



Vehicle Sales Authority
of British Columbia

Investigation File No. 20-01-173
Hearing File No. 20-11-012

Neutral Citation:

**IN THE MATTER OF THE *MOTOR DEALER ACT*, R.S.B.C. 1996, c. 316,
THE *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT*,
S.B.C., 2004, c. 2, and
THE *SALESPERSON LICENSING REGULATION*, B.C. Reg. 202/2017**

RE:

THE MOTOR VEHICLE SALES AUTHORITY OF BRITISH COLUMBIA

The “Authority”

AND

TYMOORE FARID SALAME
(Salesperson License No. 210114)

Respondent Salesperson

Decision of the Registrar of Motor Dealers

Date and place of decision: April 1, 2021 at Langley, British Columbia

By way of written submissions

I. Introduction

[1] The Authority issued a Hearing Notice in this matter on November 25, 2020, to review the salesperson licence of Tymoore Farid Salame (Licence #210114). That Notice, along with the Affidavit of VSA Investigator Dan McGrath sworn October 26, 2020 was served on Tymoore Salame. By email dated December 28, 2020, Mr. Salame provided written submissions in response.

[2] The Authority says (summarizing the Hearing Notice) that the investigation by Dan McGrath shows Tymoore Salame is not suitable to be licensed as a salesperson for the following reasons:

- (a) Falsified why his salesperson license in Alberta was cancelled, stating it was because "my business went under", when in fact the Alberta authority (Alberta Motor Vehicle Industry Council or "AMVIC") cancelled his licence in that province for transgressions involving fraud in relation to consumer transactions,
- (b) Tymoore Salame has an active warrant for his arrest in Alberta on allegations of fraud in relation to \$75,000 involving CIBC bank,
- (c) There has been a consumer complaint in British Columbia against Tymoore Salame for deceptive acts or practices contrary to the *Business Practices and Consumer Act*, S.B.C., 2004, c. 2 ("BPCPA"),
- (d) There has been an industry complaint against Tymoore Salame for:
 - (i) Acting as a salesperson when not licensed as a salesperson,
 - (ii) Took a \$3,000 cheque destined for a consumer and deposited it into his own bank account,
 - (iii) Convinced a consumer to e-Transfer \$1,500 to Mr. Salame's personal account using the name of a dealer, and
 - (iv) Obtained \$3,990 from a dealer by lying about expected profits.
- (e) While working at a dealer, Mr. Salame is alleged to have used a dealer's credit card to pay for gas for his personal use.

II. Compliance action requested

[3] Based on the conduct described above, the Notice of Hearing in this case seeks the following compliance actions:

- (a) Cancel Tymoore Farid Salame's salesperson licence indefinitely,
- (b) Impose an administrative penalty on Tymoore Farid Salame,
- (c) Award the Authority investigation and hearing costs, and
- (d) Such other relief the Registrar deems just.

[4] The Authority identifies the following legislation as being contravened:

- i. Section 3(1) of the *Motor Dealer Act*, R.S.B.C. 1996, c. 316 ("MDA") [acting as a motor dealer without licence],
- ii. Section 2 of the *Salesperson Licensing Regulation*, B.C. Reg. 202/2017 ("SP-Reg.") [acting as a salesperson without a licence],
- iii. Section 33(2)(a) [failing to act with honesty and integrity] of the *Motor Dealer Act Regulation* ("MDA-Reg"),
- iv. Section 33(2)(f) [adversely affecting the reputation of another] of the MDA-Reg,
- v. Section 33(2)(i) [aided or abetting another person to breach a law or condition of a licence/registration] of the MDA-Reg,

- vi. Sections 4(3)(b)(vi), and 5 of the BPCPA [committed deceptive acts or practices], and
- vii. Section 8(3)(b) and 9 of the BPCPA [engaging in unconscionable acts or practices].

III. Tymoore Salame's Position

[5] In his submissions, Mr. Salame is reflective of the investigation findings and the allegations. Mr. Salame notes he is not going to speak much about the AMVIC situation under the advice of a lawyer, as he continues to bring forward "truth and evidence" to AMVIC to rectify AMVIC's incorrect claims.

