



CONSENSUAL AGREEMENT AND UNDERTAKING

("Agreement")

Between

THE MARKET PRACTICES COMMITTEE

("Committee")

of

THE GENERAL INSURANCE COUNCIL OF SASKATCHEWAN

("Council")

And

Diane Vivian St Marie

("Licensee")

With

Westland Insurance Group Ltd. o/a Westland MyGroup

("Agency")

The Licensee acknowledges and agrees that she received the Notice regarding a Proposed Action pursuant to Section 10-11 of *The Insurance Act* (the "Act"), and the reasons therefor, from Council, dated February 10, 2023.

The Licensee acknowledges and agrees that she is guilty of misconduct by violating the following sections of the Act and Council Bylaws:

The Licensee acted as insurance agent in Saskatchewan during the period of June 8, 2022 to October 11, 2022 when she did not hold a licence through Council to do so, which is a violation of the Act, section 5-4(2)(a) and Bylaw 4-1(1)(c) which state:

The Act: Insurance agent's licence required

5-4(2) No individual shall act or offer to act as an insurance agent with respect to a class of insurance unless the individual:

- (a) is an employee or independent contractor of a business or partner of a partnership that holds a valid insurance agent's licence for that class of insurance and the individual holds a valid insurance agent's licence for that class of insurance.



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Bylaw 4-1 (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.

The Licensee acknowledges and agrees that:

- a. Her right to make a written submission to, or appear before the Committee at an oral hearing, as to why this action should not be taken, has been explained to her and that she fully understands her rights and/or obligations.
- b. She waives her right to make a written submission to the Committee or to appear before the Committee at an oral hearing and chooses to resolve this matter by way of this Agreement and accordingly waives any right of appeal with respect to this action.
- c. This Agreement does not preclude the Council from pursuing any other investigation and/or sanctions against her for activities not identified in this Agreement that may be in violation of the Act, *The Insurance Regulations* ("the regulations") or Council Bylaws.
- d. She has been advised that it is in her best interest to obtain independent legal advice before entering into this Agreement, and she has either:
 - i. obtained such independent legal advice prior to executing this Agreement; or
 - ii. has willingly chosen not to obtain such advice prior to executing this Agreement.
- e. She hereby affirms that she has read and understands the terms of this Agreement and is signing it voluntarily and of her own free will.

The Licensee having waived her rights, accepts and undertakes to fulfill the sanctions imposed by the Committee as follows:

1. The Licensee enter into a Consensual Agreement and Undertaking ("Agreement").
2. The Licensee pay the following fine:

Bylaw 4-1(1)(c)	\$500 for violating section 5-4 (2)(a) of the Act	\$500
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For a total of: **\$500**

3. Costs of investigation: 4 hours at \$110 per hour = \$440
4. Total fines and costs of investigation: \$500 + \$440 = **\$940**



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5. Fines and costs of investigation must be paid within 30 days of the acceptance of the Agreement.

The Committee's Agreement:

Upon fulfillment of the sanctions imposed, the Committee agrees this to be the full and final resolution of the violations of Council's Bylaws by the Licensee as outlined in this Consensual Agreement and Undertaking

Originally signed by: _____ March 7, 2023 _____
Diane Vivian St Marie **Date**

Originally signed by Laureen Major for: _____ March 7, 2023 _____
THE MARKET PRACTICES COMMITTEE **Date**
General Insurance Council of Saskatchewan

Penalties affecting insurance intermediary's licence

5-39(3)

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.