

IN THE MATTER OF A DISCIPLINE HEARING
PURSUANT TO
THE LIFE INSURANCE COUNCIL OF SASKATCHEWAN
BYLAW 7 SECTION 5 AND BYLAW 10

AND

YEVGENIY VIKTOROVICH KASHKIN

Penalty Hearing Date: Monday, November 22, 2010

Place: Saskatchewan Life Insurance Council Office
310 – 2631 – 28th Avenue
Regina, Saskatchewan, S4S 6X3

Hearing Committee: Sheila F. Hart, Chair
Doug Pennington, CFP, CLU, EPC, B. Geol-Eng.
Dwight G. Blomander, CFP, CLU, CHFC, RHU
Bill Odishaw, CFP, CLU, CHFC, RHU

Appearances: April Stadnek
Life Insurance Council Complaints Committee

Yevgeniy V. Kashkin

DECISION – PENALTY

Issue 1 – Decision

The Disciplinary Hearing Committee finds Yevgeniy V. Kashkin guilty of misconduct in that he did breach the Saskatchewan Life Insurance Council Bylaw 8, (1), (a).

The Committee orders that pursuant to Life Insurance Council Bylaw 10, section 2:

- (a) Mr. Kashkin's licence be suspended for one (1) week (pursuant to Bylaw 10, section 2, (1), (b));
- (b) Mr. Kashkin pay to the Life Insurance Council costs in the amount of \$2,300.00 representing the costs of the investigation and Disciplinary Hearing (pursuant to Bylaw 10, section 2, (1), (d));
- (c) Mr. Kashkin attend, at his own expense, one of the two Advocis Professional Development Days to be held in Saskatoon, Saskatchewan April 12, 2011 and October 25, 2011 (pursuant to Bylaw 10, section 2, (1), (g),(iii)); and
- (d) If Mr. Kashkin fails to make payment in accordance with (b) pursuant to the arrangements made with the Life Insurance Council, his license be suspended.

Issue 3 – Decision

The Disciplinary Hearing Committee finds Yevgeniy V. Kashkin guilty of misconduct in that he did breach Saskatchewan Life Insurance Council Bylaw 8, (2), (b).

The Committee orders that pursuant to Life Insurance Council Bylaw 10, section 2:

- (a) Mr. Kashkin's license be suspended for one (1) week (pursuant to Bylaw 10, section 2, (1), (b));
- (b) Mr. Kashkin to pay to the Life Insurance Council costs in the amount of \$2,300.00 representing the costs of the investigation and Disciplinary Hearing (pursuant to Bylaw 10, section 2, (1), (d));
- (c) Mr. Kashkin attend, at his own expense, one of the two Advocis Professional Development Days to be held in Saskatoon, Saskatchewan April 12, 2011 and October 25, 2011 (pursuant to Bylaw 10, section 2, (1), (g), (iii)); and
- (d) If Mr. Kashkin fails to make payment in accordance with (b) pursuant to the arrangements made with the Life Insurance Council, his license be suspended.

The suspensions imposed in Issues 1 and 3 are to run concurrently. Proof of attendance at either one of the two Advocis Professional Development Days is sufficient to satisfy both decisions. Payment of \$2,300.00 will satisfy both decisions. Terms of payment of costs are to be worked out to the satisfaction of the Life Insurance Council.

Reasons of the Disciplinary Hearing Committee on Penalty

The Committee, in making its decision, took into account several mitigating factors. These being: throughout these proceedings Mr. Kashkin has admitted to making mistakes; Mr. Kashkin willingly co-operated with the Complaints Investigation Committee throughout the investigation and hearing process; Mr. Kashkin has no record of prior misconduct in any jurisdiction; and none of Mr. Kashkin's conduct had any impact on a consumer. We considered his openness and candidness throughout the hearing. The Committee determined that this was a situation where a fine was not appropriate. We examined and considered penalties imposed for similar conduct in other jurisdictions and Saskatchewan. By imposing an educational component to the penalty, it is our intention that Mr. Kashkin be reminded that accuracy, thoroughness and excellence are characteristics of a professional. We believe that he will benefit from attendance at such professional development.

Summary

Total suspension – one (1) week

Total costs to be paid - \$2,300.00

Proof of attendance at one Advocis Professional Development Day, scheduled April 12 and October 25, 2011, in Saskatoon.



Chairman

Dated this 30th day of November, 2010.