[6] Mr. Salame also speaks to the loss of his motor dealership in Alberta and how that experience impacted him. Mr. Salame admits he has not handled himself well in the past. Mr. Salame says he has learned much over the past years and asks that he not be judged by his past actions, but who he is today.

[7] Overall, Mr. Salame did not dispute the allegations or provide evidence refuting those allegations.

IV. General Legal Principles

(a) Reviewing a salesperson licence – public interest paramount

[8] Madame Justice Sharma of the BC Supreme Court agreed with the Registrar that the purpose of reviewing the conduct of a salesperson is focused on the protection of the public:

[23] The Registrar states that the requirement to examine a person's past conduct demonstrates an overarching concern with public safety. Past conduct is the statutory tool by which the Registrar can determine if applicants will be governable, act in accordance with the law and conduct themselves with honesty and integrity. Salespersons are in a position of trust with the buying public who rely on them to give clear and honest information about buying motor vehicles. The public also expects safety to be a priority if taking a test drive with a salesperson. Lastly, integrity is important because salespersons may be privy to customer's confidential personal information including home address and financial information

- *Fryer v. Motor Vehicle Sales Authority of British Columbia*, 2015 BCSC 279 (BC Supreme Court)

[9] Governability means the licensee will follow the laws and rules that are associated with their licence. It also includes a licensee responding to their regulator's lawful directions and to fully cooperate with an investigation, including into the licensee's own conduct:

[139] In *Wise v. Law Society of Upper Canada*, 2010 ONSC 1937 at para. [19](#) the court states: “[i]t is well recognized that to ensure the effective discharge of the responsibilities of professional regulators, every professional has an obligation to co-operate with the self-governing body...”

[140] The duty to cooperate is based on the obligations of professional governing bodies to protect the public interest and, in doing so, requires effective investigative powers. Powerful public policy reasons require members of self-governing professions to cooperate with investigations by a regulator. Professionals under investigation by their governing bodies are not entitled to disclosure as a precondition of their cooperation. The failure to cooperate can and does result in delay in investigations; frustration of the governing bodies’ fulfilment of its statutory mandate in the public interest; jeopardizing of the collection of evidence and the recollection of witnesses; and erosion of public confidence in the governing body. At the investigative stage, the targets of investigations have less administrative law protections than they do in an adjudicative process, as that would be contrary to public interest: *D’Mello v. Law Society of Upper Canada*, [2015 ONSC 5841](#); *Round v. Institute of Chartered Accountants of Ontario*, [2015 ONSC 7099](#); *Strauts v. College of Physicians and Surgeons (British Columbia)* (1997), [1997 CanLII 3188 \(BC CA\)](#), 36 B.C.L.R. (3d) 106 (C.A.).

- *Independent Investigations Office of British Columbia v Vancouver (City) Police Department*, 2018 BCSC 1804 (BC Supreme Court), affirmed by *Independent Investigations Office of British Columbia v. Vancouver (City) Police Department*, 2020 BCCA 4 (BC Court of Appeal)

[10] Providing false information on an application for licensing is sufficient grounds to find someone unsuitable to be licensed because they did not act with honesty and integrity. This can include an attempt to minimize past misconduct: *Registrar, Motor Vehicle Dealers Act v. Vernon*, 2016 ONSC 304 (Ont. Superior Court)

[11] The Registrar can consider allegations of a criminal nature when assessing suitability for licensing. The Registrar cannot act as a criminal court and find criminal liability. However, if the Registrar finds that the alleged conduct occurred, the role of the Registrar is to take steps to protect the public from potential harm: *7679 [Greico] v. Registrar, Motor Vehicle Dealers Act* (August 2, 2013, Ont. Licence Appeal Tribunal).

[12] In balancing the interests of a person to be licensed in a given profession with the protection of the public and the public’s interest, the public interest is paramount: *Pacific International et al v. B.C. Securities Commission* 2002 BCCA 421 (B.C. Court of Appeal) at paragraph 12.

