**In the Matter of the**

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

**and the**

**INSURANCE COUNCIL OF BRITISH COLUMBIA**
("Council")

**and**

**MAHNOOSH EBTIA**
(the "Licensee")

# ORDER

As Council made an intended decision on March 13, 2018, 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 May 31, 2018; 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:

1. The Licensee's Level 1 general insurance salesperson licence is suspended for a period of one year, commencing on June 19, 2018 and ending at midnight on June 18, 2019;
2. The Licensee's life and accident and sickness insurance agent licence is suspended for a period of one year, commencing on June 19, 2018 and ending at midnight on June 18, 2019;
3. The Licensee is assessed Council's investigative costs of $562.50; and
4. A condition is imposed on the Licensee's Level 1 general insurance salesperson licence and on the Licensee's life and accident and sickness insurance licence that she is not permitted to complete her 2019 annual licence filings until the assessed investigation costs are paid. In addition, if the Licensee fails to pay the assessed investigation costs before June 19, 2019, the above referenced licences will remain suspended until such time the assessed investigation costs are paid.

.../2

This order takes effect on the **19th day of June, 2018**.

Ken Kukkonen
Chairperson, Insurance Council of British Columbia

**INTENDED DECISION**

**of the**

**INSURANCE COUNCIL OF BRITISH COLUMBIA**
("Council")

**respecting**

**MAHNOOSH EBTIA**
(the "Licensee")

Pursuant to section 232 of the *Financial Institutions Act* (the "Act"), Council conducted an investigation to determine whether the Licensee acted in compliance with the requirements of the Act.

As part of Council's investigation, the Licensee was provided the opportunity to respond to the allegation that she had cheated on her Canadian Accredited Insurance Broker ("CAIB") exam by accessing her study notes through a web browser while writing the exam online.

An investigation report was distributed to Council for review at its meeting on March 13, 2018, where it was determined the matter should be disposed of in the manner set out below.

## PROCESS

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

The Licensee has been licensed with Council as a Level 1 general insurance salesperson ("Salesperson") since January 2017 and as a life and accident and sickness insurance agent ("life agent") since December 2016, and represented the same insurance agency with both licences until February 21, 2018. Her licences are currently inactive.

.../2

In 2017, the Licensee was working towards obtaining her Level 2 general insurance agent ("Level 2 agent") licence.

The Licensee wrote her CAIB 3 exam on June 9, 2017. The CAIB 3 exam is offered by the Insurance Brokers Association of British Columbia ("IBABC"). The exam is proctored and written online. Its successful completion can be a step toward qualifying to hold a Level 2 agent licence with Council.

More than halfway through taking the CAIB 3 exam, the Licensee was observed by an exam proctor to have her email and study notes open on a web browser. The proctor sent an online note to the Licensee in more than one instance, which appeared on her computer screen, to advise her that no other browsers can be open while taking the exam.

To remove the proctor's note from her computer screen, the Licensee was required to click an "OK" prompt on the screen.

On June 13, 2017, the IBABC exam administrator issued the Licensee a letter advising of her exam disqualification. The letter noted that the Licensee was warned twice by the proctor to not have any browsers open while writing the CAIB 3 exam.

The Licensee was aware the exam was not open book and stated the material was difficult. The Licensee stated she only looked at her notes one time, not two or three times as was suggested by the proctor. The Licensee stated she had her notes available for one or two minutes and closed the notes on the web browser as soon as she received the proctor's message on her computer.

The Licensee submitted a letter to Council acknowledging she made a mistake that will not be repeated.

## ANALYSIS

The Licensee does not dispute that she accessed her study notes during the CAIB 3 exam when she was not permitted to do so.

Council views any kind of academic dishonesty to be serious, particularly where it is carried out in order to help an individual potentially qualify to hold or to upgrade an insurance licence, as is the case here with the Licensee. Such behaviour, in Council's opinion, must not be tolerated as any other stance could bring the qualification process to hold an insurance licence into disrepute.

Council considered a number of cases where individuals have been found either to have cheated or facilitated cheating on exams that can be used as part of the licence qualification process.

In determining a penalty, Council considered three previous cases. In the first case, a licensee was suspended for one year and required to re-complete the education required to hold her insurance licence after being found to have cheated on a CAIB 2 exam. In the second case, a licensee was suspended for four months, required to complete a course in ethics, and barred from writing a CAIB exam for a one year period after she and her sister were found to have copied each other's answers on a CAIB 2 exam. In the third case, an individual was deemed to be unsuitable to hold an insurance licence for a period of two years after he was found to have engaged in activity that had the potential to compromise national life licensing qualification exams and to have attempted to mislead Council in the matter. Investigative costs were assessed to the licensees.

While the Licensee's situation is not factually identical to the cited cases, the common theme is that each individual cheated or helped others to cheat on a licence qualification exam. What distinguishes the Licensee's case from these other situations is that the Licensee was not deceptive when confronted about her behaviour. Regardless, Council felt the Licensee's conduct brings into question her suitability to hold an insurance licence.

Since it continues to identify instances of qualification exam cheating, Council determined it is necessary to impose a significant suspension in this matter for both specific and general deterrence purposes.

## INTENDED DECISION

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

1. Suspend the Licensee's Level 1 general insurance salesperson licence for a period of one year;
2. Suspend the Licensee's life and accident and sickness insurance agent licence for a period of one year; and
3. Assess the Licensee Council's investigative costs of $562.50.

The Licensee is advised that should the intended decision become final, the investigative costs must be paid before she can complete her 2019 annual licence filings. The Licensee is also advised that failure to pay the investigative costs before the completion of the suspension period on her licences will result in the continued suspensions of her licences.

The suspensions of the Licensee's insurance licences will be effective as of the date of the order.

Subject to the Licensee's right to request a hearing before Council pursuant to section 237 of the Act, the intended decision will take effect after the expiry of the hearing period.

**RIGHT TO A HEARING**

If the Licensee wishes to dispute Council's findings or its intended decision, the Licensee may acquire 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 fourteen (14) days of receiving this intended decision**. A hearing will then be scheduled for a date within a reasonable period of time 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 fourteen (14) days of receiving this intended decision**, the intended decision of Council will take effect.

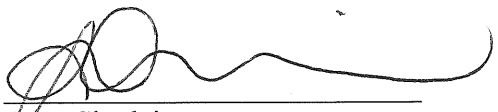
Even if this decision is accepted by the Licensee, pursuant to section 242(3) of the Act, the Financial Institutions Commission still has a right to appeal this decision of Council to the Financial Services Tribunal ("FST"). The Financial Institutions Commission has 30 days to file a Notice of Appeal, once Council's decision takes effect. For more information respecting appeals to the FST, please visit their website at fst.gov.bc.ca or contact them directly at:

Financial Services Tribunal
PO Box 9425 Stn Prov Govt
Victoria, British Columbia
V8W 9V1

Reception: 250-387-3464
Fax: 250-356-9923
Email: FinancialServicesTribunal@gov.bc.ca

Dated in Vancouver, British Columbia, on the **31st day of May, 2018**.

For the Insurance Council of British Columbia



Janet Sinclair
Executive Director
604-695-2001
jsinclair@insurancecouncilofbc.com

JS/lh