

Bryant Greenbaum

From: James Hamilton <j.hamilton@ucda.org>
Sent: May-02-19 9:37 AM
To: Bryant Greenbaum
Cc: John Carmichael; Brian Osler; Warren Barnard
Subject: RE: Bluewave Dealer Application at OMVIC

As I've said Mr. Greenbaum, OMVIC has had more than enough time and we are giving this until the end of the week for a decision.

James F. Hamilton LL.B.
Legal Services Director
Used Car Dealers Association of Ontario
230 Norseman Street
Toronto, ON
M8Z 2R4
T. 416-231-2600; 1-800-268-2598
Fax: 416-232-0775

From: Bryant Greenbaum <Bryant.Greenbaum@omvic.on.ca>
Sent: May 2, 2019 9:30 AM
To: James Hamilton <j.hamilton@ucda.org>
Cc: John Carmichael <John.Carmichael@omvic.on.ca>; Brian Osler <Brian.Osler@omvic.on.ca>
Subject: RE: Bluewave Dealer Application at OMVIC

Good Day;

As you recall I spoke to you on the phone on April 23, 2019 and according to my memo prepared the same day, recanting our conversation, the following information was relayed to you:

- 1) "the matter is with me to review possible proposal"
- 2) "the next decision is whether the proposal will be issued or not (the decision if his application will proceed to be processed is secondary to this first question)"
- 3) "I also explained the Registrar may want further information so cannot say for certain we have all the information that we finally need to make a decision."

There is no change in the above status at the present time.

Thank you

Bryant Greenbaum

Legal Counsel | Ontario Motor Vehicle Industry Council

T: 416.512.3169 | F: 416.512.3758 | E: Bryant.Greenbaum@omvic.on.ca

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From: James Hamilton [<mailto:j.hamilton@ucda.org>]
Sent: May-01-19 12:05 PM
To: Bryant Greenbaum
Cc: Warren Barnard; Brian Osler; John Carmichael
Subject: RE: Bluewave Dealer Application at OMVIC

Mr. Greenbaum,

The court documents would seem to suggest what the applicant has said all along is correct, he received a conditional discharge for what can safely be described as a minor case of possession of stolen property, given the facts. It is interesting that even the judge felt this sentence would help him in proceeding to obtain a licence to sell motor vehicles, in a way a conviction perhaps would not have.

As OMVIC has had these court documents since late December, and as the applicant has satisfied all the conditions of his discharge, it does not seem to us to be unfair to ask OMVIC to make a decision now that it is the month of May either to process the application (ie. approve it) or Propose to Refuse if that is the decision the Registrar is advised to make.

I'm suggesting to the applicant he wait no longer than the end of this week for an answer either way from OMVIC before taking further steps.

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Bryant Greenbaum

From: John Carmichael
Sent: May-01-19 10:04 AM
To: Warren Barnard
Cc: James Hamilton; Brian Osler; Bryant Greenbaum; Maureen Harquail
Subject: RE: Bluewave Auto

Hi Warren, Further to this file and your email, please have Jim reach out to Bryant for a status update. This will ensure consistency in the discussion.

I have cc'd both Bryant and Brian Osler on this.

We will advise the outcome once complete.

John

John Carmichael, ICD.D
Chief Executive Officer & Interim Registrar



Ontario Motor Vehicle Industry Council

65 Overlea Boulevard, Suite 300

Toronto, Ontario M4H 1P1

Tel: 416-226-6150

E-mail: john.carmichael@omvic.on.ca

Web: www.omvic.on.ca

From: Warren Barnard [<mailto:w.barnard@ucda.org>]

Sent: April-30-19 1:31 PM

To: John Carmichael <John.Carmichael@omvic.on.ca>

Cc: James Hamilton <j.hamilton@ucda.org>

Subject: Bluewave Auto

Hi John,

Jim has received the court documents on the Patrick Moore (Bluewave) application, but has not been updated on the status of the file.

According to the transcript itself (attached), the transcript was ordered on Dec. 14, 2018 and completed on Dec. 27. The ordering party (OMVIC) was notified that it was ready on Dec. 27, as well, so I think it's safe to say that OMVIC has been in possession of the transcript since at least early January.

Is the application going to be approved or is a proposal being issued?

