

DISCIPLINE DECISION

REVIEWING PANEL: Paul Burroughs, Registrant
 Chair Debra Mattina Public Member
 Wally Pietraszko Registrant

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-

BELINDA VERA BROWN

Pursuant to Rule 1.07 of the Rules of Practice before the Discipline Committee and the Appeals Committee, a Reviewing Panel has 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: May 17, 2022

Findings: Breach of Sections 6, 7 and 9 of the Code of Ethics

Order:

1. Belinda Brown is ordered to pay a fine in the amount of \$4,800 no later than **July 23, 2022.**
2. Belinda Brown is ordered to successfully complete, **within one year from the date of this Order,** the "Automotive Law and Ethics (LAWS 1009)" course offered by Georgian College, or if this course becomes no longer offered by Georgian College, a generally equivalent course acceptable to the Registrar. The costs of this course and associated textbooks and other materials shall be paid by Belinda Brown.

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.

Withdrawal of Allegation

OMVIC advised the Reviewing Panel that as part of the settlement that they wished to withdraw allegation number 21 of the Notice of Complaint. The Reviewing Panel agrees to the request for withdrawal of allegation number 21. Allegation 21 is withdrawn.

Agreed Statement of Facts

Background:

Pursuant to section 14(4)(4) of the Motor Vehicle Dealers Act, 2002 (the "MVDA"), a Notice of Complaint was issued on March 23, 2021 by the Registrar, MVDA against Main Street Auto Importers Ltd. o/a Gold Fleet Subaru, Clifford Pilon, and Belinda Brown, for violating the Code of Ethics. as set out in Ontario Regulation 332/08.

The Notice of Complaint was referred to the Discipline Committee to hear and determine whether the aforementioned parties failed to comply with the Code of Ethics.

Pursuant to section 4.1 of the Statutory Powers Procedure Act and Rule 1.07 of the Discipline Committee's Rules of Practice, Belinda Brown wishes to dispose of this proceeding without a hearing, according to the following Agreed Statement of Facts and Penally.

1. Gold Fleet Subaru was first registered as a motor vehicle dealer on or about October 22, 1987.
2. Belinda Vera Brown ("Brown") was first registered as a motor vehicle salesperson under the Act in or about July 10, 2009. Brown has been registered as a salesperson to Gold Fleet Subaru since approximately January 2, 2019 and has been its Business Manager since approximately May 2019
3. In the role as Business Manager, Brown is responsible for preparing vehicle trade documents and ensuring that they are signed by all parties involved in the trade. Brown then submits the completed documents to Gold Fleet Subaru's accounting department for processing.

Non-compliance:

4. On or about December 18, 2020, Consumer P.B. purchased a new 2021 Subaru Crosstrek (VIN: JF2GTHSC3MH209723) from Gold Fleet Subaru.

5. A salesperson unrelated to this Notice of Complaint facilitated this trade on behalf of Gold Fleet Subaru.
6. Brown arranged for Consumer P.B. to sign the vehicle purchase contract. She then submitted the signed document(s) to Gold Fleet Subaru's accounting department for processing.
7. An employee of the accounting department noticed a discrepancy(ies) between the signed contract and other documents in relation to this trade. The discrepancy(ies) consisted of, among other thing, a price adjustment of approximately \$60 that was made by Gold Fleet Subaru's Sales Manager after Brown had printed Consumer P.B.'s contract for signature. Brown was unaware of that change.
8. As a result of the discrepancy(ies), the accounting department returned the contract to Brown and asked her to obtain Consumer P.B.'s signature on the correct contract.
9. Brown subsequently submitted the requested documents, bearing Consumer P.B.'s false signature(s), to the accounting department. Brown explained that Consumer P.B. came into the dealership and signed those documents.
10. Brown later admitted that she falsified both Consumer P.B.'s and the salesperson's signatures on that contract.
11. In or around December 2020, Gold Fleet Subaru conducted an internal investigation into Brown's activities.
12. In or around January 2021, Investigators with OMVIC conducted a separate investigation into Brown's activities.
13. During the course of those investigations, Brown admitted that she regularly falsified salespersons' signatures on contracts.
14. Gold Fleet Subaru's internal investigation revealed approximately 14 contracts entered into between approximately March and November 2020 with false salespersons' signatures. Particularly:

