



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
December 19, 2019,

by

Palm Auto Sale (unlicensed) and
Siavash Koushyar-Moghtader (SP#113512, cancelled)

WHEREAS:

1. Section 1(1) of the *Motor Dealer Act* ("MDA") defines "wholesaler" as a person who, in the course of business, engages in the sale, exchange or other disposition of a used motor vehicle to a motor dealer or another wholesaler.
2. Section 2 of the Wholesaler Licensing Regulation states that a person must not act as a wholesaler unless the person holds a valid wholesaler license.
3. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, is responsible for the administration and enforcement of the Act, its regulations, and prescribed provisions of the *Business Practices and Consumer Protection Act S.B.C. 2004 c. 2* (the "BPCPA").
4. After an investigation, the Registrar has received information that Palm Auto Sale and Siavash Koushyar-Moghtader (collectively the "Respondents"):
 - a) Are registered with BC Registry Services as a Sole Proprietorship;
 - b) Are not licensed as a wholesaler;
 - c) Have been engaging in activities that deem them to be a wholesaler within the meaning of the MDA; and
5. The Registrar asserts that the above detailed conduct violates the following statutory provision:
 - a. Section 2 of the Wholesaler Licensing Regulation

NOW THEREFORE the Respondents undertake, acknowledge and agree with the Registrar:

6. To comply with the MDA, the BPCPA and the regulations made thereunder;
7. To immediately cease and desist from engaging in activities that deem them to be that of a wholesaler;
8. To pay an Administrative Penalty, in the amount of **\$5,000** to deter them from engaging in conduct similar to the aforementioned contraventions of the MDA in the future;
9. That this Undertaking is binding until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
10. That in addition to being rendered liable to further penalties and proceedings as provided for under the BPCPA, that it is an offence under the BPCPA to fail to comply with any part of this Undertaking that has not been previously terminated;
11. That the Registrar, upon breach of any part of this Undertaking, may 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.
12. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking;
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 BC
#280 – 8029 199th Street
Langley, BC V2Y 0E2

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

1112 – Millstream Road
West Vancouver, BC V7S 2C7

unless another address for delivery is given to the other party, in writing, by either the Registrar or by the Respondents; and

14. That the Respondents have read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as to its terms.

DATED this 19 day of December 2019

"original is signed"
Siavash Koushyar-Moghtader
Personally and for Palm Auto Sale

ACCEPTED by the Registrar of Motor Dealers this 20 day of December 2019

"original is signed"
Ian Christman
Registrar of Motor Dealers