



UNDERTAKING

IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 c. 316

THIS UNDERTAKING is made with an effective date of May 29, 2019
By

**2130729 Alberta Ltd. dba Nissan of Duncan (#40592), Mussaed Majid
Abdullah Jaber (#115174), Scott Chris Chomin (#210415), and Lukias
Charles Nathaniel Hawkins (#203201)**

WHEREAS:

1. 2130729 Alberta Ltd. dba Nissan of Duncan (#40592) ("Dealership") is a motor dealer, as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. Justin Mcelhone (#111793) is a salesperson, as defined under the MDA, and a manager at the Dealership
3. Mussaed Majid Abdullah Jaber (#115174) ("Jaber") is a salesperson, as defined under the MDA, and works at the Dealership.
4. Scott Chris Chomin (#210415) ("Chomin") is a salesperson, as defined under the MDA, and works at the Dealership.
5. Lukias Charles Nathaniel Hawkins (#203201) ("Hawkins") is a salesperson, as defined under the MDA, and works at the Dealership.
6. Nahome Dessh-Nizghi ("Nizghi") is a contractor with the Dealership
7. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, 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").
8. Pursuant to an investigation, the Registrar has received information that Jaber, Chomin, Hawkins, and Nizghi engaged in various activities, in contravention of local municipal bylaws, as well as obstructing the activity of bylaw officers attempting to carry out their lawful duties.
9. Such conduct contravenes Section 33(2)(i)(iii) of the *Motor Dealer Act Regulation* aka "The Code of Conduct" – aiding, abetting, or causing a person to contravene any law of British Columbia or other jurisdiction.

NOW THEREFORE Jaber, Chomin, Hawkins, and Nizghi undertake, acknowledge, and agree with the Registrar:

10. To comply with the MDA, BPCPA, and the regulations made thereunder, including the Motor Dealer Code of Conduct;
11. Not to contravene any law of British Columbia or other jurisdiction;
12. Not to aid, abet, or cause a person to contravene any law of British Columbia or other jurisdiction.
13. To Jaber's paying an Administrative Penalty in the amount of \$250.00.
14. To Chomin's paying an Administrative Penalty in the amount of \$250.00.
15. To Hawkins' paying an Administrative Penalty in the amount of \$250.00.
16. To Nizghi's paying an Administrative Penalty in the amount of \$250.00.
17. To the Jaber's, Chomin's, Hawkins', and Nizghi's reimbursing the Registrar a total of \$651.22 (\$162.81 each), representing 100% of the investigation and legal costs incurred to date in relation to the subject matter of this Undertaking within thirty (30) days of the execution of this Undertaking;
18. That this Undertaking is binding on the Dealership, Jaber, Chomin, Hawkins, and Nizghi until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
19. That failing to comply with any part of this undertaking that has not been previously terminated renders the Dealership, Jaber, Chomin, Hawkins, and Nizghi liable to further penalties and proceedings as provided for under the MDA;
20. 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 MDA as considered necessary.
21. The Dealership, Jaber, Chomin, Hawkins, and Nizghi acknowledge and warrant that they have had an opportunity to seek legal advice as to the terms of this Undertaking.

DATED this 29th day of May 2019

Original Signed
Justin McElhone (#111793)
on behalf of 2130729 Alberta Ltd. dba Nissan of Duncan (#40592)

DATED this 29th day of May 2019

Original Signed
Mussaed Majid Abdullah Jaber (#115174)

DATED this 29th day of May 2019

Original Signed
_Scott Chris Chomin (#210415)

DATED this 29th day of May 2019

Original Signed
Lukias Charles Nathaniel Hawkins (#203201)

DATED this 29th day of May 2019

Original Signed
Nahome Dessh-Nizghi

ACCEPTED by the Registrar of Motor Dealers this 30th day of May 2019.

Original Signed
Ian Christman
Registrar of Motor Dealers