

Insurance Council of Manitoba Hearing Process

- Informal process – Rules of Evidence do not apply
- Hearing is the subject person's (licensee, former licensee or applicant) opportunity to provide information "showing cause" why an intended decision of Council should not proceed
- Subject person may be represented by legal counsel, and may be accompanied by any persons or call any witnesses they choose. Responsibility for arranging the attendance of witnesses rests with the subject person
- Council has the ability/authority to assess additional hearing costs in addition to what has been outlined in the intended decision letter

Evidence

- Subject person will receive all of the evidence upon which the Council relied to make its intended decision in advance of the Hearing
- Evidence presented during the Hearing is marked as an exhibit and retained for the record
- Council does not present additional evidence during the Hearing, or call witnesses
- Evidence may be presented to Council in advance of the Hearing, however subject person is not obliged to do so

Format

- Held in the Council office in the presence of the Council members, Council outside legal counsel, Council staff (Executive Director and Investigator)
- Hearing is not open to the public
- Proceedings are recorded by court reporter
- Council Chairperson will introduce Council members, staff and legal counsel
- Council Chairperson will ask the subject person if they have reason to believe any legitimate conflict exists with any Council member
- Witnesses may be excluded during evidence from other witnesses
- Intended decision will be read in to the record, or this reading will be waived and the intended decision entered as an Exhibit
- Any persons giving evidence (including person facing discipline) must be sworn in or affirmed
- Subject person makes his/her presentation (with and through counsel if applicable) and provides any additional evidence not previously reviewed by Council. This presentation is **not preceded** by questioning by the Council or Council's legal counsel
- Subject person is responsible for the presentation of information and any evidence they wish to be considered by Council.
- During (and/or following) the subject person's presentation, Council (and/or its legal counsel) may ask questions
- Following the conclusion of the hearing, the subject person will be excused and Council will deliberate

Final Decision

- Council will provide its final decision, in writing, as soon as practicable
- Final decision will also confirm the right to, and process respecting, any appeal