



Consensual Agreement and Undertaking
Between
The Complaints and Investigation Committee
of
The General Insurance Council of Saskatchewan
(the Committee)
and
Community Insurance Inc
And
Kelvin Deryl Ortynsky

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 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 General Insurance Council of Saskatchewan (Council) has the authority to issue a licence." Disciplinary actions as described above are reported on the Insurance Councils of Saskatchewan website and the Canadian Insurance Regulators Disciplinary Actions (CIRDA) database.

Community Insurance Inc. (Community) 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 licencees or insurance companies by allowing an Unlicensed Salesperson 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. It appointed, permitted or authorized any person 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 435. It failed to notify Council within the 5 day period that Chubak was no longer employed at Community.
- iii. Acted contrary to Section 444. It compensated an unlicensed individual for sales of insurance while they did not hold an active licence.

Kelvin Deryl Ortynsky (Ortynsky) acknowledges and agrees that:

2. Ortynsky 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.
3. Community and Ortynsky's rights to appear before a Discipline Committee of Council have been explained to them and they fully understands their rights and/or obligations under Council Bylaw 10;
4. Community and Ortynsky 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 Saskatchewan Insurance Act*, (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 Community and/or Ortynsky for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.
6. Community and Ortynsky have been advised by the Committee that it is in their interests to obtain independent legal advice before entering into this Agreement.
 - a. Community and Ortynsky have obtained such independent legal advice and is satisfied with the same, prior to executing this Agreement, or
 - b. Community and Ortynsky have willingly chosen not to obtain such advice prior to executing this Agreement.
7. Community and Ortynsky hereby affirm that they have read and understood the terms of this Agreement, and they are signing it voluntarily and of their own free will.

Community, having waived its rights, undertakes to:

1. Pay a fine in the amount of \$1450.00; and

Ortynsky, having waived its rights, undertakes to:

1. Pay a fine in the amount of \$250.00

Community & Ortynsky, jointly or severally agree to:

1. Reimburse Council's investigation costs in the amount of \$770.00
2. Pay all fines and investigative costs within 30 days of receipt of this Agreement

The Committee's Agreement:

1. The Committee agrees to accept from Community the payment of \$2,470.00 as full and final resolution of its violation of Council's Bylaws as outlined in this Agreement; and
2. The Committee further agrees to take no further action against Community for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Canora in the Province of Saskatchewan, this 8th day of January, 2016.

Originally signed by

Kelvin Deryl Ortynsky

Dated at Canora in the Province of Saskatchewan, this 8th day of January, 2016.

Originally signed by

Kelvin Deryl Ortynsky for Community Insurance Inc.

Dated at Saskatoon, in the Province of Saskatchewan, this 21st day of January, 2016.

Originally signed by

**Lauren Major, Chair, Complaints and Investigation Committee
General Insurance Council of Saskatchewan**