

## COUNCIL DECISIONS: GENERAL INSURANCE

### SUSPENSIONS

**LAI WA (MICHELLE) TSUI**  
 (“LICENSEE”)

**VANCOUVER, B.C.**

*(Level 2 General Insurance Agent)*

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

- suspended for a period of 3 months;
- fined \$5,000.00;
- assessed the costs of Council’s investigation; and
- at the conclusion of the Licensee’s suspension, have her insurance licence downgraded to a Level 1 general insurance salesperson for a further period of 12 months, with the conditions that she:
  - be under the direct supervision of a Level 3 general insurance agent;
  - not be permitted to conduct any insurance business outside the premises of her employer;
  - as part of any application the Licensee may make to transfer her license to another employer, be required to advise the potential employer of Council’s decision; and
  - complete a general business ethics course from an accredited post secondary institution.

The Licensee used her position and knowledge as a licensee for personal benefit. She intentionally misstated the principal operator of her vehicle on five occasions between February 2001 and July 2005 in order to avoid paying higher automobile premiums as a result of an at-fault accident in 1999.

On four of these five occasions, the Licensee processed the misrepresented Insurance Corporation of British Columbia transactions

herself in her capacity as an insurance salesperson or agent.

On four of these five occasions, the person declared as the principle operator was unaware of the Licensee’s misrepresentation.

### CONDITIONS

**BALWINDER KAUR KALKAT**

(“LICENSEE”)

**SURREY, B.C.**

*(Level 2 General Insurance Agent)*

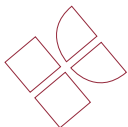
Council determined the Licensee failed to act in accordance with the usual practice of the business of insurance and ordered the Licensee:

- be fined \$500.00;
- be assessed the costs of Council’s investigation; and
- as a condition of her licence, successfully complete an errors and omissions course acceptable to Council within six months of the date of Council’s Order.

The Licensee attended a client’s residence to obtain information required by the Insurance Corporation of British Columbia to facilitate a change in his Autoplan 12 banking. During this process, the Licensee inadvertently neglected to have the client sign the promissory note. The signature omission was identified when the Licensee returned to the office and the documents were being batched.

The Licensee contacted the client and explained the situation to him. The client did not wish to deal with the matter personally and requested the Licensee sign his name on the form.

The proper execution of insurance documents is fundamental to their validity and enforceability. Regardless of the circumstances, it is never acceptable to sign another person’s name to a



document, to improperly witness a forged signature or to accept and process a document knowing it has not been properly executed.

**BASIL IAN SOTHEYBRODIE KETCHEN**  
(“LICENSEE”)  
**COQUITLAM, B.C.**

*(Level 1 General Insurance Salesperson)*

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

- fined \$500.00;
- required to successfully complete the Insurance Corporation of British Columbia’s (“ICBC”) Autoplan Basics for Brokers course; and
- assessed the costs of Council’s investigation.

The Licensee accessed and used client information from his agency’s and ICBCs computer system for the purposes of prospecting.

Information about a client obtained during the course of a transaction cannot be used or communicated except as required for the transaction in which the information was provided or a similar subsequent transaction between the insurance agency and the same client, unless authorized by the client or as required by law.

**RAJVIR KAUR SAHOTA**  
(“LICENSEE”)  
**VANCOUVER, B.C.**

*(Level 1 General Insurance Salesperson)*

Council determined the Licensee made a material misstatement on her application for licence transfer and ordered the Licensee:

- be fined \$200.00;
- as a condition of her licence, successfully complete an errors and omissions course acceptable to Council within six months following the date of Council’s order; and
- be assessed the costs of Council’s investigation.

Council found the Licensee knew, or ought to have known had she exercised reasonable diligence, that the information she provided on the application was not true.

**FINES**

**GRANT FRANK OSTIR**  
(“APPLICANT”)  
**WINNIPEG, MB**

*(Level 2 General Insurance Agent)*

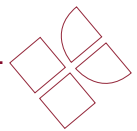
Council determined the Applicant breached a condition of a previously held insurance licence when he failed to successfully complete the CAIB 2 and 3 courses by May 2005 and ordered the Applicant be fined \$1,000.00.

