

Compliance Notice

Section 75 of the Consumer Protection Act 2007

James Doogue
Ballykillen
Carlow
Co. Laois
R93 Y624

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, James Doogue, 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 James Doogue** to remedy that contravention in the manner set out below.

A. Statement of alleged contravention:

1. That you, James Doogue, a trader, for the purposes of the 2007 Act, on various dates from September 2021 to July 2024 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.
2. 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, James Doogue, 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, James Doogue, can be described as a trader for the purposes of the 2007 Act.
2. That you, James Doogue published 135 advertisements for the sale of motor vehicles on the website www.donedeal.ie on various dates between the 11th of September 2021 and the 11th of January 2024. Each advertisement being marked as a "private ad". The DoneDeal account had a display name of "James" and used the email address jamesdoogue@hotmail.com. This account was deleted on the 9th of February 2024.
3. That you, James Doogue published 59 advertisements for the sale of motor vehicles on the website www.donedeal.ie on various dates between the 14th of February 2024 and the 30th of July 2024. Each advertisement being marked as a "private ad". The DoneDeal account had a display name of "James" and used the email address bobdoogue@gmail.com. This account was created on the 14th of February 2024.
4. That the same AIB Visa debit card was used to make payments for advertisements on both DoneDeal accounts. The card holder name provided to DoneDeal was James Doogue.
5. Therefore, I believe that you James Doogue, a trader for the purposes of the 2007 Act, made a representation or created an impression that you were not acting for purposes related to your trade, business or profession, when you were so acting.

D: Compliance direction and requirements

1. You, James Doogue, when offering for sale motor vehicles, which relate to your trade, business or profession are hereby required to do the following:
 - i. 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 13 November 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.



Coimisiún um
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Competition and
Consumer Protection
Commission

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 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:

[Redacted signature]

[Redacted name]

Authorised Officer
Competition and Consumer Protection Commission

Date: 18 October 2024