

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

and the
INSURANCE COUNCIL OF BRITISH COLUMBIA
 (“Council”)

and
DANIELLE BIANCA DELA CRUZ
(the “Former Licensee”)

ORDER

As Council made an intended decision on December 10, 2024, 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 13, 2025; and

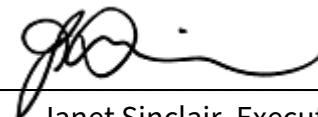
As the Licensee has not requested a hearing of Council’s intended decision within the time period provided by the Act;

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

- 1) The Former Licensee is fined \$5,000 to be paid by May 12, 2025;
- 2) The Former Licensee is required to complete the Ethics and the Insurance Professional course, available through the Insurance Institute of Canada (the “Course), or equivalent courses as acceptable to Council, by May 12, 2025, and which must be completed prior to being licensed in the future;
- 3) The Former Licensee is assessed Council’s investigation costs in the amount of \$1,687.50, to be paid by May 12, 2025; and
- 4) Council will not consider an application for any insurance licence from the Former Licensee for a period of three years, commencing on February 11, 2025, and ending at midnight on February 10, 2028, and until the fine and investigation costs are paid in full and the Course has been completed.

Order
Danielle Bianca Dela Cruz
COM-2023-00973 / LIC-2020-0021130-R01
February 11, 2025
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This order takes effect on the **11th day of February, 2025.**

A handwritten signature in black ink, appearing to read 'Janet Sinclair', is positioned above a horizontal line.

Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA (“Council”)

respecting

DANIELLE BIANCA DELA CRUZ (the “Former Licensee”)

1. Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Former Licensee acted in compliance with the requirements of the Act, Council Rules and Code of Conduct relating to allegations that the Former Licensee misused an agency credit card for personal use.
2. On October 16, 2024, as part of Council’s investigation, a Review Committee (the “Committee”) comprised of Council members met via video conference to discuss the investigation. An investigation report prepared by Council staff was distributed to the Committee and the Former Licensee prior to the meeting. Although the Former Licensee was notified of the Review Committee meeting the Former Licensee did not attend. Having reviewed the investigation materials and after discussing the matter, the Committee prepared a report for Council.
3. The Committee’s report, along with the investigation report were reviewed by Council at its December 10, 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 Act, Council must provide written notice to the Former Licensee of the action it intends to take under sections 231, 236 and 241.1 of the Act before taking any such action. The Former 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 Former Licensee.

FACTS

5. The Former Licensee became licensed as a Level 1 general insurance salesperson (“Level 1 Salesperson”) on April 29, 2020, and held an authority to represent (“ATR”) an agency (the “Agency”) until October 31, 2023. The Former Licensee’s Level 1 Salesperson licence was cancelled on August 7, 2024.
6. On November 3, 2023, Council’s Licensing Department was advised by DM (the “Nominee”), who is president of the Agency, that he had ended the Former Licensee’s ATR on October 31, 2023. On

November 6, 2023, the Nominee emailed a letter to the Licensing Department advising that the Former Licensee's employment had been terminated due to misuse of the Agency's credit card.

7. The Former Licensee transitioned to an administrative/coordinator role within the Agency on June 17, 2022; however, she remained licensed as a Level 1 Salesperson. On June 8, 2023, the Former Licensee was provided with a corporate credit card, which was intended for purchasing supplies for the Agency as part of her duties as an insurance coordinator.
8. On or around October 30, 2023, the Agency discovered discrepancies in several receipts that the Former Licensee had scanned into the Agency's system. Discrepancies were identified between the itemized purchases made on the company credit card and the total purchase price on the various receipts the Former Licensee had scanned into the Agency system. The Agency discovered that the dollar amounts of several scanned receipts were significantly lower than the total amount charged to the corporate credit card. For example, a receipt dated August 4, 2023, showed a total of \$122.98, but the receipt had been folded over, limiting the visibility of the purchase of a prepaid Visa card for \$75. The Agency had not authorized the Former Licensee to purchase a prepaid Visa card. Another receipt dated September 1, 2023, showing a total of \$147.31, was again folded over, limiting the visibility of the purchase of a prepaid Mastercard for \$100. An additional receipt dated September 14, 2023, showing a total of \$185.28, had been folded over, limiting the visibility of the purchase of two prepaid Visa cards in the amounts of \$100 and \$50.
9. Upon further investigation, the Agency discovered 58 receipts dated between July 22, 2023, and October 24, 2023, in which the Former Licensee had made purchases using the Agency credit card and folded the receipts before scanning them, thereby limiting the visibility of certain sections of the receipts. As the Agency only had copies of the scanned folded receipts and could not see the full list of items purchased, the Agency contacted the store where the purchases were made to locate the full copy of the receipts. The store was only able to provide 38 itemized descriptions, which accounted for four of the 58 receipts in question.
10. On November 13, 2023, the Former Licensee sent KW, the Agency's director of operations, an apology email admitting to making unauthorized charges on the corporate credit card. In the email, the Former Licensee admitted to having an issue with compulsive buying disorder and expressed regret for her actions. The Former Licensee also stated that she wanted to repay the money but would require a payment plan to do so.
11. On May 29, 2024, the Agency provided the Council investigator with copies of the 58 receipts and other supporting documentation. The Agency stated that the Former Licensee had made personal charges on the Agency's credit card totalling almost \$9,000.
12. The Former Licensee has not contacted the Agency since her email on November 13, 2023, apologizing for her actions. The Agency confirmed that as of September 2024, the Former Licensee has not repaid the Agency any money.
13. At the time of this decision, the Former Licensee did not respond to any inquiries during Council's investigation.

