



**MOTOR VEHICLE SALES AUTHORITY OF BRITISH COLUMBIA**  
*(Previously known as the Motor Dealer Council of B.C.)*

**IN THE MATTER OF THE MOTOR DEALER ACT R.S.B.C. 1996 C. 316  
AND THE SALESPERSON LICENSING REGULATION B.C. REG. 241/2004**

**RE:**

**STEPHEN ALBERT IRONSIDE**  
**(Salesperson Application # 117643)**

**SALESPERSON**

**DECISION OF THE REGISTRAR OF MOTOR DEALERS**

<b>APPEARANCES</b>	
For the Authority:	Hong Wong, Manager of Licensing Denise Savidan, Manager of Compliance and Investigations Jaydon Rush, Licensing Officer Larry Barteski, Compliance Supervisor
For Stephen Albert Ironside	In person
Date and Place of Hearing:	March 30, 2011, Surrey, British Columbia

**INTRODUCTION**

1. This hearing was to review the salesperson licence application of Stephen Albert Ironside, Salesperson Licence Application # 117643, pursuant to sections 6 and 7 of the *Salesperson Licensing Regulation* B.C. Reg. 241/2004 (the "Regulation"). Of concern to the staff of the Motor Vehicle Sales Authority of British Columbia (the "Authority"), is Mr. Ironside's USA criminal conviction for telemarketing fraud (re-sale of lottery tickets). The Authority also raises as a concern the court decision in US District Court, Western District of Washington at Seattle, styled *Federal Trade Commission v. 627867 B.C. Ltd., DBA Newport Group*,

*et al* (Civil Action No. C03-3166Z, October 19, 2006) (“Stipulated Judgment”) whereby Mr. Stephen Ironside was alleged to have committed “deceptive acts and practices in connection with telemarketing foreign lottery tickets to U.S. consumers” in violation of U.S. Federal law.

2. Placed into evidence was the Notice of Hearing along with Mr. Stephen Ironside’s application materials, a Compliance Hearing Report of Larry Barteski, along with documents from the internet, and the Canadian Consul from Los Angeles supplied by Mr. Stephen Ironside. One item attached to the Compliance Hearing Report was a CD-ROM containing an auditory recoding of an interview of Mr. Stephen Ironside conducted by Larry Barteski and Kim Murphy, a licensing officer with the Authority (the “Interview”). Mr. Stephen Ironside requested I listen to that Interview, which I have. Also brought to my attention is *Attorney General of Canada, on behalf of the United States of America v. Ironside* 2005 BCSC 1587 (B.C. Supreme Court).

3. While I may not comment on all the evidence that was placed before me, I have reviewed all the evidence and given it due weight.

## **POSITIONS OF THE PARTIES**

### **(a) *The Authority***

4. The Authority’s position is straightforward. They have concerns about Mr. Stephen Ironside’s conviction and have brought this matter to my attention to determine if it is in the public interest to grant Mr. Stephen Ironside a salesperson licence, and if so, on what conditions, if any. I note the uncontroverted evidence before me is that Mr. Stephen Ironside, along with his brother, ran a lottery reselling business from Vancouver and that his customers were predominantly in the USA.

### **(b) *Mr. Stephen Ironside***

5. Mr. Stephen Ironside raised a few key points that require commenting.

6. First, he stated that a USA criminal conviction cannot be reviewed or considered by the Authority or by the Registrar when considering granting him a licence. He argues that the rules of evidence do not allow the admission of such evidence in Canada as a foreign criminal conviction does not amount to a Canadian criminal record. Therefore, he says, Parliament does not recognize such foreign convictions. He also states that this also leads to the fact that the Supreme Court of Canada is not allowed to consider foreign convictions nor can the B.C. Supreme Court and therefore a USA conviction is not admissible before me.

7. Mr. Stephen Ironside stated in the Interview that the Federal Justice Minister is superior to his counter-part in British Columbia and can over-rule the B.C. Minister. In the Interview he said this leads to the conclusion that as soon as he crossed back into Canada, he obtained a pardon – he said “What happens in L.A. stays there” (about 35 minutes and 45 seconds into the interview).

8. As support for this position, he provided Exhibit 6 which is two pages of what appears to be an 11-page pamphlet. He said he obtained it in about 2006 from a woman from the Canadian Consulate in L.A., California. Mr. Stephen Ironside has highlighted one sentence in it and extrapolated from that sentence the above view of the law. When asked if he had other legal authority, Mr. Stephen Ironside initially took the position that he was not a lawyer and that I could look it up. Eventually he did refer to the *Canada Evidence Act*.

