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Investigating and prosecuting curbers

The word “curber” is commonly used in the motor dealer industry to describe unlicensed motor dealers who sell cars masquerading as financiers, wholesalers, importers, collection agents, or “private citizens” under the guise of selling their own cars.

The most recent case involved a curber from Williams Lake who claimed he sold cars as a “hobby”. VSA’s investigation, with the help of the Williams Lake dealers, resulted in the successful conviction of this curber. When the initial warning and ticketing charges by the VSA Investigator failed to deter this individual from his curbing activities, evidence became sufficient to attract the interest of Crown Counsel and subsequent court charges. He pleaded guilty and the Court fined him \$2,000. The legislation provides for fines up to \$100,000 for individuals and \$200,000 for corporations.

"Should Mr. Hanson continue with his curbing activities, the Authority would then apply to obtain a *cease and desist* order from the Supreme Court under the provisions of the Motor Dealer Act," said Judy McRae, Manager of Corporate Services and Communications. "Subsequent illegal business conduct by this individual would then be deemed as *contempt of court order* and would be dealt with accordingly."

In this instance, it was the Williams Lake dealers who tracked the offender and reported his activity to VSA Investigators. Only by demonstrating that previous warnings and penalties had not prevented incorrigible behaviour, was the VSA able to convince the Crown Counsel to proceed with a charge.

The end result speaks for itself: working together, VSA and the motor dealer industry were able to stop this curber.

There are several factors in this enforcement:

- "Curbing" is seen to be a "victimless crime" by the prosecutors, too often without aggrieved witnesses willing to give evidence. Prosecutors tend to become motivated on the curber issue, only when odometer tampering, fraud or multiple repeat offences can be demonstrated.

Teamwork in Williams Lake

A province-wide news story June 19 reported the case of Glen Aubrey Hanson, a repeat offender as a curber, who pleaded guilty in court to a charge of being illegally engaged in the sale of motor vehicles and fined \$2,000. Hanson, under investigation since 2005, had ignored previous warnings, including a failure to change his behaviour after paying a violation ticket in the amount of \$250.

(visit www.vehiclesalesauthority.com to view the complete Hanson news release).

- As a result of the compulsory salesperson licensing on June 1, 2004, a large number of individuals who no longer qualified for the legitimate industry, such as those with criminal records, turned to curbing.

Enforcement will continue on all fronts and we would urge the entire industry to unite in the cause to expose the violators. The greatest job we all have is to convince the public of the risk they are taking when they deal with unlicensed people and ensure that they understand that they have no protection under the current legislation.

Private sales represent one third of all used vehicle transactions in the province each year, and many of these are simply individuals selling their own car, motorcycle or recreation vehicle, but those who do it as a business - likely half of all so-called "private" sales - are breaking the law.

We must impress upon the public the value in doing business only with licensed dealers and salespeople, and the old adage that if something appears to be too good to be true, there is likely a very good reason.

If you are aware of any curbing activities within your neighbourhood, or of any individual buying and selling vehicles without a valid dealer licence, please contact the VSA enquiry line at 1-877-294-9889.

www.vehiclesalesauthority.com
