

July 24, 2025

Administrative Review – 25-05-012  
Served via email: [rnacalgary@gmail.com](mailto:rnacalgary@gmail.com)

## Administrative Penalty

AMELITA GALPAO  
#11, 700 33 STREET NE  
CALGARY, AB  
T2A 5N9

Dear Amelita Galpao:

**Re: Amelita Galpao – Provincial Automotive Salesperson Registration No. S2031932**

As the Director of Fair Trading (as delegated) (the “Director”), I am writing to you pursuant to Section 158.1(1) of the Consumer Protection Act (“CPA”) to provide you with written notice of the Administrative Penalty issued under that section.

## Facts

The evidence before me in relation to this matter consists of the material contained in an Alberta Motor Vehicle Industry Council (“AMVIC”) investigations department application report (the “Application Report”) prepared by the investigator and the senior manager of investigation. A copy of the Application Report is attached as Schedule “A” to this letter. I have also taken into consideration the written representations from Amelita Galpao (the “Registrant”) that were received on June 9, 2025 in advance of the scheduled administrative review and the information exchanged during the administrative review held via teleconference call on June 17, 2025. The Registrant provided written representations via email dated July 22, 2025 (attached as Schedule “D”) in response to the Proposed Administrative Penalty, which I have also taken into consideration.

## ***Salesperson Registration Status***

Amelita Galpao holds an AMVIC salesperson registration (S2031932) with an expiry date of Aug. 31, 2025 and was first issued a salesperson registration in June 2020. Ms. Galpao does not use her residential address in AMVIC’s database system, Open Regulate (“OR”), she uses the business address of her place of business, R & A Car Care Centre Ltd. which is #11, 700 33 Street NE, Calgary. OR records list her phone number as 587-703-9588 and an email of [rnacalgary@gmail.com](mailto:rnacalgary@gmail.com).

## **Automotive Industry Affiliation**

R & A Car Care Center Ltd. is only authorized to engage in consumer transactions at #11, 700 33 Street NE, Calgary. OR records indicate the business phone number as 587-703-9588 and an email address of [rnacalgary@gmail.com](mailto:rnacalgary@gmail.com), both of which match the OR records of the Registrant.

The Government of Alberta's Corporate Registry System ("CORES") is database system that maintains records of corporations, non-profit companies, societies, partnerships, and other entities registered in the Province of Alberta. A CORES query shows R & A Car Care Center Ltd. has two directors, the Registrant and [REDACTED]. The Registrant is the recorded agent for service using the same business address and email of R & A Car Care Center Ltd. that is documented in OR. The address for the Registrant in CORES is [REDACTED]. The Registries Online Access Delivery System ("ROADS"), the Government of Alberta database holding vehicle information and identifying data of individuals, shows this address as a previous address for the Registrant.

[REDACTED] address as per a CORES search is recorded as [REDACTED] which matches the information in the ROADS database. OR holds no record of [REDACTED] having been issued a salesperson registration.

R & A Car Care Center Ltd. is an AMVIC licensed business (B2030852) that is authorized for the designated business activities of service station, used sales, autobody, garage and specialty service.

It is noted in Schedule "A" that R & A Car Care Centre Ltd. is not subject to the Application Report and the current administrative matter only relates to the actions of the Registrant.

In advance of the scheduled administrative review the Registrant emailed written representations to the Director stating:

*"Dear AMVIC Officer,*

*I am writing in regard to the complaint filed against me under AMVIC File Number 24-12-291.*

*My name is Amelita Galpao. My phone number is 587-703-9588. I have been a registered salesperson with AMVIC since 2020 and am also a part-owner of R&A Car Care Center Ltd., Business License #B2030852. I reside at [REDACTED].*

*The complaint involves a 2013 Subaru Crosstrek, which I personally purchased under my own name—not under my business. This was a private transaction and is not connected to R&A Car Care Center Ltd.*

*The issue regarding the alleged odometer discrepancy has already been resolved. When I sold the vehicle to [REDACTED], I did not intend to withhold or misrepresent the odometer reading. Once the concern was brought to my attention, I took immediate action. I contacted [REDACTED], explained the situation, and offered to buy back the vehicle, which she accepted. After retrieving the vehicle, I also went to the police department to clarify and clear any concerns regarding my role as the seller.*

