

**IN THE MATTER OF *THE MOTOR DEALER ACT*, R.S.B.C. 1998, c.316 and
THE BUSINESS PRACTICES AND CONSUMER PROTECTION ACT, S.B.C. 2004, c.2**

BETWEEN:

THE VEHICLE SALES AUTHORITY OF BRITISH COLUMBIA

THE AUTHORITY

AND:

KARAN SHARMA

RESPONDENT/SALESPERSON

**DECISION OF THE REGISTRAR OF MOTOR DEALERS
RE: APPLICATION FOR RECONSIDERATION**

Date and location of decision: **November 7, 2025, at Langley, British Columbia**

By way of written submissions

I. Introduction

1. In my decision dated September 29, 2025 I ordered that Karan Sharma's salesperson license be suspended pursuant to section 7 of the *Salesperson Licensing Regulation* until further order of the Registrar ("the Decision"). The suspension is interim in nature pending the outcome of the full hearing on the merits.
2. By application dated November 1, 2025 Mr. Sharma requests that I reconsider the Decision pursuant to section 26.11(2) of the *Motor Dealer Act* ("MDA") and Rule 37 of the *Registrar's Rules of Practice and Procedure* ("the Rules"). The Authority opposes Mr. Sharma's application.

II. Procedural background

3. The full hearing of this matter on its merits is ongoing. It is proceeding by way of written submissions. The Authority filed its Hearing Notice on September 9, 2025 and that was amended on September 10, 2025. Mr. Sharma provided his response to the Amended Hearing Notice on October 20, 2025 which included five typewritten, undated and unsigned statements under the names of various individuals ("the Statements"). One of the named individuals is Summit Biswas who is the owner of Biswas Auto which is a licensed motor dealer. The Statements will be considered in more detail below.
4. The Authority filed its reply to Mr. Sharma's response on October 27, 2025. In the reply, the Authority sought an order under Rule 30.3 of the Rules permitting it to cross-examine Mr. Biswas on his statement and that order was granted on October 31, 2025. In granting the order, I further ordered that the Authority must complete its cross-examination of Mr. Biswas on or before November 30, 2025. The Authority is to then file its further reply within 14 days of Mr. Biswas' cross-examination and Mr. Sharma may file a sur-reply 7 days after the Authority's reply. Submissions in the main hearing will then be complete and I will deliver my decision.
5. Mr. Biswas' cross-examination has not been scheduled as of the date of this decision. The Authority does not seek to cross-examine any of the other witnesses advanced by Mr. Sharma.

III. Mr. Sharma's position

6. In his Request for Reconsideration, Mr. Sharma requests that the Decision be varied or temporarily lifted and cites the following in support of his position:
 - a. The full hearing of this matter on the merits is ongoing and cross-examination will not occur until late November which has and will continue to cause him and his family financial hardship;
 - b. There is no evidence of consumer harm or public risk; and

- c. He is prepared to consent to conditions on his license, including working under supervision and the provision of monthly updates, as part of a conditional license reinstatement to ensure full oversight and compliance.
7. Further, Mr. Sharma indicates that the “October 20 materials – including the signed statement from the Biswas owner – have now been accepted into the record.”

IV. Authority position

8. The Authority opposes Mr. Sharma’s Request for Reconsideration on the following grounds:
- a. There is no new evidence that has become available or that has been discovered that is substantial and material to the Decision and that did not exist at the time of the decision or did exist but was not discovered and could not through the exercise of reasonable diligence have been discovered; and
 - b. The new evidence that Mr. Sharma seeks to rely upon, specifically that of Mr. Biswas, has not been tested on cross-examination and as such its admissibility and/or reliability has not been determined.

