



Consensual Agreement and Undertaking
Between
The Complaints and Investigation Committee
of
The General Insurance Council of Saskatchewan
(the Committee)
and
Heritage Insurance Ltd.
And
Greg Arthur Marcyniuk

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 Saskatchewan Insurance Act* (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 General Insurance Council of Saskatchewan (Council) has the authority to issue a licence." Disciplinary actions as described are reported on the Insurance Councils of Saskatchewan website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Heritage Insurance Ltd. ("Heritage") acknowledges and agrees that:

1. It violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 1 (a) it:
 - i. Acted contrary to the best interests of the consumer or licencees or insurance companies by allowing an Unlicensed Salesperson to transact in insurance.
 - B. Contrary to Bylaw 8, section 2 (g) it violated provision of the Act, the regulations or the bylaws when it:

- i. Acted contrary to Section 418. When it appointed, permitted or authorized any person to do any of the things in respect of which a licence is required unless the person is the holder of a subsisting licence.
- ii. Acted contrary to Section 444. When it compensated an unlicensed individual for sales of insurance while they did not hold an active licence.

Greg Arthur Marcyniuk (Marcyniuk) acknowledges and agrees that:

2. Marcyniuk violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2, subsection (r)
 - i. Failed to exercise reasonable and prudent oversight when acting in a supervisory capacity.
3. Heritage and Marcyniuk's rights to appear before a Discipline Committee of Council have been explained to them and they fully understand their rights and/or obligations under Council Bylaw 10;
4. Heritage and Marcyniuk waive their rights to appear before a Discipline Committee and undertake not to exercise any appeal rights they may have under Council Bylaw 10, Section 3 or the Act as it relates to matters set out in this Consensual Agreement and Undertaking (Agreement).
5. This Agreement does not preclude Council from pursuing any other investigations against Heritage and/or Marcyniuk for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
6. Heritage and Marcyniuk have been advised by the Committee that it is in their best interests to obtain independent legal advice before entering into this Agreement.
 - a. Heritage and Marcyniuk have obtained such independent legal advice and are satisfied with the same, prior to executing this Agreement, or
 - b. Heritage and Marcyniuk have willingly chosen not to obtain such advice prior to executing this Agreement.
7. Heritage and Marcyniuk hereby affirm that they have read and understood the terms of this Agreement, and are signing it voluntarily and of their own free will.

Heritage, having waived its rights, undertakes to:

- i. Pay a fine in the amount of \$650.00; and

Marcyniuk, having waived his rights, undertakes to:

- i. Pay a fine in the amount of \$250.00

Heritage & Marcyniuk, jointly or severally, agree to:

- i. Reimburse Council's investigation costs in the amount of \$440.00
- ii. Pay all fines and investigative costs within 30 days of receipt of this Agreement

The Committee's Agreement:

1. The Committee agrees to accept from Heritage and Marcyniuk the payment of \$1,340.00 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 Heritage and Marcyniuk for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Moose Jaw, in the Province of Saskatchewan, this 8th day of August, 2016.

Originally Signed by

Greg Arthur Marcyniuk for Heritage Insurance Ltd.

Dated at Moose Jaw, in the Province of Saskatchewan, this 8th day of August, 2016.

Originally Signed by

Greg Arthur Marcyniuk

Dated at Moosomin, in the Province of Saskatchewan, this 18th day of August, 2016.

Originally Signed by

**Darryl McKay, Chair, Complaints and Investigation Committee
General Insurance Council of Saskatchewan**