In 2005, when the Applicant applied to renew his licence, the application was denied because he had failed to meet the above mentioned condition. The Applicant subsequently reapplied for a licence, explaining he had failed to complete the CAIB courses as required due to business responsibilities that required him to temporarily relocate from Manitoba to Alberta. The applicant failed to notify Council that he was unable to meet the licence condition.

While Council accepted the Applicant had an explanation for not meeting the condition, it felt the Applicant had a responsibility to be more pro-active in notifying Council. Council fined him for the breach of the licence condition. In considering his licence application, Council determined the Applicant could be granted a Level 2 general insurance agent licence with the condition he successfully complete two CIP courses during his next one year licence period.

**MISSION STATEMENT**

We serve and protect the public by regulating insurance licensees under the Financial Institutions Act and by promoting ethical conduct, integrity and competence.



**JATINDER SINGH GILL**

(“LICENSEE”)

**BURNABY, B.C.**

*(Level 1 General Insurance Salesperson)*

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

- fined \$500.00; and
- assessed the costs of Council’s investigation.

The Licensee processed a temporary operating permit knowing the signature of the vehicle’s registered owner had been forged on the document by the Licensee’s co-worker, who was also a licensed agent.

In considering the appropriate disposition, Council noted the Licensee did not benefit personally from the transaction and had been intimidated and pressured by his co-worker, who was a more senior and experienced agent, to follow her direction in processing the document.

The proper execution of documents is fundamental to the business of insurance. It is never acceptable to sign another person’s name to a document, to improperly witness a signature or to accept and process a document knowing the signature has been forged.

**MOISES JORGE DE VASCONCELOS (GEORGE)**

**FERRO**

(“LICENSEE”)

**BURNABY, 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 \$1000.00; and
- assessed the costs of Council’s investigation.

The Licensee processed an Insurance Corporation of British Columbia renewal transaction for a vehicle owned by his cousin, who was not present at the time of the transaction. The insured’s husband attended the agency to facilitate the transaction, but he did not bring a Notice to Renew permitting him to act on his wife’s behalf. Notwithstanding, the Licensee processed the renewal transaction and finance agreement and permitted the insured’s husband to sign the documents in the insured’s name.

The proper execution of insurance documents is fundamental to their validity and enforceability. Regardless of the circumstances, it is never acceptable to sign another person’s name to a document, to improperly witness a forged signature or to accept and process a document knowing it has not been properly executed.

**REPRIMANDS**

**RITA ROSEMARY ROEHRL**

(“LICENSEE”)

**VANCOUVER, B.C.**

*(Level 1 General Insurance Salesperson)*

Council determined the Licensee 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;
- required to successfully complete an errors and omissions seminar offered through the Insurance Brokers Association of British Columbia, or an equivalent course as determined by Council; and
- assessed the costs of Council’s investigation.

Based on her own personal assessment of a client’s financial circumstances and her assumption that he could not afford it, the Licensee elected not to offer him any optional automobile insurance. The Licensee owed a duty to the client to provide him with sufficient information to allow him to make an informed decision regarding whether to purchase optional coverage.



## COUNCIL DECISIONS: LIFE INSURANCE

### LICENCE CANCELLATIONS

**GLENN FRANK BERGEN**  
("LICENSEE")  
**PENTICTON, B.C.**  
(Life Insurance Agent)

Council determined the Licensee failed to act in good faith and in a trustworthy manner, made a material misstatement in reply to an inquiry from Council and failed to reply to inquiries from Council in a prompt manner and ordered:

- the Licensee's life and accident and sickness insurance agent's licence be cancelled for a minimum of 12 months from January 22, 2007;
- the Licensee be fined \$6,000.00;
- the Licensee be assessed the costs of Council's investigation; and
- the Licensee must complete the Life Licence Qualifying Program before applying for an insurance licence.

