

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Mike Ball, Registrant Member
Joe Malfara, 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 -)
BRANT COUNTY FORD)
SALES LIMITED)
- and -)
MICHAEL HURLBURT)
- and -)
ERIC HURLBURT)
- and -)
NICHOLAS COLE)

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: December 29, 2025

Findings: **Brant County Ford Sales Limited (the “Dealer”) has breached the following:**

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

Michael Hurlburt has breached the following:

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

Eric Hurlburt has breached the following:

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

Nicholas Cole 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. Michael Hurlburt shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. Eric Hurlburt 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. Nicholas Cole shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
5. 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 October 23, 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. On or about March 27, 1983, the Dealer was first registered as a motor vehicle dealer under the Act.
2. Michael Hurlburt (“M. Hurlburt”) was first registered as a motor vehicle salesperson under the Act in or around April 1990. At all material times to this matter, Michael has been registered as a salesperson to the Dealer and acted as its Person in Charge and General Manager.

3. Eric Hurlburt (“E. Hurlburt”) was first registered as a motor vehicle salesperson under the Act in or around May 1994. At all material times to this matter, Eric has been registered as a salesperson to the Dealer and acted as its Person in Charge.
4. Nicholas Cole (“Cole”) was first registered as a motor vehicle salesperson under the Act in or around January 2020. At all material times to this matter, Cole has been registered as a salesperson to the Dealer.

Educational Resources

5. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding registrants of their all-in price advertising obligations. Educational resources continue to be available on OMVIC’s website.

Dealer’s Non-Compliance

6. On or before March 5, 2025, the Dealer published an advertisement for a 2023 Ford Bronco Sport Big Bend (stock# RD33526, VIN# *D33526) advertised for sale with an advertised price of \$32,598 plus taxes and licensing.
7. On or about March 5, 2025, a representative of OMVIC (the “Representative”) made inquiries about the vehicle, while posing as a member of the public (also known as a ‘mystery shop’).
8. Cole, acting on behalf of the Dealer, provided the Representative with a worksheet regarding the 2023 Ford Bronco, which indicated the base selling price of \$32,598 plus the following additional fees:
 - a) \$599 Admin fee
 - b) \$41.50 Carproof fee
 - c) \$12.50 OMVIC fee
9. Cole indicated to the Representative that these three fees, totaling \$653, were mandatory.
10. As a result, the Dealer’s advertised vehicle price was not all-inclusive of all required fees. 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.

Michael’s Non-Compliance:

11. M. Hurlburt, as a Person in Charge, 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 sections 6(2) and 9(3) of the Code of Ethics.

Eric's Non-Compliance:

12. E. Hurlburt, as a Person in Charge, 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 sections 6(2) and 9(3) of the Code of Ethics.

Cole's Non-Compliance:

13. In regard to the above-noted vehicle, Cole 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.

GENERALLY

14. The above-named parties have indicated to the Registrar that proactive steps have been taken to ensure that Cole and other salespersons are aware of the all-in pricing requirements and have taken steps to ensure motor vehicles trades are conducted in accordance with those requirements.
15. As particularized above, the Dealer and Cole 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.

16. As particularized above, the Dealer, M. Hurlburt, E. Hurlburt and Cole 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.

17. As particularized above, M. Hurlburt, E. Hurlburt and Cole have 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: the Dealer has breached sections

4(2) and 9(3) of the Code of Ethics; Michael Hurlburt has breached sections 6(2) and 9(3) of the Code of Ethics; Eric Hurlburt has breached sections 6(2) and 9(3) of the Code of Ethics, and Nicholas Cole has breached Sections 4(2), 6(2) and 9(3) of the Code of Ethics.

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

Reasons for Decision

1. In reviewing the joint submission on penalty, the Reviewing Panel must determine if the proposed resolution is in the public interest or if it is so unhinged from the circumstances of the impugned behaviour that a reasonable person would believe that the justice system has broken down.¹ In doing this analysis, the Reviewing Panel must bear in mind the aims of levying an administrative penalty: specific deterrence of the offender, general deterrence for the motor vehicle sales industry, and rehabilitation and remediation for the particular offenders. Dealing with the last of these first, there is an education requirement for each of the personal applicants that, it is hoped, will educate and encourage regulatory compliance in the future.
2. In considering the monetary penalty, the Reviewing Panel notes that this all-in pricing violation is a first offence for a dealership that has been in business for over 40 years. The Applicants have accepted responsibility for their actions as evidenced by entering into an agreed statement of facts and joint submission on penalty. The proposed penalty is in accordance with other penalties imposed by the Discipline Tribunal in similar cases, particularly the recent decisions in *Holiday Ford Lincoln Ltd. et al* (penalty of \$2,500), *Olympic Motors (ON) II Corporation o/a Auto Value Hyundai et al* (penalty of \$2,800), and *2198757 Ontario Limited o/a Autobase et al* (penalty of \$2,500). The amount is sufficient to signal to the industry that breaches of the all-in pricing regulations are serious offences.
3. The Panel is satisfied that the agreed upon penalty satisfies the sentencing principles of specific and general deterrence, maintains public trust, meets the objectives of rehabilitation and remedial action, and that the proposed penalty is in the public interest. The parties are thanked for working towards a resolution short of the need for a hearing.

Ontario Motor Vehicle Industry Council

Discipline Tribunal

Dated: December 29, 2025



Greg Flude, Public Member

On behalf of:

Mike Ball, Registrant Member

Joe Malfara, Registrant Member

¹ *R. v. Anthony Cook* (2016) SCC 43, *Timothy Edward Bradley v. Ontario College of Teachers*, 2021 ONSC 2303