DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Public Member
Nelson Caetano, Registrant Member
Paul Eros, 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 -	)
2377231 ONTARIO INC. O/A STOUFFVILLE CHRYSLER	)
- and -	)
STEVEN MICHAEL STIRPE	)
- and -	)
WILLIAM KENNETH CRUICKSHANK	)

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 30, 2026

Findings: **2377231 Ontario Inc. o/a Stouffville Chrysler (the "Dealer") has breached the following:**

- Sections 4(2), 6(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Steven Michael Stirpe has breached the following:

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

William Kenneth Cruickshank 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 **$7,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

2. Steven Michael Stirpe ("Stirpe") shall pay a fine in the amount of **$1,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

3. Stirpe 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. William Kenneth Cruickshank 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 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, July 27, 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 against See-Yuen (Andrew) Koon contained in paragraphs 3 and 14 of the Notice of Referral to Discipline ("NORD") dated December 22, 2025 are withdrawn (see also paragraph 15 of the Notice of Further and Other Particulars ("FAOP") dated March 26, 2026).

Background:

1. The Dealer was first registered as a motor vehicle dealer in and around February 2014.

2. Stirpe was first registered as a salesperson in and around August 1997. At all material times, Stirpe has been a General Manager and Person in Charge of the day-to-day activities of the Dealer.

3. Cruickshank was first registered as a salesperson in and around January 2026.

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 obligations. Educational resources continue to be available on OMVIC's website.

Reminders to Comply:

5. During an inspection on or about October 22, 2020, a representative of the Registrar reminded the Dealer and Stirpe of their all-in price advertising obligations pursuant to s. 36(7) of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance:

2025 Fiat 500e

6. On or before October 28, 2025, the Dealer published an advertisement for a 2025 Fiat 500e, stock# 25175-NEW (VIN# *239683), with an advertised price of $35,290 plus taxes and licensing ($42,290 minus two cash discounts of $2,000 and $5,000 each).

7. On or about October 28, 2025, an OMVIC Representative made inquiries about the vehicle, while posing as a member of the public (this is also known as a mystery shop).

8. A salesperson, acting on behalf of the Dealer, obtained a printed worksheet for the vehicle from a manager and then provided it to the OMVIC Representative.

9. The worksheet for the vehicle showed a sale price of $40,290 minus a rebate of $5,000 (resulting in a total of $35,290). However, the following additional charges were also added to the sale price of the vehicle:
    a. New Car Starter Kit (1YR Tire/Rim & VIP Service) fee of $499
    b. Ontario Tire Surcharge of $20
    c. OMVIC fee of $22
    d. Fuel fee of $145

10. Adding the above fees to the vehicle's sale price of $40,290 minus the $5,000 rebate results in a sum of $35,976. This sum is $686 greater than the advertised price of $35,290.

11. The OMVIC Representative asked the salesperson if the fees were optional, and the salesperson stated "no".

12. As such, the Dealer's advertised vehicle price for the 2025 Fiat 500e was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2), 6(1) and 9(3) of the Code of Ethics.

2019 Jeep Cherokee Trailhawk Elite

13. On or before January 30, 2026, the Dealer published an advertisement for a 2019 Jeep Cherokee Trailhawk Elite, stock# 25252A (VIN# *273944), with an advertised price of $19,995 plus taxes and licensing.

15. On or about January 30, 2026, an OMVIC Representative made inquiries about the vehicle, while posing as a member of the public (this is also known as a mystery shop).

16. Cruickshank, acting on behalf of the Dealer, informed the OMVIC Representative that the price of the vehicle was $19,995 plus taxes and licensing, with no extra charges. He also stated that he would obtain a quote from his manager and send it to the OMVIC Representative.

17. After the OMVIC Representative left the Dealer's premises, Cruickshank and the OMVIC Representative communicated with each other via text messages.

18. On or about February 3, 2026, Cruickshank texted a sheet titled "Offer to Purchase" to the OMVIC Representative. The sale price of the vehicle remained at $19,995 on the "Offer to Purchase". However, the following additional required charges were added to the sale price of the vehicle:
    a. OMVIC fee of $22
    b. Fuel fee of $145

19. Adding the above fees to the vehicle's sale price of $19,995 results in a sum of $20,162. This sum is $167 greater than the advertised price of $19,995.

20. As such, the Dealer's advertised vehicle price for the 2019 Jeep Cherokee Trailhawk Elite was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2), 6(1), and 9(3) of the Code of Ethics.

Stirpe's Non-Compliance:

21. In regard to both transactions, the 2025 Fiat 500e and 2019 Jeep Cherokee Trailhawk Elite, Stirpe 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.

22. After receiving the NORD dated December 22, 2025, the Dealer indicated that Stirpe communicated with all staff of the Dealer about the importance of compliance with s. 36(7) of O. Reg. 333/08.

Cruickshank's Non-Compliance:

23. In regard to the above-noted transaction of the 2019 Jeep Cherokee Trailhawk Elite, Cruickshank failed to represent the price of the vehicle and its additional fees in a legal manner and thereby violated sections 4(2) and 9(3) of the Code of Ethics. Cruickshank also 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.

<u>Code of Ethics Violations</u>

24. As particularized above, the Dealer 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.

25. As particularized above, the Dealer and Cruickshank have 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.

26. As particularized above, Stirpe and Cruickshank 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.

27. As particularized above, the Dealer, Stirpe, and Cruickshank 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

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:

a. the Dealer breached sections 4(2), 6(1) and 9(3) of the Code of Ethics;
b. that Steven Michael Stirpe has breached sections 6(2) and 9(3) of the Code of Ethics, and
c. that William Kenneth Cruickshank has breached sections 4(2), 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

The Panel is satisfied that the penalty is consistent with previous decisions of this Tribunal involving similar facts and that it does not bring the administration of justice into disrepute. The Panel finds that the penalty meets the objectives of specific and general deterrence and

other goals of a penalty.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated September 30, 2026

S. Darvish

Sherry Darvish, Public Member

On behalf of:
Nelson Caetano, Registrant Member
Paul Eros, Registrant Member