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: The Lakehead Motors Limited
951 Memorial Avenue
Thunder Bay, ON
P7B 4A1

AND TO: Rocco Cristoforo

AND TO: Brittany Asmunt

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 The Lakehead Motors Limited, Rocco Cristoforo, and Brittany Asmunt 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. The Lakehead Motors Limited (the "Dealer") was first registered as a motor vehicle dealer under the Act on or about February 10, 1983.

2. Rocco Cristoforo (“Cristoforo”) was first registered as a salesperson under the Act on or about February 2, 1996. At all material times, Cristoforo has been a General Sales Manager and Person in Charge of the day-to-day activities of the Dealer.

3. Brittany Asmunt (“Asmunt”) was first registered as a salesperson under the Act on or about April 3, 2025. At all material times, Asmunt has been a salesperson 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 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. The Registrar issued a formal warning letter to the Dealer on or about September 14, 2016, reminding the Dealer to comply with their advertising obligations for former daily rental vehicles pursuant to s. 36(5) of O. Reg. 333/08, as well as their all-in pricing 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 July 23, 2026, the Dealer published an advertisement for a 2023 Ram 1500 (VIN: *6361), with an advertised price of $36,995 excluding taxes and licensing.

7. On or about July 23, 2026, a representative of OMVIC (the “Representative”) made inquiries about the vehicle, while posing as a member of the public (also known as a ‘mystery shop’).

8. Asmunt, acting on behalf of the Dealer, verbally disclosed that the vehicle had previously been used as a daily rental in Alberta, which was not indicated in the advertisement.

9. Asmunt provided the Representative with a worksheet, which indicated that the following fees had been added above the vehicle’s advertised price:

    a. $599 Preparation Package
    b. $499 Documentation Fee
    c. $22 OMVIC Fee

10. When asked by the Representative, Asmunt advised that the preparation package fee, documentation fee, and OMVIC transaction fees are mandatory.

11. By failing to disclose in the advertisement that the vehicle was used as a former daily rental, the Dealer has contravened section 36(5)(a) of O. Reg. 333/08 and sections 4(1) and (2) and 9(1) and (3) of the Code of Ethics.

12. By adding the preparation package fee, documentation fee, and OMVIC transaction fees, 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(1) and (2), 6(1), and 9(1) and (3) of the Code of Ethics.

Cristoforo's Non-Compliance

13. Cristoforo, as a Person in Charge, 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 4(1) and (2), 6(2), and 9(1) and (3) of the Code of Ethics.

Asmunt's Non-Compliance

14. Asmunt, as a salesperson, 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 4(1) and (2), 6(2), and 9(1) and (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 26th day of October, 2026.

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

SCHEDULE A:

ADVERTISING PUBLICATIONS AND EDUCATIONAL RESOURCES

	Dealer Standard		Dealer Bulletins/ News		Webinar		Guidelines
1	Winter 2008	1	January 2010	1	November 2014	1	September 22, 2022
2	Spring 2010	2	April 2010	2	April 2015	2	November 3, 2023
3	Spring 2011	3	February 2012	3	April 2017	3	December 2, 2024
4	Winter 2013	4	August 2012	4	August 2017		
5	Spring 2013	5	April 2014	5	April 2023		
6	Summer 2013	6	June 2014	6	July 2023		
7	Winter 2014	7	April 2015	7	Ongoing: Webinars | OMVIC		
8	Spring 2014	8	August 2015				
9	2014 Issue #3	9	March 2016				
10	2015 Issue #2	10	Fall 2016				
11	2015 Issue #3	11	April 2017				
12	2015 Issue #4	12	July 2017				
13	2016 Issue #1	13	August 2017				
14	2016 Issue #2	14	October 2017				
15	2016 Issue #3	15	November 2017				
16	2016 Issue #4	16	May 2018				
17	2017 Issue #2	17	August 2018				
18	2017 Issue #3	18	March 2019				
19	2018 Issue #2	19	September 2019				
20	2019 Issue #2	20	October 2019				
21	2020 Issue #1	21	July 2020				
22	2020 Issue #3	22	September 2020				
23	2020 Issue #4	23	October 2020				
24	2021 Issue #3	24	January 2021				
25	2021 Issue #4	25	February 2021				
26	2022 Issue #1	26	March 2022				
27	2022 Issue #2	27	August 2022				
28	2022 Issue #3	28	September 2022				
29	2022 Issue #4	29	December 2022				
30	2023 Issue #1	30	January 2023				
31	2023 Issue #2	31	February 2023				

		32	March 2023				
		33	April 2023				
		34	July 2023				
		35	September 2023				
		36	January 2024				
		37	December 2025				
		38	January 2026				