



Salesperson Licensing Reduces Risk for Dealers Criminal Record Check a Critical Step

The VSA is seeing an increase in unlicensed salespeople with serious criminal records being allowed on the sales floor. Some criminal records span 30 years and include crimes against people and property. Dealers have reported having had \$10,000 in equipment stolen, \$200,000 or more in financial losses and the abuse of staff by unlicensed new hires. Not only is this in violation of dealership and salesperson licensing regulations, it's creating risk for the public that has been recognized by the courts as unreasonable. When the reliance by the Registrar on a criminal record as the reason to deny a licence was challenged under Judicial Review, the BC Supreme Court Justice stated,

Salespersons are in a position of trust with the buying public who rely on them to give clear and honest information about buying motor vehicles. The public also expects safety to be a priority if taking a test drive with a salesperson. Lastly, integrity is important because salespersons may be privy to customer's confidential personal information including home address and financial information. [paragraph 23]

In my view, it would have been unreasonable to find that Mr. Fryer is suitable to be a salesperson given his extensive criminal record. [paragraph 30]

Scenario #1: A person is hired and allowed to sell prior to *any* contact with the VSA

- Before selling to the public, a new hire must apply for a salesperson licence and be granted a 45-day conditional licence. If not done, this is a violation of both the conditions of the dealer licence and the salesperson licensing regulations.
- Unless the dealer completes a Criminal Record Check as part of their hiring process, a person with a criminal record could be given access to the public as well as the assets and records of the dealership, including the personal information of customers.

Scenario #2: A salesperson is hired without checking the VSA website for their licence status and notifying the VSA

- Before a licensed salesperson can sell to the public, a dealer must notify the VSA using the [Employment Authorization form](#). If this is not done, both the conditions of the dealer licence and the salesperson licensing regulations have been violated.
- Only the statuses of **Issued** and **Issued-Conditional** meet the salesperson licensing requirements for selling to the public.
- Notification allows the VSA to report if any criminal or licensing investigations are ongoing.
- If these steps are not taken, a salesperson denied a licence, or who has had their licence suspended or canceled as a result of past or current criminal activity, could be given access to the public as well as the assets and records of the dealership, including the personal information of customers.

Remember, [checking the VSA website for the status of a new hire](#) is very simple and requires no log-in or password.

ONLINE REGISTRY OF LICENSEES > SEARCH RESULTS			
Salesperson	Licence Number	Status	Licence Expiry
[REDACTED]	104 [REDACTED]	Issued	Jun-01-2015
[REDACTED]	203 [REDACTED]	Issued-Conditional	Apr-14-2016