

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Jon Lemaire, 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 -)
HOLIDAY FORD LINCOLN LTD.)
- and -)
AINSLIE HOGAN)
- and -)
ZACHARY TEMPELMAN)
)

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: September 10, 2025

Findings: **Holiday Ford Lincoln Ltd. (the “Dealer”) has breached the following:**

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

Ainslie Hogan (“Hogan”) has breached the following:

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

Zachary Tempelman (“Tempelman”) has breached the following:

- Sections 4(2), 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. Hogan shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. Tempelman shall successfully complete 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 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 August 21, 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 under the Act in and around January 2008.
2. Hogan was first registered as a salesperson under the Act in and around April 1991. At all material times, Hogan has been an Officer and Person in Charge of the day-to-day activities of the Dealer.
3. Tempelman was first registered as a salesperson under the Act in and around May 2017. At all material times, Tempelman has been a salesperson of the Dealer.

OMVIC Publications

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 pricing obligations. Educational materials continue to be available on OMVIC’s website.

Dealer’s Non-Compliance:

5. On or before April 16, 2025, the Dealer published an advertisement for a blue 2022 Ford Maverick XLT, stock# 25145A, (VIN ***A13323), with an advertised price of \$33,849 plus taxes and licensing.

6. On or about April 16, 2025, a representative of OMVIC (the “Representative”) made inquiries about the vehicle, while posing as a member of the public (also known as a ‘mystery shop’).
7. Tempelman, acting on behalf of the Dealer, advised that \$578.50 would be added above the advertised price.
8. Tempelman explained that the additional fee was an administration fee and applied to both cash and financing deals.
9. As a result, the Dealer’s advertised vehicle price was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.
10. As particularized above, the Dealer and Tempelman have violated the following section of the Code of Ethics:

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.

11. As particularized above, the Dealer, Hogan and Tempelman have violated the following section of the Code of Ethics:

Professionalism

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.

12. As particularized above, Hogan and Tempelman 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.

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: (1) the Dealer has breached Sections 4(2) and 9(3) of the Code of Ethics, O. Reg. 332/08; and (2) Hogan has breached Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08; and (3) Tempelman has breached Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08.

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

Reasons for Decision

The Reviewing Panel has considered the proposed resolution. It finds that the penalty achieves the goals of adequate punishment for the offence, specific deterrence of the Dealer, Hogan, and Tempelman against future breaches of the code of ethics, and general deterrence for the industry showing that such breaches are considered serious and will be treated accordingly. There is a provision for further education that addresses the remediation goals of disciplinary action. In this particular matter, the parties agreed to the resolution. The Reviewing panel finds that the resolution is within the range of penalties for similar acts in other matters before this Tribunal and is not contrary to the public interest.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: September 10, 2025



Greg Flude, Public Member
On behalf of:

Jon Lemaire, Registrant Member
Joe Malfara, Registrant Member