

In the Matter of
The *FINANCIAL INSTITUTIONS ACT*
(RSBC 1996, c.141)
(the "Act")

and

The INSURANCE COUNCIL OF BRITISH COLUMBIA
("Council")

and

KYLE ROSS KOEBEL
(the "Licensee")

ORDER

As Council made an intended decision on May 14, 2013, pursuant to sections 231 and 236 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 June 7, 2013; 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 and 236 of the Act, Council orders:

1. The Licensee is fined \$1,000.00.
2. A condition is imposed on the Licensee's life and accident and sickness insurance licence that requires him to pay the above-ordered fine no later than **September 26, 2013**. If the Licensee does not pay the ordered fine in full by this date, the Licensee's life and accident and sickness insurance licence is suspended as of **September 27, 2013**, without further action from Council and the Licensee will not be permitted to complete any annual filing until such time as the ordered fine is paid in full.

This order takes effect on the **26th day of June, 2013**.



Rita Ager, CFP, CLU, RHU, CSA
Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

KYLE ROSS KOEBEL
(the “Licensee”)

INTRODUCTION

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 April 22, 2013, an Investigative Review Committee (the “Committee”) met to discuss an allegation that the Licensee failed to obtain continuing education (“CE”) credits. An investigation report was sent to the Licensee in advance of the meeting, and he was provided an opportunity to clarify the information contained therein and make further submissions. The Licensee did not respond to the report and did not attend the Committee meeting.

Having reviewed the investigation materials, the Committee made a recommendation to Council as to the manner in which this matter should be disposed. A report setting out the Committee’s findings and recommended disposition, along with the aforementioned investigation report, were reviewed by Council at its May 14, 2013 meeting. At the conclusion of its meeting, Council accepted the Committee’s recommended disposition and 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 authorized to represent an agency (“the Agency”) as a life and accident and sickness insurance agent (“life agent”) from the time he was first licensed on April 13, 2011, up to and including September 6, 2012.

The Licensee was required to obtain 30 credits to meet the CE requirements for his June 1, 2012 annual filing. For each year, or portion thereof, life agents are required to complete a minimum of 15 CE hours for each year or partial year licensed. Accordingly, for the Licensee, the 30 required credits represent 15 credits for the partial year of April 2011 to May 31, 2011, and 15 credits for the June 1, 2011 to May 31, 2012 licence year.

On September 20, 2012, the Agency contacted Council to advise that the Licensee had not completed any of the CE credits required for his 2012 annual filing. The Licensee was requested to provide Council with a written submission explaining why he had not completed his CE credits, and why he signed and submitted his 2012 annual filing confirming he was in compliance with the CE requirements.

The Licensee submitted a letter to Council, stating he believed he was only required to obtain 15 CE credits. When he realized that 30 credits were needed for his 2012 annual filing, he started to complete the required CE credits over the summer. The Licensee submitted evidence of the required 30 CE credits, all of which were completed after the June 1, 2012 annual filing date.

Since September 7, 2012, the Licensee’s licence has been inactive, as he is no longer authorized to represent the Agency.

ANALYSIS

Council determined the Licensee made a material misstatement on his 2012 annual filing, as he had not completed any of his CE requirements prior to May 31, 2012.

Council further determined the Licensee was in breach of the CE requirements and knew he had to complete a minimum amount of CE before May 31, 2012. Even if the Licensee’s explanation that he believed he only had to complete 15 CE credits for his 2012 annual filing was accepted, the Licensee had not completed any CE prior to May 31, 2012.

Council determined that a fine of \$500.00 should be assessed to address the material misstatement, and an additional fine of \$500.00 should be assessed to address the breach of CE requirements.

INTENDED DECISION

Pursuant to sections 231 and 236 of the Act, Council made an intended decision to fine the Licensee \$1,000.00.

The Licensee is advised that should the intended decision become final, the fine will be due and payable within 90 days of the date of the order. In addition, failure to pay the fine within the 90 days will result in the automatic suspension of the Licensee's life and accident and sickness insurance licence and the Licensee will not be permitted to complete any annual filing until such time as the fine is paid in full.

The intended decision will take effect on **June 26, 2013**, subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act.

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 by **June 25, 2013**. 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.

If the Licensee does not request a hearing by **June 25, 2013**, 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 www.fst.gov.bc.ca or contact them directly at:

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

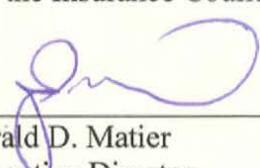
Reception: 250-387-3464
Fax: 250-356-9923

Email: FinancialServicesTribunal@gov.bc.ca

Intended Decision
Kyle Ross Koebel
184025
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Dated in Vancouver, British Columbia, on the 7th day of June, 2013.

For the Insurance Council of British Columbia



Gerald D. Matier
Executive Director

GM/tp