

## DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member  
Paul Eros, Registrant Member  
Anne French, 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 :

<b>ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL</b>	)
	)
- and -	)
	)
<b>JOSE PALMA, JOHNY MEDINA o/a AUTOPITS CANADA</b>	)
	)
- and -	)
	)
<b>JOSE PALMA RAMIREZ</b>	)
	)

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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:** August 12, 2025

**Findings:** **Jose Palma, Johnny Medina o/a Autopits Canada (“the Dealer”)**  
**have breached the following:**

- Sections 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

**Jose Palma Ramirez (“Ramirez”) has breached the following:**

- Sections 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 **\$3,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Ramirez 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. The Dealer shall offer to all current and future salespersons, employed by the Dealer, to fund their completion of the Automotive Certification 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 June 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. The "Dealer" was first registered as a motor vehicle dealer in and around January 2017.
2. Ramirez was first registered as a salesperson in or around January 2017. At all material times, Ramirez has been the Person in Charge of the day-to-day activities of the Dealer

**OMVIC Publications**

3. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding dealers of their obligations to disclose all material facts about the vehicles they sell. Educational materials continue to be available on OMVIC's website.

**Direct Correspondence with Dealer**

4. During an inspection on or about February 28, 2019, a representative of the Registrar reminded the Dealer of its disclosure obligations under section 42 of O. Reg. 333/08, as well as its obligations under the Code of Ethics.

**Dealer's Non-Compliance:**

5. On or about February 15, 2024, the Dealer sold a 2010 Volkswagen Tiguan SE (VIN# \*\*\*531260) to a consumer:
6. The Dealer failed to disclose the following on the bill of sale:
  - a. A prior accident damage in 2013, with a repair estimate of \$4,827.77
  - b. A prior accident damage in 2021
7. This is contrary to sections 42(19) and 42(25) of O. Reg. 333/08, and therefore contrary to sections 7(1), 9(1) and 9(3) of the Code of Ethics.

**Ramirez's Non-Compliance:**

8. Ramirez, 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.
9. As particularized above, the Dealer has violated the following section of the Code of Ethics:

***Compliance***

7. (1) A registrant shall ensure that all documents used by the registrant in the course of a trade in a motor vehicle are current and comply with the law.

***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.

10. As particularized above, the Dealer and Ramirez have violated the following section of the Code of Ethics:

***Professionalism***

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.

11. As particularized above, Ramirez has violated the following section of the Code of Ethics:

***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.

### **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: (1) the Dealer has breached sections 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08; and (2) Ramirez has breached Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08.

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

### **Reasons for Decision**

The Reviewing Panel has considered the proposed resolution. It finds that the penalty achieves the goals of adequate punishment for the offence, specific deterrence of the Dealer and Ramirez against future breaches of the code of ethics, and general deterrence for the industry showing that such breaches are considered serious and will be treated accordingly. In this particular matter, the parties agreed to the resolution. The Reviewing Panel finds that the

resolution is within the range of penalties for similar acts in other matters before this Tribunal and is not contrary to the public interest.

Ontario Motor Vehicle Industry Council  
Discipline Tribunal

Dated: August 12, 2025

A handwritten signature in black ink, appearing to read "G. Flude", is positioned above a horizontal line.

Greg Flude, Public Member  
On behalf of:

Paul Eros, Registrant Member  
Anne French, Registrant Member