

Council Report



FALL

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on disciplinary decisions, licensing
requirements, application forms,
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A LOOK INSIDE...
Investigator Position Open at ICM...
ERRORS & OMISSIONS COVERAGE...
Council Member Appointments...
and much, much
more...

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466-167 Lombard Avenue, Winnipeg, Manitoba R3B 0T6

Farewell to Valued Council Members

Effective August 3, 2008 the second and final terms of six Council members were completed. **William Stewart** and **Zbigniew Gryz** completed their final terms on the Life Council, **Claude Forest** and **Art Jonasson** completed their final terms on the General Council, and **J. Miles Barber** and **Don Jodoin** completed their final terms on the Adjusters Council.

These Council members have shown great dedication and commitment during their service to Council, and have contributed much through their professionalism, input from both industry and consumer perspectives, and consistent thoughtful and serious deliberations with regard to Council matters. Their contributions are gratefully acknowledged and these members will be greatly missed.

Welcome to new Council Members

Effective August 3, 2008, the Insurance Council of Manitoba welcomes five (5) new Council members: **Donna Winstone** of Nelson Financial and **Emelina Joaquin** join the Life Insurance Council; **Wendy Gilroy** of MIG Insurance Group and **Donald Storjord** join the General Insurance Council. **Fred Dixon** of SCM Adjusters joins the Insurance Adjusters Council. Biographies of these new members can be found on Page 3.

Council Executive

Congratulations to **Gerry Corrigan** on his appointment as Chairperson of the General Insurance Council and of the Administrative Council of the Insurance Council of Manitoba!



Congratulations also to **Elaine McCracken** and **Jim Magnan**, as they were appointed Chair and Vice-Chair respectively of the Adjusters Council and accordingly, have been appointed as members of the Administrative Council.

In addition, congratulations are also extended to **Rosemary Henderson**, appointed as Vice-Chair of the General Insurance Council and to **Bonnie Radcliffe**, appointed as Vice-Chair of the Life Insurance Council and therefore both are also appointed as members of the Administrative Council.

Council

Members

Life Insurance Council

Name	Position	Representing
Donald Manson	Chairperson	Life Agents
Bonnie Radcliffe	Vice-Chairperson	Public
Joan Miles	Member	Public
Nemesio Juan	Member	Life Agents
Emmie Joaquin	Member	Life Agents
Donna Winstone	Member	Life Agents

General Insurance Council

Name	Position	Representing
Gerry Corrigan	Chairperson	General Agents
Rosemary Henderson	Vice-Chairperson	General Agents
Judy Bertrand	Member	General Agents
Cheryl Madden	Member	Insurance Companies
Wendy Gilroy	Member	General Agents
Donald Stordj	Member	Public

Insurance Adjusters Council

Name	Position	Representing
Elaine McCracken	Chairperson	Insurance Adjusters
James Magnan	Vice-Chairperson	Insurance Adjusters
Jacqueline Desrochers	Member	Insurance Adjusters
Ron Tardiff	Member	Public
Fred Dixon	Member	Insurance Adjusters

Administrative Council

Name	Position	Representing
Gerry Corrigan	Chairperson	General Council
Donald Manson	Vice-Chairperson	Life Council
Bonnie Radcliffe	Member	Life Council
Rosemary Henderson	Member	General Council
Elaine McCracken	Member	Insurance Adjusters
James Magnan	Member	Insurance Adjusters

The Manitoba Council is composed of two (2) members appointed by each of the aforementioned industry Councils

Council Member

Appointments

Emelina (Emmie) Joaquin

Born, raised and educated in the Philippines, Emmie earned her Bachelor of Arts degree in Broadcast Communication from the University of the Philippines. She was Public Relations Manager of a multinational advertising agency, McCann Erickson (Philippines) until she immigrated to Canada in 1988.