*Following that, I decided to resell the vehicle. To ensure full transparency, I clearly stated the accurate odometer reading on the Bill of Sale and informed the new buyer that the instrument*

*cluster had been replaced by the previous owner. Both of us signed the Bill of Sale acknowledging this disclosure.*

*In addition, I would like to address another concern noted in the file. On March 25, 2025, I understand that a site visit was conducted at my residence and it was observed that several vehicles were parked on the property. I would like to clarify that some of those vehicles—such as the Toyota Sienna, RAV4, Ford Explorer, and GMC Savana—are shop vehicles. Others—such as the Toyota Camry, Honda CR-V, and Chevrolet Equinox—belong to customers and are awaiting repair. I acknowledge that I made a mistake by placing random license plates on some of these vehicles, which I now understand was inappropriate.*

*However, I can confidently say that none of those plates were used to drive the vehicles. My concern at the time was simply to avoid the City of Calgary possibly towing them.*

*Some of the vehicles were also parked at my home due to a lack of available space at our main business location. For the past few months, we had been in the process of securing a second location to accommodate the growing volume of work. Thankfully, we recently acquired a nearby space and have since relocated all the vehicles from my residence to that new location.*

*Another issue I would like to clarify involves vehicles purchased from auction using our business account, with the Bill of Sale issued under R&A Car Care Center Ltd. I now understand that it was a mistake to sell those vehicles under my personal name instead of the business name. At the time, I was unaware that this practice was not allowed.*

*However, I want to emphasize that every sale was properly documented, with a complete Bill of Sale and AMVIC Certificate provided to the buyers.*

*In conclusion, I acknowledge the following three main mistakes:*

*The odometer disclosure issue, which I addressed and resolved.*

*The use of random license plates on parked vehicles at my home—though I confirm they were never used for driving.*

*Selling vehicles under my personal name when they were purchased under the business name.*

*As someone who came to Canada as a temporary worker, earned my citizenship, and worked hard to establish a small business, it has never crossed my mind to exploit or take advantage of others. We opened our business with the intention of operating honestly—following all the rules, paying taxes, and helping others in our community.*

*I sincerely apologize for these unintentional mistakes and am fully committed to correcting them and maintaining compliance with AMVIC regulations.*

*Please let me know if you require any further documentation or clarification. I am fully cooperative and willing to work with you to resolve this matter."*

### **Administrative Review**

An administrative review was held on June 17, 2025, at approximately 1 p.m., via teleconference call. Participating in the administrative review were Amelita Galpao; [REDACTED], AMVIC investigator; [REDACTED] AMVIC manager of investigations south; and G. Gervais, Director of Fair Trading (as delegated) (the "Director").

### **Summary of Investigation**

#### **Case File 24-12-291**

1. In December 2024, AMVIC received a consumer complaint from a member of the public informing AMVIC of concerns of a 2013 Subaru Crosstrek (the "Crosstrek") that he previously owned was posted for sale by an individual using the social media name "Vin Vincent". The previous owner of the Crosstrek informed he had purchased the Crosstrek in early February 2024, not from the Registrant, then found the odometer had been rolled back. The rollback was reported to the police and the Crosstrek was returned to the seller and the seller was convicted of fraud in late 2024.
2. The complainant indicated he found the Crosstrek posted for sale by "Vin Vincent", contacted the seller for an address to view it and obtained the vehicle identification number ("VIN") which he confirmed was the same as the Crosstrek he previously owned.
3. The complainant provided the social media advertisement for the Crosstrek posted by profile "Vin Vincent" who later appeared to change the profile name to "AC Galpao". The social media chat gave an address to view the Crosstrek at [REDACTED] and the image of a door VIN of JF2GPAVC0D2821209.
4. A review of the social media advertisement of the Crosstrek shows "driven 145,800 km" then goes on in the description to state "selling my Subaru Crosstrek...", "well maintained", and "was having issues with the cluster flickering so it has been replaced with a used one. The car currently shows 151,000 kms but the original body & engine has 245,800 kilometers."
5. The previous owner of the Crosstrek informed the AMVIC investigator he purchased the vehicle with the dash showing approximately 150,000 km on the odometer from the individual who was charged with fraud in February 2024.
6. On Feb. 3, 2025, the AMVIC investigator made a request to the Data Access & Contract Management Unit ("DACMU") of Service Alberta under an information sharing agreement between DACMU and AMVIC. A bill of sale ("BOS") for the Crosstrek was requested as it was found to have a new owner as of Dec. 30, 2024.

