THE FINANCIAL SERVICES TRIBUNAL

CASE NO. FSP66/2026

In a matter between:

VELANCIA MAUOUREEN OCTOBER Applicant

and

ABSA INSURANCE AND FINANCIAL ADVISORS (PTY) LTD Respondent

TRIBUNAL PANEL: PJ Veldhuizen & LTC Harms

Appearance for Applicant: n/a

Appearance for Respondent: n/a

Date of hearing: n/a

Date of Decision: 28 October 2026

Summary: Debarment – Honesty and Integrity – Application for Reconsideration.

DECISION

A: THE FACTS

1. The Applicant is Valencia Mauvoureen October, who was employed by the First Respondent as a financial advisor for three years prior to her resignation.

2. The First Respondent is a registered Financial Services Provider as contemplated in the Financial Advisory and Intermediary Services Act 37 of 2002 ("FAIS Act").

3. The Second Respondent is the Financial Sector Conduct Authority.

4. This is an application for reconsideration of the First Respondent's debarment of the Applicant for misconduct.

5. The Applicant brings this application in terms of Section 230 of the Financial Sector Regulation Act 9 of 2017 ("the FSR Act").

6. The Applicant was debarred on or about 5 June 2026, and the Applicant’s debarment date is recorded as such by the Second Respondent. The debarment followed a complaint made to the First Respondent and a subsequent investigation.

7. As foreshadowed above, the First Respondent debarred the Applicant after establishing that she no longer met the requirements of a fit-and-proper person, having ascertained that she contravened the FAIS Act by engaging in conduct that lacked honesty, integrity and good standing, as required in the financial services industry.

8. The First Respondent alleged in the Notice of Intention to Debar dated 6 May 2026 that it intended to proceed with debarment proceedings against the Applicant as a result of the following alleged dishonest conduct:

    a. On or about August 2025, the Applicant sold policies in a manner that was not in line with the bank’s policies and procedures. Specifically, it was alleged that a policy was sold while the life assured, Ms X, was hospitalised. Ms X subsequently died on 17 August 2025.

b. At the time of Ms X's passing, certain processes and documents were still outstanding.

c. The First Respondent alleged that:
    i. On 20 August 2025, after Ms X's passing, the Applicant accepted certain policy-related documents, including the ROA, that were meant to have been signed by Ms X as the life assured, yet the Applicant still knowingly accepted such documents whilst signed by a third party, and not by Ms X herself.
    ii. The Applicant failed to authenticate Ms X, the Policyholder of both Instant Life Policies.
    iii. The Applicant completed the details of the premium payers on the ROA's instead of the policyholder's details.

d. It was further alleged that the Applicant engaged in conduct that constitutes misrepresentation in that:
    i. she allowed a third party to answer the underwriting questions on behalf of Ms X.
    ii. she failed to authenticate the policyholder, instead accepted policy documents from third parties.
    iii. the ROA documents were completed and provided to her after Ms X's death.
    iv. she accepted predated ROA's, purporting to have engaged with Ms X on 8 and 15 August 2025 when this was not true.

9. The Applicant resigned on 28 February 2026 with immediate effect, and by that stage the First Respondent was aware of the facts. The First Respondent advised the Applicant of post-termination debarment proceedings, as foreshadowed above, in its correspondence to the Applicant dated 6 May 2026.

10. First Respondent provided the Applicant an opportunity to provide written submissions as to why she should not be debarred.

11. The Applicant provided written submissions on 19 May 2026.

12. The First Respondent considered the Applicant's submissions and, nevertheless, debarred the Applicant.

13. The Applicant challenges her debarment on substantive and procedural grounds and requests that the Tribunal uphold her application for reconsideration.

14. The Applicant raised no procedural grounds during the debarment process.

B: REQUIREMENTS TO BE A FINANCIAL SERVICES REPRESENTATIVE

15. The fit-and-proper requirements for a financial services representative are established under the FAIS Act and detailed in Board Notice 194 of 2017. These requirements encompass several key areas, but for the purposes of this application, the Honesty, Integrity and Good Standing requirements are important to consider.

