

IN THE MATTER OF AN APPEAL BY

MOHAMMED TORBEIH

TO SECTION 127(C) OF THE *CONSUMER PROTECTION ACT*,  
BEING CHAPTER C-26.3 OF THE REVISED STATUTES OF ALBERTA, 2000

AND

IN THE MATTER OF THE DECISION BY  
THE ALBERTA MOTOR VEHICLE INDUSTRY COUNCIL TO REFUSE THE REGISTRATION  
OF THE APPELLANT AS AN AUTOMOTIVE SALESPERSON UNDER THE *CONSUMER  
PROTECTION ACT* AND *AUTOMOTIVE BUSINESS REGULATION* ON JULY 22, 2019

**REASONS FOR DECISION**

Committee Chair: Ayodola Dahunsi

Members: Tony Plett  
Paul Williams

Natalie Tymchuk,  
legal counsel (Emery Jamieson LLP) for the Committee

Appearances: Mohammed Torbeih, Appellant

Jamil Sawani,  
legal counsel (Chadi & Company) for the Appellant

Yoneke A [REDACTED]  
AMVIC Acting Manager of Licensing for the Respondent

Paula Hale & Leah Macklin,  
legal counsel (Shores Jardine LLP) for the Respondent

Appeal Heard: October 7, 2019  
Four Points by Sheraton Gateway  
10010 -12 Avenue SW, Edmonton, Alberta  
Windermere Meeting Room

**Introduction**

1. This is an appeal before the AMVIC Salesperson Appeal Committee (the "Committee") pursuant to section 22 of the *Automotive Business Regulation*, AR 192/1999 (the "ABR") from a decision of the Registrar (the Director of Fair Trading (as delegated)) to refuse the registration of Mohammed Torbeih as a provincial automotive salesperson under section 127 and section 104 of the *Consumer Protection Act* (the "CPA").

## Jurisdiction

2. The *CPA* and the ABR regulate, among other things, automotive business licences and salesperson registrations in Alberta.
3. Under section 104 of the *CPA*, no person may engage in a designated business unless that person holds a licence under the *CPA* that authorizes them to engage in that business. The automotive sales business is a designated business.
4. Pursuant to section 16 of the ABR, a salesperson of an automotive sales business operator must be registered for automotive sales before acting on behalf of the business operator.
5. The Registrar's jurisdiction with respect to automotive business licences and salesperson registrations is found at section 127 of the *CPA*:

The Director may refuse to issue or renew a licence, may cancel or suspend a licence and may impose terms and conditions on a licence for the following reasons:

- (a) the applicant or licensee does not or no longer meets the requirements of this Act and the regulations with respect to the class of licence applied for or held;
- (b) the applicant or licensee or any of its officers or employees:
  - (i) fails to comply with an order of the Director under section 129 or 157, unless, in the case of an order under section 129 or 157, the order has been stayed,
  - (ii) fails to comply with a direction of the Director under section 151(3),
  - (iii) furnishes false information or misrepresents any fact or circumstance to an inspector or to the Director,
  - (iv) fails to comply with an undertaking under this Act,
  - (v) has, in the Director's opinion, contravened this Act or the regulations or a predecessor of this Act,
  - (v.1) fails to comply with any other legislation that may be applicable,
  - (vi) fails to pay a fine imposed under this Act or a predecessor of this Act or under a conviction or fails to comply with an order made in relation to a conviction,
  - (vii) is convicted of an offence referred to in section 125 or is serving a sentence imposed under a conviction, or

(viii) fails to pay, in accordance with the notice of administrative penalty and the regulations, an administrative penalty imposed under this Act;

(c) in the opinion of the Director, it is in the public interest to do so.