V. Legal Principles

9. The common law principle of *functus officio* applies to statutory decision makers and provides that once a decision is made, it is considered final and conclusive and may not be revisited, re-opened or reconsidered except by a review or appeal established by law.
10. The *Motor Dealer Act* (“MDA”) provides for a right of reconsideration where a salesperson’s license is suspended: section 26.11 and 26.12 MDA. Specifically, section 26.12(2) of the MDA provides as follows:
- (2) The registrar may vary or cancel a determination only if the registrar is satisfied that new evidence has become available or has been discovered that

(a) is substantial and material to the determination, and

(b) did not exist at the time of the review or did exist at the time but was not discovered and could not through the exercise of reasonable diligence have been discovered.

11. Registrar Christman considered the process to be followed in a reconsideration request application in *Re: Salame* (20-11-012), August 25, 2021 as follows:

[10] Therefore, the process adopted has been for the Registrar to review submissions and the evidence provided to see if they meet this statutory requirement for new evidence. If it does not, then proceeding with a reconsideration hearing is moot as the Registrar would be without legal authority to cancel or vary the original decision.

12. In other words, my task on this application is to determine whether there is new or newly discovered evidence as provided for in section 26.12(2) of the MDA. If there is, then a full reconsideration hearing will proceed. If there is not, I am without legal authority to reconsider the Decision.

13. In the event that a reconsideration hearing proceeds, the evidence that is adduced by the requesting party must meet the common law requirements for admissibility. In other words, the evidence must be relevant and reliable.

VI. Discussion

14. Mr. Sharma's salesperson license was suspended pursuant to section 7 of the *Salesperson Licensing Regulation* ("SLR"). The allegations against Mr. Sharma that led to the Decision were as follows:

- a. On two occasions, Mr. Sharma provided false or misleading information to a person acting under the MDA contrary to section 35(3)(a) of the *Act*. More specifically, it is alleged that Mr. Sharma provided a false name to Investigation Officer Joel Jordan, who was at that time employed by the Authority, when confronted at Biswas Auto. It is further alleged that Mr. Sharma misled the Authority's Director of Investigations and Licensing Alan Mullen as to his employment status with Biswas Auto.

- b. Mr. Sharma breached section 33(2)(a) of the *Motor Dealer Act Regulation* (“MDAR”) by failing to act with honesty and integrity in the course of business by breaching the conditions of his salesperson license.

15. I will deal first with Mr. Sharma’s submission that the ongoing suspension has caused and continues to cause him and his family financial hardship. This is not new or newly discovered evidence that meets the requirements of section 26.12(2) of the MDA. I addressed this in the Decision at paragraph 36 as follows:

36. I find that the evidence of the Authority is reliable, plausible and consistent and I am mindful of balancing Mr. Sharma’s interest in obtaining employment as a salesperson with the public interest and the need to ensure that the public is protected from harm. As noted in *Best Import*, the public interest is paramount.

(emphasis added)

16. Similarly, Mr. Sharma’s proposal that he is prepared to work under conditions is not new or newly discovered evidence. Prior to the Decision being issued, Mr. Sharma’s salesperson license was already subject to conditions including working under supervision.

17. Mr. Sharma submits that his October 20, 2025 materials, including “the signed statement from the Biswas owner – have now been accepted into the record” and that this supports his argument that there is no evidence of consumer harm or public risk.

18. The October 20, 2025 materials that Mr. Sharma refers to are the Statements. Each are undated and contrary to Mr. Sharma’s submissions, all are unsigned. I will summarize each of the statements separately:

- a. Charles Laberge

This statement is unsigned and undated. It indicates that Mr. Laberge previously supervised Mr. Sharma while he was employed at a motor dealer. Mr. Laberge’s

comments relate to Mr. Sharma's performance and conduct as a salesperson and the workplace environment at the previous motor dealer.

b. Khushwant Singh

This statement is unsigned and undated. It indicates that Mr. Singh is a former coworker of Mr. Sharma. Mr. Singh's comments relate to Mr. Sharma's performance, conduct and customer service skills as a salesperson.

