

In the Matter of the

FINANCIAL INSTITUTIONS ACT, RSBC 1996, c.141

(the “Act”)

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

and

JASPREET JASON SINGH MINHAS

(the “Licensee”)

ORDER

As Council made an intended decision on January 24, 2023, 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 March 2, 2023; 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 that:

- 1) The Licensee’s general insurance licence is suspended for a period of nine months, commencing on March 22, 2023, and ending at midnight on December 23, 2023;
- 2) A condition is imposed on the Licensee’s general insurance licence that the Licensee not be eligible to upgrade to a level 2 general insurance agent licence for a period of one year, commencing immediately after the completion of the suspension period;
- 3) The Licensee is required to complete the following courses, or equivalent courses as acceptable to Council, prior to the licence suspension being lifted:
 - a) The Council Rules Course for general insurance salespersons and agents; and
 - b) The Insurance Institute’s “Ethics and the Insurance Professional” course;

Order

Jaspreet Jason Singh Minhas

LIC-181060C126895R1, COM-2021-00221

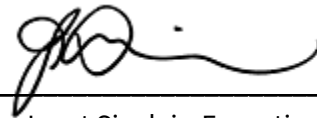
March 23, 2023

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Collectively, the “Courses”.

- 4) The Licensee is assessed Council’s investigation costs of \$2,347.50, to be paid by June 21, 2023, and which must be paid in full prior to the licence suspension being lifted; and
- 5) A condition is imposed on the Licensee’s general insurance licence that the Licensee will not be permitted to complete the Licensee’s 2025 annual licence renewal until such time as the Courses are completed and the investigation costs are paid in full.

This order takes effect on the **23rd day of March, 2023**



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

respecting

JASPREET JASON SINGH MINHAS

(the “Licensee”)

1. Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee breached the Council Rules and/or the Code of Conduct (the “Code”) related to allegations that the Licensee misled the Insurance Corporation of British Columbia (“ICBC”) and law enforcement during their investigations by misrepresenting the driver of a vehicle involved in a motor vehicle accident, and failed to notify Council of a subsequent charge and conviction under the *Insurance (Vehicle) Act* (the “IVA”).
2. On November 24, 2022, as part of Council’s investigation, a Review Committee (the “Committee”) comprised of Council members met via video conference to discuss the investigation. An investigation report prepared by Council staff was distributed to the Committee and the Licensee prior to the meeting, and the Licensee was given an opportunity to make submissions and provide further information. The Licensee was provided advance notice of the meeting and did not attend. A discussion of the investigation report took place at the meeting.
3. Having reviewed the investigation materials and having discussed the matter at the November 24, 2022, meeting, the Committee prepared a report for Council which was reviewed by Council at its January 24, 2023, meeting. Council determined that the matter should be disposed of in the manner set out below.

PROCESS

4. 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, 236 and 241.1 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

