

DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Discipline Tribunal Chair, Public Member
Nelson Caetano, Registrant
Joe Malfara, Registrant

IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR VEHICLE
DEALERS ACT, 2002, S.O. 2002, c.30, Sch. B

BETWEEN:

ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

- and -

MILAN AUTO INC.
O/A MILAN AUTO SALES

- and -

CHANDRAMOHAN GANESHU

This matter proceeded by way of Rule 1.07 of the Rules of Practice before the Discipline Tribunal and the Appeals Tribunal. This Reviewing Panel has reviewed and considered written materials from the Parties together with a waiver of the requirement for an oral hearing and hereby makes the following Order:

Date of Decision: April 4, 2025

Findings: Milan Auto Inc. o/a Milan Auto Sales (the “Dealer”) has breached the following:

- Sections 9(1), 9(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Chandramohan Ganeshu (“Ganeshu”) has breached the following:

- Sections 6(2), 8(1), 9(1), 9(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Order:

1. Milan Auto Inc. o/a Milan Auto Sales (the "Dealer") shall pay a fine in the amount of **\$6,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Chandramohan Ganeshu ("Ganeshu") shall pay a fine in the amount of **\$1,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
3. Ganeshu shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
4. Ganeshu shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
5. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the Automotive Certification Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

Overview

This matter proceeded on the basis of an Agreed Statement of Facts, dated February 10, 2025, a jointly proposed disposition and a waiver of oral hearing, pursuant to Rule 1.07 of the Rules of Practice before the Discipline Tribunal and the Appeals Tribunal. The Agreed Statement of Facts states in relevant part as follows:

Withdrawals:

The allegations contained in paragraphs 3-5, 7-25 of the Notice of Referral to Discipline ("NORD") dated June 21, 2024, are hereby withdrawn.

Background:

1. Milan Auto Inc. o/a Milan Auto Sales (the "Dealer") was first registered as a motor vehicle dealer in and around April 2005.
2. Chandramohan Ganeshu ("Ganeshu") was first registered as a salesperson in and around April 2005. At all material times, Ganeshu has been the sole salesperson, an Officer and the Person in Charge of the day-to-day activities of the Dealer.

Dealer's Non-Compliance:

3. On or about December 7, 2023, a representative of the Registrar (the "Inspector") attended the Dealer's premises to conduct an inspection of its books and records. The following issues of non-compliance were discovered as part of the inspection, as particularized below.

Furnishing false documents:

4. During the inspection, Ganeshu, on behalf of the Dealer, provided the Inspector with a photocopy of a garage insurance slip which had the dates altered to appear valid. The Inspector was subsequently provided with the original garage insurance slip which showed that it had in fact expired. The Dealer and Ganeshu falsified and/or furnished a false document to the Inspector, contrary to sections 26 and 27 of the Act, and the Dealer thereby violated sections 9(1) and 9(2) of the Code of Ethics.
5. During the inspection, Ganeshu, on behalf of the Dealer, provided the Inspector with a bill of sale indicating that the Dealer sold a 2013 Honda Civic LX (VIN# ***042105) to a consumer ("Consumer A") in or around May 2022. The bill of sales was purportedly signed by Consumer A as the purchaser, with Ganeshu as the salesperson.
6. It was subsequently determined that Consumer A did not purchase the vehicle, and the signature on the bill of sale did not belong to Consumer A. The Dealer and Ganeshu thereby falsified and/or furnished a false document to the Inspector, contrary to sections 26 and 27 of the Act, and the Dealer thereby violated sections 9(1) and 9(2) of the Code of Ethics.

Making a false statement in an application for renewal of registration:

7. During the inspection, it was found that the Dealer had sold about 44 vehicles between February 1, 2022, and January 31, 2023.
8. However, on or about March 29, 2023, the Dealer submitted an application for renewal of its registration, and at that timethe Dealer and/or Ganeshu reported to the Registrar that there were no transactions between February 1, 2022, and January 31, 2023. This was false. The Dealer and Ganeshu falsified and/or furnished false information to the Registrar, contrary to sections 26 and 27 of the Act. The Dealer thereby violated sections 9(1) and 9(2) of the Code of Ethics.

Failure to retain records:

9. During the inspection, it was discovered that the Dealer did not retain at its premises, records pertaining to its motor vehicle trades which occurred in 2023. This is contrary to section 56(2) of O. Reg. 333/08, and therefore contrary to section 9(1) of the Code of Ethics.

Ganeshu's Non-Compliance:

10. By falsifying and/or furnishing false documents, as particularized in paragraphs 26, 27 28 and 30 above, Ganeshu thereby violated sections 26 and 27 of Act and sections 9(1) and 9(2) of the Code of Ethics.

11. On or about January 18, 2024, the Inspector attended the Dealer's premises for a follow-up inspection. During the discussion of the garage insurance slip, Ganeshu became agitated and demonstrated aggressive behavior towards the Inspector. This is contrary to sections 8(1) and 9(1) of the Code of Ethics.
12. Ganeshu failed to ensure that the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.
13. As particularized above, the Dealer and Ganeshu have violated the following section of the Code of Ethics:

Professionalism

s. 9(1) In carrying on business, a registrant shall not engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming of a registrant.

s. 9(2) In carrying on a business, a registrant shall act with honesty, integrity and fairness.

s. 9(3) A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in a motor vehicle.

14. As particularized above, Ganeshu has violated the following section of the Code of Ethics:

Respect

s. 8(1) In carrying on business, registrants shall not engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as insulting to human dignity or integrity and shall not use symbols that, having regard to all of the circumstances, would reasonably be regarded as offensive.

Decision of the Reviewing Panel

Having reviewed and considered the Agreed Statement of Facts and written submissions provided by the Parties, the Reviewing Panel is satisfied that the evidence contained in the Agreed Statement of Facts substantiates the allegations that: (1) the Dealer has breached subsections 9(1), 9(2) and 9(3) of the OMVIC Code of Ethics; (2) Ganeshu has breached subsections 6(2), 8(1), 9(1) and 9(3) of the OMVIC Code of Ethics.

The Reviewing Panel accepted the parties' proposed resolution for the reasons below.

Reasons for Decision

The Reviewing Panel received and considered comprehensive written materials from the parties and was left satisfied that the proposed resolution has no risk of being contrary to the public interest. The outcome is clearly connected to the admitted breaches of the Code of Ethics and consistent with other outcomes ordered in this Tribunal in similar cases. In such circumstances, disposition under Rule 1.07 is appropriate and ordered accordingly.

Dated: April 4, 2025

Ontario Motor Vehicle Industry Council
Discipline Tribunal

S. Darvish

Sherry Darvish, Discipline Tribunal Chair,
Public member
On behalf of:

Nelson Caetano, Registrant
Joe Malfara, Registrant

