

# Council Report

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this issue

Welcome To New Council Members	P. 1-3
Tips for Expediting a Licensing Application	P. 5
Liability Insurance - Important Notice	P. 6

JULY 2010

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466 -167 Lombard Ave  
Winnipeg, Manitoba  
R3B 0T6

P. (204) 988-6800  
F. (204) 988-6801  
E. [contactus@icm.mb.ca](mailto:contactus@icm.mb.ca)

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## INSIDE THIS ISSUE

Welcome to New Council Members	1-3
In Memory of Brian McKinnon	3
Farewell to Valued Council Members	3
Council Members	3
Announcements	4
Tips for Expediting a Licensing Application	5
Continuing Education On-line Reporting Module - Future Enhancements	6
Liability Insurance - Important Notice	6
Supervision of Auto Only Broker and Level I Agents Transacting Automobile Insurance	6
Activities outside the office of a General Insurance Agency by Level 1 and Auto Only Licensees	7
Disciplinary Actions	8

## WELCOME To New Council Members

THE INSURANCE COUNCIL OF MANITOBA would like to welcome the following Council Members as recent appointments.

### General Council



**Keith Jordan** was born and raised on a farm in Killarney, Manitoba. He graduated from the University of Manitoba with a Bachelor of Arts in 1976, and continued his education by receiving his designation as a Chartered Accountant in 1980. Keith purchased his first business, Oxford Building Cleaning, in 1985 with a staff compliment of approximately 180 employees. He sold this successful business in 1994, and then purchased his first insurance agency, Stewart Scott Insurance in 1995, which later became part of Horizon Insurance. Keith first served as senior partner at

Horizon Insurance, and in 2002 moved into the position of Chief Operating Officer. In December 2009, he was appointed to President/Chief Executive Officer. Keith has been one of the key architects of Horizon's significant growth over the past 15 years due to his diligence and financial insight. Today, Horizon has 17 offices in Manitoba, and has expanded to service the north with its newest company, Nunavut Insurance Brokers, with offices in Iqaluit and Rankin Inlet. In total, there are 200 employees.

Keith currently serves on the board of the Insurance Brokers Association of Manitoba (IBAM). In addition, he has been appointed as the Insurance Brokers Association of Canada's (IBAC) Western representative to the Centre for Study of Insurance Operations (CSIO). Keith has been involved in various national initiatives, having served as a consultant with the Canadian Pharmacists Benefit Association. He is a past board member of Balmoral Hall School and McDonald Youth Services, where he was Chair of the Fund Raising and Finance Committee.

Even with all the responsibilities and extensive business trips, Keith makes time for his personal life. Like the success he has found in business, he has found the same success in his marriage to Vicky. Vicky has been incredibly supportive of Keith's career, which is a fostering environment for total success. Keith has a daughter, Chelsea, from his previous marriage. Keith is a family man who enjoys time with his family, along with reading, photography, golf, jogging and travel.

### Life Council

no photo  
available

**Jim Wilson** graduated from the University of Manitoba's Faculty of Commerce and has 25 years experience in financial services. He is currently Principal at Nichol Wilson Capital Partners, a financial advisory firm in Winnipeg.

He is a former board member of Advocis' Winnipeg Chapter and recently served on ICM's committee establishing Guidelines for the Sale of Segregated Funds.

His is a Chartered Life Underwriter, Chartered Financial Consultant and a Certified Financial Planner.

Jim is active in the community, having served 16 years on the board of the Manitoba Highland Gathering, and has coached baseball and hockey extensively.

Jim is married with 2 sons and resides in St. James.

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### Life Council



**Paul Brett** is a Lawyer with Thompson, Dorfman & Sweatman LLP. His practice is restricted to civil litigation and transportation arising in the Provinces of Ontario, Manitoba and Saskatchewan. Paul conducts a general civil litigation practice with an emphasis on insurance defence, coverage and regulatory matters, including general liability, errors and omissions, products liability, life and health, reciprocal exchanges and motor transportation law.

**Education** - McMaster University, 1971; University of Manitoba, LL.B. 1975

**Call to the Bar** - Manitoba, 1976; Saskatchewan, 1985, Ontario, 1993

**Representative Cases/Transactions** - Paul serves as counsel for several liability insurers in Manitoba and northwestern Ontario.

**Publications and Presentations** - Regular presenter at insurance industry seminars and continuing education initiatives.

