

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 -

DONATO PEPE

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: January 19, 2018

Findings: Breach of Section 9 of the Code of Ethics

Order:

1. Pepe is ordered 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.

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. 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.
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.

Decision of the Chair

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee hereby concludes that the Dealer breached section 9 (1) 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. Pepe is ordered 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.

Ontario Motor Vehicle Industry Council
Discipline Committee



Paul Burroughs, Chair

