



Consensual Agreement and Undertaking

("Agreement")
Bylaw 7(5)(3)(b)

Between

The Complaints and Investigation Committee

("Committee")

of

The General Insurance Council of Saskatchewan

("Council")

and

Falvey Insurance Services, (Canada) ULC

("Falvey Insurance")

1. Falvey Insurance acknowledges and agrees that it violated Council Bylaws when:
 - a) it acted contrary to the best interests of the consumer or licensees or insurance pursuant to Bylaw 8(1)(a);
 - b) pursuant to Bylaw 8(2)(g), a licensee may be guilty of misconduct if the licensee violates any provision of the Act, the regulations or the bylaws, such as:
 - i. Bylaw 2, Section 1(4)(d) failing to immediately notify Council of cancellation or non-renewal of its E&O.
 - ii. Schedule A, Part II, Section 7(1) failing to maintain a valid policy of Errors and Omissions Insurance (E&O) when on January 10, 2019 it allowed its E&O to lapse for 79 days while its licence remained active;
2. Falvey Insurance's right to appear before a Discipline Hearing Committee of Council has been explained to it and it fully understands its rights and/or obligations under Council Bylaw 10.
3. Falvey Insurance waives its right to appear before a Discipline Hearing Committee and undertakes not to exercise any appeal rights it may have under Council Bylaw 10, Section 3 or *The Saskatchewan Insurance Act*, ("Act") as it relates to matters set out in this Consensual Agreement and Undertaking.
4. This Agreement does not preclude Council from pursuing any other investigation against it for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
5. Falvey Insurance has been advised by the Committee that it is in its interest to obtain independent legal advice before entering into this Agreement. It has either:



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- 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. Falvey Insurance hereby affirms that it has read and understands the terms of this Agreement and is signing it voluntarily and of its own free will.

Falvey Insurance, having waived its rights, undertakes to pay the amount of \$2000 within 30 days of receipt of this Agreement.

The Committee's Agreement:

1. The Committee agrees to accept from Falvey Insurance the payments of \$2000 as full and final resolution of this violation of Council's Bylaws as outlined in this Agreement.
2. The Committee further agrees to take no further action against Falvey Insurance for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at North Kingstown, in the province of, Rhode Island, this 19th day of June, 2019
(Town/City) (Month) (Year)

Originally signed by J. Michael Falvey, Officer
Signature _____ Print name and title
Falvey Insurance Services, (Canada) ULC

Dated at Saskatoon, in the province of, Saskatchewan, this 2nd day of July, 2019
(Town/City) (Month) (Year)

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 10th day of July, 2019
(Town/City) (Month) (Year)

Originally signed by _____
Anne Parker, Co-Chair, Complaints and Investigation Committee
General Insurance Council of Saskatchewan

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 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.