

Attention Andrea ✓

File # 2991020

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 -

DONATO PEPE

AGREED STATEMENT OF FACTS AND PENALTY

Donato Pepe breached the following:

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

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. 263666 Investments Limited o/a Pepe Auto Sales and Leasing, (the "Dealer") was first registered as a motor vehicle dealer in or around November 1990. Donato Pepe ("Pepe") was first registered as a motor vehicle salesperson in or around January 1981. At all material times, Pepe was the sole officer and director, as well as the Person in Charge of the Dealer.
2. On or about March 2, 2015, Pepe executed an Agreed Statement of Facts and Penalty on behalf of himself and the Dealer.
3. On or about March 11, 2015, the Discipline Committee issued a Discipline Decision ("Order") against Pepe and the Dealer, pursuant to the above referenced Agreed Statement of Facts and Penalty. As per condition 2 of the Order, Pepe was required to successfully complete the OMVIC Automotive Certification course (the "course") within 120 days of the Order.
4. By letter dated March 13, 2015, Pepe was reminded *inter alia*, of his obligation to complete the course no later than July 11, 2015.

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5. By letter dated January 25, 2016, Pepe was reminded *inter alia*, of his obligation to provide OMVIC with confirmation he had successfully completed the course.
6. By letter dated March 16, 2016, Pepe was reminded *inter alia*, of his obligation to provide OMVIC with confirmation he had successfully completed the course.
7. By letter dated May 4, 2016, Pepe was reminded *inter alia*, of his obligation to provide OMVIC with confirmation he had successfully completed the course.
8. By letter dated August 17, 2016, Pepe was reminded *inter alia*, of his obligation to provide OMVIC with confirmation he had successfully completed the course.
9. On or about June 16, 2017, Pepe completed the course.


It is thereby agreed that Pepe's failure to fulfil a condition of the Order within the prescribed time frame resulted in a breach of section 9 of the Code of Ethics, as set out in regulation 332/08:

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.

JOINT SUBMISSION ON PENALTY:

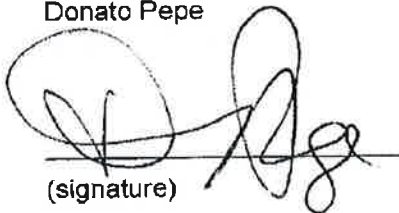
1. Pepe agrees to pay a fine in the amount of \$500 no later than **January 30, 2018**.
2. Pepe agrees to comply with the Act and Standards of Business Practice, as may be amended from time to time.


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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 London THIS 6th DAY OF November, 2017

Donato Pepe


(signature)

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

DATED AT Toronto THIS 17 DAY OF January, 2017 ²⁰¹⁸


John Carmichael
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 _____ THIS _____ DAY OF _____, 2017

Paul Burroughs
Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council

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