

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 -

ISLINGTON CHRYSLER PLYMOUTH (1963) o/a CHRYSLER'S BIG 3

- and -

KRISTOPHER RAMS

AGREED STATEMENT OF FACTS AND PENALTY

Islington Chrysler Plymouth (1963) o/a Chrysler's Big 3 and Kristopher Rams have breached the following:

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

Section 7 of the Code of Ethics, Regulation 332/08

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

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

Material Fact disclosure—Incidents at or over \$3,000 and Daily Rental Disclosure:

1. In 2008, OMVIC issued the following Dealer Standard publications which highlighted some of the upcoming changes that would take place when the *Motor Vehicle Dealers Act, 2002* (the "Act") came into effect, including the requirement for dealers to disclose, in writing on contracts, incidents which exceed \$3,000 and a vehicle's past use in a clear, comprehensible and prominent manner.

24. On or before March 25, 2014, an advertisement was placed by or on behalf of the Dealer for a 2012 Ford F-150, stock # RAPTOR (VIN 1FTFW1R68BFA66883), with a selling price of \$43,399. On or about March 31, 2014, the Dealer sold this vehicle with an additional \$393.00 registration fee, \$299.00 administration fee, \$289.00 pre-delivery fee and a \$5.00 OMVIC fee. This is contrary to sub section 36(7) of Regulation 333/08 as well as sections 4 and 9 of the Code of Ethics. The Dealer has subsequently compensated the consumer the amount charged over the advertised price.

By failing to comply with the following sections of the *Motor Vehicle Dealers Act, 2002*:

Section 28:

No registrant shall make false, misleading or deceptive statements in any advertisement, circular, pamphlet or material published by any means relating to trading in motor vehicles.

Regulation 333/08:

36 (5) If any of the following is true of a motor vehicle, an advertisement that attempts to induce a trade in the specific vehicle shall indicate, in a clear, comprehensible and prominent manner, that the vehicle was previously,

(a) Leased on a daily basis, unless the vehicle was subsequently owned by a person who was not a registered motor vehicle dealer.

36 (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.

42 (7) For the purposes of section 30(1) of the Act, the information mentioned in paragraph 22 of subsection 39 (2) and paragraph 11. of subsection 41(1) of this Regulation is the following:

If any of the following is true of the motor vehicle, a statement to the effect that the vehicle was previously,

i. leased on a daily basis, unless the vehicle was subsequently owned by a person who was not registered as a motor vehicle dealer under the *Motor Vehicle Dealers Act* or the *Motor Vehicle Dealers Act, 2002*,

ii. used as a police cruiser or used to provide emergency services, or

iii. used as a taxi or limousine.

It is thereby agreed that the Dealer has breached the following sections of the Code of Ethics, as set out in Regulation 332/08:



Registrant's Initials

4. A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and in explaining the products, services, programs and prices connected with those vehicles.

7. 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.

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 \$14,000 within 90 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. Kristopher Rams agrees to attend and successfully complete the OMVIC certification course within 90 days of acceptance of this offer. The Dealer will incur all costs associated with this.
3. 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 within 90 days of acceptance of this offer. Future sales staff will be offered the course within 90 days of being retained in this capacity by the Dealer. 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 or who are otherwise required to do pursuant to the Act.
4. The Dealer agrees 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.


Registrant's Initials

DATED AT Toronto THIS 18th DAY OF February, 2015

KRIS RAMS
(please print)
Kristopher Rams


(signature)

DATED AT Toronto THIS 18th DAY OF February, 2015

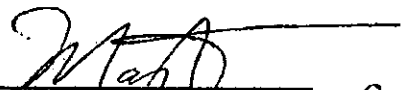
KRIS RAMS
(please print)



I have the authority to bind the corporation:
Islington Chrysler Plymouth (1963) o/a Chrysler's Big 3


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 February, 2015


Carl Compton, *Mary Jane Smith*
Registrar, Motor Vehicle Dealers Act, 2002

Pursuant to Rule 1.07, 1 accept this Agreed Statement of Facts and Penalty from the Parties identified above:

DATED AT London THIS 23 DAY OF Feb, 2015


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


Registrant's Initials