

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Paul Eros, Registrant Member
Anne French, Registrant Member

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 -)
WOODSTOCK USED CAR)
CENTRE INC.)
- and -)
CALEB TYLER BERGEN)
)

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: August 12, 2025

Findings: **Woodstock Used Car Centre Inc. (“the Dealer”) has breached the following:**

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

Caleb Tyler Bergen (“Bergen”) has breached the following:

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

Order:

1. Woodstock Used Car Centre Inc. (the “Dealer”) shall pay a fine in the amount of **\$2,000** 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 July 7, 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:

Background:

1. The “Dealer” was first registered as a motor vehicle dealer in and around October 2017.
2. Bergen was first registered as a salesperson in and around October 2017. At all material times, Bergen has been an Officer and the Person in Charge of the day-to-day activities of the Dealer.

Prior Discipline Committee Order

3. On or about November 12, 2023, the Discipline Committee found that the Dealer and Bergen contravened the Code of Ethics. In particular, the Dealer was found to have contravened sections 8(1) and 9(1) of the Code of Ethics, while Bergen was found to have contravened section 6(2) of the Code of Ethics.
4. The Dealer was ordered to pay a fine in the amount of \$2,000 no later than January 31, 2024 and to offer all current and future sales staff the opportunity to complete the Automotive Certification course no later than May 30, 2024.
5. Bergen was ordered to review the April 2015 and the August 2017 OMVIC advertising webinars and provide OMVIC with confirmation this has occurred no later than January 31, 2024.
6. On or about November 15, 2023, a representative of the Registrar emailed the Discipline Committee’s order to the legal representative of the Dealer and Bergen.

Dealer’s Non-Compliance:

7. On or about January 11, 2024, a representative of the Registrar sent an email to Bergen, reminding him about the January 31, 2024 deadline for the Dealer to pay the \$2,000 fine and for Bergen to provide confirmation of him reviewing the April 2015 and August 2017 OMVIC advertising webinars.
8. On or about the same date, Bergen confirmed receipt of the email reminder from the Registrar’s representative.
9. By January 31, 2024, OMVIC did not receive either the \$2,000 fine from the Dealer or confirmation from Bergen regarding two OMVIC advertising webinars.
10. On or about February 14, 2024, the Registrar’s representative sent another email to Bergen, requesting an explanation as to why the Dealer and Bergen failed to satisfy the order’s requirements by the January 31, 2024 deadline.

11. On or about the same date, Bergen responded to the email by asking where to send the \$2,000 fine. He did not address his failure to provide confirmation of him reviewing the two advertising seminars.
12. The Registrar's representative emailed him on or about the same date with instructions on how to pay the \$2,000 fine.
13. On or about June 1, 2024, a Notice of Referral to Discipline (the "NORD") regarding the Dealer and Bergen's failure to comply with the Discipline Committee's order was issued by the Registrar.
14. On or about June 3, 2024, the Dealer and Bergen received the NORD by e-mail. Bergen responded to the NORD on or about the same date, indicating that he had reviewed the two advertising seminars.
15. On or about June 12, 2024, OMVIC received payment of the \$2,000 fine from the Dealer.
16. By failing to pay the \$2,000 fine by January 31, 2024, as imposed by the Discipline Committee's order, the Dealer contravened section 9(1) of the Code of Ethics.

Bergen's Non-Compliance:

17. By failing to provide OMVIC with confirmation by January 31, 2024 of his completion of the two advertising seminars as ordered by the Discipline Committee, Bergen personally contravened section 9(1) of the Code of Ethics.
18. In addition, Bergen 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 section 6(2) of the Code of Ethics.
19. As particularized above, the Dealer and Bergen have violated the following section of the Code of Ethics:

Professionalism

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.

20. As particularized above, Bergen has violated the following section of the Code of Ethics:

Accountability

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 Section 9(1) of the Code of Ethics, O. Reg. 332/08; and (2) Bergen has breached Sections 6(2) and 9(1) 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 Bergen 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: August 12, 2025



Greg Flude, Public Member
On behalf of:

Paul Eros, Registrant Member
Anne French, Registrant Member