

## 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 -

HAMEED ABED

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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:** June 29, 2015

**Findings:** Breach of Section 9 of the Code of Ethics

**Order:**

1. Abed is ordered to pay a fine in the amount of \$1,000 within 90 days of the date of the Discipline Committee Order.
2. Abed shall 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. Hameed Abed ("Abed") is a motor vehicle salesperson who was first registered in or around September 2012.



2. On or about May 24, 2012, Abed was charged with an offense requiring disclosure, as per question 8 of the salesperson application.
3. On or about September 17, 2012, Abed submitted a salesperson application.
4. On the September 17, 2012, salesperson application, question 8 asks: "Has the applicant ever been found guilty or convicted of an offence under any law or are there charges pending? Make sure to include those cases with a conditional, absolute discharge or stayed charges. Please note: This question refers to charges under any law. Accordingly, you may need to answer "yes" even if a criminal record (or other) check has come back clean. Abed answered "no" to this question, contrary to section 9 of the Code of Ethics.
5. On or about February 4, 2013, Abed was found guilty of an offense.
6. On or about July 24, 2014, Abed submitted a renewal application. Under "Eligibility" the fifth question asks: "Have you ever been found guilty or convicted of an offence under any law or are there charges pending? Make sure to include those cases with a conditional, absolute discharge or stayed charges. Please note: This question refers to charges under any law. Accordingly, you may need to answer "yes" even if a criminal record (or other) check has come back clean. Abed answered "no" to this question, contrary to section 9 of the Code of Ethics.
7. Abed agrees he will provide the Registrar with full and complete disclosure in all future correspondence and on all future applications, regardless of whether or not disclosure has been made previously to the Registrar.

It is thereby agreed that Abed has breached the following section of the Code of Ethics, as set out in Regulation 332/08:

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. Abed agrees to pay a fine in the amount of \$1,000 within 90 days of the date of the Discipline Committee Order.
2. Abed 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 Abed breached subsection 9 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. Abed is ordered to pay a fine in the amount of \$1,000 within 90 days of the date of the Discipline Committee Order.



2. Abed shall comply with the Act and Standards of Business Practice, as may be amended from time to time.

Ontario Motor Vehicle Industry Council  
Discipline Committee



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*Catherine Poultney, Chair*

