

Compliance Notice

Section 75 of the Consumer Protection Act 2007

Pawel Szurek
Cherry Lodge
Ballyvodock West
Midleton
Co. Cork
P25 KX73

Competition and Consumer
Protection Commission
Bloom House
Railway Street
Dublin 1
D01 C576

I, [REDACTED], an authorised officer of the Competition and Consumer Protection Commission, duly authorised under section 35 of the Competition and Consumer Protection Act 2014, hereby give you, Pawel Szurek, notice, pursuant to section 75(2) of the Consumer Protection Act 2007, as amended (hereinafter the "2007 Act"), that I am of the opinion that you engaged in a prohibited act or practice as further described herein and **hereby direct you Pawel Szurek** to remedy that contravention in the manner set out below.

Statement of alleged contravention:

That you, Pawel Szurek, a trader, for the purposes of the 2007 Act, on 09th March 2023 engaged in a prohibited commercial practice by making a representation or creating an impression that you were not acting for purposes related to your trade, business or

profession, when you were so acting for those purposes as described by Section 55(1)(x) of the 2007 Act.

Further, such a prohibited commercial practice is a “prohibited act or practice” in accordance with section 67(c) of the 2007 Act.

B: My opinion

1. I am of the opinion that you, Pawel Szurek, engaged in the prohibited act or practice outlined in the statement of alleged contravention above, by making a representation or creating an impression that you were not acting for the purposes relating to your trade, business or profession.

C: The reasons for my opinion in this regard are based on the following:

1. That you, Pawel Szurek, can be described as a trader for the purposes of the 2007 Act. Between January 2023 and September 2023, you published 24 advertisements for the sale of motor vehicles on the website www.donedeal.ie. Each advertisement was marked as a “private ad”. That you, Pawel Szurek, on 09 March 2023 sold a Ford Mondeo vehicle with registration number 151MH4294 to a consumer. The Ford Mondeo vehicle had been advertised on the website www.donedeal.ie and the advertisement was marked as a “private ad”. The Ford Mondeo was advertised for sale on a *DoneDeal* account which belonged to you, Pawel Szurek under the name “seller”. This account is linked to the following contact details: Email: pszurek@interia.pl, Phone: 0860465311, the consumer contacted you through these contact details. This account has been used to advertise a large volume of vehicles for sale between February 2010 and March 2024, all of these advertisements were

marked as "private sales". The consumer discovered several issues with the vehicle and when they contacted you, you told them that you were a private seller.

2. That you, Pawel Szurek, were identified by online research conducted by the consumer as the seller of a large number of vehicles. I have copies of screenshots captured from social media sites by the consumer which show advertisements published by you on your DoneDeal .
3. That you, Pawel Szurek, are the registered owner of the business name "BA Autos" with an address of 24 Páirc na hAbhann, Cloyne, Co. Cork. The business name has been registered since September 2019. This business name did not appear on the *DoneDeal* advertisement for the Ford Mondeo vehicle purchased on 09 March 2023. Therefore, I believe that you Pawel Szurek, a trader for the purposes of the 2007 Act, made a representation or created an impression in the advertisement reviewed by the consumer that you were not acting for purposes related to your trade, business or profession, when you were so acting. The advertisement reviewed by the consumer (advertisement ID: 33475084) was for a Ford Mondeo vehicle with registration number 151MH4294. This advertisement was published on 01 March 2023, and was listed as a "Private Ad".

D: Compliance direction and requirements

1. You, Pawel Szurek, when offering for sale motor vehicles, which relate to your trade, business or profession are hereby required to do the following:

Provide true and accurate information in all your communications, including advertisements on any account, with or to consumers with respect to the fact that you are acting for purposes related to your trade, business or profession,

and are not a private seller when advertising or offering motor vehicles for sale.

2. You must comply with this compliance direction and requirements by 16 December 2024.
3. This compliance notice in no way impacts your obligation to fully comply with all legal obligations between the date of this compliance notice and the date on which this compliance notice takes effect.

E: Appeal Procedure

1. You may appeal this Compliance Notice to the District Court in the district court district in which the notice is served **within 14 days after its service**.
2. The form and manner of such an appeal is to be found in the District Court Rules. This is available from the registrar at your local District Court office or on the Courts Service website.
3. In the event that you decide to appeal the Compliance Notice under Section 75(5) of the 2007 Act, you must, at the same time under section 75(6) of the 2007 Act, notify the Competition and Consumer Protection Commission of the appeal at, Bloom House, Railway Street, Dublin 1, D01 C576. You must also notify the Competition and Consumer Protection Commission of the grounds for the appeal.
4. If an appeal is not made in accordance with Section 75(5) of the 2007 Act within 14 days after service of the notice, this notice will be treated as not disputed, you will be deemed to have accepted the notice and have agreed to comply with the compliance direction and requirements. Any failure or refusal to comply with this notice, is an

**Bloom House,
Railway Street,
Dublin 1, Ireland.**

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www.cpc.ie

offence and, on summary conviction, you will be liable to the fines and penalties set out in Part 5, Chapter 4 of the 2007 Act.

Signature:



Authorised Officer
Competition and Consumer Protection Commission

Date: 25 November 2024

This information is intended for information purposes only and does not constitute part of the Compliance Notice.

Compliance Notice Notes
Consumer Protection Act 2007 (CPA 2007)

1.	Section 75(6) of the CPA 2007 requires a person, when lodging an appeal, to, at the same time, notify the Competition and Consumer Protection Commission of the appeal and the grounds for the appeal. The Commission is entitled to appear, be heard and adduce evidence on the hearing of the appeal.
2.	If on appeal the compliance notice is not cancelled, the notice takes effect on the later of the following: a) the day after the day on which the notice is confirmed or varied on appeal, b) if the appeal is withdrawn by the appellant the day after the day it is withdrawn, c) the day specified in the notice.
3.	If there is no appeal under section 75(5) of the CPA 2007, the compliance notice takes effect on the later of the following: a) 14 days after the notice is served. b) the day specified in the notice.
4.	An Authorised Officer may: a) withdraw a compliance notice at any time, or b) if no appeal is made or pending under section 75(5) of the CPA 2007, extend the date by which the recipient is to comply with the compliance direction and requirements.
5.	Withdrawal of a compliance notice does not prevent the service of another compliance direction or requirement specified in a compliance notice, whether it relates to the same matter or a different matter.
6.	In accordance with section 75(13) of the CPA 2007, if a compliance notice takes effect, the Commission is required to publish the compliance notice, or cause it to be published in any form or manner it considers appropriate.

7.	Section 86 of the CPA 2007 requires the Commission to maintain a “Consumer Protection List” of names and addresses of persons together with a description of their trade, business or profession and the particulars of the matter occasioning any enforcement actions taken by the Commission. This includes persons against whom compliance notices have taken effect.
8.	Any person who, without a reasonable excuse, fails to comply with a direction or requirement specified in a compliance notice commits an offence and, on summary conviction, is liable to the fines and penalties set out in section 79 of the CPA 2007.
9.	Section 79(1) of the CPA 2007 provides that a person guilty of an offence under the Consumer Protection Act 2007 is liable on summary conviction to the following fines and penalties: a) a Class B fine not exceeding €4000 or up to 6 months imprisonment or both, b) on any subsequent summary conviction a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both. If, after being convicted for an offence, a person continues to contravene the requirement or prohibition to which the offence relates, the person is guilty of a further offence on each day the contravention continues and for each such offence is liable on summary conviction to a fine not exceeding €500.
10.	According to section 75(14) of the CPA 2007 the issuing of this notice does not prevent the commencement of proceedings for an offence.