

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

**and**

**The *INSURANCE COUNCIL OF BRITISH COLUMBIA***  
**(“Council”)**

**and**

**SUKHDARSHAN SINGH MANN**  
**(the “Licensee”)**

**ORDER**

As Council made an intended decision on February 13, 2018, 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 April 11, 2018; and

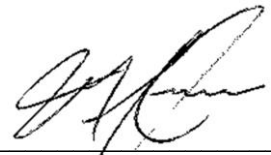
As the Licensee has not requested a hearing of Council’s intended decision within the time period provided by the Act;

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

1. The Licensee is fined \$2,000.00.
2. A condition is imposed on the Licensee’s life and accident and sickness insurance licence that requires the Licensee to successfully complete the Council Rules Course available through Advocis no later than **August 1, 2018**. If the Licensee does not complete the Council Rules Course by this date, the Licensee’s life and accident and sickness insurance licence is suspended as of **August 2, 2018** without further action from Council and the Licensee will not be permitted to complete any subsequent annual filings until such time as the Council Rules Course is successfully completed.
3. A condition is imposed on the Licensee’s life and accident and sickness insurance licence that requires the Licensee to make up the missing continuing education credits no later than **August 1, 2018**. If the Licensee does not make up the missing credits by this date, the Licensee’s life and accident and sickness insurance licence is suspended as of **August 2, 2018** without further action from Council and the Licensee will not be permitted to complete any

- subsequent annual filings until such time as the missing credits are successfully completed.
4. A condition is imposed on the Licensee's life and accident and sickness insurance licence that requires the Licensee to pay the above-ordered fine no later than **August 1, 2018**. 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 **August 2, 2018** without any further action from Council and the Licensee will not be permitted to complete any subsequent annual filings until such time as the ordered fine is paid in full.

This order takes effect on the **1<sup>st</sup> day of May, 2018**.



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Michael Connors, CIP, CRM  
Chairperson, Insurance Council of British Columbia

## **INTENDED DECISION**

**of the**

**INSURANCE COUNCIL OF BRITISH COLUMBIA**  
(“Council”)

**respecting**

**SUKHDARSHAN SINGH MANN**  
(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.

As part of Council’s investigation, on December 14, 2017, a Review Committee (the “Committee”) met with the Licensee via teleconference to discuss the allegation that the Licensee had not completed the required amount of continuing education (“CE”) credits for prior licence years.

The Committee was comprised of two voting members and four non-voting members of Council. Prior to the Committee’s meeting with the Licensee, an investigation report was distributed to the Committee and the Licensee for review. A discussion of this report took place at the meeting and the Licensee was provided an opportunity to make further submissions. Having reviewed the investigation materials and discussed this matter with the Licensee, the Committee prepared a report for Council.

The Committee’s report, along with the aforementioned investigation report, were reviewed by Council at its February 13, 2018, meeting, where it was determined 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**

The Licensee first obtained a life and accident and sickness insurance agent (“life agent”) licence in British Columbia in 2013.

In June 2014, the Licensee was audited for CE for the 2013 and 2014 licence periods. While the Licensee provided proof of having completed the minimum CE for the 2014 licence period, the Licensee was unable to demonstrate he completed the minimum CE for the 2013 licence period. The Licensee explained he was unaware he had to keep track of his training and check in at training sessions he attended.

In November 2016, the Licensee was again the subject of a CE audit for the 2015 and 2016 licence periods. In response to the audit, the Licensee provided sufficient credits for the 2015 licence period; however, he was unable to provide evidence of completing the minimum required credits for the 2016 licence period.

## **ANALYSIS**

Council concluded that the Licensee, by failing to meet the minimum CE requirement for the 2013 and 2016 licence periods, had failed to act in accordance with Council Rule 7(5). The Licensee explained that he had failed to properly sign in to CE sessions, thereby losing CE credits for the 2013 licence period; however, the Licensee acknowledged that it was his responsibility to keep track of how many CE credits he had completed for each annual licence period.

Although Council recognized that the Licensee had acknowledged his error, Council noted that he was unable to provide evidence of sufficient CE when his records were audited a second time in 2016.

Council determined that a fine was warranted to address the Licensee's failure to comply with Council Rule 7(5) over multiple years. Council also determined that successful completion of the Council Rules Course would be appropriate in this matter to ensure the Licensee is fully aware of all his obligations under Council Rules.

## **INTENDED DECISION**

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

1. Impose a condition on the Licensee's life and accident and sickness insurance agent licence that requires the Licensee to successfully complete the Council Rules Course available through Advocis, within 90 days of the date of Council's order.
2. Require the Licensee to make up the missing continuing education credits.
3. Fine the Licensee \$1,000.00 for each year he had insufficient continuing education credits, for a total of \$2,000.00.

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 and successfully complete the Council Rules Course and make up the missing CE credits within the 90 days will result in the automatic suspension of the Licensee's life agent licence. The Licensee will not be permitted to complete any subsequent annual filing until the fine is paid in full and the Council Rules Course and missing CE credits are successfully completed.

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.

## **RIGHT TO A HEARING**

If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may acquire 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 **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 fourteen (14) days of receiving this intended decision**, the intended decision of Council will take effect.

Intended Decision  
Sukhdarshan Singh Mann  
LIC-190806C137388R1 / COM-2016-00166  
April 11, 2018  
Page 4 of 4

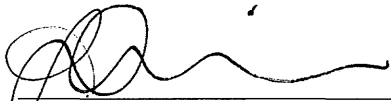
Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the Financial Institutions Commission still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The Financial Institutions Commission has 30 days to file a Notice of Appeal, once Council's decision takes effect. For more information respecting appeals to the FST, please visit their website at [fst.gov.bc.ca](http://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](mailto:FinancialServicesTribunal@gov.bc.ca)

Dated in Vancouver, British Columbia, on the **11<sup>th</sup> day of April, 2018.**

For the Insurance Council of British Columbia



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Janet Sinclair  
Executive Director  
604-695-2001  
[jsinclair@insurancecouncilofbc.com](mailto:jsinclair@insurancecouncilofbc.com)

JS/ap