



Motor
Vehicle Sales Authority
of British Columbia

Previously known as the Motor Dealer Council of British Columbia

**IN THE MATTER OF THE MOTOR DEALER ACT
AND THE BUSINESS PRACTICES AND CONSUMER PROTECTION ACT**

UNDERTAKING

(Section 154, Business Practices and Consumer Protection Act)

VSA File: 09-70782

WHEREAS the undersigned Doug Neal Motors Limited, Douglas Dale Neal and Douglas Dalton Derek Neal are each a "supplier" within the meaning of subsection 1(1) of the *Business Practices and Consumer Protection Act*;

AND WHEREAS the Registrar of Motor Dealers (the "Registrar") has reason to believe that the suppliers are contravening, are about to contravene or have contravened the *Business Practices and Consumer Protection Act* or the regulations made hereunder, namely:

ALLEGATIONS:

1. Between April 23, 2009 and November 9, 2009 both dates inclusive, at or near the city of Prince George in the province of British Columbia that the supplier, Doug Neal Motors Limited, Douglas Dale Neal and Douglas Dalton Derek Neal did commit or engage in a deceptive act or practice by representing in writing and by their conduct to the consumer Kathy de Grace that the supplier has a sponsorship, approval, status, affiliation or connection that the supplier does not have specifically the supplier would sell on consignment the consumer's motor vehicle a 2006 Ford VIN# 1FTPX14566FB60928 and knowing that the supplier was not licensed to sell on consignment, sold the motor vehicle to The Prince George Knights Society for \$26,900.00, remitted on August 3, 2009 only \$5,000.00 of the sale proceeds and on December 8, 2009 remitted \$15,000.00 as the result of a garnishee on the bank accounts of Doug Neal Motors Limited and transferred the registration from Kathy de Grace to Doug Neal Motors Limited and then to The Prince George Knights Society without the Kathy de Grace's consent, approval or knowledge, contrary to section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C. 2004 c. 2 (BPCPA).
2. Between April 23, 2009 and November 9, 2009 both dates inclusive, at or near the city of Prince George in the province of British Columbia that the supplier, Doug Neal Motors Limited, Douglas Dale Neal and Douglas Dalton Derek Neal did in writing and by their conduct commit or engage in a deceptive act or practice wherein a representation by a supplier that uses exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading specifically advised Kathy de Grace that the supplier would sell on consignment the consumer's motor vehicle a 2006 Ford VIN# 1FTPX14566FB60928 and knowing that the supplier was not licensed to sell on consignment, sold the motor vehicle to The Prince George Knights Society for \$26,900.00, remitted on August 3, 2009 only \$5,000.00 of the sale proceeds and on December 8, 2009 remitted \$15,000.00 as the result of a garnishee on the bank accounts of Doug Neal Motors Limited and transferred the registration from Kathy de Grace to Doug Neal Motors Limited and then to The Prince George Knights Society without the Kathy de Grace's consent, approval or knowledge, contrary to section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C. 2004 c. 2 (BPCPA).


AND WHEREAS Doug Neil Motors Limited paid Ms. Kathy de Grace \$5,750.00 and Ms. de Grace has to obtain a garnishee order for the remaining \$15,000.00 which was paid on December 6, 2009.


NOW THEREFORE the undersigned:


1. Hereby undertakes:
 - (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;
 - (b) To refrain from engaging in the following deceptive acts or practices:
 - (i) misleading consumers that Doug Neal Motors Limited is authorized to sell motor vehicles belonging to consumers on consignment
 - (ii) misleading consumers by not disclosing all material facts about the ownership of motor vehicles.
 - (c) That Douglas Dale Neal shall within 90 days of signing this Undertaking take the VSA Salesperson Certification Course - Level 1 put on by the Motor Vehicles Sales Authority of BC (formerly the Motor Dealer Council of BC).
 - (d) To reimburse to the Registrar a total of \$1,885.22 for inspection/investigating costs relating the subject matter of this Undertaking; and
 - (e) To pay the Registrar an Administrative Penalty of \$2,000.00.

THE UNDERSIGNED hereby acknowledges, represents and declares that they have each read this Undertaking and have had a reasonable opportunity to obtain independent legal advice as to its terms.

IN WITNESS WHEREOF the undersigned (and each of them, if more than one) has set his/her/its hand and seal (attested by the hands of its duly authorized officers, if applicable):

Name: Doug Neal Motors Limited 2419 - Queensway Street Prince George, BC V2L 1M4	
Date: <u>April 23 2010</u>	
Signature: 	Title: Dealer Principal
Douglas Dale Neal	

Name: Douglas Dale Neal 2333 Sadler Drive Prince George, BC V2K 4N7	
Date: <u>April 23 2010</u>	
Signature: 	Title: Salesperson
Douglas Dalton Derek Neal	

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 27th day of April 2010

Ian Christman - Registrar of Motor Dealers