

**In the Matter of**

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

**and**

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

**and**

**NICOLE DAWN KELLY  
(the “Licensee”)**

**DECISION AND ORDER  
UNDER SECTIONS 231 & 238 OF THE ACT**

**WHEREAS** the Licensee’s Level 1 general insurance salesperson’s licence with Council became inactive effective September 16, 2009, after she ceased to have authority to represent her employer at the time, Hub International Canada West Co. (the “Agency”), and she was not an authorized representative of any other insurance agency;

**AND WHEREAS** Council has commenced an investigation pursuant to section 232 of the Act, relating to allegations that the Licensee stole money held by the Agency and intended for deposit to the Insurance Corporation of British Columbia (“ICBC”); she processed illegitimate refunds on her personal credit card using the Agency’s point of sale (“POS”) machine; and she engaged in fraudulent dealer billing with ICBC cash payments from customers;

**AND WHEREAS** the Royal Canadian Mounted Police have also commenced an investigation into the matter;

**AND WHEREAS** the Licensee has admitted to misconduct contrary to Council’s Code of Conduct;

**AND WHEREAS** Council determined the above allegations are sufficiently serious to call into question the Licensee’s suitability to hold an insurance licence;

**AND WHEREAS** Council has determined that further investigation is necessary to determine the scope of the Licensee’s misconduct, but considers the length of time required to complete an investigation and make a decision pursuant to section 231 of the Act would be detrimental to the due administration of the Act;

**AND WHEREAS** Council considers it to be in the public interest to suspend the Licensee's Level 1 general insurance salesperson's licence pursuant to section 231(1)(g) of the Act;

**NOW THEREFORE** Council orders the Licensee's Level 1 general insurance salesperson's licence be suspended until **August 1, 2010**, pursuant to sections 231 and 238 of the Act, effective the date of this order;

**TAKE NOTICE** that pursuant to section 238 of the Act, the Licensee has the right to require a hearing on this order before Council by delivering written notice within 14 days of receipt of this order to Council at Suite 300 – 1040 West Georgia Street, Vancouver, British Columbia, V6E 4H1; alternatively, the Licensee may appeal this order to the Financial Services Tribunal.

Dated in Vancouver, British Columbia, on the \_\_\_\_ **day of** \_\_\_\_\_, **2009**.

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Graham Calder, CFP, CLU, ChFC, RHU  
Chairperson, Insurance Council of British Columbia