

DISCIPLINE BULLETIN

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Discipline Report

June 2013

This is the thirty-sixth 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. The budget represents the fiscal year ending March 31, 2013, but the information in this report regarding specific cases represents their status following the April 4, 2013, meeting of the Committee on Professional Conduct (CPC).

MEETINGS

Since the last Discipline Bulletin of October 2012, the CPC held three meetings: two on December 19, 2012 (by conference call), and one on April 4, 2013 (in Toronto). A future meeting of the CPC has been scheduled for October 3, 2013 (in Montréal).

DISCIPLINARY COSTS (\$000) TO MARCH 31, 2013

	FY 12-13		FY 11-12	
	<i>Actual</i>	<i>Budget</i>	<i>Actual</i>	<i>Budget</i>
Legal costs	187	205	298	-
Other costs	52	85	79	-
Total costs	239	290	377	290
	<i>Actual</i>		<i>Actual</i>	
Costs recovered	0		0	
Cases reviewed	13 (14)		15	

CASES

(a) Charges filed and cases completed

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. The decision of the Disciplinary Tribunal on the penalty was published on January 17, 2013.

(b) Cases outstanding where charges have been filed

As noted in the November 2011, June 2012, and November 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 The CPC referred this charge to a Disciplinary Tribunal but the charge was subsequently withdrawn. A Notice of Decision was circulated on April 12, 2013, to inform members of the Institute and the public about the status of the case. This notice 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 November 2012 report, the CPC has considered nine complaints, or other information that might lead to complaints, against nine Fellows, Associates, or Affiliates.

One new complaint and/or information was received for the CPC's consideration but the committee decided to dismiss the matter.

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

In one earlier case, an agreement was reached with the Respondent that is outlined in a memo from the CIA Board that can be found on the Discipline section of the website.

Three cases that were being reviewed have been referred to two Investigation Teams.

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The CPC had previously referred three cases to three Investigation Teams. In one of these cases, after reviewing the report of the Investigation Team, the CPC decided to dismiss the matter. One of the remaining investigations is ongoing and the other has been withdrawn pending further information.

(d) Summary by practice area

The 11 cases set out above may be summarized by practice area as follows:

	Cases	Individuals
Life	4	4 members
Pension	5	5 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 178 cases.
- Of these 178 cases, 102 were dismissed, three resulted in a private admonishment without going to an Investigation Team, and 73 were referred to Investigation Teams.
- Of the 73 cases that were referred to Investigation Teams, 34 resulted in no charges being filed, and 39 resulted in charges being filed.
- Of the 39 cases that resulted in charges being filed, eight resulted in private admonishments, eight resulted in an admission of guilt and sanctions, and 23 resulted in public Disciplinary Tribunals.
- Of the 23 Disciplinary Tribunal hearings, 21 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. In the other two cases, the respondents were found not guilty by the Disciplinary Tribunal.

WAYNE BERNEY
CHAIR, COMMITTEE ON
PROFESSIONAL CONDUCT