



**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 November 8, 2019

between

Lisa Davis (SL#206181)

and

The Registrar, Vehicle Sales Authority of B.C.

WHEREAS:

1. Lisa Davis (SL#206181), (the "Salesperson") is a "salesperson" as defined in section 1(1) of the *Motor Dealer Act R.S.B.C. 1996 c. 316* (the "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 be licensed by the VSA;
3. The MDA requires that all salespersons be licensed with the VSA;
4. 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");
5. Section 4(1) of the BPCPA defines deceptive act or practice as being an "oral, written, visual, descriptive or other representation by a supplier or any conduct by a supplier that has the capability, tendency, or effect of deceiving or misleading a consumer."
6. Section 5(1) of the BPCPA prohibits deceptive acts and practices.
7. After an investigation, the Registrar has received information that:
 - a. The Salesperson is a finance manager at Coquitlam Chrysler Dodge Jeep Ltd.;
 - b. The Vehicle Sales Authority ("VSA") discovered several consumer files of sales transactions that the Salesperson had completed, that appeared to have unauthentic signatures on Annual Percentage Rate Disclosure Forms (APR Forms");

- c. This information was brought to the attention of the Salesperson and as a result of the discovery, the Salesperson admitted to the VSA that she had signed APR Forms on behalf of consumers without their knowledge or consent; and
 - d. The Salesperson has voluntarily signed a letter of confession.
8. The Registrar asserts that the above detailed conduct violates the following statutory provisions:
- a. The Code of Conduct provisions at section 33(2)(a) and (e) of the Motor Dealer Act Regulation; and
 - b. Section 4(1) and 5(1) of the BPCPA.

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

- 9. To comply with the MDA, the BPCPA, and the regulations made thereunder;
- 10. That for the duration of six (6) months from the execution of this Undertaking:
 - a. The Salesperson may not be in a management position without the prior written approval of the VSA;
 - b. That all sales transactions with consumers involving the Salesperson, must be reviewed and approved by a manager before the transaction is finalized;
 - c. That the Salesperson may not act as a loan broker as defined by the BPCPA or in any way act on behalf of a consumer to obtain or facilitate financing including a lease, for a consumer, without the prior written approval of the VSA.
- 11. On the expiry of six (6) months, a review to remove any or all of the aforementioned conditions may occur, upon the Salesperson's ability to demonstrate she has the appropriate insight into her duties to consumers and that she is suitable and trustworthy to act as a loan broker or otherwise act on behalf of a consumer to obtain financing, including a lease. A review may occur on or after May 8, 2020.
- 12. That the Salesperson will complete the VSA's Salesperson Course, at the Salesperson's own expense, within sixty (60) days of the execution of this Undertaking;
- 13. To pay an Administrative Penalty in the amount of \$750.00 to deter the Salesperson from engaging in conduct similar to the aforementioned in the future, within thirty (30) days of the execution of this Undertaking;

14. 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;
15. 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;
16. 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;
17. That any communication with the Registrar in connection with this undertaking shall be made to the following

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

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

Lisa Davis

██████████
██████████ ██████████

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.

18. The Salesperson has had an opportunity to seek legal advice as to the terms of this Undertaking.

DATED this 8th day of November 2019

Lisa Davis (SP#206181)

Signature: "original is signed"

ACCEPTED by the Registrar of Motor Dealers this 18th day of November 2019

"original is signed"

Ian Christman
Registrar of Motor Dealers