

IN THE MATTER OF AN APPEAL BY

ANTHONY LAVIGNE

OF THE MARCH 11, 2026 DECISION BY
THE ALBERTA MOTOR VEHICLE INDUSTRY COUNCIL (“AMVIC”)
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. 192/1999, AS AMENDED

REASONS FOR DECISION

Committee Chair: Don Wilson
Members: Paul Williams
Adam Mohl

Appearances: Anthony Lavigne (Appellant)

Amin Ben Khaled (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

Other Attendees: Rhonda V [REDACTED], AMVIC Manager Legal Services – keeping record of proceedings

Henry Yaw A [REDACTED] – AMVIC Legal Services - platform moderator

Appeal Heard: June 18, 2026 – via video conference

INTRODUCTION AND SUMMARY OF DECISION OF THE APPEAL COMMITTEE

This is an appeal of the March 11, 2026 decision of the Director of Fair Trading (as delegated) (the “Registrar”) who, following an administrative review, refused the reinstatement application of Anthony Lavigne for a provincial automotive salesperson registration (“salesperson registration”). The Registrar did so pursuant to sections 104 and 127(b)(iii), (b)(vii) and (c) 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 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 reinstatement 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, vary or quash 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...

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

Section 125 of the CPA provides:

125 In this Part, “conviction” means a conviction for an offence under any criminal or other law in force in Alberta or elsewhere that, in the Director’s opinion, indicates that the person convicted is unsuitable to be licensed under this Act.

BACKGROUND

Mr. Lavigne has been working in the automotive industry since the age of [REDACTED]. He obtained his initial salesperson registration in July 2004. He remained a registered salesperson until April 30, 2024, when his registration was not renewed and accordingly expired.

Mr. Lavigne was [REDACTED]

On February 2, 2026, AMVIC received Mr. Lavigne’s reinstatement application. In the eligibility questions portion of the application Mr. Lavigne responded [REDACTED]

In his reinstatement application Mr. Lavigne did disclose that he is subject to [REDACTED] and provided the following details: [REDACTED]

Following an administrative review held March 10, 2026, the Registrar refused Mr. Lavigne’s reinstatement application because:

1. It was in the public interest under section 127(c) of the CPA to do so.
2. He minimized and failed to disclose all his [REDACTED] contrary to section 127(b)(iii) of the CPA.
3. [REDACTED]
4. The public perception to allow an individual to operate in a regulated industry [REDACTED]
5. Mr. Lavigne had not demonstrated to the Registrar that he is capable of meeting the code of conduct requirements and integrity as a salesperson at that time.

In addition, the Registrar was not persuaded that granting a conditional salesperson registration 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:

- February 23, 2026 – Letter from AMVIC to Mr. Lavigne providing notice of administrative review
- February 24, 2026 – Letter from AMVIC confirming adjournment of administrative review
- March 11, 2026 – Registrar’s Decision
- April 10, 2026 - Notice of Appeal
- April 14, 2026 – Letter from the Registrar to Mr. Lavigne acknowledging receipt of his appeal
- April 16, 2026 – Letter from AMVIC to Mr. Lavigne confirming appeal hearing date and particulars of the appeal hearing
- April 16, 2026 – AMVIC letter to Appeal Committee Chair and letters to Appeal Committee Members
- February 20, 2026 - 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 [REDACTED]

ORAL PRESENTATIONS TO THE APPEAL COMMITTEE

Opening Submissions on behalf of AMVIC

AMVIC says that the Registrar made no error in refusing Mr. Lavigne’s reinstatement application as the Registrar’s Decision was consistent with the provisions of the CPA, the ABR, and the bylaws and policies of AMVIC (the “Governing Authorities”). It was in the public interest to refuse his application. Mr. Lavigne failed to provide AMVIC with the full details of his [REDACTED]

Summary of the Testimony of Yoneke A [REDACTED]

Ms. A [REDACTED] has been with AMVIC for 12 years. She has been the AMVIC Manager of Licensing for six years.

The role of an automotive salesperson is to be a subject matter expert in respect of an automotive purchase. The purchase of a vehicle for many consumers is the second largest financial transaction they will engage in.

There are currently approximately 11,400 registered salespeople in Alberta.

Ms. A [REDACTED] reviewed the registration process and the difference between a new registration application, a renewal application and a reinstatement application. As Mr. Lavigne's application was received by AMVIC more than 30 days after his salesperson registration expired, his application was a reinstatement application as opposed to a renewal application.

In the case of a new application, the applicant is required to complete an online application. The application contains 10 eligibility questions and four declaration questions. The eligibility questions include questions regarding, for example, whether the applicant has any pending criminal charges, criminal convictions and if they have been refused a salesperson registration by another regulatory body.

It is AMVIC's expectation that its registrants will be honest and upfront with consumers. Accordingly, it is important that an applicant be honest with AMVIC when completing their application.

As part of a new application, the applicant is required to provide a police information check ("PIC") at their own expense. In addition, AMVIC will conduct a Justice Online Information Network ("JOIN") search. AMVIC also uses open-source searches including contacting other regulatory bodies such as, for example, RECA (Real Estate Council of Alberta) and OMVIC (Ontario Motor Vehicles Industry Council).

The criminal record check serves an important role in assisting AMVIC in assessing an applicant's suitability to be a registered salesperson. AMVIC's mandate is to protect the public. It wants to ensure that consumers can feel safe and protected in their dealings with a registered salesperson. That said, having a criminal record does not automatically disqualify someone from being granted a registration. Ms. A [REDACTED] will look at the recency, seriousness, frequency and whether the charges/convictions are automotive related when vetting an application.