(b) Evidence and Burden of Proof

[13] Mr. Salame currently has a salesperson's licence and the Authority recommends action against that licence up to and including its revocation. The onus is on the Authority to prove the allegations it advances on a balance of probabilities: *F.H. v. McDougall*, 2008 SCC 53 (CanLII), [2008] 3 SCR 41 (Supreme Court of Canada).

V. Discussion – Findings on the Evidence

(a) Provided false information on his salesperson application and to the Authority

[14] Mr. Salame's salesperson application noted he worked as a licensed salesperson in Alberta and his licensed had been revoked. The Authority requested more details about his work history and about the licence revocation. Mr. Salame responded that "my business went under" "due to economic and financial struggle that caused turmoil and led to its [the business's] failure".

[15] Before me is a January 27, 2018 decision of an Appeal Board constituted to review a decision of the Director of Fair Training as delegated to the AMVIC. That decision saw AMVIC cancel Mr. Salame's salesperson licence and that of the business he owned and operated called Skyco (the "AMVIC Decision").

[16] In the original AMVIC decision, and upheld on appeal¹, Mr. Salame's salesperson license was cancelled because:

- (a) Mr. Salame had a scheme of taking vehicles in trade-in with liens and not paying out the liens, causing harm to consumers. Mr. Salame's conduct was considered deliberate,
- (b) Mr. Salame blamed others for this failure, which was not believed by AMVIC or the Appeal Board, and
- (c) Mr. Salame failed to make any effort to remedy the hardships brought on the consumers by his misconduct.

[17] Mr. Salame states he is not commenting on the AMVIC decision on legal advice as he is bringing information forward to show the decision was incorrect. The problem I have with this assertion is that Mr. Salame already appealed the AMVIC decision which confirmed the cancellation of his licence for the above stated reasons. That appeal decision was rendered on January 27, 2018 - three years ago. Mr. Salame had to file any further appeals within 30 days of being served the decision. That limitation period would be known to Mr. Salame's lawyer. See section 181 of the *Alberta Consumer Protection Act*:

¹ I am not to relitigate AMVIC's findings as that is an abuse of process. AMVIC's findings are valid and accepted unless and until overturned on appeal, in the venue established for such an appeal: *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 (CanLII), [2003] 3 SCR 77 (Supreme Court of Canada)

Court of Queen's Bench

181 The Director or a person whose appeal is heard by an appeal board may appeal the decision of the appeal board by filing an application with the Court of Queen's Bench within 30 days after being notified in writing of the decision, and the Court may make any order that an appeal board may make under section 179(6).

[18] I don't accept Mr. Salame's statement that he is working with his lawyer to bring evidence and truth forward to somehow challenge AMVIC's decision as stated in his December 28, 2020 submissions. The legal time in which to do so has long since expired. These are only comments on Mr. Salame's assertion of appealing the decision as they were not alleged and misconduct and therefore, do not form part of my decision.

[19] I find that Mr. Salame falsified information to the Authority and tried to minimize the reasons for him losing his license in Alberta, during his application process. This is conduct lacking in honesty and integrity and a contravention of section 33(2)(a) of the MDA-Reg.

[20] I also find the conduct of Mr. Salame, as found by AMVIC, shows that Mr. Salame deliberately caused harm to consumers while operating a motor dealership and he is a risk to consumer's if he were to remain licensed in British Columbia.

(b) Active warrant for Mr. Salame's arrest regarding fraud in Alberta

[21] Mr. Salame admits that he has an active arrest warrant for him in Alberta. It relates to allegations of fraud by CIBC involving \$75,000. The warrant is not what is known as a returnable warrant, meaning Alberta is not seeking he be returned to Alberta to face the charges should he be located elsewhere in Canada.

