

In the Matter of the

FINANCIAL INSTITUTIONS ACT, RSBC 1996, c.141

(the “Act”)

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

and

MONIKA GROVER

(the “Licensee”)

ORDER

As Council made an intended decision on October 31, 2023, pursuant to sections 231, 236, and 241.1 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 December 5, 2023; and

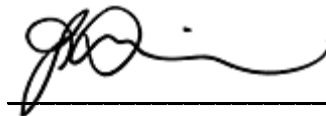
As the Licensee has not requested a hearing of Council’s intended decision within the time period provided by the Act;

Under authority of sections 231, 236, and 241.1 of the Act, Council orders that:

- 1) The Licensee is fined \$2,000, to be paid by July 9, 2024;
- 2) The Licensee is required to make up the missing 2.5 CE credits by April 10, 2024;
- 3) The Licensee is required to complete the Council Rules Course for life and/or accident and sickness insurance, in addition to the 2.5 separate CE credits, by April 10, 2024;
- 4) The Licensee is assessed Council’s investigation costs of \$500, to be paid by July 9, 2024;

- 5) A condition is imposed on the Licensee's life and accident and sickness insurance agent licence that failure to make up the missing CE credits and complete the Council Rules Course by April 10, 2024 will result in the automatic suspension of that licence, and the Licensee will not be permitted to complete the Licensee's 2026 annual licence renewal until such time as the Licensee has made up the missing CE credits and completed the Council Rules Course; and
- 6) A condition is imposed on the Licensee's life and accident and sickness insurance agent licence that failure to pay the fine and investigation costs by July 9, 2024 will result in the automatic suspension of that licence, and the Licensee will not be permitted to complete the Licensee's 2026 annual licence renewal until such time as the Licensee has paid the fine and investigation costs in full.

This order takes effect on the **11th day of January, 2024**



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

respecting

MONIKA GROVER

(the “Licensee”)

1. Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee had acted in compliance with the requirements of the Act, Council Rules, and Code of Conduct (the “Code”), in relation to allegations that the Licensee failed to complete required continuing education (“CE”) credits for the 2018/2019 and 2020/2021 licence periods (the “Licence Periods”).
2. On October 4, 2023, as part of Council’s investigation, a Review Committee (the “Committee”) comprised of Council members met with the Licensee via video conference to discuss the investigation. An investigation report prepared by Council staff (the “Investigation Report”) was distributed to the Committee and the Licensee prior to the meeting. A discussion of the Investigation Report took place at the meeting, and the Licensee was given an opportunity to make submissions and provide further information.
3. Having reviewed the investigation materials, the Committee prepared a report for Council. The Committee’s report, along with the Investigation Report, were reviewed by Council at its October 31, 2023, meeting, where it was determined the matter should be disposed of in the manner set out below.

PROCESS

4. 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, 236 and 241.1 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

Council's Investigation

5. The Licensee first became licensed with Council as a life and accident and sickness insurance agent ("Life Agent") on March 29, 2016. Her licence was cancelled on August 7, 2019, due to non-renewal, and then reinstated on June 23, 2020. At the time of the Council meeting, she held an authority to represent ("ATR") an insurance agency (the "Agency").
6. During the Licensee's 2021 annual renewal, the Licensee had left the errors and omissions insurance ("E&O") and ATR declarations blank. The Licensee was provided with an opportunity to resubmit her declaration, in which she disclosed that she had misplaced her CE records.
7. The Licensee was subsequently audited for the Licence Periods. Council's investigation indicated that the Licensee did not complete the required CE for the audited Licence Periods.
8. At the time of the audit, the Licensee had completed 6.5 of the 30 CE credits required for the Licence Periods, leaving a total shortage of 23.5 CE credits. After the audit, though before the Committee meeting, the Licensee provided a further 6 CE credits completed between May and October 2022.
9. On September 25, 2023, the Licensee provided further CE credits. Council staff reviewed these credits, finding that 2 CE credits qualified for the 2020/2021 licence period. Furthermore, the Licensee completed 19 qualifying CE credits during the 2022/2023 licence period.

Review Committee Meeting

10. The Licensee was generally apologetic and acknowledged she did not meet her CE requirements. However, she felt that she had, at the time of the Committee meeting, completed sufficient CE credits to make up for the shortfall.
11. The Licensee explained that when she had completed CE credits in the past, the certificates were provided as hard copies, which she subsequently misplaced and was unable to secure replacements from the course providers.
12. The Licensee advised that after she became aware of her CE shortage, she purchased a CE training package, which she completed. However, after Council's review, it was determined the package contained several courses that were not relevant to her class of licence. As a result, many courses did not qualify for CE credit.

ANALYSIS

13. Council found that the Licensee failed to complete the required CE credits for the Licence Periods, contrary to Council Rule 7(5) and sections 5 (“Competence”) and 13 (“Compliance with Governing Legislation and Council Rules”) of the Code. Council Rule 7(8) requires licensees to comply with the Code.
14. Applying verified CE credits completed during the 2022/2023 licence period, in addition to those verified CE credits from the 2020/2021 licence period, Council determined that the Licensee had successfully made up 21 of the 23.5 missing CE credits (the “Make-Up Credits”). However, the Licensee remained short 2.5 CE credits.
15. Further, while Council considered the Make-Up Credits to be mitigating, the Make-Up Credits completed after the audited Licence Periods did not alter the fact the Licensee breached the Council Rules and the Code as described above.

