



Investigation Files #18-10-128  
#18-07-148  
Undertaking File #18-11-001

## **UNDERTAKING**

### **IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 c. 316 and the *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT* S.B.C. 2004, c. 2**

**THIS UNDERTAKING** is made, jointly and severally, with an effective date  
November 8, 2018, by:

**Hassan Dariosh Zahedian** (#204804)

#### **WHEREAS:**

1. Hassan Dariosh Zahedian ("Zahedian") (#204804) is a "salesperson" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, is responsible for the administration and enforcement of the MDA, its regulations, and prescribed provisions of the Business Practices and Consumer Protection Act S.B.C. 2004 c. 2 (the "BPCPA").
3. The Registrar has investigated and received information that Zahedian:
  - Sold a vehicle, which was not suitable for transportation, in violation of section 222 of the *Motor Vehicle Act*, R.S.B.C., c. 318 ("MVA");
  - Engaged in consignment sales of a motor vehicle, contrary to the conditions on his salesperson's licence, in violation of section 4(4) of the MDA;
  - Failed to include in the purchase agreement of the sale of the consigned vehicle the information and disclosures, required by sections 2, 4, and 5 of the *Motor Dealer Consignment Regulation*, B.C. Reg. 200/2017 ("MDCR");
  - Failed to handle the payment from the consumer for the purchase of the consigned vehicle in the manner required by section 6 of the MDCR; and
  - Fabricated a stock number for a vehicle, which was not in stock with the dealer and not authorized by the dealer principal, which constitutes a deceptive act or practice, as defined by section 4(1) of the BPCPA, in violation of section 5 of the BPCPA.

**NOW THEREFORE** Zahedian undertakes:

4. To comply with the MDA, the MVA, the BPCPA, and the regulations made thereunder;
5. To refrain from engaging in consignment sales;
6. To refrain from engaging in any deceptive acts and practices;
7. For Zahedian to pay an Administrative Penalty, in the amount of \$ 3,000 for contraventions of the MDA and the BPCPA;
8. For Zahedian to retake and successfully complete the salesperson licensing course at his own expense within 60 days of signing this undertaking; and
9. For Zahedian to reimburse the Registrar a total \$428.21 representing 100% of the investigation, hearing, and legal costs incurred to date in relation to this matter within thirty (30) days of the execution of this Undertaking.

**ZAHEDIAN FURTHER ACKNOWLEDGES, REPRESENTS, AND DECLARES:**

10. That in addition to rendering Zahedian liable to further penalties and proceedings as provided for under the BPCPA, it is an offence under the BPCPA to fail to comply with any part of this undertaking that has not been previously terminated;
11. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
12. Zahedian has read this Undertaking and has had a reasonable opportunity to seek and obtain legal advice as its terms.

**DATED** this 8<sup>th</sup> day of November 2018

Signature: Original Signed  
Hassan Dariosh Zahedian (#204804)

**ACCEPTED** by the Registrar of Motor Dealers this  
8<sup>th</sup> day of November 2018

Original Signed  
Ian Christman, J.D.  
Registrar of Motor Dealers