

In the Matter of the

FINANCIAL INSTITUTIONS ACT, RSBC 1996, c.141

(the “Act”)

and the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

and

JASBIR (JESSIE) SINGH MINHAS

(the “Licensee”)

ORDER

As Council made an intended decision on January 24, 2023, pursuant to sections 231, 236, and 241.1 of the Act; and

As Council, in accordance with section 237 of the Act, provided the Licensee with written reasons and notice of the intended decision dated March 2, 2023; and

As the Licensee has not requested a hearing of Council’s intended decision within the time period provided by the Act;

Under authority of sections 231, 236, and 241.1 of the Act, Council orders that:

- 1) The Licensee’s general insurance licence is suspended for a period of one year, commencing on March 23, 2023, and ending at midnight on March 23, 2024;
- 2) The Licensee’s general insurance Agent Level 2 licence is downgraded to a general insurance Salesperson Level 1 licence for a period of one year, commencing immediately after the completion of the one-year suspension;
- 3) The Licensee is required to complete the following courses, or equivalent courses as acceptable to Council, prior to the licence suspension being lifted:

Order

Jasbir (Jessie) Singh Minhas

LIC-143010C84998R1, COM-2021-00221

March 23, 2023

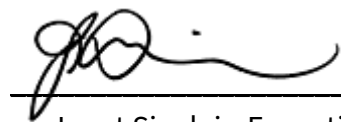
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- a) The Council Rules Course for general insurance salespersons and agents;
and
- b) The Insurance Institute's "Ethics and the Insurance Professional" course;

Collectively, the "Courses".

- 4) The Licensee is required to complete the "Duties & Responsibilities for Level 3 Agents & Nominees in BC" course, or equivalent course as acceptable to Council, prior to Council accepting an application for a general insurance Agent Level 3 licence;
- 5) The Licensee is assessed Council's investigation costs of \$2,375, to be paid by June 21, 2023, and which must be paid in full prior to the licence suspension being lifted; and
- 6) A condition is imposed on the Licensee's general insurance licence that the Licensee will not be permitted to complete the Licensee's 2025 annual licence renewal until such time as the Courses are completed and the investigation costs are paid in full.

This order takes effect on the **23rd day of March, 2023**



Janet Sinclair, Executive Director
Insurance Council of British Columbia

INTENDED DECISION

of the

INSURANCE COUNCIL OF BRITISH COLUMBIA

(“Council”)

respecting

JASBIR SINGH MINHAS

(the “Licensee”)

1. Pursuant to section 232 of the *Financial Institutions Act* (the “Act”), Council conducted an investigation to determine whether the Licensee breached the Council Rules and/or the Code of Conduct (the “Code”) related to allegations that the Licensee misled the Insurance Corporation of British Columbia (“ICBC”) and law enforcement during their investigations by misrepresenting the driver of a vehicle involved in a motor vehicle accident, failed to notify Council of a subsequent charge under the *Insurance (Vehicle) Act* (the “IVA”), and completed 13 of his own ICBC Autoplan transactions.
2. On November 24, 2022, as part of Council’s investigation, a Review Committee (the “Committee”) comprised of Council members met with the Licensee via video conference to discuss the investigation. An investigation report prepared by Council staff was distributed to the Committee and the Licensee prior to the meeting. A discussion of the investigation report took place at the meeting and the Licensee was given an opportunity to make submissions and provide further information.
3. Having reviewed the investigation materials and having discussed the matter at the November 24, 2022, meeting, the Committee prepared a report for Council which was reviewed by Council at its January 24, 2023, meeting. Council determined that the matter should be disposed of in the manner set out below.

PROCESS

4. Pursuant to section 237 of the Act, Council must provide written notice to the Licensee of the action it intends to take under sections 231, 236 and 241.1 of the Act before taking any such action. The Licensee may then accept Council’s decision or request a formal hearing. This intended decision operates as written notice of the action Council intends to take against the Licensee.