[22] The Authority does not grant someone a salesperson licence when they have an outstanding warrant for arrest. The fact someone has left a jurisdiction to avoid their responsibility and avoid facing those charges shows a disregard for lawful orders. It shows a lack of accountability. It brings into question Mr. Salame's governability should he be faced with regulatory action in British Columbia. As noted by Madame Justice Sharma in *Fryer*, supra:

[31] Several things about Mr. Fryer's situation stand out. There is no indication that Mr. Fryer has undertaken or is interested in undertaking any counselling for substance abuse despite his admitted history with relapses. Mr. Fryer downplays the number and severity of his criminal convictions. This is particular relevant given the number of times he has been convicted for failing to obey court orders, whether probation, promise to appear or conditions of recognizance. In my mind, that is directly relevant to the confidence the Registrar could have that Mr. Fryer is governable or accountable. In fact, it was very telling that Mr. Fryer said he moved away

from Edmonton to “put all of that behind him”. In other words, he has not atoned for his criminal conduct in Edmonton but simply moved away from it.

[underlining added]

[23] The charge of fraud is serious and must be dealt with and the outcome known. With outstanding fraud charges, the public would have no trust in Mr. Salame as a licensed salesperson who could have access to the personal and financial information of consumers. This risk is amplified given the findings by AMVIC of fraud against consumers that led to the cancelation of his licence in Alberta.

[24] I find that the outstanding active arrest warrant related to fraud of \$75,000 would alone make Mr. Salame unsuitable to be licensed as a salesperson. That issue must be addressed, and the outcome known before any license could even be considered.

(c) *Committed a deceptive act or practice in respect of a consumer transaction*

[25] The Authority received a consumer complaint involving a Kia dealership. Investigator McGrath undertook the investigation in January 2020. Mr. Salame was named by the consumer as the salesperson and the finance manager for the consumer transaction.

[26] At the conclusion of the investigation, the following conduct by Salame was determined to have occurred:

- (a) In text messages, Mr. Salame represented to the consumer that they would receive \$1,200 cashback as part of the transaction,
- (b) Mr. Salame sold an optional extended warranty to the consumer on a brand-new vehicle which would not supersede the manufacturer’s warranty. Thus, the extended warranty added no value to the consumer,
- (c) Mr. Salame offered the consumer \$500 for each person the consumer referred to Mr. Salame, which never occurred. In the industry, this is called a bird dog fee,
- (d) Mr. Salame added additional fees to the transaction without bringing this to the attention of the consumer. Those fees were a \$260 licensing fee and a \$699 installation and delivery fee,
- (e) Mr. Salame did not document the agreed to terms, and when confronted blamed the dealer for not paying out the amounts owed, and
- (f) Mr. Salame failed to complete the legally required statutory declarations on the purchase agreement.

[27] The Kia dealer agreed to pay the promised cashback and other fees owed to the consumer.

[28] Mr. Salame does not dispute these investigation’s findings.

[29] Selling an extended warranty to a consumer where it does not add value to the consumer, is certainly deceptive contrary to section 5(1) of the BPCPA. I don't have enough evidence to assess whether this would be considered unconscionable conduct, as I don't have the necessary evidence to assess the required factors in section 8(3) of the BPCPA. The same result applies to the adding of additional fees of \$260 and \$699 without bringing those to the attention of a consumer. That conduct is a deceptive act within the meaning of the BPCPA. However, I don't have the necessary evidence to assess whether that is unconscionable conduct.

[30] Representing to someone that they will receive a referral fee when that is not the case is deemed a deceptive act or practice under section 4(3)(b)(vii) of the BPCPA:

(3) Without limiting subsection (1), one or more of the following constitutes a deceptive act or practice:

(b)a representation by a supplier

(vii) that a consumer will obtain a benefit for helping the supplier to find other potential customers if it is unlikely that the consumer will obtain the benefit,

[31] In this case, it was unlikely the consumer would obtain a fee for a referral, as BC law does not permit anyone receiving "a fee, gain or reward" related to the sale of a motor vehicle on behalf of a motor dealer, unless the person is licensed as a salesperson. It would have been illegal for Mr. Salame to have provided the fee and for the consumer to have received the fee.