7. On Feb. 14, 2025, DACMU returned a BOS to the AMVIC investigator for the Crosstrek showing the Registrant was the seller and her address of "████████████████████████████████████████" with a sale price of \$11,500 on Dec. 30, 2024. There is no phone number or government identification number of the seller. There is no odometer reading listed on the BOS for the Crosstrek.
8. ROADS database holding identifying information on individuals' documents shows the Registrant having an address of ████████████████████████████████████████ with a phone number of 587-703-9588.
9. On March 26, 2025, the AMVIC investigator attended ████████████████████████████████████████. The investigator remarked that there were multiple vehicles along the fence line, the alley way and the front of the address. Some vehicles had licence plates, some had licence plates attached loosely and some had no licence plates. VINs and licence plates that were visible were recorded by the AMVIC investigator.
10. Information from the licence plates and VINs collected by the AMVIC investigator when the site visit was conducted at the Registrant's residence on March 26, 2025 (see Schedule "A"; Exhibit D) were where used to collect the following information about the vehicles observed at the Registrant's residence. The AMVIC investigation identified that:

**Licence Plate: CPR1603**

- Licence plate CPR1603 was attached to a Toyota Rav4 on March 26, 2025.
- CPR1603 is issued to ████████████████████████████████████████ with the last registration to a 2015 Toyota Sienna that expired Nov. 30, 2024.
- It is not known how the Toyota Rav4 came into the Registrant's possession.

**Licence Plate: CKT9258**

- Licence plate CKT9258 was attached to a Ford sport utility vehicle ("SUV") on March 26, 2025.
- CKT9258 expired March 31, 2023 and was last registered to a ████████████████████ of a different address with the last registration to a 2010 Nissan Rogue.
- It is not known how the Ford SUV came into the Registrant's possession.

**Licence Plate: CKP1195**

- Licence plate CKP1195 was attached to a Chevrolet SUV on March 26, 2025.
- CKP1195 expired Dec. 31, 2022 and was last registered to a ████████████████████ of a different address.
- It is not known how the Chevrolet came into the Registrant's possession.

**Licence Plate: CJL3416**

- Licence plate CJL3416 was attached to a Ford Explorer on March 26, 2025.

- CJL3416 is issued to [REDACTED] with the last registration to a 2009 Dodge Ram 1500 that expired Nov. 30, 2024.
- The VIN plate on the Ford Explorer read 1FM5K8GT7FGB69359.
- On March 26, 2025 VIN 1FM5K8GT7FGB69359 showed no active registration and a rebuilt status as of Feb. 5, 2025.
- The salvage certificate for the Ford Explorer is issued in the name of the Registrant and documents her address and phone number.
- It is not known how the vehicle came into the Registrant's possession.

**VIN Plate: 2HKRM4H39GH122922**

- A 2016 Honda CRV with VIN plate 2HKRM4H39GH122922 had no licence plate attached and did not look damaged on March 26, 2025.
- The investigation determined the 2016 Honda CRV had been sold at a Saskatchewan auction on May 8, 2024.
- It is not known how the vehicle came into the Registrant's possession.

11. The AMVIC investigator made a request to Alberta Transportation to obtain salvage certificates that were issued to the Registrant and identified that the Registrant sold five vehicles to consumers that required salvage certificates prior to the sale (see Schedule "A"; Exhibit G):

**Vehicle One:**

- On Nov. 6, 2024 a salvage certificate for a 2008 Honda CR-V was issued to the Registrant.
- On Nov. 29, 2024, the Registrant sold the vehicle to a consumer.
- ROADS confirms the Registrant was never the registered owner of the 2008 Honda CR-V.

**Vehicle Two:**

- On Dec. 18, 2024, a salvage certificate for a 2015 Toyota Rav4 was issued to the Registrant.
- On Dec. 30, 2024, the Registrant sold the vehicle to a consumer.
- ROADS confirms the Registrant was never the registered owner of the 2015 Toyota Rav4.

