

October 12, 2021

Via E-Filing

Hon. Judge Furlanetto c/o
The Administrator
Federal Court
180 Queen Street West, Suite 200
Toronto, Ontario, M5V 3L6

Ryan Dean
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Las Vegas, NV, 89102
rcic20xx@gmail.com

Re: ICCRC v. CICC et al (T-834-20)

Hon. Justice Furlanetto,

In December 2020, the Order in Council (“OIC”) was submitted into the Record after the November 20, 2020, Motion date, and it was accepted into the Record. Later it was found out that the OIC was submitted into the record under some dubious circumstances.

Today, I’d like to take the same opportunity to let Your Honor know that ICCRC has suddenly admitted in their Internal Tribunal ‘Penalty Submission’ by Ms. Daniel Bastarache [on no ICCRC letterhead nonetheless] today under the third “Mitigating Factor” (See attached Exhibit ‘1’, pg 2 herein) that:

“Thirdly, the ICCRC did not have tangible evidence that money had exchanged hands from its Membership to the fraudulent college.”

The October 7, 2021, Hearing

In T-834-20, Mr. Wall, Mr. Daniel, and Ms. Noonan did not mention anything about ICCRC having no tangible evidence about evidence – but this admission by plaintiff obliterates the ICCRC’s case entirely in T-834-20. It also strengthens my remarks about obstruction of justice et al.

Mr. Wall et al also failed to mention anything about a “fraudulent college” in T-834-20 either.

I had to sit in the hearing quietly on October 7, 2021, and listen to Mr. Daniel lament that there was “no foundation” to any of my allegations whatsoever when I called them out of their malfeasance that I backed up point-by-point with voluminous page references - while they introduced cost sanctions against me, with no notice.

Now we come to find out just days after the hearing that *their own client* ICCRC knew that they had no evidence of any “misappropriation.” That is why Mr. Wall, Mr. Daniel and Ms. Noonan remained silent on the “misappropriate” issue and the “disgorgement and accounting” matter as they obviously knew all about what Ms. Bastrache was writing. Afterall – Mr. Wall took Ms. Bastarache’s script for my cross examination of September 20, 2021.

To remind the Court, ICCRC said and blasted out to the world in their monthly bulletin:

The Discipline Panel has not made a final decision, **but found credible and compelling evidence supporting the allegations....According to ICCRC, the CICC Corp holds itself out** as authorized to regulate Canadian Immigration Consultants and attempts to collect fees and dues for its services (Affidavit of Dean, September 9, 2021, pg 8562). (Emphasis added).

So, in short, ICCRC said that it had “credible and compelling evidence,” except when it does not, which is the case here – and three ICCRC lawyers failed to mention that *fact* to Your Honor on October 7, 2021.

The Court on December 24, 2020, in T-834-20 noted that essentially on the say so of Ms. Kennedy that there was a big drop in fees at ICCRC (See September 9, 2021, Affidavit of Dean, pg 2145, para 87). This paragraph came forth largely from Ms. Kennedy’s “testimony” (Q319 – Q328 starting on page 198 of the Dean July 12, 2021, Motion Record). ICCRC knew all along - that no member took any money and they played this charade for over a year and now after October 7, 2021 they admit the truth on this one point. They knew that their “crime stoppers” campaign was just a way of destroying my intangible rights and now they face Article III standing in the United States.

In totality, ICCRC has *no evidence* that I owned CICC et al, they have *no evidence* that I sent the letter of June 25, 2020 (either version), and now, they *admit* that there was no appropriation of money after a complete “all-out-crime-stoppers” effort to supposedly find and produce such “evidence” that they already said that they had – but in fact knew they did not have and would not have.

Nevertheless, in the absence of evidence, ICCRC is still moving to revoke my status as a member of ICCRC – which again is just retribution and retaliation. Since when do *legitimate* tribunals “convict” people when they have no evidence?