PRECEDENTS

16. Prior to making its intended decision, Council took several past decisions regarding insufficient CE credits into consideration as precedents. With respect to the Licensee’s misconduct, Council considered the following cases:
17. [Sukhdarshan Singh Mann](#) (May 2018): a Life Agent licensee was audited by Council for CE. The licensee failed to demonstrate he had completed the requisite CE credits for two years and advised Council he was unaware he was required to keep track of his training. Council audited the licensee a second time and found that he had continued to fail to obtain CE credits. Council fined the licensee \$1,000 for each year he had insufficient proof of his CE credits and required the licensee to make up the missing credits and take the Council Rules Course.
18. [Annie Chu](#) (May 2018): a licensee failed to meet the CE requirements for two licensing years for both her Life Agent and general licences. Council concluded that her failure to complete the CE credits showed a disregard for Council Rules and fined the licensee \$1,000 for each licensing year and each licence for which she had failed to meet the CE requirements. The licensee was also required to complete the Council Rules Course and make up the missing CE credits.
19. Council noted, having reviewed the precedents, that the approach it has adopted for disciplining licensees who have breached Council Rules pertaining to CE requirements is to assess a “baseline”

fine of \$1,000 for each breach, as well as require the licensee to complete the Council Rules Course. In some cases, mitigating factors are identified that support a lowering of the fine.

MITIGATING AND AGGRAVATING FACTORS

20. Council found the Licensee's efforts to remedy the breach and proactively complete the CE credits to be mitigating. Council also found the Licensee's apology to be sincere and mitigating as a result.
21. Council found that the Licensee's failure to obtain the required CE credits for multiple licence periods is aggravating. Council determined the fact the conduct persisted over two licence periods demonstrates it was not an isolated event.
22. Weighing the mitigating factors and aggravating factors listed above, Council determined the aggravating factors slightly outweighed the mitigating factors. However, taken as a whole, Council determined the aggravating factors were not sufficient to displace the precedents establishing a baseline \$1,000 fine per breach of CE rules.
23. However, in recognition of the Licensee's mitigating conduct, Council concluded that the Licensee be provided additional time to pay the financial penalties ordered.

CONCLUSIONS

24. Council considered a fine of \$2,000 to be appropriate, representing \$1,000 for each licence period in which the Licensee had a CE credits shortfall.
25. Council also determined that the Licensee would benefit from completing the Council Rules Course, to better familiarize herself with the obligations that accompany licensure.
26. With respect to investigation costs, Council determined that these costs should be assessed to the Licensee. As a self-funded regulatory body, Council looks to licensees who have engaged in misconduct to bear the costs of their discipline proceedings, so that those costs are not otherwise borne by British Columbia's licensees in general. Council has not identified any reason for not applying this principle in the circumstances.

INTENDED DECISION

27. Pursuant to sections 231, 236, and 24.1 of the Act, Council made an intended decision to:
- a) Fine the Licensee \$2,000, to be paid within 180 days of Council's order;
 - b) Require the Licensee to make up the missing 2.5 CE credits within 90 days of Council's order;
 - c) Require the Licensee to complete the Council Rules Course for life and/or accident and sickness insurance, in addition to the 2.5 separate CE credits, within 90 days of Council's order;
 - d) Assess the Licensee Council's investigation costs of \$500, to be paid within 180 days of Council's order;
 - e) Impose a condition on the Licensee's life and accident and sickness insurance agent licence that failure to make up the missing CE credits and complete the Council Rules Course within 90 days of Council's order will result in the automatic suspension of that licence, and that the Licensee will not be permitted to complete the Licensee's 2025 annual licence renewal until such time as the Licensee has made up the missing CE credits and completed the Council Rules Course; and
 - f) Impose a condition on the Licensee's life and accident and sickness insurance agent licence that failure to pay the fine and investigation costs within 180 days of Council's order will result in the automatic suspension of that licence, and that the Licensee will not be permitted to complete the Licensee's 2025 annual licence renewal until such time as the Licensee has paid the fine and investigation costs in full.
28. 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.

ADDITIONAL INFORMATION REGARDING FINES/COSTS

29. Council may take action or seek legal remedies against the Licensee to collect outstanding fines and/or costs, should these not be paid by the 180 day deadline.

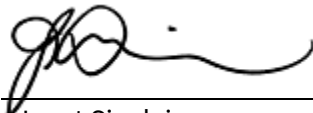
RIGHT TO A HEARING

30. If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case in 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 14 days of receiving this intended decision, the intended decision of Council will take effect.**

31. Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the British Columbia Financial Services Authority ("BCFSA") still has a right of appeal to the Financial Services Tribunal ("FST"). The BCFSA has thirty (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 <https://www.bcfst.ca/> or visit the guide to appeals published on their website at <https://www.bcfst.ca/app/uploads/sites/832/2021/06/guidelines.pdf>.

Dated in Vancouver, British Columbia on the **5th day of December, 2023**.

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director