**Vehicle Three:**

- On Jan. 4, 2025, a salvage certificate for a 2016 Honda CR-V was issued to the Registrant.
- On Feb. 14, 2025, the Registrant sold the vehicle to a consumer.
- ROADS confirms the Registrant was never the registered owner of the 2016 Honda CR-V.

**Vehicle Four:**

- On Jan. 9, 2025, a salvage certificate for a 2015 Toyota Venza was issued to the Registrant.
- On Jan. 31, 2025, the Registrant sold the vehicle to a consumer.
- ROADS confirms the Registrant was never the registered owner of the 2015 Toyota Venza.

**Vehicle Five:**

- On March 6, 2025, a salvage certificate for a 2013 Dodge Dart was issued to the Registrant.
- On March 15, 2025, the Registrant sold the vehicle to a consumer.
- ROADS confirms the Registrant was never the registered owner of the 2013 Dodge Dart.

12. The Registrant did not have questions for the AMVIC investigator.

13. After the AMVIC investigator put forward the evidence in relation to AMVIC investigation (case file 24-12-291) and the alleged breach, the Director sought some clarification from the Registrant and she advised the following:

- She has been an AMVIC registered salesperson and AMVIC licensed business owner for over five years.
- R & A Car Care Centre Ltd. employs six employees and the Registrant is the only salesperson.
- On an annual basis, R & A Car Care Centre Ltd. sells approximately four to five vehicles a year.
- She did remit the levies for the five vehicles that she sold to consumers, however the Director does not have evidence before him to support this claim.
- The five vehicles were purchased at auction and the money made from selling them was sent to the business.
- She still has all the paperwork for the five transactions including the Mechanical Fitness Assessments ("MFAs"), BOS', salvage inspections, etc.
- R & A Car Care Centre Ltd. now has an additional bay to store and park vehicles for repair, and the Registrant no longer needs to park vehicles at her residence.
- She takes responsibility for her actions and advised that she did not know she could not use her name on the BOS.

14. AMVIC's website provides information on "curbers" and states:

*"Curbers (a.k.a., curbsiders) are illegal sellers operating without the required AMVIC sales licence.*

*Typically, curbers sell stolen, damaged, or odometer-tampered vehicles.*

*Consumers who buy these vehicles are often disappointed and find that when problems surface, the seller is gone and they have limited recourse."*

15. During the administrative review, the Director asked the Registrant if she knew what a curber was, considering she had previously completed the Salesperson Registration Course. The Registrant advised that a curber is someone who sells vehicles without a licence or fixes the cars in their garage and then sells it. The Director explained to the Registrant she is not authorized to sell motor vehicles that are not registered to her from her personal home address.
16. The Registrant works for an AMVIC business licence that is authorized for the business activity of used sales, however sold five vehicles privately without having to follow the legislative requirements not limited to providing a consumer with the vehicle history information, an MFA and conforming with BOS legislation. This also leads consumers to believe they have purchased a persons privately owned vehicle, when in fact they have purchased a vehicle from an individual who only recently took possession of the vehicle, for the purpose of selling the vehicle. A business that is required to be AMVIC licensed provides the consumer additional safeguards and access to apply to AMVIC's Compensation Fund if a valid issue were to arise. The consumers who purchased vehicles from the Registrant did not know they were actually purchasing a vehicle from an AMVIC licensee and therefore were unaware of those additional safeguards they would have access to.
17. In the Registrant's written representations from June 9, 2025, in advance of the scheduled administrative review, the Registrant stated that, *"However, I want to emphasize that every sale was properly documented, with a complete Bill of Sale and AMVIC Certificate provided to the buyers"*. The Director sought clarification as to what an **"AMVIC Certificate"** is, as this does not exist. The Registrant advised that she was referring to an MFA.
18. The AMVIC investigator asked the Registrant if she could detail what needs to be included when a BOS is completed. The Registrant relayed basic information and details such as the amount, signature, date, address however failed to state key information such as the required disclosure statements relating to the vehicle history information or the MFA. It concerned the Director that for a salesperson who has been in the automotive industry for over five years, Ms. Galpao was not familiar with the BOS legislative requirements as per Section 31.2 of the Automotive Business Regulation ("ABR").
19. When the Registrant was probed further, she admitted part of the reason the vehicles were sold privately was to subvert the need to get insurance.
20. The Proposed Administrative Penalty dated June 23, 2025 was served to the Registrant on June 23, 2025. The Proposed Administrative Penalty provided the Registrant an opportunity to make written representations by July 23, 2025. The Registrant provided written representations on July 22, 2025, in response to the Proposed Administrative Penalty (see Schedule "D").

