

The General Insurance Council of Saskatchewan (Council)

Consensual Agreement and Undertaking (Agreement)

Between

Michael Raymond Van Dorpe (The Licensee)

And

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

The Licensee acknowledges and agrees that:

1. The Licensee is the manager of the Nipawin Branch Office of the Western Financial Group (the Branch) and is responsible for the overall supervision of the Branch.
2. Contrary to Council Bylaw 8, Section 2(r) that in his supervisory capacity of the Branch, failed to ensure that DKM and or SGI Canada were fully informed of all relevant Information that would allow DKM or SGI Canada to make an informed decision on the rating applicable to a dwelling insured by DKM on October 17, 2008 under a SGI Canada home insurance policy.

The offence occurred when licensed agent(s) of the Branch discussed with DKM and SGI the possibility of a select rating but then failed to follow up on a request from SGI to provide updated information that would have allowed SGI Canada to apply a select rating rather than the standard rating applied due to the age of the dwelling.

3. Contrary to Council Bylaw 8, Section 2(o) after having unsuccessfully attempted to deal with DKM, he then failed to refer DKM to the appropriate authority or process in a timely or forthright manner.

The offence occurred when, in September of 2010, he became aware of the continuing dissatisfaction DKM had with the standard rating, He could have resolved the complaint in September of 2010 but did not do so. Nor did he at any time refer DKM to a proper authority which in this Instance would have been the Council. Only after DKM contacted Council on December 17, 2010 was the rating problem investigated and it became evident that an omission by the Branch and or their licensed agent(s) had caused the premium charge on the DKM's Insurance in 2008 and 2009 to be in total \$400 more than it should have been.

4. His rights to appear before a Discipline Committee of Council have been explained to him and he fully understands his rights and/or obligations under Bylaw 10.
5. He waives his rights to appear before a Discipline Committee and undertakes not to exercise any appeal rights he may have under Council Bylaw 10, Section 3 or *The Saskatchewan Insurance Act* (The Act), as it relates to matters set out in this agreement and undertaking.
6. He has been advised by the Committee that it is in his interests to obtain independent legal advice before entering into this agreement.
7. This agreement does not preclude the Committee from pursuing any other investigation against him for activities not identified in this Agreement that may be in violation of Council Bylaws or the Act.

The Licensee having waived his rights undertakes to:

8. Reimburse to DKM the excess premiums in the amount of \$400.00; and
9. Reimburse Council's investigation costs in the amount of \$880.00.

The Committee's Agreement:

10. The Committee agrees to accept from him as full and final resolution to the acknowledged violations of Council's Bylaws as set out in this Agreement, the following:
 - a. confirmation of payment to DKM in the amount of \$400.00; and
 - b. payment of Council's investigation costs in the amount of \$880.00.

Dated at Nipawin, in the Province of Saskatchewan, this 2 day of June, 2011.

Originally signed by:

Michael Raymond Van Dorpe

Dated at Saskatoon, in the Province of Saskatchewan, this 10 day of June, 2011.

Originally signed by:

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