6. Section 18 of the ABR states that sections 125, 127 and 128 of the *CPA* apply, with necessary changes, to the registration of salespersons.
7. Section 127 of the *CPA* applies to both automotive business licences and salesperson registrations.
8. Accordingly, section 22(1) of the ABR states that:

A person

- (a) whose application for registration or renewal of registration has been refused,
- (b) whose registration is made subject to terms and conditions, or
- (c) whose registration has been cancelled or suspended under section 127 of the *Act*,

may appeal in accordance with the process established by the Director.

9. Section 22(2) of the ABR states that the Director may establish an appeal process for the purposes of subsection (1), including forming or designating an appeal body. In accordance with section 22(2), AMVIC has created the AMVIC Salesperson Appeal Committee Policy (the "Appeal Policy").
10. The Appeal Policy allows an applicant to appeal a decision of AMVIC by delivering a written Notice of Appeal to the Registrar of AMVIC not later than 30 days after the Registrar issues notice of the decision.
11. Pursuant to section 3.2(2)(m) of the Appeal Policy:

The committee shall determine if the decision by the Registrar that is the subject of the appeal is consistent with the provisions of the *Consumer Protection Act*, the Automotive Business Regulation, and the Bylaws and policies of AMVIC.

#### **Evidence before the Appeal Committee**

12. Mr. Torbeih was first granted a salesperson registration in 2015. His salesperson registration expired on February 28, 2016.
13. Mr. Torbeih applied for a reinstatement of his salesperson registration on or about July 2, 2019 (the "2019 Application"). The 2019 Application was referred to the Registrar for consideration as information received in conducting routine background checks was concerning. The Registrar conducted an Administrative Review on July 22, 2019 with Mr. Torbeih in attendance.

14. On July 22, 2019, the Registrar issued a decision refusing to grant Mr. Torbeih an automotive salesperson registration (the "Decision"). The Decision noted that Mr. Torbeih is facing [REDACTED] criminal charges including:

- [REDACTED]
- [REDACTED];
- [REDACTED]
- [REDACTED]
- [REDACTED] and
- [REDACTED]

15. The Decision also stated the following:

*Open source information states, "a cocaine trafficking network with tentacles into Edmonton, Sherwood Park and Fort McMurray has been smashed by police, netting seven arrests and \$1 million in drugs and cash". Mr. Torbeih along with another co-accused were the alleged leaders of the group resulting in the seizure of eight kilograms of cocaine, worth an estimated \$800,000 and \$215,000 in cash. The arrest of Mr. Torbeih, along with six other co-accused was part of a 16 month investigation dubbed Project Fortune by the Alberta Law Enforcement Response Team ("ALERT").*

16. The Decision was as follows:

*It is in the public interest under section 127(c) of the CPA NOT to issue Mr. Torbeih a salesperson registration at this time.*

*During the administrative review, Mr. Torbeih was guarded and reluctant to speak about his [REDACTED] outstanding charges before the court. If convicted of these alleged offences, Mr. Torbeih could face a period of incarceration which cannot be ignored. Based on the serious nature of the unresolved criminal charges of Mr. Torbeih, it is the opinion of the Director that Mr. Torbeih has not demonstrated he is capable of meeting the code of conduct requirements and integrity as a salesperson.*

*The Alberta Court of Queen's Bench in Ahmad v. Alberta Motor Vehicle Industry Council, 2010 ABQB 293 ("Ahmad") recognized that one's past criminal and regulatory history could be considered even if charges were stayed, dismissed or withdrawn.*

*In the opinion of the Director, current and pending charges are even more important to consider as they are more recent and the Courts have not made a decision regarding their validity.*

