



Issue #7 - 2009

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## **Salesperson suspended:**

### **Tried to extract customer cash to cover commission**

An overly-creative salesperson has found himself out of work after trying to make a unique payment arrangement with a customer.

Without the authorization or knowledge of his dealer, Jordani Motors Ltd. of Burnaby, salesperson Peter Walter Triska asked the consumer to pay for a vehicle partially in cash directly to him, and the balance to the dealer.

#### ***Licence renewal:***

### **50% of all salespeople !**

Licence renewal notices will go out next week to more than half the licenced salespeople in British Columbia, an annual surge of renewals dating back to June 1, 2004, the advent of compulsory licensing. Exactly 3,671 letters will be sent advising of the need to renew.

The best way to do it is online. Conventional mail still remains the majority choice, but online is faster, simpler and cheaper. Visit the VSA website [www.vehiclesalesauthority.com](http://www.vehiclesalesauthority.com) and click the "Industry" button. Then follow the salesperson threads to online renewal.

If you have changed addresses during the past year, you may not receive our renewal notice. It is no less an obligation for a salesperson to have a valid licence, nor less of a responsibility for a dealer to ensure that all salespeople are licenced, than it is with respect to driver's licences or passports: failure to receive a notice is no excuse.

If you do not receive a renewal notice in the mail you can still renew online without the form. Otherwise, please contact the VSA office with your new mailing address and a replacement renewal notice will be processed and mailed to you.

The most efficient way to contact the VSA office during this busy period is by e-mail at [salespersonlicensing@mvsabc.com](mailto:salespersonlicensing@mvsabc.com) or by fax at 604-574-5883. Phone messages left at 604-574-5050 local 710 will be answered as quickly as possible.

**The VSA thanks you for your support in these matters**

At a hearing before the Registrar of Motor Dealers, evidence was presented that Triska was not owed commission on the transaction and had no authority to suggest the improvised financial arrangement.

Deputy Registrar Ian Christman, who heard the evidence and ruled on the matter, judged it a "deceptive act or practice," and emphasized two critical facts:

1. The consumer suffered no loss and, therefore, no "remedy" was required under the Business Practices and Consumer Protection Act; and
2. The issue of wages/commission owing is not within the Registrar's jurisdiction.

However, the behaviour of the salesperson was a matter of concern.

Christman said in his ruling:

***"For a salesperson to alter the terms of a contract between a dealer and consumer and ask the consumer to pay him directly is very concerning. Mr. Triska apparently could not wait to be paid his commission or dispute its non-payment until (his dealer) returned. It is clear to me that Mr. Triska has no problem in arranging transactions to suit his own needs and involving consumers in his plans. The conduct of Mr. Triska is certainly unprofessional. He placed a consumer in the middle of an employee-employer conflict. Mr. Triska's conduct satisfies me that he may cause future harm to consumers, by way of fraud. Safeguards must be put in place to try and ensure this does not occur."***

The ruling suspended Triska's licence indefinitely. In order to be reinstated, he must provide information required of all new applicants, meet all the necessary criteria and complete the Level I Salesperson Certification Course, paying the usual fees.