### Professional Associations

Bencher of the Law Society of Manitoba (6 years), Member of the Canadian Bar Association, Member of the Manitoba Bar Association, Former Chair of the Civil Litigation Section of the Manitoba Bar Association, Member of the Association of Transportation Law Professionals, Member of the Canadian Institute for the Administration of Justice, Member of the American Society for Testing of Materials, Member of the Defence Research Institute, Member of the Association of Defense Trial Attorneys, Member of Canadian Defence Lawyers and Member of Association of Railroad Trial Counsel.

### Community Involvement and Other Affiliations

Former Member of the Board of Directors for Maples Multiplex Centre Inc., Former Member of the Board of Directors for Maples Community Centre Inc., Former Member of the Board of Directors of Point North Project Inc., Former Member of the Board of Directors for St. James Canadians Junior Hockey Club.

### Life Council



**Nancy Streuber** has almost 20 years of industry experience. Nancy established Streuber Financial over eight years ago with a base of 3 full time staff and various legal and accounting associates. Based in Winnipeg, Streuber Financial focuses exclusively on Financial Planning, servicing clients across much of Canada. The firm is built on a base of over 50 years experience beginning with the business established by Nancy's father, Neil Almdal.

Prior to joining Neil, and then establishing Streuber Financial, Nancy graduated with her Pharmacy Degree from the University of Manitoba. Following graduation, Nancy spent over 11 years in the Pharmaceutical Industry focusing on marketing and new product development.

Family life consists of husband Al, and their three adult children (and two dogs). An avid cyclist and skier, Nancy also enjoys travelling and has been fortunate to travel much of the globe.

## WELCOME To New Council Members

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### Life Council

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available

**Nelson Hoe** began his life insurance career 31 years ago on July 4, 1979. Nelson spent 7 1/2 years with New York Life Insurance Company where he worked in field management from 1982-1989. Prior to the life insurance business he taught for 4 years in the St. James Assiniboia School Division.

In 1989, Nelson resumed his private practice Hoe Financial Ltd. o/a Perspective Financial which, he has operated for 21 years. In 2005, his son-in-law, Jonathan Hill, joined him at Perspective Financial where he's been working for 4 1/2 years.

Nelson and his wife Gina have been married for 33 years. They have three children, Renee, JP & Marc and two lovely granddaughters, Kwan & Tuula.

## In Memory of Brian McKinnon

The Insurance Council of Manitoba was saddened by the loss of Brian McKinnon, a member of the Life Insurance Council of Manitoba, who passed away February 9, 2010. Brian's many contributions to Council since his appointment in March 2009 included acting as the Chair of a committee struck to consider the role of the ICM with respect to the incidental sale of insurance. Brian's dedication and service are acknowledged with gratitude and he will be sadly missed.

## Farewell to Valued Council Members

The Life Insurance Council of Manitoba bid farewell to Chairperson Bonnie Radcliffe who completed her second and final term with ICM on March 25, 2010. As a consumer representative and a General insurance broker, Bonnie provided a unique and valuable perspective. In addition to serving as Chair of the Life Council, Bonnie was a member of the Administrative Council and in her dual role was a tremendous contributor to the organization and the industry. Her exceptional efforts are appreciated, and she will be missed.

## Council Members

### Life Council

Donna Winstone  
Joan Miles  
Emmie Joaquin  
Nelson Hoe  
Nancy Streuber  
Paul Brett  
Jim Wilson

### General Council

Cheryl Madden  
Rosemary Henderson  
Judy Bertrand  
Wendy Gilroy  
Donald Storjord  
Janine Oliver  
Keith Jordan

### Adjusters Council

Elaine McCracken  
James Magnan  
Jacqueline Desrochers  
Ron Tardiff  
Fred Dixon  
Shelley Werner



## ANNOUNCEMENTS

### Staff Changes



The Insurance Council of Manitoba is pleased to welcome Ashley Shuster as our newest staff member. Ashley joined the ICM team in April and has filled the position of Licensing Clerk. We feel that Ashley will make a great addition to our staff, so please join us in giving her a warm welcome.

### Congratulations

The Insurance Council of Manitoba congratulates Stacey Aubrey, Supervisor of Licensing & Administration, for obtaining her Certificate in Human Resources Management from the University of Alberta. Completion of this comprehensive eight course certificate program is a significant accomplishment, and we are very proud of Stacey.

### ICM Renovation

The ICM is currently expanding and undergoing extensive renovations of its existing space at 466-167 Lombard Avenue. The ICM continues to be open during the renovation phase, and we hope to minimize any disruption and inconvenience to those who visit the office during this time. Renovations are expected to be complete by the end of August, and we look forward to the fresh and updated facilities.

