

In the Matter of

The *FINANCIAL INSTITUTIONS ACT*
(RSBC 1996, c.141)
(the “Act”)

and

The INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

and

DOLORES GERTRUDE FINDLATER
(the “Licensee”)

ORDER

As Council made an intended decision on December 12, 2017, pursuant to sections 231, 236, and 241.1 of the Act; and

As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons and notice of the intended decision dated January 26, 2018; and

As the Licensee has not requested a hearing of Council’s intended decision within the time period provided by the Act;

Under authority of sections 231, 236, and 241.1 of the Act, Council orders:

1. A condition is imposed on the Licensee’s general insurance licence that requires the Licensee to successfully complete the Insurance Brokers Association of British Columbia Privacy Compliance for Insurance Brokers course (or an equivalent course approved by Council) on or before **May 14, 2018**, otherwise the Licensee’s general insurance licence is suspended as of **May 15, 2018**, without further action from Council and the Licensee will not be permitted to complete any subsequent annual filings until such time as the required course is successfully completed.
2. The Licensee is fined \$2,500.00.
3. The Licensee is assessed investigative costs of \$1,118.75.

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4. A condition is imposed on the Licensee's general insurance licence that requires the Licensee to pay the above-ordered fine and investigative costs no later than **May 14, 2018**. If the Licensee does not pay the ordered fine and investigative costs in full by this date, the Licensee's general insurance licence is suspended as of **May 15, 2018**, without further action from Council and the Licensee will not be permitted to complete any subsequent annual filings until such time as the ordered fine and investigative costs are paid in full.

This order takes effect on the **13th day of February, 2018**.



Michael Connors, CIP, CRM
Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

DOLORES GERTRUDE FINDLATER
(the “Licensee”)

Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee acted in compliance with the requirements of the Act.

As part of Council’s investigation, on November 6, 2017, a Review Committee (the “Committee”) met with the Licensee and her counsel to discuss the allegations that the Licensee had taken confidential client information from an insurance agency (the “Agency”) that she had formerly been authorized to represent, and kept that information at her residence.

The Committee was comprised of one voting member and three non-voting members of Council. Prior to the Committee’s meeting with the Licensee, an investigation report was distributed to the Committee and the Licensee for review. A discussion of this report took place at the meeting and the Licensee was provided an opportunity to make further submissions. Having reviewed the investigation materials and after discussing this matter with the Licensee, the Committee prepared a report for Council.

The Committee’s report, along with the aforementioned investigation report, were reviewed by Council at its December 12, 2017 meeting, where it was determined the matter should be disposed of in the manner set out below.

PROCESS

Pursuant to section 237 of the Act, Council must provide written notice to the Licensee of the action it intends to take under sections 231, 236, and 241.1 of the Act before taking any such action. The Licensee may then accept Council’s decision or request a formal hearing. This intended decision operates as written notice of the action Council intends to take against the Licensee.

FACTS

The Licensee was first licensed in British Columbia in 1986 and currently holds a Level 2 general insurance agent licence. The Licensee joined the Agency in 2002 and worked there until she terminated her employment on May 31, 2016. The Licensee now represents another insurance agency.

The Licensee primarily handled insurance for fleets belonging to leasing companies. The Licensee also had a number of clients she conducted Autoplan insurance for prior to representing the Agency.

In the process of packing her belongings, the Licensee took client records and Insurance Corporation of British Columbia ("ICBC") documents from the Agency. The Licensee stated that she left all her original client files in stacks on her desk. It was subsequently determined that some of the ICBC documents the Licensee took were ICBC stock and inventory.

The Licensee acknowledged that she inadvertently took the ICBC stock documents and inventory and promptly returned them to the Agency when she realized the mistake was made.

The Licensee stated she did not feel she acted improperly. The Licensee advised that she had taken her own client list, which she had brought with her to the Agency. The Licensee stated that when she began at the Agency she had an agreement with the Agency nominee that the clients she was bringing were her own clients.

The Licensee stated that it was standard practice for her to keep copies of her clients' insurance documents. She kept the copies of the documents locked in her garage. The Licensee stated her former Agency nominee was aware she kept the copies in this manner and he provided her with a safe to store the documents in. The Licensee stated the majority of the client documents she kept at her residence related to leasing companies that she conducted business with prior to joining the Agency and that the Agency had no dealings with these clients. There was no suggestion that any clients were harmed due to the documents taken by the Licensee from the Agency.

ANALYSIS

Council determined that while there was no indication that the Licensee used client information inappropriately, she had improperly compiled, retained and stored confidential client information without the knowledge and consent of the clients. Council considered this conduct to be contrary to the usual practice of the business of insurance.

Council concluded that a fine should be imposed to address the importance of protecting the privacy of client information. Council also concluded that the Licensee would benefit from further education regarding privacy and Council Rules.

INTENDED DECISION

Pursuant to sections 231, 236, and 241.1 of the Act, Council made an intended decision to:

1. Impose a condition on the Licensee's general insurance license requiring the Licensee to successfully complete the Insurance Brokers Association of British Columbia' Privacy Compliance for Insurance Brokers course within 90 days of the date of Council's order.
2. Fine the Licensee \$2,500.00.
3. Assess the Licensee half of Council's investigative costs of \$1,118.75.

The Licensee is advised that should the intended decision become final, the fine and investigative costs will be due and payable within 90 days of the date of the order. In addition, failure to pay the fine and investigative costs within the 90 days, or failure to successfully complete the Privacy course, available through the Insurance Brokers Association of British Columbia, within 90 days of the date of Council's order, will result in the automatic suspension of the Licensee's general insurance licence and the Licensee will not be permitted to complete any annual filing until such time as the fine and investigative costs are paid in full, and the Privacy Course is completed.

Subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act, the intended decision will take effect after the expiry of the period allotted to request a hearing.

RIGHT TO A HEARING

If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case at a hearing before Council. Pursuant to section 237(3) of the Act, to require Council to hold a hearing, the Licensee must give notice to Council by delivering to its office written notice of this intention **within fourteen (14) days of receiving this intended decision**. A hearing will then be scheduled for a date within a reasonable period of time from receipt of the notice. Please direct written notice to the attention of the Executive Director.

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If the Licensee does not request a hearing **within fourteen (14) days of receiving this intended decision**, the intended decision of Council will take effect.

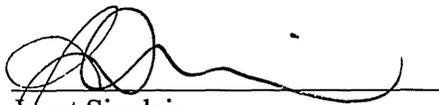
Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the Financial Institutions Commission still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The Financial Institutions Commission has 30 days to file a Notice of Appeal, once Council's decision takes effect. For more information respecting appeals to the FST, please visit their website at fst.gov.bc.ca or contact them directly at:

Financial Services Tribunal
PO Box 9425 Stn Prov Govt
Victoria, British Columbia
V8W 9V1

Reception: 250-387-3464
Fax: 250-356-9923
Email: FinancialServicesTribunal@gov.bc.ca

Dated in Vancouver, British Columbia, on the **26th day of January 2018**.

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director
604-695-2001
jsinclair@insurancecouncilofbc.com

JS/ah