Rounding this out briefly, ICCRC says in its “Aggravating Factors” (Exhibit ‘1’, pg 2), that “Mr. Dean was notified on several occasions that his impersonation would have to cease.” I recall the letter by Jeff Larry (pg 1352, July 12, Dean 2021 Motion Record) and no more. I do not believe that I heard Mr. Wall state that I was “impersonating” anyone – so I believe this is new too. In T-834-20, the Court noted this Larry letter in Judgment on December 24, 2020, para 39 (Dean Affidavit September 9, 2020, pg 2126) – but no other “notification” letters – that I am aware of.

There is more in the submission by Ms. Bastarache, and it not what Mr. Wall et al had to say in T-834-20.

This kind of misdirection by “plaintiff” is yet another reason that I put so much material into my motions - so I could counter these types of blatantly false assertions and flanking maneuvers by ICCRC.

The November 20, 2020, Injunction Materials by ICCRC

The “plaintiff” wrote this for their injunction motion heard on November 20, 2020 (See Affidavit of Dean, September 9, 2021, pg 1697).

Test for an Interlocutory Injunction

59. In determining if interlocutory injunctive relief should be granted, three questions must be considered:

- i) Is there a serious question to be tried?
- ii) Will the applicant suffer irreparable harm, which cannot be compensated by an award of damages if the injunction is not granted?
- iii) Does the balance of convenience favour granting the injunction?

RJR-MacDonald Inc v Canada (Attorney General), [1994] 1 SCR 311 [RJR].
1697 1 16

60. A moving party must satisfy all three elements of the RJR test to obtain relief.

The three prongs of the test are not independent silos, and a stronger finding on one or more of the elements may lower the threshold for the other elements.

Bell Media Inc v GoldTV.Biz, 2019 FC 1432 at para. 56.

61. The Supreme Court of Canada has stated that the “**fundamental question is whether the granting of an injunction is just and equitable in all of the circumstances of the case.**”

Google Inc v Equustek Solutions Inc, 2017 SCC 34 at paras. 1 and 25.

I do not think that the Supreme Court of Canada would think that it is “just and equitable in all of the circumstances in the case” for ICCRC to not admit that they knew that they had no evidence of the “misappropriation” back in November 20, 2020, and again during the October 7, 2021 hearing – only to conveniently admit it a few days after the October 7, 2021, hearing, without bringing this to Your Honor’s attention.

I do not think that Supreme Court had Obstruction of Justice as one of the factors it had in mind as being “Just and Equitable” either. Since all three of the RJR MacDonald Factors must be present, this new information clearly kicks out all factors (i), (ii), and (iii) and especially so in the wake of what I already presented on October 7, 2021.

Those who come to court with unclean hands cannot be rewarded and “Justice is the Polestar.”

I further remind the Court that ICCRC further falsely reported these matters to GoDaddy while Ms. Bastarache, and one other Ontario lawyer, reached into the United States, and held

themselves out as law enforcement officers. They also filed a complaint with the Canada Competition Bureau alleging criminal activities for “misappropriation of money” when now they admit they made a false prolonged allegation. Again – I request this Canadian Federal Court order that this Canadian criminal complaint be produced – because I can see why ICCRC would not want it to be released.

It is a good time to remind the Court that Mr. John Murray, ICCRC’s President and CEO, signed an “Undertaking” which I understand is **plaintiff’s further admission that they will pay all costs and disbursements that may be adjudged for the defendants (CICC, Salloum and myself)**. See Dean Motion Record, July 12, 2021, pg 1027 (Obviously, I cannot speak for Ms. Salloum nor CICC – but I believe that Mr. Robinson might on this issue).

Finally, with what has gone on, and that ICCRC has sent all of these materials to me in the United States over the wires - as well as their email bulletin blasts et al to some 700 or so US based Immigration Consultants - ICCRC is in perverse violation of 18 USC § 1346, and violating my “intangible rights,” for instance. This statue has taken down titans ranging from Enron to high profile individuals in the latest College Scandal in the United States. Congress cares not that ICCRC is going to be the new College – Congress cares about outlawing *any* scheme to defraud in the United States. I can help.

