



ALBERTA MOTOR VEHICLE
INDUSTRY COUNCIL

Alberta Motor Vehicle Industry Council
ALBERTA'S AUTOMOTIVE REGULATOR

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amvic.org

DIRECTOR'S ORDER UNDER SECTION 157 OF THE *CONSUMER PROTECTION ACT*

TO

Mohammad Nayeem AHMED

This Director's Order was issued under Section 157(1) of the *Consumer Protection Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by Section 157(3) a person or publisher who is subject to an order under this section may appeal under Section 179.

Pursuant to Section 179, to appeal the order, the person must serve the Minister of Service Alberta with a notice of appeal within **thirty (30) days** after receiving the order. Please include your name, your address for service, details of the order being appealed and your reasons for appealing.

March 15, 2019

DIRECTOR'S ORDER UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT

TO

Mohammad Nayeem AHMED

ISSUES

The Alberta Motor Vehicle Industry Council (AMVIC) has identified the following issue during the course of an investigation (file #18-11-088):

- 1) Evidence is provided that Mohammad Nayeem AHMED is operating an automotive sales business without having a business licence, which contravenes section 104(1) of the *Consumer Protection Act* (CPA). The contravention is as follows:

Licence required - designated businesses

104(1) No person may engage in a designated business unless the person holds a licence under this Act that authorizes the person to engage in that business.

SYNOPSIS

Four complaints were received by AMVIC reporting unlicensed automotive sales at a Calgary location. Files 18-09-387, 18-11-088, 19-01-380 and 19-02-114 were generated from these complaints. The individual found to be engaged in the unlicensed automotive sales on all four files was Mohammad Nayeem AHMED.

Regarding file 18-09-387, in September, 2018 a consumer gave a deposit to purchase a vehicle from Mohammad Nayeem AHMED based on agreed upon terms. Those terms were not met and Mohammad Nayeem AHMED refused to return the consumer's deposit.

Regarding file 18-11-088, in November, 2018 a private individual sold his vehicle and found it posted on a public sales site by the buyer one day later with none of the known mechanical issues disclosed. The investigation shows the person who posted the ad was Mohammad Nayeem AHMED.

Regarding file 19-01-380, in January, 2019 a private individual sold his vehicle and a short time afterward found it posted on a public sales site with none of the known mechanical issues disclosed. The investigation shows Mohammad Nayeem AHMED then entered into negotiations for the sale of the vehicle to an AMVIC investigator acting in a covert capacity.

Regarding file 19-02-114, in February, 2019 a private individual saw a vehicle posted for sale on a public sales site. The same vehicle was seen posted one day later by a different person who the investigation has determined to be Mohammad Nayeem AHMED.

The investigation shows Mohammad Nayeem AHMED regularly offers vehicles for sale to the public that are not his personal vehicles but misrepresents them as such.

AMVIC records show Mohammad Nayeem AHMED has never been issued any class of license to sell motor vehicles to the public by the regulator, AMVIC.

DIRECTOR'S ORDER

The Respondent, Mohammad Nayeem AHMED, must **immediately**:

1. Cease the sale of all motor vehicles while unlicensed to do so under Section 104(1) of the *Consumer Protection Act*.
2. Remove all vehicle advertisements on any form of mass communication.
3. Review AMVIC website at: www.amvic.org/industry-3/licensing/apply-licence-registrationrenewals/ for licensing requirements.

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE *CONSUMER PROTECTION ACT* CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE *CONSUMER PROTECTION ACT*.

"original signed by"

Gerald Geryals, Registrar
Alberta Motor Vehicle Industry Council (AMVIC)
Director of Fair Trading (as delegated)

March 15th, 2019