9. Second, he focused on Mr. Larry Barteski’s investigation in this matter. He raised several instances of conduct or questions by Mr. Barteski that Mr. Stephen Ironside said show Mr. Barteski was biased against Mr. Stephen Ironside.

10. Third, Mr. Stephen Ironside noted the case of *Attorney General of Canada, on behalf of the United States of America v. Ironside* 2005 BCSC 1587 involved his brother Bruce Ironside and not himself. He noted that only his brother’s name is on the front cover and therefore I could not consider this case whatsoever.

11. Finally, and most notably towards the end of the Interview, as well as the end of the hearing, Mr. Stephen Ironside expressed his desire to be licensed as a

salesperson and why. He provided assurances and oral testimony of his good standing as a former registered motor dealer operating Ultimate Imports Inc. from the mid 1990's until about 2002. He noted what he has been doing since his return to Canada and his involvement as a father and what that means to him. While initially he would not accept a conditional licence (as noted in the Interview), he expressed an understanding and appreciation of why a conditional licence may be appropriate in the circumstances. He explained he wanted to work at a dealership where a manager would sign-off on all the deals he is involved with.

12. I would note that there is no allegation here that Mr. Stephen Ironside falsified his application materials. It is clear he feels the Authority is not entitled to review his USA criminal conviction for the above stated reasons. His Interview indicates he feels the issuance of a salesperson licence should almost be automatic.

## **THE LAW**

13. I reviewed the applicable law in *Re: Bruce Ironside* being released at the same time as this decision. For ease I will reproduce the salient provisions and principles here. Reference can be made to the following Registrar decisions and the statutory and case law authority noted within each:

*Re: Badshah* (September 24, 2010, File No. 09-71010, Registrar of Motor Dealers)<sup>1</sup>;

*Re: Bassett* (December 9, 2009, File No. 09-108822, Registrar of Motor Dealers);<sup>2</sup>

*Re: Mafcan Motors Ltd. & Cheema* (July 2, 2010, File 10-017 and 10-018, Registrar of Motor Dealers);<sup>3</sup> and

*Re: Parkwood Auto Sales Ltd. et al* (August 6, 2010, File No.'s 07-70285A/07-70263A/08-70631A/08-70997A, Registrar of Motor Dealer's)<sup>4</sup>.

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<sup>1</sup> *Re: Badshah* <http://www.mvsabc.com/decisions/File%2009-71010Badshah-License-FinalDecisionSeptember24-2010.pdf>

<sup>2</sup> *Re: Bassett* <http://www.mvsabc.com/decisions/File09-108822%20HearingDecisionBrianBassettDecember22009.pdf>

<sup>3</sup> *Mafcan & Cheema* <http://www.mvsabc.com/decisions/Mafcan-CheemaRegistrarsDecisionJuly22010.pdf>

<sup>4</sup> *Parkwood et al* <http://www.mvsabc.com/decisions/ReParkwoodAutoSalesLtdetalAugust62010.pdf>

14. In summary:

- (a) One purpose of licensing is to provide an opportunity to review a person and determine if the person poses a risk to the public interest if that person was allowed to participate in a particular industry. This is accomplished by reviewing past conduct as a predictor of future conduct. The goal is to protect those who may interact with the applicant from potential future harm: *Parkwood* paragraphs 16-18 and *Re: Badshah* paragraphs 20-22. Therefore, accurate and timely information from an applicant is essential: *Re: Badshah* paragraphs 16-17.
- (b) A person's individual circumstances must be assessed and their desire to work in a particular industry considered against the public interest of protecting persons from future harm; with that public interest being the paramount concern: *Re: Bassett* paragraph 17 and *Re: Badshah* paragraph 22.
- (c) Where conduct being reviewed includes a criminal record, the criminal record must be related to the licence being sought in order to refuse to issue a licence on that basis: Section 14 of the *Human Rights Code* R.S.B.C. 1996 c. 210; *Re: Bassett* paragraphs 14-15 and *Re: Badshah* paragraphs 18-19.
- (d) Conduct does not require evidence of deceit or even of willful blindness. It encompasses any act or omission or course of behaviour that affords reasonable grounds to believe the business or salesperson's conduct will not be carried out in accordance with law, honesty and integrity or the person may not be transparent with his/her regulator as required by the law: *Re: Badshah* paragraph 17 and *Parkwood* paragraphs 10-15.
- (e) Further, the evidence may show that a person's conduct makes them ungovernable in that the regulator cannot be reasonably assured the person will abide by the law or the lawful directions of its regulator, or will cooperate with a lawful investigation by its regulator: *Evans v. The Society of Notaries Public of British Columbia*, 2010 BCSC 1232 (B.C. Supreme Court).

