

FILED

By the Office of the Registrar of Motor Dealers  
on October 1, 2024



Investigation File No.: C-22-10-212  
Hearing File No.: H-24-10-002

**UNDERTAKING**

**IN THE MATTER OF THE *MOTOR DEALER ACT*, RSBC 1996, c 316 and the  
*BUSINESS PRACTICES AND CONSUMER PROTECTION ACT*, SBC 2004, c 2**

**BETWEEN:**

Vernon Dodge Jeep  
(DL# 5204)

(the "Respondent")

**AND:**

The Registrar of Motor Dealers

**WHEREAS:**

1. The Respondent, Vernon Dodge Jeep, ("**Vernon Dodge**"), is a Motor Dealer as defined in the *Motor Dealer Act* ("the **MDA**"), incorporated in accordance with the laws of British Columbia and registered with the Vehicle Sales Authority of BC ("**VSA**") under Motor Dealer Licence No. 5204.
2. The Registrar of Motor Dealers is the Registrar as defined in the MDA, ("the **Registrar**"), and is responsible for the administration and enforcement of the MDA, its regulations, and the prescribed provisions of the *Business Practices and Consumer Protection Act* ("the **BPCPA**").
3. Vernon Dodge is the subject of an investigation launched by the VSA in response to a complaint made by a consumer, Theresa Nooski ("**Ms. Nooski**"). The complaint and investigation findings are outlined in VSA File No. C-22-10-212 and the investigation report of VSA investigations officer, Daryl Dunn ("**IO Dunn**") dated February 7, 2024.

**AND WHEREAS:**

4. On October 3, 2022, Ms. Nooski purchased a 2019 Jeep Compass ("the **Compass**") from Vernon Dodge for a price agreed upon by the parties.
5. Vernon Dodge made an application on October 3, 2022 to Scotiabank for financing on Ms. Nooski's behalf. The application was returned indicating that Ms. Nooski [REDACTED]
6. Upon being informed by Vernon Dodge employees that she (Ms. Nooski) would [REDACTED] Ms. Nooski advised employees of Vernon Dodge [REDACTED]

7. Ms. Nooski provided employees of Vernon Dodge with: [REDACTED]  
[REDACTED]
8. Ms. Nooski informed employees of Vernon Dodge that her mother worked in a remote area of northern British Columbia and that Vernon Dodge employees would experience difficulty communicating with her mother over the phone but that her mother could send text messages to her (Ms. Nooski) when she (Ms. Nooski's mother) had time and cell coverage permitted.
9. Ms. Nooski showed text messages to employees of Vernon Dodge that apparently had been sent by Ms. Nooski's mother to Ms. Nooski, and which communicated to employees of Vernon Dodge that Ms. Nooski's mother [REDACTED] reliable transportation for work.
10. Upon further application to Scotiabank for financing in relation to Ms. Nooski's purchase of the Compass, Ms. Nooski was approved for financing [REDACTED]
11. On or around October 3 or October 4, 2022, the Compass was registered in Ms. Nooski's name and Ms. Nooski obtained motor vehicle insurance for the Compass.
12. On or around October 4 or October 5, 2022, Ms. Nooski directed Vernon Dodge employees to e-mail financing documentation to her (Ms. Nooski) and that she [REDACTED] would sign the financing documentation and return the documentation to the dealership right away.
13. On or around October 4 or October 5, 2022, Ms. Nooski sent a text message to an employee of Vernon Dodge and informed the employee that she (Ms. Nooski) loved the Compass and that [REDACTED] the financing documents.
14. On or around October 12 or October 13, 2022, employees of Vernon Dodge received the financing documents which had been sent to Ms. Nooski via e-mail, where the financing documents were seemingly signed by Ms. Nooski [REDACTED] These financing documents were dropped off at Vernon Dodge by an unknown person.
15. Within the financing documents, the credit application named [REDACTED]  
[REDACTED] Ms. Nooski's [REDACTED] signature appeared on the credit application. The Scotiabank funding approval provided by Vernon Dodge named [REDACTED]
16. On or around October 21, 2022, Ms. Nooski called Vernon Dodge and inquired which bank had financed the purchase of the Compass, and asked for copies of her financing documents. Vernon Dodge employees responded to her request and provided her with copies of her financing documents.
17. At no time did the finance manager of Vernon Dodge (or other employee of Vernon Dodge) speak with [REDACTED] with the documentation or financing application before, during or after the process of the purchase and funding approval for the Compass.
18. [REDACTED]

and denies seeing the application. [REDACTED]  
by Vernon Dodge in relation to the application. She advised she has no knowledge of the loan being in her name.

19. In early December 2022, Vernon Dodge learned that Ms. Nooski had submitted a complaint to the VSA in which Ms. Nooski alleged that: 1) she did not have [REDACTED] for the financing relating to the Compass; 2) [REDACTED] did not sign the financing documents for the Compass; and 3) Ms. Nooski did not believe she was approved for financing [REDACTED]
20. In early December 2022, upon hearing of the VSA complaint, Vernon Dodge: 1) immediately paid out to Scotiabank the outstanding loan balance on the Compass; 2) refunded Ms. Nooski all payments she had made with respect to the Compass, including interest; 3) arranged for the vehicle to be transferred out of Ms. Nooski's name and for insurance on the Compass to be cancelled; and 4) created an internal policy that Vernon Dodge employees had to make direct contact with any co-signor for financing and that signing of financing documentation had to occur in the presence of a Vernon Dodge employee.
21. The Registrar asserts Vernon Dodge has contravened the following legislation:
  - a. Section 33(2)(1) of the *Motor Dealer Act Regulation* ("MDAR"), for failing, in the course of business, to act with honesty and integrity, by preparing and submitting a credit application in the name of a consumer who did not attend the dealership, did not sign the application and did not authorize the preparation of the credit application in her name and which ultimately resulted in a loan being approved in her name.

**NOW THEREFORE** the Respondent undertakes, acknowledges, and agrees with the Registrar:

1. To comply with the MDA, MDAR, BPCPA, and the sections thereunder;
2. To pay an Administrative Penalty in the amount of **\$10,000** in relation to the subject matter of this Undertaking as per the Notice of Administrative Penalty which will be provided to the Respondent upon receipt of the fully executed and filed Undertaking;
3. To reimburse the Registrar a total of **\$3560.65** representing 100% of the investigation costs incurred to date in relation to the subject matter of this Undertaking within thirty (30) days of the Registrar signing this Undertaking;
4. That this Undertaking is binding on the Respondent until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
5. That in addition to rendering the Respondent liable to further penalties and proceedings as provided for under the BPCPA, it is an offense under the BPCPA to fail to comply with any part of this Undertaking that has not been previously terminated;
6. That the Registrar may, upon breach of any part of this Undertaking by the Respondent, 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; and
7. 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 B.C.

