

MDC enforcement . . .

"Compliance is the goal"

A recent MDC news release reported that the Registrar had cancelled the license of an auto dealer, one of several such decisions during the past year. Each time such an event is in the news, it prompts questions about how investigation and enforcement work. The following conversation with Eray Karabilgin, Director of Regulatory Services, deals with the most obvious questions. Karabilgin, a lawyer by education who did postgraduate work in political science, is one of Canada's most experienced and knowledgeable professionals in the field of consumer protection legislation. During a 25-year career with the Government of British Columbia, he worked as an Administrative Tribunal for the Office of the Rentalsman, and subsequently served four Registrars of Motor Dealers in the capacity of Senior Investigator.



KARABILGIN

How do you and your investigators measure success?

The long-term measure of success will be the volume of complaints we receive.

Fewer complaints and the investigation case load will go down. Complete victory is perhaps an impossible goal - a day when there are virtually no problems - but it is a worthy objective. That's why we are proactive. Through education, inspections and investigations, the goal is to bring offenders in full compliance with the governing rules and regulations.

What do you mean when you say, "we are here to help you help yourself?"

We can work with the best in the industry to help them get better, and to reduce the number of those who distort the market by using unacceptable practices. We also can assist in creating a more knowledgeable, more successful consumer.

The MDC web site, the BCAA, the Better Business Bureau and other agencies provide helpful advice to consumers on how to avoid problems when buying a car. At some point, surely people must be responsible for themselves?

The informed consumer must be assured that they are basing their decisions upon the truth, whether it be advertising, price, disclosure of a vehicle's history or any other promises made. Dealers and salespersons must be licensed and adhere to codes of both ethics and conduct. The playing field must be level before an "informed consumer" can be confident.

What is "progressive enforcement?"

We start with routine inspections and discuss with the dealer any matters that need to be improved. In cases where a licensee exhibits total disregard for the governing rules and regulations and it becomes evident that further attempts to achieve compliance would be fruitless, the matter escalates. We investigate.

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Once there is evidence that an offense has occurred, the investigator can choose from a variety of enforcement options: warning letters, issue tickets, or a hearing before the Registrar. The Registrar can suspend licenses and impose fines under the Motor Dealer Act and/or the Business Practices Act that can be as high as \$200,000. The Registrar can also cancel a motor dealer license, as was seen in the recent example. In serious cases, our evidence is presented to the Crown Counsel who may decide to formally charge an offender.

Surely to thoroughly investigate everyone selling cars in B.C. would require an army of inspectors?

Indirectly, we have an army. The vast majority of dealers and salespersons are honest. They are the first people who lose because someone down the street is distorting the marketplace. There are a lot of smart consumers out there, who are

quick to sense impropriety and bring it to our attention. Then there's the media, municipal inspectors, the police and consumer organizations - all of them play a role. Our investigators are predominantly ex-RCMP and city police officers, or those who have had similar investigative experience in other public service. When problems are noted, we act professionally and expeditiously.

Most who will read this are dealers and salespersons. What can each of them do to help you?

The best they all can do is to be vigilant about the small things within their own dealership, make sure that they are operating within the governing rules and regulations. Dealers should ensure that their license is renewed on time, and that every salesperson has a valid license and takes the MDC certification course. If unsure about any regulatory item, they should not hesitate to contact MDC for clarification.