FACTS

Background

5. The Licensee was first licensed with Council as a Level 1 general insurance salesperson (“Level 1 Salesperson”) on May 12, 2000, and as a Level 2 general insurance agent (“Level 2 Agent”) on May 12, 2002. The Licensee became licensed as a Level 3 general insurance agent (“Level 3 Agent”) on May 12, 2006.
6. The Licensee has maintained an authorization to represent (“ATR”) two insurance agencies (“Agency One” and “Agency Two”) as a Level 2 Agent effective March 22, 2021.
7. He was the nominee of Agency One from November 21, 2013, to March 22, 2021, and the nominee of Agency Two from November 6, 2020, to March 22, 2021.
8. On March 19, 2021, Council was advised by ICBC that the Licensee’s son (the “Son”), had been convicted of an offence for providing misinformation to law enforcement and ICBC.
9. The incident involved a collision where the Son was driving the Licensee’s vehicle. The Son left the scene of the accident once the other party involved in the collision asked for his BC driver’s licence information. According to an investigation report from ICBC’s Special Investigation Unit, the Licensee reported the accident to ICBC indicating that he was the driver and not the Son, and continued to insist that he had been the driver throughout the ICBC investigation.
10. An ICBC investigation followed, which proved that the Son was, in fact, the driver, and resulted in ICBC suspending the Licensee’s Autoplan access for one year, from February 20, 2021, to February 19, 2022.
11. The Licensee was charged with providing false and misleading information for intentionally misinforming law enforcement and ICBC throughout the claim. The Licensee was not convicted under IVA section 42.1(2)(a); however, he eventually admitted to Council that he had falsely declared being the driver when the accident was reported because the Son’s driver’s licence was suspended at the time of the loss.
12. The agencies for whom the Licensee was the nominee at the material time also received financial sanctions from ICBC – Agency One received a financial penalty in the amount of \$2,500 and Agency Two received a financial penalty in the amount of \$3,207.05.
13. In addition, Council received confirmation from ICBC that the Licensee had violated ICBC Autoplan procedures by conducting 13 of his own transactions. The Licensee conducted the transactions between September 14, 2016, and January 12, 2019. Consequently, the Licensee was required by ICBC to complete the “Information Security and Privacy for Brokers 2002” course prior

to conducting further ICBC Autoplan transactions. The Licensee has since completed the course requirement.

14. The Licensee admitted to conducting his own transactions and explained that he was unaware that he could not do so. He declared that he had not completed his own transactions since being advised by ICBC that he could not do so.
15. On March 25, 2022, Council's Investigator conducted an interview with the Licensee. The Licensee confirmed that he had not received any sanctions that he had to report to Council and that there were no other consequences other than the financial penalties and ICBC Autoplan access suspension. After initially denying that he was charged, he eventually admitted to being charged for providing false and misleading information.
16. On July 20, 2022, Council received confirmation from ICBC that the financial sanctions had been paid by way of a reduction in the commission amounts paid to Agency One and Agency Two.

The Licensee's Submissions to the Committee

17. The Licensee stated that he is aware of the Council Rules and that he would review the Council Rules and the Code of Conduct with the licensees at his agencies. He would do this annually during annual licence renewal.
18. The Licensee told the Committee that he did not report the ICBC incident to Council because he believed that ICBC would notify Council for matters relating to motor vehicle accidents. The Licensee admitted that he overlooked the reporting requirements under the Council Rules.
19. When asked by the Committee to explain his decision to misrepresent to ICBC the driver of the vehicle, the Licensee confirmed that the Son had asked him to state that he was the driver because the Son had a suspended driver's licence. The Licensee told the Committee that he was not aware that the Son had a suspended driver's licence at the time of the accident. The Licensee stated that he wanted to protect the Son and did not consider the impact of the decision to misrepresent the driver.
20. With respect to processing his own ICBC transactions, the Licensee explained that he overlooked that doing so was not allowed. He informed the Committee that he did the transactions for convenience and that there were no other reasons.

