

In the Matter of the

FINANCIAL INSTITUTIONS ACT, RSBC 1996, c.141
(the “Act”)

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
 (“Council”)

and

CAMERON ALEXANDER FORTIN
(the “Licensee”)

ORDER

As Council made an intended decision on May 14, 2019, pursuant to sections 231 and 236 of the Act; and

As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons and notice of the intended decision dated September 11, 2019; and

As the Licensee has not requested a hearing of Council’s intended decision within the time period provided by the Act;

Under authority of sections 231 and 236 of the Act, Council orders that:

1. the Licensee is fined \$500 for each year he had insufficient continuing education (“CE”) credits, for a total of \$1,500;
2. the Licensee is required to make up his missing CE credits;
3. the Licensee is required to complete the Council Rules Course, available through Advocis; and
4. a condition is imposed on the Licensee’s life and accident and sickness insurance agent (“Life Agent”) license that failure to pay the fine, make up the missing CE credits and complete the Council Rules Course by January 8, 2020 will result in the automatic suspension of the Licensee’s Life Agent licence, and he will not be permitted to complete his annual filing until the fine is fully paid,

Order
Cameron Alexander Fortin
LIC-167168C102537R02 / COM-2018-00215
October 10, 2019
Page 2 of 2

his missing CE credits have been made up, and the Council Rules Course is successfully completed.

This order takes effect on the **10th day of October, 2019.**



Lesley Maddison
Chairperson, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

respecting

CAMERON ALEXANDER FORTIN

(the “Licensee”)

Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee acted in compliance with the requirements of the Act and Council Rules, and particularly to determine whether the Licensee failed to complete his continuing education (“CE”) credit requirements in accordance with Council Rule 7(5).

As part of Council’s investigation, on March 13, 2019, a Review Committee (the “Committee”) met with the Licensee to discuss the results of the investigation and to allow the Licensee an opportunity to provide additional information or make further submissions.

Prior to the Committee’s meeting with the Licensee, an investigation report was distributed to the Committee and the Licensee for review. A discussion of this report took place at the meeting and the Licensee was provided an opportunity to make further submissions. Having reviewed the investigation materials and after discussing this matter with the Licensee, the Committee prepared a report for Council.

The Committee’s report, along with the aforementioned investigation report, were reviewed by Council at its May 14, 2019 meeting, where it was determined that the matter should be disposed of in the manner set out below.

PROCESS

Pursuant to section 237 of the Act, Council must provide written notice to the Licensee of the action it intends to take under sections 231 and 236 of the Act before taking any such action. The Licensee may then accept Council’s decision or request a formal hearing. This intended decision operates as written notice of the action Council intends to take against the Licensee.

FACTS

The Licensee has held a life and accident insurance agent (“Life Agent”) licence since 2003. As a Life Agent, the Licensee is required to complete ten CE credits each year.

On July 4, 2018, the Licensee contacted Council to advise that he might have fallen short of his CE requirements for the 2015-2016 and 2016-2017 licence years. The Licensee explained that he had been under the impression that he was only required to complete five CE credits each year, and that he had only recently realized that he was actually required to complete ten CE credits each year.

Following the Licensee’s self-disclosure, Council staff proceeded to audit the Licensee’s CE records for the 2015-2016, 2016-2017, and 2017-2018 licence years. The Licensee was short CE credits in each of the three audited years. The Licensee fell short of his required CE credits by 6.5 credits in 2016, 8.75 hours in 2017, and 5.5 hours in 2018, for an overall shortage of 20.75 credits over the course of the audited period.

The Licensee advised that in recent years he has started his own business and has also had to deal with personal matters that have affected his ability to work full-time. The Licensee did not have a proper system in place to track his CE credits, and reported that his previous employers used to remind him to fulfill his CE requirements.

The Licensee has taken action to make up for his CE credit shortages since becoming aware of the ten credits per year requirement. The Licensee was able to show the Committee that, as of the date of the meeting, he had taken 18 CE credits worth of make-up courses.

