



## **Complex deception involved several licensees**

### **Salesperson/Dealer Principal removed from the industry**

Walter Peter Triska, the dealer principal of Norwest Auto Sales Ltd. and Lucky 5 Enterprises Ltd., has had his salesperson licence cancelled by the Registrar of Motor Dealers. The cancellation is one of a number of judgements and administrative assessments levied as a result of a deceptive lease transaction.

Triska's licence was suspended earlier this year when he worked for Jordani Motors Ltd., after he had attempted to get a consumer to pay him commission directly, an action by the Registrar which was concurrent with this more serious and complex investigation.

In the present case, a consumer with little knowledge of the English language or Canadian vehicle sales practices, wanted to buy out the lease of an Audi, a contract a friend had with Four Star Auto Lease Ltd. of Coquitlam. They approached Four Star who directed the consumers to the referring agent, Norwest Auto Sales, represented by Triska.

The lease buy out was completed by Triska for \$19,000 and ownership was transferred, but he

failed to inform Four Star or to forward the proceeds. In fact, Triska admitted at a hearing that he was using new sales revenues to satisfy old debts. The Audi was subsequently repossessed and resold.

When the aggrieved consumer complained, Triska promised to get the vehicle back, yet another deception cited in the ruling by Deputy Registrar Ian Christman, after the complaint was brought to the VSA. In his 28-page judgement, Christman cited several cases in recent history in which Triska and/or Norwest were found guilty of improper business practices.

He ruled:

- The consumer is entitled to a complete refund and that Triska, Norwest Auto Sales Ltd. and Four Star Auto Lease Ltd. are "jointly and severally" responsible for this.
- Triska must pay a \$1,500 administrative penalty and his salesperson licence was cancelled.
- Norwest was ordered to pay a \$20,000 administrative penalty. This dealer voluntarily surrendered its licence prior to the hearing.
- Four Star was not ordered to pay an administrative penalty in recognition that a fraud was committed against it by its agent.

### **Licence requirements for RVs & trailers**

Dealers should be advising consumers who purchase a Recreational Vehicle or trailer about driver's licence requirements. Car drivers' licences are adequate for trailers up to 4,600 kg (10,000 lbs.), unless the towing vehicle has air brakes, in which case a separate certificate is required.

It is the driver's responsibility to be properly licensed at all times and the VSA receives consumer complaints that some dealers are failing to inform them about the requirements.

The ICBC website has thorough and easily understood material explaining all of the requirements. See:

<http://www.icbc.com/driver-licensing/Getting-licensed/trailer1.pdf>

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- Four Star was liable to the consumer because it is expected to properly oversee its agents. A future failure to do so may be reason to suspend or cancel its licence.

Christman's judgement was emphatic with respect to Walter Peter Triska:

***"Mr. Triska has shown a propensity to manipulate consumers for his own gain. He did so in Jordani and in this case. Mr. Triska was defiant at this hearing trying to put the sole blame of this matter on Norwest, a company he controlled and was the controlling mind of. I am satisfied from the evidence in this case, and Mr. Triska's past conduct that it would not be in the public interest for Mr. Triska to continue to be licensed as a salesperson and I hereby cancel his license. To allow Mr. Triska to continue to be licensed would be to expose consumers to potential fraud, which I am satisfied Mr. Triska is highly likely to perpetuate in the future."***