

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 -

PAULETTE AUTO SALES LTD

- and –

Bradley Paulette

- and –

Brian Doyle

- and –

Michael Campbell

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, the Joint Submission on Penalty, and the subsequent email agreement on dates together with both Parties' waiver of a Hearing to this Proceeding and provide the following Order:

Date of Decision: April 19, 2022

Findings: Breach of Sections 6, 8 and 9 of the Code of Ethics

Order:

1. Doyle is ordered to pay a fine in the amount of \$3,500 no later than **May 31, 2022.**
2. Campbell is ordered to pay a fine in the amount of \$3,500 no later than **May 31, 2022.**

3. The Dealer is ordered to pay a fine in the amount of \$8,000 no later than **May 31, 2022**.
4. The Dealer is ordered to ensure all staff employed by the Dealer will attend a Registrar approved workplace sensitivity course. The details of the course will be agreed to by the parties in an undertaking. The Dealer will incur all costs associated with this course. The Dealer will ensure staff have completed this course within one year of this Order, subject to course availability, and any pandemic related disruptions which may occur. The Dealer will provide the Registrar with verification of completing the course within **10** days of the date of completion.
5. The Dealer, Paulette, Doyle and Campbell agree to 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.

The original Agreed Statement of Facts and Joint Submission on Penalty indicated that all monetary penalties and plans on training were to be completed by March 31, 2022. The Chair asked to parties to propose new dates as these original dates were not reasonably achievable.

The parties agreed and proposed by email that the dates for payment of the penalties be changed to May 31, 2022. The parties also modified the agreed dates on the training requirement.

Agreed Statement of Facts

The parties to this proceeding agree that:

Background:

1. Paulette Auto Sales Ltd (the "Dealer") was first registered as a motor vehicle dealer in around February 2016.
2. Bradley Paulette ("Paulette") was first registered as a motor vehicle salesperson in or around March 2013.
3. Brian Doyle ("Doyle") was first registered as a motor vehicle salesperson in around November 2005.

4. Michael Campbell ("Campbell") was first registered as a motor vehicle salesperson in around April 2018.
5. At all material times, Paulette was the Director, as well as the person in charge of the day-to-day activities at the Dealer.
6. At all material times Doyle was the sales manager, and Campbell was a salesperson at the Dealer.
7. On or about April 5, 2018, Campbell successfully completed the Automotive Certification course (the "Course").
8. On or about March 7, 2019, Paulette successfully completed the Course.
9. The Code of Ethics is included in the Course syllabus.

Offensive advertisement:

10. During the afternoon of Friday April 23, 2021, while working for the Dealer, Doyle and Campbell produced a mock vehicle video advertisement for a vehicle in the Dealer's inventory ("Video").
11. The Video contains language and actions which could reasonably be regarded as insulting to human dignity and integrity, and its contents would reasonably be regarded as offensive. This is contrary to sections 8 and 9 of the Code of Ethics.
12. The Video was subsequently posted to social media and made it into the public domain.
13. On or about May 4, 2021, the subject advertisement was removed from social media.
14. Paulette failed to ensure the Dealer and its employees comply with the Code of Ethics, contrary to sections 6 and 9 of the Code of Ethics.
15. Doyle and Campbell's conduct has caused the Dealer to breach the Code of Ethics, and thus both Doyle and Campbell have personally breached sections 6, 8, and 9 of the Code of Ethics.

It is thereby agreed that Paulette, Doyle, and Campbell have breached the following sections of the Code of Ethics, ON Regulation 332/08:

Respect

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.

and

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.

Additional written submissions from OMVIC

OMVIC provided the following information in an additional submission:

- The Dealer has not been to discipline previously.

Joint Submission on Penalty

1. Doyle agrees to pay a fine in the amount of \$3,500 no later than **March 31, 2022.**
2. Campbell agrees to pay a fine in the amount of \$3,500 no later than **March 31, 2022.**
3. The Dealer agrees to pay a fine in the amount of \$8,000 no later than **March 31, 2022.**
4. The Dealer agrees to ensure all staff employed by the Dealer will attend a Registrar approved workplace sensitivity course. The details of the course will be agreed to by the parties in an undertaking. The Dealer will incur all costs associated with this course. The Dealer will ensure staff have completed this course no later than **March 31, 2022,** subject to course availability, and any pandemic related disruptions which may occur. The Dealer will provide the Registrar with verification of completing the course within **10** days of the date of completion.
5. The Dealer, Paulette, Doyle and Campbell agree 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, Paulette, Doyle and Campbell have breached subsections 6, 8 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 the subsequent agreement by email to modify the dates for compliance. Accordingly, the Chair makes the following Order:

1. Doyle is ordered to pay a fine in the amount of \$3,500 no later than **May 31, 2022.**
2. Campbell is ordered to pay a fine in the amount of \$3,500 no later than **May 31, 2022.**
3. The Dealer is ordered to pay a fine in the amount of \$8,000 no later than **May 31, 2022.**
4. The Dealer is ordered to ensure all staff employed by the Dealer will attend a Registrar approved workplace sensitivity course. The details of the course will be agreed to by the parties in an undertaking. The Dealer will incur all costs associated with this course. The Dealer will ensure staff have completed this course within one year of this Order, subject to course availability, and any pandemic related disruptions which may occur. The Dealer will provide the Registrar with verification of completing the course within **10** days of the date of completion.
5. The Dealer, Paulette, Doyle and Campbell agree to comply with the Act and Standards of Business Practice, as may be amended from time to time.

Ontario Motor Vehicle Industry Council
Discipline Committee



Paul Burroughs, Chair