

DISCIPLINE COMMITTEE OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

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

BETWEEN:

REGISTRAR, MOTOR VEHICLE DEALERS ACT, 2002

- and -

McGEE MOTORS LIMITED

- and -

MARTYN McGEE

AGREED STATEMENT OF FACTS AND PENALTY

McGee Motors Limited and Martyn McGee have breached the following:

Section 9 of the Code of Ethics, Regulation 332/08

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. McGee Motors Limited (the "Dealer") was first registered as a motor vehicle dealer in or around April 1983. Martyn McGee ("McGee") was first registered as motor vehicle salesperson in or around May 1983. At all material times, McGee was a director and the Person in Charge at the Dealer.
2. Wendy Dougherty ("Dougherty") was first registered as a motor vehicle salesperson in or around April 2006. In or around April 2007, Dougherty's registration was terminated for reasons of failing to renew her salesperson registration. On or about October 17, 2014, Dougherty became registered under the Act as a motor vehicle salesperson.
3. From on or around April 2007 until a recent inspection of May 2, 2014, Dougherty worked at the Dealership as a motor vehicle salesperson without the benefit of registration. As such the Dealer retained the services of an unregistered salesperson. This is contrary to section 4(3) of the Act, as well as section 9 of the Code of Ethics.


Registrant's Initial

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

Unregistered Salesperson

4(3) A motor vehicle dealer shall not retain the services of a salesperson unless the salesperson is registered in that capacity.

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

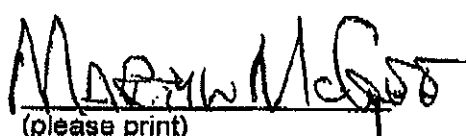
9. In carrying on business, a registrant shall not engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming of a registrant.

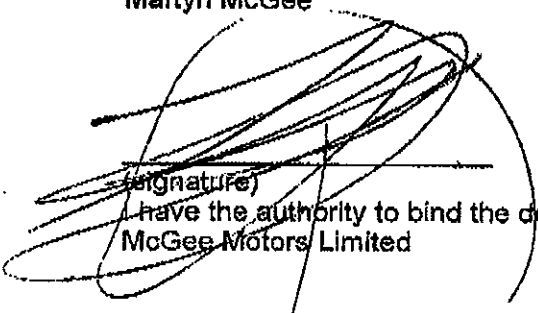
JOINT SUBMISSION ON PENALTY:

1. The Dealer agrees to pay a fine in the amount of \$1,500 within 90 days of the Discipline Committee Order.
2. The Dealer agrees to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice, as may be amended from time to time.

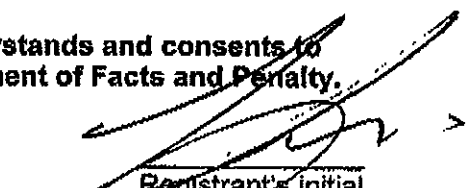
By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

DATED AT RED RIVER THIS 4th DAY OF MARCH, 2015


(please print)
Martyn McGee

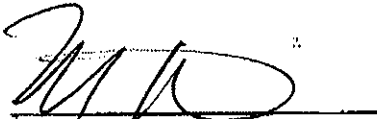

(signature)
I have the authority to bind the dealership:
McGee Motors Limited

By signature below the Registrant agrees, acknowledges, understands and consents to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.


Registrant's Initial

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DATED AT Toronto THIS 6th DAY OF March, 2015



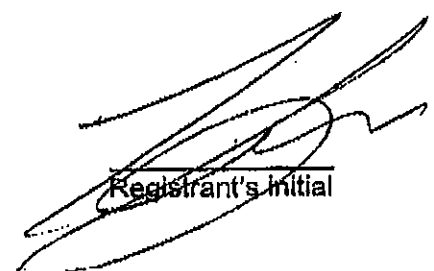
Mary Jane South,
Registrar, Motor Vehicle Dealers Act, 2002

Pursuant to Rule 1.07, I accept this Agreed Statement of Facts and Penalty from the Parties identified above:

DATED AT London THIS 11th DAY OF March, 2015



Catherine Poultney
Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council



Registrant's Initial

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