

Media Release

Contact: **Immacolata Bollella**
Phone: 8204 9512
0417 815 800



**Education and
Information Services**

Level 1 Chesser House
91-97 Grenfell Street
Adelaide SA 5000

GPO Box 1719
Adelaide SA 5001

Telephone (08) 8204 9516
Facsimile (08) 8204 9509
www.ocba.sa.gov.au

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Dealer licensee - Caught in the middle

Louise Jane Sampson was caught in the middle when a second-hand vehicle dealership failed to carry out its legal and contractual obligations, and left consumers high and dry.

Sampson held the licence for All Seasons Motors, formerly of Clovelly Park. But, as the District Court concluded, Ms Sampson's partner, Ron Buttigieg, was mainly to blame for the behaviour of the dealership.

The District Court prohibited Sampson, until further order, from holding a second-hand vehicle dealer's licence, from being employed or otherwise engaged in a dealership business, and from being a director, or having an interest in, a body corporate that is in the business of selling cars.

Sampson claimed that she was not the architect or orchestrator of the improper conduct: she simply held the second-hand vehicle dealer's licence and largely left Buttigieg to manage and run the All Season Motors car yard.

The Office of Consumer and Business Affairs (OCBA) alleged that Sampson acted improperly, and led evidence that showed the dealership:

- failed to pay the proceeds of sales to the owners of vehicles sold on consignment by the yard;
- failed to pay out encumbrances on trade-in vehicles;
- transferred registration of vehicles without the owners' authority, in some cases by forging motor registration documents;
- sold encumbered vehicles without paying out the finance owing; and
- failed to repair warrantable defects.

The Commissioner for Consumer Affairs, Mark Bodycoat, said that consumers had suffered considerable losses.

"Last year OCBA released a warning to the public about the licence holder and the management of the business. Many consumers were left out of pocket because they did not receive payment for vehicles sold on consignment."

Ron Buttigieg requested Sampson to obtain the licence in her name, effectively leaving her to face the disciplinary action on her own.

Mr Bodycoat warned that licensees could face criminal and disciplinary action if their dealerships were found to breach the *Second Hand Vehicle Dealers Act 1995*.

"This case should act as a warning to holders of a second-hand vehicle dealers licence. The person named as the licensee will be held responsible for the behaviour of the dealership."

Consumers are encouraged to report unlawful activity by second-hand vehicle dealers to OCBA on 8204 9777 or 131 882 for country callers.



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