

## DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Public Member  
Chris Pinelli, Registrant Member  
Paul Repar, 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 - )  
812367 ONTARIO LIMITED & )  
2420846 ONTARIO INC. )  
o/a STARK AUTO SALES )  
- and - )  
STEPHEN STARK )

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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:** March 13, 2026

**Findings:** **812367 Ontario Limited & 2420846 Ontario Inc. o/a Stark Auto (the “Dealer”) has breached the following:**

- Sections 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

**Stephen Stark (“Stark”) has breached the following:**

- Sections 6(2), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

#### **Order:**

1. The Dealer shall pay a fine in the amount of **\$5,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Stark shall successfully complete the MVDA Key Elements Course no later than one hundred and twenty (120) calendar days from the date of the Discipline Tribunal's Order.
3. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the Automotive Certification Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

#### **Overview**

This matter proceeded on the basis of an Agreed Statement of Facts, dated January 15, 2026, 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:

#### **Withdrawals:**

The allegations contained in paragraphs 6 and 9-12 of the Notice of Referral to Discipline dated November 3, 2025, are withdrawn.

#### **Background**

1. The Dealer was first registered as a motor vehicle dealer in or around March 2015.
2. Stark was first registered as a salesperson in or about January 1983. At all material times, Stark was registered as a salesperson and person in charge with the Dealer. As the person in charge, Stark was assigned primary responsibility for and agreed to be accountable for compliance with the Act and Regulations thereunder.

#### **Dealer's Non-Compliance**

##### **2016 Mercedes-Benz (VIN \*\*\*205307)**

3. On or about May 26, 2025, the Dealer sold a 2016 Mercedes-Benz (VIN \*\*\*205307) to a consumer. This vehicle had been declared a total loss. Moreover, it had a prior accident damage estimate of \$41,328. The Dealer failed to provide the purchaser with written disclosure of the vehicle's accident history and total loss on the bill of sale. This is contrary to sections 42(21) and 42(19) of Ontario Regulation 333/08, as well as sections 7(1), 9(1), and 9(3) of the Code of Ethics.

##### **2007 Jaguar XJR (VIN \*\*\*H14336)**

4. On or about July 25, 2024, the Dealer sold a 2007 Jaguar XJR (VIN \*\*\*H14336) to a consumer. This vehicle had previously incurred accident damage for which repairs were valued at \$3,883 and \$20,324.83. The Dealer failed to disclose this information on the bill of sale. This is contrary to section 42(21) of Ontario Regulation 333/08, as well as sections 7(1), 9(1), and 9(3) of the Code of Ethics.

#### **Stark's Non-Compliance:**

5. Stark, as a 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), 9(1) and 9(3) of the Code of Ethics.

#### **Code of Ethics Violations**

6. As particularized above, the Dealer has violated the following section of the Code of Ethics:

##### *Compliance*

s. 7(1) A registrant shall ensure that all documents used by the registrant in the course of a trade in a motor vehicle are current and comply with the law.

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

##### *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.

(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.

8. As particularized above, Stark have violated the following section of the Code of Ethics:

##### *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. O. Reg. 332/08, s. 6 (2).

#### **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 the Dealer has breached Sections 7(1), 9(1) and 9(3) of the Code of Ethics, and Stephen Stark has breached Sections 6(2), 9(1) and 9(3) of the Code of Ethics.

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

## **Reasons for Decision**

In accepting the penalty, the Panel considered the mitigating factors in this case, in particular, the fact that the registrants have taken responsibility for their misconduct and admitted to violating the Code of Ethics, the violation occurred to human error oversight rather than intentional disregard for the Code of Ethics, the Dealer has implemented remedial measures to ensure no further violations of the Code of Ethics occur in future, and this is the Registrants' first appearance before the Discipline Tribunal. The Panel further notes the penalty is consistent with previous precedents involving similar violations of the Code of Ethics and the Panel is satisfied that acceptance of the penalty does not bring the administration of justice into disrepute.

Dated: March 13, 2026

Ontario Motor Vehicle Industry Council  
Discipline Tribunal

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S. Darvish  
Sherry Darvish, Public Member

On behalf of:  
Chris Pinelli, Registrant Member  
Paul Repar, Registrant Member