

In the Matter of the

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

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
(“Council”)

and

TIMOTHY TIN YAT LI
(the “Licensee”)

ORDER

As Council made an intended decision on September 11, 2018, 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 October 4, 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, 236, and 241.1 of the Act, Council orders:

1. The Licensee’s Level 1 general insurance salesperson licence is suspended for a period of one year, commencing on **October 19, 2018** and ending at midnight on **October 18, 2019**.
2. A condition is imposed on the Licensee’s Level 1 general insurance salesperson licence that requires the Licensee to successfully complete an ethics course, as approved by Council, by no later than **January 17, 2019**.
3. The Licensee is assessed Council’s investigative costs of \$375.00, to be paid by no later than **January 17, 2019**.
4. If the Licensee does not complete the required course and pay the ordered investigative costs within the stipulated time frame, the Licensee will not be permitted to complete his 2019 licence filing until such time as the course is successfully completed and the investigative costs are paid in full.

This order takes effect on the **19th day of October, 2018**.



Ken Kukkonen
Chairperson, Insurance Council of British Columbia

INTENDED DECISION
of the
INSURANCE COUNCIL OF BRITISH COLUMBIA
("Council")
respecting
TIMOTHY TIN YAT LI
(the "Licensee")

INTRODUCTION

Pursuant to section 232 of the Financial Institutions Act (the "Act"), Council conducted an investigation to determine whether the Licensee acted contrary to his duty to be trustworthy as set out by section 3 of Council's Code of Conduct.

As part of Council's investigation, the Licensee was provided the opportunity to respond to the allegation that he had cheated on a Canadian Accredited Insurance Broker 3 ("CAIB 3") examination.

An investigation report and the Licensee's response was distributed to Council for review at its meeting on September 11, 2018, 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 has held a Level 1 general insurance salesperson licence since August 26, 2015.

On April 24, 2018, the Licensee wrote the CAIB 3 examination with the Insurance Brokers Association of British Columbia ("IBABC"). The CAIB exams are written online and in the presence of a proctor who monitors the examinees through computer software which allows viewing of an examinee's screen from another computer.

During the examination, the proctor observed the Licensee open PDF files of exam notes twice and utilize the internet to look up exam answers once. Warnings to stop were ignored by the Licensee.

On April 25, 2018, IBABC wrote to the Licensee advising his exam was disqualified on the basis of academic dishonesty. Council was notified and an investigation ensued.

On May 25, 2018, Council staff conducted a telephone interview with the Licensee. The Licensee admitted he cheated on the CAIB 3 examination. He apologized and assured Council staff it would not happen again.

ANALYSIS

Council views academic dishonesty to be serious, particularly where it is carried out in order to obtain or upgrade an insurance licence, as is the case here. Such behavior, in Council's opinion, must not be tolerated as any other stance could bring the qualification process to hold an insurance licence into disrepute. Accordingly, Council determined that the Licensee's actions, which it found to be contrary to the principle of trustworthiness as established by section 3 of the Code of Conduct, warranted discipline in the circumstances.

In considering the appropriate disposition in this matter, Council noted three previous cases involving academic dishonesty.

In an August 24, 2009 decision, a licensee was found to have cheated on the CAIB 2 exam. While Council acknowledged that the licensee cheated, it was also noted that she did not mislead Council nor had she premeditated cheating on the exam. As such, Council concluded the circumstances did not warrant a suspension of the licensee's licence. Instead, Council was of the view that specific and general deterrence could be achieved by barring the licensee from upgrading her licence for a period of six months. The licensee was also ordered to complete an ethics course and pay investigation costs.

In a September 4, 2009 decision, a licensee was found to have cheated on the CAIB 2 exam. In determining discipline, Council noted the licensee had not been truthful with Council during its investigation, further demonstrating her lack of trustworthiness and integrity. Council suspended the licensee for a minimum period of one year, ordered her to successfully complete or re-complete the requisite education to qualify for her licence, and assessed her with investigation costs.

In a June 19, 2018 decision, a licensee was observed to have her email and study notes open on a web browser during the CAIB 3 examination. Council suspended the licensee for one year and assessed her with investigation costs. In the decision, Council noted it was necessary to impose a significant sanction for both specific and general deterrence purposes as instances of qualification exam cheating continue to be identified.

Council concluded its June 19, 2018 decision was most instructive for the Licensee's situation and that it remains necessary for Council to impose a significant suspension in cases of academic dishonesty. Council also concluded the Licensee would benefit from ethics education.

INTENDED DECISION

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

1. suspend the Licensee's Level 1 general insurance salesperson licence for a period of one year from the date of Council's order;
2. assess the Licensee investigation costs of \$375.00 to be paid within 90 days of Council's order; and
3. impose a condition on the Licensee's Level 1 general insurance salesperson licence that requires him to successfully complete an ethics course as approved by Council within 90 days of Council's order.

The Licensee is advised that, should the intended decision become final, failure to pay the investigation costs or successfully complete the Council Rules Course within the stipulated time frame will result in the Licensee not being permitted to complete his 2019 licence filing until such time as the fine is paid and the course 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 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 **within fourteen 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 days of receiving this intended decision, 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:

Intended Decision
Timothy Tin Yat Li
October 4, 2018
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Financial Services Tribunal
PO Box 9425 Stn Prov Govt
Victoria, British Columbia
V8W9V1
Reception: 250-387-3464
Fax: 250-356-9923
Email: FinancialServicesTribunal@gov.bc.ca

Dated in Vancouver, British Columbia, on the 4th day of October, 2018.

For the Insurance Council of British Columbia

A handwritten signature in black ink, appearing to read "Janet Sinclair", is written over a horizontal line. The signature is cursive and stylized.

for Janet Sinclair
Executive Director