ANALYSIS

21. Council considered the investigation report, the Committee's report to Council, and the Licensee's submissions and determined that the Licensee's conduct amounted to clear breaches of section 3 ("Trustworthiness"), section 4 ("Good Faith"), section 5 ("Competence"), section 8 ("Usual Practice: Dealing with Insurers"), and section 12 ("Dealing with the Insurance Council of British Columbia") of the Code. Council Rule 7(8) requires licensees to comply with the Code.
22. Council found that the Licensee did not act in a trustworthy manner, given that he admitted to making a false insurance claim, false declarations to ICBC, and misleading statements to Council. In particular, Council was troubled that the Licensee misrepresented to ICBC after being asked by the Son. Similarly, Council determined that the Licensee breached the principle of good faith. Council did not believe that the Licensee considered his duties and obligations as a licensee before making misrepresentations to ICBC. Council found that the Licensee did not act in good faith towards ICBC and Council.
23. With respect to the principle of competence, Council believed that the Licensee did not fully understand the Council Rules and the Code. Although the Licensee stated in the Committee meeting that he would review the Council Rules and Code annually, the Licensee conducted his own ICBC transactions and did not report his charge to Council, which demonstrated his lack of compliance with the Council Rules and Code.
24. Council found that the Licensee breached the Usual Practice: Dealing with Insurers principle. By processing his own ICBC transactions, the Licensee engaged in a clear conflict of interest, irrespective of his intent. In addition, the Licensee breached the authority granted by ICBC to conduct transactions and in effect, violated his broker contract with ICBC.
25. Council determined that the Licensee did not respond promptly and honestly to inquiries from Council. The Licensee did not report his charge and ICBC sanctions to Council. In a similar vein, Council found that the Licensee breached Council Rule 7(3). Council believed that the Licensee may have known that he needed to notify the Council but failed to do so.
26. Council took several aggravating factors into consideration. For instance, Council found the Licensee's misconduct – not reporting a charge and processing his own ICBC transactions – to be a disregard for the laws governing an insurance licensee's conduct. Also, Council found that the Licensee made several misstatements during its investigation. As an experienced insurance agent with over 20 years of licensed experience in the insurance industry, the Licensee ought to have known that his conduct was unacceptable. Further, Council considered that the Licensee was the nominee of Agency One and Agency Two.
27. In terms of mitigating factors, Council accepted that the Licensee had suffered financially, and the Licensee had his ICBC Autoplan access suspended for one year. Council acknowledged that

the Licensee stopped processing his own ICBC transactions after he was notified by ICBC. In addition, Council noted that the Licensee does not have a prior discipline history with Council.

28. Council is not bound by precedent to follow the outcomes from prior decisions, but similar conduct should result in similar outcomes within a reasonable range depending on the particular facts of the case.
29. Prior to making its decision, Council took several past decisions into consideration as precedents. The following precedent summaries are categorized based on the type of relevant conduct they primarily involved.

Processed own transactions and misrepresentation

30. [Wendy Chui Ping Kwan](#) (July 2022) concerned a Level 2 Agent licensee who processed her own ICBC Autoplan transactions since the early 1990s and misrepresented the principal operator of her personal vehicle on several ICBC policies. The misrepresentation came to light after ICBC's investigation into the licensee's stolen vehicle claim. ICBC prohibited the licensee from conducting Autoplan business for nine months. By processing her own insurance transactions, Council found that the licensee engaged in a clear conflict of interest. Council determined that the licensee ought to have known that her conduct was unacceptable, given that the licensee has over 30 years of experience in the insurance industry. In addition, the licensee made material misstatements to Council during its investigation. The licensee derived a financial benefit from her misconduct, as the misrepresentation led to reduced premiums at the detriment of ICBC. Council accepted that the licensee did not have a prior discipline history with Council. The licensee was suspended for one year, had her Level 2 Agent licence downgraded to a Level 1 Salesperson licence for one year, was required to complete an ethics course, the Council Rules Course, and the Autoplan Basics program, and assessed investigation costs of \$2,312.50.
31. [Allen Ton-Ming Fu](#) (November 2018) concerned a Level 2 Agent licensee who processed his own ICBC Autoplan transaction and, while doing so, altered his Claims Rated Scale ("CRS") on the ICBC system, resulting in the licensee receiving the maximum CRS discount on his insurance premium. The licensee had a colleague sign the insurance documents as the agent. ICBC conducted an investigation and subsequently charged the licensee the amount he underpaid for his policy and prohibited the licensee from conducting Autoplan business for a one-year period. Council determined that the licensee improperly used his position as an insurance licensee for personal gain. Council considered the fact that the licensee was penalized by ICBC; however, it concluded that it was necessary to emphasize to the industry that Council will not tolerate conduct that is self-serving and undertaken for personal gain. The licensee was suspended for one year, subject

