

In the Matter of the

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

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
 (“Council”)

and

JELMARIE DALIVA MADARANG
(the “Licensee”)

ORDER

As Council made an intended decision on April 29, 2025, 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 May 12, 2025; 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 that:

- 1) The Licensee is fined \$1,500, to be paid by September 10, 2025;
- 2) The Licensee is required to complete the following courses, or equivalent courses, as acceptable to Council, by September 10, 2025:
 - a. Insurance Council Rules Course for Life and/or Accident & Sickness Insurance Agents;
 - b. Continuing Education Requirements & Guidelines course(collectively, the “Courses”);

- 3) A condition be imposed on the Licensee's life and accident and sickness insurance agent licence that failure to pay the fine in full and complete the courses by September 10, 2025 will result in the automatic suspension of the Licensee's life and accident and sickness insurance agent licence and that the Licensee will not be permitted to complete her 2027 annual licence renewal until such time as she has complied with the conditions listed herein.

This order takes effect on the **12th day of June, 2025**



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA (“Council”)

respecting

JELMARIE DALIVA MADARANG (the “Licensee”)

1. 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, Council Rules and Code of Conduct regarding allegations that the Licensee failed to meet continuing education (“CE”) requirements for the 2020/2021, 2021/2022 and 2022/2023 licence periods (the “Licence Periods”).
2. As part of Council’s investigation, the Licensee was provided with an investigation report, and on April 10, 2025, the Licensee acknowledged the breaches contained within the investigation report and accepted responsibility for her conduct. The Licensee agreed that remedial action was necessary as a result of the referenced breaches.
3. Council reviewed the investigation materials and the Licensee’s admission at its April 29, 2025 meeting, where it was determined the matter should be disposed of in the manner set out below.

PROCESS

4. 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

5. The Licensee has held a life and accident and sickness insurance agent licence since June 29, 2015, and has held an authority to represent [REDACTED] since first becoming licensed.
6. On October 3, 2023, Council conducted an audit based on the Licensee’s 2023 annual licence renewal declaration. As part of the audit, the Licensee was asked to provide CE records for the Licence Periods.
7. In response to the audit, the Licensee was only able to provide 9.5 CE credits for the Licence Periods. She was unable to demonstrate that she had met the CE requirements for the three consecutive licensing periods.

8. When the CE shortfall was brought to the Licensee's attention, she completed an additional 50.75 CE credits on her own initiative.
9. The Licensee stated that she believed she had taken some CE courses during the Licence Periods, but had been unable to provide records of having done so.
10. The Licensee acknowledged the breach and responded to Council inquiries in a timely manner. The Licensee understood and accepted that Council would make a determination on misconduct without requiring additional submissions from the Licensee.

ANALYSIS

11. Council determined that the Licensee failed to obtain the required CE credits for the Licence Periods and is in breach of Council Rules 7(5) and 7(8), as well as section 5 ("Competence") of the Code of Conduct.

PRECEDENTS

12. Prior to making its recommendation, Council took into consideration the following precedent cases. While Council is not bound by precedent and each matter is decided on its own facts and merits, Council found that these decisions were instructive in terms of providing a range of sanctions for similar types of misconduct.
13. [*Maria Rhodora Banada Thomas*](#) (July 2018): involved a life agent whose errors and omissions coverage had lapsed. The licensee advised council that the lapse was inadvertent and that she had not conducted insurance business during the lapse period. Despite finding that the breach of Council Rule 7(11) was unintentional, Council imposed a \$1,000 fine. This decision stands for the proposition that Council will apply a minimum fine of \$1,000 for breaches of Council Rule 7(11).
14. [*Levita Bueno Velasco*](#) (November 2023): involved a licensee who failed to complete continuing education credits for the 2018/2019, 2019/2020 and 2020/2021 licence periods. Although the licensee attempted to complete the outstanding continuing education credits, at the time of the investigation she had only completed 20 of the 45 outstanding credits. Council determined that it was appropriate to fine the licensee \$1,000 for each licence period in which she had not met the continuing education requirements. The licensee was fined \$3,000, required to take the Council Rules Course and assessed investigation costs.
15. [*Xiao Yan \(Ceila\) Xu*](#) (May 2024): involved a licensee who failed to complete continuing education credits for the 2019/2020 and 2020/2021 licence periods. The licensee completed all outstanding continuing education credits and showed remorse for her failure to complete the credits. Given the licensee's efforts to self-correct and complete all outstanding continuing education credits, Council ordered that

the licensee be assessed a fine of \$500 for each licence period in which she did not meet the continuing education requirements.

