In the Matter of

The *FINANCIAL INSTITUTIONS ACT*
(the "Act")
(RSBC 1996, c.141)

and

THE INSURANCE COUNCIL OF BRITISH COLUMBIA
("Council")

and

KA CHUN CHAN
(the "Licensee")

DECISION AND ORDER
UNDER SECTIONS 231 & 238 OF THE ACT

WHEREAS the Licensee is currently licensed as a Level 1 general insurance salesperson with Roswell Insurance Agency Inc.;

AND WHEREAS Council has commenced an investigation pursuant to section 232 of the Act, relating to allegations the Licensee collected Insurance Corporation of British Columbia ("ICBC") insurance premium payments from clients on six occasions and used the payments for his own purposes, particularly to gamble; he attempted to conceal his activities from his former employer, ICBC and his clients by using personal cheques which he made payable to ICBC to offset the premiums he had taken, and by altering the cheques in a way to mislead others to believe the cheques were issued by the clients; these cheques bounced, resulting in the cancellation of clients' insurance coverage; and when confronted by the clients, the Licensee lied to them about the circumstances leading to the cancellation of their coverage.

AND WHEREAS the Licensee met with an Investigative Review Committee (the "Committee") of Council on November 16, 2009, to discuss an investigation report prepared by Council staff pertaining to this matter and the Licensee advised the Committee that he did not dispute the allegations;

AND WHEREAS ICBC continues to investigate the Licensee's conduct in this matter;

AND WHEREAS Council has determined the allegations are sufficiently serious to call into question the Licensee's suitability to hold an insurance licence;

AND WHEREAS Council has determined that further investigation is necessary to determine the scope of the Licensee's misconduct, but considers the length of time required to complete an investigation and make a decision pursuant to section 231 of the Act, would be detrimental to the due administration of the Act;

AND WHEREAS the Licensee was advised by the Committee at the November 16, 2009 meeting, that the matter would be brought to the attention of the members of Council at its November 17, 2009 meeting, and the Licensee agreed that his conduct was contrary to Council's Code of Conduct;

AND WHEREAS Council considers it to be in the public interest to suspend the Licensee's Level 1 general insurance salesperson's licence pursuant to section 231(1)(g) of the Act;

NOW THEREFORE Council orders the Licensee's Level 1 general insurance salesperson's licence be suspended until **August 1, 2010**, pursuant to sections 231 and 238 of the Act, effective the date of this order;

TAKE NOTICE that pursuant to section 238 of the Act, the Licensee has the right to require a hearing on this order before Council by delivering written notice within 14 days of receipt of this order to Council at Suite 300 – 1040 West Georgia Street, Vancouver, British Columbia, V6E 4H1; alternatively, the Licensee may appeal this order to the Financial Services Tribunal.

Dated in Vancouver, British Columbia, on the 17 **day of November, 2009**.

Graham Calder, CFP, CLU, ChFC, RHU
Chairperson, Insurance Council of British Columbia