

**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 -**

**AUTODROMO INC. o/a ALFA MOTORSPORTS**

**- and -**

**VITO D'ANGELO**

**AGREED STATEMENT OF FACTS AND PENALTY**

Autodromo Inc o/a Alfa Motorsports and Vito D'Angelo have breached the following:

Section 3 of the Code of Ethics, Regulation 332/08


Section 4 of the Code of Ethics, Regulation 332/08

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

**SUMMARY OF AGREEMENT**

The parties to this proceeding agree that:

1. Autodromo Inc o/a Alfa Motorsports (the "Dealer") was first registered as a motor vehicle dealer in or around November 1995. Vito D'Angelo ("D'Angelo") was first registered as a motor vehicle salesperson in or around July 1988. At all material times, D'Angelo was an officer and the Person in Charge of the Dealer.

  
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Registrant's Initials

**OMVIC publications:**

2. In or around November 2010, OMVIC issued a bulletin advised Dealers as to where they could obtain information with respect to their obligations when selling vehicles on consignment.

**Direct correspondence with Dealer:**

3. During an inspection on or about May 3, 2011 a representative of the Registrar discussed with D'Angelo, on behalf of the Dealer, the requirement to use a trust account for all consignment sales. Material fact disclosure was also discussed at this time.

**Dealer non-compliance:**

4. During an inspection on or about October 2, 2014, the following non-compliance issues were discovered:
5. On or about May 5, 2014, the Dealer sold a 2010 Lamborghini Gallardo (VIN ZHWGC5AUOALA09036) on consignment on behalf of a private individual. Prior to compensating said individual, the Dealer failed to remit the proceeds from the sale into a trust account. This is contrary to section 58(5) of Regulation 333/08, as well as sections 3 and 9 of the Code of Ethics.
6. On or about June 21, 2014, the Dealer sold a 2008 Lamborghini Gallardo (VIN ZHWGC22N68LA05766) on consignment on behalf of a private individual. Prior to compensating said individual, the Dealer failed to remit the proceeds from the sale into a trust account. This is contrary to section 58(5) of Regulation 333/08, as well as sections 3 and 9 of the Code of Ethics.
7. On or before October 30, 2014, advertisements were placed by or on behalf of the Dealer which failed to indicate the vehicles being promoted were being sold on consignment. This is contrary to sections 45(7) of Regulation 333/08, as well as sections 4 and 9 of the Code of Ethics.
8. Since the October 2, 2014 inspection, the Dealer has corrected the aforementioned compliance issues.

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

Regulation 333/08

**45. Consignment sales:**

- (7) When the motor vehicle is offered for sale, the registered motor vehicle dealer shall ensure it is clearly indicated, in a manner in which it is likely to be noticed, that the vehicle is being sold on a consignment basis.

  
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Registrar's Initials

58. Trust Accounts:

(5) For the purposes of clause 25 (b) of the Act, if a registered motor vehicle dealer receives amounts from a purchaser towards the purchase of a motor vehicle being sold on consignment and if subsection 45 (4) of this Regulation applies to the sale, the dealer shall hold the amounts in trust until the purchase is concluded.

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

3. A registrant shall be financially responsible in carrying on business.
4. A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and in explaining the products, services, programs and prices connected with those vehicles.
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.

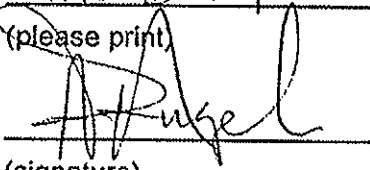
**JOINT SUBMISSION ON PENALTY:**

1. The Dealer agrees to pay a fine in the amount of \$6,000 within 90 days of the date of the Discipline Committee Order.
2. D'Angelo agrees to successfully complete the OMVIC certification course (the "course") within 90 days of the date of the Discipline Committee Order.
3. The Dealer agrees to offer all current and future sales staff the opportunity to complete the course. Current sales staff will be offered the course within 90 days of the date of the Discipline Committee Order. Future sales staff will be offered the course within 90 of be retained in this capacity. The Dealer will incur all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course after January 1, 2009, or who are otherwise required to do so pursuant to the Act.
4. The Dealer agrees to comply with the Act and Standards of Business Practice, as may be amended from time to time.

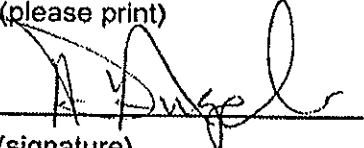
  
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Registrant's Initials

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 Toronto THIS 25 DAY OF Sept., 2015

Vito D'Angelo  
(please print)  
  
(signature)  
Vito D'Angelo

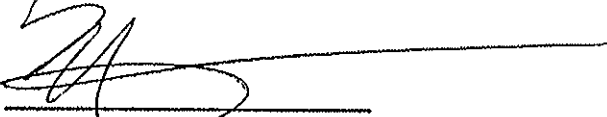
DATED AT Toronto THIS 25 DAY OF Sept., 2015

Vito D'Angelo  
(please print)  
  
(signature)

I have the authority to bind the corporation:  
Autodromo Inc o/a Alfa Motorsports

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 28<sup>th</sup> DAY OF Sept, 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 7 DAY OF Oct, 2015



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



Registrant's Initials