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Motor
Vehicle Sales Authority
of British Columbia

+

Previously known as the Motor Dealer Council of British Columbia

**IN THE MATTER OF THE *MOTOR DEALER ACT*
AND THE *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT***

UNDERTAKING

(Section 154, *Business Practices and Consumer Protection Act*)

VSA Files: 13-05-107

WHEREAS the undersigned Smith Chevrolet Cadillac Ltd. (Dealer #5359) and Calvin Johnny Givens (Salesperson #108090) are each a "supplier" within the meaning of subsection 1(1) of the *Business Practices and Consumer Protection Act*;

AND WHEREAS the Registrar of Motor Dealers (the "Registrar") has reason to believe that the supplier is contravening is about to contravene or has contravened the *Business Practices and Consumer Protection Act* (BPCPA) or the regulations made thereunder, namely:

Section 5(1) BPCP: (Sections 4(1) and 4(3)(a)(i to viii) 4(3)(b)(i to ix) and/or 4(3)(c)(i to iii).

Section 20 and 21(1), Section 21(2), Section 21(3) and Section 23 of the Motor Dealer Act Regulation.

Specifically:

#1

1. Between September 15, 2010 and June 24, 2013 at or near Kamloops in the Province of British Columbia, Smith Chevrolet Cadillac Ltd. and Calvin Johnny Givens (the "Suppliers") did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act (BPCPA) by making an oral, written, visual, descriptive or other representation or conduct to a consumer that had the capability, tendency or effect of misleading Jim and Ellen Seminoff (the "Consumers") in the purchase of a 2008 Chevrolet Cobalt VIN #1G1AJ55F087232185 (the "Motor Vehicle") specifically:

- Stating that the Motor Vehicle was free and clear of all liens when a lien existed.
- Selling the Motor Vehicle and demonstrating a vehicle from the dealership premises that is not licensed to sell consigned Motor Vehicles.

AND WHEREAS, Smith Chevrolet Cadillac Ltd. and Calvin Johnny Givens are desirous of resolving this matter without the need for any formal adjudication of the above allegations.

AND WHEREAS, Smith Chevrolet Cadillac Ltd. and Calvin Johnny Givens will resolve the consumer monetary complaint to the satisfaction of the consumer and the Registrar by ensuring that the lien on the Motor Vehicle is discharged.

AND WHEREAS, Smith Chevrolet Cadillac Ltd. has completed a system review of its operations and made procedural changes satisfactory to the Registrar to ensure that consignment vehicles are not present or sold by the Dealer or the staff of the Dealer .

NOW THEREFORE Smith Chevrolet Cadillac Ltd. undertakes:

- a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- b) To have written policy in place to ensure that consignment vehicles are not present or sold by the Dealer or the staff of the Dealer.
- c) To provide the Registrar with copies of the policies outlined in this document and have all salespersons sign off has having read the policy documents.

AND THEREFORE the undersigned

- a) Calvin Johnny Givens undertakes to reimburse the Registrar a total of \$1,000.00 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Calvin Johnny Givens undertakes to pay an Administrative Penalty in the amount of \$750.00 in relation to the issue covered in this Undertaking.

THE UNDERSIGNED hereby acknowledges, represents and declares that he or she has read this Undertaking and has had a reasonable opportunity to obtain independent legal advice as to its terms.

THE UNDERSIGNED further hereby acknowledges that the availability of an undertaking to resolve any future similar allegations or contraventions may be unavailable; and that any similar allegations may be reviewed by the Registrar of Motor Dealers at a formal hearing to consider the allegations.

IN WITNESS WHEREOF the undersigned has set his hand **VEHICLE SALES AUTHORITY OF B.C.**

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Name: Smith Chevrolet Cadillac Ltd.

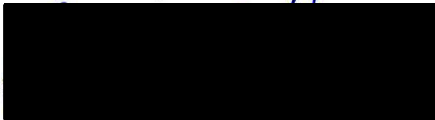
Signature:



Date: June 25th, 2013

Name: Calvin Johnny Givens *A*

Signature



Date: June 24, 2013

Calvin Johnny Givens

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 28 day of June 2013



Ian Christman - Registrar of Motor Dealers

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