17. On August 14, 2019, Mr. Torbeih's legal counsel provided a Notice of Appeal to AMVIC which sets out the following:

- Criminal charges are mainly allegations based on a very low threshold of "reasonable grounds to believe", which is a far cry from the "beyond a reasonable doubt" threshold required to prove guilt.
  - Mr. Torbeih was advised by counsel not to discuss the criminal charges.
  - Mr. Torbeih has not yet gone to a preliminary inquiry, let alone a trial. The preliminary inquiry is scheduled for the fall of 2019 and the trial will take another year to a year and a half to conclude.
  - Though Mr. Torbeih has stated that he has "plead not guilty", this is inaccurate as he will only enter a "not guilty" plea once the matter "gets into the Superior Court realm".
  - Mr. Torbeih is presumed innocent until proven guilty beyond a reasonable doubt.
  - As Mr. Torbeih has not been convicted, he should conditionally be granted registration pending the disposition of the criminal case.
18. The Notice of Appeal also attached four reference letters setting out positive reviews of Mr. Torbeih's character. One of the letters is from a prospective employer and the remaining three letters are from former colleagues who had worked with Mr. Torbeih at an automotive business. None of the letters provide further details regarding the criminal charges, other than a statement from the prospective employer that he understands from Mr. Torbeih's legal counsel that the charges are not related to fraud, deceit or theft.
19. At the outset of the appeal hearing, legal counsel for AMVIC reviewed the authority of the Appeal Committee and the relevant legislation as outlined above. Legal counsel for AMVIC also provided the following further opening comments:
- The Registrar's Decision is clear on its face that Mr. Torbeih is facing a number of criminal charges. The Decision is reasonable and was made in the public interest.
20. Mr. Torbeih's legal counsel also provided an opening statement:
- He agreed with legal counsel for AMVIC regarding the authority of this Appeal Committee. He also conceded that the facts are not in dispute.
  - He submitted that the Appeal Committee is required to consider the heart of the matter under appeal and determine whether the Decision itself is consistent with the Registrar's authority under the legislation. He further stated that the issue before the Appeal Committee is the impact of an applicant's outstanding criminal charges with respect to the ambit of the Registrar in terms of granting or revoking licences, or how the Registrar should approach such charges.
21. No new evidence was put before the Appeal Committee by Mr. Torbeih's legal counsel.
22. AMVIC called oral evidence from AMVIC Acting Manager of Licensing, Ms. Yoneke A [REDACTED]. Ms. A [REDACTED] provided the following information:

- She has been in the role of AMVIC Acting Manager of Licensing for three months and she has worked for AMVIC for five and a half years.
- In 2015, Mr. Torbeih applied for a salesperson registration, which was granted to him. Mr. Torbeih's salesperson registration expired in 2016 and he reapplied for salesperson registration in July of 2019.
- An application to be a salesperson is completed online. The information provided in the application is processed by AMVIC. The applicant gives AMVIC authorization to run background checks.
- When a salesperson requests a renewal of an existing salesperson registration, AMVIC inquires as to whether the applicant has had criminal charges during the past 12 months. When an applicant is requesting reinstatement after a lapse in registration, background checks are conducted. Upon receipt of the 2019 Application, searches of Mr. Torbeih were conducted by AMVIC.
- AMVIC does Canadian Police Information Center ("CPIC") and Justice Online information Network System ("JOINS") searches of applicants for salesperson registration and AMVIC also has access to open source information regarding applicants. An application report is then prepared by AMVIC.
- The results of the background checks for Mr. Torbeih revealed that he had outstanding criminal charges. Criminal charges would not necessarily preclude the granting of a salesperson registration. However, the charges pending against Mr. Torbeih were serious. This caused concern to AMVIC and an application report was prepared and forwarded to the Registrar. The Registrar consequently held an administrative review in order to gather further information regarding the charges.
- Ms. A [REDACTED] referred to a document entitled "Summary of Criminal Charges of M.T." which was entered as Exhibit 1 before the Appeal Committee.

