

IN THE MATTER OF AN APPEAL BY
AARON HENDERSON
OF THE DECISION BY
THE ALBERTA MOTOR VEHICLE INDUSTRY COUNCIL (“AMVIC”) DATED MAY 21, 2025, TO REFUSE THE REINSTATEMENT APPLICATION TO REGISTER THE APPELLANT AS AN AUTOMOTIVE SALESPERSON UNDER THE *CONSUMER PROTECTION ACT*, RSA 2000, CHAPTER C-26.3 AND THE *AUTOMOTIVE BUSINESS REGULATION*, REG. 192/99, AS AMENDED

REASONS FOR DECISION

Committee Chair: Dave Quest
Members: Adam Mohl
Shane Sutherland

Appearances: Aaron Henderson (Appellant)
Adam Najjar (witness on behalf of the Appellant)

Amin Ben Khaled and Ashley Reid (Shores Jardine LLP) counsel for AMVIC
Yoneke A [REDACTED] AMVIC Manager of Licensing

Mylène Tiessen (Peacock Linder Halt & Mack LLP) counsel to the Appeal Committee

Appeal Heard: July 30, 2025 – via video conference

INTRODUCTION AND SUMMARY OF DECISION OF THE APPEAL COMMITTEE

This is an appeal of the May 21, 2025 decision of the Director of Fair Trading (as delegated) (the “Registrar”) who, following an administrative review, refused Aaron Henderson’s application for reinstatement of his provincial automotive salesperson registration (“salesperson registration”) pursuant to sections 104 and 127 of the *Consumer Protection Act* (the “CPA”) (the “Registrar’s Decision”).

For the reasons set out below, the AMVIC Salesperson Appeal Committee (the “Appeal Committee”) confirms the Registrar’s Decision.

COMPOSITION AND JURISDICTION OF THE APPEAL COMMITTEE

Neither the appellant nor AMVIC raised any objections regarding the members of the Appeal Committee or the Appeal Committee’s jurisdiction to hear this appeal.

LEGISLATIVE AUTHORITY

The CPA governs the registration of salespeople in Alberta. The Director of Fair Trading has delegated its authority relative to the automotive industry in Alberta to AMVIC, including salesperson registrations. Automotive salespeople are required, pursuant to section 16 of the *Automotive Business Regulation* (the “ABR”) to be registered in order to act on behalf of a business operator.

Section 127 of the CPA gives the Registrar authority to refuse a licence for any of the reasons enumerated in that section. While section 127 specifically refers to a business licence, section 18 of the ABR provides that section 127 applies, with the necessary changes, to the registration of salespeople.

Section 22 of the ABR permits a person, whose application for registration or renewal has been refused, to appeal that decision in accordance with the process established by the Registrar. That process is set out in the AMVIC Salesperson Appeal Committee Policy (the “Appeal Policy”).

Pursuant to section 3.2.2(n) of the Appeal Policy, the Appeal Committee is required to determine if the Registrar’s Decision is consistent with the provisions of the CPA, the ABR, and the bylaws and policies of AMVIC. Section 3.2.2(o) permits the Appeal Committee to confirm, quash or vary the Registrar’s Decision.

Sections 104, 127(b)(iii), 127(b)(vii) and 127(c) of the CPA provide as follows:

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.

(2) If required to do so by the applicable regulation, a person who engages in a designated business at more than one location must hold a separate licence issued under this Act for each location that authorizes the person to engage in that business.

127 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:

(b) the applicant or licensee or any of its officers or employees

(iii) furnishes false information or misrepresents any fact or circumstance to an inspector or to the Director

(vii) is convicted of an offence referred to in section 125 or is serving a sentence imposed under a conviction, or...

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

BACKGROUND

Mr. Henderson was first registered as an automotive salesperson in 2009. [REDACTED]

In November 2023, Mr. Henderson applied to reinstate his salesperson registration with AMVIC. In that application he did not disclose [REDACTED]
[REDACTED] AMVIC granted his salesperson registration. His salesperson registration expired November 30, 2024.

In March 2025 he applied to reinstate his salesperson registration. That application was refused as it did not meet the applicable licensing requirements.