to supervision for one year, required to complete an ethics course, and assessed investigation costs of \$1,575.00.

32. [Patricia Jean Orr](#) (October 2009) concerned a Level 2 Agent licensee who misrepresented to ICBC that she had been the driver of a vehicle involved in an automobile accident, when in fact another individual in her vehicle was the driver of the vehicle. The licensee's agency terminated the licensee's employment and the licensee reimbursed ICBC an amount that it paid out for the claim. Council found that the licensee made a false statement to ICBC which was material to ICBC's review of the licensee's insurance claim, and the licensee did not undertake any corrective measures until the licensee was directed to do so by her employer at the time. Council acknowledged that the licensee accepted responsibility and felt she understood the significance of her actions. In addition, the licensee did not have a prior discipline history with Council and that the matter appeared to be an isolated incident. The licensee was suspended for six months, downgraded to a Level 1 Salesperson licence for a period of one year following suspension, required to complete an ethics course, and assessed Council's investigation costs of \$875.00.

Failure to disclose charge

33. [Kulwinderpal Singh Khosah](#) (June 2021) concerned a Level 1 Salesperson licensee who failed to notify Council about a series of criminal charges and convictions he received throughout 2018 and 2019. The licensee stated that his understanding had been that he was not convicted and that he had not been notified about his conviction, despite having served jail time. The licensee admitted that he had never reviewed the Council Rules and that he had little knowledge of the Code of Conduct. Council found the licensee not to be credible and did not consider the Licensee's submission that he had been unaware of his various convictions to be believable. While Council acknowledged that the licensee's various charges and convictions did not appear to relate to insurance, Council found that the licensee behaved dishonestly throughout the investigation. Council was troubled that the licensee had never reviewed the Council Rules or Code of Conduct. The licensee's general insurance licence was cancelled with no opportunity to apply for an insurance licence for three years, fined \$5,000, and required to complete an ethics course and the Council Rules Course.
34. [Kelsie Dawn Lang](#) (October 2019) concerned a Level 1 Salesperson licensee who failed to notify Council of a criminal charge and subsequent conviction. The licensee's employing agency contacted Council about the matter. The licensee admitted that she had not read the Council Rules and that she was not aware that she was required to report the charge and conviction to Council until she completed the Council Rules Course in October 2018. She had decided not to

report after taking the Council Rules Course because several months had already passed since her conviction, and she was embarrassed and ashamed by the matter. Council accepted the Licensee's remorse about the conduct that led to her charge and conviction, and her failure to report the matter to Council. However, Council was troubled that the licensee had not read the Council Rules and that the licensee made a conscious decision after completing the Council Rules Course to not advise Council of the matter. Council took into consideration the penalties that were imposed on the licensee by the court, and the employing agency's support and trust of the licensee. The licensee was issued a reprimand.

