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Previously known as the Motor Dealer Council of British Columbia

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**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)**

**Investigation File #: 15-04-038  
Hearing file #15-07-001**

**WHEREAS** the undersigned Vernon Dodge Jeep Ltd. (Dealer #5204) is 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 supplier is contravening, is about to contravene or has contravened the *Business Practices and Consumer Protection Act* ("BPCPA") or the regulations made thereunder, namely: Section 5(1) BPCPA; (Sections 4(1) and 4(3)(a)(i to viii) 4(3)(b)(i to ix) and/or 4(3)(c)(i to iii), Section 20 and 21(1), Section 21(2), Section 21(3) and Section 23 of the *Motor Dealer Act Regulation*.

**Specifically:**

On or about March 27, 2015, at or near Vernon in the Province of British Columbia, the undersigned Vernon Dodge Jeep Ltd. (the "Supplier") did in relation to a consumer transaction contravene sections 4 and 5 of the *Business Practices and Consumer Protection Act* (BPCPA) by making an oral, written, visual, descriptive or other representation or conduct to a consumer that had the capability, tendency or effect of misleading William Bensmiller (the "Consumer") in the purchase of a 1991 Chevrolet Silverado VIN#2GCHK39N4M1215243 (the "Motor Vehicle") specifically:

- Sold the Motor Vehicle and failed to disclose that the vehicle was not suitable for transportation to the Consumer at the time of the transaction.
- Allowed a test drive to the Consumer that was not suitable for transportation.

**AND WHEREAS**, Vernon Dodge Jeep Ltd. is desirous of resolving this matter without the need for any formal adjudication of the above allegations.

**AND WHEREAS**, Vernon Dodge Jeep Ltd. have agreed to resolve the consumer monetary complaint to the satisfaction of the Consumer and the Registrar by reimbursing the Consumer \$1,100.00.

**AND WHEREAS**, Vernon Dodge Jeep Ltd. are to complete a system review of its operations and make procedural changes satisfactory to the Registrar. Copies of the procedural policies are to be provided to the Registrar within 45 days of the signing of this undertaking.

**NOW THEREFORE** Vernon Dodge Jeep Ltd. undertakes:

- a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- b) To ensure all material facts are disclosed to consumers prior to purchase of any motor vehicle;
- c) To ensure that a minimum of two years of business records are maintained and available at the dealer location and are available for inspection upon request in accordance with Section 20 of the *Motor Dealer Act Regulation*; and
- d) To ensure that all motor vehicle sales are documented on a Purchase Agreement which complies with the *Motor Dealer Act* and the *Regulation*.


**AND THEREFORE** the undersigned

- a) Vernon Dodge Jeep Ltd. undertakes to reimburse the Registrar a total of \$617.39 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Vernon Dodge Jeep Ltd. undertakes to pay an Administrative Penalty in the amount of \$2,500.00 in relation to the issues covered in this Undertaking.

**THE UNDERSIGNED** hereby acknowledges, represents and declares that he or she has read this Undertaking and has had a reasonable opportunity to obtain independent legal advice as to its terms.

**THE UNDERSIGNED** further hereby acknowledges that the availability of an undertaking to resolve any future similar allegations or contraventions may be unavailable; and that any similar allegations may be reviewed by the Registrar of Motor Dealers at a formal hearing to consider the allegations.

**IN WITNESS WHEREOF** the undersigned has set his hand:

|  |                             |
|--|-----------------------------|
| Name: Vernon Dodge Jeep Ltd.   |                             |
| Signature:  | Date: <u>July 14</u> , 2015 |
| Name: <u>Lee Casperson, CA CPA</u><br><u>Chief Financial Officer</u>                         |                             |

**ACCEPTED** by the Registrar of Motor Dealers of British Columbia this 21st day of  
July 2015



Ian Christman - Registrar of Motor Dealers