

Consensual Agreement and Undertaking

Between

The Complaints and Investigation Committee
of
The Hail Insurance Council of Saskatchewan
(the Committee)
and

Wray Agencies Ltd.

And

Duncan Scott Wray

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

Bylaw 5, Section 1, subsection 1 reads: "The administrator shall, in addition to the requirements for the contents of a register required by *The Saskatchewan Insurance Act* (the Act) and the regulations, record on the register the existence and results of all disciplinary decisions or orders, court orders, alternative dispute resolution agreements, undertakings and mediation agreements involving a licensee or a person to whom the Hail Insurance Council of Saskatchewan (Council) has the authority to issue a licence." Disciplinary actions as described are reported on the Insurance Councils of Saskatchewan website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Wray Agencies Ltd. (Wray) acknowledges and agrees that:

1. It violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 1 (a) it:
 - i. Acted contrary to the best interests of the consumer or licensees or insurance companies by allowing at least two unlicensed individuals, TR and CL, to transact in insurance.
 - B. Contrary to Bylaw 8, section 2 (g) it violated provisions of the Act, the regulations or the bylaws when it:

- i. Acted contrary to Section 418, when it appointed, permitted or authorized at least two individuals, TR and CL, to do any of the things in respect of which a licence is required unless the person is the holder of a subsisting licence.
 - ii. Acted contrary to Section 444, when it compensated at least two unlicensed individuals, TR and CL, for sales of insurance while they did not hold an active licence.
- C. Contrary to Bylaw 8, Section 2 (q) it:
- i. Failed to follow sound business practices:

Duncan Scott Wray (Scott Wray) acknowledges and agrees that:

- 2. Scott Wray violated Council Bylaws when:
 - A. Contrary to Bylaw 8, Section 2, subsection (r)
 - i. He failed to exercise reasonable and prudent oversight when acting in a supervisory capacity.

Wray and Scott Wray acknowledge and agree that:

- 3. Wray and Scott Wray's rights to appear before a Discipline Committee of Council have been explained to them and they fully understand their rights and/or obligations under Council Bylaw 10;
- 4. Wray and Scott Wray 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 Consensual Agreement and Undertaking (Agreement).
- 5. This Agreement does not preclude Council from pursuing any other investigation against Wray and/or Scott Wray for activities not identified in the Investigative Report dated August 3, 2016 or this Agreement that may be in violation of Council Bylaws or the Act.
- 6. Wray and Scott Wray have been advised by the Committee that it is in their interests to obtain independent legal advice before entering into this Agreement.
 - a. Wray and Scott Wray have obtained such independent legal advice and are satisfied with the same, prior to executing this Agreement.
- 7. Wray and Scott Wray hereby affirm that they have read and understood the terms of this Agreement, and are signing it voluntarily and of their own free will.

Wray, having waived its rights, undertakes to:

1. Pay a fine in the amount of \$5,000.00; and

Scott Wray, having waived his rights, undertakes to:

1. Pay a fine in the amount of \$1,500.00; and

Wray & Scott Wray, jointly or severally agree to:

1. Reimburse partial investigation costs in the amount of \$7,000.00.
2. Pay all fines and investigative costs within 30 days of receipt of this Agreement.
3. Provide Council no later than April 1, 2017 with a plan of action demonstrating that processes are in place to ensure compliance with the Act, Regulations, and Council's Bylaws.
4. Agree to an audit within one year of the signing of this Agreement.

The Committee's Agreement:

1. The Committee agrees to accept from Wray and Scott Wray the payment of \$13,500.00 as full and final resolution of their respective violations of Council Bylaws as outlined in this Agreement and the August 3rd 2016 Investigative Report; and
2. The Committee further agrees to take no further action against Wray and Scott Wray for the acknowledged violations of the Act, Regulations or Council Bylaws for the period set out in the Investigative Report dated August 3, 2016.

Consensual Agreement and Undertaking
Wray Agencies Ltd. and Duncan Scott Wray

Dated at Moose Jaw, in the Province of Saskatchewan, this 13th day of December, 2016

Originally Signed by

Duncan Scott Wray

Dated at Moose Jaw, in the Province of Saskatchewan, this 13th day of December, 2016.

Originally Signed by

Duncan Scott Wray for Wray Agencies Ltd.

Dated at Regina, in the Province of Saskatchewan, this 21st day of December, 2016.

Originally Signed by

**Robert Goeres, Chair, Complaints and Investigation Committee
Hail Insurance Council of Saskatchewan**