

In the Matter of

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

and

The **INSURANCE COUNCIL OF BRITISH COLUMBIA**
("Council")

and

CHRISTOPHE JEAN MARC BERNARD
(the "Licensee")

ORDER

As Council made an intended decision pursuant to sections 231 and 236 of the Act; and

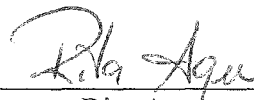
As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons and notice of the intended decision dated January 16, 2014; and

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 \$500.00.
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 **May 5, 2014**. 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 **May 6, 2014**, 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 **4th day of February, 2014**.



Rita Ager, CFP, CLU, CHS, CPCA, FEA
Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

respecting

CHRISTOPHE JEAN MARC BERNARD
(the “Licensee”)

INTRODUCTION

Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation into allegations the Licensee failed to notify Council that he had ceased to have written authorization to represent at least one insurer authorized to do life insurance business in British Columbia in accordance with Council Rule 7(16).

After completing its investigation, 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 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

Based on the information before it, Council made the following findings of fact:

1. The Licensee was first licensed as a life and accident and sickness insurance agent (“life agent”) on September 14, 2011. He is currently licensed and authorized to operate as a life agent.
2. The Licensee is a non-resident, and is licensed in his home jurisdiction of Quebec.

3. The Licensee left Sun Life Assurance Company of Canada on July 4, 2012, and joined Manulife Canada Ltd. on September 10, 2012.
4. From July 5, 2012 to September 5, 2012, the Licensee was not authorized to represent an insurer authorized to do life insurance business in British Columbia.
5. The Licensee confirmed that he did not conduct insurance business in British Columbia between July 5, 2012 and September 5, 2012.
6. The Licensee had errors and omissions insurance in force covering the entire period he was licensed.

ANALYSIS

Council found the above-mentioned facts constituted a breach of Council Rule 7(16), in that the Licensee failed to notify Council within five business days after ceasing to have written authorization to represent an insurer.

Council accepted that the Licensee did not conduct any insurance activities while he was without authorization to represent an insurer. Council concluded there was no evidence to suggest the Licensee's actions were intentional and, as a result, determined a nominal fine to be appropriate.

In considering the appropriate disposition in this matter, Council noted that precedent for unintentional breaches of similar Council Rules is a fine of \$500.00. Council therefore determined that a similar fine was both reasonable and appropriate in these circumstances.

INTENDED DECISION

Pursuant to sections 231 and 236 of the Act, Council made an intended decision to fine the Licensee \$500.00.

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 **February 4, 2014**, 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 **February 3, 2014**. 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 **February 3, 2014**, 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

Dated in Vancouver, British Columbia, on the **16th day of January, 2014**.

For the Insurance Council of British Columbia



Gerald D. Matier
Executive Director

GM/fs