MITIGATING AND AGGRAVATING FACTORS

16. Council considered several mitigating factors in this matter. The Licensee fully accepted and acknowledged the breaches, which Council views as a mitigating factor. Further, the Licensee accepted that remedial action against her is warranted, and she has completed all outstanding continuing education credits as required. This, in Council's view, demonstrates the Licensee's ability to self-correct. Additionally, the Licensee fully co-operated with Council's investigation by responding to Council's inquiries, acknowledging the misconduct and providing fulsome responses. Council did not identify any aggravating factors.

CONCLUSIONS

17. Given the significant mitigating factors, Council concluded that a lower penalty is warranted when assessing an appropriate fine for failing to complete the required CE credits in a licensing year. Council determined that this matter had several mitigating factors and no aggravating factors, and that similar to the [Xu](#) precedent, a fine lower than the \$1,000 threshold is justified in these circumstances. Council concluded that a fine of \$1,500 is appropriate, representing \$500 for each licence year in which the Licensee had a CE shortfall.
18. As a self-funded regulatory body, Council looks to licensees who have engaged in misconduct to bear the costs of their discipline proceedings, so that those costs are not otherwise borne by British Columbia's licensees in general. Council notes that in this particular instance, the Licensee's full co-operation and assistance in expediting the investigation process are important factors to consider when determining if costs should be assessed. In these circumstances, Council has determined that no costs be assessed against the Licensee.

INTENDED DECISION

19. Pursuant to sections 231 and 236 of the Act, Council made the following intended decision that:
 - a. The Licensee be fined \$1,500, to be paid within 90 days of Council's order;
 - b. The Licensee be required to complete the following courses, or equivalent courses as acceptable to Council, within 90 days of Council's order:
 - i. Insurance Council Rules Course for Life and/or Accident & Sickness Insurance Agents;
and

ii. Continuing Education Requirements & Guidelines course

(collectively, the “Courses”);

- c. That a condition be imposed on the Licensee’s life and accident and sickness insurance agent licence that a failure to pay the fine in full and complete the Courses within 90 days of Council’s order will result in the automatic suspension of the Licensee’s life and accident and sickness insurance agent licence and that the Licensee will not be permitted to complete her 2027 annual licence renewal until such time as she has complied with the conditions listed herein.

20. 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 hearing period.

ADDITIONAL INFORMATION REGARDING FINES

21. Council may take action or seek legal remedies against the Licensee to collect the outstanding fine, should this not be paid by the 90-day deadline.

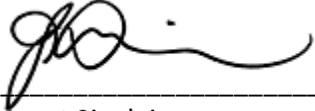
RIGHT TO A HEARING

22. If the Licensee wishes to dispute Council’s findings or its intended decision, the Licensee may have legal representation and present a case in 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. **If the Licensee does not request a hearing within 14 days of receiving this intended decision, the intended decision of Council will take effect.**
23. Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the British Columbia Financial Services Authority (“BCFSA”) still has a right of appeal to the Financial Services Tribunal (“FST”). The BCFSA has thirty (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 <https://www.bcfst.ca/> or visit the guide to appeals published on their website at www.bcfst.ca/app/uploads/sites/832/2021/06/guidelines.pdf.

Intended Decision
Jelmarie Daliva Madarang
COM-2023-00832 / LIC-199735C146887R1
May 12, 2025
Page 5 of 5

Dated in Vancouver, British Columbia, on the **12th day of May, 2025.**

For the Insurance Council of British Columbia

A handwritten signature in black ink, appearing to read 'Janet Sinclair', written over a horizontal line.

Janet Sinclair
Executive Director