

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Paul Eros, Registrant
Jon Lemaire, Registrant

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

B E T W E E N :

ONTARIO MOTOR VEHICLE)
INDUSTRY COUNCIL)
- and -)
WM. PASINCKY LIMITED)
o/a BILL'S TOYOTA SALES)
- and -)
THOMAS O'KANE)
)

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: July 24, 2025

Findings: **WM. Pasincky Limited o/a Bill's Toyota Sales (the "Dealer") has breached the following:**

- Sections 4(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Thomas O'Kane ("O'Kane") has breached the following:

- Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg 332/08

Order:

1. The Dealer shall pay a fine in the amount of **\$2,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. O'Kane shall pay a fine in the amount of \$1,000 no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
3. O'Kane 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. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the MVDA Key Elements 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 June 24, 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contained in paragraphs 4 and 5 of the Notice of Referral to Discipline ("NORD") dated September 8, 2024, are hereby withdrawn.

Background:

1. WM. Pasincky Limited o/a Bill's Toyota Sales (the "Dealer") was first registered as a motor vehicle dealer under the Act in or around February 1983. It is currently registered.
2. Thomas O'Kane ("O'Kane") was first registered as a salesperson under the Act in and around July 1994. At all material times to this matter, O'Kane has been registered as a salesperson to the Dealer and has been since in or around February 2006.

OMVIC Publications

3. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding registrants of their all-in pricing obligations. The dates of said publications are attached hereto as Schedule "A". Educational materials continue to be available on OMVIC's website.

Dealer's Non-Compliance:

All-in Advertising

4. On or before June 26, 2024, the Dealer published an advertisement for a 2017 Toyota Tacoma TRD Sport, stock# 8600A (VIN# ***017562) with an advertised price of \$38,995 plus taxes and licensing.
5. On or about June 26, 2024, a representative of the Registrar (the "Representative") made inquiries about the vehicle, while posing as a member of the public (also known as a 'mystery shop').
6. O'Kane, acting on behalf of the Dealer, provided the Representative with a worksheet for the sale of the vehicle. The worksheet indicated that \$71 for 'total fees' would be added above the advertised price.
7. As a result, the Dealer's advertised vehicle price was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.

Salesperson's Non-Compliance:

8. In regard to the above-noted vehicle, O'Kane engaged in the trade of a vehicle in a manner that is contrary to sections 4(2) and 9(3) of the Code of Ethics and also caused the Dealer to contravene the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.
9. As particularized above, the Dealer and O'Kane have violated the following section of the Code of Ethics:

Disclosure and marketing

s. 4(2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful.

10. As particularized above, the Dealer and O'Kane have violated the following section of the Code of Ethics:

Professionalism

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.

11. As particularized above, O'Kane has violated the following section of the Code of Ethics:

Accountability

s. 6(2) A registered salesperson shall not do or omit to do anything that causes the registered motor vehicle dealer who employs or retains the salesperson to contravene this Regulation or any applicable law with respect to trading in motor vehicles.

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 Sections 4(2) and 9(3) of the Code of Ethics, O. Reg. 332/08; (2) O'Kane has breached Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg 332/08.

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

Reasons for Decision

The Reviewing Panel has considered the proposed resolution. It finds that the penalty achieves the goals of adequate punishment for the offence, specific deterrence of the Dealer and O'Kane against future breaches of the code of ethics, and general deterrence for the industry showing that such breaches are considered serious and will be treated accordingly. In this particular matter, the parties agreed to the resolution. The Reviewing panel finds that the resolution is within the range of penalties for similar acts in other matters before this Tribunal and is not contrary to the public interest.

Ontario Motor Vehicle Industry Council

Discipline Tribunal

Dated: July 24, 2025



Greg Flude, Public member
On behalf of:

Paul Eros, Registrant
Jon Lemaire, Registrant