



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 August 12, 2020

between:

Coquitlam Chrysler Dodge Jeep Ltd. (Dealer #7557)

and:

The Registrar, Vehicle Sales Authority of BC

WHEREAS:

1. Coquitlam Chrysler Dodge Jeep Ltd. (Dealer #7557), (the "Dealer"), is a "registered motor dealer", as defined under the *Motor Dealer Act R.S.B.C. 1996 c. 316* ("MDA").
2. 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");
3. After an investigation by the Vehicle Sales Authority (the "VSA"), the Registrar received information that:
 - a. Delainie Shaw, ("Ms. Shaw") at all material times was a salesperson as defined by the MDA, and a Finance Manager employed by the Dealer;
 - b. Lisa Davis, ("Ms. Davis") at all material times was a salesperson as defined by the MDA, and a Finance Manager employed by the Dealer;
 - c. The VSA discovered that the Dealer facilitated several sales transactions that Ms. Shaw and Ms. Davis completed, where they signed Annual Percentage Rate Disclosure Forms on behalf of consumers without the consumers knowledge or consent; and
 - d. During the investigation, the VSA found several indications that other documents may have been fraudulently signed during these transactions by

Ms. Shaw and Ms. Davis, such as Purchase Agreements, Warranty documents and other Financing documents.

4. The Dealer has cooperated and assisted the VSA throughout the entire investigation process.
5. The Registrar asserts that the above detailed conduct violates the following statutory provisions:
 - a. Section 4(3)(b)(vi) of the BPCPA – engaging in deceptive acts or practices;
 - b. Sections 8(3)(b) and 9 of the BPCPA – unconscionable acts or practices; and
 - c. The Code of Conduct provision found at section 33(2)(a) of the Motor Dealer Act Regulation.

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

6. To comply with the MDA, BPCPA, and the regulations made thereunder;
7. To provide and follow an internal procedure outlining the steps each Finance Manager needs to execute for every vehicle transaction;
8. To provide and follow an internal hiring procedure for all new Salespersons, Sales Managers and Finance Managers;
9. To pay an Administrative Penalty, in the amount of **\$20,000** to deter the Dealer from engaging in conduct similar to the aforementioned contraventions in the future, within thirty (30) days from the execution of this Undertaking;
10. To provide indemnity to any affected consumer, who in the future can provide evidence to the satisfaction of the VSA, that they have been financially prejudiced by the Dealer facilitating the falsifying of documents by Ms. Shaw and Ms. Davis;
11. That this Undertaking is binding on the Dealer until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
12. That in addition to rendering the Dealer 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
13. That the Registrar may, upon breach of any part of this Undertaking by the Dealer, declare the Undertaking to be at an end and may institute such proceedings and take such action under the BPCPA, or the MDA as considered necessary;

14. 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 199th Street
Langley, BC V2Y 0E2

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

Coquitlam Chrysler Dodge Jeep Ltd.
2960 Christmas Way
Coquitlam, BC V3C 4E6

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

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

DATED this 12 day of August 2020

Coquitlam Chrysler Dodge Jeep Ltd. (DL#7557)

Signature: "Original is signed"
Authorized signatory name: Jeff Kornatowsky

ACCEPTED by the Registrar of Motor Dealers this 10th day of September 2020

"Original is signed"
Ian Christman, JD
Registrar of Motor Dealers