ANALYSIS

14. Council concluded that the Former Licensee's actions constituted serious breaches of the fundamental licensing requirements of trustworthiness and the intention to carry on the business of insurance in good faith. Council noted that the Former Licensee misused the Agency's credit card for personal use on 58 occasions, which Council determined was an intentional action by the Former Licensee and called into question her trustworthiness. Council concluded that when the Former Licensee used the Agency's credit card information for her own personal use, it amounted to conduct in the nature of theft or fraud. It appeared that the Former Licensee attempted to hide her misuse of the Agency's credit card by folding the receipts she was scanning in a way that obscured some of the products she purchased.
15. Additionally, Council concluded that the Former Licensee was not acting in good faith when she misused the Agency's credit card, which she was authorized to use only for administrative purposes for the Agency. Council noted that licensees are entrusted with money from clients, and Council had serious concerns as to whether the Former Licensee could be entrusted to properly safeguard and account for money and property as a licensee, given the serious and numerous occasions on which the Former Licensee had used the Agency's credit card for her own purchases.
16. Council concluded that the Former Licensee's misconduct amounted to breaches of Council Rules section 7(8) and Code of Conduct sections 3 ("Trustworthiness") and 4 ("Good Faith").

PRECEDENTS

17. 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 providing a range of sanctions for similar types of misconduct.
18. [Victoria Kwong](#) (June 2023): The former licensee was terminated by the agency she worked for in March 2022. A customer of the agency informed the agency that a charge had appeared on their credit card statement for \$700. The agency's investigation confirmed that the former licensee had manually inputted the customer's credit card information to process her own Insurance Corporation of British Columbia Autoplan policy. The agency further discovered that the former licensee had completed another transaction for \$327 to process a debt the former licensee owed ICBC. The agency was unable to verify the identity of the cardholder as there was no physical credit card receipt, and the agency never received a complaint for this charge. The former licensee advised Council staff that she believed the credit card she used for these two transactions was her husband's credit card, as she had it written down in a notebook. Council concluded that the former licensee used the client credit card information for her own benefit and that these actions amounted to conduct in the nature of theft or fraud. As the former licensee was experiencing difficult personal circumstances and was not currently licensed, Council ordered that the former licensee not be eligible to hold an insurance licence for three years, be required to take an ethics course and be assessed investigation costs.

