

**HEARING OF THE REGISTRAR  
UNDER THE *MOTOR DEALER ACT***

**In the Matter of**

**DAVID MACRAE**

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**Motor Vehicle Sales Authority of B.C.  
208 - 5455 152nd Street  
Surrey, B.C. V3S 5A5**

**April 4, 2013**

**DECISION**

**IN ATTENDANCE:**

Ian Christman  
Hong Wong  
Kimberly Murphy

Registrar  
Manager, Compliance and Investigation  
Compliance Officer

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Hearing under the *Motor Dealer Act*  
Decision re: David MacRae

1 Surrey, B.C.

2 April 4, 2013

3 REGISTRAR: I will give an oral decision here. First  
4 off, as a preliminary matter, I note that Mr.  
5 MacRae was served by registered mail. It was  
6 mailed out and accepted by Canada Post on March  
7 5th of this year in accordance with s. 30(1) of  
8 the *Motor Dealer Act*. In accordance with s.  
9 30(2) of that Act, service is deemed to have been  
10 made on the third day, being March 8th of this  
11 year.

12 Mr. MacRae is not in attendance. I also have  
13 the evidence from Ms. Murphy that she spoke to  
14 him about this hearing, and he did not indicate  
15 he would be here or would attend or participate  
16 in any way.

17 Under s. 7(e) of the Salesperson Licensing  
18 Regulation, I may continue with the hearing in  
19 the absence of a licensee, and I have chosen to  
20 do so.

21 Based on the evidence that there is an  
22 outstanding warrant for the arrest of Mr. MacRae  
23 in Alberta, the fact that Mr. MacRae has chosen  
24 not to abide by the lawful order of the Registrar  
25 to appear at this hearing to review his licence,

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1 I am concerned that Mr. MacRae's continued  
2 licence as a salesperson is not in the public  
3 interest. It is a concern because it shows a  
4 disregard for following legal processes, for  
5 abiding by legal processes, and to answer to  
6 lawful orders regarding Mr. MacRae's conduct.

7 I note that Mr. MacRae was given a decision  
8 -- or was attempted to be given a decision of the  
9 Registrar as dated November 10th, 2010, *Arash*  
10 *Taheri*. In that decision I noted that it is  
11 important for any person to be licensed so show a  
12 willingness and requirement to deal with any  
13 legal processes they are engaged in, especially  
14 criminal matters, so that we, the public, can  
15 know that they will abide by the law and so that  
16 we can properly assess whether Mr. MacRae, in  
17 this case, has been guilty of the charges laid.

18 In this particular case I find that Mr.  
19 MacRae is avoiding service, is avoiding legal  
20 processes, both in the Alberta courts and before  
21 the Registrar, and that it is not in the public  
22 interest that he be continued to be licensed as a  
23 salesperson. I, therefore, order his salesperson  
24 licence cancelled effective immediately.

25 Is there anything further, Mr. Wong?

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1 MR. WONG: No, sir.

2 REGISTRAR: If there is nothing more, we will conclude  
3 the hearing.

4 MR. WONG: Thank you, Mr. Registrar.

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6 (DECISION CONCLUDED)

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