[32] Failing to make the required statutory declarations under the *Motor Dealer Act Regulation*, is a failure to state a material fact. Failing to state a material fact is deemed to be a deceptive act or practice: sections 4(3)(b)(vi) and 5(1) of the BPCPA. Mr. Salame did not dispute he failed to make the statutory declarations as the finance manager responsible for the sale.

[33] I find on the evidence before me that Mr. Salame's conduct in this consumer transaction included deceptive acts or practices contrary to the BPCPA. Mr. Salame was an employee of the KIA and as the finance manager in this case had a certain level of control over the transaction. The Kia dealership became vicariously liable for the transgressions in this consumer transactions and was also in breach of the BPCPA. Thus, Mr. Salame's conduct caused the Kia dealership to breach the BPCPA. That conduct is a breach of section 33(2)(i)(ii) of the MDA-Reg.

[34] While one would suspect this conduct could negatively affect the Kia dealership's reputation in the eyes of the consumer, there was no evidence of that in the investigation report. There must be some evidence to show a loss of reputation as noted in the case of *Re: Tibbo* (October 16, 2020, File 20-08-001,

Registrar). Without that evidentiary foundation, I cannot find Mr. Salame breached section 33(2)(f) of the MDA-Reg.

(d) Industry Complaint against Tymoore Salame

[35] I next turn to the industry complaint against Mr. Salame. The basis of that complaint is noted in paragraph 2(d) above, and the evidence is in the Investigation Report of Dan McGrath. Mr. Salame has not challenged that evidence.

[36] Acting as a salesperson while not licensed is an offence under the *Motor Dealer Act*: section 35(2). A dealer is prohibited from employing someone as a salesperson unless they are licensed, and its an offence to do so: sections 13.1 and 35(2) of the *Motor Dealer Act*. Mr. Salame committed an offence in British Columbia by acting as a salesperson while not licensed and caused the dealership to commit an offence. This conduct is also a breach of section 33(2)(i) of the *Motor Dealer Act Regulation*.

[37] The other noted and undisputed misconduct of Mr. Salame taking the \$3,000 consumer destined cheque and trying to convert it to his own use, convincing a consumer to e-Transfer money to Mr. Salame's own personal bank account, and obtaining \$3,990 from a dealer under false pretenses is acting without honesty and integrity contrary to section 33(2)(a) of the *Motor Dealer Act Regulation*.

(e) Using a dealer's credit card for personal use

[38] The allegation is that Mr. Salame used a dealer's credit card to pay for gas in his own personal vehicle. Mr. Salame initially tried to blame his brother for this. However, a manager of the dealer provided a statutory declaration that they watched the camera footage at the gas station and saw Mr. Salame and his brother. Again, Mr. Salame has not provided evidence to refute this.

[39] This type of conduct is contrary to section 33(2)(a) of the *Motor Dealer Act Regulation* as it is not acting with honesty and integrity.

VI. Decision

[40] Mr. Salame had his salesperson licence cancelled in Alberta for a scheme to not payout liens which harmed consumers. Mr. Salame tried to blame others for this conduct, but AMVIC found that Mr. Salame was responsible and that his conduct was deliberate. Mr. Salame's license was cancelled; a decision which was upheld on appeal. Mr. Salame left Alberta and came to British Columbia.

[41] The same pattern of misconduct that was before AMVIC has now occurred in British Columbia. Mr. Salame charged a consumer for a warranty that was not required, Mr. Salame offered to pay cash back to a consumer then tried to blame the dealer for not paying the cash back, and then there are the other similar transgressions where Mr. Salame tried to obtain or did obtain a benefit from others through some scheme.

[42] Mr. Salame's December 28, 2020 written submissions says he is no longer that person. There is no evidence to show that is the case. There is no evidence of rehabilitation or of a change in Mr. Salame's character or behaviour. There is nothing in Mr. Salame's submissions accepting any responsibility for his misconduct. In fact, he continues to say he is going to challenge AMVIC's decision. There is nothing to indicate Mr. Salame is willing to compensate the dealers who have compensated consumers for Mr. Salame's misconduct. Mr. Salame's submissions effectively say (paraphrasing) that there is no point in arguing against the allegations – no admission and no denial.

