENCY")**

**NEW WESTMINSTER, B.C.**

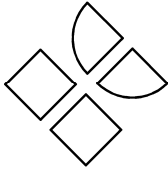
*(Restricted Travel Insurance Corporate Agent)*

Council determined the Agency breached a condition on its licence and ordered:

- the Agency be fined \$1,000.00.

The Agency failed to maintain or be covered by errors and omissions insurance, failed to notify Council within five business days that it was not insured for errors and omissions, and failed to stop conducting travel insurance activities in the absence of having errors and omissions insurance.

Council found while the Agency's failure to have errors and omissions insurance was not intentional, the Agency had a duty to know its requirements under Council Rules and operate in accordance with them.



**MANVIR SINGH SANDHU**

**("APPLICANT")**

**SURREY, B.C.**

*(Life Insurance Agent Applicant)*

Council determined the Applicant was suitable to hold a life insurance agent's licence in light of his employment as an Immigration Consultant and ordered:

- the Applicant may not conduct insurance activities with his immigration consulting clients, their immediate families, or any third party related to the immigration consulting transaction for a minimum period of two years from the time the client(s) officially enter the country.

In 2007, Council determined the Applicant's additional employment represented a conflict of interest and declined the application.

In 2008, the Applicant submitted an application for a life insurance agent's licence along with additional information addressing Council's concerns of undue influence and public confusion. Council found the Applicant to be forthright and had provided clear and concise answers as to how he would manage both businesses independently.

**CENTRAL AGENCIES LTD.**

**("AGENCY")**

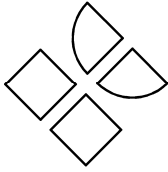
**RICHMOND, B.C.**

*(General Insurance Corporate Agent)*

Council determined the Agency failed to act in a competent manner and in accordance with the usual practice of the business of insurance and ordered:

- the Agency be reprimanded;
- the Agency be fined \$1,000.00; and
- the Agency be assessed half the costs of Council's investigation.

The Agency failed to report a client's claim to an insurer in a timely manner as it was of the opinion the claim would not be covered. The Agency also failed to keep the client properly informed on the status of his claim.



**TRENTON KENT POY**

**("LICENSEE")**

**ABBOTSFORD, B.C.**

*(Level 2 General Insurance Agent)*

Council determined the Licensee failed to act in good faith and in accordance with the usual practice of the business of insurance and ordered:

- the Licensee be fined \$5,000.00;
- as a condition of his licence, the Licensee successfully complete an errors and omissions course offered through the Insurance Broker's Association of British Columbia, or an equivalent course as determined by Council, within six months from the date Council's order takes effect; and
- the Licensee be assessed half the costs of Council's investigation.

The Licensee failed to forward information to an insurer as required to properly place coverage for a client's equipment. He also failed to provide the client with accurate information regarding the status of a claim on the equipment, and further eschewed his responsibility by advising the client that the insurer had failed to place coverage on the equipment as requested.

**HARLEY HAWEN AULANDO**

**("LICENSEE")**

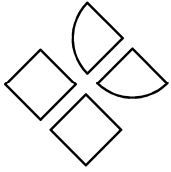
**COQUITLAM, B.C.**

*(Life Insurance Agent)*

Council determined the Licensee was not financially reliable and ordered:

- the Licensee's life insurance agent's licence be terminated.

In May 2008, the Licensee made an application to renew his life insurance agent's licence and submitted a cheque for \$185.00, which was returned due to non-sufficient funds ("NSF"). A new licence had been granted by the time notice of the NSF cheque was received by Council. The Licensee failed to respond to repeated requests by Council that the outstanding amount be paid. Council further determined should the Licensee seek to have his licence reinstated, he must pay the outstanding fees and appear before an Investigative Review Committee to determine his suitability to hold an insurance licence.



**(“APPLICANT”)**

**SURREY, B.C.**

*(Life Insurance Agent Applicant)*

The Applicant was unsuccessful at his attempts to write the Life Licence Qualifying Program (“LLQP”) examination in British Columbia on January 3, 2007, January 17, 2007 and February 28, 2007.

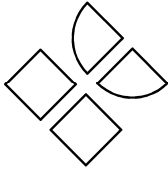
On March 12, 2007, the Applicant successfully wrote the LLQP examination in Alberta, despite the fact he was in a six month waiting period and not entitled to write the LLQP examination in any other jurisdiction. The Applicant was granted a life licence by the Alberta Insurance Council (“AIC”). The AIC subsequently completed an investigation and found the Applicant had provided false information by failing to disclose his three LLQP attempts in British Columbia. The AIC determined the Applicant had acted in an untrustworthy and dishonest manner and fined him \$3,000.00.

In October 2008, the Applicant submitted a first application for a life insurance agent’s licence to Council. In considering the licence application, Council determined the Applicant’s successful completion of the LLQP in Alberta was based on providing dishonest information and it would be inappropriate for Council to recognize these results.

Council determined the Applicant should be permitted one opportunity to challenge Council’s LLQP examination within 90 days of meeting with the Investigative Review Committee. If the Applicant fails to do so, he must enroll in, and successfully complete, the LLQP course and Council’s LLQP examination in accordance with Rule 2(1) of Council Rules.

Council further concluded while the disciplinary action taken by the AIC did not make the Applicant unsuitable for licensing, it did bring into question his trustworthiness. It was recommended that if the Applicant successfully completes the LLQP examination, a licence could be granted on the condition:

- the Licensee be under the direct supervision of a life insurance agent who has a minimum five years of licensed experience for a period of two years from the effective date of the licence.



**SUNG-MIN KIM**

**("APPLICANT")**

**COQUITLAM, B.C.**

*(Level 1 General Insurance Salesperson Applicant)*

Council determined the Applicant made a material misstatement on his application for an insurance licence and ordered:

- the Applicant's application for a Level 1 general insurance salesperson's licence be denied.

In denying the application, Council stated it would not consider another application from the Applicant until June 2010.

The Applicant made a material misstatement on an application for an insurance licence.