On May 6, 2025, Mr. Henderson submitted another reinstatement application to AMVIC. In response to the eligibility question regarding [REDACTED]
[REDACTED]

Following an administrative review conducted May 20, 2025, the Registrar refused to grant Mr. Henderson his reinstatement application because:

1. It was in the public interest under section 127(c) of the CPA to do so.
2. He furnished false information in his November 2023 reinstatement application.
3. Pursuant to section 127(b)(vii) given his [REDACTED].
4. The public perception to allow an individual to operate in a regulated industry [REDACTED]
[REDACTED].
5. He was concerned with Mr. Henderson's governability given [REDACTED]
[REDACTED]
6. Mr. Henderson had not demonstrated that he is capable of meeting the code of conduct requirements and integrity as a salesperson at this time.

The Registrar was not persuaded that granting a salesperson registration with conditions would adequately protect the public.

RECORDS BEFORE THE APPEAL COMMITTEE

The Appeal Committee was, in advance of the appeal hearing, provided with the following materials assembled by AMVIC:

- May 9, 2025 – Letter from AMVIC to Mr. Henderson providing notice of administrative review
- May 21, 2025 – Registrar’s Decision
- May 27, 2025 - Notice of Appeal
- May 29, 2025 – Letter from the Registrar to Mr. Henderson acknowledging receipt of appeal
- June 19, 2025 – Letter from AMVIC to Mr. Henderson confirming appeal hearing date and particulars of the appeal hearing
- June 19, 2025 – AMVIC letter to Appeal Committee Chair and letters to Appeal Committee Members
- May 8, 2025 - Application Report – Licensing
- Portions of the CPA
- Portions of the ABR
- The Appeal Policy

During the appeal hearing the following was entered as an exhibit, without objection:

EX 1 Summary of [REDACTED]

ORAL PRESENTATIONS TO THE APPEAL COMMITTEE

Opening Submissions on behalf of AMVIC

AMVIC submits that it is the role of the Appeal Committee to determine if the Registrar erred in his decision not to reinstate Mr. Henderson’s salesperson registration. AMVIC submits that he did not.

Summary of Testimony of Yoneke A [REDACTED]

Ms. A [REDACTED] is the AMVIC Manager of Licensing. Her role, in respect of salesperson registration application, is to review it and the background check to determine if registration should be granted.

As part of the salesperson registration process, the applicant is required to answer a series of eligibility questions including whether they have any convictions. It is important that an applicant answer the eligibility questions honestly because honesty is a code of conduct requirement of salespeople and AMVIC relies on the information provided by the applicant to make decisions about their application. The information provided is also verified by AMVIC through a police information check (“PIC”), Justice Online Information Network (“JOIN”) search and open-source searches (e.g. Google).

The recency, seriousness and frequency of the applicant's criminal charges and convictions are considered as is whether the information provided by the Applicant is consistent with the information obtained through the verification process. Having a criminal record does not automatically preclude registration.

In the case of both a renewal and reinstatement application, the applicant completes a series of eligibility questions to provide information regarding, for example, new charges or convictions arising since their last application. If there are new charges or convictions, the applicant is required to provide a PIC.

Ms. A [REDACTED] first became aware of Mr. Henderson's [REDACTED] of his May 2025 reinstatement application. A JOIN search was obtained which resulted in Mr. Henderson being asked to provide a PIC. Based on the information obtained by Licensing, Ms. A [REDACTED] submitted an Application Report to the Registrar to determine if an administrative review was required.

The Administrative Review proceeded via teleconference. Mr. Henderson attended. He admitted that he failed to answer the eligibility questions in both his November 2023 and May 2025 reinstatement applications correctly. The Registrar decided not to grant Mr. Henderson's application.

Opening Submissions of the Appellant

Mr. Henderson has been in the automotive business since 2007/2008.

Mr. Henderson is hoping that AMVIC will give him the opportunity to re-join the automotive sales industry. He has had a lot of time to reflect on his behaviour. There was no excuse for it. At the time he was not truthful with AMVIC [REDACTED] He was going through [REDACTED]

[REDACTED] Now, he is much clearer and healthier. He is a good salesperson, selling approximately 200 vehicles per year.

Mr. Henderson also noted that he has had no complaints to AMVIC that he is aware of. He went through a difficult time. [REDACTED]

On questioning by AMVIC, Mr. Henderson acknowledged that [REDACTED]

[REDACTED] He acknowledged that [REDACTED] were detailed in his May 2025 reinstatement application.

