

LAT Decision Summary

Applicant: Rick Gerard McGuire and Mark Edward Webster
Released: January 28, 2004
Appeal Date: February 27, 2004
Tribunal: William McIntosh, Vice Chair
Disposition: Registered with terms and conditions
Keywords: Brenner, Shine Car Sales, Fascenda, past conduct, financial responsibility

Summary:

The applicants had been employed as salesmen prior to their opening a dealership in 2000 (first as a partnership then as a corporation). Their business venture failed and they returned to jobs as salesmen. McGuire transferred his salesperson's registration to his present employment in August 2002; Webster is seeking to become registered and submitted his application February 19, 2003.

While operating a dealership a default in remittances of sales tax occurred. As at April 2003 \$31,732.00 was owing from the partnership and \$221,788 was owing for 1381415 Ontario Inc. In addition, both applicants had amassed numerous driving convictions.

"In assessing the evidence led against Webster the Tribunal has concluded that his appeal should be denied and that the proposal of the Registrar be carried out. His activities directly in the operation of the defunct dealership were the main reason for its demise and inability to remit sales taxes."

On the issue of McGuire, the Tribunal concluded the case was different. "It is clear from the evidence given that his was the lesser role in the problems that beset the dealership and which eventually led to the Registrar's proposal."

Mark Edward Webster – registration refused
Rick McGuire – terms and conditions

- Mr. McGuire shall not re-apply for registration as a motor vehicle dealer under the Act for a period of five years from the date of this decision.
- Under no circumstances will he be involved in the dealership which currently employs him or any other future dealership in any capacity except that of a salesperson.

Failure to adhere to these will result in the immediate forfeiture of Mr. McGuire's licence.

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