Background

5. The Licensee has been licensed with Council as a Level 1 general insurance salesperson (“Level 1 Salesperson”) since November 15, 2010 and has been authorized to represent the insurance agency (the “Agency”) since July 27, 2015.
6. On March 19, 2021, Council was advised by ICBC that the Licensee had been convicted of an offence for providing misinformation to law enforcement and ICBC.
7. The Licensee was involved in a collision while driving a vehicle registered to his father (the “Father”), on February 7, 2019. The Licensee left the scene of the accident once the other party involved in the collision asked for his BC driver’s licence information. According to an investigation report from ICBC’s Special Investigation Unit, the Father reported the accident to ICBC indicating that he was the driver and not the Licensee, and both the Licensee and the Father continued to insist throughout the ICBC investigation that the Father had been the driver. In addition, the Licensee stated he had a Level 2 general insurance agent (“Level 2 Agent”) licence with Council, despite holding a Level 1 Salesperson licence.
8. An ICBC investigation followed, which proved that the Licensee was in fact the driver, and resulted in ICBC suspending the Licensee’s Autoplan access for one year, from February 20, 2021, to February 19, 2022. The Licensee was also convicted and sentenced under section 42.1(2)(a) of the IVA for providing false and misleading information. The Licensee was given a fine and a restitution order after being convicted. The Licensee did not report to Council the ICBC suspension, nor the charge and conviction.
9. The Licensee’s ICBC driving record shows that his BC driver’s licence was under a 90-day suspension at the time of the collision on February 7, 2019, for a prior driving violation under the *Motor Vehicle Act*. In addition, the Licensee’s driving record indicates multiple suspensions over the past several years.
10. The Licensee gave statements to Council on two different dates. In an email dated June 2, 2021, the Licensee stated that he had exchanged information with the other driver, when in fact he had left the scene when the other driver asked for his driver’s licence information. He also said that his driver’s licence was “inactive,” when it was in fact suspended for a prior driving conviction, according to his email to Council on February 7, 2022.
11. On September 23, 2021, Council’s Investigator conducted an interview with the Licensee. In the interview, the Licensee did not say that he had left the scene of the accident when asked to provide his driver’s licence, but he did admit to having a suspended driver’s licence. The Licensee also admitted that the Father had provided false information to ICBC, and that the Licensee had been charged with providing false and misleading information. The Licensee also said he did not know that he had to report the charges to Council and indicated that he had been unaware that Council and ICBC were separate entities.
12. On July 19, 2022, Council received confirmation from ICBC that the Licensee had not paid the restitution order in full.

ANALYSIS

13. Council considered the investigation report, the Committee's report to Council, and the Licensee's submissions and determined that the Licensee's conduct amounted to clear breaches of section 3 ("Trustworthiness"), section 4 ("Good Faith"), section 5 ("Competence"), and section 12 ("Dealing with the Insurance Council of British Columbia") of the Code. Council Rule 7(8) requires licensees to comply with the Code.
14. Council found that the Licensee did not act in a trustworthy manner, given that he made false declarations to ICBC and misleading statements to Council. Council believed that the Licensee's decisions to drive with a suspended driver's licence, leave the scene of a motor vehicle accident, and then request the Father to misrepresent information to ICBC, were acts of dishonesty that reflected adversely on the Licensee's trustworthiness. In a similar vein, Council determined that the Licensee breached his duty of good faith towards ICBC and Council by failing to disclose material information in the investigations. Also, by telling the Father to misrepresent information to ICBC, he breached his duty of good faith towards the Father, who is a fellow licensee.
15. With respect to the principle of competence, Council was troubled that the Licensee did not understand that ICBC and Council are separate entities, and that the Licensee did not appear to know the level of the general insurance licence he holds with Council. Combined with his decision to provide false information to ICBC, Council was concerned that the Licensee did not understand the expectations associated with being an insurance licensee. As a whole, Council questioned whether the Licensee meets the requirements of competency under the Code.
16. Council determined that the Licensee did not respond promptly and honestly to inquiries from Council. The Licensee did not report his charge and subsequent conviction, nor the ICBC suspension, to Council, which was a breach of Council Rule 7(3). In addition, the Licensee made several misstatements to Council during its investigation.
17. The Licensee chose not to attend the Committee meeting and therefore Council was unable to further hear from the Licensee with respect to the issues facing him. While Council noted that it was not drawing an adverse inference for the Licensee's failure to attend, it would have preferred to have heard from the Licensee as to why he acted in the way he did. Council encourages licensees to play an active part in Council's investigation by cooperating with Council and attending Committee meetings.
18. Council took several aggravating factors into consideration. For instance, Council found that the Licensee did not show remorse for his misconduct. The Licensee continued to misrepresent to ICBC until the evidence proved that he was the driver of the vehicle. Also, Council considered the violations in the Licensee's driving history record and believed that this was not an isolated incident.
19. In terms of mitigating factors, Council considered that the Licensee suffered other penalties as he had his ICBC Autoplan access suspended for one year and was fined by the courts. In addition, Council noted that the Licensee does not have a prior discipline history with Council.