c. Ryan Patel

This statement is unsigned and undated. It indicates that Mr. Patel is a finance manager with a motor dealer. The statement refers to the allegation that Mr. Sharma was observed working at Biswas Auto when confronted by the Authority's Investigation Officer. The statement notes that the computer and desk that Mr. Sharma was observed sitting at and the software program left open on the computer was Mr. Patel's.

d. Summit Biswas

This statement is unsigned and undated. It indicates that Mr. Biswas is the owner of Biswas Auto and confirms that Mr. Sharma has never been employed there or otherwise been authorized to transact business on its behalf. It goes on to say that on the date Mr. Sharma was observed at that dealership he was there to discuss possible future employment.

e. Kadisha Mont

This statement is unsigned and undated. It indicates that Ms. Mont is employed by Biswas Auto and that she has not advised anyone with the Authority that Mr. Sharma worked at Biswas. The statement further provides that Ms. Sharma is not and has not been employed by Biswas Auto.

19. I will first address the Laberge and Singh statements. Even if were to find that this evidence was new or newly discovered, I do not find that these statements would

constitute evidence that is substantial and material to the Decision. The statements relate to Mr. Sharma's performance and conduct as a salesperson generally and do not address the issues upon which the Decision was made.

20. Turning to the Patel, Biswas and Mont statements, while each addresses one aspect of the Decision, the allegation that Mr. Sharma misled Mr. Mullen by stating that he was not working as a salesperson at Biswas Auto, I do not find that these statements are either new or newly discovered evidence.

21. The burden is on Mr. Sharma to prove that one or more of the Statements are new evidence that did not exist at the time of the hearing or that they are newly discovered evidence and that they are substantial and material to the Decision. Mr. Sharma has not done that. He has simply referred to the Statements in his submissions and he has not explained how or why they are new or newly discovered. They are undated and unsigned and as such it cannot be determined on their face when they were made.

22. In further considering whether the statements are new or newly discovered evidence, I note that following the distribution of the Decision to the parties on October 1, 2025, Mr. Sharma wrote to the VSA Hearings Office, copying counsel for the Authority, and stated as follows:

Good afternoon,

Did we not submit the exhibits attached to the letter of submission. There is a signed form that is signed by the sole owner of Biswas saying that I didn't work at Biswas auto.

and [sic] 2 more exhibits artached [sic] as well. Please let me know

Thanks.

23. While it is not clear if the "exhibits" and the "signed form" referred to by Mr. Sharma in his October 1, 2025 email are the same statements as those described in paragraph 17 above, Mr. Sharma's indication that he had intended to adduce evidence from at least three witnesses, one of whom was Mr. Biswas, as to his employment status with Biswas

Auto leads me to conclude that the statement of Mr. Biswas was not new or newly discovered evidence as required by section 26.12(2) of the MDA.

24. Similarly, I find that there is insufficient evidence to prove that the statements of Ms. Mont and Mr. Patel are new or newly discovered.

VII. Conclusion

25. Mr. Sharma's Request for Reconsideration does not meet the requirements of section 26.12 of the MDA and as such it is denied. I am without legal justification to order a reconsideration hearing in relation to the Decision.

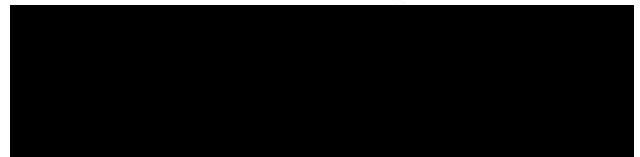
VIII. Right of Review of Decision

26. No further reconsideration of this decision is available as provided by section 26.12(4) of the MDA.

27. This decision may be reviewed by petition to the BC Supreme Court pursuant to the *Judicial Review Procedure Act* within 60 days of receiving this decision: section 7.1 of the MDA and section 57 of *the Administrative Tribunals Act*.

Signed this 7 day of November 2025

"Original signed"



Patrick Poyner
Registrar of Motor Dealers