### New Licensing Data Base

The ICM is in the final stages of a project involving its Licence Management System (LMS). This system is expected to provide significant improvement to efficiencies, technical and business risks, and preparation for increased future on-line activity. Completion of this project is expected in September 2010.

A FULL LIST OF  
ICM STAFF AND  
THEIR POSITIONS  
IS LOCATED ON  
THE ICM WEBSITE.

### 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 us at.

**CONTACTUS@ICM.MB.CA**

## Tips for Expediting a Licensing Application

Delay in the licensing process is most often a result of information that is required but was not included with the application.

In order to ensure your licensing application is expedited with our office, we have prepared the following checklist:

- ✓ All questions are answered and supporting documentation is attached to the application where applicable (ie. a copy of the bankruptcy discharge)
- ✓ The appropriate licensing fee is accompanying the application (payable to the ICM; only accepted in Canadian Funds)
- ✓ The Recommendation section is completed by the signing authority filed with the ICM
- ✓ An original criminal record check is included with the application (only for first time applicants and/or applicants who have been unlicensed for more than 12 months)
- ✓ A copy of the Errors & Omissions Insurance policy is included with the application
- ✓ For applicants residing outside of Manitoba: an original non-resident endorsement form is attached to the application
- ✓ For applicants who are applying with a new Corporate/Business name: a copy of the Manitoba Articles of Registration is attached to the application

### Additional Notes:

When cheques come in separately from the applications, this results in a delay in the licensing process. We kindly ask that all applications, unless they are for an examination, are accompanied by the licensing fee itself to avoid resulting delays.

Remember that as a signing authority, you are attesting to the fact that all statements and answers are true and correct by the applicant which means that the application must be completed by the applicant prior to the Recommendation section being completed.

If the criminal record search indicates a criminal record may or may not exist, Council requires an original criminal record “printout”. (This is different from a criminal record check.) The RCMP or municipal police department will fingerprint you to complete this process. It can take some time to obtain this information so it’s a good idea to start the process early.

The ICM staff work hard to ensure they process the licensing application(s) within a few business days as they appreciate the urgency in the individual receiving the licence and being able to start working. Therefore, cooperation between the ICM and the individual(s) completing the licensing application is the best way to ensure that everybody involved in the licensing process is satisfied.

**All licensing applications and instructions on how to complete the applications are available on our website at [www.icm.mb.ca/printforms](http://www.icm.mb.ca/printforms)**

## Continuing Education On-line Reporting Module - Future Enhancements

Council would like to thank all agents, brokers and adjusters who took advantage of our continuing education on-line module to report their credit hours electronically; we are extremely pleased with the significant increase in users.

Future enhancements to this module will include options such as the ability to search for a course by course ID number and to sort courses by date. We appreciate that there has been some frustration such as the inability to find a course as it was not added on line by the course provider. However, with the increase in use of the module we are confident that this will no longer be an issue going forward.

Council would appreciate your comments and suggestions regarding improvement/enhancement to our current on-line module. Please provide your comments to the Insurance Council of Manitoba in writing via email to [contactus@icm.mb.ca](mailto:contactus@icm.mb.ca) prior to September 3, 2010.

## Supervision of Auto Only Broker and Level I Agents Transacting Automobile Insurance

The General Insurance Agents Licensing Rules require an Auto Only Broker and a Level I Licensee to operate under the supervision of a Level II or Level III agent.

Auto Only Broker and Level I agents who have been continuously licensed and employed for a period of no less than one full year, require on-site supervision, but off-site supervision may be acceptable provided that safeguards are in place. These safeguards include continuous accessibility to the level II or Level III licensed supervisor by a satisfactory means of communication such as telephone or email.

Note that this off-site supervision is permitted while the Auto Only Broker or Level I agent is **transacting automobile insurance only**. For example, if a Level I agent is transacting property insurance, on-site supervision is required.

The onus remains with the designated representative to ensure proper supervision of the Auto Only Broker and Level I agent. Substantiation that this supervision existed and was sufficient to ensure public safety could be required.

If you have any additional questions, please contact the Licensing Department of ICM. The General Insurance Council of Manitoba wishes to thank industry members and IBAM for their consultation and comments in this matter.

## Liability Insurance - Important Notice

Since April 2001 all licensed insurance agents have been required to maintain professional liability insurance (errors and omissions) to at least the minimum standard required under *The Insurance Act (The Act)* and the *Insurance Agents & Adjusters Regulation (Regulation)*.