Date	Stock #		Date	Stock #
a) Mar 10, 2020	8606001	h)	Sep 8, 2020	4147019
b) May 31, 2020	8603141	i)	Sep14, 2020	4245033
c) Jun 4, 2020	3932056	j)	Sep.24, 2020	8644106
d) Jun 11, 2020	3612A182	k)	Oct 31, 2020	4177028
e) Jun 30, 2020	4109043	l)	Nov 14, 2020	4106048
f) Aug 12, 2020	4214087	m)	Nov 16, 2020	4308026
g) Aug 19, 2020	4203049	n)	Nov 26, 2020	4146081

15. OMIVC's investigation revealed a further 24 contracts entered into between approximately September 2019 and October 2020 with false salespersons' signatures. Particularly:

Date	Stock #		Date	Stock #
a) Sep 29, 2019	3941027	m)	May 12, 2020	4053077
b) Oct 28, 2019	3858059	n)	May 29, 2020	4150051
c) Nov 5, 2019	3952051	o)	Jun 9, 2020	3979025
d) Nov 18, 2019	3944043	p)	Jun 10, 2020	4075040
e) Dec 27, 2019	4022040	q)	Jun 15, 2020	4134017
f) Dec 28, 2019	4027078	r)	Jun 16, 2020	3996005
g) Dec 30, 2019.	4008011	s)	Jul 3, 2020	4164056
h) Jan 9, 2020	4037004	t)	Aug 22, 2020	4084037
i) Feb 13, 2020	40440933	u)	Aug 31, 2020	4010065
j) Mar 28, 2020	4120031	v)	Sep 19, 2020	4048007
k) Apr 17, 2020	3902023	w)	Oct 17, 2020	4140030
l) Apr 21, 2020	4102046	x)	Oct 19, 2020	3963062

16. As outlined above, Brown falsified signatures on documents relating to vehicle trades. This conduct is contrary to section 26 of the Act.
17. Brown furnished false documents relating to vehicle trades to Gold Fleet Subaru's accounting department. This conduct is contrary to section 27 of the Act.

Furnishing False Information

27. No registrant shall furnish, assist in furnishing or induce or counsel another person to furnish or assist in furnishing any false or deceptive information or documents relating to a trade in a motor vehicle.

It is hereby agreed that Belinda Brown breached section 6 (1) of the Code of Ethics as it relates to the contracts listed above. It is hereby further agreed that Belinda Vera Brown and Cliff Pilon breached section 6(2) of the Code of Ethics as it relates to the contracts listed above;

Accountability

6 (1) A registered motor vehicle dealer shall ensure that every registered salesperson that the dealer employs or retains to act as a salesperson carries out his or her duties in compliance with this Regulation.

(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.

It is hereby agreed that Brown breached section 7(1) of the Code of Ethics as it relates to the contracts listed above;

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.

It is hereby agreed that Brown breached section 9(1), (2) and (3) of the Code of Ethics as it relates to the contracts listed above.

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.

(2) In carrying on business, a registrant shall act with honesty, integrity and fairness.

(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. Belinda Brown agrees to pay a fine in the amount of \$4,800 no later than **July 23, 2022.**
2. Belinda Brown agrees to successfully complete, **within one year from the date of this Order,** the "Automotive Law and Ethics (LAWS 1009)" course offered by Georgian College, or if this course becomes no longer offered by Georgian College, a generally equivalent course acceptable to the Registrar. The costs of this course and associated textbooks and other materials shall be paid by Belinda Brown.

Decision of the Reviewing Panel

Having reviewed and considered the Agreed Statement of Facts, the Reviewing Panel is satisfied that the facts as set out in the Agreed Statement of Facts support the allegations that Belinda Brown has breached subsections 6, 7 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 parties advised the panel that the named parties had not been the subject of discipline previously.

The reviewing panel also agrees with the Parties' Joint Submission on Penalty and determines that the settlement is in the public interest, Accordingly, the Reviewing panel makes the following Order:

1. Belinda Brown is ordered to pay a fine in the amount of \$4,800 no later than **July 23, 2022.**
2. Belinda Brown is ordered to successfully complete, **within one year from the date of this Order,** the "Automotive Law and Ethics (LAWS 1009)" course offered by Georgian College, or if this course becomes no longer offered by Georgian College, a generally equivalent course acceptable to the Registrar. The costs of this course and associated textbooks and other materials shall be paid by Belinda Brown.

Ontario Motor Vehicle Industry Council
Discipline Committee



Dated: May 17, 2022

Paul Burroughs, Chair

On behalf,

Debra Mattina, Member
Wally Pietraszko, Member