[43] Mr. Salame's conduct shows a disregard for the laws and rules that govern his salesperson licence. Mr. Salame acted as a salesperson without a licence – an offence. Mr. Salame shows a disregard for the impact of his actions on others, like the consumers already noted, but also the dealers who have employed him. This includes the discussed financial liability to consumers, the inappropriate use of the dealer's credit card and exposing dealer's to legal liability such as employing him as a salesperson when he was not appropriately licensed.

[44] In addition, Mr. Salame has an outstanding warrant for his arrest in Alberta on allegations of fraud related to \$75,000 involving CIBC. This alone is a concern to the public that needs to be addressed before Mr. Salame can even be considered for a licence.

[45] Adding conditions to Mr. Salame's licence would be of no utility. Conditions are put in place to protect the public and most often are conditions to abide by the law. Conditions on a licence are used when there is some confidence the licensee will abide by the law and the rules associated with the license. Mr. Salame's past conduct shows a disregard for abiding by rules and being accountable, and he has acted in a manner that has caused harm to consumers and to dealers. There is no evidence of rehabilitation or remorse to suggest that has changed.

[46] An administrative penalty is used to deter future misconduct. As with conditions on a licence, an administrative penalty is applied when there is some confidence the licensee will abide by the law and the rules associated with the license. Again, Mr. Salame's past conduct shows a disregard for abiding by rules and being accountable, and he has acted in a manner that has caused harm to consumers and to dealers. There is no evidence of rehabilitation or remorse to suggest that has changed.

[47] Of the recommended actions to take, the most appropriate in this case to protect the public from potential future harm is to cancel the salesperson licence of Tymore Farid Salame #210114, effective immediately, and is so ordered.

VII. Indefinite Ban

[48] The Authority recommends that Tymooore Farid Salame be permanently banned from being licensed as a salesperson. The Registrar does have authority to issue such a permanent ban.

- *Fryer, supra*.
- *Best Import Auto Ltd. v Motor Dealer Council of British Columbia*, 2018 BCSC 834 (BC Supreme Court) at paragraphs 60-61.

[49] In the case of *Fryer, supra*, Mr. Fryer had a 38-year criminal history and there was no evidence of remorse or of rehabilitation. Mr. Fryer was denied a licence and received a permanent ban on reapplying to be licensed in any capacity under the *Motor Dealer Act*. The BC Supreme Court affirmed that decision:

[32] I agree entirely with the Registrar's statement that "Mr. Fryer's criminal history spans 38 years and there is no indication Mr. Fryer has or will rehabilitate himself". I also agree with the respondent that Mr. Fryer's criminal record is sufficient on its own to uphold the opinion of the Registrar that it is not in the public interest to grant Mr. Fryer a license, and on that basis alone I dismiss the petition...

[50] In the case of *Best Import Auto Ltd. & Bahman Shokohi* (October 18, 2018, File 18-06-005, Registrar) I ordered a ten-year ban on Mr. Shokohi reapplying to be licensed in any capacity. In a previous decision, I found Mr. Shokohi had disobeyed lawful orders, allowed his dealership to sell unsafe vehicles when previously warned and ordered not to, and he attempted to mislead me during a hearing. There was no evidence of remorse or rehabilitation on the part of Mr. Shokohi. The conduct of concern occurred over a short period of time – about two years.

[51] In the case of *Re: Plosz* (October 22, 2019, File 19-05-004, Registrar), Mr. Plosz was denied a salesperson licence due to his past criminal record and because of current pending criminal charges, along with misconduct found by AMVIC when Mr. Plosz was a salesperson in Alberta. I order a three ban on Mr. Plosz re-applying to be licensed subject to the outstanding criminal charges having been addressed and the outcome known. Until the outstanding criminal charges were addressed, no application for a licence would be considered.

