Fine for risky ATV investments

* **Investing in vehicles and deriving income from renting them - this was the offer of Jakub Lesniewski Total Finance from Warsaw.**
* **There was to be at least a 20 percent profit and a guarantee of safety. There was false information and a significant risk of losing invested funds.**
* **President of UOKIK has imposed a fine of more than PLN 56,000 on the entrepreneur for the violation of the collective interests of consumers.**

**[Warsaw, 7 November 2023] Sign an investment agreement, deposit PLN 10,000, wait for monthly receipts and enjoy the profits. This was the offer of Jakub Lesniewski Total Finance business, encouraging consumers to invest in the purchase of off-road vehicles, mainly ATVs which it would then rent out to interested parties for leisure and tourist purposes. The information provided by the entrepreneur being a sole trader indicated some guaranteed income, security and no economic risk. According to the assurances and in accordance with the advertising slogans, it was supposed to be an "investment with security" yielding a "guaranteed rate of return of 20%," which customers were supposed to have "AS IN A BANK." In October 2022, President of UOKiK, Tomasz Chróstny brought** [charges](https://uokik.gov.pl/aktualnosci.php?news_id=19260) **against the entrepreneur of violating the collective interests of consumers which have now been confirmed in the decision issued.**

**(Un)certain investment**

**The operations of Jakub Lesniewski Total Finance business were intended to give consumers the wrong impression about the terms of the proposed investment and the risks involved. The entrepreneur used the website inwestycje4x4.pl and the "Invest in Dreams" Facebook profile of the ARB company in which he was engaged. When contacting potential clients by phone or email, he proposed to conclude an investment agreement directly with him, as a natural person doing individual business under the name Total Finance, not with ARB business entity. He pointed out that in such an arrangement he was responsible for the success of the investment with his own assets which was to confirm its safety and certainty of profit. Having invested PLN 10,000, with a one-year agreement, the payouts to investors were to be PLN 1,000 each month and the profit during the entire commitment was to amount to PLN 2,000. It was also possible to finance the purchase of the vehicle with a loan. The entrepreneur, in the wake of slogans advertising the offer, asserted that there was no risk, despite the fact that, as President of UOKIK had found, it had not put in place any mechanisms to guarantee that consumers would not lose their invested funds.**

**False data and conflicting messages**

**Another misrepresentation concerned the vehicles included in the offer. In the agreement and on the invoice, the entrepreneur entered their identification number - VIN, even though ATVs had not yet been purchased and could not become the property of consumers. What is more, those data were false as in the ready-to-sign agreement, the ATV description included the VIN number together with the TAO MOTOR KING brand and after verification it occurred that it was the Bashan vehicle number. According to the evidence, in conversations with potential customers, the entrepreneur admitted that the ATVs were not approved for road traffic and that the number referred to as VIN could be applied on one’s own in the form of a nameplate which is not allowed by law. This contradicted his earlier argument in which he had pointed out that the VIN number confirmed the security of the investment - the vehicle was to be registered and identifiable. There was similarly inconsistent communication on the issue of ATV insurance. The agreement indicated that the entrepreneur was responsible for this while the entrepreneur assured customers that it was not needed at all.**

**- *Clear, unambiguous and reliable information about the products or services offered is the primary duty of every entrepreneur. When it comes to investment proposals, the message about the scale of risk or the safeguards used is key. Misleading customers in order to create confidence and persuade them to invest in unacceptable. The entrepreneur used various methods to make consumers believe his offer was safe, invoked false information and conveyed contradictory messages, violating the collective interests of consumers this way* - says President of UOKiK, Tomasz Chróstny.**

**President of UOKIK has imposed a fine totaling PLN 56,280 on Jakub Leśniewski Total Finance for the practices. The decision is not final. The entrepreneur has ceased the disputed activity.**

**ARB, PRAEBEO, AUTORENTIER**

**President of UOKiK conducted an investigation into ARB from Gdynia whose offer was presented by Jakub Leśniewski Total Finance from Warsaw. The entrepreneur himself as a natural person was on the ARB's board of directors for some time. In the past, he was also a majority shareholder and president in** [**Auto Rentier and Praebeo**](https://uokik.gov.pl/aktualnosci.php?news_id=16256) **against which President of UOKiK issued decisions in December 2019 imposing fines for unfair practices against consumers. The offer of these companies was similar to the investment projects encouraged by Total Finance. The Regional Prosecutor's Office in Koszalin has also been investigating the entrepreneur's activities.**

**Consumer Support:**

Phone: +48 801 440 220 or +48 222 66 76 76 – consumer helpline
E-mail: porady@dlakonsumentow.pl
[Consumer Ombudsmen](https://uokik.gov.pl/pomoc.php) – in your town or district

[Financial Ombudsman](https://rf.gov.pl/jak-pomaga-rzecznik-finansowy/porady/) – when a complaint has been rejected by a financial institution