SENT VIA E-MAIL

DISCIPLINE TRIBUNAL OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

IN THE MATTER BEFORE THE DISCIPLINE TRIBUNAL HELD PURSUANT TO THE *MOTOR VEHICLE DEALERS ACT, 2002*, S.O. 2002, c.30, Sch. B

TO: 2377231 Ontario Inc. o/a Stouffville Chrysler
20 Automall Blvd
Stouffville, ON
L4A 0W7

AND TO: Steven Michael Stirpe

AND TO: See-Yuen Andrew Koon

NOTICE OF REFERRAL TO DISCIPLINE TRIBUNAL

Take notice that pursuant to section 14(4) 4 of the *Motor Vehicle Dealers Act, 2002*, (the "Act"), the Registrar has referred the complaint(s) against 2377231 Ontario Inc. o/a Stouffville Chrysler, Steven Michael Stirpe, and See-Yuen Andrew Koon to the Discipline Tribunal for alleged violations under the Code of Ethics, as set out in Ontario Regulation 332/08.

REASONS

Section 17 of the Act establishes a Discipline Tribunal and empowers the Discipline Tribunal to hear and determine issues concerning alleged breaches of the Code of Ethics. The Code of Ethics applies to all Registrants registered under the Act. Any Registrants that disregard or violate the Code of Ethics are subject to having their conduct reviewed by the Discipline Tribunal. The Code of Ethics requires that all Registrants conduct business with Integrity, Accountability, Compliance, Respect and Professionalism as well as ensuring that requirements are met when it comes to Disclosure and Marketing and the Disclosure of Information in Sale and Lease Contracts.

PARTICULARS

The reasons for this Notice are:

Background

1. 2377231 Ontario Inc. o/a Stouffville Chrysler (the "Dealer") was first registered as a motor vehicle dealer in and around February 2014.

2. Steven Michael Stirpe ("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. See-Yuen Andrew Koon ("Koon") was first registered as a salesperson in and around June 2015. At all material times, Koon has been a salesperson on behalf 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 obligations. The dates of said publications are attached hereto as Schedule "A". 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

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. Koon, 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 Koon if the fees were optional, and Koon 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.

Stirpe's Non-Compliance

13. 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.

Koon's Non-Compliance

14. In regard to the above-noted transaction of the 2025 Fiat 500e, Koon 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. Koon 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.

The Registrant(s) may provide a written response to the particulars set out above to OMVIC <u>within 15 days</u> of service of this Notice to: legal_dept@omvic.on.ca

If the Discipline Tribunal makes a determination that a registrant has failed to comply with the Code of Ethics, it may order one or more of the following:

- A fine up to $25,000 per party;
- Require the registrant to take further educational courses;
- If the registrant is a motor vehicle dealer, require the dealer to arrange and fund educational courses for salespersons employed by the dealer;
- Award costs.

This Notice of Referral to Discipline ("NORD") and decisions of the Discipline Tribunal may be published. Hearings before the Discipline Tribunal may be recorded and are open to the public.

The *Statutory Powers Procedure Act, R.S.O 1990 c.s.22*, applies to the hearing to be held by this Discipline Tribunal. A party to a proceeding may be represented by counsel or an agent.

The good character, propriety of conduct or competence of the Registrant(s) shall be an issue in any hearing before the Discipline Tribunal and reasonable information of allegations with respect thereto has been furnished.

The Rules of Practice of the Discipline Tribunal will apply and are available on OMVIC's website. A Notice of Hearing and disclosure will be provided in accordance with the Rules of Practice of the Discipline Tribunal.

Take note that as per the Rules of Practice, failure to attend a hearing before the Discipline Tribunal may result in a decision being determined *ex parte* (in your absence).

APPLICATION OF THE RULES OF PRACTICE OF THE DISCIPLINE TRIBUNAL

This is to serve notice that OMVIC may make application for its costs, pursuant to Rule 13 of the Rules of Practice.

FURTHER PARTICULARS/SUPPLEMENTAL NOTICE

The Registrar may provide further and other particulars in respect of any other matters herein or in respect to any other matter including further particulars of violations of the Code of Ethics.

DATED at Toronto, this 22nd day of December, 2025

Maureen Harquail, KC, MPA, ICD.D.
Registrar, *Motor Vehicle Dealers Act, 2002*