I note that Mr. Stephen Ironside contests the applicability of paragraph 14(c) as he does not believe his USA criminal conviction is admissible before or reviewable by the Registrar.

15. Motor dealers, who interact with purchasing consumers through their sales staff, have certain declaratory requirements imposed on them under the *Motor Dealer Act* and its regulations. Sales staff can and do make some if not all of those declarations/representations to consumers. Also of importance is that the deceptive (misrepresentations) and unconscionable act or practice provisions of the *Business*

*Practices and Consumer Protection Act* S.B.C. 2004 c. 2 are applicable to motor dealers and their sales staff, and the Registrar of Motor Dealers has authority to administer and enforce those provisions within this industry: section 8.1 of the *Motor Dealer Act* and section 29 of the *Motor Dealer Act Regulation*.

16. I note that a US criminal conviction may be admitted into a proceeding in BC by virtue of either section 15 of the BC *Evidence Act* R.S.B.C. 1996 c. 124 or section 12 of the *Canada Evidence Act* R.S.C. 1985 c. C-5, depending on the nature of the proceeding: *R v. Clark* 1977 CarswellBC 221 (B.C. Court of Appeal) at paragraphs 4-5:

4 I interpolate at this point that counsel for the appellant submitted that that was error and that it is not permitted to ask the general question, "Were you convicted of any offences while in the United States?"

5 In my opinion, that general question is permitted by the section...

17. The Supreme Court of Canada has recognized that, since at least 1893, the purpose and utility of the admission of prior criminal convictions into evidence is to aid in the assessment of a person's credibility: *R. v. Corbett* [1988] 1 S.C.R. 670 (Supreme Court of Canada). The underlying principles of section 12 of the *Canada Evidence Act* and section 15 of the *Evidence Act* of B.C. are virtually the same: *Fast Trac Bobcat & Excavating Service v. Riverfront Corporate Centre Ltd.* 2009 BCSC 268 (B.C. Supreme Court) at paragraphs 17-18. The court in *Fast Trac* noted at paragraph 19:

19 Crimes of deceit and fraud, for example, are universally regarded as reflecting adversely on a person's honesty and integrity, whereas crimes of violence may not have a direct bearing on honesty. In a recent article, Peter Sankoff, "*Corbett*, Crimes of Dishonesty and the Credible Contest: Challenging the Accepted Wisdom on what makes a Prior Conviction Probative" (2006) 10 Can. Crim. L. Rev. 215, the author reviewed 150 recent cases where a counsel sought to cross-examine a witness on a prior conviction characterized as a "crime of dishonesty" and in only four cases was it excluded, illustrating the high probative value of crimes of dishonesty on a witness's credibility.

18. Section 26 of BC's *Evidence Act* and section 23 of the *Canada Evidence Act* also allow a record of proceeding from "a court of record of the United States" to be introduced into a proceeding in British Columbia.

19. I would finally note that, in the present context, sections 6 and 8 of the *Salesperson Licensing Regulation* allow me to consider “conduct” and require information of an applicant in order to consider whether that conduct is of such concern that it is not in the public interest for the applicant to be licensed. That Regulation places no temporal, geographical or contextual boundaries on the “conduct” that may be reviewed. I must certainly be careful in cases where conduct found wrongful in one jurisdiction is normal, acceptable or lawful in Canada. I also need to ensure that conduct is somehow related to the seeking and obtaining a salesperson licence in this industry.

20. However, a person who acts contrary to the laws of another jurisdiction (even if they are not a wrong in Canada) may be showing a willingness to disrespect valid laws within a jurisdiction they have chosen to enter. Either because he does not agree with them or because he feels he need not make himself aware of them. It is also possible that he may be ignorant of the law, but it would be his duty to inform himself of the laws in place within a foreign jurisdiction in which he conducts himself. Especially if he intends to conduct business within a foreign jurisdiction. This type of “attitude” conduct is also of concern and reviewable when considering the granting of a licence – governability: *Evans, supra*.

