

Consensual Agreement and Undertaking

Between

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

And

Brent Ernest Pelechaty

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 of all disciplinary decisions or orders, court orders of suspension, alternative dispute resolution agreements, undertakings and mediation agreements in accordance with council policy." Disciplinary actions as described are reported on the Insurance Councils of Saskatchewan website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Brent Ernest Pelechaty (Mr. Pelechaty) acknowledges and agrees that:

1. He violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 1, subsection (a) he:
 - Acted contrary to the best interests of the consumer, or licensees or insurance companies.
 - B. Contrary to Bylaw 8, Section 2 (d) he failed to exercise due diligence, resulting in a material mis-statement on an application for licence or report to continue a licence;
 - i. When he confirmed he had maintained a valid policy of errors and omissions ("E&O") insurance, knowing he neglected to renew his E&O insurance on April 1, 2018.
 - ii. When on May 25, 2018, he declared all statements and answers on the 2018 Online Annual Reporting Form were true and correct

- C. 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 4, subsection (1) he failed to maintain a valid policy of errors and omissions insurance;
 - a) When on April 1, 2018 he allowed his E&O to lapse while his licence remained active;
 - b) E&O was re-established on May 24, 2018; and
 - c) Mr. Pelechaty was without E&O coverage for 53 days.
 - ii. When contrary to Schedule A, Part II, Section 4, subsection (2) he failed to immediately notify council in the event of a cancellation or non-renewal of his errors and omissions insurance.
 - iii. When contrary to Bylaw 2, Section 1, subsection (4) (d) he failed to immediately notify Council of cancellation or non-renewal of his errors and omissions insurance.
- D. Contrary to Bylaw 8, Section 2, subsection (q) he:
- Failed to follow sound business practices.

Mr. Pelechaty acknowledges and agrees that:

2. His rights to appear before a Discipline Committee of Council have been explained to him and he fully understands his rights and/or obligations under Council Bylaw 10;
3. He waives his right to appear before a Discipline Committee and undertakes not to exercise any appeal rights he may have under Council Bylaw 10, Section 3 of *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 Mr. Pelechaty for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
5. Mr. Pelechaty has been advised by the Committee that it is in his interest to obtain independent legal advice before entering into this Agreement.
 - a. Mr. Pelechaty has obtained such independent legal advice and is satisfied with the same, prior to executing this Agreement, or

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- b. Mr. Pelechaty has willingly chosen not to obtain such advice prior to executing this Agreement.
6. Mr. Pelechaty hereby affirms that he has read and understands the terms of this Agreement and is signing it voluntarily and of his own free will.

Mr. Pelechaty having waived his rights, undertakes to:

- i. Pay a fine in the amount of \$319.00;
- ii. Reimburse Council's cost of investigation in the amount of \$330.00.
- iii. Pay all fines and investigative costs within 30 days of receipt of this Agreement.
- iv. Mr. Pelechaty will ensure E&O insurance is in place while he continues to hold an insurance licence in Saskatchewan.

The Committee's Agreement:

- 1. The Committee agrees to accept from Mr. Pelechaty the payment of \$649.00 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 Mr. Pelechaty for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Canora, in the province of, Saskatchewan, this 24th day of September, 2018

Originally Signed by

Brent Ernest Pelechaty

Dated at Regina, in the province of, Saskatchewan, this 11th day of October, 2018

Originally Signed by

**Rodney Schoettler, Chair, Complaints and Investigation Committee
Hail Insurance Council of Saskatchewan**