



Previously known as the Motor Dealer Council of B.C.

**IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 c. 316
and the *Salesperson Licensing Regulation* B.C. Reg. 241/2004.**

RE: Melissa Jakoby Salesperson Licence #109370

UNDERTAKING

Dated for Reference: March 1, 2011

WHEREAS Melissa Jakoby Salesperson Licence #109370 (the "Salesperson") is a "salesperson" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").

AND WHEREAS the Motor Dealer Council of British Columbia dba the Motor Vehicle Sales Authority of British Columbia is the "authority" as defined in the Act (the "Authority") and is responsible for the licensing of "salespersons" under the *Salesperson Licensing Regulation* B.C. Reg. 241/2004.

AND WHEREAS the "Registrar of Motor Dealers", as defined under the Act, (the "Registrar") 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 and is an authorized representative of the Authority.

AND WHEREAS the Authority has initiated an investigation involving the Salesperson's conduct and the following alleged contraventions:

Melissa Jakoby is a "salesperson" and a "supplier" as defined under the Business Practices and Consumer Protection Act (BPCPA) and may have contravened section 5 of the BPCPA by making a "representation" that had the capability, tendency or effect of misleading a consumer in that Melissa Jakoby:

- (a) Entered into a conditional sales agreement with a consumer, Naho Prior ("Prior"), on September 28, 2010, while employed at Applewood Motors Langley Inc. dba Applewood Langley Kia ("Applewood") and obtained a \$3000 deposit from Prior;
- (b) Changed her employment to Orca Bay Suzuki Langley and on October 26, 2010, convinced Naho to purchase a "motor vehicle" from that dealer while assuring Prior he would get his \$3000 deposit back from Applewood;
- (c) Advised Naho on what to say to Applewood in order to obtain the return of his \$3000 deposit; and
- (d) Knew she had no authority to speak on behalf of Applewood and provide assurances that Prior would receive back his deposit in whole or in part.

AND WHEREAS, Orca Bay Suzuki Langley and Applewood Motors Langley Inc dba Applewood Langley Kia have resolved the consumer monetary complaints to the satisfaction of the consumer.

AND WHEREAS the Salesperson wishes to resolve these issues voluntarily by entering into this Undertaking.


THE SALESPERSON HEREBY UNDERTAKES TO:

- 1) Take the Salesperson Certification Course Level II by October 12, 2011 at her cost.
- 2) To immediately report any changes of employment.
- 3) Refrain from advising consumers from other dealerships about the possible return of their deposits from those other dealerships.

THE SALESPERSON ACKNOWLEDGES THAT:

- 1) This Undertaking is being entered into by the Salesperson voluntarily.
- 2) The Salesperson has had an opportunity to obtain legal advice as to the terms of this Undertaking.
- 3) The Authority will make it a condition of the Salesperson's registration to abide by and carry out the terms of this Undertaking.
- 4) The Authority will take steps to monitor and enforce this Undertaking. Enforcement can include, but is not limited to, court action to obtain a compliance order, or the suspension or cancelation of the Salesperson's licence.
- 5) This Undertaking and the condition placed on the Salesperson's registration may be reviewed in one year's time from the signing of this Undertaking by the Registrar.

IN WITNESS WHEREOF the undersigned has set his/her hand:

Salesperson's Name: Melissa Jakoby Salesperson Licence #109370
Signature: 
Date: <u>March 2nd</u> , 2011.

ACCEPTED by the Authority, through its authorized representative, this 3 day of March 2011.



Ian Christman – Registrar of Motor Dealers or his delegate