23. In response to questions posed by legal counsel for Mr. Torbeih and by the Appeal Committee, Ms. A [REDACTED] responded as follows:

- No criminal charges were identified in relation to Mr. Torbeih at the time of his initial application for a salesperson registration in 2015. AMVIC received no complaints about Mr. Torbeih between his application in 2015 and the 2019 Application.
- If Mr. Torbeih had simply renewed his salesperson registration, he would have had to answer only whether he had any criminal convictions. He would not have been posed any question during a renewal process regarding whether he was facing any criminal charges. If he was renewing his registration, the fact that he had criminal charges pending would not necessarily impact his ability to obtain a renewal.
- CPIC provides more information than simply an individual's criminal charges or convictions. The JOINS system can provide an individual's complete history with the courts in Alberta. The JOINS system clearly indicated that there were

charges against Mr. Torbeih, but that the charges remained outstanding and had not yet been dealt with by the courts.

- When Ms. A [REDACTED] had reviewed the JOINS report, the charges Mr. Torbeih faced were set for a preliminary inquiry and Mr. Torbeih was contesting the charges.
- At this point, no indictment had been laid against Mr. Torbeih. The Crown has burden to prove that there is a case to put to trial.
- AMVIC's role is to ensure consumer protection and to address whether the public would be comfortable in purchasing a vehicle from Mr. Torbeih, not to decide Mr. Torbeih's guilt or innocence regarding his pending charges.
- In the past, there have been individuals with criminal convictions who have been licensed by AMVIC. However, the determination of whether such an individual will be licenced depends on the recency, frequency and seriousness of the criminal history in question. The Registrar would need to review this history and make a determination as to whether licensing was appropriate.
- Individuals who have [REDACTED] convictions that are less than a year old have been granted licences. Mr. Torbeih's [REDACTED] charges stemmed out of events that occurred in 2017.
- If a salesperson registration is denied, that would not prevent an individual from reapplying in the future.

24. Mr. Torbeih's submissions to the Registrar during the Administrative Review were described by the Registrar in his Decision as follows:

- Mr. Torbeih was reluctant to discuss any details regarding his alleged charges given the potential jeopardy he is facing which could include incarceration. The audio video recording of the administrative review made Mr. Torbeih uncomfortable. He stated he was trying not to think of his charges and could not recall the exact number before the court. Mr. Torbeih was unaware of his next court date and stated that his lawyer attends on his behalf.
- Mr. Torbeih did not comment on the open source information. He recognized his charges are serious and if convicted he could be facing a period of incarceration.
- Mr. Torbeih indicated he has potential employment in the automotive industry lined up pending the approval of a salesperson registration. This employer was aware of the administrative review, however Mr. Torbeih was not sure if the employer was aware of his outstanding charges before the court.
- Mr. Torbeih expressed that he is a family guy and wants to sell cars. He advised that he had success selling cars previously and would love the chance to be a normal human being again. Mr. Torbeih advised he is good with people and that he is all about service given the opportunity.

25. No witnesses were called and no supporting documentation was provided on behalf of Mr. Torbeih during the appeal hearing.

#### AMVIC's Closing Submissions

26. AMVIC's legal counsel cited paragraphs 27-29 of the *Ahmad* case as providing authority that is even more relevant with respect to current criminal charges than to past charges. Paragraphs 27-29 state:

*Mr. Wilson notes the Legislature has delegated the responsibility to protect the public interest with respect to the issuance and review of Salesperson Registration and that this is necessarily a broad mandate that requires the A.M.V.I.C. to consider any and all factors that may be relevant to the public interest. In the context of this mandate, he submits that the facts of the case, although some are historical, are sufficient to support the Appeal Panel's finding that the cancellation of the Applicant's conditional Salesperson Registration was in the public interest.*

*Although the A.M.V.I.C. reviewed the history of this Applicant's Salesperson Registration over the years and, as a result, the various contacts he had with the A.M.V.I.C., I do not find that the Panel's review of the history and its reinvestigation of the incidents constitute an error of law.*

