

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 Mason Norman
(the "Adjuster")

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

WHEREAS the Alberta Insurance Council (the "AIC") undertook a review of the Adjuster's 2013/2014 Application for Adjusters Certificate of Authority dated January 3, 2014 to act as an insurance adjuster, during which review information came to light that indicated that the Adjuster had been acting as an insurance adjuster while unlicensed;

AND WHEREAS the review established that the Adjuster handled insurance claims during the period from October 2013 to and including March 6, 2014, without a valid and subsisting Certificate of Authority and during that same period of time, the Adjuster was compensated for acting as an insurance adjuster by Granite Claims Solutions GP ULC o/a Granite Claims Solutions Global Adjusters & Marine Surveyors ("Granite Claims");

AND WHEREAS the Adjuster 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 Adjuster and the Investigator agree as follows:

- 1.0 For the purposes of this Agreed Statement of Facts and Joint Submission, the Adjuster makes the following admissions and submissions:
 - 1.1.1 The Adjuster is a former holder of a Certificate of Authority (A-148027) to transact business as an Insurance Adjuster and was licensed from January 18, 2013 to May 31, 2013 and then from June 28, 2013 to November 20, 2013 to represent S J Kernaghan Adjusters Limited, and then from March 7, 2014, to May 8, 2014 to represent Granite Claims;
 - 1.1.2 The AIC received a fax from the Adjuster dated March 7, 2014, which confirmed that the Adjuster had acted as, and been compensated for acting as, an insurance adjuster to represent Granite Claims since October 24, 2013;
 - 1.1.3 The AIC sent a letter to the Adjuster dated April 1, 2014, which requested details as to the number of insurance claims the Adjuster handled between October 24, 2013 and March 6, 2014 for Granite Claims, as well as details in relation to the compensation he had received for doing so;

- 1.1.4 The Adjuster sent an email to the AIC dated April 28, 2014 advising the AIC that he handled a total of 19 claims during the period of time he was unlicensed and received commission income in the amount of \$60,000.00. The Adjuster explained that he thought his license had been transferred to represent Granite Claims since he did not receive any correspondence from the AIC regarding the application he submitted in January 2014 as the mailing address on the application was completed incorrectly;
- 2.0 As a result of the facts set out in this Agreed Statement of Facts and Joint Submission, the Adjuster contravened section 460 (2) of the Act, and consequently violated section 480 (1) (b) of the Act for unlicensed activity.
- 3.0 The Adjuster and the Investigator jointly recommend to the Insurance Adjusters' 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 Adjuster 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 Adjuster recognizes that the acceptance of the decision set out in Schedule 1 shall be at the unfettered discretion of the Council.
- 5.0 The Adjuster 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 Adjuster is also aware of and acknowledges that by entering into this Agreed Statement of Facts and Joint Submission, the Adjuster waives his right to appeal this decision as set out in section 482 of the Act.
- 7.0 The Adjuster waives any existing right he may have under the Act or otherwise to a hearing, review, judicial review or appeal of this matter.
- 8.0 The Adjuster 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 Adjuster recognizes that this Agreed Statement of Facts and Joint Submission resolves all issues involving the Adjuster in this matter only, as the matter is described above.

Dated at the City of Edmonton, in the Province of Alberta this 21 day of July 2014.

ALBERTA INSURANCE COUNCIL
PER:

Original signed by
Trisha Lunt, Investigator

Dated at Charlie Lake, in the Province of British Columbia, this 7 day of August 2014.

Original signed by
Mason Norman, Adjuster

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 Mason Norman
(the "Adjuster")DECISION OF
The Insurance Adjusters' 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 compensation of an unlicensed insurance adjuster, namely Mason Norman, from October 24, 2013 to and including March 6, 2014;

AND WHEREAS as a result of information received, the Investigator and the Adjuster 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 Adjuster has agreed that he 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 Adjuster 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 Insurance Adjusters' Council. The motion was duly recorded in the minutes of that meeting.

Date : September 9, 2014

Original signed by, Nancy Toso
On Behalf of the Insurance Adjusters' Council
Insurance Adjusters' Council