

Consensual Agreement and Undertaking

Between

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

and

**The Travel Agent Next Door Inc. o/a Helmsing Travel a/o/a Vacation By Design a/o/a
Cindy Cloke Travel a/o/a Travel Escapes**

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 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.

**The Travel Agent Next Door Inc. o/a Helmsing Travel a/o/a Vacation By Design a/o/a
Cindy Cloke Travel a/o/a Travel Escapes ("TAND") acknowledges and agrees that:**

1. it violated Council Bylaws when:
 - A. it acted contrary to the best interests of the consumer or licencees or insurance companies by allowing unlicensed salespersons to transact in insurance:
 - When it allowed unlicensed individuals to act within the definition of insurance agent.
 - B. Contrary to Bylaw 8, Section 2 (d) it failed to exercise due diligence, resulting in a material mis-statement in an application for licence or report to continue a licence;

- i. When it failed to disclose on the 2015 Online Annual Reporting Form ("OARF") that TAND was under investigation by the Alberta Insurance Council ("AIC").
 - ii. When on July 21, 2015 it declared all statements and answers on the 2015 OARF were true and correct.
 - iii. When it failed to disclose on the 2016 OARF that TAND was under investigation by the AIC.
 - iv. When on August 8, 2016 it declared all statements and answers on the 2016 OARF were true and correct.
- C. 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 unlicensed persons for sales of insurance while they did not hold an active licence.
- D. Contrary to Bylaw 8, Section 2 (q) it:
- i. Failed to follow sound business practices:

TAND acknowledges and agrees that:

2. Its rights to appear before a Discipline Committee of Council have been explained to it and it fully understands it's rights and/or obligations under Council Bylaw 10;
3. It waives it's rights to appear before a Discipline Committee and undertake not to exercise any appeal rights it 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 future investigation against TAND for future activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
5. TAND has been advised by the Committee that it is in its interests to obtain independent legal advice before entering into this Agreement. TAND has either:
 - a) Obtained such independent legal advice and are satisfied with the same, prior to executing this Agreement, or
 - b) Willingly chosen not to obtain such advice prior to executing this Agreement.

6. TAND hereby affirms that it has read and understand the terms of this Agreement, and are signing it voluntarily and of its own free will.

TAND, having waived its rights, undertakes to:

1. Pay a fine in the amount of \$4,300.00
2. Reimburse Council's cost of investigation in the amount of \$1,100.00.
3. 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 TAND the payment of \$5,400.00 as full and final resolution of the violations of Council's Bylaws as outlined in this Agreement; and
2. The Committee further agrees to take no further action against TAND for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Toronto, in the province of, Ontario, this 10th day of May, 2018.

Originally Signed by

Flemming Friisdahl for The Travel Agent Next Door Inc.

Dated at Saskatoon, in the province of, Saskatchewan, this 17th day of May, 2018.

Originally Signed by

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

Dated at Regina, in the province of, Saskatchewan, this 30th day of May, 2018.

Originally Signed by

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