Evidence of Mr. Adam Najjar

Mr. Najjar is a General Sales Manager at an automotive business in Edmonton. He has known Mr. Henderson since 2009. They know each other very well. Mr. Henderson's [REDACTED]. He was not truthful when he completed his 2023 reinstatement application. His 2025 application lacked detail. He was not himself when he was going through these difficulties. From 2009 until his convictions in 2023, Mr. Henderson was an asset to the business. After his difficulties, he was welcomed back to the business. He is great with customers. He is honest and fair to them. He is neither malicious nor negative to his clients or his peers.

SUMMARY OF CLOSING SUBMISSIONS OF THE PARTIES

Closing submissions on behalf of AMVIC

The threshold to become a registered automotive salesperson is not high. The applicant completes an application and the salesperson registration course. The role of AMVIC is to review the information available to it to assess whether the applicant is a risk to consumers. Will the applicant follow the rules applicable to the industry? If there is no evidence to suggest otherwise, the application is granted. If there is, it is not in the public interest to approve the application.

Mr. Henderson's [REDACTED]

[REDACTED] was of concern to the Registrar.

November 2023 and May 2025 reinstatement applications. In 2023 the answers he gave to some of the eligibility questions were inaccurate. His May 2025 application included limited details in respect [REDACTED]. The Registrar quite reasonably found that Mr. Henderson had minimized or failed to disclose the details [REDACTED]. The Registrar was concerned.

The Registrar denied Mr. Henderson's application for reinstatement and did so under sections 127(b)(iii), (b)(vii) and (c) of the CPA. Mr. Henderson failed to disclose [REDACTED] respect of his 2023 reinstatement application and the information he provided in respect of his 2025 application was incomplete. [REDACTED]

[REDACTED] Mr. Henderson was not honest. The purchase of a motor vehicle is a significant financial transaction. It is the expectation of AMVIC and consumers that a salesperson will act honestly. Accordingly, it was the Registrar's view that it was not in the public interest to reinstate Mr. Henderson's salesperson registration. The Registrar made no demonstrable error.

Mr. Henderson's efforts to work in the automotive sales industry specifically and to work generally are noted. However, the Registrar's Decision was not punitive but directed at protecting the public.

If the Appeal Committee upholds the Registrar's Decision, this does not preclude Mr. Henderson from reapplying for his salesperson registration in the future.

Mr. Henderson's Closing Submissions

He is not a harm to the public. He is not a threat to anyone. He just wants to sell cars and provide

His General Sales Manager attended this hearing, supports him and has full confidence in him.

ISSUE TO BE DETERMINED ON THIS APPEAL

Pursuant to section 3.2.2(n) of the Appeal Policy, we are to determine if the Registrar's Decision to refuse the reinstatement of Mr. Henderson's salesperson registration was consistent with the provisions of the CPA, the *Automotive Business Regulation*, and the Bylaws and policies of AMVIC (collectively the "Governing Authorities"). Section 3.2.2(o) permits us to confirm, vary or quash the Registrar's Decision.

DECISION

Mr. Henderson seeks to have us quash the Registrar's Decision and grant his reinstatement application. We are, however, of the unanimous view that the Registrar's Decision should be confirmed. That decision was consistent with the Governing Authorities, specifically section 127 of the CPA.

Mr. Henderson's [REDACTED]
[REDACTED] Mr. Henderson did not act with honesty and integrity when he completed his 2023 reinstatement application, and his 2024 reinstatement application was incomplete with respect to important details [REDACTED]

At the Administrative Review, Mr. Henderson indicated that it was not his intention to falsify his 2023 application or mislead the Registrar, however his fear of the consequences of disclosing his [REDACTED] to AMVIC evidences a clear intention to deceive. His 2024 application provided only minimal and incomplete information. We do not accept that Mr. Henderson did not intend to [REDACTED]. Accordingly, we share the same concerns as the Registrar regarding Mr. Henderson's ability to act with honesty and integrity as a salesperson given his failure to do so in his dealings with AMVIC.

In these circumstances, the public would lose confidence in AMVIC's ability to protect the public if Mr. Henderson was granted a salesperson registration at that time and to do so would diminish the value of a salesperson registration.

As noted by AMVIC, this decision does not preclude Mr. Henderson from re-applying for a salesperson registration at a future date. We, however, cannot comment on when Mr. Henderson should re-apply.

Dated this 12th day of August 2025.

"original signed by"

Dave Quest
Chair – AMVIC Salesperson Appeal Committee