21. A salesperson interacts with customers and they try to sell them a product – in this case a motor vehicle. Today, a motor vehicle is probably the second most expensive purchase for a consumer which can tie them financially to that asset for several years. For others, it will be the most expensive purchase in their life-time. There is a significant amount of trust placed in a salesperson by the buying consumer to deliver them a good product. Consumers also look to a salesperson to provide them with accurate information about that product so the consumer may make informed decisions. A licensee needs to demonstrate that they can be trusted within the motor vehicle sales industry as the cost of the potential harm is significant both monetarily and physically: *Re: Parkwood*.

## DISCUSSION

### (a) *Ability to Review a USA Conviction*

22. Mr. Stephen Ironside's position on this point centers on one sentence on page 10 (of the pamphlet) in Exhibit 6. However, the remainder of the text on that page provides a better contextual basis for its interpretation. I set it out here:

It is important to note that a foreign conviction will not constitute a criminal record in Canada. As Canadian law and policy do not make reference to withdrawal of consent before the transfer has been concluded, the Government of Canada does not object to a prisoner deciding to abandon a transfer request in progress. This is not necessarily the case in all sentencing countries, as a number of governments determine the process to be irreversible at a certain stage. It is important to be fully aware of the sentencing country's policies regarding transfer requests before submitting an application.

**An application for transfer can be submitted only after you have been convicted and sentenced. Furthermore, all appeals concerning your conviction and sentence must be exhausted, or the prescribed time for appeal must have expired. In addition, at least six months must remain on your sentence at the time of submitting your request for transfer.** [bolding is in the original]

23. The underlined one sentence is what Mr. Stephen Ironside highlighted and relied on to say Parliament does not recognize foreign convictions and the Supreme Court of Canada or a B.C. court therefore cannot consider a foreign criminal conviction.

24. The one sentence does not support Mr. Stephen Ironside's position. That sentence says a foreign conviction will not constitute a criminal record in Canada. It does not say anything about Parliament not recognizing a foreign conviction or will not allow the entry of a foreign conviction in Canadian courts.

25. The remainder of the text makes clear that because it is not a Canadian criminal record, Canada does not object to a person withdrawing an application for a transfer to Canada by a prisoner currently in a foreign jurisdiction (ostensibly to serve out the remainder of his time in a Canadian correction facility). An applicant for a transfer needs to make themselves aware of the foreign ("sentencing")



countries rules for prisoner transfers as it is that countries criminal record and their rules will determine whether a request for transfer can be withdrawn.

26. As I have noted above, sections 15 and 26 of the B.C. *Evidence Act* and sections 12 and 23 of the *Canada Evidence Act* do allow the admission of a USA conviction or a USA court record into a proceeding in B.C. Where a BC court decision is on appeal to the Supreme Court of Canada, that Court would be bound by these Acts as well.

27. Parliament does recognize foreign offences for certain purposes. For instance see the *Immigration and Refugee Protection Act* S.C. 2001, c. 27 and *Immigration and Refugee Protection Regulations* SOR/2002-227. I note Mr. Stephen Ironside said I should do my own legal research on this point.

28. It is clear from Mr. Stephen Ironside's testimony on this point, that he has taken this one sentence from Exhibit 6 completely out of context. He has spun a legal position from it to attempt to shield himself from scrutiny by the Authority and the Registrar of this particular past conduct. I note Mr. Stephen Ironside stated several times at the hearing that he has spoken to a lawyer and received legal counsel in preparation for this hearing.

29. As I noted above, the *Salesperson Licensing Regulation*, requires that I assess an applicant's conduct to see whether it is in the public interest that they be licensed. I specifically note section 8 of that Regulation:

8 The authority may make inquiries and require information and records the authority considers appropriate or necessary to decide whether or not to issue, cancel or suspend a licence.

30. I am satisfied that the US telemarketing fraud conviction (as Mr. Stephen Ironside declared it on his application) is related to the occupation of being a salesperson. Committing fraud is contrary to section 380 of the Canadian *Criminal Code* and involves deceit. Deceitful conduct is an issue that the Registrar has authority to enforce within this industry by virtue of sections 4 and 5 of the *Business Practices and Consumer Protection Act* S.B.C. 2004 c. 2; section 8.1 of the

*Motor Dealer Act* and section 29 of the *Motor Dealer Act Regulation*. I find it would be in the public interest that I consider Mr. Stephen Ironside's USA conviction and that I am permitted to do so.