The Licensee deposited a client's investment money into his personal bank account and used the money for his own personal benefit for approximately two months. In addition, the Licensee lied in response to a Council inquiry and failed to reply to Council's inquiries in a timely manner.

### SUSPENSIONS

**DANA GABRIELA CIOCAN**  
("LICENSEE")  
**BURNABY, B.C.**  
(Life Insurance Agent)

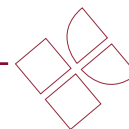
As previously communicated in Council's October 2006 Bulletin, the Licensee was fined \$1,000.00 after Council found she failed to act in good faith and in accordance with the usual practice of the business of insurance.

The Superintendent of Financial Institutions appealed Council's Order to the Financial Services Tribunal ("FST") on the grounds that Council did not adequately address the seriousness of the conduct in question and had wrongfully concluded a fine of \$1,000.00 was appropriate in the circumstances.

The FST considered the matter and ordered the penalty imposed on the Licensee by Council be varied to include a fine of \$1,000.00 and a suspension of 60 days. The FST decision is available at:

[http://www.fic.gov.bc.ca/fst/pdf/FST\\_Decision\\_Ciocan.pdf](http://www.fic.gov.bc.ca/fst/pdf/FST_Decision_Ciocan.pdf)

Articles in this Bulletin are designed to provide licensees with concise information for use in their day-to-day business activities in a non-technical way. It is not intended to replace or provide legal advice or be a legal explanation of the Act, its regulations or the Rules. It is the responsibility of all licensees to ensure their practices and procedures are within the requirements of the Act, its regulations and the Rules.



**BRAIN KEITH FELLER**  
 (“LICENSEE”)  
**CAMPBELL RIVER, B.C.**  
 (Life Insurance Agent)

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

- the Licensee be fined \$2,000.00;
- as a condition of his licence, the Licensee procure a copy of Advocis’ *Best Practices Manual* and provide written confirmation to Council, within six months from the date of Council’s order, that he has reviewed it in detail; and
- the Licensee be assessed the costs of Council’s investigation.

The Licensee sold a universal life insurance policy to a client that was inappropriate given her stated objectives and he failed to make full and fair disclosure of all material facts to enable her to make an informed decision. Council determined a reasonable, prudent and competent agent would not have recommended the policy to the client in the circumstances. Council concluded the Licensee had good intentions to structure a plan for the client that would meet her financial goals, but the Licensee was not sufficiently knowledgeable regarding tax and other aspects of the universal life insurance policy. The Licensee set the contract up in a manner that did not address the needs and concerns of the client and was not in her best interests.

**PETER STEPHEN GOLUB**  
 (“APPLICANT”)  
**BURNABY, B.C.**  
 (Life Insurance Agent)

Council determined the Applicant was suitable for licensing with conditions and ordered the Applicant be:

- supervised for two years by a life insurance agent with a minimum of five years’ experience as a life agent, who meets Council’s approval. The supervising life

insurance agent must agree to have a condition placed on his/her insurance licence making him/her accountable for the insurance business conduct of the Applicant; and

- assessed the costs of Council’s investigation.

The Applicant was first licensed as a Level 1 life insurance agent in December 2002. The Applicant did not complete the compulsory education requirement and, as a result, his licence was suspended from January 1, 2005 until March 17, 2005. While unlicensed, the Applicant acted as an insurance agent in five transactions and misrepresented the agent of record on the applications for insurance to conceal from the insurer that he had facilitated the sales.

Council took into consideration that the Applicant’s employment was terminated as a result of his conduct and he had subsequently been unlicensed for approximately 15 months.

**YU XUAN (MICHAEL) LIU**  
 (“LIU”)  
**VANCOUVER, B.C.**  
 (Life Insurance Agent)

**ZONGLI (MICHAEL) WANG**  
 (“WANG”)  
**VANCOUVER, B.C.**  
 (Life Insurance Agent)

Council determined that Liu and Wang failed to act in a trustworthy manner, in good faith and in accordance with the usual practice of the business of insurance and ordered Liu and Wang each be:

- suspended for two weeks;
- fined \$1,000.00; and
- assessed half the costs of Council’s investigation.

