

In the Matter of the

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

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
("Council")

and

ALMIRA CALLEJO LIBATIQUE
(the "Licensee")

ORDER

As Council made an intended decision on January 30, 2024, pursuant to sections 231 and 236 of the Act;
and

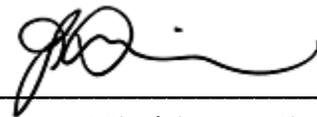
As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons and
notice of the intended decision dated March 6, 2024; and

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's life and accident and sickness insurance agent licence is suspended until such
time as the Licensee has satisfactorily complied with Council's requests for information
pertaining to the audit initiated on October 3, 2023.

This order takes effect on the **25th day of March, 2024**



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

respecting

ALMIRA CALLEJO LIBATIQUE

(the “Licensee”)

1. Council commenced a random annual renewal declaration audit of the Licensee in October 2023. The purpose of the audit is to affirm the accuracy of the declarations made by the Licensee while completing annual licence renewal in May 2023, and to confirm that various licensing requirements set out in the Council Rules are being met.
2. Between October and December 2023, Council staff made repeated efforts to contact the Licensee in order to obtain information necessary for the audit. Despite these requests for information, no response has been received from the Licensee.
3. The matter of the Licensee’s unresponsiveness to the audit was reviewed by Council at its January 30, 2024 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 *Financial Institutions Act* (the “Act”), Council must provide written notice to the Licensee of the action it intends to take under sections 231 and 236 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 been licensed with Council as a life and accident and sickness insurance agent (“Life Agent”) since May 30, 2007. The Licensee’s licence was most recently renewed in May 2023.

6. The Annual Renewal Declaration audit was initiated by Council staff on October 3, 2023. The Licensee was asked to respond to the audit by November 6, 2023.
7. Follow up attempts to contact the Licensee were made by Council staff between October 23, 2023 and December 20, 2023.
8. On December 20, 2023, a letter was sent to notify the Licensee that, due to the failure to respond to the audit, Council staff intended to bring the matter to the attention of the voting Council members at the January 30, 2024 Council meeting. The letter invited the Licensee to submit the required information by January 3, 2024, and explained that the Licensee might be subject to disciplinary action by Council, which could include licence suspension or termination.
9. To date, the Licensee has not responded to any of Council staff's efforts to correspond. The contact information that Council staff has used in their attempts to communicate with the Licensee is the most current contact information that the Licensee has on file with Council. The Licensee appears to have signed for letters sent via registered mail, which suggests that the Licensee has been in receipt of Council staff's correspondence.

ANALYSIS

10. Council has determined that it is appropriate to suspend the Licensee's Life Agent licence until such time that the Licensee has satisfactorily complied with the audit's request for information.
11. Effective regulation relies on licensees being responsive to Council. The importance of responsiveness is emphasized by section 231(1)(d) of the Act, which states that a licensee having "refused or neglected to make a prompt reply to an inquiry addressed to the licensee under this Act" is grounds for Council to take disciplinary action. Additionally, section 12 of the Code of Conduct ("Dealing with the Insurance Council of British Columbia") requires licensees to "respond promptly and honestly to inquiries from Council."
12. When a licensee fails to respond to an audit, it leaves Council unable to determine whether that person has been conducting insurance business in accordance with the Council Rules and/or other requirements. As such, it is in the public interest for Council to take action when licensees fail to communicate with Council staff during the audit process.

INTENDED DECISION

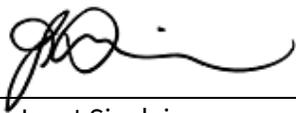
13. Pursuant to sections 231 and 236 of the Act, Council made an intended decision to:
 - a. Suspend the Licensee's life and accident and sickness insurance agent licence until such time as the Licensee has satisfactorily complied with Council's requests for information pertaining to the audit.
14. Subject 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, unless the Licensee satisfactorily complies with the audit during the hearing period.

RIGHT TO A HEARING

15. 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.**
16. 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 <https://www.bcfst.ca/app/uploads/sites/832/2021/06/guidelines.pdf>.

Dated in Vancouver, British Columbia on the **6th day of March, 2024**.

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director