

## DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Public Member  
Joe Malfara, Registrant Member  
Mike Ball, 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>PIERSON MOTORS INC.</b>	)
- and -	)
<b>MICHAEL PIERSON</b>	)
- and -	)
<b>ERIC HOPKINS</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:** April 13, 2026

**Findings:** **Pierson Motors Inc. (the “Dealer”)** has breached the following:

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

**Michael Pierson (“Pierson”)** has breached the following:

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

**Eric Hopkins (“Hopkins”) has breached the following:**

- Section 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 **\$3,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
2. Pierson shall pay a fine in the amount of **\$500** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. Pierson shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
4. Hopkins shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
5. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of 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 December 8, 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:

**Withdrawals:**

The allegations against Bailey Pierson contained in paragraphs 3 and 16 of the Notice of Referral to Discipline (“NORD”) dated October 2, 2025, are withdrawn.

**Background:**

1. The Dealer was first registered as a motor vehicle dealer under the Act in or around May 2012 and is currently registered.
2. Pierson was first registered as a salesperson in or around August 1991 and is currently registered. At all material times, Michael has been the Director and Person in Charge of the day-to-day activities of the Dealer.
3. Hopkins was first registered as a salesperson under the Act in or around August 2000 and continues to be registered. At all material times, Hopkins has been the Finance Manager of the Dealer.

## **Educational Resources**

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 price advertising and disclosure obligations. Educational resources continue to be available on OMVIC's website.

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

### **All-in Pricing Violation**

5. On or before September 4, 2025, the Dealer published an advertisement on its website for a white 2023 Chevrolet Trail Blazer LT, (VIN: \*1286), with an advertised selling price of \$25,995 plus HST, OMVIC fee and licensing fee.
6. On September 4, 2025, a representative of OMVIC ("the Representative") visited the Dealer's premises and made inquiries about a vehicle while posing as a member of the public (also known as a 'mystery shop').
7. Hopkins, acting on behalf of the Dealer, provided a handwritten note, which indicated that the selling price of the vehicle was \$30,167 inclusive of tax, license fee, fuel fee, and administrative fee.
8. The actual advertised selling price in the amount of \$25,995, in addition to the authorized HST and \$59 license fee, was \$29,433.35. The difference between the handwritten quoted price and the advertised price was \$733.65, which was added above the advertised vehicle price of \$25,995.
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.

### **Failure to Disclose Former Daily Rental Status**

10. On or before September 3, 2025, the Dealer published an advertisement for a 2025 Kia Seltos EX, (VIN: \*0295), with an advertised price of \$32,995.
11. Upon the Representative's search of the Ministry of Transportation vehicle database, it was found that the previous owner of the vehicle was Enterprise Rent-A-Car Canada Company ("the Rental Company").
12. The vehicle's registration was directly transferred from the Rental Company to the Dealer.
13. The Dealer failed to disclose the prior rental use history in the advertisement, contrary to section 36(5)(a) of O. Reg. 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.
14. The Dealer properly disclosed the vehicle's prior rental use history on the bill of sale when it sold the vehicle.

**Pierson's Non-Compliance:**

15. In regard to the conduct described above, Pierson 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) and 9(3) of the Code of Ethics.

**Hopkins' Non-Compliance:**

16. In regard to the conduct described above, Hopkins engaged in the representation of a vehicle in a manner that is contrary to sections 4(2) and 9(3) of the Code of Ethics and also caused the Dealer to contravene the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.

**GENERALLY**

17. The above-named parties have indicated to the Registrar, that proactive steps have been taken to review the advertising practices to ensure they are in accordance with the requirements.

**Code of Ethics Violations**

18. As particularized above, the Dealer 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.

19. As particularized above, the Dealer, Pierson, and Hopkins have violated the following section of the Code of Ethics:

*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.

20. As particularized above, Pierson and Hopkins have violated the following section of the Code of Ethics:

*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.

## **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 breached sections 4(2) and 9(3) of the Code of Ethics; that Pierson has breached sections 6(2) and 9(3) of the Code of Ethics, and that Hopkins has breached sections 6(2) and 9(3) 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 there is no evidence to suggest that actual consumer harm occurred and that this is the Dealer's first referral to the Discipline Tribunal. Additionally, 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 avoiding future non-compliance. The Panel finds that the proposed penalty is in line with similar past precedents and case law regarding.

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: April 13, 2026

*S. Darvish*

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Sherry Darvish, Public Member

On behalf of:  
Joe Malfara, Registrant Member  
Mike Ball, Registrant Member