In Winnipeg, she produced and co-hosted the daily 6 a.m. show, *Good Morning Philippines*, the weekday afternoon drive-home show and Saturday morning shows on CKJS Radio 810 AM. After almost 15 years in radio broadcasting, Emmie left CKJS Radio in 2003 and worked as Special Assistant for Communications for the Federal Minister of Western Economic Diversification.

Emmie diversified into another industry in 2006, becoming a licensed insurance advisor in Manitoba with SunLife Financial.

Emmie is a recipient of the Governor General's Queen Jubilee Medal for media and community service and also a nominee for the YM-YWCA Women of Distinction Award in 2004. She was a Board Member of the Citizenship Council of Manitoba and the Community Unemployed Help Centre, and a member of the Federal Advisory Committee on Judicial Appointments (Manitoba) in 2002-2003. Active in her community, she was Adult Ambassador for the Nayong Pilipino Philippine Pavillion (Folklorama 1998 and 2008). She is also the company president and Editor-in-Chief of Pilipino Express News Magazine, a community newspaper, serving the growing Filipino community in Manitoba.



Donald Storjord

Council would like to welcome Donald Storjord to the General Insurance Council as the Consumer Representative, effective August 3, 2008.

Donald is now retired and living with his lovely wife Judy on a rural acreage in Swan River Valley, Manitoba. Donald was born in Winnipeg, but graduated from Hapnot Collegiate in Flin Flon, Manitoba. He then went on to take his post-secondary education at United College in Winnipeg. Donald has incredible knowledge in sales and sales management. He also has experience in marketing in the fields of automotive parts and equipment, paint and coating, appliances and marine parts distribution.

Donald has an unbelievable passion for golf! When not on the golf course, he enjoys spending time with his two daughters.



Donna Winstone, CFP, CLU, ChFC

Donna started her career in the life insurance industry with Vernon Nelson and six years later obtained her own licence in order to join him in the insurance and financial planning field.

In December, she will celebrate 30 years with Nelson Financial Consultants.

Donna became very active in the industry right away and after receiving her designation, became involved in the Winnipeg Chapter of Advocis. In 1997, she became President and then became a National Director for a two year term. Currently she is the CLU Representative for Winnipeg and she also sits on the Nominating Committee for the National CLU Institute.

Committed to volunteerism, Donna has been involved in various committees for several organizations in Winnipeg.



Fred Dixon, BA, FCIP

Fred, a graduate of the University of Winnipeg, began his insurance career with Manitoba Public Insurance in 1985. Since that time, he has been employed with various claims departments of several large insurers in Winnipeg. Fred has been an independent adjuster with SCM Adjusters for the past eight years.



Wendy Gilroy

Bio and picture not available.

INVESTIGATOR POSITION

The Insurance Council of Manitoba is currently reviewing applications for the position of Investigator. A job description is located on the Council website, and interested candidates should forward a cover letter and resume to:

deannec@harrisconsult.com

CLHIA Guidance Manual to Combat Money Laundering and Terrorist Activity

A revised version of the CLHIA Guidance Manual to Combat Money Laundering and Terrorist Activity Financing incorporating changes which came in to effect as of June 23, 2008 replaces the previous version.

It is a legal obligation for every Life Insurance Agent and Broker in Canada to have written policies and procedures with respect to AML/ATF, and this manual meets the mandated requirements.

A link to this manual is available through the Insurance Council of Manitoba website under the category of "Important New, Notices, Updates and Q&A's".

Welcome to our new Staff Member

*The Insurance Council of Manitoba is pleased to introduce **April Bergman** as the Receptionist at the Council. April is a welcome addition to the ICM team. April will be sure to greet you with her pleasant demeanour and warm smile!*

Welcome aboard April!



How can we help you?

If there are any issues or questions that you would like to see addressed in this Council Report, please write or email

CONTACTUS@ICM.MB.CA

Thank you!