*Rather, I agree with the submission of the A.M.V.I.C. that while it is true that the criminal and regulatory charges against the Applicant in the past were either stayed, dismissed or withdrawn, the A.M.V.I.C. was entitled to consider the Applicant's entire history in the motor vehicle industry in order to properly exercise its mandate to protect the public interest.*

27. Counsel for AMVIC explained that, though the court in *Ahmad* was referring to stayed or dismissed charges, where there are current charges pending the principles set out in the *Ahmad* decision are even more relevant to the public interest and to the integrity of the automotive industry.
28. AMVIC noted that it processes numerous licensing applications. AMVIC registrants are subject to a Code of Conduct that requires a level of integrity. The application plays a gatekeeping function and AMVIC relies upon the integrity of its registrants. It is AMVIC's position that Mr. Torbeih's registration would detract from the integrity of the industry and the public's confidence in and perception of the industry. AMVIC has thus concluded that it would not be in the public's interest to grant Mr. Torbeih a salesperson registration at this time.
29. AMVIC indicated that, if the Appeal Committee was of the opinion that the decision of the Registrar was inconsistent with AMVIC's governing legislation, a conditional salesperson registration would be appropriate. AMVIC suggested the following conditions:

- 1- Mr. Torbeih would be required to report, within two days of any criminal court appearance, on the status of the [REDACTED] criminal charges and of any further charges he may face in the future.
- 2- Mr. Torbeih would be required to fully disclose his criminal charges to current and prospective employers and employers would have to acknowledge in writing on company letterhead that they are aware of Mr. Torbeih's specific criminal charges, and specifically that he is charged [REDACTED]  
[REDACTED]
- 3- If Mr. Torbeih were convicted of any charges or charged with any further offences, his registration would be subject to a further administrative review.
- 4- Mr. Torbeih would not be able to allow his salesperson registration to expire.

#### Mr. Torbeih's Closing Submissions

30. Mr. Torbeih's legal counsel made the following closing submissions to the Appeal Committee:

- Mr. Torbeih is facing [REDACTED] criminal charges, as described in the Registrar's Decision. In clarification of the summary of criminal charges that was entered as Exhibit 1, Mr. Torbeih was charged with [REDACTED], not with theft.
- Section 125 of the CPA defines "conviction". If legislature had chosen, it could have included criminal charges in this definition, but it did not do so. Even in open source information that was obtained by AMVIC, the charges are stated to be what is alleged against Mr. Torbeih. The CPA itself makes this a clear distinction. Section 127(c) should be read in light of the distinction in section 125. There may be instances where certain charges may lead to disrepute in the industry, but that is not the case with respect to the charges that Mr. Torbeih is facing.
- The fact that Mr. Torbeih is fighting the charges lands him in this position of not being able to obtain a licence. This cannot be the intention of the legislature.
- No complaints were made regarding Mr. Torbeih's conduct since his initial registration in 2015. There are currently only allegations that are being pursued by the Crown.
- Self-reporting obligations only require a registrant to advise AMVIC of criminal convictions, but not of charges.
- The public has an understanding that there is a difference between a conviction and a charge. An individual that is charged is allowed to remain free pending a determination of whether that individual is guilty.
- The *Ahmad* case is distinguishable from Mr. Torbeih's situation. Mr. Ahmad was convicted multiple times. Counsel for Mr. Torbeih cited paragraph 32 of the *Ahmad* decision:

*I also agree with the submissions of Mr. Wilson that the history of Mr. Ahmad indicates that the A.M.V.I.C. over the years had continued to provide him with opportunities to demonstrate his willingness to comply with the statutory scheme. This includes granting him conditional Salesperson Registration in October of 2005 and again in 2007.*

- Also, there was evidence heard by the appeal body in the *Ahmad* case which allowed it to adjudicate whether registration could be granted in light of the circumstances of Mr. Ahmad's charges. The evidence was relevant as to whether Mr. Ahmad could be a salesperson. Also, in that case, Mr. Ahmad was not found to be credible.
- Counsel also cited *Huerto v. College of Physicians and Surgeons of Saskatchewan*, 2004 SKQB 423, a case about an allegation of sexual impropriety and the issue of whether a physician could continue to work in his profession pending adjudication of criminal proceedings. Paragraphs 22, 27 and 28 were specifically quoted:

*Total suspension is a matter of last resort and prior to imposition warrants careful reasonable examination in the context of the harm said to have been caused, the nature of the impugned conduct and the circumstances in which and when it is said to have occurred. In short, what is it that mandates total suspension without investigation, sworn testimony and a finding of guilt? As matters currently stand, Dr. Huerto pays, on a daily basis, the same price of total suspension from practice that could arise if he were eventually found to be guilty. Guilt has in no way been established, no charges have been laid, nor is any investigation underway. The Committee had before it only unsworn allegations from sources the credibility of which remains to be tested....*

*In this case the issue simply put is whether total suspension in the circumstances of this case and the lack of currency or emergency in the complaints was a reasonable step or whether, in rejecting all alternate mechanisms, the majority of the Committee made a decision that was unreasonable.*

*The assumption that nothing short of total suspension will serve has no basis in the evidence and indeed is illogical given the available precautions. I conclude that the decision with respect to this issue was unreasonable within the meaning of Southam, supra.*

- Counsel argued that, even if the charges against Mr. Torbeih resulted in convictions, this would not necessarily result in a permanent denial of registration.
- Counsel also submitted that Mr. Torbeih has been truthful throughout the application process and that there is no onus upon Mr. Torbeih to defend his criminal charges before AMVIC.
- Though Mr. Torbeih is asking to be granted a salesperson registration unconditionally, if the Appeal Committee decides that there should be conditions

placed on his registration, counsel for Mr. Torbeih agrees that there can be fair conditions imposed, including a routine or specified review date or a reporting frequency condition. If and when there is a conviction, the Registrar will need to determine whether further conditions are required. Such conditions would meet the requirement in *Huerto* that all conditions short of total suspension need to be reviewed and rejected prior to going the route of a total suspension.

- Mr. Torbeih has noted that he is a family man and he hopes to make a career in this profession.

31. In response to questions from the Appeal Committee, Mr. Torbeih and his legal counsel answered the following:

- From February 2016 to 2019, Mr. Torbeih worked in his family's restaurant business.
- He decided to re-enter the automotive sales industry to make money for his family.
- Then Mr. Torbeih was granted a salesperson registration between February 2015 and 2016, he was a salesperson for that full year.
- Regarding the fact that there has not yet been an indictment in the criminal proceedings, the delay to date was noted as longer than normal, due to there being multiple co-accused. The criminal proceedings have been set down for a preliminary inquiry. After the preliminary inquiry in [REDACTED], if it is determined that the matter should be set for trial, the matter will be referred to the Court of Queen's Bench and a trial will be set in a further year to year and a half.
- If the Appeal Committee were to consider granting a conditional registration, Mr. Torbeih would be open to providing a report to AMVIC after the [REDACTED] preliminary inquiry. However, a requirement to report after every single court appearance may be onerous as there could be multiple court appearances while trial date scheduling occurs. Counsel for Mr. Torbeih submitted that it would be fair to report after milestones are reached in the criminal proceedings.

32. Legal counsel for AMVIC replied to the arguments made on behalf of Mr. Torbeih as follows:

- Regarding the *Huerto* case, it should not be seen as a seminal case. No Alberta cases were provided to the Appeal Committee to show the application of the *Huerto* case in this province. Paragraphs 14 and 22 of the *Huerto* case indicate that a distinction should be made in a situation such as what Mr Torbeih is facing, where an ALERT investigation resulted in serious charges against multiple individuals including Mr. Torbeih. The *Huerto* case, from 2004, is also older caselaw than the *Ahmad* case. Since the *Huerto* case, there have been changes in terms of expectations of the public vis-à-vis the automotive sales industry.
- In the case of a criminal conviction, the Registrar deals with each particular set of circumstances in determining whether a salesperson registration should be allowed.