ANALYSIS

Although Council finds that the Licensee breached Council Rule 7(5) by failing to complete the minimum CE credits as required, Council accepts that the Licensee’s breach was unintentional, and found it to be a mitigating factor that the Licensee had contacted Council as soon as he realized his error. Council also considered the fact that the Licensee quickly began to make up for his missing credits once he realized his breach to be an additional mitigating factor.

In determining a disposition in this matter, three previous cases involving the failure of a licensee to complete CE requirements were taken into consideration by Council.

Jagjit Singh Gill (April 2018) concerned a Life Agent who was audited for CE and was unable to demonstrate that he had completed a sufficient number of CE credits for the 2012, 2013, 2014,

and 2016 licence years. Council fined the licensee \$4,000 and required him to complete the Council Rules Course.

Sukhdarshan Singh Mann (May 2018) concerned a Life Agent who was audited for CE and was unable to demonstrate that he had completed a sufficient number of CE credits for the 2013 and 2016 licence years. Council fined the licensee \$2,000 and required him to complete the outstanding credits as well as the Council Rules Course.

Evelyn Yap Wong (August 2018) concerned a Life Agent who was audited for CE and found to have not meet her CE requirements in 2013, 2014, 2015, 2016, and 2017. Her license had been inactive since 2011 and she was unaware that she was required to fulfill CE requirements while inactive. Council fined the Licensee \$5,000.

In each of the precedent cases, the licensees had been assessed a fine of \$1,000 per year of insufficient CE credits. In the present matter, Council found the Licensee's breach warranted a lesser penalty than had been issued in the precedents, based on his voluntary disclosure to Council of his breach and his immediate efforts to make up the missing credits.

INTENDED DECISION

Pursuant to sections 231 and 236 of the Act, Council made an intended decision that:

1. the Licensee be fined \$500 for each year he had insufficient CE credits, for a total of \$1,500;
2. the Licensee be required to make up his missing CE credits;
3. the Licensee be required to complete the Council Rules Course, available through Advocis; and
4. a condition be imposed on the Licensee's Life Agent licence that failure to pay the fine, make up the missing CE credits and complete the required course within 90 days of Council's order will result in the automatic suspension of the Licensee's Life Agent licence, and he will not be permitted to complete his annual filing until the fine is fully paid, his missing CE credits have been made up, and the course is successfully completed.

Subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act, the intended decision will take effect after the expiry of the hearing period.

RIGHT TO A HEARING

If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case at a hearing before Council. Pursuant to section 237(3) of the Act, to require Council to hold a hearing, the Licensee must give notice to Council by delivering to its office written notice of this intention within fourteen (14) days of receiving this intended decision. A hearing will then be scheduled for a date within a reasonable period of time from receipt of the notice. Please direct written notice to the attention of the Executive Director. If the Licensee does not request a hearing within fourteen (14) days of receiving this intended decision, the intended decision of Council will take effect.

Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the Financial Institutions Commission still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The Financial Institutions Commission has 30 days to file a Notice of Appeal, once Council's decision takes effect. For more information respecting appeals to the FST, please visit their website at fst.gov.bc.ca or contact them directly at:

Financial Services Tribunal
PO Box 9425 Stn Prov Govt
Victoria, British Columbia
V8W 9V1

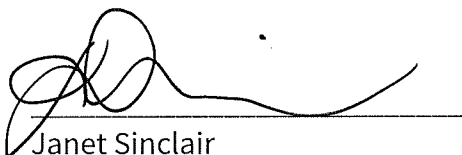
Reception: 250-387-3464

Fax: 250-356-9923

Email: FinancialServicesTribunal@gov.bc.ca

Dated in Vancouver, British Columbia, on the **11th day of September, 2019.**

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director
604-695-2001

jsinclair@insurancecouncilofbc.com