



DISCIPLINE DECISION

IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR VEHICLE DEALERS ACT 2002, S.O. 2002, C.30, Sch. B

BETWEEN:

REGISTRAR, *MOTOR VEHICLE DEALERS ACT, 2002*

- AND -

PLATINUM CROWN AUTO REPAIR AND COLLISION INC

- AND -

NASHWAN MAMO

Pursuant to Rule 1.07 of the Rules of Practice before the Discipline Committee and the Appeals Committee, I, the Chair of the Discipline Committee, have reviewed and considered the written Agreed Statement of Facts and Joint Submission on Penalty together with both Parties' waiver of a Hearing to this Proceeding and provide the following Order:

Date of Decision: March 24, 2011

Findings: Breach of Section 9 of the Code of Ethics

Order:

1. The dealer is ordered to pay a fine in the amount of \$1,000.00, within 120 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. Mamo is ordered to complete the OMVIC certification course, as it is revised with regards to the Act within 90 days of this Order.
3. The dealer agrees to ensure that at each place the dealer is registered to trade, he erects a permanently affixed and clearly visible sign that cannot be removed except through express human effort or force majeure, that displays the registered name of the dealer.
4. The dealer agrees to comply with Regulations 332/08 and 333/08 of the Act, and the Standards of Business Practice, as may be amended from time to time



Written Reasons:

Reasons for Decision

Introduction

This matter proceeded on the basis of an Agreed Statement of Facts, Joint Submission on Penalty and the Parties' Waiver of Hearing, pursuant to Rule 1.07 of the Rules of Practice before the Discipline Committee and the Appeals Committee.

Agreed Statement of Facts

The parties to this proceeding agree that:

1. Platinum Crown Auto Repair and Collision Inc, (the "dealer") was first registered as a motor vehicle dealer in or around October 2007. Nashwan Mamo ("Mamo") was first registered as a salesperson in or around October 2007. Mamo is the sole director of the corporation.
2. On or about December 7, 2007, a representative of the Registrar advised the dealer his business premises required a permanently affixed sign which discloses his registered dealer name and is visible to the public.
3. On or about October 27, 2010, a representative of the Registrar again advised the dealer his business premises requires a permanently affixed sign which discloses his registered dealer name and is visible to the public. At this time, the dealer advised the Registrar's representative that a new sign would be erected "next week".
4. On or about November 10, 2010, a representative of the Registrar reiterated to the dealer that his business premises requires a permanently affixed sign which discloses his registered dealer name and is visible to the public.
5. On or about November 11, 2010, a representative of the Registrar noted the dealer had yet to erect a permanently affixed sign which disclosed his registered dealer name, and was visible to the public.

By failing to comply with the following section of the General Regulations under the *Motor Vehicle Dealers Act, 2002* ("the Act") after repeated warnings to do so:

Section 30(1) of Regulation 333/08 of the Act:

A registered motor vehicle dealer shall post, at each place from which the dealer trades, a sign that is clearly visible to the public, that cannot be removed except through express human effort or force majeure and that displays a registered name of the dealer.

It is thereby agreed that Platinum Crown Auto Repair and Collision Inc and Nashwan Mamo have breached the following:

Section 9 of the Code of Ethics, as set out in Ontario Regulation 332/08:



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.

Joint Submission on Penalty

1. The dealer is ordered to pay a fine in the amount of \$1,000.00, within 120 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. Mamo is ordered to complete the OMVIC certification course, as it is revised with regards to the Act within 90 days of the acceptance of this offer.
3. The dealer agrees to ensure that at each place the dealer is registered to trade, he erects a permanently affixed and clearly visible sign that cannot be removed except through express human effort or force majeure, that displays the registered name of the dealer.
4. The dealer agrees to comply with Regulations 332/08 and 333/08 of the Act, and the Standards of Business Practice, as may be amended from time to time.

Decision of the Chair

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee hereby concludes that the dealer and Nashwan Mamo breached subsection 9 of the OMVIC Code of Ethics, as set out in Ontario Regulation 332/08, made under the *Motor Vehicle Dealers Act, 2002*. The Chair of the Discipline Committee also agrees with the Parties' Joint Submission on Penalty and, accordingly, makes the following Order:

1. The dealer is ordered to pay a fine in the amount of \$1,000.00, within 120 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. Mamo is ordered to complete the OMVIC certification course, as it is revised with regards to the Act within 90 days of this Order.
3. The dealer agrees to ensure that at each place the dealer is registered to trade, he erects a permanently affixed and clearly visible sign that cannot be removed except through express human effort or force majeure, that displays the registered name of the dealer.
4. The dealer agrees to comply with Regulations 332/08 and 333/08 of the Act, and the Standards of Business Practice, as may be amended from time to time.

Ontario Motor Vehicle Industry Council
Discipline Committee

Catherine Poultney, Chair