



## **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 with an effective date of October 3, 2019

between:

Kee Yong Kim (Salesperson #207477)

and:

The Registrar, Vehicle Sales Authority of BC

### **WHEREAS:**

1. Kee Kim (Salesperson #207477), (the "Salesperson"), is a "salesperson", as defined under Section 1(1) of the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. The MDA defines "salesperson" as anyone who, on behalf of a motor dealer and for or in the expectation of a fee, gain or reward, solicits, negotiates or arranges, for the sale of a motor vehicle to a person or in any way, participates in, the soliciting, negotiating, or arranging for the sale of a motor vehicle to a person.
3. The "Registrar of Motor Dealers", as defined under the MDA, (the "Registrar") 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 received and investigated a complaint from a consumer who claims that:
  - a. The Salesperson fraudulently misrepresented information to the consumer, on how to handle breaking of an agreement of a leased vehicle;
  - b. The Salesperson knowingly failed to provide important information to the consumer, regarding the consequences of breaking a lease agreement, therefore causing financial damage to the consumer; and
  - c. The consumer has been compensated by the Motor Dealership for financial damages caused, as a result of the Salesperson's fraudulent misrepresentation.

5. The Registrar asserts that the Salesperson has contravened the following provisions of the BPCPA:

a. Section 5(1) of the BPCPA – engaging in deceptive acts or practices.

**NOW THEREFORE** the Salesperson undertakes, acknowledges and agrees with the Registrar:

6. To comply with the MDA, BPCPA and the regulations made thereunder;
7. To complete the Vehicle Sales Authority’s Salesperson Course, at the Salespersons own expense;
8. To pay an Administrative Penalty in the amount of \$250, in relation to the subject matter of this Undertaking, within thirty (30) days of the execution of this Undertaking;
9. To reimburse the Registrar a total of \$558.12, representing 100% of the investigation and legal costs incurred to date, in relation to the subject matter of this Undertaking, within thirty (30) days of the execution of this Undertaking;
10. That this Undertaking is binding on the Salesperson, until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
11. That in addition to rendering the Salesperson 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; and
12. That the Registrar may, upon breach of any part of this undertaking by the Salesperson, declare the Undertaking to be at an end and may institute such proceedings and take such action under the BPCPA or the Act as considered necessary.
13. That any communication with the Registrar, in connection with this undertaking, shall be made to the following address:

Registrar of Motor Dealers  
Vehicle Sales Authority of B.C.  
#280 – 8029 199<sup>th</sup> Street  
Langley, BC V2Y 0E2

And in the case of the Salesperson, to the following address:

Kee Kim

████████████████████  
████████████████████ ██████████

Withheld - personal address.  
Section 22 FOIPPA.

unless another address for delivery is given to the other party, in writing, by either the Registrar or the Salesperson.

14. The Salesperson acknowledges and warrants that it has had an opportunity to seek legal advice as to the terms of this Undertaking.

**DATED** this 3rd day of October 2019

Signature: Original Signed  
Salesperson Name: Kim Kee (#207477)

**ACCEPTED** by the Registrar of Motor Dealers this  
23 day of October 2019

Original Signed  
Ian Christman  
Registrar of Motor Dealers