Respectfully,



Ryan Dean
Pro Se

CC: Mr. Wall
Ms. Noonan
Ms. Chow
Ms. Lee
Ms. Salloum
Mr. Robinson

Exhibit '1'

Joanne Lau, Public Representative, Chairperson
Sandrine Ponpon-Kataully, RCIC
Alisa Chaplick, Public Representative

October 12, 2021

Members of the Tribunal,

RE: ICCRC v. Dean, 2021 ICCRC 23-Penalty Submissions

Please find enclosed the ICCRC's submissions on penalty.

Imposing a Penalty

It is trite law that the primary purpose of a penalty is to hold a party accountable for their wrongdoing and to deter future offending, not only by the offender, but in the community at large. In this case, we would be focusing on the community of RCICs.

As the Tribunal is undoubtedly aware, the ICCRC seeks to achieve excellence in all its endeavours. Our mission is to protect consumers of immigration services through effective regulation of immigration consultants and promotion of the benefits of using only authorized immigration representatives.

ICCRC establishes and delivers effective policies, practices, and procedures to regulate and educate immigration consultants.

Case at hand

In the case at hand, the Panel found on a balance of probabilities that the Respondent had breached section 4.2.1 of the *Code of Ethics* - Prohibition Against False or Misleading Public Statements.

4.2.1 A Member shall not make a public statement about another RCIC in his/her capacity as a Member, about the ICCRC itself, or about any employee or other person retained by the ICCRC, that is false or misleading in the general impression it gives. If the Member makes such a public statement and attempts to conceal the Member's identity that increases the seriousness of the offence.

This section of the Code of Ethics prohibits knowingly or recklessly making, or permitting the making of, a representation to the public, in any form whatever, that is false or misleading in a material respect.

Given the seriousness of the offences and the fact that they were committed in the course of his work as a Regulated Canadian Immigration Consultant (“RCIC”), the ICCRC submits that nothing short of revocation will do.

The ICCRC takes the position that these deceptive public statements had the effect of misleading current RCICs into believing that ICCRC was no longer the authorized regulator of RCIC’s, which was and remains false, and that these statements caused significant confusion amongst the membership especially in time of transition towards the new College of Immigration.

The ICCRC submits that ultimately, the Member must be held accountable for his actions. The gravity of his action’s merits ensuring that the public confidence is not undermined in the immigration consulting profession or in the ability of ICCRC to effectively regulate its members.

A revocation is the only mechanism to ensure that ICCRC’s members, and the broader public, continue to have confidence in ICCRC’s ability to regulate the profession.

Mitigating Factors

There are a few mitigating factors to consider. Firstly, the Tribunal was made aware that Mr. Dean has resigned as the CEO of the fraudulent College of Immigration. Secondly, it would appear the sites for the College, although still active, are not attracting much publicity. Thirdly, the ICCRC did not have tangible evidence that money had exchanged hands from its Membership to the fraudulent College.

Aggravating Factors

As for the aggravating factors, Mr. Dean was notified on several occasions that his impersonation would have to cease. The Member chose to ignore a cease-and-desist letter. Furthermore, the ICCRC had to take additional steps to have the website shut down by contacting the service provider as well as the corporate website and the LinkedIn account. There has been no acknowledgment of wrongdoing on behalf of the member which would be mitigating. Furthermore, Mr. Dean chose to participate in the proceedings of adjudication only partially. It is clear by the evidence as well, that Mr. Dean, even through his own submitted documents, was motivated by self-interest by falsely representing himself as the CEO of a fraudulent College to mislead other RCICs.

Caselaw

The Discipline Committee of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario in their decision of **ONCRPO v. Faleyimu**, 2017 ONCRPO 1 describes as follows the impersonation of a regulator:

Impersonating a regulator in an effort to deceive other regulated professionals demonstrates dishonesty and a lack of personal integrity on the part of the Member, which is unacceptable in a profession where trust and respect are inherent in the psychotherapist-client relationship. Having regard to all the circumstances, it would reasonably be regarded by members, and the public at large, as disgraceful, dishonorable or unprofessional conduct

Although this seems to be the only case that deals with the impersonation of a Regulator, the Tribunal is not bound by this case. The definition of the legal principles can be used as an important guide but the ICCRC's position is the penalty impose in the **ONCRPO** case, would not be sufficient for the case at bar.

