

ALBERTA INSURANCE COUNCIL
(the "AIC")

In the Matter of the *Insurance Act*, R.S.A. 2000 Chapter I-3
(the "Act")

And

In the Matter of Jim Albert Scantland
(the "Agent")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Agent's 2013/2014 online renewal applications for Agents Certificate of Authority submitted January 28, 2013, during which review information came to light that indicated that the Agent failed to provide information required by the Minister on his 2013/2014 renewal applications for Certificates of Authority;

AND WHEREAS the review established that the Agent failed to disclose that he had been convicted of an offense in another jurisdiction on his 2013/2014 applications submitted January 28, 2013;

AND WHEREAS the Agent is aware of the opportunity to retain and instruct legal counsel with respect to the matters referred to in this Agreed Statement of Facts and Joint Submission;

NOW THEREFORE the Agent and the Investigator agree as follows:

- 1.0 For the purposes of this Agreed Statement of Facts and Joint Submission, the Agent makes the following admissions and submissions:
 - 1.1.1. The Agent is the holder of Certificates of Authority (Q and M-61170) to transact business as an Accident and Sickness ("A&S") and Life Insurance Agent and has been licensed since at least January 30, 1996;
 - 1.1.2. On May 30, 2013, the AIC received an email from the Agent, confirming that he had spoken to the AIC to disclose that the Insurance Council of British Columbia levied a judgment against him. He advised the AIC that he was not aware of the requirement to report to the AIC that he had been convicted of an offense by another jurisdiction and only became aware of the requirement to do so after he applied to renew his Manitoba insurance license;
 - 1.1.3. On June 11, 2013, the AIC sent a letter to the Agent, requesting that he provide an explanation as to why he failed to disclose on his 2013/2014 online renewal applications which he submitted on January 28, 2013 that he had been convicted of an offense in another jurisdiction;
 - 1.1.4. On June 17, 2013, the AIC received a letter from the Agent explaining that the reason he failed to disclose that he had been convicted of an offense in another jurisdiction was an oversight on his part as the clients affected by the offense were not from Alberta.

- 1.1.5. On July 16, 2013, the AIC received an email from the Agent advising the AIC that the Insurance Council of British Columbia reprimanded the Agent for failing to advise clients of the tax implication for changing the clients' investments from mutual funds to a variable annuity.
- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Agent contravened section 467(c) of the Act, and consequently violated section 480 (1) (b) of the Act for failing to provide information required by the Minister on applications for certificates of authority.
- 3.0 The Agent and the Investigator jointly recommend to the Life Insurance Council ("Council") that the Council approve this Agreed Statement of Facts and Joint Submission and resolve, dispose of and finally conclude this matter involving the Agent by approving a decision in the form annexed hereto as Schedule 1.
- 4.0 The Agent recognizes that the acceptance of the decision set out in Schedule 1 shall be at the unfettered discretion of the Council.
- 5.0 The Agent is aware of and acknowledges that upon receiving notification of the Council's decision, the civil penalty specified in Schedule 1 must be paid within the time frames set out in section 480(4) of the Act.
- 6.0 The Agent is also aware of and acknowledges that by entering into this Agreed Statement of Facts and Joint Submission, the Agent waives his right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Agent waives any existing right he may have under the Act or otherwise to a hearing, review, judicial review or appeal of this matter.
- 8.0 The Agent acknowledges that this Agreed Statement of Facts and Joint Submission may be referred to in this or any other proceeding under the Act, and in regulatory proceedings in other jurisdictions.

9.0 The Agent recognizes that this Agreed Statement of Facts and Joint Submission resolves all issues involving the Agent in this matter only, as the matter is described above.

Dated at the City of Edmonton, in the Province of Alberta this 19 day of September, 2013.

ALBERTA INSURANCE COUNCIL
PER:

Original signed by Warren Martinson
Trisha Lunt, Investigator

Dated at Kelowna, in the Province of British Columbia, this 17 day of August, 2013.

Original signed by:
Jim Albert Scantland, Agent

In the presence of:

Original signed by
Signature of Witness

Original signed by:
Name of Witness (please print)

* Typographical error corrected in published document.

SCHEDULE 1

ALBERTA INSURANCE COUNCIL

In the Matter of the *Insurance Act*, R.S.A. 2000 Chapter I-3 (the “Act”)

AND

IN THE MATTER OF JIM ALBERT SCANTLAND

(the “Agent”)

DECISION of the LIFE INSURANCE COUNCIL

(the “Council”)

WHEREAS the Investigator of the Alberta Insurance Council (“AIC”) made a request for information in relation to an investigation being conducted by the AIC into the Agent’s failure to provide the information required by the Minister on his online 2013/2014 renewal applications for Certificates of Authority submitted on January 28, 2013;

AND WHEREAS as a result of information received, the Investigator and the Agent entered into an Agreed Statement of Facts and Joint Submission, a copy of which is attached hereto;

AND WHEREAS pursuant to the Agreed Statement of Facts and Joint Submission, the Agent has agreed to a finding of guilt in relation to failing to disclose that he was convicted of an offense by another jurisdiction and has acknowledged that the Council has the discretion to accept or reject that recommendation;

AND WHEREAS the Council considers that it would be in the public interest to approve the said Agreed Statement of Facts and Joint Submission;

IT IS ORDERED that:

1. The Agreed Statement of Facts and Joint Submission be accepted and is hereby approved; and
2. The Agent pay a fine of THREE HUNDRED DOLLARS (\$300.00) in accordance with the terms and conditions set out in this Agreed Statement of Facts and Joint Submission.

The attached Agreed Statement of Facts and Joint Submission was reviewed by the Council and a motion to approve this decision was made and carried at a properly conducted meeting of the Council on September 19, 2013. This motion was duly recorded in the minutes of that meeting.

Original signed by

Phyllis Kobasiuk, Vice-Chair
Life Insurance Council