

**IN THE ENFORCEMENT COMMITTEE ESTABLISHED IN TERMS OF
SECTION 10(3), READ WITH SECTION 10A OF THE FINANCIAL
SERVICES BOARD ACT, 97 OF 1990**

CASE NO: **13/2013**

In the matter of:

**THE REGISTRAR OF FINANCIAL SERVICES
PROVIDERS**

Applicant

and

ANTONIO IOZZO

First Respondent

**INSURANCE UNDERWRITING
MANAGERS (PTY) LTD**

Second Respondent

ORDER

WITH DUE CONSIDERATION to the settlement agreement (attached marked annexure "A") in terms of section 6B(7)(a) of the Financial Institutions (Protection of Funds) Act, No 28 of 2001, I hereby determine that the Respondents contravened section 3(3) of the General Code of Conduct for Authorised Financial Services Providers and Representatives, 2003, and impose a penalty of R50 000. The remaining terms and conditions of the settlement agreement are incorporated and made an order of the Enforcement Committee.

Signed at **PRETORIA** on the *22* day of **JULY 2013**.



C F Eloff
Chairperson of the Enforcement Committee

Annexure A

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**INSURANCE UNDERWRITING
MANAGERS (PTY) LTD**

Second Respondent

**SETTLEMENT AGREEMENT IN TERMS OF SECTION 6B(7)(a) OF THE
FINANCIAL INSTITUTIONS (PROTECTION OF FUNDS) ACT, 28 OF 2001**

1. The parties

1.1. The parties to the agreement are the Registrar of Financial Services Providers ("the Registrar") herein represented by German Emanuel Anderson in his capacity as the Deputy Registrar of Financial Services Providers; and

1.2. Antonio Iozzo, an adult male businessman with identity number **7610125096080**;



1.3. Insurance Underwriting Managers (Pty) Ltd, a company duly incorporated in South Africa with registration number **2004/022210/07** herein represented by Mr Antonio Iozzo in his capacity as director of the Second Respondent.

2. Contravention of section 3 (3) of the General Code of Conduct

2.1. It is agreed between the parties that the Respondents contravened section 3 (3) of the General Code of Conduct for Authorized Financial Services Providers and Representatives ("General Code of Conduct"), in that during the period 1 October 2010 to November 2010, the Respondents disclosed details of clients to several underwriting managers in circumstances where there was no written consent by the clients sanctioning the disclosure.

3. The mitigating circumstances

3.1. It is also agreed that the following mitigating factors are relevant to the matter:

3.1.1. The Respondents fully cooperated with the Registrar during the investigation that revealed the aforementioned contravention and displayed a sincere intention to comply;

3.1.2. The Respondents have reimbursed the Applicant for the costs incurred in relation to an inspection conducted into the affairs of the Second Respondent;



3.1.3. In order to promote a culture of compliance and avoid further breaches of the FAIS Act, the Respondents have rolled-out compliance workshops to staff members;

3.1.4. They accepted responsibility for the contraventions;

3.1.5. There is no evidence of any actual prejudice resulting from the contravention.

4. The agreed penalty

4.1. In terms of section 6B(7)(a) of the Financial Institutions (Protection of Funds) Act, No 28 of 2001, the parties agreed that the Respondents will pay a penalty of R50 000 (fifty thousand rand) in settlement of the matter.

4.2. The parties humbly request that the Honorable Chairperson makes the settlement an order, as envisaged in section 6B(7)(b) of the Financial Institutions (Protection of Funds) Act.

5. Other conditions

5.1. This agreement is subject to approval by the Enforcement Committee and the parties specifically record that they are aware of the possibility that the Enforcement Committee may not accept the terms of this agreement;

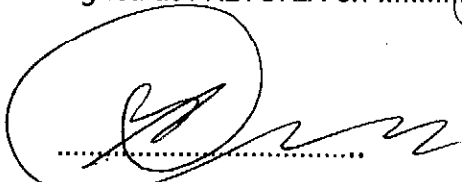
5.2. If the Respondents do not comply with the terms of this agreement and it is necessary for the Financial Services Board (FSB) to proceed with legal proceedings, the Respondents herewith consent to pay all legal costs to the




FSB on the Attorney and Client scale in terms of the High Court Rules inclusive of collection commission and Value Added Tax;

- 5.3. No leniency or postponement given by the FSB to the Respondents or any amendment to the terms and conditions of this agreement will be binding unless such postponement, leniency or amendment is reduced to writing and signed by the parties;
- 5.4. Any receipt of a payment by the FSB after the due date shall be without prejudice to any of the rights of the FSB;
- 5.5. This Agreement shall not be a novation of the cause of action in terms whereof the Respondent was found to have contravened the Act; and
- 5.6. This agreement constitutes the whole agreement between the parties in respect of the offer to pay a penalty.

Signed at PRETORIA on 17 July 2013 on behalf of the Registrar.


.....
G E Anderson

Signed at BEDFORDVIEW on 16 JULY 2013 on behalf of the Respondents.


.....
A Iozzo