

**IN THE MATTER OF A DISCIPLINE HEARING  
held pursuant to By-Law No. 1 of the  
ONTARIO MOTOR VEHICLE COUNCIL**

**ONTARIO MOTOR VEHICLE COUNCIL**

**-and-**

**5 STARS DEALERS INC.**

**NOTICE OF DECISION**

**Findings:**

The Discipline Panel finds that, as admitted on its behalf by its representative, Ziad Manuel, 5 Stars Dealers Inc. (the "Dealer") failed to comply with the Code of Ethics and Standards of Business Practice, which the Dealer is required to adhere to by virtue of By-Law No. 1 of the Ontario Motor Vehicle Industry Council (OMVIC"), in that:

1. 5 Star Dealers Inc. is a registered motor vehicle dealer. At all material times Gina Gabrielai was an officer of the Corporation.
2. On or about November 18, 2005, the Dealer was registered on terms and conditions. As per Condition 6, the Dealer agreed to comply with OMVIC's Code of Ethics and Standards of Business Practice.
3. By correspondence dated September 18, 2009, the Dealer was advised of violations of the Code of Ethics, Standards of Business Practice ("Standards"), section 3. In particular, numerous web based advertisements had been produced by or on behalf of the Dealer which guaranteed credit approval for consumers without disclosing down payment may be required. This is contrary to section 3.16 of the Standards. Additionally, said advertisements contained misleading statements, contrary to section 3.5 of the Standards. The Dealer was advised of what revisions were required to ensure said advertisements were compliant with the Standards.
4. By correspondence dated September 23, 2009, the Dealer was advised it had failed to make the necessary revisions to its web based advertisements, as requested previously.
5. By correspondence dated September 20, 2009, the Dealer was again advised it had failed to make the necessary revisions to its web based advertisements, as requested previously. At this time, the Dealer acknowledged the necessary revisions required and advised a representative of the Registrar

the all required changes would be forthcoming shortly.

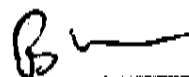
6. By correspondence dated October 8, 2009, the Dealer was again advised it had failed to make the necessary revisions to its web based advertisements, as requested previously. Additionally, the Dealer was advised of the requirement to ensure advertisements include the Dealer's registered name, as per section 3.4 of the OMVIC Standards of Business Practice.
7. By correspondence dated October 13, 2009, the Dealer was again advised it had failed to make the necessary revisions to its web based advertisements, as requested previously.
8. On or about November 17<sup>th</sup>, a representative of the Registrar discovered the Dealer is using an additional website: [www.canadianautogroup.ca](http://www.canadianautogroup.ca) to promote vehicle financing. This website is not in compliance with sections 3.4, 3.5 and 3.16 of the Standards. By correspondence dated same, the Dealer was again advised it had failed to make the necessary revisions to its web-based advertisements, as requested previously.
9. To date the Dealer's web-based advertisements continue to contradict sections 3.4, 3.5 and 3.16 of OMVIC Standards of Business practice.

**Penalty:**

By way of penalty, the Discipline Panel orders the Dealer to do as follows:

1. Pay a fine of \$10,000.00 payable within 30 days;
2. Pay costs \$5,000.00 payable within 30 days;
3. Provide evidence to the Registrar by October 29, 2010 that the Dealer's management (including, but not limited to Ziad Manuel, Gina Gabriel and Larry Weir) have, at their own expense, successfully completed the OMVIC Certification Course offered through the Canadian Automotive Institute at Georgian College; and
4. Obtain pre-approval from OMVIC's designated representative of all advertisements placed by the Dealer through whatever means, between June 24, 2010 and June 24, 2011, and revoke any and all advertisements identified by OMVIC's representative as not being in compliance with the Standards of Business Practice.

I, Bruce Wilson, sign this Decision on my own behalf and on behalf of the other members of the Discipline Panel.



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**Bruce Wilson, Chair**  
**John Kenny**  
**Jason Guttman**

June 24, 2010.