

LAT Decision Summary

Applicant: Sergio Alexander Monzon
Released: July 19, 2002
Appeal Date: August 19, 2002
Tribunal: David J. Hunt, Vice-Chair
Disposition: Registration refused
Keywords: Past conduct, non-disclosure, rehabilitation, youth court, convictions, Moodie (Re), Diamond, Brenner

Summary:

The applicant applied for registration on January 28, 2002. At the time of his application, the Applicant answered “no” to question 9, failing to disclose numerous criminal convictions and an extensive Youth Court record spanning a 10-year period.

On the Applicant’s Notice of Appeal he complained he was not given an opportunity to respond to the results of the Criminal Record search and give an explanation to his answer to question 9. The applicant failed to provide adequate disclose when given 3 opportunities to do so.

The Tribunal found the applicant’s final answer “that he gave a false answer to question 9 in the application form as he was afraid that he would be refused registration ... is the truthful answer... and the motivation for the deception. ... The Tribunal finds that he gave this answer believing that he might thereby be able to avoid detection through a false answer.”

The Tribunal was concerned with “a very serious issue of recent past conduct based on his failure to honestly answer the question in the application form regarding his criminal record. Of equal concern to this Tribunal is his trying to evade responsibility by a continuing assertion in his letters to OMVIC as well as his Notice of Appeal filed with this Tribunal, claiming he misunderstood the question and gave the answer in error.”

Tribunal’s Findings:

“Whether or not the Applicant provided correct information in the application document is a crucial matter in assessing the honesty of an applicant... A motor vehicle dealer or salesperson deals with members of the public who are purchasing or selling products of a substantial value and are depended upon not to misrepresent the value or quality of the vehicles, handle large sums of money and have access to credit card information. By withholding or falsifying information they are in a position to take advantage of a vulnerable consumer, and the public must have confidence that the dealer or salesperson will not put their own personal interests ahead of their responsibility to conduct business with honesty and integrity.”

Registration refused.

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