The Superintendent of Financial Institutions appealed Council’s Order to the Financial Services Tribunal (“FST”) on grounds that Council did not adequately address the seriousness of the conduct in question and wrongfully concluded the above noted penalty was appropriate in the circumstances.



The FST considered the matter and ordered the period of suspension be increased from two weeks to 60 days. The FST decisions are available at: [http://www.fic.gov.bc.ca/fst/pdf/FST\\_Decision\\_Wang.pdf](http://www.fic.gov.bc.ca/fst/pdf/FST_Decision_Wang.pdf)  
[http://www.fic.gov.bc.ca/fst/pdf/FST\\_Decision\\_Liu.pdf](http://www.fic.gov.bc.ca/fst/pdf/FST_Decision_Liu.pdf)

Working jointly on a life insurance case, Liu and Wang misstated information on a client's life insurance application regarding his travel plans outside of North America.

In addition, the client was overseas when the policy was issued. Wang and Liu mailed the policy delivery receipt to the client but had not received it back within the time frame set by the insurer. They requested and received an extension to settle the delivery requirements, which had included an addendum confirming the client's health. The policy delivery receipt was subsequently signed and returned by the client. However, in a misguided effort to assist the client and ensure the insurance coverage took effect, Liu forged the client's signature on the addendum and both Wang and Liu signed as witness to the forged signature.

## FINES

**DAVID MARK STEVENS**  
("LICENSEE")  
**BURNABY, B.C.**  
*(Life Insurance Nominee)*

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 \$500.00; and
- assessed the costs of Council's investigation.

Council found the Licensee signed as a witness to a client's signature on an insurance application and a replacement form when he was not present during the execution of these documents. The proper execution of insurance documents is a fundamental component of every insurance transaction. It is never acceptable to sign another person's name to a

document, to improperly witness a signature or to accept and process a document knowing the signature has been forged.

**HEE DONG HONG**  
("APPLICANT")  
**BURNABY, B.C.**  
*(Life Insurance Agent)*

Council determined the Applicant was not trustworthy and could not be relied upon to publicly carry on business of insurance in good faith and in accordance with the usual practice of the business of insurance and ordered the Applicant be refused a life insurance agent licence for a period of two years commencing January 24, 2006.

The Applicant inappropriately obtained Life Licence Qualification Program ("LLQP") exam questions and subsequently circulated these questions to assist individuals in circumventing the educational requirements necessary to become a life insurance agent.

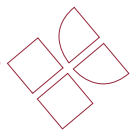
Additionally, the Applicant attempted to mislead Council by providing false statements to a Council Investigator about the source of the LLQP exam questions.



## CAUTION

### *Warning:*

*The use of any information in this Bulletin to discredit another licensee, or any other person, is not permitted and may result in disciplinary action against a licensee using the information in such a manner.*



**MICHELE MARCO FRANCESCO VINCENTI**  
("LICENSEE")  
**VICTORIA, B.C.**  
*(Life Insurance Agent)*

Council determined the Licensee made a material misstatement on his licence application and ordered the Licensee be:

- fined \$200.00; and
- assessed the costs of Council's investigation.

Council found the Licensee knew or ought to have known, had he exercised reasonable diligence, that the information he provided on the application was not true.

**YAN GANG (BARTON) LI**  
("LICENSEE")  
**BURNABY, 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:

- fined \$500.00; and
- assessed the costs of Council's investigation.

The Licensee signed as a witness to a client's signature on an insurance cash value surrender form when he was not present during the execution of the document.

The proper execution of insurance documents is a fundamental component of every insurance transaction. It is never acceptable to sign another person's name to a document, to improperly witness a signature or to accept and process a document knowing the signature has been forged.



**[www.insurancecouncilofbc.com](http://www.insurancecouncilofbc.com)**

**Visit our website to access information on licensing requirements, application forms, Notices, What's New and much more.**