

## DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Public Member  
Anne French, Registrant Member  
Jon Lemaire, 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 :

<b>ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL</b>	)
	)
- and -	)
<b>JEROME HARTFORD</b>	)
	)
- and -	)
<b>OVERSEAS MOTORS (WINDSOR) INC.</b>	)
	)

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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:** December 16, 2025

**Findings:**

**Jerome Hartford has breached the following:**

- Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

**Overseas Motors (Windsor) Inc. has breached the following:**

- Section 6(1) of the Code of Ethics, O. Reg. 332/08

**Order:**

1. Jerome Harford shall pay a fine in the amount of **\$3,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Overseas Motors (Windsor) Inc. shall pay a fine in the amount of **\$3,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
3. Jerome Hartford shall successfully complete the MVDA Key Elements 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 November 3, 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:

**Recitals and Amendments/ Withdrawals**

Whereas a Notice of Complaint was issued against Performance Ford Sales Inc (Branch), David Story and Talal Rafih on February 28, 2022 ("Performance NOC");

And whereas a Notice of Complaint was issued against overseas Motors (Windsor) Inc. and Talal Rafih on April 7, 2022 ("Overseas NOC");

And whereas a Notice of Complaint was issued against 2041924 Ontario Ltd o/a Jaguar Windsor Land Rover Windsor and Talal Rafih on June 24, 2022 ("Jaguar NOC");

And whereas the Performance NOC, Overseas NOC and the Jaguar NOC were each amended and consolidated by an Amended Notice of Complaint & Further And Other Particulars dated January 31, 2023 ("Amended NOC");

The parties agree that the Amended NOC is further amended to reflect that the Ontario Motor Vehicle Industry Council ("OMVIC") replaces the *Registrar, MVDA 2002* as a party to this proceeding.

The parties also agree that the allegations against Performance Ford Sales Inc (Branch), David Story, Talal Rafih, Parinha Phetvongkham, 2041924 Ontario Ltd o/a Jaguar Windsor Land Rover Windsor, Doyle Braznell and Yasmine Iskandar, contained in paragraphs 3-6, 9-11, 15-18, 20-22, 27-28 and 30-47 of the Amended NOC are hereby withdrawn.

**Background****OMVIC Registrant Education re: All-in Pricing**

1. Since the Act was proclaimed, OMVIC has issued various publications and webinars reminding dealers of the obligation to ensure advertised motor vehicle prices include all additional mandatory additional charges ("all-in pricing"). The Georgian College

Automotive Certification course (the “Course”) syllabus also includes information about Dealers' all-in pricing obligations.

#### Automotive Certification Course

2. The Course syllabus also includes information about Dealers' all-in pricing obligations.

#### Jerome Hartford

3. Jerome Hartford (“Hartford”) was first registered as a motor vehicle salesperson in or around September 1987. Since in or around July 2012, Hartford has been employed in this capacity by Performance Ford Sales Inc. (“Performance Ford”).
4. Hartford successfully completed the Course on or about August 8, 2012.

#### *Hartford’s Contravention of the Code of Ethics:*

5. On or about October 20, 2021, OMVIC representatives made inquiries to Performance Ford's branch location about a 2018 Lincoln MKX (VIN 2LMPJ8LR1JBL35689) it had advertised for sale, while posing as members of the public. This vehicle was advertised with a selling price of \$33,754 exclusive of tax and licensing fees.
6. Hartford, on behalf of Performance Ford, advised the OMVIC representatives that the above referenced advertised vehicle price was not inclusive of the following additional fees:
  - a. \$449 administration fee
  - b. \$10 OMVIC fee
7. By providing a vehicle price quote higher than the advertised price of the vehicle, Hartford breached sections 4(2), 6(2) and 9(3) of the Code of Ethics.

#### Overseas Motors (Windsor) Inc.

8. Overseas Motors (Windsor) Inc. (“Overseas Motors”) was first registered as a motor vehicle dealer in or around July 1992.

#### *Previous Correspondence with Overseas Motors:*

9. By email dated June 29, 2011, Overseas Motors was reminded by a representative of the Registrar of its all-in pricing obligations.
10. By email dated June 29, 2011, Overseas Motors was reminded by a representative of the Registrar of its all-in pricing obligations.
11. During an inspection of its books and records on or about October 8, 2014, Overseas Motors was reminded of its all-in pricing obligations.

#### *Overseas Motors’ Contravention of the Code of Ethics:*

12. On or about October 21, 2021, OMVIC representatives made inquiries to Overseas Motors about a 2018 BMW 330i (Stock #P8644) ("BMW") it had advertised for sale, while posing as members of the public. This vehicle was advertised with a selling price of \$31,788 exclusive of tax and licensing fees.
13. A salesperson, on behalf of Overseas Motors, advised the OMVIC investigators that the above referenced advertised vehicle price was not inclusive of the following additional fees:
  - a. \$599 administration fee
  - b. \$10 OMVIC fee
  - c. \$15 Dealer Council Contributions
14. Overseas Motors failed to ensure that its registered salespeople carried out their duties in compliance with Code of Ethics, and therefore breached section 6(1) of the Code of Ethics.
15. The BMW was subsequently sold by Overseas Motors for less than the above referenced advertised vehicle price.

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

16. As particularized above, Hartford 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.

*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.

*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.

17. As particularized above, Overseas Motors has violated the following section of the Code of Ethics:

*Accountability*

s. 6(1) A registered motor vehicle dealer shall ensure that every registered salesperson that the dealer employs or retains to act as a salesperson carries out his or her duties in compliance with this Regulation

### **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 Hartford breached sections 4(2), 6(2) and 9(3) of the Code of Ethics and that Overseas Motors has breached section 6(1) of the Code of Ethics.

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

### **Reasons for Decision**

In arriving at its decision, the Panel reviewed the facts of this case, submitted case law and decisions of the Discipline and Appeals Tribunal.

The Panel accepts as mitigating factors that consumer harm did not occur. Additionally, this is the Respondents' first time before the Discipline Tribunal, and there have been diligent efforts on the part of both parties to reach a settlement agreement, saving the time and expense of a contested hearing.

The Panel accepts the submission that the Respondents have taken responsibility for their misconduct and are committed to ensuring future compliance with the MVDA and other regulations.

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 Panel therefore accepts the joint submission.

Ontario Motor Vehicle Industry Council

Discipline Tribunal

Dated: December 16, 2025

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S. Darvish

Sherry Darvish, Public Member

On behalf of:

Anne French, Registrant Member

Jon Lemaire, Registrant Member