While a PIC is required to be provided by all new applicants, in the case of a renewal application a PIC is not required. AMVIC may request a PIC and it will conduct a JOIN search. In the case of a reinstatement application, if the application is made more than a year since the expiry of the applicant's registration, a PIC is required.

The registration application also differs slightly in the case of a renewal application in that the first eligibility question asks about charges, etc. since the last registration renewal.

Mr. Lavigne's first salesperson registration application was made in 2004. His registration expired April 30, 2024. His reinstatement application was received February 2, 2026, but was not processed until February 17, 2026, when his employment was confirmed as part of the application.

When AMVIC reviewed Mr. Lavigne's application, [REDACTED]

[REDACTED] Ms. A [REDACTED] understood that the [REDACTED] As a result, Ms. A [REDACTED] submitted a report to the Registrar requesting an administrative review.

An administrative review via teleconference was originally scheduled for March 2, 2026. It was rescheduled to March 10th at Mr. Lavigne's request and it proceeded as scheduled.

Summary of the Testimony of the Appellant

Mr. Lavigne clarified that his [REDACTED]

He is not going to make excuses for what happened. He has been in the automotive business since he was a kid. He made a mistake. [REDACTED]

[REDACTED] He hopes to be given the opportunity to return to the automotive sales industry.

He started in the industry 24 years ago as a lot attendant and worked his way up. He worked hard. It is how he provided for his family. The automotive industry is a family-oriented industry. There is nothing like the joy of seeing a family pick-up their new vehicle.

He understands the seriousness of his actions. He acknowledges that he made a mistake, but he should not be judged by that mistake. He has had to apologize repeatedly for what happened. [REDACTED] He is not making excuses for what he did but he would really appreciate the opportunity to return to the automotive sales industry.

In respect of his reinstatement application, Mr. Lavigne explained that he would not have submitted it to AMVIC if the information in it was not accurate. It was not his intention whatsoever to be dishonest. He stated that he could have simply responded "no" to the eligibility questions and he probably would have been reinstated. [REDACTED]

[REDACTED] He submitted the police background check as part of his efforts to be upfront with AMVIC. He thought he included the [REDACTED] in response to the eligibility question about them.

Mr. Lavigne acknowledges and takes responsibility for his past conduct. He asks the Appeal Committee, however, to consider his entire history. He has held an AMVIC registration since 2004 and maintained his registration for 20 years without any disciplinary proceedings. That, he submits, is evidence of his integrity in the industry. [REDACTED]

[REDACTED] However, his actions did not involve his employment. They did not involve [REDACTED]. He did not attempt to [REDACTED] from AMVIC. He acknowledges that his answers to two of the eligibility questions lacked detail but that in doing so he was not attempting to mislead AMVIC.

SUMMARY OF CLOSING SUBMISSIONS OF THE PARTIES

Closing submissions on behalf of AMVIC

It is important for the Appeal Committee to be mindful of the Registrar's role which is to assess whether an individual will act appropriately as a registrant and that the consumer can trust them. It is not a high threshold and in the absence of a history of any obvious concerns, it is assumed that a registrant will act with integrity and honesty.

The evidence before the Registrar in respect of Mr. Lavigne's reinstatement application supported a refusal to reinstate his registration pursuant to section 127 of the CPA. It was in the public interest to do so. Mr. Lavigne has been [REDACTED]

[REDACTED] Accordingly, the Registrar reasonably had concerns about Mr. Lavigne's honesty. It was not for Mr. Lavigne to decide what information to include or not include in his application. He was required to answer honestly. His application was incomplete.

The granting of a salesperson registration is a privilege, not a right. Based on the totality of the evidence before the Registrar, it was reasonable to conclude that Mr. Lavigne does not presently meet the requirements of honesty and integrity as required by the code of conduct. Were members of the public to be presented with the same information as that before the Registrar, AMVIC submits that the public would agree.

AMVIC notes that if the Appeal Committee upholds the Registrar's Decision, that Mr. Lavigne is not precluded from reapplying in the future. However, he needs to demonstrate a reasonable period of time without interactions with the law.

Closing Submissions of the Appellant

Mr. Lavigne had nothing to add beyond what he had already presented to the Appeal Committee.

DECISION

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

[REDACTED] He minimized his [REDACTED] and failed to make full disclosure despite recognizing that accurately completing the application was important. He says that by providing the PIC that that showed an intention to make full disclosure. However, Mr. Lavigne was obliged to provide that information as part of the application process. He failed to disclose [REDACTED]

The importance of honesty and acting with integrity cannot be overstated and Mr. Lavigne's comment during the appeal hearing that he could have answered "no" to the eligibility questions regarding his [REDACTED] and likely have been reinstated is troubling. We agree that based on the evidence before the Registrar it was reasonable for him to refuse Mr. Lavigne's application for reinstatement pursuant to sections 127(b)(iii), (b)(iv) and (c).

We encourage Mr. Lavigne to continue his efforts to address the issues that resulted in the [REDACTED] and we reiterate AMVIC's statement during the appeal hearing that this decision does not prevent Mr. Lavigne from re-applying for reinstatement in the future, once he can sufficiently demonstrate to the Registrar that he can be relied on to consistently follow the law and adhere to the standards expected of a registered salesperson.

Dated this 30th day of June 2026.

"original signed by"

Don Wilson
Chair – AMVIC Salesperson Appeal Committee