

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 :

ONTARIO MOTOR VEHICLE)
INDUSTRY COUNCIL)
- and -)
JOHNS CORPORATION)
O/A SARNIA HYUNDAI)
- and -)
ANDREW LIRETTE)
- and -)
ALYSSIA SWARATH (INGRAM))
)

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: **Johns Corporation O/A Sarnia Hyundai (the “Dealer”) has breached the following:**

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

Andrew Lirette (“Lirette”) has breached the following:

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

Alyssia Swarath (Ingram) (“Swarath”) has breached the following

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

Order:

1. The Dealer shall pay a fine in the amount of **\$4,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
2. Lirette shall pay a fine in the amount of **\$500.00** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order
3. Lirette 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. Swarath 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 February 6, 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:

Background:

1. The Dealer was registered as a motorvehicle dealer in or about October 2006 and is currently registered.
2. Lirette was registered as a salesperson in or about January 2016 and is currently registered. At all material times, Lirette has been the General Manager and Person in Charge of the day-to-day activities of the Dealer.
3. Swarath was registered as a salesperson on or about September 2023 and is currently registered. At all material times, Ingram has been registered with a different 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. Educational resources continue to be available on OMVIC's website.

Direct Correspondence with Dealer

5. On or about July 30, 2024, a representative of OMVIC ("the Inspector"), cautioned Lirette, acting on behalf of the Dealer, regarding its obligation to ensure that all salespersons, including Swarath, are registered with the Dealer before engaging in the trade of motor vehicles.

Dealer's Non-Compliance

All-In Pricing Violation

6. On or before July 21, 2025, the Dealer published an advertisement on its website for a white 2024 Hyundai Kona Electric Preferred (VIN 6071).
7. On or about July 23, 2025, a representative of OMVIC ("the Representative"), posing as a consumer (also known as a "Mystery Shop"), conducted an inquiry about the white 2024 Hyundai Kona Electric Preferred (VIN 6071), with an advertised selling price of \$36,998.00, plus taxes and fees.
8. Swarath, acting on behalf of the Dealer, provided a worksheet to the Representative, which indicated that additional fees applied to the cash purchase option in the amount of \$71.50 (\$59 license fee and \$12.50 OMVIC fee) and HST. The \$12.50 OMVIC fee is listed in addition to the advertised selling price, permitted license fee and HST.
9. Further, Swarath listed additional fees in the amount of \$890.50 in the finance payment option. Swarath provided no explanation for these additional fees.
10. 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, and sections 4(2), and 9(3) of the Code of Ethics.

Retained Services of an Unregistered Salesperson

11. On or about July 23, 2025, the Dealer permitted the trade of the 2024 Hyundai Kona Electric Preferred (VIN 6071) by Swarath, while unregistered as a salesperson with the Dealer. Thereby, the Dealer breached section 9(1) and 9(3) of the Code of Ethics.
12. A salesperson change application has since been submitted to register Swarath as a salesperson with the Dealer.

Lirette's Non-Compliance

13. Lirette, 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 6(2), 9(1) and 9(3) of the Code of Ethics.

Swarath's Non Compliance

14. In regard to the white 2024 Hyundai Kona Electric Preferred (VIN 6071), Swarath engaged in the representation of the 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.
15. In addition, Swarath, while unregistered as a salesperson with the Dealer, engaged in the trade of a vehicle, on behalf of the Dealer, thereby contravening section 4(5) of the Act and sections 9(1), 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 and sections 6(2), 9(1) and 9(3) of the Code of Ethics.

GENERALLY

16. The above-named parties have indicated to the Registrar, that proactive steps have been taken to ensure that Swarath and other salesperson are aware of the all-in pricing requirements, the internal advertising procedure reviewed and have taken steps to ensure motor vehicle trades are conducted in accordance with the requirements.

Code of Ethics Violations

17. 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.

18. As particularized above, the Dealer, Lirette, and Swarath have violated the following section of the Code of Ethics:

Professionalism

s. 9(1) 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.

19. As particularized above, the Dealer, Lirette, and Swarath 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, Lirette and Swarath 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), 9(1) and 9(3) of the Code of Ethics; that Lirette has breached sections 6(2), 9(1) and 9(3) of the Code of Ethics, and that Swarath has breached sections 6(2), 9(1) 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, the Dealer has no prior referrals to the Discipline Tribunal. The Panel acknowledges that 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 also accepts the submission that the Respondents have taken responsibility for their misconduct and are committed to avoiding future non-compliance.

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

Sherry Darvish, Public Member

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