



Motor
Vehicle Sales Authority
of British Columbia

Previously known as the Motor Dealer Council of BC

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

John Ming Lum

UNDERTAKING

(Pursuant to Section 154, Business Practices and Consumer Protection Act SBC 2004 c. 2)
VSA File#: 09-

WHEREAS the undersigned John Ming Lum, licensed as a salesperson under the Motor Dealer Act – Salesperson Licensing Regulation, issued Salesperson Licence # 102413 and employed by Marino Enterprises Ltd. a motor dealer licensed by the Motor Vehicle Sales Authority of British Columbia, previously known as the Motor Dealer Council of British Columbia, issued Motor Dealer # 9303 is 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* or the regulations made hereunder, namely John Ming Lum:

On or about 05 June 2009, at or near the city of Coquitlam in the province of British Columbia did commit or engage in a deceptive act or practice wherein a representation by a supplier:

- that uses exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact if the effect is misleading specifically that as a salesperson for Marino Enterprises Ltd. represented in writing and by his conduct to the purchaser Emmanuel TILIAKOS that a 2006 Harley Motor Cycle VIN: 5HD1HCZ47K811593 was owned by Marino Enterprises Ltd. and completed a Marino Enterprise Ltd. sales agreement transferring the vehicle from Marino Enterprises Ltd. to Emmanuel Tiliakos when in fact the 2006 Harley Motor Cycle VIN: 5HD1HCZ47K811593 was personally owned by John Ming LUM; and
- that goods or services are of a particular standard, quality, grade, style or model if they are not, specifically represented in writing and by his conduct to the purchaser Emmanuel TILIAKOS that a 2006 Harley Motor Cycle VIN: 5HD1HCZ47K811593 was safe to operate on the highway when in fact the 2006 Harley Motor Cycle VIN: 5HD1HCZ47K811593 was not,

contrary to section 5(1) of the Business Practices and Consumer Protection Act.

NOW THEREFORE the undersigned;

1. Hereby undertakes:

- (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;

- (b) To refrain from engaging in deceptive acts or practices that uses exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading or representing that goods or services are of a particular standard, quality, grade, style or model if they are not specifically selling motor vehicles without disclosing all information about the damages sustained by a motor vehicle, the safety of the vehicle and whether the vehicle meets the requirements of the Motor Vehicle Act RSBC 1996 c. 318


FURTHERMORE, the undersigned;

2. Hereby undertakes:

- (a) To reimburse Marino Enterprises Ltd who compensated Emmanuel TILIAKOS the sum of \$7,840.00 he paid in cash to John Ming Lum;
- (b) To reimburse the Registrar a total of \$ 366.68 for inspection/investigating costs relating the subject matter of this Undertaking;
- (c) To pay an Administrative Penalty in the amount of \$250.00;
- (d) To repair the 2006 Harley Motor Cycle VIN: 5HD1HCZ47K811593 so it meets the requirements of the Motor Vehicle Act and presents a Structural Integrity Assessment Report and a Private Vehicle Inspection Report acceptable to the Registrar. If the 2006 Harley Motor Cycle VIN: 5HD1HCZ47K811593 cannot be repaired it must be dismantled and proof must be provided to the Registrar; and
- (e) That as a condition of continued licensing as a salesperson by the VSA shall pay for and take the Salesperson Certification Course – Level II within 90 days of the date of signing of this Undertaking by the Registrar.

THE UNDERSIGNED hereby acknowledge, represent and declare he has read this Undertaking and has obtained independent legal advice as to its terms.

IN WITNESS WHEREOF the undersigned has set their hand and seal (attested by the hands of its duly authorized officers, if applicable):

Name: John Ming Lum	Date: <u>Sept 22-09</u>
	
Signature: _____	
Signature of John Ming Lum witnessed this <u>22</u> day of <u>Sept.</u> 2009 before Compliance Officer Larry Bartsch	
Signature: _____	

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 22 day of September 2009


 Ian Christman - Registrar of Motor Dealers