### Appeal Committee Decision

33. Upon hearing the evidence and arguments put forward by Mr. Torbeih and AMVIC, the Appeal Committee has decided to uphold the Decision of the Registrar to refuse the application of Mr. Torbeih for a reinstatement of his automotive salesperson registration under section 127(c) and section 104 of the *Consumer Protection Act*.
34. The facts before the Appeal Committee were not in dispute.
- Mr. Torbeih was granted a salesperson registration in 2015, which he held until February of 2016, when he allowed it to expire.
  - Mr. Torbeih is currently facing [REDACTED] criminal charges.
  - Mr. Torbeih has not been convicted of the criminal charges.
35. The Appeal Committee was provided with limited information by Mr. Torbeih regarding the criminal charges. The Appeal Committee was only advised that he is contesting the criminal charges. The limited information received from Mr. Torbeih regarding the pending criminal charges is insufficient to persuade the Appeal Committee that he should be granted an automotive salesperson registration.
36. The Appeal Committee acknowledges that Mr. Torbeih has not been convicted of the criminal charges. However, the Appeal Committee finds that the criminal charges, relating to [REDACTED] [REDACTED] are serious and reasonably cause concern to AMVIC as a regulator. In particular, the open source search regarding the criminal charges has revealed significant concerning information. The potential duration of the criminal proceedings further underscores the seriousness of the charges.
37. AMVIC has a responsibility to protect the public interest and to maintain the integrity of the automotive industry as a whole. Section 127(c) of the CPA makes this clear as a factor that the public interest must be taken into account in the salesperson registration process. Given the serious nature of the pending criminal charges, the Appeal Committee agrees that if Mr. Torbeih was granted registration as an automotive salesperson pending the determination of the criminal charges, there is a significant risk that this would result in damage to the reputation of the automotive industry and the public's perception.
38. Mr. Torbeih advised that he has worked in the automotive sales industry for only one year, more than three years ago. Mr. Torbeih's involvement in the automotive industry is distinguishable from the situation in *Huerto* where the physician in that case had worked in the medical field for a substantial period of time.
39. The Appeal Committee acknowledges Mr. Torbeih's evidence that an employer is willing to hire him and that he has reference letters from former colleagues. However, the prospective employer's knowledge of the actual charges is not clear. Furthermore, subjective character witnesses do not necessarily reflect interest of the public. The Appeal Committee also notes a discrepancy between the one year of industry experience that Mr. Torbeih stated he had, and the character witness statements which note that Mr. Torbeih worked for more than one year in automotive sales industry.

40. Even if section 125 of the CPA refers to "conviction(s)", and not charges, the public interest is the underpinning of the entire legislative scheme. As such, section 125 cannot stand out as overriding the broader public interest intent of the CPA. The Registrar has the discretion to determine what is in the public interest, in considering the particulars of each registration application.
41. Given the seriousness and recency of the criminal charges, the Appeal Committee finds that the Registrar's Decision, that it is in the public interest not to grant Mr. Torbeih a salesperson registration at this time, was reasonable.
42. The Appeal Committee finds that the Registrar's Decision is consistent with the provisions of the *Consumer Protection Act*, the Automotive Business Regulation, and the Bylaws and policies of AMVIC.
43. This Appeal Committee is satisfied that the hearing given to Mr. Torbeih has been exhaustive and fair. We have reviewed all of the evidence before us. We are satisfied that our decision to uphold the original Decision of the Registrar not to grant Mr. Torbeih a reinstatement of his salesperson registration is appropriate in all the circumstances.

Issued and Dated:

"original signed by"

Ayodola Dahunsi  
Chair – AMVIC Salesperson Appeal Committee

October 22, 2019

Date