**(b) *The Stipulated Judgment and Extradition Proceedings***

31. As I noted in *Re: Bruce Ironside*, one must be careful in relying on a decision of the BC Supreme Court on an order of committal for extradition as in the *Bruce Ironside* case 2005 BCSC 1587. The allegations stated and the evidence tendered are generally unproven in such a proceeding. I place little weight on this decision as it does not pertain to Mr. Stephen Ironside, and second, they are unproven allegations. It does provide some background to the issues before me and I note that Mr. Stephen Ironside faced the same allegations as did his brother Bruce Ironside: see paragraph 9 of the *Bruce Ironside* case 2005 BCSC 1587.

32. As in *Re: Bruce Ironside*, I place little weight on the Stipulated Judgment for the same reasons stated in the *Re: Bruce Ironside* decision. Again, the Stipulated Judgment does provide some context and history to this matter.

**(c) *Allegations of Bias Against Mr. Barteski***

33. After reviewing all the evidence including the Interview, I do not find bias on the part of Mr. Barteski. I will take each allegation in turn.

34. At the outset, I would note that the belief in bias comes from Mr. Stephen Ironside's own views. The test for bias is an objective one and the subjective views of the party raising a claim of bias are not part of the test: *Makowsky v. John Doe*, 2007 BCSC 1231 at paragraph 22 (B.C. Supreme Court), affirmed by 2008 BCCA 112 (B.C. Court of Appeal) and see *British Columbia (Attorney General) v. Lindsay* 2009 BCCA 159 (B.C. Court of Appeal) at paragraph 10. I need to look at the evidence advanced by Mr. Stephen Ironside on these claims of bias and apply the applicable test for bias: *R. v. S.(R.D.)* [1997] 3 S.C.R. 484, 1997 CarswellNS 301 (Supreme Court of Canada) at paragraph 111.

35. Mr. Stephen Ironside said Mr. Barteski threw his business card back at him at the interview. Mr. Barteski said he cannot recall exactly what happened but said he probably just slid it back to him on the table. To Mr. Stephen Ironside, Mr. Barteski should have returned it hand-to-hand. I reviewed the Interview. I note Mr. Barteski and Ms. Kim Murphy saying "we already have a card" and that they do not need another one. The tone was cordial and pleasant and Mr. Stephen Ironside did not indicate concern at the Interview. I find nothing untoward occurred in this incident.

36. Next, Mr. Stephen Ironside points out that Mr. Barteski entered the two court judgments into evidence, but did not explain their entirety to the Registrar, only quoting a few passages which Mr. Barteski thought important. He claims this shows pre-judgment on Mr. Barteski's part. Mr. Barteski noted that he supplied the entirety of these judgments to the Registrar, so the Registrar could review them for himself. Mr. Barteski also noted something similar in the Interview with Mr. Stephen Ironside and that what is the correct law to apply will be for the Registrar to decide.

37. Mr. Stephen Ironside asked Mr. Barteski what experience Mr. Barteski had in the "auto industry." Mr. Barteski explained his experience in terms of repairing cars, his relations with people in the industry (prior to being a compliance officer) and being a spokesperson at an auto event presenting the new model year of Infiniti motor vehicle. Mr. Stephen Ironside took this negatively as if Mr. Barteski was trying to mislead the hearing. Mr. Stephen Ironside then rephrased his question and asked specifically if he had sales experience and Mr. Barteski said no. I find Mr. Barteski was simply answering Mr. Stephen Ironside's questions as asked and nothing nefarious arises from this line of questioning.

38. Mr. Stephen Ironside noted Mr. Barteski did some research on the internet and found documents about Mr. Stephen Ironside which were presented into evidence. These were news articles about Mr. Stephen Ironside's court involvement in Canada and his involvement in the USA criminal conviction. Mr. Stephen Ironside produced a document he says he pulled off the internet about his speaking to the Vancouver School Board regarding the recent budget shortfall. Mr. Stephen Ironside infers Mr. Barteski should have provided that document to the hearing as well. I find

nothing nefarious about this set of facts on the part of Mr. Barteski. Mr. Stephen Ironside was most capable of providing to this hearing what he believes is relevant evidence about his personal life.