## **Legislation**

### ***Consumer Protection Act***

#### **Licence required - designated businesses**

##### **Section 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.

### **Administrative Penalties**

#### **Notice of administrative penalty**

##### **Section 158.1**

- (1) If the Director is of the opinion that a person
- (a) has contravened a provision of this Act or the regulations, or
  - (b) has failed to comply with a term or condition of a licence issued under this Act or the regulations,
- the Director may, by notice in writing given to the person, require the person to pay to the Crown an administrative penalty in the amount set out in the notice.
- (2) Where a contravention or a failure to comply continues for more than one day, the amount set out in the notice of administrative penalty under subsection (1) may include a daily amount for each day or part of a day on which the contravention or non-compliance occurs or continues.
- (3) The amount of an administrative penalty, including any daily amounts referred to in subsection (2), must not exceed \$100 000.
- (4) Subject to subsection (5), a notice of administrative penalty shall not be given more than 3 years after the day on which the contravention or non-compliance occurred.
- (5) Where the contravention or non-compliance occurred in the course of a consumer transaction or an attempt to enter into a consumer transaction, a notice of administrative penalty may be given within 3 years after the day on which the consumer first knew or ought to have known of the contravention or non-compliance but not more than 8 years after the day on which the contravention or non-compliance occurred.

### **Right to make representations**

##### **Section 158.2**

Before imposing an administrative penalty in an amount of \$500 or more, the Director shall

- (a) advise the person, in writing, of the Director's intent to impose the administrative penalty and the reasons for it, and
- (b) provide the person with an opportunity to make representations to the Director.

## **Analysis – Did the Supplier fail to comply with the provisions of the CPA?**

The material which formed the Application Report was the result of a consumer complaint received by AMVIC, case file 24-12-291.

#### A. Unlicensed Activity (CPA Section 104(1))

The investigation findings support the Registrant engaged in the sale of vehicles to consumers from her residence. Ms. Amelita Galpao is a registered salesperson and knows her activities are regulated. Selling the vehicles from her home subverts the legislated requirements afforded to consumers for their protection.

The evidence (see Schedule “A”; Exhibit G), supports that in five instances, the Registrant “curbed” or sold five vehicles privately to consumers. These five vehicles were not registered to the Registrant nor were they personal use vehicles. The vehicles were purchased for the intended purpose to sell the vehicles and therefore could not be “privately” sold by the Registrant to consumers.

The Registrant took responsibility, and admitted in her written representations dated June 9, 2025 and during the administrative review that it was a mistake for her to sell vehicles under her personal name when they were purchased under the Supplier’s name at auction.

In the Registrant’s written representations in response to the Proposed Administrative Penalty (see Schedule “D”) she stated *“I have taken steps to review the legislation and improve internal procedures to prevent future issues”* and *“I remain committed to following AMVIC’s guidelines and ensuring continued compliance and professionalism”*.

On a balance of probabilities, based on the evidence currently available, the Registrant did contravene Section 104(1) of the CPA.

#### B. Other Considerations

AMVIC follows a progressive enforcement model when enforcing consumer protection laws. Administrative action may include a written warning, condition(s) added to the licence, charges under the legislation, Administrative Penalty, Director’s Order, Undertaking and suspension or cancellation of a licence as outlined in the CPA. When determining an appropriate enforcement measure, the Director will consider several factors before making his decision to ensure what level of enforcement is appropriate to the contravention.

The Registrant has not been subject to any previous enforcement actions. The Director considered other enforcement actions. The Director cannot consider entering into an Undertaking with the Registrant as the Director has no information or evidence before him that the Registrant has ceased the contravention and therefore cannot enter into an Undertaking as indicated in Section 152(1)(b) of the CPA.

