

**In the Matter of**  
**The *FINANCIAL INSTITUTIONS ACT***  
**(RSBC 1996, c.141)**  
**(the "Act")**

**and**

**The INSURANCE COUNCIL OF BRITISH COLUMBIA**  
**("Council")**

**and**

**DAVINDER SINGH DHALIWAL**  
**(the "Licensee")**

**ORDER**

As Council made an intended decision on February 12, 2013, pursuant to sections 231 and 236 of the Act; and

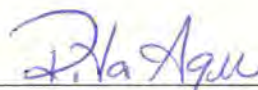
As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons and notice of the intended decision dated February 21, 2013; and

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:

1. The Licensee is fined \$500.00.
2. A condition is imposed on the Licensee's life and accident and sickness insurance licence requiring that he pay the above-ordered fine no later than **June 12, 2013**. If the Licensee does not pay the ordered fine in full by this date, the Licensee's life and accident and sickness insurance licence is suspended as of **June 13, 2013**, without further action from Council and the Licensee will not be permitted to complete any annual filing until such time as the ordered fine is paid in full.

This order takes effect on the **12<sup>th</sup> day of March, 2013**.



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Rita Ager, CFP, CLU, RHU, CSA  
Vice Chairperson, Insurance Council of British Columbia

## **INTENDED DECISION**

of the

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

**respecting**

**DAVINDER SINGH DHALIWAL**  
(the “Licensee”)

### **INTRODUCTION**

Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether there had been compliance by the Licensee with the requirements of the Act.

On February 12, 2013, Council considered an allegation that the Licensee failed to notify Council of the expiry of his errors and omissions (“E&O”) insurance within five business days of the loss of coverage in accordance with Council Rule 7(11).

At the conclusion of its meeting, Council 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**

Based on the information presented at its February 12, 2013 meeting, Council made the following findings of fact:

1. The Licensee was first licensed as a life and accident and sickness insurance agent on August 5, 2011. He is currently licensed and authorized to represent National Brokerage Group Inc.

2. The Licensee's licence was terminated on December 12, 2012, after Council was notified by the Licensee that he had been without E&O insurance since September 1, 2012.
3. The Licensee advised Council that beginning in February 2012, he experienced a number of crises in his personal life, which took a toll on his health and finances and removed his focus from his insurance activities.
4. The Licensee advised Council that he had not conducted any insurance activities since late February 2012.
5. The Licensee failed to notify Council within five business days of the termination of his E&O insurance, as required.

Council Rule 7(11) states:

- (11) Effective January 1, 2006, unless otherwise determined by Council a licensee:
- (a) must maintain or be covered by E&O insurance, which extends to all activities as a licensed insurance agent, salesperson or adjuster, with:
    - (i) a minimum limit of \$1,000,000.00 per claim; and
    - (ii) a minimum aggregate limit of \$2,000,000.00;
  - (b) who is a direct employee of an insurer is exempt from subsection (a) where:
    - (i) the licensee only sells the products of that insurer; and
    - (ii) the licensee provides certification from the insurer that:
      - (A) the licensee is an employee of the insurer;
      - (B) the company accepts responsibility for the licensee's activities as a licensee; and
      - (C) the company will respond to E&O claims against the licensee on the same basis as set out in subsection (a);
  - (c) that is no longer insured as required under subsection (a) or (b) must:
    - (i) notify Council within 5 business days; and
    - (ii) immediately stop conducting any insurance activities;
  - (d) will have the licence automatically suspended without Council taking any action, where the licensee remains uninsured for a period exceeding 30 calendar days; and
  - (e) will have the licence suspended under subsection (d) automatically reinstated where:
    - (i) the licensee obtains the required E&O insurance within 30 calendar days from the date of the suspension; and
    - (ii) the licensee delivers to Council the required verification; otherwise the licence is terminated.

### ANALYSIS

Council found the above-mentioned facts constituted a breach of Council Rule 7(11)(c)(i), in that the Licensee failed to notify Council within five business days of ceasing to have E&O insurance. Council accepted that the Licensee did not conduct any insurance activities while he was without E&O insurance and, therefore, did not place any clients at risk. Council concluded there was no evidence to suggest the Licensee's actions were intentional.

### INTENDED DECISION

Pursuant to sections 231 and 236 of the Act, Council made an intended decision to fine the Licensee \$500.00.

The Licensee is advised that should the intended decision become final, the fine will be due and payable in full within 90 days of the date of the order. Failure to pay the fine within the stated timeframe will result in an automatic suspension of the Licensee's life insurance licence until the fine is paid.

The intended decision will take effect on **March 12, 2013**, 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 **March 11, 2013**. 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 **March 11, 2013**, the intended decision of Council will take effect.

Intended Decision  
Davinder Singh Dhaliwal  
184778  
February 21, 2013  
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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 [www.fst.gov.bc.ca](http://www.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 **21<sup>st</sup> day of February, 2013.**

For the Insurance Council of British Columbia



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Gerald D. Matier  
Executive Director

GM/cp