

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 -

MIKE DOYLE DODGE CHRYSLER INC.

o/a DOYLE DODGE CHRYSLER JEEP RAM

- and -

BRIAN DOYLE

AGREED STATEMENT OF FACTS AND PENALTY

Mike Doyle Dodge Chrysler Inc o/a Doyle Dodge Chrysler Jeep Ram has breached the following:

Section 4 of the Code of Ethics, Regulation 332/08

Brian Doyle has breached the following:

Section 6 of the Code of Ethics, Regulation 332/08

Mike Doyle Dodge Chrysler Inc o/a Doyle Dodge Chrysler Jeep Ram and Brian Doyle have breached the following:


Section 9 of the Code of Ethics, Regulation 332/08

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

Background

1. Mike Doyle Dodge Chrysler Inc o/a Doyle Dodge Chrysler Jeep Ram (the "Dealer") was first registered as a motor vehicle dealer in around January 1988. Brian Doyle ("Doyle")



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was first registered as a motor vehicle sales person in around April 2004. Doyle is a Director, as well as the person in charge of the day to day activities of the Dealer.

OMVIC registrant education re: all-in pricing

- Since the Act was proclaimed, OMVIC has issued the following publications and webinars reminding dealers of their all-in pricing obligations, all of which continue to be available on OMVIC's website:

	Dealer Standard		Bulletin		Webinar
A	Winter 2008	U	January 2010	BB	April 2015
B	Spring 2010	V	April 2010	CC	April 2017
C	Spring 2011	W	February 2012		
D	Winter 2013	X	August 2012		
E	Spring 2013	Y	April 2014		
F	Summer 2013	Z	June 2014		
G	2014: Issue 1	AA	April 2015		
H	2014: Issue 2				
I	2014: Issue 3				
J	2014: Issue 2				
K	2015: Issue 3				
L	2015: Issue 4				
M	2016: Issue 1				
N	2016: Issue 2				
O	2016: Issue 3				
P	2016: Issue 4				
Q	2017: Issue 2				
R	2017: Issue 3				
S	2018: Issue 2				
T	2019: Issue 2				

Dealer non-compliance

- On or before June 23, 2019, the Dealer published an advertisement for a 2019 Jeep Cherokee (VIN 1C4PJLDX5KD152291) with a selling price of \$28,991.
- On or about June 26, 2019 representatives of the Registrar made inquiries about the subject vehicle, while posing as members of the public. A representative of the Dealer advised the Registrar's representatives that the advertised price did not include an additional \$399 administration fee, as well as the \$10 OMVIC fee. As such, the Dealer's advertisement did not promote an all-inclusive price, contrary to section 36(7) of Regulation 333/08, as well as sections 4 and 9 of the Code of Ethics.



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5. The Dealer has since taken steps to ensure all staff understand their obligations with respect to all-in price advertising. The Dealer has provided OMVIC with written confirmation from said staff that they understand this regulation.
6. As a person in charge of the Dealer, Doyle has failed to ensure that the Dealer conducts its business in compliance with the Act and Code of Ethics and thus has personally contravened sections 6 and 9 of the Code of Ethics.

By failing to comply with the following section of the Act:

Regulation 333/08:

36. Advertising:

(7) If an advertisement indicates the price of a motor vehicle, the price shall be set out in a clear, comprehensible and prominent manner and shall be set out as the total of,

(a) the amount that a buyer would be required to pay for the vehicle; and

(b) subject to subsections (9) and (10), all other charges related to the trade in the vehicle, including, if any, charges for freight, charges for inspection before delivery of the vehicle, fees, levies and taxes.

It is thereby agreed that the Dealer has breached section 4(2) of the Code of Ethics, as set out in regulation 332/08:

Disclosure and marketing:

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.

It is thereby agreed that Doyle has breached section 6(2) of the Code of Ethics, as set out in Regulation 332/08:

Accountability:

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.

It is thereby agreed that the Dealer and Doyle have breached section 9(1) 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.



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JOINT SUBMISSION ON PENALTY:

1. The Dealer agrees to pay a fine in the amount of \$2,000 no later than April 30, 2020.
2. Doyle agrees to successfully complete the Automotive Certification course (the "Course") no later than June 1, 2020.
3. The Dealer agrees to ensure all sales staff employed by the Dealer have reviewed the August 2017 OMVIC advertising webinar. The Dealer will provide OMVIC with written confirmation from said staff that this has occurred, no later than March 31, 2020.
4. 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 no later than April 30, 2020. Future sales staff will be offered the Course within 90 days of being retained in this capacity. The Dealer will incur 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.
5. The Dealer and Doyle agree to comply with the Act and Standards of Business Practice, as may be amended from time to time.

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 Sudbury THIS 20th DAY OF JANUARY, 2020

BRIAN DOYLE
(please print)



(signature)

I have authority to bind the corporation:
Mike Doyle Dodge Chrysler Inc o/a Doyle Dodge Chrysler Jeep Ram


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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 Sudbury THIS 20th DAY OF January, 2020


(signature)
Brian Doyle


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 14 DAY OF February 2020


John Carmichael
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 Aurora THIS 21st DAY OF February, 2020


Paul Burroughs
Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council


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