



DECISION

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

MARKET PRACTICES COMMITTEE ("the Committee")

RESPECTING

Grace Sausa Abonitalla ("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 the Life Insurance 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 Department of the Insurance Councils of Saskatchewan received notification from the Market Conduct Auditor of Council that the Licensee failed to respond to correspondence from Council and also failed to provide Continuing Education certificates which were requested as a result of an audit being conducted.

A Notice of Proposed Action dated September 27, 2023 enclosing a Consensual Agreement and Undertaking ("the Agreement") was served on the Licensee on October 3, 2023. The Agreement notified the Licensee that fines were being sought against her for breaching Council's Bylaws. The Licensee did not respond to Council in accordance with the timelines set out in the Agreement.

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 September 27, 2023 Agreement will be taken, pursuant to section 10-11(6) of the Act.

MISCONDUCT AND BYLAW VIOLATIONS BY THE LICENSEE:

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

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.

Bylaw 4-1 Professional misconduct

- (2) Without limiting the generality of subsection 4-1(1), a licensee may be guilty of misconduct if the licensee:
- (u) fails to reasonably respond to inquiries from LICS or ICS.

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:

Bylaw 4-1(2)(u) for Failure to Notify	\$ 300.00
Costs of investigation: 3 hours at \$110.00 per hour	\$ 330.00
Total:	<u>\$ 630.00</u>

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

November 14, 2023

Dated at Regina, in the Province of Saskatchewan, this _____ day of November, 2023.

Originally signed by:

Grant Laube, Chair
Market Practices Committee

Section 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.