

## **Consensual Agreement and Undertaking (Agreement)**

**Between**

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

**And**

**Claimspro Inc. (Claimspro)**

**And**

**Darryl Gene Louis (Louis)**

### **Claimspro acknowledges and agrees that:**

1. Contrary to the GIC Bylaw 8, Section 1(a), it did, contrary to the best interests of consumers, licensees and insurers permit an individual to act in the adjustment of claims while unlicensed.

The offence occurred when Claimspro failed to ensure the individual, with whom they entered into an employment contract, was properly licensed as a representative before permitting the individual to adjust 53 claims between May 1, 2011 and July 18, 2011. The individual was not at any time licensed as a representative for Claimspro.

The use of unlicensed adjusters is not in the interest of consumers or other licensed adjusters or insurers. Only through the licensing process can the GIC determine the suitability of a representative to be licensed.

### **Louis acknowledges and agrees that:**

2. Contrary to the GIC Bylaw 8, Section 2(r) he failed to exercise reasonable and prudent oversight and review when acting as the designated representative of Claimspro.

The offence occurred when he failed to ensure that the individual was in fact licensed before he allowed the individual to adjust claims on behalf of Claimspro.

## **Page 2 – Claimspro Inc. and Darryl Gene Louis**

### **Claimspro and Louis acknowledge and agree:**

3. Their rights to appear before a Discipline Committee of the GIC have been explained to them and they understand their rights and obligations under the GIC Bylaw 10.
4. They waive their rights to appear before a Discipline Committee of the GIC and undertake not to exercise any appeal rights they may have under the GIC Bylaw 10, Section 3 or *The Saskatchewan Insurance Act (The Act)* as it relates to matters set out in this Agreement.
5. They have been advised by the Committee that it is in their interests to obtain independent legal advice before entering into this Agreement.
6. This Agreement does not preclude the Committee from pursuing any other investigation against them for activities not identified in this Agreement that may be in violation of the GIC Bylaws or The Act.

### **The Committee agrees:**

7. That at the relevant time the individual was qualified and eligible to hold a Level 3 Adjuster licence to represent Claimspro.

### **Claimspro, having waived its rights undertakes to:**

8. Pay a fine in the amount of \$1,500.00 for contravention of the GIC Bylaw 8, Section 1 (a); and
9. Reimburse the Committee's investigation costs in the amount of \$880.00.

### **Louis, having waived his rights undertakes to:**

10. Pay a fine in the amount of \$1,000.00 for contravention of the GIC Bylaw 8, Section 2(r); and
11. Reimburse the Committee's investigation costs in the amount of \$330.00.

### **The Committee's Agreement:**

12. The Committee agrees to accept as full and final resolution to the acknowledged violations of the GIC Bylaws as set out in this Agreement, the following:
  - a. within 30 days of the date of this Agreement the payment of fines in the total amount of \$2,500.00; and
  - b. within 30 days the date of this Agreement payment of the costs of the investigation in the total amount of \$1,210 .00.

**Page 3 – Claimspro Inc. and Darryl Gene Louis**

Dated at *Regina* in the Province of Saskatchewan, this *30* day of  
*August*, 2011.

*Originally signed by Darryl Gene Louis, Designated Representative for:*

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**Claimspro Inc.**

Dated at *Regina* in the Province of Saskatchewan, this *30* day of  
*August*, 2011.

*Originally signed by:*

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**Darryl Gene Louis**

Dated at *Saskatoon* in the Province of Saskatchewan, this *1* day of  
*September*, 2011.

*Originally signed by:*

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**Dave Prociuk, Chairman  
Complaints and Investigation Committee  
General Insurance Council of Saskatchewan**