

Hearing of the Registrar under

The Motor Dealer Act

In the matter of

Arash Taheri (SP # 116910)

(Transcript of Proceedings)

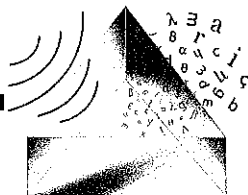
5455—152 Street

Surrey, BC

CANADA

November 10, 2010

APPEARANCES: (please see overleaf)



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ORIGINAL

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1 REGISTRAR: I will adjourn for 15 minutes. Let me look over this
2 and consider my decision.

3

4 [PROCEEDINGS RECESS]

5

6 REGISTRAR: We'll enter as Exhibit 3, an Undertaking and a
7 Promise to Appear provided Mr. Taheri.

8

9 [EXHIBIT 3: Undertaking and Promise to
10 Appear]

11

12 DENIS SAVIDAN: And for the record, those are photocopies of the
13 originals.

14 REGISTRAR: All right, this is an application by Mr. Arash Taheri
15 for license as a motor dealer salesperson, license
16 reference number 116910. An issue today is a concern
17 regarding a criminal record that came to light during
18 the application process.

19 I would note that this was not truly a true
20 criminal record, but Mr. Taheri is charged with one
21 count of possession of a controlled substance as well
22 as a Criminal Code charge for driving under the
23 influence. These are unproven allegations and, as
24 such, should not be considered a criminal record for
25 the purpose of Section 14 in the *Human Rights Code*.

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1 Under Section 6 of the Salesperson licensing
2 Regulation, the citation is B.C. Reg. 241/2004, I can
3 assess a person's conduct or an applicant's conduct
4 to see if their conduct or past conduct is concern for
5 the public interest in the future.

6 The Ontario Superior Court of Justice Divisional
7 Court in a case called *Prestige Toys Limited v Ontario*
8 (*Registrar of Motor Vehicle Dealers Act*) had the
9 occasion to define and give guidance on the term
10 conduct under that act, which is very similar to the
11 one in British Columbia.

12 At paragraph 34 of that decision, which is cited
13 at 2009 Carswell ONT 4743, the Court said:

14 In my view, the term "conduct"
15 Under Sections 5(1)(b) and (c)
16 of the *Motor Vehicle Dealer Act*
17 is broad enough to reasonably
18 support the conclusion that the
19 conduct of the Prestige's officer
20 and director was a basis upon
21 which to revoke the registration
22 of the car dealership. Conduct
23 does not require evidence of
24 deceit or even of willful blindness.
25 It encompasses any act or omission

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1 or course of behaviour that affords
2 reasonable grounds to believe that
3 the business will not be carried
4 on in accordance with law, honesty
5 and integrity.

6 In the decision of re. *Mafcan Motors Limited v.*
7 *Cheema* decision of the Registrar of Motor Dealers of
8 July 2nd, 2010, file number 10-017 and 018, and as well
9 as in Anwar Badshaw, file number 09-71010, decision
10 of the Registrar of Motor dealers. That definition
11 has been applied to the definition of conduct on the
12 salespersons licensing regulation of British
13 Columbia. The Registrar also noted in those
14 decisions that transparency is also an important part
15 of conduct, and that the transparency shown by an
16 applicant is important.

17 My concern here is, Mr. Taheri, not necessarily
18 the charges, because those are unproven allegations.
19 My concern here is that you have a failure to appear
20 in a breach of undertaking that was admitted to me.
21 Mr. Taheri has a warrant for his arrest for failing
22 to appear.

23 The Registrar needs to make orders which a
24 Registrar must comply with, and it is not the matters
25 of concern for the public interest, again past conduct

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1 can dictate future conduct. The question being with
2 Mr. Taheri to comply with the Registrar's order.

3 At this time I would say that the public interest
4 would not accept the issuance of a license to a person
5 with a warrant for his arrest. What has to happen is
6 the outstanding warrant must be dealt with before any
7 consideration of granting a license.

8 While the matter is before the Court, they are
9 just charges, and they will be looked at as just
10 charges. Mr. Taheri has informed me that he intends
11 to be in Toronto on December 25th to January 4th to
12 deal with these matters, which is only about six weeks
13 away.

14 I have options under the *Motor Dealer Act* and
15 Salesperson Licensing Regulations refuse
16 registration, but I'm not going to do that. What I'm
17 going to do instead is give Mr. Taheri some time to
18 deal with these outstanding issues, and I'm going to
19 hold the licensing process in abeyance for now.

20 I am going to allow Mr. Taheri to deal with his
21 issues, provide proof to the authority that he has
22 dealt with his outstanding warrant in Toronto, and
23 that he is going forward in dealing with it. It is
24 important for the public interest to know that a person
25 charged with a legal process in a legal process is

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1 abiding by that legal process.

2 So I'm not going to refuse your license today,
3 but I'm not going to issue you one either. What I'm
4 going to do is I'm going to adjourn your application
5 generally until you have provided some information,
6 and then the file can be brought back before me for
7 further consideration. That's my decision for today.
8 Thank you.

9

10 [ADJOURNED]

11

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14

REPORTER'S CERTIFICATE

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I, MANDY K. BAINS, Official Reporter in the
Province of British Columbia, Canada, BCSRA No. 557,
do hereby certify:

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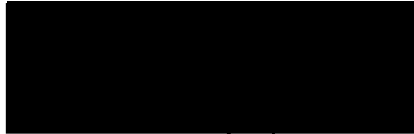
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That the proceedings were taken down by me in
shorthand at the time and place herein set forth and
thereafter transcribed, and the same is a true and
correct and complete transcript of said proceedings
to the best of my skill and ability.

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IN WITNESS WHEREOF, I have hereunto subscribed
by name and seal this 16th day of
December 2010.



per MANDY K. BAINS
Official Reporter