

DISCIPLINE REPORT

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Discipline Report

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This is the thirty-seventh 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 position at October 31, 2013.

MEETINGS

Since the last Discipline Report of June 2013, the Committee on Professional Conduct (CPC) held one meeting, on October 3, 2013 (in Montréal). A future meeting of the CPC has been scheduled for April 3, 2014 (in Toronto).

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

	FY 13-14		FY 12-13	
	<i>Actual</i>	<i>Budget</i>	<i>Actual</i>	<i>Budget</i>
Legal costs	56	205	187	205
Other costs	9	85	52	85
Total costs	65	290	239	290
	<i>Actual</i>		<i>Actual</i>	
Costs recovered	0		0	
Cases reviewed	12		14	

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 2013.

(b) Cases outstanding where charges have been filed

There are no cases currently outstanding where charges have been filed.

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

(c) Other complaints and information

The CPC has considered four complaints or other information that might lead to complaints against five Fellows, Associates, or Affiliates.

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

The CPC had previously referred four cases to three Investigation Teams that are still ongoing.

(d) Summary by practice area

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

	Cases	Individuals
Life	3	3 members
Pension	1	1 member
P&C	0	0 members
Workers' Compensation	0	0 members
Actuarial Evidence	1	1 member
Other	0	0 members

(e) Summary of CPC cases since 1992

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

- Since 1992, the CPC has completed 178 cases.
- Of these 178 cases, 102 cases were dismissed, three cases resulted in a private admonishment without going to an Investigation Team, and 73 cases were referred to Investigation Teams.
- Of the 73 cases that were referred to Investigation Teams, 34 cases resulted in no charges being filed, and 39 cases resulted in charges being filed.
- Of the 39 cases that resulted in charges being filed, eight cases resulted in private admonishments, eight cases 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.

LIAM MCFARLANE
CHAIR, COMMITTEE ON
PROFESSIONAL CONDUCT

Rule #12

Our Rule #12 of Professional Conduct says:

“A member shall respond promptly, truthfully and fully to any request for information by, and shall cooperate fully with, the Committee on Professional Conduct, an Investigation Team, a Disciplinary Tribunal, an Appeal Tribunal, or any member of such bodies regarding any disciplinary matter arising under Section 20 of the Bylaws.”

This rule demands full cooperation from any member required to provide information in a case investigated by the CPC. The member cannot refuse to cooperate and should provide requested information even if it is protected legally. By not providing information or not collaborating with the CPC to obtain it, the member impedes the investigative work of the CPC, thereby not allowing it to protect the public—the Institute’s fundamental role.

What happens if the case involves a legal matter and the member is not allowed by the court to share certain material? We have never had a case where a court order has prevented the CPC from obtaining information. Should we face such a situation, the CPC would review such an order and determine if it would make representations to have it quashed. That being said, to abide by our rules is a condition of membership and not doing so could make the member subject to disciplinary procedures. There is case law to support this position.

It is important to note that the CPC and its Investigation Team hold any information or documents received in strict confidence.

DAVE DICKSON
MEMBER, COMMITTEE ON
PROFESSIONAL CONDUCT