

## DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member  
Anne French, Registrant Member  
Joe Malfara, 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 :

ONTARIO MOTOR VEHICLE )  
INDUSTRY COUNCIL )  
- and - )  
OXFORD DODGE CHRYSLER )  
(1992) LTD )  
- and - )  
JAMES BENNETT )  
- and - )  
TESSA MALLOUGH )  
)

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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:** February 13, 2026

**Findings:** **Oxford Dodge Chrysler (1992) Ltd. has breached the following:**

- Sections 4(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

**James Bennett has breached the following:**

- Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

**Tessa Mallough has breached the following:**

- Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

**Order:**

1. Oxford Dodge Chrysler (1992) Ltd. (“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. James Bennett 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. Tessa Mallough shall pay a fine in the amount of **\$250** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s order.
4. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.

**Overview**

[1] This matter proceeded on the basis of an Agreed Statement of Facts, dated September 11 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:

**Amendment**

The style of cause in the Notice of Referral to Discipline incorrectly omits a second “t” in James Bennett’s name. The style of cause on this Order includes the correct spelling.

**Background**

1. The Dealer was originally registered as a motor vehicle dealer since on or about February 22, 2011.
2. James Bennett (“Bennett”) is a registered motor vehicle salesperson and was originally registered on or about May 17, 1985. At all times material to this matter, Bennett was the Person in Charge of the day-to-day activities of the Dealer.
3. Tessa Mallough (“Mallough”) was a registered motor vehicle salesperson and was originally registered on or about January 7, 2019. Mallough was a salesperson registered to the Dealer until about July 17, 2025. Mallough is not currently registered to any motor vehicle dealer under the Act.

**OMVIC Publications:**

4. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars, and guidelines, reminding registrants of their all-in price advertising obligations. Educational materials continue to be available on OMVIC's website.

***Direct Correspondence with Dealer:***

5. On or about November 7, 2022, an OMVIC representative sent the Dealer a warning letter to the attention of Bennett. The letter served as a warning to all staff to adhere to the all-in-price advertising requirements outlined in section 36 of O. Reg. 333/08. The warning letter noted that subsequent attendance at the Dealer's premises would take place to ensure compliance is achieved.

***Dealer's Non-compliance:***

6. On or before September 27, 2023, the Dealer advertised a 2023 Ram 1500 Big Horn 4X4 Crew Cab (VIN: \*\*\*\*3463) (the "Ram") for sale. The advertisement indicated that the Ram's price was \$64,575.

7. On or about September 27, 2023, an OMVIC representative (the "Representative") attended the Dealer's premises to inquire about the Ram while posing as a member of the public (also known as a mystery shop).

8. The Representative met with Mallough, who acted on behalf of the Dealer.

9. Mallough showed the Representative a worksheet on a computer that indicated the price for the Ram. The worksheet indicated that the Dealer was adding a "dealer fee" in the amount of \$145 and "total fees" in the amount of \$32 to the advertised price.

10. As a result, the Dealer's advertised price was not all-inclusive and the Dealer failed to comply with section 36(7) of O. Reg. 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.

***Bennett's Non-compliance:***

11. Bennett, as the 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.

***Mallough's Non-compliance:***

12. Mallough engaged in the trade of the above noted Ram in a manner that is contrary to sections 4(2) and 9(3) of the Code of Ethics and also caused the Dealer to contravene the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.

**Code of Ethics Violations**

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

*Disclosure and marketing*

s. 4(2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful.

14. As particularized above, the Dealer, Bennett and Mallough, have violated the following section of the Code of Ethics:

*Professionalism*

s. 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.

15. As particularized above, Bennett and Mallough, have violated the following section of the Code of Ethics:

*Accountability*

s. 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**

[2] 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:

- a. the Dealer has breached Sections 4(2) and 9(3) of the Code of Ethics;
- b. James Bennett has breached Sections 6(2) and 9(3) of the Code of Ethics; and
- c. Tessa Mallough has breached Sections 4(2), 6(2) and 9(3) of the Code of Ethics.

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

**Reasons for Decision**

[4] In reviewing the joint submission on penalty, the Reviewing Panel must determine if the proposed resolution is in the public interest or if it is so unhinged from the circumstances of the impugned behaviour that a reasonable person would believe that the justice system has broken down. In doing this analysis, the Reviewing Panel must bear in mind the aims of levying an administrative penalty: specific deterrence of the offender, general deterrence for the motor vehicle sales industry, and rehabilitation and remediation for these particular offenders. The proposed administrative penalty in this case involves a fine of \$3,000 and an education component. Dealing with the last of these first, given the education requirement for each of the personal applicants, it is hoped that this component will educate and encourage regulatory compliance in the future.

[5] In considering the monetary penalty, the Reviewing Panel notes the following:

- a. OMVIC has published numerous bulletins, webinars, and guidelines on all-in pricing.

- b. There is one at issue, involving breach of the all-in pricing regulations.
- c. The Parties have not previously been before the Discipline Tribunal.

[6] The Applicants have accepted responsibility for their actions as evidenced by entering into an agreed statement of facts and joint submission on penalty. The proposed penalty is in line with other penalties imposed by the Discipline Tribunal. The amount is sufficient to signal to the industry that breaches of the regulations are serious offences.

[7] The Panel is satisfied that the agreed upon penalty satisfies the sentencing principles of specific and general deterrence, maintains public trust, meets the objectives of rehabilitation and remedial action, and that the proposed penalty is in the public interest. The parties are thanked for working towards a resolution short of the need for a hearing.

Ontario Motor Vehicle Industry Council  
Discipline Tribunal

Dated: February 13, 2026



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Greg Flude, Public Member

On behalf of:  
Anne French, Registrant Member  
Joe Malfara, Registrant Member