

**In the Matter of**

**The *FINANCIAL INSTITUTIONS ACT***

**(RSBC 1996, c. 141)**

(the “Act”)

**and**

**The INSURANCE COUNCIL OF BRITISH COLUMBIA**

(“Council”)

**and**

**SIMON KIMBLE MARPLES**

(the “Licensee”)

**NOTICE OF HEARING**

**WHEREAS** on March 1, 2022, Council made an intended decision, pursuant to sections 231, 236 and 241.1 of the Act regarding allegations that the Licensee breached Council Rules and/or Code of Conduct when he sold a client (the “Client”) life insurance policies that were not suitable and did not meet the Client’s needs, failed provide the Client with material information, did not deliver an insurance policy to the Client, and given their working relationship, took advantage of the Client’s trust in him..

**WHEREAS** on March 1, 2022, Council provided the Licensee with written reasons and notice of the intended decision, pursuant to section 237(2) of the Act; and

**WHEREAS** on April 4, 2022, the Licensee requested a hearing before Council to dispute Council’s intended decision pursuant to section 237(3) of the Act.

**TAKE NOTICE** that Council will hold a virtual three-day hearing on **Tuesday, July 19, 2022 to Thursday, July 21, 2022** commencing on each day at **9:30 a.m.**, to determine:

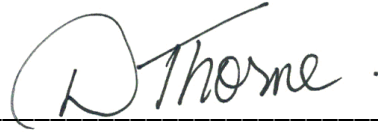
1. Whether the Licensee failed to act in good faith, and/or in a trustworthy and competent manner, and/or in accordance with the usual practice of the business of insurance, and in accordance with Council Rules, Code of Conduct and pursuant to section 231(1)(a) of the Act by:
  - a) selling life insurance policies to the Client that were not suitable for the Client and did not meet the Client’s needs;

- b) failing to provide the Client with material information that would have allowed the Client to make an informed decision when purchasing the policies;
  - c) failing to deliver the life insurance policies to the Client;
  - d) taking advantage of the Client's trust in him;
  - e) failing to comply with Council Rules 7(6) (nominee responsible to Council for all activities of the insurance agency) and 7(8) (compliance with Council's Code of Conduct); and
  - f) failing to comply with Council's Code of Conduct sections 3 (Trustworthiness), 4 (Good Faith), 5 (Competence), 7 (Usual Practice: Dealing with Clients), and 13 (Compliance with Governing Legislation and Council Rules).
2. Whether the Licensee should be subject to any disciplinary or other action in the circumstances; and if so, whether Council should do one or more of the following in accordance with sections 231, 236 and 241.1 of the Act:
- (a) reprimand the Licensee;
  - (b) suspend or cancel the Licensee's life and accident and sickness and general insurance licences;
  - (c) fine the Licensee an amount not more than \$10,000;
  - (d) impose conditions on the Licensee's life and accident and sickness and general insurance licences;
  - (e) require the Licensee to cease any specified activity related to the conduct of insurance business or to carry out any specified activity related to the conduct of insurance business;
  - (f) require the Licensee to pay the costs, or part of the costs, of Council's investigation and/or of this hearing; and
  - (g) take any other measures that Council deems appropriate.

**AND FURTHER TAKE NOTICE THAT** the Licensee may be represented by legal counsel at the hearing, make submissions and lead evidence. Failure to attend the hearing may result in Council making a determination in the Licensee's absence. Council is required, in accordance with section 239 of the Act, to have its hearings open to the public. As such, if any member of

the public is interested in attending this virtual hearing, please contact Council's staff lawyer Kelvin Lai at [kelai@insurancecouncilofbc.com](mailto:kelai@insurancecouncilofbc.com) for information on how to do so.

Dated in Vancouver, British Columbia on the 16<sup>th</sup> day of June, 2022.

A handwritten signature in black ink that reads "D Thorne". The signature is written in a cursive style with a large, looped initial "D".

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Donna Thorne, Chair of the Hearing Committee  
Insurance Council of British Columbia

cc. Tom Newnham, counsel for Simon Kimble Marples  
David T. McKnight, counsel for the Insurance Council of British Columbia  
Superintendent of Financial Institutions, British Columbia Financial Services Authority