



Consensual Agreement and Undertaking

Between

The Complaints and Investigation Committee

of

The Life Insurance Council of Saskatchewan

(the Committee)

and

Susan Lynn Hoffart

The Committee is authorized under Bylaw 7, Section 5, subsection 3, subparagraph (b), to enter into consensual resolutions of complaints.

Bylaw 5, Section 1, subsection 1 reads: "The administrator shall, in addition to the requirements for the contents of a register required by the Act and the regulations, record on the register the existence and results of all disciplinary decisions or orders, court orders, alternative dispute resolution agreements, undertakings and mediation agreements involving a licensee or a person to whom the Life Insurance Council of Saskatchewan (Council) has the authority to issue a licence." Disciplinary actions as described above are reported on the Insurance Councils of Saskatchewan website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Susan Lynn Hoffart (Hoffart) acknowledges and agrees that:

1. Hoffart violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2 (g) a licensee may be guilty of misconduct if the licensee: violates any provision of the Act, the regulations or the bylaws;
 - i. When contrary to Schedule A, Part II, Section 6, subsection (1) she failed to maintain a valid policy of errors and omissions insurance (E&O);
 - a) When on January 1, 2015 she allowed her E&O insurance to lapse while her licence remained active,

- b) E&O was not re-established until July 27, 2015,
 - c) Hoffart was without E&O coverage for 207 days; and
- ii. When contrary to Bylaw 2, Section 1, subsection (4)(d) she failed to immediately notify Council of cancellation or non-renewal of her E&O.
2. Hoffart's rights to appear before a Discipline Committee of Council have been explained to her and she fully understands her rights and/or obligations under Council Bylaw 10;
 3. Hoffart waives her rights to appear before a Discipline Committee and undertakes not to exercise any appeal rights she may have under Council Bylaw 10, Section 3 or *The Saskatchewan Insurance Act*, (the Act) as it relates to matters set out in this Consensual Agreement and Undertaking (Agreement).
 4. This Agreement does not preclude Council from pursuing any other investigation against Hoffart for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
 5. Hoffart has been advised by the Committee that it is in her interests to obtain independent legal advice before entering into this Agreement.
 - a. Hoffart has obtained such independent legal advice and is satisfied with the same, prior to executing this Agreement, or
 - b. Hoffart has willingly chosen not to obtain such advice prior to executing this Agreement.
 6. Hoffart hereby affirms that she has read and understands the terms of this Agreement, and is signing it voluntarily and of her own free will.

Hoffart, having waived its rights, undertakes to:

1. Pay a fine in the amount of \$591.00; and
2. Reimburse Council's investigation costs in the amount of \$330.00.
3. Hoffart will pay all fines and investigative costs within 30 days of receipt of this Agreement.
4. Hoffart will ensure E&O insurance is in place while she continues to hold an insurance licence.

The Committee's Agreement:

1. The Committee agrees to accept from Hoffart the payment of \$921.00 as full and final resolution of its violation of Council's Bylaws as outlined in this Agreement; and
2. The Committee further agrees to take no further action against Hoffart for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Regina, in the Province of Saskatchewan, this 22nd day of January, 2016.

Originally Signed by

Susan Lynn Hoffart

Dated at Saskatoon, in the Province of Saskatchewan, this 28th day of January, 2016.

Originally Signed by

**Ian Colborne, Chair, Complaints and Investigation Committee
Life Insurance Council of Saskatchewan**