

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 -

1647377 ONTARIO LIMITED o/a DRAGON AUTO SALES AND SERVICE

- and -

PETER COUTSOSTAVROS

AGREED STATEMENT OF FACTS AND PENALTY

1647377 Ontario Limited o/a Dragon Auto Sales and Service and Peter Coutsostavros have breached the following:

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

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. 1647377 Ontario Limited o/a Dragon Auto Sales and Service (the "Dealer") was registered as a motor vehicle dealer in or around May 2014. Peter Coutsostavros ("Coutsostavros") was first registered as a motor vehicle salesperson in or around May 2014. At all material times, Coutsostavros was the sole officer and director of the Dealer.


Registrant's Initial

2. On or about October 23, 2014, Coutasostavros submitted a business application on behalf of the Dealer. As per section C of the application, the Dealer acknowledged its business premises must meet the following requirements:
 - a. [must] accommodate an exclusive office for the dealership
 - b. [must] have permanent signage at location for the dealership
 - c. [will be] the only business of any kind operating at the premises and unit number
3. On or about November 24, 2014, Coutasostavros executed terms and conditions of registration on behalf of the Dealer. These include but are not limited to the following:
 - a. As per condition 1, the Dealer agreed to comply with the Act, Code of Ethics, and Standards of Business Practice, as may be amended from time to time.
 - b. As per condition 8, the Dealer agreed to operate exclusively from a location approved by the Registrar.
 - c. As per condition 11, the Dealer agreed to maintain all books and records at the Dealer's registered premises.
4. During an inspection on or about December 5, 2014, a representative of the Registrar attempted to conduct a routine scheduled inspection. The representative was met by Coutasostavros in front of the Dealer premises. At this time, the Dealer had yet to receive their key from the landlord for his premises. The representative reminded Coutasostavros of the dealership's premises requirements.
5. During a premises inspection on or about December 12, 2014, a representative of the Registrar determined the Dealer's business premises did not meet the above mentioned requirements. Specifically, the Dealer's office is not clearly separate from other businesses operating at the location. It does not provide an exclusive area for the Dealer to conduct business. In addition to this, there is insufficient space to store 6 years of books and records. This is contrary to section 28 of Regulation 333/08, as well as section 9 of the Code of Ethics.
6. In an email dated December 16, 2014, a representative of the Registrar reminded the Dealer of their premises requirements.
7. During a premises inspection on or about January 14, 2015, a representative of the Registrar determined the Dealer's business premises remained not in compliance for the above mentioned reasons.
8. In an email dated January 14, 2015, a representative of the Registrar reminded the Dealer of their premises requirements.
9. During a premises inspection on or about June 10, 2016, a representative of the Registrar determined the Dealer's business premises remained not in compliance for the above mentioned reasons.
10. During a premises inspection July 13, 2016, a representative of the Registrar determined the Dealer's business premises remained not in compliance for the above mentioned reasons.
11. Since the issuance of the Notice, the Dealer has since moved to a compliant location.


Registrar's Initial

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

Place of business

28(7) A registered motor vehicle dealer shall maintain an office, in accordance with subsection (8), at each place from which the dealer is authorised to trade.

28(8) The office shall be of sufficient size to permit the secure storage of records that this Regulation requires the registered motor vehicle dealer to keep at the place.

It is hereby agreed that the Dealer and Coutsostavros have breached the following sections 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:

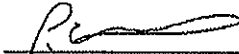
1. The Dealer agrees to pay a fine in the amount of \$1,000 within 90 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. Coutsostavros agrees to successfully complete the Automotive Record Keeping course, within 90 days of the date of the Discipline Committee Order. The Dealer will pay all costs associated with this.
3. The Dealer agrees to offer all registered salespeople the opportunity to 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. 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 agrees to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice, as may be amended from time to time.

P.C.
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 ^{TORONTO} ~~MISSISSAUGA~~ THIS 16 DAY OF NOVEMBER, 2015

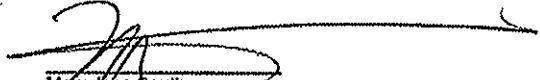
P. COUSOSTAVROS
(please print)
Peter Cousostavros


(signature)

I have the authority to bind the dealership:
1647377 Ontario Limited o/a Dragon Auto Sales and Service


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 16th DAY OF November, 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 17 DAY OF November, 2015


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

P.C.
Registrant's Initial