As a result of recent amendments to the *Regulation* and consistent with enhancing consumer protection, Manitoba has moved forward with the requirement that an endorsement to include fraud and dishonest acts be included as a mandatory requirement of errors and omissions insurance. The requirement to include fraud and dishonest acts commenced subsequent to the May 31st, 2010 licence renewals, and all licensed agents will be required to have fraud and dishonest acts included as a mandatory requirement of their errors and omissions insurance by no later than **May 31, 2011**.

**It is important to note that a transition period of one year will apply, as we recognize that the effective date of agents' individual errors and omissions policies vary. All licensed agents will therefore be required to have fraud and dishonest acts included as a mandatory requirement of their errors and omissions insurance by no later than May 31st, 2011.**

If you have any questions, please contact the Insurance Council of Manitoba at (204) 988-6800 or by email at [contactus@icm.mb.ca](mailto:contactus@icm.mb.ca).

## **Activities outside the office of a General Insurance Agency by Level 1 and Auto Only Broker Licensees**

Level 1 and Auto Only Licensees are restricted to the office with respect to the sale and consultation of insurance matters. Legitimate concerns with respect to “non licensed activities” performed by employees of general insurance agencies include perception by the consumer that a licensee is in a position to discuss insurance or evaluate insurance risks while outside the agency office.

The General Insurance Council of Manitoba has developed some guidelines which would allow a Level 1 or Auto Only Broker licensee to engage in limited “non licensed activities”, including picture taking, provided:

- Contact with the client is limited to the specific task and does not involve any other insurance related activities. Picture taking should be restricted to exterior photographs of residential risks.
- The licensee advises the applicant/insured that the licensee may not discuss any elements of insurance with the client while not in the office

If questions concerning insurance are asked of the licensee during tasks performed outside the agency office, the licensee must request that the consumer contact the agency.

The onus remains on the Designated Representative to ensure that the Level 1 and Auto Only Broker licensees do not exceed their licensing restrictions when performing tasks outside the agency.

The General Insurance Council of Manitoba wishes to thank the industry members and IBAM for their consultation and comments in the development of this guideline.

## **Adjusters Catastrophe Protocol**

The Insurance Adjusters Council of Manitoba has procedures in place for licensing non-resident adjusters in the event of a declared catastrophe. These procedures apply to adjusters who are currently licensed in good standing in another Canadian jurisdiction. In the event that the Insurance Adjusters Council of Manitoba determines public protection requires the initiation of CAT protocol, an announcement will appear on the ICM website.

## DISCIPLINARY ACTIONS

### Jack Sobkovich

Agent fined \$1,000.00 and assessed partial investigation costs of \$1,500.00 for contraventions of *The Insurance Act* of Manitoba, Sections 369(1) and 378(2) for unlicensed activity, and Section 391 Holding out; and in violation of the General Insurance Agent Code of Conduct, Section 1.

### Matthew Beaucage

This former general insurance agent was determined to be unsuitable to hold a General Insurance Agent's Licence due to contraventions of *The Insurance Act* of Manitoba, including fraud and demonstrated untrustworthiness, and to the General Insurance Agent Code of Conduct, Section 1.

### Murrey Anderson

Agent fined \$1,000.00 and assessed partial investigation costs of \$1,000.00 for contravention of *The Insurance Act* of Manitoba, Sections 113(1) and 113(2) unfair or deceptive act or practice in the business of insurance, and in violation of the Life Insurance and Accident and Sickness Agent's Code of Conduct, Sections 1 and 3.

### Lewis Pohl

Agent fined \$2,000.00 and assessed partial investigation costs of \$1,000.00 for contravention of *The Insurance Act* of Manitoba, Sections 113(1) and 113(2) unfair or deceptive act or practice in the business of insurance, and in violation of the Life Insurance and Accident and Sickness Agent's Code of Conduct, Sections 1 and 3.

### John Braun

Agent fined \$500.00 and assessed partial investigation costs of \$250.00 for contravention of *The Insurance Act* of Manitoba, Section 113, by failing to fully complete an application form and in violation of the Life Insurance and Accident and Sickness Agent's Code of Conduct, Sections 1 and 3.

### Jonathan Quigogue

Council determined that this individual was unsuitable to hold a Life Insurance Agent's Licence, pursuant to Section 371(2) of *The Insurance Act* of Manitoba.



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.



# The Insurance Council of Manitoba

**Reminder:** As previously noted in our December 2009 Council Report, all Council Reports and other important notifications will only be sent by email. This may include renewal applications. Please ensure that email address changes are kept up-to-date with the Council to ensure you receive all electronic transmissions from our office. Amendments can be sent to [contactus@icm.mb.ca](mailto:contactus@icm.mb.ca).

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