

**MOTOR VEHICLE SALES AUTHORITY  
OF BRITISH COLUMBIA**

**INVESTIGATION FILE  
NO. 13-70156**

**KAMLOOPS, B.C.  
June 10, 2013**

**IN THE MATTER OF DEALER PRINCIPAL,  
SALESPERSON ROBERT KEITH TAYLOR #105717**

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**DECISION**

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**KAMLOOPS REPORTING SERVICES  
250-828-1077**

**ORIGINAL**



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**VSA:  
IAN CHRISTMAN  
DARYL DUNN  
RON SHAREIN**

**THE REGISTRAR  
MANAGER OF COMPLIANCE & INVESTIGATIONS  
COMPLIANCE OFFICER**

**KEVIN A. WALKER, ESQ.**

**APPEARING FOR ROBERT KEITH TAYLOR**

**KAMLOOPS REPORTING SERVICES  
250-828-1077**

1 THE REGISTRAR: Oral Reasons for Decision in the matter  
2 regarding Robert Taylor, Salesperson Licence  
3 No. 105717.

4 Allegations brought before me were that  
5 Mr. Robert Taylor borrowed money from three  
6 persons: One Scott Dalke for the sum of \$1,200;  
7 Dana St. Croix and Marilyn Connor in the amount of  
8 \$1500; and Edward and Kitty Adams in the amount of  
9 \$3,200.

10 The basis of the allegations, as I understand  
11 Mr. Dunn, is that Mr. Taylor would have used  
12 access to his dealership records and his position  
13 as a salesperson to obtain information in which to  
14 contact these persons and solicit their loans.

15 I note on the record right now that the onus  
16 of proof is on the Authority that Mr. Taylor did  
17 do so.

18 Based on the evidence presented in regards to  
19 the allegation regarding Mr. Ed Adams and  
20 Kitty Adams, I accept the evidence from Ms. Adams  
21 and from Mr. Taylor that Mr. Taylor and Mr. Ed Adams  
22 were long time friends, that Mr. Taylor would have  
23 had access to Mr. Adams' personal information  
24 regardless of his position as a salesperson. And  
25 while I note that there is a business card showing

1 an IOU in Mr. Taylor's business card from  
2 Butler RV, that in and of itself is not enough to  
3 say that Mr. Taylor obtained the contact  
4 information of Mr. Adams through his salesperson  
5 licence and at the dealership.

6 On this particular allegation I do not find  
7 that the Authority has proven its case on the  
8 balance of probabilities and I dismiss that  
9 allegation.

10 In regards to Mr. Scott Dalke, the evidence  
11 was from Mr. Dalke that Mr. Taylor and he had  
12 known each other since 2009-10 on a prior matter,  
13 a purchase, that they were loose, as say  
14 Mr. Dalke's terms, loose acquaintances, loose  
15 friends, but indeed they knew each other.  
16 Mr. Dalke also professed that the phone call he  
17 got regarding the loan from Mr. Taylor came on his  
18 business cell phone and that his business phone  
19 number would have been plastered all over his van  
20 so it cannot necessarily be said it was his  
21 personal and private information. It was actually  
22 probably contact information.

23 On the evidence presented I cannot find on a  
24 balance of probabilities the Authority has proven  
25 that Mr. Taylor has obtained the information from

1 his dealings as a salesperson and from his  
2 dealings at a dealership to be able to contact  
3 Mr. Scott Dalke to receive the loan that he  
4 received from Mr. Dalke.

5 On the allegation regarding Marilyn Conner  
6 and Dana St. Croix, I note that the IOU in  
7 evidence, and it was not contested, is in both  
8 their names and was signed by Mr. Taylor.

9 Ms. Connor said that they met Bob for the  
10 first time when they purchased the GMC and the  
11 trailer which is on September 17th, 2011. Their  
12 evidence was they lived in Mission until  
13 October 16th of 2011. That is supported by the  
14 documents that transferred the GMC and the  
15 approval from Topline to Ms. Connor, which is in  
16 the affidavit materials, pages 9 through 12.

