

# **DECISION**

## **IN THE MATTER OF THE LIFE INSURANCE COUNCIL OF SASKATCHEWAN ("Council")**

### **MARKET PRACTICES COMMITTEE ("the Committee")**

#### **RESPECTING**

#### **COLLIN JOSEPH FIOLEAU ("the Licensee")**

The Committee is authorized under Council's Bylaw 2, section 2-3, to investigate complaints and adjudicate or mediate disputes respecting alleged non-compliance with *The Insurance Act* (the "Act"), *The Insurance Regulations* (the "regulations") or Council's Bylaws by applicants, licensees or persons who are required to be licensees pursuant to clause 5-31(3)(i) of the regulations, and to make decisions respecting penalties and other charges pursuant to clause 5-31(3)(k) of the regulations.

The Compliance and Enforcement Branch of the Insurance Councils of Saskatchewan investigated the actions of the Licensee in relation to the fact that he did not complete the required 15 credit hours of continuing education for the 2019 and 2020 annual reporting periods.

A Notice of Proposed Action dated July 26, 2022 enclosing a Consensual Agreement and Undertaking ("the Agreement") was served on the Licensee on August 8, 2022. The Agreement notified the Licensee that fines were being sought against him for breaching Council's Bylaws. The Licensee did not respond to Council in accordance with the timelines set out in the Agreement.

The investigator telephoned the Licensee on August 23, 2022, and left a message requesting that he return the call and reminded the Licensee that his response to the Notice of Proposed Action was due. To date, the Licensee has not provided Council with his response.

The Licensee did not provide written representations or request a hearing to advise the Committee why the Licensee felt that the actions identified in the Agreement should not be taken, pursuant to section 10-11(3) of the Act, within the required time.

As the Licensee failed to meet the requirements of section 10-11(3), of the Act within the required time, the Committee has confirmed that the actions outlined in the July 26, 2022 Agreement will be taken, pursuant to section 10-11(6) of the Act.

**MISCONDUCT AND BYLAW VIOLATIONS BY THE LICENSEE:**

At the time of the offences described above, the Bylaws in effect provided as follows:

**Bylaw 3-1(2)** Council hereby establishes continuing education requirements for each category and level of licence as set out in Schedule B.

**Schedule B, Part 1, section 1 (1)** Licensees are required to earn a minimum of fifteen credit hours of continuing education in each annual reporting period.

**Bylaw 8(2)** Without restricting the generality of subsection (1), a licensee may be guilty of misconduct if the licensee:

(d) makes a material misstatement in an application for licence or report to continue a licence;

(g) violates any provision of the Act, the regulations or the bylaws;

Effective January 1, 2020, the Act, regulations and Bylaws provide as follows:

**Bylaw 8-1 Annual requirements for maintaining eligibility for a licence**

(1) A licensee shall provide to LICS, on or before the annual reporting date shown on the licence:

(d) proof of having met the continuing education and ethics requirements as set out in section 9-1;

**Bylaw 9-1 Rules for qualifying for continuing education**

(1) Licensees are required to earn a minimum of fifteen credit hours of continuing education in each annual reporting period

**Bylaw 4-1 Professional misconduct**

(1) For the purposes of the Act, the regulations and these bylaws, professional misconduct is a question of fact but includes any matter, conduct or thing, whether or not disgraceful or dishonorable that:

(c) is a breach of the Act, the regulations or these bylaws.

**REASON FOR THE DECISION:**

As the Licensee failed to provide written representations or request a hearing, the Committee, pursuant to section 10-11(11) of the Act, considers the Agreement appropriate and makes the following order:

**THE COMMITTEE HEREBY ORDERS THAT:**

1. The Licensee pay the following fines:

<b>Bylaw 4-1(1)(c)</b> \$300 per reporting period for 2019 and 2020 for violating Bylaw 9-1(1)	\$600.00
<b>Total:</b>	<b><u>\$600.00</u></b>

Costs of investigation: 7 hours at \$110.00 per hour	<b>\$770.00</b>
<b>Total:</b>	<b><u>\$1370.00</u></b>

2. Complete 3 hours of CE credit hours within 6 months.

3. The Licensee must **pay the fine and costs of investigation within 30 days of his receipt of this Decision**, pursuant to section 5-39(3) of the Act.

Dated at Regina, in the Province of Saskatchewan, this 7 day of September 2022.

Originally signed by: Grant Laube

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Grant Laube, Chair  
Market Practices Committee

5-39(3) of the Act

If a penalty imposed against a holder of an insurance intermediary's licence pursuant to subsection (2) **is not paid within 30 days after the holder is served with the written notice of the penalty and the decision of the Superintendent is not appealed, the licence is automatically suspended** immediately following the last date for paying the penalty or appealing the decision, whichever is later, and remains suspended until the penalty is paid or the licence expires.