39. Mr. Stephen Ironside also noted that Mr. Barteski did not bring into evidence the fact that Mr. Stephen Ironside owned and operated a motor dealership for about 10 years – Ultimate Imports Inc.. I note from Exhibit 2 at the hearing (Application for a salesperson licence) that Mr. Stephen Ironside’s business card from Ultimate Imports Inc. is part of the application package and is in the evidence before me. Mr. Stephen Ironside of course provided that application material himself.

40. Further, Mr. Stephen Ironside noted that Ultimate Imports Inc. came up on the internet when you did a Google search of his name. He noted Mr. Barteski did not bring this to my attention and asked that the Google search be entered as an exhibit at the hearing – Exhibit 4. I note that Exhibit 4 really provides no more information than the business card which the Authority entered as part of Exhibit 2.

41. I note from the Interview that Ms. Kim Murphy said Mr. Stephen Ironside’s operation of a motor dealership would be a consideration, but also noted that salespersons were not licensed when Mr. Stephen Ironside operated Ultimate Imports Inc. Ms. Murphy was unavailable to provide evidence at the hearing and Mr. Stephen Ironside stated he did not require an adjournment so that Ms. Murphy could be called to give evidence at the hearing.

42. I asked Mr. Hong Wong about Ultimate Imports Ltd. and he did provide evidence that Ultimate Imports operated for about 10 years. He noted no concerns in the Ultimate Import file except one letter noting Mr. Stephen Ironside was under investigation for fraud. In the end, Mr. Stephen Ironside was able to bring his experience and past conduct as a motor dealer to my attention for my consideration.

43. Paragraph 14 of Mr. Barteski’s Compliance Hearing Report says it is his responsibility to bring to the Registrar’s attention “issues of grave concerns as this salesperson application by Stephen Albert Ironside.” Mr. Stephen Ironside went on

to describe that the criminal conviction in the USA was not of grave concern and highlighted what Mr. Stephen Ironside believed would be a grave concern, someone working at a daycare with a criminal record. Mr. Stephen Ironside simply alleged Mr. Barteski was trying to steer my decision, however, Mr. Ironside never finalized his questioning on this point.

44. Mr. Barteski, Mr. Rush and Ms. Murphy investigated this matter and were not deciding whether or not Mr. Stephen Ironside should be granted a licence. His ownership of Ultimate Imports Inc. was in the evidence submitted by the Authority for my review and Mr. Stephen Ironside was in a position to expound on that experience. I note in the Interview that Mr. Barteski specifically noted that he was simply going through a questionnaire and his report would go to the Manager of Licensing (Hong Wong) who would decide if a hearing before the Registrar was needed.

45. Even if it can be said there was an apprehension of bias on the part of the investigating team, which I do not find on the points raised above, it would have been cured by Mr. Stephen Ironside's ability to provide evidence to me at this hearing: *Histed v. Law Society of Manitoba* [2006] 10 W.W.R. 624 (Manitoba court of Appeal), leave to appeal to the Supreme Court of Canada refused, 369 N.R. 396 (note), 276 DLR (4<sup>th</sup>) vii (SCC File No. 31695, April 12, 2007).

**(d) Mr. Stephen Ironside's Conduct During the Hearing**

46. At the very beginning of the hearing, Mr. Stephen Ironside asked if he could stand when he spoke. I said that was fine. Without prompting, or asking for an explanation as to why he needed to stand, Mr. Stephen Ironside provided one (page 1 of the Transcript of Proceedings of March 30, 2011):

- 9 MR. IRONSIDE: Certainly, I appreciate that. Is it  
10 feasible during the actual - - the discourse on my  
11 behalf that I can actually stand?  
12 THE REGISTRAR: If you wish?  
13 MR. IRONSIDE: Thank you very much, yeah.

14 THE REGISTRAR: No problem.  
15 MR. IRONSIDE: Just due to weight-lifting here, I was  
16 doing about a thousand-pound squat the other day,  
17 and I really had to - - hurts my back. Thank you.

47. There was really no reason to explain why he needed to stand, but Mr. Stephen Ironside felt he had to advise those at the hearing about his weight-lifting.

48. Then there was the below interaction with Mr. Barteski as noted at page 68 of the Transcript of Proceedings. Mr. Stephen Ironside asked Mr. Barteski about the Authority's accountability:

14 MR. IRONSIDE: Right. Right. You're well aware of  
15 the fact it's an administrative authority, and I  
16 just pulled this right off the MVSA's website  
17 here, of the Provincial Government and at the end  
18 the day it's the Premiere of the province that  
19 has to answer to the MVSA since it's under the  
20 auspices of the PSSG which is under the Premier?  
21 You're aware of that and the media attention this  
22 could attain down the road if things go sideways  
23 for the MVSA?