In Canada, most of all regulators are established under an Act of Parliament. The ICCRC is currently in transition to join that model. However, at the time of the fraudulent scheme perpetuated by the Member, the ICCRC had a unique designation under IRPA. Under the new College designation, the statutory authority would be granted that will allow for more consumer protection and in essence public interest. The fact that a Member would insert himself during this transitional period to confuse the membership and attempt to usurp the ICCRC role is egregious.

The idea of the transition is what should distinguish the case at bar from the ONCRPO case.

Revocation

The ICCRC takes the position that revocation is not reserved for the most destructive misconduct. It is appropriate whenever the integrity of the profession is at stake, as is the case here. However, one could argue that this conduct was destructive as the reputation of the ICCRC, and the protection of the public was at stake.

The Law Society of Ontario confirmed in **Law Society of Ontario v. Elia**, 2020 ONLSTH 104 the case of **Nicholson**, 2015 ONLSTH 110 where the Panel at para. 47, stated:

Revocation of licence is the ultimate exercise of specific deterrence, but its greater value is in general deterrence, and its greatest value is in maintaining public confidence in the legal profession. It is not reserved for the worst cases, but may be imposed wherever the integrity of the legal profession is at stake. As noted by Gavin

MacKenzie in his book, *Lawyers and Ethics: Professional Responsibility and Discipline*, [looseleaf (Toronto, Ont.: Thomson Carswell)] at p. 26-46:

It would be a mistake...to assume that disbarment is a penalty reserved for cases that combine the worst imaginable offence with the worst imaginable offender. In cases involving fraud or theft, in spite of evidence of good character and financial or other pressures, lawyers are almost certain to be disbarred.

The revocation will send a strong message that the Member's misconduct in misleading the broader membership will not be tolerated and it will ensure that other members do not fall prey to the Member's sham.

The ICCRC's request is for an Order that Ryan Dean's registration with ICCRC be immediately revoked indefinitely based on Rule 55.6 of the *Tribunal Committee Rules of Procedure* and s. 30.10 of ICCRC's *Bylaw*.

Costs

The Law Society Tribunal in Ontario in the *Law Society of Ontario v. Lee*, 2019 ONLSTA 4 case sets out factors to be considered when awarding costs. These factors are:

- 1) the **complexity of the proceeding**: in the case at bar, the investigation itself was not particularly complex however, due to the nature of public postings on websites, LinkedIn accounts and letters received by different sources, piecing the information together to put into a format that would be the clearest of case to present to the Tribunal proved itself to be onerous
- 2) the **nature and importance of the issues**: the ICCRC takes the position that a fraud of this magnitude is of the most important nature and could not be left to be dealt with in any other manner than to adjudicate the matter to address the general and specific deterrence which should be attached as a penalty to such a breach of the Code of Ethics
- 3) the **conduct of the parties**: the Member was ambivalent in this case. Once faced with a discipline matter, he attempted to resign. The ICCRC takes the position that this was an attempt to avoid any type of sanction that may come with the violation that was committed. The Member also chose to not participate in the first case management conference and then submit documents of over 300 pages that were irrelevant on the issue at bar but that had to be reviewed, nonetheless. The Member then appeared at the second case conference and stated he was advised by counsel not to participate. The Member did

participate to some extent but did not help narrow the issues or move the matter along. The Member then further attempted to file a stay motion without any documentation to support it but for the documents already submitted.

- 4) its **effect on the hearing**: Since Tribunal was not able to streamline as adequately as it usually the hearing with the Member being absent and then making his presence known, the cost of adjudication, as you will see from the cost outline, is substantial.
- 5) **whether steps in the proceeding were unnecessary**: At the tribunal's discretion
- 6) the **ability of the licensee to pay and the reasonable expectations of the parties**: Unable to comment with regards to the abilities of the licensee to pay.

It should be noted that the Tribunal did ask the Member to pay **\$3,000.00** in costs awarded against the Member during the Urgent Interim Motion part of the adjudication that remains outstanding as well.

The ICCRC ask that Ryan Dean, the Member, pay costs to ICCRC in the all-inclusive sum of **\$64,373.00**.

