

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 Carley Volsky
(the "Agent ")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Agent's 2012/2013 Application for General Insurance Agents Certificate of Authority dated July 3, 2013, during which review information came to light that indicated that the Agent failed to provide information required by the Minister on her 2012/2013 Application for Certificate of Authority to sell general insurance;

AND WHEREAS the review established that the Agent failed to disclose that she had been discharged for cause by an employer on her 2012/2013 application dated July 3, 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 a Certificate of Authority (I-126827) to transact business as a General Insurance Agent and has been licensed since April 8, 2008;
 - 1.1.2 On June 27, 2013, the AIC received a fax from Marilyn Kumar ("MK"), Registration Officer with TD Registration Services, notifying the AIC that Melcohe Monnex Financial Services Inc. ("Meloche") had terminated the Agent's employment through Meloche with cause
 - 1.1.3 On July 9, 2013, the AIC received a 2012/2013 Application for General Insurance Agents Certificate of Authority dated July 3, 2013, which contained a question regarding if the Agent had been discharged for cause by an employer, to which question the Agent answered "NO";
 - 1.1.4 On December 11, 2013, the AIC sent a letter to Christina Raso-Lazzaro ("CR"), Team Lead with TD Registration Services, requesting a copy of the termination letter that was delivered to the Agent. On December 19, 2013, the AIC received an

email from CR including a copy of the termination letter, which letter stated in part the following: “This letter is to confirm TD Insurance’s decision to terminate your employment immediately for cause, without further notice or payment in lieu thereof”;

1.1.5 On April 1, 2014, the AIC sent an email to the Agent requesting an explanation as to why she failed to disclose on her application that she had been discharged for cause by Meloche;

1.1.6 On April 15, 2014, the AIC received an email from the Agent explaining that she understood that Meloche had “let [her] go” and “had she believed it was for cause it would mean that [she]believed [she] did something wrong.”

- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Agent contravened section 467 (1) (c) of the Act, and consequently violated section 480 (1) (b) of the Act for failing to provide information required by the Minister on her application for certificate of authority.
- 3.0 The Agent and the Investigator jointly recommend to the General 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, which provides for a civil penalty in the amount of \$300.00, in accordance with the penalties prescribed in section 13 (1) (b) of the Certificate Expiry, Penalties and Fees Regulation, A.R. 125/2001.
- 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 her right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Agent waives any existing right she 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 6 day of June 2014.

ALBERTA INSURANCE COUNCIL
PER:

Original signed by
Trisha Lunt, Investigator

Dated at the City of Edmonton, in the Province of Alberta, this 20 day of June 2014.

Original signed by
Carley Volsky, Agent

In the presence of:

Original signed by
Signature of Witness

Original signed by
Name of Witness (please print)

SCHEDULE 1

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 Carley Volsky
(the "Agent")

DECISION OF
The General 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 her 2012/2013 Application for General Insurance Agents Certificate of Authority dated July 3, 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 that she will pay a civil penalty in the amount of THREE HUNDRED DOLLARS (\$300.00) 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 the 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 General Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date : July 8, 2014

Original signed by
Amanda Sawatzky, Chair
General Insurance Council