

ALBERTA INSURANCE COUNCIL
(the "AIC")

In the Matter of the *Insurance Act*, R.S.A. 2000, Chapter I-3
(the "Act")

And

In the Matter of Ashlea Lee-Ann Girling
(the "Agent")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Agent's 2014/2015 Form 2 Application For General Insurance Agents Certificate of Authority for a Level 1 General Insurance Agent, received on June 6, 2014 and dated May 29, 2014, during which review information came to light that indicated that the Agent failed to provide information required by the Minister on her 2013/2014 Form 2 Application For General Insurance Agents Certificate of Authority for a Probationary General Insurance Agent;

AND WHEREAS the review established that the Agent failed to disclose that she had declared bankruptcy on March 30, 2010 on her 2013/2014 Form 2 Application For General Insurance Agents Certificate of Authority for a Probationary General Insurance Agent, received on November 21, 2013 and dated November 15, 2013;

AND WHEREAS the Agent is aware of the opportunity to retain and instruct legal counsel with respect to the matters referred to in this Agreed Statement of Facts and Joint Submission;

NOW THEREFORE the Agent and the Investigator agree as follows:

1.0 For the purposes of this Agreed Statement of Facts and Joint Submission, the Agent makes the following admissions and submissions:

1.1.1 The Agent is the holder of a Certificate of Authority (H-152700-2686513) to transact business as a General Insurance Agent and was licensed from November 27, 2013 to January 20, 2014 as a Probationary General Insurance Agent and since July 3, 2014 as a Level 1 General Insurance Agent;

1.1.2 On June 6, 2014, the AIC received the 2014/2015 Form 2 Application For General Insurance Agents Certificate of Authority dated May 29, 2014 from the Agent, which contained the following question: "In the last ten years have you: g) Been subject to proceedings in bankruptcy?" In response to that question, the Agent marked "YES". This was the first application on which the Agent disclosed that she had been subject to proceedings in bankruptcy;

1.1.3 In response to an e-mail from the AIC dated June 27, 2014, the AIC received an undated faxed letter from the Agent on July 2, 2014, which advised, “When I was previously employed with Western Financial and applied for the probationary licence I was under the impression that I was not on bankruptcy as 4 years prior my bankruptcy lawyer told me we were not proceeding with the bankruptcy due to the fact I couldn’t get his fees together. I then never heard from him again and started paying off my debtors. I was made aware of the bankruptcy in February (sic) 2014 when I tried to purchase a vehicle. I then took the steps to have it discharged immediatly (sic). I apologize for my lack of knowledge regarding this matter and promise you it was never my intention to answer the question incorrectly on the probationary licence.”

- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Agent contravened section 467 (1) (c) of the Act, and consequently violated section 480 (1) (b) of the Act for failing to provide information required by the Minister on the Application for Certificate of Authority.
- 3.0 The Agent and the Investigator jointly recommend to the General Insurance Council (“Council”) that the Council approve this Agreed Statement of Facts and Joint Submission and resolve, dispose of and finally conclude this matter involving the Agent by approving a decision in the form annexed hereto as Schedule 1, which provides for a civil penalty in the amount of \$300.00, in accordance with the penalties prescribed in section 13 (1) (b) of the Certificate Expiry, Penalties and Fees Regulation, A.R. 125/2001.
- 4.0 The Agent recognizes that the acceptance of the decision set out in Schedule 1 shall be at the unfettered discretion of the Council.
- 5.0 The Agent is aware of and acknowledges that upon receiving notification of the Council’s decision, the civil penalty specified in Schedule 1 must be paid within the time frames set out in section 480 (4) of the Act.
- 6.0 The Agent is also aware of and acknowledges that by entering into this Agreed Statement of Facts and Joint Submission, the Agent waives her right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Agent waives any existing right she may have under the Act or otherwise to a hearing, review, judicial review or appeal of this matter.
- 8.0 The Agent acknowledges that this Agreed Statement of Facts and Joint Submission may be referred to in this or any other proceeding under the Act, and in regulatory proceedings in other jurisdictions.
- 9.0 The Agent recognizes that this Agreed Statement of Facts and Joint Submission resolves all issues involving the Agent in this matter only, as the matter is described above.

Dated at the City of Edmonton, in the Province of Alberta this _____6_____ day of

_____ November _____ 2014.

ALBERTA INSURANCE COUNCIL

PER:

_____ Original signed by _____
Bernie Van Brabant, Investigator

Dated at the City of Medicine Hat, in the Province of Alberta, this _____18_____ day of

_____ November _____ 2014.

_____ Original signed by _____
Ashlea Lee-Ann Girling, Agent

In the presence of:

_____ Original signed by _____
Signature of Witness

_____ Original signed by _____
Name of Witness (please print)

SCHEDULE 1ALBERTA INSURANCE COUNCIL
(the "AIC")In the Matter of the *Insurance Act*, R.S.A. 2000, Chapter I-3
(the "Act")

And

In the Matter of Ashlea Lee-Ann Girling
(the "Agent")DECISION OF
The General Insurance Council
(the "Council")

WHEREAS the Investigator of the Alberta Insurance Council ("AIC") made a request for information in relation to an investigation being conducted by the AIC into the Agent's failure to provide the information required by the Minister on her 2013/2014 Form 2 Application For General Insurance Agents Certificate of Authority dated November 15, 2013;

AND WHEREAS as a result of information received, the Investigator and the Agent entered into an Agreed Statement of Facts and Joint Submission, a copy of which is attached hereto;

AND WHEREAS pursuant to the Agreed Statement of Facts and Joint Submission, the Agent has agreed that she will pay a civil penalty in the amount of THREE HUNDRED DOLLARS (\$300.00) and has acknowledged that the Council has the discretion to accept or reject that recommendation;

AND WHEREAS the Council considers that it would be in the public interest to approve the said Agreed Statement of Facts and Joint Submission;

IT IS ORDERED that:

1. The Agreed Statement of Facts and Joint Submission be accepted and is hereby approved; and
2. The Agent pay a fine of THREE HUNDRED DOLLARS (\$300.00), in accordance with the terms and conditions set out in the Agreed Statement of Facts and Joint Submission.

The attached Agreed Statement of Facts and Joint Submission was reviewed by the Council and a motion to approve this decision was made and carried at a properly conducted meeting of the General Insurance Council. The motion was duly recorded in the minutes of that meeting.

Date : December 8, 2014Original signed by
Amanda Sawatzky, Chair
General Insurance Council