16. These requirements are designed to ensure that representatives act with due skill, care, and diligence, prioritising clients' interests and maintaining the integrity of the financial services industry.

C: RELEVANT LEGAL PRINCIPLES REGARDING DEBARMENT

17. The FAIS Act provides the legal framework for the debarment of financial services representatives. Section 14 of the FAIS Act sets out the circumstances in which an authorised financial services provider (FSP) must debar a representative.

18. Debarment is required if the individual no longer meets the fit and proper requirements as stipulated in section 13(2)(a) of the FAIS Act or has materially contravened or failed to comply with any provision of the Act. The reasons for debarment must have occurred and become known to the FSP while the individual was a representative of the FSP.

19. The debarment process must adhere to principles of lawfulness, reasonableness, and procedural fairness. Before debarring a person, the FSP must provide adequate written notice, including the intention to debar, the grounds and reasons for the debarment, and any terms attached to the debarment. The FSP must allow the individual a reasonable opportunity to make submissions in response. The FSP must consider any response provided before making a final decision.

20. Once a decision to debar has been made, the FSP must immediately notify the individual in writing of the decision, the individual's rights under Chapter 15 of the FSR Act, and any formal requirements for reconsideration proceedings before the Tribunal. The FSP must also withdraw any authority for the individual to act on its behalf, remove the individual's name from the register of representatives, and ensure that the debarment does not prejudice the interests of clients. Additionally, the FSP must notify the Financial Sector Conduct Authority (FSCA) within five days of the debarment and provide the grounds and reasons for the debarment within fifteen days.

21. Debarment proceedings must commence within six months from the date the individual ceased to be a representative of the FSP, provided the reasons for debarment occurred and became known while the individual was still a representative.

22. In summary, the legal principles for debarring a financial services representative under the FAIS Act require the FSP to ensure that the process is lawful, reasonable, and procedurally fair. The FSP must provide adequate notice, consider the individual's response, and comply with reporting obligations to the FSCA.

D: DISCUSSION

23. The Applicant submits, in this application:
    a. that the First Respondent:

i. Relied on selective evidence while omitting evidence supporting her version.
ii. Failed to make full disclosure.
iii. Relied on inference rather than direct evidence.

b. That she had no knowledge of Ms X's condition and upon information provided to her by family members.
c. The ROA was completed in accordance with instructions received during the Microsoft Teams meeting attended by members of the First Respondent.
d. The First Respondent's own paperless system and processes required her to rely on information captured telephonically.
e. The commission she would've earned would've been modest and therefore was not a motivating factor.
f. Although production pressure existed, it would not have motivated dishonesty.
g. Her resignation should not be interpreted as an admission of wrongdoing.

24. The Applicant's submissions simply do not withstand scrutiny. The Applicant's own email of 23 September 2025, alone, is dispositive of the First Respondent's complaints. In this email she concedes inter alia:
    a. "As far as I know, this is what the deceased wanted, through what the daughter and niece told me."
    b. "X & Y confirmed that this is what the deceased wanted to do. I asked the questions and then X would ask her mother and the next day would reply what the mother said."

25. The above modus operandi employed by the Applicant was inherently dishonest and her conduct quite obviously falls short of what is expected of a financial services representative.

26. In the circumstances, once the Respondent established that the Applicant no longer met the Fit and Proper Requirement or had materially contravened the FAIS Act, it was statutorily obliged to debar the Applicant, which it did.

27. The Tribunal does not find fault with the Respondent's procedure or its findings on the substantive issues.

E: CONCLUSION

28. In the premises, the application for reconsideration should be dismissed.

ORDER: The application for reconsideration is dismissed.

Signed on 28 October 2026

__*Sgd PJ Veldhuizen*_____

PJ VELDHUIZEN & LTC HARMS