

**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 -**

**PICKARD LANE LEASING LTD.**

**- and -**

**FRANK AMERATO**

**AGREED STATEMENT OF FACTS AND PENALTY**

Pickard Lane Leasing Ltd. and Frank Amerato have breached the following:

Section 7 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. Pickard Lane Leasing Ltd. (the "Dealer") was first registered as a motor vehicle dealer in or around April 1996. Frank Amerato ("Amerato") was first registered as a motor vehicle salesperson in or around December 1988. At all material times, Amerato was the officer and director of the Dealer.
2. During an inspection on or about November 4, 2009, the Dealer was reminded of their obligation to ensure to provide consumers with written disclosure of a vehicle's prior daily rental use.

  
Registrant's initial

**Previous Discipline decision**

3. On or about March 20, 2013, OMVIC issued a Notice of Complaint ("Notice") against the Dealer, regarding non-compliance of section 4 of the Code of Ethics, along with other issues.
4. On or about September 17, 2013, the above mentioned Notice was settled, pursuant to a negotiated resolution. As per condition 3, the Dealer agreed to ensure that all future advertising is in compliance with the MVDA and Standards of Business Practice and OMVIC Guidelines as may be amended from time to time. Furthermore, as per condition 4, the Dealer agreed to comply with the Code of Ethics and Standards of Business Practice.

**Disclosure**

5. On or about March 8, 2013, the Dealer took a 2005 Ford F-150 (VIN 1FTPW14555KC24881) in on trade. This vehicle had two separate collision claims in the amount of \$9,333 and \$3,302, and a non-collision claim in the amount of \$5,672. On or about March 19, 2013, the Dealer sold this vehicle without providing the purchaser with the disclosure above. This is contrary to sub sections 42(19) and 42(25), as well as sections 7 and 9 of the Code of Ethics. After the issuance of the Notice of Complaint, the Dealer has provided OMVIC with confirmation that the consumer is now fully aware of their pertinent vehicle history.
6. On or about March 2, 2014, the Dealer purchased a 2014 Dodge Caravan (VIN 2C4RDGDG1ER205061), declared as a former daily rental vehicle. On or about March 4, 2014, the Dealer sold this vehicle without providing the purchaser with the vehicles former daily rental history. This is contrary to sub section 42(7), as well as section 7 and 9 of the Code of Ethics.

By failing to comply with the following regulations under the *Motor Vehicle Dealers Act, 2002*:

**Disclosure**

**42. Additional information in contracts of sale and leases.**

(7) If any of the following is true of the motor vehicle, a statement to the effect that the vehicle was previously,

i. leased on a daily basis, unless the vehicle was subsequently owned by a person who was not registered as a motor vehicle dealer under the *Motor vehicle Dealers Act* or the *Motor Vehicle Dealers Act, 2002*.

(19) If the total cost of repairs to fix the damage caused to the motor vehicle by an incident exceed \$3,000, a statement to that effect and if the registered motor vehicle dealer knew the total costs, a statement to that effect.

  
\_\_\_\_\_  
Registrant's initial

(25) Any other fact about the motor vehicle that, if disclosed, could reasonably be expected to influence the decision of a reasonable purchaser or lessee to buy or lease the vehicle on the terms of the purchase or lease.

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

7. A registrant shall ensure that all documents used by the registrant in the course of trade in a motor vehicle are current and comply with the law.

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:**

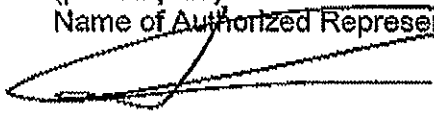
1. The Dealer agrees to pay a fine in the amount of \$4,500 within 90 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. Amerato agrees to successfully complete the OMVIC certification course, within 90 days of the date of the Discipline Committee Order. The Dealer will pay all costs associated with this.
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 the date of the Discipline Committee Order. Future sales staff will be offered the course within 90 days of being retained in this capacity by the Dealer. The Dealer will pay 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 and Amerato agree to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice, as may be amended from time to time.

  
\_\_\_\_\_  
Registrant's initial

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 \_\_\_\_\_ THIS June DAY OF 23, 2015

FRANK AMERATO  
(please print)  
Name of Authorized Representative

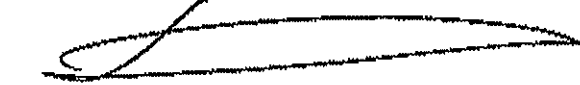
  
\_\_\_\_\_  
(signature)

I have the authority to bind the corporation:  
Pickard Lane Leasing Ltd.

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 \_\_\_\_\_ THIS June DAY OF 23, 2015

Frank Amerato  
(please print)  
Frank Amerato

  
\_\_\_\_\_  
(signature)

Frank Amerato

  
\_\_\_\_\_  
Registrant's Initial


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 24<sup>th</sup> DAY OF June, 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 25 DAY OF June, 2015

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

  
Registrant's initial