

IN THE MATTER OF AN APPEAL
PURSUANT TO SECTION 179(1) OF THE FAIR TRADING ACT RSA 2000, c. F-2

Between
Sam Desouki o/a Carsport Auto Ltd.
-and -
Alberta Motor Vehicle Industry Council ("AMVIC")

CONSENT DECISION

This decision is being put forward jointly by Sam Desouki o/a Carsport Auto Ltd. and AMVIC after consultation with each other and each other's legal counsel.

Admissions

Sam Desouki o/a Carsport Auto Ltd. states and acknowledges that:

1. He did not maintain business records as required under the *Fair Trading Act* ("FTA"). In particular, documents were not kept in an organized manner and could not be easily retrieved or found when needed.
2. Undertook several sales transactions in his personal name instead of his licenced name, contrary to the FTA.
3. Failed to attend a pre-booked inspection on time and failed to cooperate with the AMVIC Industry Standards Officer in a timely way.
4. Failed to notify AMVIC of a change in address for his business; however the original address provided to AMVIC was his home address and did not change such that he would still have received any communications or deliveries from AMVIC. The use of a separate business office ended and on October 21, 2016 he advised AMVIC that his business address would once again be the same as his home address.
5. He failed to provide business records to the AMVIC Industry Standards Officer despite repeated requests and extended deadlines.

6. He was not forthcoming with the AMVIC Industry Standards Officer or the Director of Fair Trading (as delegated) at the Administrative Review with respect to his records.
7. He failed to keep track of and recollect correspondence which had been received from AMVIC.

AMVIC acknowledges that Mr. Desouki has now disclosed significant additional documentation, acknowledged his errors and has taken steps (including engaging a bookkeeper) in order to remedy his record retention shortcomings.

Mr. Desouki explicitly acknowledges that he cannot advertise cars for sale to the public and if he is going to sell vehicles to the public he must register with AMVIC as an automotive salesperson and either work for a licenced retailer or apply for a retail sales licence from AMVIC.

Proposed Licence Conditions

Sam Desouki o/a Carsport Auto Ltd:

1. Will be subject to at least one inspection within 6 months at which time he must demonstrate that his business records are complete, properly maintained and in compliance with the FTA and regulations;
2. Must adhere to the date and time of the inspection(s) and all required documentation must be made available to the AMVIC Industry Standards Officer;
3. Can only buy and sell vehicles under the name "Carsport Auto Ltd." and not under the name "Sam Desouki" or any other name;
4. Must maintain his AMVIC licence profile with up-to-date contact information including any change in address;
5. Must engage a professional bookkeeper to assist with business records management;
6. Cannot advertise or sell vehicles to the public; and
7. Must respond to any AMVIC communications in a timely fashion including phone calls, emails or letters.

A breach of any of these conditions may result in further administrative action including immediate cancellation of Carsport Auto Ltd.'s wholesale licence.

Mr. Desouki o/a Carsport Auto Ltd. will be subject to these conditions for at least 1 year after which time he may apply to the Director (as delegated) to have the conditions removed from his licence.

CONSENTED TO ON APRIL 7th, 2017 BY:

MERCHANT LAW GROUP LLP

"original signed by"

Per: Shaun Flannigan
Counsel for Sam Desouki o/a
Carsport Auto Ltd.

SHORES JARDINE LLP

"original signed by"

Per: Paula D. Hale
Counsel for AMVIC

~~CONFIRMED BY~~

"original signed by"

Virginia May
Appeal Panel Chair