17 I also note from the IOU that was signed that  
18 it was loaned on October 31st of 2011. This is  
19 only 15 days after they arrived from Mission,  
20 based on Ms. Connor's evidence, which is  
21 uncontested and only six weeks after they first  
22 contacted and came into contact with Mr. Taylor.

23 Mr. Taylor said he was friends with Dana, who  
24 is unfortunately not here. I find it hard to  
25 believe that in such a short time that they had



1 established a relationship, that Mr. Taylor would  
2 have obtained his personal information of Mr. Dana  
3 St. Croix within that short period of time.

4 I am satisfied on the evidence that  
5 Mr. Taylor was able to contact and know of  
6 Marilyn Connor and Dana St. Croix as a result of  
7 his salesperson's licence and his interaction with  
8 them at the dealership.

9 I take into consideration that all these  
10 loans occurred before the May 2012 hearing. Since  
11 then the evidence is that Mr. Taylor has abided by  
12 the conditions of his licence.

13 I think it is important to note that in  
14 reviewing the decision of May 9, 2012, as well as  
15 the actual letter of conditions that the  
16 conditional licence while expired June 1st, 2013,  
17 as a matter of statute, the conditions were to be  
18 reviewed after a minimum one year time to see if  
19 the conditions would subsequently be removed.

20 In looking at the six conditions on there I  
21 would note that condition 1, obtain professional  
22 counselling for his issues and advise the VSA of  
23 his first appointment and the name of his  
24 counsellor was met. That the condition 2,  
25 permit the VSA staff to speak to his counselor was

1 met. Condition 3, to keep the VSA advised of the  
2 progress of his charges before the courts was met.  
3 Condition 4, to report to Compliance Officer  
4 Ron Sharein. I have no evidence that has not been  
5 met. And condition 5, to reimburse Butler Auto  
6 the \$600 and provide Mr. Sharein proof of payment.  
7 I have no evidence either way. I expect that has  
8 been met, otherwise I would have heard of it by  
9 now. And a letter of apology to June and  
10 Joe Butler, and I understand Mr. Taylor has done  
11 so. In that regard, the conditions of his licence  
12 that were issued on May 9th, 2012, have been met.

13 In considering all this evidence and the fact  
14 that I have found that Mr. Taylor did use in at  
15 least one instance personal information of a  
16 client obtained by use of his salesperson licence  
17 at a dealership, I also take into consideration  
18 that he has abided by these conditions and that he  
19 has met the conditions and that there has been no  
20 evidence of any concern since the May 9, 2012  
21 hearing, that it is in the public interest that I  
22 grant Mr. Taylor a conditional licence.

23 Mr. Taylor, you are not to borrow any money  
24 from past, present or future clients. You are to  
25 obtain only loans from institutional lenders and

1           that you are not to use personal information of  
2           clients obtained in your role as a salesperson  
3           except as is necessary to conclude motor vehicle  
4           transactions without obtaining the prior written  
5           approval of your clients. And this is simply  
6           consistent with the requirements of BC law under  
7           the *Personal Information Protection Act*. Those  
8           are the conditions.

9   MR. WALKER: Mr. Registrar, the second clause, he may only  
10           borrow money from institutional lenders, or is  
11           that an exception to the first?

12   THE REGISTRAR: It is an exception to the first one. And I am  
13           going to consider his employer an institutional  
14           lender.

15   MR. WALKER: Thank you.

16   THE REGISTRAR: That's my decision. If there isn't anything  
17           more, the hearing is concluded.

18   MR. DUNN: The time on that?

19   THE REGISTRAR: Time?

20   MR. DUNN: On the condition.

21   THE REGISTRAR: I think we should review it again in a year,  
22           and this time let's make sure we have a hearing  
23           three weeks prior to the lapse of his licence.

24   MR. DUNN: Thank you.

25   THE REGISTRAR: The hearing is concluded.



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REPORTER'S CERTIFICATE

I, Jaromey Weel, Official Reporter in the Province of British Columbia, Canada, BCSRA No. 142 do hereby certify:

That the proceedings were taken down by me in shorthand at the time and place therein 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and seal this 24th day of June, 2013.



Jaromey Weel, Official Reporter