20. Council is not bound by precedent to follow the outcomes from prior decisions, but similar conduct should result in similar outcomes within a reasonable range depending on the particular facts of the case.
21. Prior to making its decision, Council took several past decisions into consideration as precedents. The following precedent summaries are categorized based on the type of relevant conduct they primarily involved.

Misrepresentation

22. [Wendy Chui Ping Kwan](#) (July 2022) concerned a Level 2 Agent licensee who processed her own ICBC Autoplan transactions since the early 1990s and misrepresented the principal operator of her personal vehicle on several ICBC policies. The misrepresentation came to light after ICBC's investigation into the licensee's stolen vehicle claim. ICBC prohibited the licensee from conducting Autoplan business for nine months. By processing her own insurance transactions, Council found that the licensee engaged in a clear conflict of interest. Council determined that the licensee ought to have known that her conduct was unacceptable, given that the licensee has over 30 years of experience in the insurance industry. In addition, the licensee made material misstatements to Council during its investigation. The licensee derived a financial benefit from her misconduct, as the misrepresentation led to reduced premiums at the detriment of ICBC. Council accepted that the licensee did not have a prior discipline history with Council. The licensee was suspended for one year, had her Level 2 Agent licence downgraded to a Level 1 Salesperson licence for one year, required to complete an ethics course, the Council Rules Course, and the Autoplan Basics program, and assessed investigation costs of \$2,312.50.
23. [Patricia Jean Orr](#) (October 2009) concerned a Level 2 Agent licensee who misrepresented to ICBC that she had been the driver of a vehicle involved in an automobile accident, when in fact another individual in her vehicle was the driver of the vehicle. The licensee's agency terminated the licensee's employment and the licensee reimbursed ICBC an amount that it paid out for the claim. Council found that the licensee made a false statement to ICBC which was material to ICBC's review of the licensee's insurance claim, and the licensee did not undertake any corrective measures until the licensee was directed to do so by her employer at the time. Council acknowledged that the licensee accepted responsibility and felt she understood the significance of her actions. In addition, the licensee did not have a prior discipline history with Council and that the matter appeared to be an isolated incident. The licensee was suspended for six months, downgraded to a Level 1 Salesperson licence for a period of one year following suspension, required to complete an ethics course, and assessed Council's investigation costs of \$875.00.

Failure to disclose charge

24. [Kulwinderpal Singh Khosah](#) (June 2021) concerned a Level 1 Salesperson licensee who failed to notify Council about a series of criminal charges and convictions he received throughout 2018 and 2019. The licensee stated that his understanding had been that he was not convicted and

that he had not been notified about his conviction, despite having served jail time. The licensee admitted that he had never reviewed the Council Rules and that he had little knowledge of the Code of Conduct. Council found the licensee not to be credible and did not consider the Licensee's submission that he had been unaware of his various convictions to be believable. While Council acknowledged that the licensee's various charges and convictions did not appear to relate to insurance, Council found that the licensee behaved dishonestly throughout the investigation. Council was troubled that the licensee had never reviewed the Council Rules or Code of Conduct. The licensee's general insurance licence was cancelled with no opportunity to apply for an insurance licence for three years, fined \$5,000, and required to complete an ethics course and the Council Rules Course.

