



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 of
19 March 2019,

by:

Michael Ruge (Unlicensed)

WHEREAS:

1. Section 1(1) of the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (“MDA”) defines “salesperson” as:
 - (a) an individual, other than a motor dealer, who, on behalf of a motor dealer and for or in the expectation of a fee, gain or reward,
 - (i) solicits, negotiates or arranges for the sale of a motor vehicle to a person, or
 - (ii) in any way participates in the soliciting, negotiating or arranging for the sale of a motor vehicle to a person, or
 - (b) an individual who is a motor dealer and who
 - (i) solicits, negotiates or arranges for the sale of a motor vehicle to a person, or
 - (ii) in any way participates in the soliciting, negotiating or arranging for the sale of a motor vehicle to a person;
2. Section 2 of the Salesperson Licensing Regulation (“SLR”) prohibits any person from acting as a salesperson without holding a valid salesperson licence.
3. 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").

4. The Registrar has investigated and received information that Michael Ruge:
 - Has been engaged in activities that deem him to be salesperson, within the meaning of the MDA;
 - Is not a licensed salesperson;
 - Engaged in consignment sales of motor vehicles.
5. The above detailed conduct violates the following statutory provisions:
 - Engaged in the activities that deem him to be to be a salesperson in respect of the sale of a motor vehicle, while not being a licensed salesperson, in violation of section 2 of the SLR; and
 - Engaged in consignment sales of motor vehicles, without following proper procedures, in violation of sections 2, 4, and 6 of the *Motor Dealer Consignment Sales Regulation*.

NOW THEREFORE Ruge undertakes:

6. To comply with the MDA, the MVA, the BPCPA, and the regulations made thereunder;
7. To cease and desist from engaging in the activities deemed to be that of a motor dealer and salesperson;
8. To cease and desist from involving unlicensed salespersons in respect of the sale of a motor vehicle;
9. To cease and desist from participating in any consignment sales;
10. For Ruge to pay an Administrative Penalty, in the amount of \$1,500.00 to deter it from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future;
11. For Ruge to reimburse the Registrar a total \$666.64 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;

RUGE FURTHER ACKNOWLEDGES, REPRESENTS, AND DECLARES:

12. That in addition to rendering Ruge 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;
13. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
14. Ruge has read this Undertaking and has had a reasonable opportunity to seek and obtain legal advice as its terms.

DATED this 19th day of March 2019

Signature: Original Signed
Michael Ruge

ACCEPTED by the Registrar of Motor Dealers this 20th day of March 2019

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