49. During the hearing, Mr. Ironside noted that this matter was next going to the Supreme Court: Transcript of Proceedings, page 64. I had not made any decision in this matter and we were approximately halfway through the hearing. There was no need for this comment at this juncture or any juncture of the proceedings.

50. As I already noted, Mr. Stephen Ironside strenuously stated that Parliament does not recognize a foreign conviction and that the Federal Minister of Justice can override his provincial counterpart. He tried to make clear that in his view Ottawa or Parliament was the highest legislative authority in Canada. He also did so in the Interview. Mr. Stephen Ironside clearly was inferring at the hearing and the

Interview that the Authority would be held to account to Ottawa if the hearing went the wrong way.

51. Mr. Stephen Ironside also stated that the Supreme Court of Canada would not be allowed to look at the USA criminal conviction. Mr. Stephen Ironside was clearly inferring that if the Supreme Court of Canada cannot look at a foreign criminal conviction, then of course, neither can any other court or administrative tribunal such as the Registrar.

52. Overall, the above specific examples taken together, plus Mr. Stephen Ironside's conduct during the entirety of the hearing clearly came across as an attempt to intimidate the process. Looking at these examples he tried to utilize his physical presence, political pressure and political embarrassment, potential further judicial process and the judicial superiority of the Supreme Court of Canada (wholly unsupportable as expressed) to try and influence the exercise of my discretion.

**(e) Provision of Information**

53. Mr. Stephen Ironside also refused to provide a residential address on his application materials and only provided a mailing address. He noted at the Interview as well as during the hearing that he needs to protect his children by not revealing his residential address to the Authority. The Authority is bound to keep confidential this type of information. If the Authority needed to locate Mr. Stephen Ironside in the future as a licensee for any reason, it may have difficulty in doing so.

**(f) After Conviction Conduct of Mr. Stephen Ironside**

54. Mr. Stephen Ironside was well aware of section 14 of the *Human Rights Code* R.S.B.C. 1996 c. 210 along with the court decisions of *B.C. Council of Licensed Practical Nurses v. Mans & Humphreys v. B.C. Council of Human Rights* 1993 CanLII 1501 (B.C. Court of Appeal) and of *Woodward Stores (British Columbia) Ltd. V. McCartney* 1983 CanLII 444 (B.C. Supreme Court). The *Woodward Stores* case provides guidance on the type of useful evidence to indicate a person has rehabilitated themselves after a conviction. Even if the *Human Rights Code* or these two decisions are not applicable in this matter, knowing what Mr. Stephen Ironside

has done since his release from incarceration is helpful in determining whether or not he is a future risk to the public interest.

55. Mr. Stephen Ironside declined to provide the type of evidence noted in *Woodward Stores* when asked. His view being his USA criminal record is not reviewable by the Authority. However, he has provided some evidence during the hearing and in the Interview to allow me to know what has occurred since his release from incarceration.

56. During the hearing and the Interview, Mr. Stephen Ironside maintained the only reason he was convicted was because in the USA they tax lottery winnings while they do not in Canada. Mr. Stephen Ironside said he made a mistake but inferred it was not really his doing. He noted that some of his staff may have been over zealous in representing the lotteries, but not himself. He ultimately said he was to blame being the owner of the business.

## **DISPOSITION**

57. Mr. Stephen Ironside was convicted (pled guilty) to a crime involving deceit. This is a concern to the public interest especially given the amount of money involved when consumers purchase motor vehicles. Also, all motor dealers in B.C. pay into a Compensation Fund<sup>5</sup> available to consumers if a motor dealer acts dishonestly in a transaction causing a loss to the consumer. Part of my consideration is the potential harm a salesperson may cause resulting in a payment out of that Fund – which means a consumer has suffered a loss. Motor dealers can be part of the public interest consideration in a licensing decision.

