

LAT Decision Summary

Applicant: 611 Auto Centre Inc. and Bozena Kostrubiec
Released: June 13, 2003
Appeal Date: July 13, 2003
Tribunal: Richard C. Delaney, Member
Disposition: Registration refused
Keywords: Financial responsibility, past conduct, interested parties, association with curbsider, Brenner, Fascenda, Rahim

Summary:

Kostrubiec applied for registration as a dealer and salesperson on May 27, 2002, but was refused based on inconsistencies in her application and the involvement of her husband in the proposed business.

On the application for registration Kostrubiec stated assets in Poland would finance the dealership, yet documents she filed with the cooperative that provided subsidized housing for her and her husband indicated they had no assets.

Also affecting the decision was evidence related to the involvement of Kostrubiec's husband in her proposed business. Her husband, Robert Kostrubiec, sold vehicles without the benefit of registration. During an inspection of the dealership's premises, it was noted Robert Kostrubiec answered most of the questions and appeared to be the controlling person in the relationship. This was cause for concern given his illegal activities. Mr. Kostrubiec currently has criminal charges pending against him in relation to stolen vehicles.

Also of concern were the other tenants at 611 Clarke Side Road East, the location of the proposed dealership. Both businesses were known to be operated by or associated with individuals convicted of possessing stolen property.

The Tribunal agreed with the Registrar's position and stated there was sufficient evidence to conclude Kostrubiec knew or ought to have known her spouse was curbsiding and that she had every intention of having him play an active role in the business. "That involvement," stated the Tribunal, "raises very serious concerns about the Applicants and their ability to operate within the law. The fact of misleading information being provided, both to OMVIC and the housing authority, also tends to suggest that the Applicants will not function with honesty, integrity and within the law."

Registration refused.

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