

DISCIPLINE BULLETIN

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Discipline Report

November 2012

This is the thirty-fifth periodic report to Fellows, Associates, and Affiliates prepared in accordance with Bylaw 20.12(8). Its primary purpose is to educate and inform all Fellows, Associates, and Affiliates about the disciplinary process and current disciplinary activities. Please send any comments or suggestions for improvements in these reports to me at my Online Directory address. Information in this report regarding specific cases represents the status at October 31, 2012.

MEETINGS

Since the last Discipline Bulletin of June 2012, the Committee on Professional Conduct (CPC) held three meetings: on July 19, 2012 (by conference call), September 27, 2012 (in Toronto), and October 24, 2012 (by conference call). A future meeting of the CPC has been scheduled for April 4, 2013 (in Toronto).

DISCIPLINARY COSTS (\$000) TO OCTOBER 31, 2012

	FY 12-13		FY 11-12	
	<i>Actual</i>	<i>Budget</i>	<i>Actual</i>	<i>Budget</i>
Legal costs	105	205	298	-
Other costs	25	85	79	-
Total costs	130	290	377	290
	<i>Actual</i>		<i>Actual</i>	
Costs recovered	0		0	
Cases reviewed	13		15	

CASES

(a) Charges filed and cases completed

There are no cases with respect to which tribunals have been completed since the last periodic report in June 2012.

(b) Cases outstanding where charges have been filed

As noted in the November 2011 and June 2012 Discipline Bulletins, a charge was filed against a Fellow of the Institute in connection with work performed with respect

to a pension plan. The CPC has referred this charge to a Disciplinary Tribunal. A Notice of the filing of this charge and referral of the charge to a Disciplinary Tribunal was circulated on February 17, 2012, to inform members of the Institute and the public about the case in accordance with Bylaw 20.04(3.1). This Notice can be found on the Discipline section of the website. Please note that pursuant to the Bylaws, the Executive Director will publish a Notice to the public and the membership approximately 15 days prior to any hearing before a Disciplinary Tribunal. This notice will include the date, time, and place of the hearing.

A charge was filed against a Fellow of the Institute who was sanctioned in the U.S. by the American Academy of Actuaries (AAA), pursuant to the Cross-Border Discipline Agreement. Notice of the charge and referral of the charge to a Disciplinary Tribunal was published on August 3, 2012, in accordance with Bylaw 20.04(3.1). A Notice to the public and the membership of the details of the hearing was sent out on November 22, 2012. These Notices can be found on the Discipline section of the website.

Anyone who wishes to request more information about the disciplinary process may obtain that information from the Executive Director.

(c) Other complaints and information

Apart from the cases mentioned in (a) and (b), in the period since the June 2012 report, the CPC has considered 11 complaints or other information that might lead to complaints against 13 Fellows, Associates, or Affiliates.

Five new complaints and/or information were received for the CPC's consideration. In two of those cases, the CPC decided to dismiss the matters. In the other three cases, the CPC is still obtaining further information before deciding how to proceed.

In two earlier cases, the CPC is still obtaining further information before deciding how to proceed.

The CPC had previously referred four cases to four Investigation Teams. In one of these cases, after reviewing

Discipline Report

November 2012

the report of the Investigation Team, the CPC decided to dismiss the matter. The other three investigations are still ongoing.

(d) Summary by practice area

The 13 cases set out above may be summarized by practice area as follows:

	Cases	Individuals
Life	4	4 members
Pension	7	8 members
P&C	0	0 members
Workers' Compensation	0	0 members
Actuarial Evidence	1	1 member
Other	1	1 member

(e) Summary of CPC cases since 1992

In response to an interest that was expressed to the CPC, this Discipline Bulletin includes additional statistics on past CPC cases.

- Since 1992, the CPC has completed 172 cases.
- Of these 172 cases, 99 cases were dismissed, three cases resulted in a private admonishment without going to an Investigation Team, and 70 cases were referred to Investigation Teams.
- Of the 70 cases that were referred to Investigation Teams, 33 cases resulted in no charges being filed, and 37 cases resulted in charges being filed.
- Of the 37 cases that resulted in charges being filed, seven cases resulted in private admonishments, eight cases resulted in an admission of guilt and sanctions, and 22 resulted in public Disciplinary Tribunals.
- Of the 22 Disciplinary Tribunal hearings, 20 resulted in either a guilty plea by the Respondent or a finding of guilt by the Disciplinary Tribunal on some or all of the charges.

WAYNE BERNEY
CHAIR, COMMITTEE ON
PROFESSIONAL CONDUCT