The cost outline attached for your review.

All of which is respectfully submitted.



Danielle Bastarache
Counsel for the Applicant-ICCRC

Cc: Ryan Dean, the Respondent

APPENDIX "A"

ICCRC File Nos. CD.2020.313

IMMIGRATION CONSULTANTS OF CANADA REGULATORY COUNCIL DISCIPLINE COMMITTEE

AND IN THE MATTER of an Adjudication regarding the conduct of **Ryan Dean, R409631** to be held according to Section E of the Bylaws of the Immigration Consultants of Canada Regulatory Council (the "ICCRC") and the *Tribunal Committee Rules of Procedure*.

BETWEEN:

Immigration Consultants of Canada Regulatory Council
(Applicant)
-and-
Ryan Dean
(Respondent)

COSTS OUTLINE OF THE APPLICANT ICCRC

The Applicant, ICCRC, provides the following outline of the costs it incurred in this disciplinary proceeding:

ICCRC Costs of Investigations	\$ 7,660.00
Administration Costs	\$ 38,625.00
Legal Fees	\$ 18,088.00
TOTAL	\$ <u>64,373.00</u>

INVESTIGATION COSTS

DESCRIPTION	AMOUNT (excl. tax)
Costs related to the ICCRC's investigation by ICCRC Communications staff - 178 hours x \$40.00	\$7,120.00
Costs related to the ICCRC's investigation by investigator 2 - 18 hours x \$30.00	\$540.00
Grand Total	<u>\$7,660.00</u>

ADMINISTRATION COSTS

DESCRIPTION	AMOUNT (excl. tax)
Tribunal's administrative costs for adjudication	\$38,625.00
Grand Total	<u>\$38,625.00</u>

LEGAL FEES (PRE-ADJUDICATION)

DESCRIPTION	AMOUNT (excl. tax)
Drafting Notice of Referral: 2 hours x \$350.00/hr	\$700.00
Drafting Disclosure Brief: 15 hours x \$350.00/hr	\$5,250.00
Witness Evidence Forms (WEF): Communication with witnesses and preparation of WEF's: 5 hours x \$350.00/hr	\$1,750.00
Case Management Conferences (CMC): Preparation for and attendance at 2 CMC's: 2 hours x \$350.00/hr	\$700.00
Preparation of Hearing Brief: 4 hours x \$150.00/hr	\$600.00
Total: 24 x \$350.00/hr (Staff Lawyer)	\$8,400.00
4 x \$150.00/hr (Staff)	\$600.00
Grand Total	<u>\$9,000.00</u>

LEGAL FEES (ADJUDICATION)

DESCRIPTION	AMOUNT (excl. tax)
<u>Urgent Motion</u>	
<ul style="list-style-type: none"> • Drafting of Notice of Motion (1.12 hr); • Drafting Applicant's submissions (4 hrs); • Reviewing the Respondent's submissions (2.06 hrs); • 7.18 hours x \$350.00/hr 	\$2,513.00

<ul style="list-style-type: none"> • Preparing Motion Record and Book of Authorities (5 hrs) 5 hours x \$150.00/hr 	\$750.00
<u>Written Submissions</u>	
<ul style="list-style-type: none"> • Finding of Fact: Drafting Applicant's submissions (15 hrs): 15 hours x 350.00/hr and; 	\$5,250.00
<ul style="list-style-type: none"> • Preparation and compiling of Book of Authorities (1.5 hrs) 1.5 hours x \$150.00/hr 	\$225.00
<u>Written Penalty and Cost Submissions:</u>	
<ul style="list-style-type: none"> • Drafting Applicant's penalty and costs submissions (1 hrs), 1 hour x \$350.00/hr 	\$350.00
Total: 23.18 hours x \$350.00/hr (Staff Lawyer)	\$8,113.00
6.5 hours x \$150.00/hr (Staff)	\$975.00
Grand Total	<u>\$9,088.00</u>

TOTAL AMOUNT: \$ 64,373.00

Dated: October 12, 2021



Danielle Bastarache
Lawyer for the Applicant, ICCRC