

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 -

LIE-LIE JIANG

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: July 30, 2020

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

Order:

1. Jiang is ordered to pay a fine in the amount of \$750 no later than **October 30, 2020**.
2. Jiang is ordered to successfully complete the MVDA Key Elements course, no later than **October 30, 2020**. This date is subject to any pandemic disruptions Georgian College may encounter in delivering the course within the specified timeframe.
3. Jiang agrees 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.



Agreed Statement of Facts

The parties to this proceeding agree that:

1. Lie-Lie Jiang (“Jiang”) was first registered as a motor vehicle salesperson in or around August 2015. She is registered as a salesperson to 7716745 Canada Inc o/a Import Motors Canada (“Import Motors”). Import Motors is a registered motor vehicle dealer in Newmarket, Ontario
2. 2498922 Ontario Inc o/a Alpha Auto Sales (“Alpha Auto”) is also a registered motor vehicle dealer in Newmarket, Ontario.

2015 Lexus ES350:

3. On or before March 27, 2019, Savera Bhatti (“Savera”) attended Alpha Auto because she was interested in purchasing a 2015 Lexus ES350 (VIN JTHBK1GG7F2184862). Savera spoke to Jiang about the vehicle and stated that she wanted to obtain loan financing for the purchase.
4. Alpha Auto was not able to facilitate a loan arrangement for Savera, but Jiang, on behalf of Import Motors, was. Alpha Auto traded the 2015 Lexus in a wholesale transaction to Import Motors for this purpose.
5. The vehicle stayed in the physical possession of Alpha Auto until it was eventually delivered to Savera.
6. The sale of the vehicle by Import Motors to Savera was completed on or about March 27, 2019. The loan application and the bill of sale listed two purchasers: Savera, and Shahid Bhatti (“Shahid”).
7. Shahid is Savera’s father.
8. Neither Shahid nor Savera ever attended the premises of Import Motors and did not sign either the loan application or the bill of sale in person. The photo identification documents provided in support of the loan application were provided to Jiang and Import Motors as electronic copies.
9. After the sale was concluded, Savera took possession of the vehicle from Alpha Auto.
10. It was subsequently discovered that Shahid’s signature had been forged on the bill of sale and the loan application. Shahid was not aware that he had been listed as a purchaser of the vehicle or a co-signer on the loan application until he saw the loan listed in his credit report. Shahid then contacted the Durham Regional Police Service.



11. Savera was charged with fraud over \$5,000, identity theft, uttering a forged document, public mischief and possession of property obtained by crime. The matter is currently before the courts.
12. When Jiang traded the vehicle to Savera on behalf of Import Motors and facilitated the loan application, she failed to follow the lending institution's client identification process, which requires all purchasers be physically present and provide original photo identification documents for verification purposes. Her failure to follow these requirements and to act in a diligent manner is contrary to sections 9(1) and 9(3) of the Code of Ethics.
13. By failing to require the purchasers to physically attend the premises of Import Motors, Jiang allowed Import Motors to sell the vehicle at a location other than its registered premises. This was contrary to section 6(2) of the Code of Ethics.
14. Jiang has since agreed to ensure she will exercise due diligence in processing future financial applications and/or vehicle trades.

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

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.

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.

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

Joint Submission on Penalty

1. Jiang agrees to pay a fine in the amount of \$750 no later than **October 30, 2020**.
2. Jiang agrees to successfully complete the MVDA Key Elements course, no later than **October 30, 2020**. This date is subject to any pandemic disruptions Georgian College may encounter in delivering the course within the specified timeframe.
3. Jiang 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 Jiang has breached subsections 6 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. Jiang is ordered to pay a fine in the amount of \$750 no later than **October 30, 2020**.
2. Jiang is ordered to successfully complete the MVDA Key Elements course, no later than **October 30, 2020**. This date is subject to any pandemic disruptions Georgian College may encounter in delivering the course within the specified timeframe.
3. Jiang agrees 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