58. Mr. Stephen Ironside has provided little evidence of his rehabilitation since being released. I have some evidence of his life since release from incarceration. I note he was released sometime in 2008 and I have no evidence of any wrongdoing by him since. He stated he has worked mostly at his two business ventures but they currently do not meet his financial needs. He stated he expects to work only part-time as a salesperson. I also note Mr. Stephen Ironside's evidence about his

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<sup>5</sup> *Motor Dealer Customer Compensation Fund Regulation* B.C. Reg. 102/95.



involvement as a parent with the Vancouver School Board. I also note his evidence about his history in the motor vehicle sales industry as he has described it.

59. I would distinguish Mr. Stephen Ironside from *Re: Badshah* and *Re: Basset*. It does not appear Mr. Stephen Ironside falsified his application materials regarding his USA criminal conviction. Although he admitted to not providing his residential address on the application during the Interview. I find Mr. Stephen Ironside has accepted his role in the convictions, however, he is minimizing that role as, according to him, the issues really related to taxation of lottery winnings or due to over zealous staff.

60. Unlike *Re: Badshah* and *Re: Basset*, I find Mr. Stephen Ironside has attempted to intimidate the process before me in order that I exercise my discretion in a particular way.

61. I find Stephen Ironside's legal position about the reviewability and admissibility of his USA criminal conviction is wholly unsupportable. This position is advanced after he said several times during the course of the hearing to having consulted a lawyer in preparation for the hearing. I find he has taken this position in order to try and keep the Authority and the Registrar from making due inquiries of Mr. Stephen Ironside's past USA criminal conviction. He latched onto the one sentence in Exhibit 6 as his justification in doing so.

62. On all the evidence, I find Stephen Ironside would be difficult indeed to regulate if granted a licence, something also contrary to the public interest: *Evans*. To what extent will he cooperate in the future by providing information necessary for the Authority and the Registrar to properly carry out their mandate?

63. Mr. Stephen Ironside would have to apply for renewal of his licence each year if granted one. That renewal application asks a licensee to re-declare if they have any convictions, committed any offences, or are under investigation for same, either in Canada or another jurisdiction. What would be Mr. Stephen Ironside's interpretation of these questions? Would he answer them truthfully or place his own spin on how to answer them? I note Mr. Stephen Ironside's willingness to withhold

his residential address. Mr. Stephen Ironside also took one sentence from a pamphlet and spun a legal position that was wholly unsupportable in law to try and prevent my consideration of his USA criminal record. He said it was inadmissible. What would he think is inadmissible in the future justifying him to withhold information from his regulator?

64. Given all the above, I believe it is in the public interest that I refuse to grant Stephen Ironside a salesperson licence. Mr. Stephen Ironside needs more time to show he can be trusted: (1) as a salesperson interacting with consumers, (2) to provide accurate, timely and complete information to his regulator; and (3) not to try and intimidate the regulatory process in order to achieve what he wants.

65. I find on all the above evidence, that I should protect the Registrar's process and the public interest by setting a wait time in which Mr. Stephen Ironside can re-apply for a licence or a motor dealer registration.

66. In determining the amount of time, I take note of Mr. Stephen Ironside's attempt to intimidate the exercise of my discretion. I note his willingness to withhold information from the Registrar – residential address – and his spin on the law to prevent my review of his USA criminal record. As I stated in *Re: Bruce Ironside*, accurate and timely information is the currency of regulators necessary for them to properly carry out their mandate. I also note my concern that it would be very difficult to regulate Mr. Stephen Ironside. I therefore will not accept an application for a salesperson licence from Stephen Ironside for a period of three years from the date of today's decision: *Pugliese v. B.C. (Registrar of Mortgage Brokers)* 2008 BCCA 130 (B.C. Court of Appeal). I would also note that I would require Mr. Stephen Ironside to be a salesperson in good standing for a further two years after being licensed as a salesperson, before I would consider an application from him as a registered motor dealer. This will allow Mr. Stephen Ironside some time to build a satisfactory professional history within this industry, which is directly under the jurisdiction of the Registrar to review.

67. In setting these time frames I have considered the decisions of *Re: Badshah*, *Re: Bassett*, *Re: Parkwood*, *Re: Mafcan Motors Ltd. & Cheema* and *Roberts et al v.*

*Matrix et al* (May 4, 2011: File 09-70100 & 09-70695, Decision of the Registrar of Motor Dealers) although none of these dealt with the issue of trying to intimidate the regulatory process.

68. Whether a licence or a registration will issue to Mr. Stephen Ironside at any future date will depend on the facts and Mr. Stephen Ironside's conduct at that future date.

Dated May 27, 2011



Ian Christman, LL.B.