In the Matter of the

***FINANCIAL INSTITUTIONS ACT,* RSBC 1996, c.141**
(the "Act")

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA
("Council")

and

DALJIT BASRA
(the "Licensee")

ORDER

As Council made an intended decision on January 14, 2020, 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 20, 2020; 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;
2. a condition is imposed on the Licensee's life and accident and sickness insurance licence requiring the Licensee to successfully complete the Council Rules Course through Advocis; and
3. a condition is imposed on the Licensee's life and accident and sickness insurance licence that failure to pay the above-ordered fine and/or complete the Council Rules Course by July 8, 2020 will result in the automatic suspension of the Licensee's life and accident and sickness insurance licence and the Licensee will not be permitted to complete any subsequent annual filings until such time as the fine is fully paid and the course is successfully completed.

This order takes effect on the **8th day of April, 2020**.



Janet Sinclair
Executive Director, Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA
("Council")

respecting

DALJIT BASRA
(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.

As part of Council's investigation, on November 27, 2019, a Review Committee (the "Committee") met to discuss the allegation that the Licensee failed to complete the Council Rules Course prior to making their 2019 annual filing.

The Committee was comprised of two voting members and two non-voting members of Council. Prior to the Committee's meeting, an investigation report was distributed to the Committee for review. A discussion of this report took place at the meeting. Having reviewed the investigation materials, the Committee prepared a report for Council.

The Committee's report, along with the aforementioned investigation report, were reviewed by Council at its January 14, 2020 meeting, where it was 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 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 obtained a life and accident and sickness insurance licence from Council on July 30, 2018, and submitted their annual filing to Council in accordance with Council Rule 4(4)(b). In making the 2019 annual filing, the Licensee acknowledged compliance with all Council Rules, including completion of the minimum continuing education ("CE") requirements.

As an individual who obtained a licence between March 1, 2018 and February 28, 2019, the Licensee was required, as part of the CE requirements, to complete the Council Rules Course, which is available from Advocis. Notification of this requirement was provided to the Licensee when the licence was issued by Council. In addition, Council sent emails on May 10, 2019, May 27, 2019, and July 25, 2019 to remind the Licensee of the requirement.

As Council had no record of the Licensee completing the Council Rules Course as required, the Licensee was given the opportunity to provide an explanation in a letter dated August 19, 2019. The Licensee did not respond. As of November 27, 2019, the Licensee had not completed the course.

Analysis

Council considered the actions of the Licensee. Council found that the Licensee breached Council's Rule 7(5) by failing to complete the Council Rules Course as required.

Based on the evidence before it, Council concluded that the Licensee knew or ought to have known of their requirement to complete the course before completing their annual filing. Council could not identify sufficient reasons to justify the Licensee's failure to complete the course prior to the deadline. Despite having been provided written instructions concerning the deadline and how to complete the course, the Licensee nevertheless failed to complete the course as required.

Council finds the Licensee's failure to comply with Council Rule 7(5) warrants disciplinary action and has concluded that a fine, as well as a requirement for the Licensee to demonstrate that the Council Rules Course has been completed, is appropriate in the circumstances.

Intended Decision

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

1. Fine the Licensee $500.
2. Impose a condition on the Licensee's life and accident and sickness insurance licence that requires the successful completion of the Council Rules Course within 90 days of the date of Council's order. Failure to pay the fine or complete the Council Rules Course within 90 days of Council's order will result in the automatic suspension of the Licensee's life and accident and sickness insurance licence and the Licensee will not be permitted to complete any annual filing until such time as the fine is paid in full 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 of Council, Janet Sinclair.

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 British Columbia Financial Services Authority still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The British Columbia Financial Services Authority 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 **20th day of February, 2020**.

For the Insurance Council of British Columbia

Janet Sinclair
Executive Director
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