MPI CRIMINAL RECORD CHECK REQUIREMENT

Effective February 28, 2007, the Manitoba Public Insurance Corporation (MPI) implemented a policy that all employees (licensed or not) in a brokerage must have a criminal record check on hand in their agency. MPI also provided monetary compensation to all the brokerages for their existing employees to get criminal record checks done. For this reason, we WILL NOT return any records for those agents licensed prior to February, 2007. It is simply not feasible for our Council to do so, because of the sheer number of general agents in Manitoba (over 1,900). Please note however, that we are returning the original police checks for new agents, once their licence has been issued.

Errors and Omissions Coverage Mandatory Fraud and Dishonest Act Endorsement

In April, 2001 amendments were passed into law making professional liability insurance (errors and omissions) a mandatory condition of licensing in Manitoba for residents and non-residents.

Consistent with its mandate of consumer protection, the Insurance Council of Manitoba is considering the requirement to include a mandatory fraud and dishonest acts element with the existing professional liability (errors and omissions) coverage. In this regard, the Council is inviting stakeholders to provide their written comments.

Please direct your comments by mail to the Insurance Council of Manitoba or by email to contactus@icm.mb.ca prior to October 31, 2008.

Disciplinary Decisions

Timothy Kennedy

Agent fined \$1,500.00 and assessed partial investigation costs of \$500.00 for failure to complete the mandatory continuing education credit hour requirement.

Serril Gunn

Agent fined \$1,000.00 and assessed partial investigation costs of \$1,000.00 for failure to properly complete a disclosure form.

Scott Tays

Agent fined \$1,500.00 and assessed partial investigation costs of \$500.00 for failure to obtain continuing education credit hours and breach of understanding in relation to this mandatory condition of licensing.

Kelly Skelton

Agent suspended for a period of two (2) weeks effective June 23, 2008 and assessed costs of \$750.00 for failure to fully consider the circumstances of the client, resulting in improper recommendations in violation of Section 1 of the Life Insurance Agent Code of Conduct (Priority of Policy Owners Interest). Agent has not been licensed since May 31, 2008.

Guy Nolin

Agent fined \$1,500.00 and assessed partial investigation costs of \$500.00 for contravention of Sections 375(i)(f) of the **Insurance Act of Manitoba** relating to a breach of understanding with respect to a mandatory condition associated with the continuing education requirements of licensing.

Saper Agencies

Agency fined \$1,000.00 and assessed partial investigation costs of \$250.00 for allowing unlicensed staff to conduct insurance transactions.

Douglas Bannerman

Adjusters licence cancelled for failure to maintain errors and omissions coverage without interruption, and was found not suitable or competent to hold an adjuster's licence for violation of the Insurance Adjusters Code of Conduct as it relates to Competence, Quality of Service, Integrity and Conduct towards Others.

Marie-Louise Morin Deleau

Application refused due to unsuitability in accordance with Section 371(2) of the **Insurance Act of Manitoba**.

Harley Struth

Agent fined \$1,000.00 and assessed partial investigation costs of \$500.00 for failure to complete the mandatory continuing education credit hour requirement. Fine and costs were assessed following appeal to the Insurance Agents and Adjusters Appeal Board.

Regent Insurance Brokers

Agency fined \$1,000.00 and assessed partial investigation costs of \$500.00 for allowing unlicensed staff to conduct insurance transactions.

O. Wayne Roncin

Agent fined \$500.00 and assessed partial investigation costs of \$250.00 for conducting insurance business while unlicensed

Warning:

The use of any information in this Council Report to discredit another licensee, or any other person is not permitted and may result in disciplinary action against a licensee using the information in such a manner.

Completion and Reporting of Mandatory Continuing Education Hours

The requirement to complete continuing education is a mandatory condition of licensing, and the required number of hours must be completed by the end of the licensing year (May 31) for Life Insurance Agents and Brokers. In order to process renewals prior to May 31, the Insurance Council of Manitoba has allowed the renewal of licenses under the condition that the licensee provides a signed undertaking to comply with the mandatory requirements prior to the expiration of the licence.

