

In the Matter of

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

and

The INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

and

WHITNEY ELIZABETH BRESSEL
(the “Licensee”)

ORDER

As Council made an intended decision on May 12, 2015, 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 June 11, 2015; and

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

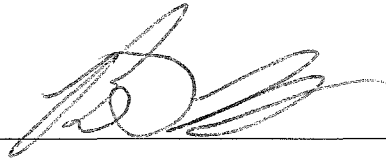
Under authority of sections 231, 236, and 241.1 of the Act, Council orders:

1. The Licensee’s general insurance licence is suspended for a period of one year, commencing on **July 15, 2015** and ending at midnight on **July 14, 2016**.
2. A condition is imposed on the Licensee’s general insurance licence that requires her to successfully complete the Insurance Brokers Association of British Columbia’s Ethics for Insurance Brokers course (the “Course”) prior to the completion of the licence suspension, otherwise the Licensee’s general insurance licence will remain suspended and the Licensee will not be permitted to complete any annual filing until such time as the ordered Course is successfully completed.
3. The Licensee is assessed Council’s investigative costs of \$781.25.

Order
Whitney Elizabeth Bressel
133748-I1673
June 30, 2015
Page 2 of 2

4. A condition is imposed on the Licensee's general insurance licence that requires her to pay the above-ordered investigative costs no later than **September 30, 2015**. If the Licensee does not pay the ordered investigative costs in full by this date, the Licensee will not be permitted to complete any annual filing until such time as the ordered investigative costs are paid in full. If they remain unpaid as of **July 14, 2016**, the Licensee's general insurance licence will remain suspended until the ordered investigative costs are paid in full.

This order takes effect on the **30th day of June, 2015**.



Brett Thibault
Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

WHITNEY ELIZABETH BRESSEL
(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.

An investigation report was reviewed by Council at its May 12, 2015 meeting regarding allegations that the Licensee performed a personal Insurance Corporation of British Columbia (“ICBC”) transaction using a co-worker’s agency-assigned producer code, without the co-worker’s knowledge or consent, and signed a client’s signature on a Smart Pay Contract without the client’s knowledge or consent. Prior to Council’s meeting, the investigation report was provided to the Licensee for review, and the Licensee was provided an opportunity to make further submissions.

At the conclusion of its meeting, Council determined that 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 is a Level 2 general insurance agent, and has been licensed since September 8, 1997. She was authorized to represent an agency (the "Agency") between December 19, 2012 and July 2, 2014.

Use of Another Agent's Producer Code

On December 30, 2013, while working at the Agency, the Licensee completed an ICBC vehicle transfer and a new plate transaction for her personal vehicle. She transferred vehicle ownership from her name to her husband's name, and completed the transactions for insurance, along with a new plate for the vehicle. The Licensee remained the primary driver.

In completing the transaction, the Licensee used a co-worker's (the "Agent") producer code. The Agent was not at the Agency that day, because it was her day off, but she returned to work on December 31, 2013. Upon her return, she was asked by another agent to sign the Licensee's ICBC documents. The Agent had no knowledge of the documents, and the Licensee had not asked if she could use her producer code.

The Licensee confirmed there was another licensed agent at the Agency at the time she did the ICBC transactions, but she did not think to ask the other agent to perform the transactions for her.

The Licensee stated that she used the Agent's producer code to help the Agent meet her ICBC sales targets before the end of the calendar year. The Agent stated that her ICBC sales numbers were not low; in fact, she was the sales leader in 2013, and she would not have wanted the Licensee to use her code even if her sales were low.

Council considered the Licensee's explanation for conducting her own ICBC vehicle transfer, and found it was not supported by the evidence. Council concluded that the Licensee ultimately conducted the vehicle transfer for personal gain.

The Agency's nominee stated that the Agency's internal policy does not allow agents to perform personal transactions.

Signing Client Initials

The Agency offers a financing plan for clients to pay their insurance premiums. In April 2014, a client (the "Client") renewed her homeowners insurance through the Licensee and financed the premiums. The renewal was done without the Client attending the Agency; however, her signature was still required on the finance contract (the "Contract").

In late June 2014, the Client went to the Agency to sign the Contract. The Licensee was not at the Agency that day, so the Agent assisted her. The Agent opened the client file to retrieve the Contract and noticed that the Contract was already signed.

The Licensee admitted to signing the Client's initials on the document. The Licensee stated that she repeatedly contacted the Client to come in and sign the Contract, but the Client said she was too busy, and ultimately asked the Licensee to sign it for her. In a written statement to Council the Licensee stated: "*For the sake of compliance with the credit union's mandate, I signed her initials and explained to her that we did still need her to come in and sign as soon as she could get in.*" Two weeks later, the Client signed the document.

The Client stated that she did not ask the Licensee to sign the Contract, and she was not aware of the Licensee's actions until she attended the Agency in June 2014. The Client stated that she would never ask anyone to sign for her, particularly on a financial document. She recalls that someone from the Agency contacted her a few times to come in and sign the Contract, but she could not recall the person's name. The Client stated if she had been told that the document needed to be signed immediately, she would have made the time to come in.

As a result of these incidents, on July 2, 2014, the Licensee's authority to represent the Agency was terminated.

ANALYSIS

Council found that the Licensee's use of the Agent's producer code was intended to hide the fact that she conducted her own insurance transaction, contrary to the Agency's policy. The Licensee's explanation that she used the Agent's producer code to help the Agent was not believable, and was made to mislead Council. Council found the Licensee was intentionally misleading, and this called into question her trustworthiness and ability to act in good faith.

Council found the Licensee forged the Client's signature for her convenience. Council determined that the Licensee ought to have known that no circumstances exist where it is acceptable to forge another person's signature on a document. Council held that the Licensee's conduct was clearly contrary to the usual practice of the business of insurance. Council was again troubled by the fact that the Licensee attempted to mislead it by suggesting the Client authorized her actions.

Council found that the Licensee's actions warranted a significant licence suspension.

INTENDED DECISION

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

1. Suspend the Licensee's general insurance licence for a period of one year.
2. Impose a condition on the Licensee's general insurance licence that requires her to successfully complete the Insurance Brokers Association of British Columbia's Ethics for Insurance Brokers course (the "Course") prior to the completion of the licence suspension.
3. Assess the Licensee Council's investigative costs of \$781.25.

The Licensee is advised that should the intended decision become final, the investigative costs will be due and payable within 90 days of the date of the order. Failure to pay the investigative costs and successfully complete the Course before the completion of the suspension period will result in the continued suspension of the Licensee's general insurance licence. The Licensee will not be permitted to complete any annual filing until the investigative costs are paid in full and the Course is successfully completed.

The Licensee's suspension will begin on **July 15, 2015**, and end at midnight on **July 14, 2016**.

The intended decision will take effect on **June 30, 2015**, 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 29, 2015**. 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 29, 2015**, the intended decision of Council will take effect.

Intended Decision
Whitney Elizabeth Bressel
133748-11673
June 11, 2015
Page 5 of 5


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 **11th day of June, 2015.**

For the Insurance Council of British Columbia



Gerald D. Matier
Executive Director
604-695-2001
gmatier@insurancecouncilofbc.com

GM/gh