25. [*Kelsie Dawn Lang*](#) (October 2019) concerned a Level 1 Salesperson licensee who failed to notify Council of a criminal charge and subsequent conviction. The licensee's employing agency contacted Council about the matter. The licensee admitted that she had not read the Council Rules and that she was not aware that she was required to report the charge and conviction to Council until she completed the Council Rules Course in October 2018. She had decided not to report after taking the Council Rules Course because several months had already passed since her conviction, and she was embarrassed and ashamed by the matter. Council accepted the Licensee's remorse about the conduct that led to her charge and conviction, and her failure to report the matter to Council. However, Council was troubled that the licensee had not read the Council Rules and that the licensee made a conscious decision after completing the Council Rules Course to not advise Council of the matter. Council took into consideration the penalties that were imposed on the licensee by the court, and the employing agency's support and trust of the licensee. The licensee was issued a reprimand.
26. [*Karamvir Justin Singh Sohi*](#) (December 2014) concerned a Level 1 Salesperson licensee who failed to notify Council of a criminal charge and traffic conviction. The licensee was charged under the *Criminal Code of Canada* but pled guilty and was convicted of a lesser charge. In addition, the licensee was found to have accessed the vehicle information of professional athletes on the ICBC database. Council accepted that it was not the licensee's intention to hide the charges or conviction from Council, and that the breaches occurred due to the licensee's failure to familiarize himself with the Council Rules. The licensee was fined \$2,000 and assessed investigation costs of \$500.
27. Council determined that both [*Kwan*](#) and [*Orr*](#) were instructive in relation to the misrepresentation allegation, as the facts were similar. Both [*Kwan*](#) and the subject case involved licensees who misrepresented to ICBC and made material misstatements to both ICBC and Council. Likewise, [*Orr*](#) misrepresented to ICBC and did not take any corrective measures until the misrepresentation came to light. However, Council acknowledged that [*Orr*](#) accepted responsibility and understood the significance of her actions, whereas in the subject case, Council did not believe that the Licensee fully understood his misconduct.
28. In terms of precedent decisions relating to the failure to disclose a charge, Council found [*Lang*](#) and [*Khosah*](#) instructive as the licensees were not aware of the Council Rules and the Code. However, Council found the misconduct in [*Khosah*](#) to be more extreme than the subject case; for example,

[*Khosah*](#) was convicted of multiple criminal offences that involved jail time. Also, [*Khosah*](#) continued to deny his convictions even when confronted about the matter.

29. Council has determined that investigation costs should be assessed against the Licensee. As a self-funding regulator, the cost to investigate the misconduct of a licensee or former licensee should not be borne by members of the insurance industry unaffiliated with the investigation. This is particularly true when the evidence is clear that the actions of a licensee or former licensee have amounted to misconduct.

INTENDED DECISION

30. Pursuant to sections 231, 236 and 241.1 of the Act, Council made an intended decision to:

- (a) Suspend the Licensee's general insurance licence for a period of nine months, commencing on the date of Council's order;
- (b) Impose a condition on the Licensee's general insurance licence that the Licensee not be eligible to upgrade to a level 2 general insurance agent licence for a period of one year, commencing immediately after the completion of the suspension period;
- (c) Require the Licensee to complete the following courses, or equivalent courses as acceptable to Council, prior to the licence suspension being lifted:
 - i. Council Rules Course for general insurance salespersons and agents; and
 - ii. The Insurance Institute's "Ethics and the Insurance Professional" course;
(collectively, the "Courses")
- (d) Assess the Licensee Council's investigation costs of \$2,437.50, to be paid within 90 days of the date of Council's order and which must be paid in full prior to the licence suspension being lifted; and
- (e) Impose a condition on the Licensee's general insurance licence that the Licensee will not be permitted to complete the Licensee's 2025 annual licence renewal until such time as the Courses are completed and investigation costs are paid in full.

RIGHT TO A HEARING

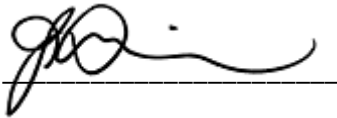
31. If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case at a hearing before Council. **Pursuant to section 237(3) of the Act, to require Council to hold a hearing, the Licensee must give notice to Council by delivering to its office written notice of this intention within 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 14 days of receiving the intended decision, the intended decision of Council will take effect.**

Intended Decision
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32. Even if the Licensee accepts this decision, pursuant to section 242(3) of the Act, the British Columbia Financial Services Authority (“BCFSA”) still has a right to appeal to the Financial Services Tribunal (“FST”). The BCFSA 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 visit the guide to appeals published on their website at www.fst.gov.bc.ca/pdf/guides/ICGuide.pdf.

Dated in Vancouver, British Columbia, on the **2nd day of March, 2023.**

For the Insurance Council of British Columbia

A handwritten signature in black ink, appearing to be 'JS', written over a horizontal line.

Janet Sinclair
Executive Director