Warren

Warren N. Barnard, LL.B

Executive Director
Used Car Dealers Association of Ontario
416-231-2600
1-800-268-2598
w.barnard@ucda.org
www.ucda.org
www.ucda.ca

Bryant Greenbaum

From: Thomas Felix
Sent: April-30-19 1:04 PM
To: James Hamilton
Cc: Brian Osler; Warren Barnard
Subject: RE: Bluewave Dealer Application at OMVIC
Attachments: Moore - Court Documents - Cayuga.pdf; Moore - Transcripts - Jan 7 2019.pdf

Dear Mr. Hamilton,

See attached for transcripts and court documents related to Mr. Moore's offense. I believe this to satisfy your request. I also suggest that if these materials are to be supplied to Justin Moore that it be made clear to him that these PDFs aren't certified copies. If Mr. Moore is interested in getting an official record(s) for his own purposes, he may wish to speak to Cayuga's court services. This is sent for UCDA's informational purposes, on the consent of Mr. Moore.

That caveat aside, I do hope this is helpful. It is important to us to work alongside the UCDA. Thank you for your inquiry.

Sincerely,

Thomas Felix
Legal Counsel | Ontario Motor Vehicle Industry Council
T: (416) 226-4500 Ext. 3225 | E: Thomas.Felix@omvic.on.ca

From: James Hamilton [mailto:j.hamilton@ucda.org]
Sent: Tuesday, April 30, 2019 11:32 AM
To: Brian Osler
Cc: Warren Barnard; Bryant Greenbaum
Subject: RE: Bluewave Dealer Application at OMVIC

Can we consider this communicated?

I'd like to follow up with the Registrar if I don't have what I asked for by end of business today.

Jim UCDA

From: Brian Osler <Brian.Osler@omvic.on.ca>
Sent: April 30, 2019 11:31 AM
To: James Hamilton <j.hamilton@ucda.org>
Cc: Warren Barnard <w.barnard@ucda.org>; Bryant Greenbaum <Bryant.Greenbaum@omvic.on.ca>
Subject: RE: Bluewave Dealer Application at OMVIC

Thanks Jim,

It will be best to communicate with Bryant on this for any status updates.

Thanks,

Brian

From: James Hamilton [<mailto:j.hamilton@ucda.org>]
Sent: Tuesday, April 30, 2019 10:46 AM
To: Brian Osler
Cc: Warren Barnard
Subject: RE: Bluewave Dealer Application at OMVIC

Hi Brian,

Just following up on the request.

James F. Hamilton LL.B.
Legal Services Director
Used Car Dealers Association of Ontario
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T. 416-231-2600; 1-800-268-2598
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From: Brian Osler <Brian.Osler@omvic.on.ca>
Sent: April 23, 2019 12:14 PM
To: James Hamilton <j.hamilton@ucda.org>
Subject: RE: Bluewave Dealer Application at OMVIC

Lol – that’s good service from Mr. (Bryant) Greenbaum.... Before I even hit send.....I will do my best to speed up the answer.

Thanks,

Brian

From: James Hamilton [<mailto:j.hamilton@ucda.org>]
Sent: Tuesday, April 23, 2019 12:12 PM
To: Brian Osler
Subject: RE: Bluewave Dealer Application at OMVIC

Hi Brian,

Just to keep you in the loop. I got a call from a Mr. Greenlaw who said he has conduct of the file and that you asked him to call me.

He was able to confirm he has the court documents (addressed in my first question).

He said he had to get back to me on my request to see them (my second question). Perhaps you could help speed up the answer to that question?

I will reserve asking for an answer on my third question until after we see the court documents.

James F. Hamilton LL.B.
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Fax: 416-232-0775

From: James Hamilton
Sent: April 22, 2019 4:42 PM
To: 'Brian Osler' <Brian.Osler@omvic.on.ca>
Subject: Bluewave Dealer Application at OMVIC

Hi Brian,

John may have already given you a heads up that we have questions about this application. Warren has spoken to John about a protocol in such cases.

We obtained the attached consent and I assume it might be a means to move forward on applications like this one, where we have concerns but are only hearing our member's side and not OMVIC's.

For example, in Justin Moore's case, his application has been at OMVIC for some time now and the hold up (again I'm speculating based on what the applicant tells me) is that he had been charged with possession of a stolen trailer and the charge was dealt with by way of a conditional discharge, the terms of which are now complete.

I suppose our first question is have you obtained the necessary documents from the court to confirm that what he has told you is true? Our thinking here is if it is true such a sentence suggests the offense was, in the Crown's view, at the low end of the spectrum in terms of severity.

Our second question is can we see the court documents you have obtained?

Third, absent this issue are there any other concerns with the application from your (ie. legal's) point of view and, if so, what might it, or they, be?

Our hope is the answers to these questions will help us better understand and explain to our member OMVIC's reasoning on the granting (or not) of a retail dealer licence here.

