



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 6
March 2019,

by:

**1074941 BC Ltd. (#40306 - Cancelled), LESLIE MORRISON (#211020), and
JAMES REVENBERG (#107542)**

WHEREAS:

1. 1074941 BC Ltd. dba Nissan of Duncan ("Dealer") is a "motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. The motor dealer licence #40306 (issued to the Dealer at the time of the subject transaction was cancelled on or about September 2018 upon sale of the dealership.
3. The Dealer at the time was doing business under the Name Nissan of Duncan.
4. The purchaser and current operator of Nissan of Duncan, at the same location, is 2130729 Alberta Ltd (motor dealer licence #40592) and is not associated in any way with the matters set out in this undertaking.
5. Leslie Morrison ("Morrison") is the senior manager with the Dealer and a "salesperson" as defined under the MDA at the time of the subject transaction.
6. James Revenberg ("Revenberg") is the dealer principal and a "salesperson" as defined under the MDA at the time of the subject transaction.
7. 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").
8. The Registrar has investigated and received information that the Dealer has:

- Failed to disclose the actual odometer readings; and
- Falsely described a demonstrator vehicle as a new vehicle;

in respect to the sale of a motor vehicle.

9. The Registrar has investigated and received information that Morrison and Revenberg:

- Failed to provide necessary oversight, training and communications
- Was unaware of the mandatory declarator obligations

In respect of the operations of the Dealer engaging in the sale of the vehicle

10. The above detailed conduct violates the following statutory provisions:

- Failing to disclose all material facts, in contravention of section 23 of the *Motor Dealer Act Regulation*; and
- Engaging in deceptive acts or practices, as defined by section 4 of the BPCPA, in violation of section 5 of the BPCAP.

NOW THEREFORE Dealer, Morrison, and Revenberg undertake:

11. To comply with the MDA, the MVA, the BPCPA, and the regulations made thereunder;
12. For Dealer, Morrison, and Revenberg to pay an Administrative Penalty, in the amount of \$3,000.00 to deter the Dealer from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future;
13. For Dealer, Morrison, and Revenberg to reimburse the Registrar a total \$940.27 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;

THE DEALER, MORRISON, AND REVENBERG FURTHER ACKNOWLEDGE, REPRESENT, AND DECLARE:

14. That in addition to rendering Dealer, Morrison, and Revenberg 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;

15. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
16. Dealer, Morrison, and Revenberg have read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as its terms.

DATED this 6th day of March 2019

Signature: Original Signed
Leslie Morrison (#211020), individually and on behalf of 1074941 BC Ltd. dba Nissan of Duncan (#40306)

DATED this 6th day of March 2019

Signature: _____
James Revenberg (#107542), individually and on behalf of 1074941 BC Ltd. dba Nissan of Duncan (#40306)

ACCEPTED by the Registrar of Motor Dealers this 14th day of March 2019

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