



**Consensual Agreement and Undertaking**  
  
**Between**  
  
**The Complaints and Investigation Committee**  
**of**  
**The General Insurance Council of Saskatchewan**  
**(the Committee)**  
**and**  
  
**Seaborn Insurance Ltd.**  
  
**and**  
  
**Trevor Barry Seaborn**

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 General 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.

**Seaborn Insurance Ltd. (Seaborn) 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 provision of the Act, the regulations or the bylaws when it:

- i. Acted contrary to Section 418. When 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 444. When it compensated an unlicensed individual for sales of insurance while they did not hold an active licence.

**Trevor Barry Seaborn (Barry) acknowledges and agrees that:**

2. Barry violated Council Bylaws when:

A. Contrary to Bylaw 8, Section 2, subsection (r)

- i. Failed to exercise reasonable and prudent oversight when acting in a supervisory capacity.

3. Seaborn's and Barry'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. Seaborn and Barry 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 investigations against Seaborn and/or Barry for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.

6. Seaborn and Barry have been advised by the Committee that it is in their best interests to obtain independent legal advice before entering into this Agreement.

- a. Seaborn and/or Barry have obtained such independent legal advice and is satisfied with the same, prior to executing this Agreement, or
- b. Seaborn and/or Barry willingly chose not to obtain such advice prior to executing this Agreement.

7. Seaborn and Barry hereby affirm that they have read and understood the terms of this Agreement, and are signing it voluntarily and of their own free will.

**Seaborn, having waived its rights, undertakes to:**

- i. Pay a fine in the amount of \$1250.00;

**Barry, having waived his rights, undertakes to:**

- i. Pay a fine in the amount of \$250.00

**Seaborn and/or Barry jointly or severally, agree to:**

- i. Reimburse Council's investigation costs in the amount of \$440.00
- ii. 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 Seaborn and Barry the payment of \$1,940.00 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 Seaborn or Barry for the acknowledged violations of Council's Bylaws that are set out in this Agreement.

Dated at Moose Jaw, in the Province of Saskatchewan, this 6th day of September, 2016.

*Originally Signed by*

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**Trevor Barry Seaborn for Seaborn Insurance Ltd.**

Dated at Moose Jaw, in the Province of Saskatchewan, this 6th day of September, 2016.

*Originally Signed by*

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**Trevor Barry Seaborn**

Dated at Moosomin, in the Province of Saskatchewan, this 19th day of September, 2016.

*Originally Signed by*

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**Darryl McKay, Chair, Complaints and Investigation Committee  
General Insurance Council of Saskatchewan**