



**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 December 21, 2018

between

Joseph Frye (Salesperson #108562)

and

The Registrar, Vehicle Sales Authority of B.C.

WHEREAS:

1. Joseph Frye (Salesperson #108562) (the "Salesperson") is a "salesperson" as defined 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 any conduct, description, or representation by "that has the capability, tendency, or effect of deceiving or misleading a consumer."
6. Section 5 of the BPCPA prohibits deceptive acts and practices.
7. After an investigation, the Registrar has received information that:
 - a. The Salesperson engaged in a scheme whereby consumers were misled as to the total amount of a lease buy-out, resulting in overpayment of the lease buy-out;
 - b. The difference between the actual buy-out and the overpayment was retained as profit; and

- c. Such conduct constitutes the commission of deceptive acts and practices in contravention of Section 5 of the BPCPA.

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

8. To comply with the MDA, the BPCPA, and the regulations made thereunder;
9. To pay an Administrative Penalty in the amount of \$750.00 in relation to the subject matter of this Undertaking within thirty (30) days of the execution of this Undertaking;
10. 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;
11. 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;
12. 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;
13. 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.
#208 – 5455 152 Street
Surrey, B.C. V3S 5A5

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

Joseph Frye


Refused pursuant to
sections 22(1) and 22(3)(b) of FIPPA -
Personal Address

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

14. The Salesperson acknowledges and warrants that they have had an opportunity to seek legal advice as to the terms of this Undertaking.

DATED this 21st day of December 2018

Joseph Frye (Salesperson #108562)

Signature: Original Signed

ACCEPTED by the Registrar of Motor Dealers this
31st day of December 2018

Original Signed
Ian Christman
Registrar of Motor Dealers or his delegate