

**In the Matter of**

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

**and**

**The INSURANCE COUNCIL OF BRITISH COLUMBIA**  
**(“Council”)**

**and**

**KRIS RONNIE MOHAMMED**  
**(the “Licensee”)**

**ORDER**

As Council made an intended decision on November 15, 2016, pursuant to section 231 of the Act;  
and

As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons  
and notice of its intended decision dated December 2, 2016; 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 section 231 of the Act, Council orders the Licensee’s life and accident and  
sickness insurance licence is cancelled.

This order takes effect on the **21<sup>st</sup> day of December, 2016.**

  
\_\_\_\_\_  
Dr. Eric Yung  
Chairperson, Insurance Council of British Columbia

## **INTENDED DECISION**

of the

### **INSURANCE COUNCIL OF BRITISH COLUMBIA** (“Council”)

respecting

### **KRIS RONNIE MOHAMMED** (the “Licensee”)

Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee is in compliance with the requirements of Council Rules.

At its November 15, 2016 meeting, Council considered the Licensee’s suitability in light of his failure to make restitution on a cheque paid to Council on August 2, 2016 as part of the Licensee’s annual filing for a life and accident and sickness insurance agent licence that was returned due to non-sufficient funds (“NSF”); and his failure to provide a prompt response to an inquiry of Council in accordance with section 231 of the Act.

Council determined 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 section 231 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**

On August 2, 2016, Council received a cheque in the amount of \$215.00, in payment of the Licensee’s 2016 annual filing. As a result of this payment, the Licensee’s licence remained active.

On August 5, 2015, Council received an NSF chargeback notice from the Licensee’s financial institution.

Over the course of the next two months, Council sent two letters to the Licensee requesting payment of the outstanding annual filing fee and the applicable service charge resulting from his NSF cheque. One of the two letters was sent to the Licensee by registered mail but was returned when it was not picked up by the Licensee.

Over a three-month period, Council also attempted to contact the Licensee via telephone and email. Council left a voicemail message for the Licensee at his given contact telephone number, requesting him to call Council. Council also sent an email to the Licensee asking him to immediately contact Council in regard to his annual filing.

As of November 15, 2016, the Licensee has not contacted Council nor has it received the outstanding amounts owed by the Licensee.

### **ANALYSIS**

Under Council Rule 3, one of the requirements for maintaining an insurance licence is the payment of an annual filing fee, as prescribed in Council's Fee Schedule.

As a result of the Licensee's failure to make restitution on the NSF cheque and failure to pay the bank's service charge, Council determined that the Licensee's NSF cheque brings into question his financial reliability and his ability to act in good faith, as required under Council's Code of Conduct. Council also took into consideration the fact that the Licensee had failed to respond to numerous inquiries by Council, contrary to section 231 of the Act.

Council concluded that the Licensee's failure to make restitution for the NSF cheque, and failure to respond to Council's inquiries, bring into question his suitability to hold an insurance licence.

### **INTENDED DECISION**

Pursuant to section 231 of the Act, Council made an intended decision to cancel the Licensee's life and accident and sickness insurance licence.

In reaching this decision, Council determined that if the Licensee pays the outstanding fee and service charge before this intended decision is final, the Licensee's life and accident and sickness insurance licence will remain active, and no further action will be taken.

If this intended decision becomes final, resulting in the cancellation of the Licensee's life and accident and sickness insurance licence, Council will not accept any future application for an insurance licence from the Licensee until such time as Council has received payment of the outstanding fee and related service charge.

The Licensee is also advised that, in future, Council will not accept any payment from the Licensee that is not paid in cash, by money order, or by certified cheque.

The intended decision will take effect on **December 21, 2016**, subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act.

## **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 by **December 20, 2016**. 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 by **December 20, 2016**, 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](http://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](mailto:FinancialServicesTribunal@gov.bc.ca)

Dated in Vancouver, British Columbia, on the **2<sup>nd</sup> day of December, 2016**.

For the Insurance Council of British Columbia

  
\_\_\_\_\_  
Gerald Matier  
Executive Director  
604-695-2001  
[gmatier@insurancecouncilofbc.com](mailto:gmatier@insurancecouncilofbc.com)

GM/rm