19. [Lisa Anne Allan](#) (January 2020): In September 2018, the former licensee's agency found that she had misappropriated \$16,409.90 of ICBC funds for her own use. The former licensee admitted to taking the money. She was charged with theft over \$5,000 and was found guilty in May 2019. Through the restorative justice program, she received a conditional discharge that included three years of probation, 50 hours of community service and a requirement to pay \$6,000 of restitution to the agency. Council considered the fact that the former licensee was dealing with the consequences for her actions through the restorative justice program but also concluded that "as Council continues to encounter incidents of professional misconduct involving licensees misappropriating funds, it was determined that a lengthy period of disqualification from holding an insurance licence is necessary to communicate to the industry and public that such misconduct cannot be tolerated." Council ordered that no application from the former licensee would be considered for three years, required her to complete an ethics course before being licensed in the future and assessed her investigation costs of \$1,562.50.
20. [Sun Kyung Oh](#) (August 2018): The licensee was terminated by the agency she worked for in October 2017 when she was found to be responsible for the misappropriation of approximately \$8,000 in premiums. The licensee admitted to taking the funds and stated that she needed the money to pay for a relative's medical expenses and that she intended to repay the money. She repaid the agency within two weeks of the funds being found missing. Council took the licensee's repayment and cooperation into consideration as mitigating factors but found that a lengthy disqualification period was necessary to "send a clear message to the industry and to reinforce to the public that Council will not tolerate this type of conduct under any circumstances." Council ordered that her licence be cancelled, with no opportunity to re-apply for three years, and that she also be assessed investigation costs of \$1,000.
21. [Mark Daniel Norris](#) (March 2019): The licensee was found to have misappropriated funds from two agencies he was authorized to represent, totalling \$6,928. The licensee showed remorse for his actions and repaid the funds. He explained that he had been driven to misappropriate the funds due to financial and personal problems he faced at the time. Council ordered that the licensee be suspended for one year, downgraded to a Level 1 licence for two years following the suspension and assessed investigation costs of \$1,750.
22. [Vladimir Prokopchik](#) (September 2019): Between March and May 2018, the former licensee misappropriated \$2,484 in funds relating to five insurance transactions for mutual customers of an agency he represented at the time and a motor vehicle dealership where he conducted automobile insurance transactions. He kept cash intended to pay for Autoplan premiums for himself. Council ordered that no applications by the former licensee for insurance licences would be considered for three years and assessed him \$812.50 in investigation costs.
23. [Beata Stepniewski](#) (October 2013): The licensee was a Level 1 general insurance salesperson who on several occasions accepted cash payments from clients but failed to remit funds to the agency. The licensee committed additional misconduct, including using the credit cards of other agency clients to pay some of the premiums she did not remit and processing several changes to a policy to either increase or decrease coverage and forging the client's signature to do so. Council held that the licensee had failed to act in a trustworthy and financially reliable manner and in good faith. She was

prohibited from holding an insurance licence for a minimum period of two years and ordered to pay Council's investigation costs.

MITIGATING AND AGGRAVATING FACTORS

24. Council considered relevant mitigating and aggravating factors in this matter. Council did not find that there were any relevant mitigating factors in these circumstances. However, Council identified several aggravating factors. As the Former Licensee had misused the Agency credit card on at least 58 occasions over a period of months, Council found the continuous and ongoing nature of the conduct to be an aggravating factor. Additionally, Council concluded the Former Licensee's actions, which were in the nature of theft or fraud, to be a flagrant disregard for the law governing licensee conduct, especially given the fundamental nature of trustworthiness that a licensee must possess. Council further found it aggravating that although the Former Licensee stated she would repay the Agency, she has not done so. The lack of trustworthiness poses a risk of harm to the public, as it is uncertain whether clients can entrust their money with someone who demonstrates untrustworthiness. Lastly, Council also concluded an additional aggravating factor was that the Former Licensee had not responded or engaged in the investigation with Council.

CONCLUSIONS

25. After weighing all of the relevant considerations, Council found the Former Licensee to be in breach of the Council's Rules and the Code of Conduct.
26. Council concluded that the Former Licensee's actions were self-serving, deceitful and caused harm to the Agency and a risk of harm to the public.
27. Council has concluded that it is appropriate that Council will not consider a licence application from the Former Licensee for a period of three years and that Council impose a fine of \$5,000. Further, Council concluded that the Former Licensee be required to complete an ethics course before being licensed in the future.
28. With respect to investigation costs, Council has concluded that these costs should be assessed to the Former Licensee. 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 has not identified any reason for not applying this principle in the circumstances.

INTENDED DECISION

29. Pursuant to sections 231, 236 and 241.1(1) of the Act, Council made an intended decision that:
- a. The Former Licensee be fined \$5,000, to be paid within 90 days of Council's order;
 - b. The Former Licensee be required to complete the Ethics and the Insurance Professional course, available through the Insurance Institute of Canada (the "Course"), or equivalent courses as acceptable to Council, within 90 days of Council's order and which must be completed prior to being licensed in the future;
 - c. The Former Licensee be assessed Council's investigation costs in the amount of \$1,687.50, to be paid within 90 days of Council's order; and
 - d. Council will not consider an application for any insurance licence from the Former Licensee for a period of three years, from the date of Council's order, and until the fine and investigation costs are paid in full and the Course has been completed.
30. Subject to the Former 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/COSTS

31. Council may take action or seek legal remedies against the Former Licensee to collect outstanding fines and/or costs, should these not be paid by the 90-day deadline.


RIGHT TO A HEARING

32. If the Former Licensee wishes to dispute Council's findings or its intended decision, the Former 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 Former 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 Former Licensee does not request a hearing within 14 days of receiving this intended decision, the intended decision of Council will take effect.**

33. Even if this decision is accepted by the Former 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 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 **13th day of January, 2025.**

For the Insurance Council of British Columbia



Per Janet Sinclair
Executive Director