

Consensual Agreement and Undertaking

Between

Trina Fay Barber
and
Carnduff Agencies Inc.

and

The Complaints and Investigation Committee (Committee)
of
The General Insurance Council of Saskatchewan (Council)

The Committee is authorized under Bylaw 7, Section 5, subsection 3, subparagraph (b), to enter into consensual resolutions of complaints.

The Committee is authorized under Bylaw 5, Section 1, subsection 1 to record on the register the existence of all disciplinary decisions or orders, court orders of suspension, alternative dispute resolution agreements, undertaking and mediation agreements in accordance with council policy. Disciplinary actions as described above are reported in the Bulletin published by the Insurance Councils of Saskatchewan.

Trina Fay Barber (Barber) acknowledges and agrees that:

1. Contrary to Section 447 of *The Saskatchewan Insurance Act (The Act)* and Bylaw 8, Section 2, (g) of The General Insurance Council of Saskatchewan (Council) she did engage in activities on behalf of Carnduff Agencies Inc. (Carnduff) that required an all classes of insurance salesperson licence when:
 - a. She allowed her Saskatchewan All Classes license # 45157 to lapse on July 1, 2007;
 - b. Between July 1, 2007 and July 2, 2008 (the relevant dates) she did write 34 insurance policies in Saskatchewan for Carnduff;
 - c. During the relevant dates she did not hold an existing licence under *The Act* to act as an all classes of insurance salesperson; and
 - d. She reapplied for and was issued all classes license # 49953 on July 3, 2008.



Carnduff Agencies acknowledges and agrees that:

1. Contrary to Section 447 of *The Act* and Bylaw 8, Section 2, (g) of Council Carnduff did:
 - a. Permit Barber to engage in activities on behalf of Carnduff that required an all classes of insurance salesperson licence.
2. Notification from licensing staff that Barber's all classes insurance licence had been cancelled effective July 1, 2007 for failure to renew had been received.

Barber and Carnduff acknowledge and agree:

1. That their rights to appear before a Discipline Committee of Council have been explained to them and they fully understand their rights and/or obligations under Bylaw 10;
2. To waive their rights to appear before a Discipline Committee and undertake not to exercise any appeal rights they may have under Council Bylaw 10, Section 3 or *The Act*, as it relates to matters set out in this agreement and undertaking.
3. That they have been advised by The Committee that it is in their interests to obtain independent legal advice before entering into this consensual agreement and undertaking.

Having waived their rights:

1. Barber undertakes to pay a fine in the amount of \$500.00 for engaging in activities on behalf of Carnduff that required an all classes of insurance salesperson licence.
2. Carnduff undertakes to pay a fine in the amount of \$500.00 for allowing an unlicensed individual to engage in activities on behalf of Carnduff that required an all classes of insurance salesperson licence.
3. Barber and Carnduff undertake to reimburse Council's investigation costs in the amount of \$400.00.

The Committee's Agreement

1. The Committee agrees to accept payment of \$1,400.00 representing a fine of \$500.00 for each of Barber and Carnduff and costs of investigation in the amount of \$400.00 as full and final resolution of the complaint against Barber and Carnduff.
2. The Committee further agrees to take no further action against Barber and Carnduff for the acknowledged violations of *The Act* and Council's Bylaws or those that are set out in this agreement.



Dated at Carnduff, in the Province of Saskatchewan, this 27 day of February 2009.

"Trina Barber"

Trina Fay Barber

Dated at Carnduff, in the Province of Saskatchewan, this 27 day of February 2009.

"John Young"

John Young on behalf of Carnduff Agencies Inc

Dated at Regina, in the Province of Saskatchewan, this 11 day of March 2009.

"Judy McCuskee"

**Judy McCuskee,
Complaints and Investigation Committee
General Insurance Council of Saskatchewan**