The Director acknowledges the written representations submitted by the Registrant on June 9, 2025 taking responsibility for her actions, indicating her willingness to work with the regulator and her commitment to adhere to the legislative requirements, as well as her comments during the scheduled administrative review on June 17, 2025.

As a regulatory body, AMVIC must ensure the protection of consumers and industry members. AMVIC's licensing department receives a high volume of business licence and salesperson registration applications annually. In the province of Alberta there are approximately 8,000 licensed businesses and approximately 11,000 registered salespeople. AMVIC's licensing department is the "gatekeeper" for ensuring that applicants, licensees and registrants not only meet the licensing requirements but also to review applications through background checks, internal checks and to bring concerns to the attention of the Director of Fair Trading (as delegated) for an administrative review when appropriate.

AMVIC as a regulator must ensure a fair marketplace for the industry it regulates. AMVIC has taken a strong position against curbing through the application process, numerous bulletins, industry announcements, newsletters, public forums, media interviews and through AMVIC's website. AMVIC must take a strong position to ensure the legislation is being adhered to. AMVIC licensed businesses are placed at a disadvantage when another competitor or individuals do not meet the same licensing requirements and other legislative requirements yet continue to conduct automotive sales.

AMVIC's investigation department within AMVIC that investigates consumer complaints where there are apparent breaches of the legislation and have a duty to investigate consumer complaints referred to them and enforce the legislative requirements that automotive businesses are expected to adhere to in Alberta. A consumer is most likely unaware of the legislative requirements that businesses must comply with and therefore it is unlikely they would know to submit a complaint about the disclosure of vehicle history or condition, unlicensed businesses or business activity, or unregistered salespeople.

By completing the Salesperson Registration Course, the Registrant would have had the knowledge that it is illegal to engage in unlicensed business activity as per Section 104(1) of the CPA. No person may engage in a designated business unless the person holds a licence under the act that authorizes the person to engage in that business, which includes the sale of motor vehicles.

AMVIC-licensed businesses have clear guidelines for the advertisement and sale of vehicles that protect consumers. All AMVIC-registered salespeople must have successfully completed a course on the laws and regulations they are required to follow. A consumer who buys a car from a licensed business will have additional protections, potentially including access to apply to AMVIC's Compensation Fund.

Failing to comply with rather straightforward legislative requirements places consumers and the industry at risk. The actual and potential, physical and financial harm to the public and the industry cannot be ignored.

There exists an onus on the Registrant to ensure they are complying with the law. As stated in the Supreme Court of British Columbia in *Windmill Auto Sales & Detailing Ltd. v. Registrar of Motor Dealers*, 2014 BCSC 903 addressed the issue of the onus and responsibility that a Supplier has when operating within regulated industry. The court at paragraph 59 stated:

*In my view, it is incumbent upon a party that operates within a regulated industry to develop at least a basic understanding of the regulatory regime, including its obligations under the regime, as well as the obligations, and the authority, of the regulator.*

A recent Service Alberta and Red Tape Reduction Appeal Board rendered a decision (attached as Schedule “B”) regarding the importance of the legislation that regulates the automotive industry as well as the importance of the members within the regulated industry to operate within the regulatory framework. Paragraph 39 of the Service Alberta and Red Tape Reduction Appeal Board decision states:

*“Regulations are not merely a formality. They exist to protect consumers and fulfil the mandate of the CPA as described in its preamble.”* [Paragraph 39.b.]

*“...regulations are not optional, they serve an important social purpose”.* [Paragraph 39.d.]

A recent Service Alberta Appeal Board rendered a decision (attached as Schedule “C”) and addressed the onus and responsibility of salespeople and Suppliers. The appeal panel at paragraph 91 stated:

*“At the same time, we recognize that AMVIC is not there to hold a party’s hand through the administrative process. Nor is it there to train applicants in terms of being administratively efficient. AMVIC is there to protect the public. The onus is on salespersons and car dealerships to remain current with AMVIC and to comply with the regulatory framework in place at any given time.”*

The Director considered imposing conditions on the Registrant’s salesperson registration, however in the opinion of the Director this would not satisfy the public interest as the Registrant has been in the industry since **2020**, and is the owner and director of a AMVIC licensed automotive business. She knew or ought to have known the legislative requirements.

