

Consensual Agreement and Undertaking

Between

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

And

Shauna Leigh Bzdel

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 of suspension, alternative dispute resolution agreements, undertakings and mediation agreements involving a licensee or a person to whom the Hail 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.

Shauna Leigh Bzdel (Mrs. Bzdel) acknowledges and agrees that:

1. She violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 1, subsection (a) she:
 - Acted contrary to the best interests of the consumer, or licensees or insurance companies.
 - B. Contrary to Bylaw 8, Section 2 (d) she failed to exercise due diligence, resulting in a material mis-statement in an application for licence or reports to continue a licence;
 - i. When she confirmed she had maintained a valid policy of errors and omissions ("E&O") insurance, knowing she neglected to renew her E&O insurance on April 1, 2018.

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- ii. When on May 29, 2018, she 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) she failed to maintain a valid policy of errors and omissions insurance;
 - a) When on April 1, 2018 she allowed her E&O to lapse while her licence remained active.
 - b) E&O was re-established on April 24, 2018.
 - c) Mrs. Bzdel was without E&O coverage for 23 days and;
 - ii. When contrary to Schedule A, Part II, Section 4, subsection (2) she failed to immediately notify council in the event of a cancellation or non-renewal of her errors and omissions insurance.
 - iii. When contrary to Bylaw 2, Section 1, subsection (4) (d) she failed to immediately notify Council of cancellation or non-renewal of her errors and omissions insurance.
- D. Contrary to Bylaw 8, Section 2, subsection (q) she:
- Failed to follow sound business practices.

Mrs. Bzdel acknowledges and agrees that:

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

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- b. Mrs. Bzdel has willingly chosen not to obtain such advice prior to executing this Agreement.
6. Mrs. Bzdel hereby affirms that she has read and understands the terms of this Agreement, and is signing it voluntarily and of her own free will.

Mrs. Bzdel having waived her rights, undertakes to:

- i. Pay a fine in the amount of \$303.00;
- 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. Mrs. Bzdel will ensure E&O insurance is in place while she continues to hold an insurance licence in Saskatchewan.

The Committee's Agreement:

1. The Committee agrees to accept from Mrs. Bzdel the payment of \$633.00 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 Mrs. Bzdel for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Emerald Park, in the province of, Saskatchewan, this 4th day of October, 2018

Originally Signed by

Shauna Leigh Bzdel

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**