

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 -)
)
2493021 ONTARIO INC. O/A CLARINGTON HYUNDAI)
)
- and -)
)
ANTHONY WILLSON)
)
- and -)
)
MATTHEW PASSERO)
)

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: **2493021 Ontario Inc. o/a Clarington Hyundai (the “Dealer”) has breached the following:**

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

Anthony Willson has breached the following:

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

Matthew Passero has breached the following:

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

Order:

1. The Dealer shall pay a fine in the amount of \$2,500 no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Anthony Willson shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
3. Matthew Passero shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, 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 December 19, 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:

Background

1. The Dealer was first registered as a motor vehicle dealer on or about January 25, 2016.
2. Anthony Willson ("Willson") was first registered as a salesperson in and around June 2003. At all material times, Willson has been the Director and Person in Charge of the day-to-day activities of the Dealer.
3. Matthew Passero ("Passero") was first registered as a salesperson on or about September 8, 2021. At all material times, Passero has been a salesperson on behalf of the Dealer.

Educational Resources

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 resources continue to be available on OMVIC's website.

Dealer's Non-Compliance

5. On or before January 15, 2025, the Dealer published an advertisement for a 2024 Hyundai Kona Preferred, (VIN# *044146) with an advertised price of \$32,499 plus taxes and "fees".

6. On or about January 16, 2025, an OMVIC Representative made inquiries about the vehicle while posing as a member of the public (this is also known as a mystery shop).

7. Passero, acting on behalf of the Dealer, provided the OMVIC Representative with a printed quote for the vehicle.

8. The quote for the 2024 Hyundai Kona Preferred showed a selling price of \$32,499.00. However, the following additional charges were also added to the sale price of the vehicle:

- a. OMVIC Fee of \$12.50
- b. Fuel of \$109.00
- c. Collision Deductible of \$69.95
- d. Nitro Nitrogen of \$199.00
- e. Lock Locks of \$199.00

9. The additional fees resulted in the vehicle's total price equalling \$33,088.45 before taxes. This sum is \$589.45 greater than the advertised cash price of \$32,499.00.

10. As such, the Dealer's advertised vehicle price for the 2024 Hyundai Kona Preferred was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2), 6(1) and 9(3) of the Code of Ethics.

Willson's Non-Compliance

11. As the Director and Person in Charge, Willson 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.

Passero's Non-Compliance

12. In regards to the 2024 Hyundai Kona Preferred, Passero failed to represent the price of the vehicle and their additional fees in a legal manner and thereby violated sections 4(2) and 9(3) of the Code of Ethics. Passero also 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.

Code of Ethics Violations

13. As particularized above, the Dealer has 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, Anthony Willson and Matthew Passero 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, Anthony Willson and Matthew Passero 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

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. Anthony Willson has breached Sections 6(2) and 9(3) of the Code of Ethics; and
- c. Matthew Passero has breached Sections 6(2) and 9(3) of the Code of Ethics.

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

Reasons for Decision

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. Dealing with the last of these first, there is an education requirement for each of the personal applicants that, it is hoped, will educate and encourage regulatory compliance in the future.

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 trade at issue.
- c. The Parties have not previously been before the Discipline Tribunal.

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.

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



Greg Flude, Public Member

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