

Consensual Agreement and Undertaking

Between

**The Complaints and Investigation Committee
of
The General Insurance Council of Saskatchewan
(the Committee)
and**

Farrell Agencies Ltd.

And

Jason David Farrell

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 above are reported on the Insurance Councils of Saskatchewan website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Farrell Agencies Ltd. (Farrell) 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 provisions 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 person for sales of insurance while they did not hold an active licence.

Jason David Farrell (Jason) acknowledges and agrees that:

2. Jason violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2, subsection (r)
 - i. He failed to exercise reasonable and prudent oversight when acting in a supervisory capacity.

Farrell and Jason acknowledge and agree that:

3. Farrell and Jason'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. Farrell and Jason 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 investigation against Farrell and/or Jason for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
6. Farrell and Jason have been advised by the Committee that it is in their interests to obtain independent legal advice before entering into this Agreement.
 - a. Farrell and Jason have obtained such independent legal advice and are satisfied with the same, prior to executing this Agreement, or
 - b. Farrell and Jason have willingly chosen not to obtain such advice prior to executing this Agreement.
7. Farrell and Jason hereby affirm that they have read and understood the terms of this Agreement, and are signing it voluntarily and of their own free will.

Farrell, having waived its rights, undertakes to:

1. Pay a fine in the amount of \$1450.00; and

Jason, having waived his rights, undertakes to:

1. Pay a fine in the amount of \$250.00

Farrell and Jason, jointly or severally agree to:

1. Reimburse Council's investigation costs in the amount of \$660.00
2. 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 Farrell and Jason the payment of \$2360.00 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 Farrell and Jason for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Yorkton, in the Province of Saskatchewan, this 15th day of August, 2017.

Originally Signed by

Jason David Farrell for Farrell Agencies Ltd.

Dated at Yorkton, in the Province of Saskatchewan, this 15th day of August, 2017.

Originally Signed by

Jason David Farrell

Dated at Saskatoon, in the Province of Saskatchewan, this 23rd day of August, 2017.

Originally Signed by

**Lauren Major, Co- Chair, Complaints and Investigation Committee
General Insurance Council of Saskatchewan**

Dated at Regina, in the Province of Saskatchewan, this 29th day of August, 2017.

Originally Signed by

**Anne Parker, Co-Chair, Complaints and Investigation Committee
General Insurance Council of Saskatchewan**