

IN THE MATTER OF AN APPEAL BY
ERICK DEBROSSE

OF THE DECISION BY
THE ALBERTA MOTOR VEHICLE INDUSTRY COUNCIL (“AMVIC”)
DATED SEPTEMBER 11, 2025, TO REFUSE THE 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: Don Wilson

Members: Wayne Paulsen
Chris Robertson

Appearances: Erick Debrosse (Appellant)

Amin Ben Khaled (Shores Jardine LLP) counsel for AMVIC
Yoneke A. [REDACTED], AMVIC Manager of Licensing

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

Appeal Heard: November 4, 2025 – via video conference

INTRODUCTION AND SUMMARY OF DECISION OF THE APPEAL COMMITTEE

This is an appeal of the September 11, 2025 decision of the Director of Fair Trading (as delegated) (the “Director”) who, following an administrative review, refused Erick Debrosse’s provincial automotive salesperson registration (“salesperson registration”). The Director did so pursuant to sections 104 and 127(b)(iii), (b)(vii) and (c) of the *Consumer Protection Act* (the “CPA”). (The “Director’s Decision”)

For the reasons set out below, the AMVIC Salesperson Appeal Committee (the “Appeal Committee”) confirms the Director’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 to act on behalf of a business operator.

Section 127 of the CPA gives the Director 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 Director. 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 Director’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 Director’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

On September 21, 2023, [REDACTED]

[REDACTED] December 20, 2025. Mr. Debrosse also has [REDACTED] for which [REDACTED] in February 2015.

In August 2025, Mr. Debrosse applied to be registered as an automotive salesperson. In the eligibility questions portion of the application, Mr. Debrosse responded [REDACTED] to the question regarding [REDACTED] and provided these details: [REDACTED] The details provided were not complete. Mr. Debrosse's [REDACTED] includes [REDACTED], under the [REDACTED]. [REDACTED].

In his application Mr. Debrosse did disclose that he is currently [REDACTED] and provided the following details regarding the [REDACTED], "Conditions are to [REDACTED] My end date in [sic] December 20th". The conditions listed by Mr. Debrosse were not complete.

Following an administrative review held September 9, 2025, the Director refused Mr. Debrosse's application because:

1. It was in the public interest under section 127(c) of the CPA to do so.
2. He failed to provide full details of his [REDACTED] contrary to section 127(b)(vii) of the CPA.
3. Of his [REDACTED] and because he is [REDACTED]
4. The public perception to allow an individual to operate in a regulated industry who [REDACTED] would be detrimental.
5. Mr. Debrosse had not demonstrated to the Director that he is capable of meeting the code of conduct requirements and integrity as a salesperson at that time.

RECORDS BEFORE THE APPEAL COMMITTEE

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

- September 2, 2025 – Letter from AMVIC to Mr. Debrosse providing notice of administrative review
- September 11, 2025 – Director's Decision
- September 18, 2025 - Notice of Appeal
- September 19, 2025 – Letter from the Director to Mr. Debrosse acknowledging receipt of his appeal
- October 3, 2025 – Letter from AMVIC to Mr. Debrosse confirming appeal hearing date and particulars of the appeal hearing
- October 3, 2025 – AMVIC letter to Appeal Committee Chair and letters to Appeal Committee Members
- September 2, 2025 - Application Report – Licensing

- Portions of the CPA
- Portions of the ABR
- The Appeal Policy

During the appeal hearing the following were entered as exhibits, without objection:

EX 1 Summary of [REDACTED]

ORAL PRESENTATIONS TO THE APPEAL COMMITTEE

Opening Submissions on behalf of AMVIC

AMVIC submits that the Director' Decision is consistent with the the provisions of the CPA, the ABR, and the bylaws and policies of AMVIC (the "Governing Authorities") and the Appeal Committee should dismiss Mr. Debrosse's appeal.

Summary of the Testimony of Yoneke A [REDACTED]

Ms. A [REDACTED] has been with AMVIC since 2014. She is the AMVIC Manager of Licensing. Her role, in respect of salesperson registration applications, is to review the application and the police information check ("PIC") for any concerns. If there are none, the application proceeds. If there are concerns, an application report is prepared and submitted to the Director with a request for an administrative review.

The role of an automotive salesperson is to be a subject matter expert in respect of an automotive purchase. The purchase of a vehicle is expensive and a significant purchase for many consumers. A salesperson is expected to act with honesty and integrity in their interactions with the public.

There are currently approximately 11,200 registered salespeople in Alberta. Ms. A [REDACTED] could not say how many of them have criminal convictions.

As part of the salesperson application process, the applicant completes a series of eligibility questions. That information provided serves as an opportunity for AMVIC to "get to know the applicant". The PIC is used to help assess whether it is in the public interest to grant the applicant a salesperson registration. Having a criminal record does not automatically disqualify someone from being granted a salesperson registration. The seriousness, recency and frequency of the charges/convictions and whether they are automotive related are considered. In terms of seriousness specifically, Ms. A [REDACTED] considers the length of any sentence imposed and the nature of the convictions. She also considers whether the applicant is a "repeat offender" and if they have any breaches of their conditions of their release/parole/probation.