35. [Karamvir Justin Singh Sohi](#) (December 2014) concerned a Level 1 Salesperson licensee who failed to notify Council of a criminal charge and traffic conviction. The licensee was charged under the Criminal Code of Canada but pled guilty and was convicted of a lesser charge. In addition, the licensee was found to have accessed the vehicle information of professional athletes on the ICBC database. Council accepted that it was not the licensee's intention to hide the charges or conviction from Council, and that the breaches occurred due to the licensee's failure to familiarize himself with the Council Rules. The licensee was fined \$2,000 and assessed investigation costs of \$500.
36. Council determined that [Kwan](#) was most instructive in relation to the misrepresentation and processing own transactions allegations, as the facts were similar. Both [Kwan](#) and the subject case involved experienced Level 2 Agent licensees. Council noted that the Licensee did not derive a clear financial benefit, as opposed to [Kwan](#). Council also noted that [Kwan](#) processed her own transactions over a 30-year period, whereas the Licensee processed his own transactions from September 2016 to January 2019.
37. Council considered [Fu](#) and [Orr](#). As opposed to [Orr](#), Council did not feel that the Licensee understood the significance of his misconduct. The Licensee's explanation that he prioritized his family's interests did not justify his actions. In [Fu](#) the licensee derived a financial benefit, which was not clear in the subject case.
38. In terms of precedent decisions relating to failing to disclose a charge, Council found [Lang](#) and [Khosah](#) instructive as the licensees were not aware of the Council Rules and the Code. Council noted that the Licensee is a Level 2 Agent, whereas the licensees in [Lang](#) and [Khosah](#) were Level 1 Salespersons. However, as opposed to [Lang](#) and [Khosah](#), the Licensee was not convicted.
39. Council has determined that investigation costs should be assessed against the Licensee. As a self-funding regulator, the cost to investigate the misconduct of a licensee or former licensee should not be borne by members of the insurance industry unaffiliated with the investigation. This is

particularly true when the evidence is clear that the actions of a licensee or former licensee have amounted to misconduct.

INTENDED DECISION

40. Pursuant to sections 231, 236 and 241.1 of the Act, Council made an intended decision to:

- (a) Suspend the Licensee's general insurance licence for a period of one year, commencing on the date of Council's order;
- (b) Downgrade the Licensee's general insurance Agent Level 2 licence to a general insurance Salesperson Level 1 licence for a period of one year, commencing immediately after the completion of the one-year suspension;
- (c) Require the Licensee to complete the following courses, or equivalent courses as acceptable to Council, prior to the licence suspension being lifted:
 - i. Council Rules Course for general insurance salespersons and agents; and
 - ii. The Insurance Institute's "Ethics and the Insurance Professional" course; (collectively, the "Courses")
- (d) Require the Licensee to complete the "Duties & Responsibilities for Level 3 Agents & Nominees in BC" course, or equivalent course as acceptable to Council, prior to Council accepting an application for a general insurance Agent Level 3 licence;
- (e) Assess the Licensee Council's investigation costs of \$2,375, to be paid within 90 days of the date of Council's order and which must be paid in full prior to the licence suspension being lifted; and
- (f) Impose a condition on the Licensee's general insurance licence that the Licensee will not be permitted to complete the Licensee's 2025 annual licence renewal until such time as the Courses are completed and investigation costs are paid in full.

RIGHT TO A HEARING

41. If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may have legal representation and present a case at a hearing before Council. **Pursuant to section 237(3) of the Act, to require Council to hold a hearing, the Licensee must give notice to Council by delivering to its office written notice of this intention within 14 days of receiving this intended decision.** A hearing will then be scheduled for a date within a reasonable period of time

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from receipt of the notice. Please direct written notice to the attention of the Executive Director. **If the Licensee does not request a hearing within 14 days of receiving the intended decision, the intended decision of Council will take effect.**

42. Even if the Licensee accepts this decision, pursuant to section 242(3) of the Act, the British Columbia Financial Services Authority (“BCFSA”) still has a right to appeal to the Financial Services Tribunal (“FST”). The BCFSA has 30 days to file a Notice of Appeal, once Council’s decision takes effect. For more information respecting appeals to the FST, please visit their website at www.fst.gov.bc.ca or visit the guide to appeals published on their website at www.fst.gov.bc.ca/pdf/guides/ICGuide.pdf.

Dated in Vancouver, British Columbia, on the **2nd day of March, 2023.**

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director