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Fax: 416-232-0775

Bryant Greenbaum

From: Bryant Greenbaum
Sent: April-29-19 3:20 PM
To: Maureen Harquail
Cc: Brian Osler; John Carmichael
Subject: Update on Moore and Blue Wave

Hello;

Please find an email memo I prepared (which I sent to myself the day of my phone call with UCDA). I omitted to load it up to CARL and will do so.

Also note the hardcopy of the file, with the draft proposal for possible signature, is in John's office. I also have an upcoming meeting with him to discuss the file as necessary, next week, as I understand he is out of the office until then.

Thanks
Bryant

From: Bryant Greenbaum
Sent: April 23, 2019 2:24 PM
To: Bryant Greenbaum <Bryant.Greenbaum@omvic.on.ca>
Subject: Moore Blue Wave - call to UCDA

I called warren at UCDA and he referred me to Jim

I advised JIM the matter is with me to review possible proposal. The next decision is whether the proposal will be issued or not (the decision if his application will proceed to be processed is secondary to this first question). I also explained the Registrar may want further information so cannot say for certain we have all the information that we finally need to make a decision.

He asked for documents previously requested in an email last week that accompanied Moore's authorization and I noted that this was a information request rather than a disclosure request pursuant to litigation as the registrar has not decided whether or not to issue a proposal. I said I will look into his request for documentation pursuant to his information request.

He also wanted to know if the conditional sentence information we have in our possession confirms Moore's position in his applications – I said I could not comment on that but would only process his information request for information and we did have a court transcript that would form part of the information request (therefore Moore and or UCDA can compare themselves if we provide transcript but I offered no comment to Jim).

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 Please consider the environment before printing this e-mail.

Bryant Greenbaum

From: Bryant Greenbaum
Sent: April-26-19 2:50 PM
To: John Carmichael
Subject: Accepted: Justin Bradly Moore Bluewave Autosales - Bryant

Bryant Greenbaum

From: Bryant Greenbaum
Sent: April-23-19 2:24 PM
To: Bryant Greenbaum
Subject: Moore Blue Wave - call to UVDA

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Bryant Greenbaum

From: Brian Osler
Sent: April-18-19 4:30 PM
To: Bryant Greenbaum
Cc: Michael Rusek
Subject: FW: Bluewave Auto
Attachments: Bluwave Auto Consent.pdf; ATT00001.htm

THanks,

Brian

From: John Carmichael
Sent: Wednesday, April 17, 2019 5:23 PM
To: Brian Osler
Cc: Maureen Harquail
Subject: Fwd: Bluewave Auto

Thoughts?

Sent from my iPhone

Begin forwarded message:

From: Warren Barnard <w.barnard@ucda.org>
Date: April 17, 2019 at 5:15:01 PM EDT
To: John Carmichael <John.Carmichael@omvic.on.ca>
Subject: Bluewave Auto

Hi John,

I've attached a document provided to us by Justin Moore re: the registration application for Bluewave Auto. By signing this document, Mr. Moore authorizes OMVIC representatives to discuss information and share documentation relevant to the application with UCDA representatives.

As such, on behalf of the applicant, I am requesting information on the status of the application and the reasons for the ongoing delay in processing and approving it, along with copies of relevant documentation. Please let me know if further information is required from the applicant. If it is your intention as registrar not to approve the application and instead to issue a Proposal to Refuse it, I ask that that information be provided to me and that a formal Proposal be issued and delivered to the applicant as quickly as possible.

Thank you for anticipated timely co-operation.

Best regards,

Warren

Warren N. Barnard, LL.B
Executive Director

Used Car Dealers Association of Ontario

416-231-2600

1-800-268-2598

w.barnard@ucda.org

www.ucda.org

www.ucda.ca

UCDA

Used Car Dealers Association of Ontario

UCDA

230 Norseman Street
Toronto, Ontario
M8Z 6A2

Voice Telephone (416) 231-2600 or 1-800-268-2598

Fax Telephone (416) 232-0775

CONSENT FOR OMVIC

Re: Application for Bluewave Auto
Sales _____

The Ontario Motor Vehicle Industry Council ("OMVIC") will not discuss your application, presently before OMVIC, with the UCDA as they consider the details to be confidential.

OMVIC can only discuss your application with the UCDA if they have your consent to speak to us on your behalf.

Therefore, I (we) hereby consent to allow OMVIC and their representatives to discuss any and all aspects of my (our) application, including sharing all relevant documents, regarding my (our) application presently being considered by OMVIC with the UCDA and its representatives.

Justin Moore
Signature

Justin Moore
Justin Moore
Print name

April 17, 19
Date

Owner
Justin Moore
Owner, Partner, Officer or Director of
Bluewave Auto Sales