[52] It note the concept of rehabilitation and a second chance are subsumed in section 14 of the B.C. *Human Rights Code*. That provisions speaks about not denying a licence on various grounds including because there exists a criminal record. To permanently ban someone requires significant evidence of repeated misconduct with no evidence of remorse or of rehabilitation and that a permanent ban is necessary to protect the public and the Registrar's administrative process.

[53] While Mr. Salame's conduct is serious, repeated and without remorse or any evidence of rehabilitation, it currently does not rise to the level seen in the case of *Fryer, supra*. Mr. Salame's case is closer to that of Mr. Shokohi where the conduct

of concern was fairly recent without any evidence of remorse or rehabilitation. Mr. Salame's facts also have an element noted in *Re: Plosz*; that of the outstanding and unresolved criminal charges.

[54] I find it necessary to protect the public interest and the Registrar's process to issue a ban on Tymooore Farid Salame re-applying for any licence under the *Motor Dealer Act* for a period of 8 years. That 8-year ban also applies to Mr. Salame being in anyway involved with the operations of a motor dealer, including as an owner, shareholder, or a directing mind. That ban also applies to Mr. Salame seeking approval to be a wholesaler representative.

[55] That 8 years commences only after the outstanding criminal charges are resolved and the outcome known. Given Mr. Salame's proven past misconduct, and harm to consumers and motor dealers, sufficient time needs to pass to allow Mr. Salame time to build evidence of consistent good behaviour to demonstrate that he can be trusted in this industry with no risk to the public or to prospective employers.

[56] Whether Mr. Salame should be granted a licence in the future, should he apply for one, depends on an assessment of all the facts at that future date.

VIII. Costs

[57] The Authority seeks its investigation and hearing costs in this case. That is an appropriate order to make.

[58] The issue is the quantum of those costs. The Authority has 30 days from this decision's date to provide submissions and evidence on the amount of costs for my review. Those submissions can be sent electronically to hearings@mvsabc.com. The Authority must provide a copy of those submissions to Mr. Salame.

[59] Once Mr. Salame is served with any submissions and evidence from the Authority on costs, he will have 30 days to provide a response. Mr. Salame is to provide a copy of his response to the Authority. Submissions for my review can be sent electronically to hearings@mvsabc.com.

IX. Decision Summary

[60] I have found that the allegations advanced by the Authority have been proven on a balance of probabilities. The proven misconduct makes Mr. Salame unsuitable to be licensed as a salesperson.

[61] I have found that the active outstanding charges of fraud in Alberta alone would make Tymooore Farid Salame unsuitable for a salesperson licence until those charges are dealt with and the outcome known.

[62] I have canceled the salesperson licence of Tymooore Farid Salame #210114, effective immediately – as of this decisions date.

[63] I have banned Tymooore Farid Salame for a period of 8 years from the date the outstanding criminal charges have been addressed and the outcome known, from re-applying for any type of licence under the *Motor Dealer Act*; and from being involved in any way in the operations of a motor dealer including as an owner, shareholder or directing mind. The ban also applies to seeking approval to be a wholesaler representative.

[64] The Authority is entitled to its costs and has 30 days from this decisions date to provide written submissions as to the amount of those costs.

X. Review of Decision

[65] My revocation of Mr. Salame's licence and associated ban on re-applying may be reviewed by applying for reconsideration under sections 26.11 and 26.12 of the *Motor Dealer Act*. Such an application must be made in writing (electronic included) and be accompanied with the required new evidence as defined in those sections of the *Motor Dealer Act*. The Act requires such an application be made within 30 days of receipt of these reasons or notice of revocation. The application can be filed electronically to hearings@mvsabc.com or mailed to the Authority.

[66] This decision may also be reviewed by petitioning the B.C. Supreme Court for judicial review pursuant to the *Judicial Review Procedure Act*. Such a petition is to be filed with that Court within 60 days of this decisions date: section 7.1(t) of the *Motor Dealer Act*.

"Original is signed"

Ian Christman
Registrar of Motor Dealers