Licensees who indicate that they have not completed the mandatory CEC hours at the time of the renewal, however undertake to do so, will be subject to audit. Failure to provide certificates substantiating completion of CEC hours will result in the cancellation of a licence, a reinstatement fee prior to reinstatement of the licence, and may result in additional fines and the assessment of costs.

CE On-Line Reporting

During the 2007/2008 licensing year, an on-line option for the reporting and recording of continuing education hours for licensees was successfully introduced by the Insurance Council of Manitoba. Council is pleased with the number of licensees who took advantage of this option in its initial offering, and is appreciative of the ongoing feedback that has been received.

Fine tuning of this system is continuing, and additional enhancements are expected in the future.

Licensees are encouraged to update their continuing education profiles on an ongoing basis in order to maintain current records and assist in their renewal process.

Continuing Education Committee

The Life Insurance Council of Manitoba has struck a committee including Council and non-Council members to examine and provide recommendations with regard to the existing mandatory continuing education requirements. The committee is chaired by Life Council member Joan Miles, and additional members are Manitoba licensees Hugh Moncrieff, Al Donald and Michael Luik.

The committee has made recommendations to Council concerning the number of hours to be mandatory on an annual basis, carry forward of hours, recognition of failed courses, and multiple attendance and completion of courses. The Council and committee review is continuing with regard to definition of eligible course content, and additional relevant issues.

The Life Insurance Council of Manitoba is grateful for the contributions of these committee members, and the final conclusions with regard to mandatory continuing education requirements will be announced by Council in due course.

COMMUNICATION

Good communication plays an essential role when adjusters investigate, evaluate and settle claims on behalf of insurance companies. The key aspects of good communication are threefold: the ability to read people, to understand which communication style they're most comfortable with, and to adapt accordingly. Adjusters most effectively communicate by detailing the facts and assumptions upon which his or her recommendations are based, adapting their communication style so that the insured and insurer can successfully receive the intended message.

Communication may be oral (two-way) or written (one-way). Oral communication is an effective way to transmit information meaningfully. It minimizes misunderstandings because the communicators can immediately ask questions to clarify uncertainties. Adjusters need to select appropriate meeting places where there are no physical distractions that may disrupt oral communication. It is critical for adjusters to appropriately document these discussions on the claim file. Avoid "invisible ink" situations as it will create challenges when "you said and he or she said" disagreements arise.

Written communication provides a permanent record which is a necessity in these times of increasing litigation and government regulation. Write insureds clarifying the insurance coverage, claim process and how settlement will be reached. The most successful messages need to be accurate without sloppy appearance, poor printing, careless formatting and typographical errors that can disrupt the written message.

Be an empathic communicator. An empathic adjuster thinks about how the insured will decode a message, focusing on the benefit to that person. This will go a long way in developing a good rapport during this difficult time for the insured.

The importance of good communication and a well documented claim file cannot be overstated: It averts ambiguity, creates an environment that will settle the claim without undue hardship and provides documentation should the claim proceed to litigation.

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Questions & Answers

Q. What part of my errors & omissions insurance should be attached to the application? Do you need the entire document?

A. No. Unless otherwise requested, we only require the deck sheet stating the name of the insurer, insured, limits of liability and the effective and expiry dates.

Q. I've been audited several times in a row for my Continuing Education Credits. Why is this?

A. Most agents audited are selected at random; however, those who fail to properly complete the supplement form, or answer "No" to any of the CEC questions on the renewal form (whether by mistake or not), are automatically selected for our audit.

Q. I've been told that it only takes 24-48 hours to issue a licence. Why is mine not issued yet?

A. Licenses can only be issued within that time frame if properly completed and all required documents are attached. Incomplete applications, answers not clarified and missing documents will result in a significant delay. Our applications merit the same attention to detail given when writing up an insurance policy, so please take the time to read the instructions. They provide a clear explanation of how to complete the application, and list all the documents the Council requires.

Moving?

Please ensure that you notify Council in writing of any changes to address and contact numbers. Too often agents fail to inform us of their move, and are left wondering where their renewal documents are come May.



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