Each applicant must provide a PIC. AMVIC compares the application to the applicant's PIC. AMVIC also completes a Justice Online Information Network ("JOIN") search which is Alberta specific and more detailed than the PIC. AMVIC also relies on open-source information.

Mr. Debrosse's August 18, 2025 application was not his first AMVIC salesperson application. He applied previously, but his application was refused as did not meet all the licensing requirements.

When AMVIC reviewed Mr. Debrosse's application and his PIC, discrepancies were noted, the information provided in the eligibility questions did not match the information contained in the PIC.

Once Ms. A [REDACTED] reviewed Mr. Debrosse's application, along with PIC and JOIN search, given the discrepancies noted and the fact that Mr. Debrosse was currently [REDACTED], an application report was submitted to the Director requesting an administrative review. Following that review the Director decided not to grant Mr. Debrosse a salesperson registration.

Summary of the Testimony of the Appellant

Mr. Debrosse acknowledges that he did not provide the full details of his [REDACTED] in completing his salesperson application. However, as he appreciated that he would be providing AMVIC with a PIC he understood that the full details would be disclosed and available to AMVIC. He also understood that he would likely need to attend an administrative review. He was not in any way trying to minimize his [REDACTED] nor was he trying to deceive AMVIC.

During his [REDACTED], Mr. Debrosse was placed in a position of trust in his role as a peer education counsellor. In addition, his [REDACTED] provided a letter to AMVIC in support of Mr. Debrosse's AMVIC salesperson application. As that letter states, he is trying to improve himself. As an individual [REDACTED], obtaining employment is not easy. He has an opportunity to work at a dealership, something that he enjoys. That job would be a positive contributor to his ongoing efforts to improve his situation and to rebuild his life. Granting him a salesperson registration would not put the public at risk. He did work at the dealership for a month, shadowing others. The people he worked with could see that he is not a risk. They are aware of his [REDACTED] and if his appeal is successful, he has the support of the people at the dealership.

He acknowledged that when the Director refused to grant him a registration, he was "bummed" but then he recognized that it was "not the end of the world" and was able to successfully find other employment.

SUMMARY OF CLOSING SUBMISSIONS OF THE PARTIES

Closing submissions on behalf of AMVIC

When the Director considers: (1) the basic qualifications to become a salesperson, and (2) an assessment of whether the public can trust that person, the threshold to be a registered automotive salesperson is not high. The presumption is that a person will follow the rules, and act honestly and with integrity. It is not in the public interest to grant a salesperson registration if the information before the Director is otherwise.

In the case of Mr. Debrosse, his most recent [REDACTED] are not his only [REDACTED]. He has a [REDACTED] There is a concerning pattern of repeated [REDACTED]

The Director refused Mr. Debrosse's application pursuant to three specific sections of the CPA. He made no errors in doing so. Firstly, pursuant to section 127(b)(vii), on the basis that in Mr.

Debrosse's August 2025 application he minimized the extent of his [REDACTED] and conditions. This raises serious concerns about Mr. Debrosse's honesty and ability to act with integrity. Secondly, Mr. Debrosse's [REDACTED] includes [REDACTED], and he is currently [REDACTED], satisfying the requirements of section 127(b)(vii). Thirdly, trust is an essential requirement of a salesperson. Mr. Debrosse has not yet shown that he can abide by the law. Accordingly, it was, pursuant to section 127(c) in the public interest not to grant him a salesperson registration.

AMVIC notes that if the Appeal Committee upholds the Director's Decision, that Mr. Debrosse is not prohibited from ever being registered. He can certainly reapply, but he needs to demonstrate a reasonable period of time with no additional [REDACTED]

Closing Submissions of the Appellant

Mr. Debrosse is determined to continue on a positive path. Although he presently has other employment, he submits that being granted a conditional salesperson registration would allow him to work in the industry and set him on a good path to his continued efforts to better himself. It would also serve to protect the public.

DECISION

We are of the unanimous view that the Director's Decision was consistent with the applicable provisions of the Governing Authorities and, accordingly we confirm the Director's Decision.

Appreciating that Mr. Debrosse may not have intended to minimize his [REDACTED] or to omit certain conditions in his application for registration, his failure to provide complete information when the application clearly specifies that details are to be provided, is concerning. Even ignoring his [REDACTED] from events in [REDACTED], Mr. Debrosse has [REDACTED]. He is presently [REDACTED]. We agree that, in the circumstances, it would not be in the public interest to grant Mr. Debrosse a salesperson registration at this time.

However, we do wish to take this opportunity to commend Mr. Debrosse for his efforts to improve his situation in the face of significant challenges. We encourage him to continue his efforts and reiterate AMVIC's statement during the appeal hearing that this decision does not preclude Mr. Debrosse from re-applying for a salesperson registration in the future. We, however, agree with the Director that Mr. Debrosse has not yet sufficiently demonstrated that he can be relied on to consistently follow the law and adhere to the standards expected of a registered salesperson.

Dated this 12th day of November 2025.


"original signed by"

—
Don Wilson
Chair – AMVIC Salesperson Appeal Committee