

## DISCIPLINE DECISION

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 :

REGISTRAR, *MOTOR VEHICLE DEALERS ACT, 2002*

- AND -

AUTO TAK USED CAR SALES INC.

- AND -

PAKNOUSH MEHRABNIA TALEGHANI

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Pursuant to Rule 1.07 of the Rules of Practice before the Discipline Committee and the Appeals Committee, I, the Chair of the Discipline Committee, have reviewed and considered the written Agreed Statement of Facts and Joint Submission on Penalty together with both Parties' waiver of a Hearing to this Proceeding and provide the following Order:

**Date of Decision:** June 22, 2015

**Findings:** Breach of Sections 4 and 9 of the Code of Ethics

**Order:**

1. The Dealer is ordered to pay a fine in the amount of \$2,000.00 due within 90 days of the date of the Discipline Committee Order.
2. Taleghani is ordered to successfully complete the OMVIC certification course (the "course") within 90 days of the date of the Discipline Committee Order.
3. The Dealer is ordered to offer all current and future sales staff the opportunity to complete the course. Current sales staff will be offered the course within 90 days of the date of the Discipline Committee Order. Future sales staff will be offered the course within 90 of be retained in this capacity. The Dealer will incur all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course or who are otherwise required to do so pursuant to the Act.
4. The Dealer shall comply with the Act and Standards of Business Practice, as may be amended from time to time.



Written Reasons:

## **Reasons for Decision**

### **Introduction**

This matter proceeded on the basis of an Agreed Statement of Facts, Joint Submission on Penalty and the Parties' Waiver of Hearing, pursuant to Rule 1.07 of the Rules of Practice before the Discipline Committee and the Appeals Committee.

### **Agreed Statement of Facts**

The parties to this proceeding agree that:

1. Auto Tak Used Car Sales Inc. (the "Dealer") was first registered as a motor vehicle dealer in or around September 2007. ("Taleghani") was first registered as a motor vehicle salesperson in or around March 2006. At all material times, Taleghani was the sole officer and director of the Dealer.

### **ADVERTISING**

#### **Direct Correspondence with Dealer:**

2. By email dated December 29, 2014, a representative of the registrar reminded the Dealer of their obligation to disclose in advertisements the term and maximum claim limit of extended warranties included in the purchase price.
3. By email dated January 12, 2015, a representative of the registrar reminded the Dealer of their obligation to disclose in advertisements the term and maximum claim limit of extended warranties included in the purchase price.
4. By email dated March 25, 2015, a representative of the registrar reminded the Dealer of their obligation to disclose in advertisements the term and maximum claim limit of extended warranties included in the purchase price.
5. On or about May 4<sup>th</sup>, 2015, a representative of the Registrar confirmed with Taleghani that some of the above mentioned emails had been received.

#### **Non-Disclosure in Advertising:**

6. Between on or about April 7, 2015 and on or about April 15, 2015, advertisements were posted by or on behalf of the Dealer which did not include the term and maximum claim limit for a two year warranty included in the purchase price. This is contrary to section 36(14) of Regulation 333/08, as well as section 4 and 9 of the Code of Ethics.



By failing to comply with the following sections of the *Motor Vehicle Dealers Act, 2002*:

Regulation 333/08

36 (14) An advertisement that indicates that an extended warranty is included with the purchase of a motor vehicle shall indicate, in a clear, comprehensible and prominent manner, the term of the warranty and the maximum individual claim limits, if any, for the warranty.

It is thereby agreed that the Dealer has breached the following sections of the Code of Ethics, as set out in Regulation 332/08:

4. A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and in explaining the products, services, programs and prices connected with those vehicles.

9. 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.

**Joint Submission on Penalty**

1. The Dealer agrees to pay a fine in the amount of \$2,000 due within 90 days of the date of the Discipline Committee Order.
2. Taleghani agrees to successfully complete the OMVIC certification course (the "course") within 90 days of the date of the Discipline Committee Order.
3. The Dealer is ordered to offer all current and future sales staff the opportunity to complete the course. Current sales staff will be offered the course within 90 days of the date of the Discipline Committee Order. Future sales staff will be offered the course within 90 of be retained in this capacity. The Dealer will incur all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course or who are otherwise required to do so pursuant to the Act.
4. The Dealer agrees to comply with the Act and Standards of Business Practice, as may be amended from time to time.

**Decision of the Chair**

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee hereby concludes that the Dealer and Taleghani breached subsections 4 and 9 of the OMVIC Code of Ethics, as set out in Ontario Regulation 332/08, made under the *Motor Vehicle Dealers Act, 2002*. The Chair of the Discipline Committee also agrees with the Parties' Joint Submission on Penalty and, accordingly, makes the following Order:

1. The Dealer is ordered to pay a fine in the amount of \$2,000.00 due within 90 days of the date of the Discipline Committee Order.



2. Taleghani is ordered to successfully complete the OMVIC certification course (the "course") within 90 days of the date of the Discipline Committee Order.
3. The Dealer is ordered to offer all current and future sales staff the opportunity to complete the course. Current sales staff will be offered the course within 90 days of the date of the Discipline Committee Order. Future sales staff will be offered the course within 90 of be retained in this capacity. The Dealer will incur all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course or who are otherwise required to do so pursuant to the Act.
4. The Dealer shall comply with the Act and Standards of Business Practice, as may be amended from time to time.

Ontario Motor Vehicle Industry Council  
Discipline Committee



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*Catherine Poultney, Chair*