The amount of the Administrative Penalty cannot be viewed as a cost of doing business but rather as a deterrent for continuing to engage in unlicensed activity. In reviewing all the evidence and determining the contravention of the legislation, in the opinion of the Director, the Registrant’s actions have fallen short of what is expected of a Registrant in the automotive industry.

The aggravating factors in this matter include the fact that the Registrant is not new to the automotive industry and knowingly breached the legislation in five instances. The mitigating factor is that there is no previous enforcement history.

This Administrative Penalty is taking into account the seriousness of the contravention of the legislation found during the investigation; the cost of investigating the Registrant’s activities; and the aggravating and mitigating factors listed above.

### **Action**

In accordance with Section 158.1(a) of the CPA and based on the above facts, I am requiring that Amelita Galpao pay an Administrative Penalty. This is based on my opinion Amelita Galpao has contravened Sections 104(1) of the CPA.

Taking into consideration all the representations made by Ms. Galpao and the representations made by AMVIC's investigations department, the amount of the Administrative Penalty is **\$3,500**.

The amount takes into consideration the factors outlined in Section 2 of the Administrative Penalties (*Consumer Protection Act*) Regulation, AR 135/2013 and the principles referenced in *R v Cotton Felts Ltd., (1982), 2 C.C.C (3d) 287 (Ont. C.A.)* as being applicable to fines levied under regulatory legislation related to public welfare including consumer protection legislation. In particular the Director took into account the above listed aggravating and mitigating facts as well as:

1. The seriousness of the contraventions or failure to comply;
2. The cost of investigating the Registrant's activities;
3. The maximum penalty under Section 158.1(3) of the CPA of \$100,000; and
4. The deterrent effect of the penalty.

**The amount of the Administrative Penalty is \$3,500.**

Pursuant to Section 3 of the Administrative Penalties (*Consumer Protection Act*) Regulation, you are required to submit payment within thirty (30) days of the date of service of this notice or within the time period specified in the notice of Administrative Penalty. In their written representations to the Proposed Administrative Penalty, the Registrant requested 90 days to pay the Administrative Penalty due to financial limitation. The Director reviewed this request and the Registrant is required to submit payment within **ninety (90) days** of the date of service of this notice.

Failure to pay the Administrative Penalty will result in a review of the licence status. Payment may be made payable to the **"Government of Alberta" and sent to AMVIC** at:

Suite 303, 9945 – 50th Street  
Edmonton, AB T6A 0L4.

If payment has not been received in this time period, the Notice may be filed in the Court of King's Bench and enforced as a judgement of that Court pursuant to Section 158.4 of the CPA and further disciplinary action will be considered.

Section 179 of the CPA allows a person who has been served a notice of Administrative Penalty to appeal the penalty. To appeal the penalty, the person must serve the Minister of Service Alberta and Red Tape Reduction.

Minister of Service Alberta and Red Tape Reduction  
103 Legislature Building  
10800 - 97 Avenue NW  
Edmonton, AB  
Canada T5K 2B6

with a notice of appeal within **thirty (30) days** after receiving the notice of Administrative Penalty. The appeal notice must contain your name, your address for service, details of the decision being appealed and your reasons for appealing.

Pursuant to Section 180(4) of the CPA, service of a notice of appeal operates to stay the Administrative Penalty until the appeal board renders its decision on the appeal or the appeal is withdrawn.

Under Section 4 of the Administrative Penalties (*Consumer Protection Act*) Regulation, the fee for appealing an Administrative Penalty is the lesser of \$1,000 or half the amount of the penalty. As such, the fee for an appeal of this Administrative Penalty, should you choose to file one, would be \$1,000. Should you choose to appeal this Administrative Penalty, you must send the appeal fee to the Minister of Service Alberta and Red Tape Reduction at the above noted address, made payable to the "Government of Alberta".

Yours truly,

"original signed by"

Alberta Motor Vehicle Industry Council (AMVIC)  
Gerald Gervais  
Director of Fair Trading (as Delegated)

GG/ks

Encl.

cc: [REDACTED], Senior Manager of Investigations, AMVIC