

**BC FINANCIAL SERVICES AUTHORITY**

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*,  
SBC 2004, c 42 as amended**

**AND**

**IN THE MATTER OF**

**SUNG-HAN (HANSON) WANG  
(164549)**

**AND**

**OHM REALTY CORP. DBA OHMPROPERTY  
(X033790)**

**NOTICE OF ADMINISTRATIVE PENALTY**

**[This Notice has been redacted before publication.]**

The Superintendent of Real Estate (the "Superintendent") of the BC Financial Services Authority ("BCFSA") issues this Notice of Administrative Penalty (the "Notice") pursuant to sections 57(1) and (3) of the *Real Estate Services Act*, SBC 2004, c 42 ("RESA").

**TAKE NOTICE** that the Superintendent is satisfied that you have contravened one or more rules designated as subject to administrative penalties under section 56(1)(a) of the RESA and section 26 of the *Real Estate Services Rules* (the "Rules"), collectively, the "Designated Rules".

**TAKE NOTICE** the Superintendent is imposing the following administrative penalties based on your having contravened the Designated Rules:

1. Rule: 21; First contravention: Yes; Base Penalty: \$1,000.00; Daily Penalty: 15 days x \$250 = \$3,750.00\*

**Details:** On June 28, 2022, during an audit being conducted by [Auditor 1], Auditor, of Ohm Realty Corp. dba Ohmproperty ("Ohmproperty"), H Wang, managing broker, was requested to provide a copy of the bank statements, bank reconciliations, individual trust ledgers, and Trust Liability and Asset Reconciliations (TLAR) for December 2021 to May 2022. The documentation requested was to be provided by July 4, 2022.

On June 30, 2022, H Wang advised that the brokerage bookkeeper was working on the documents requested and asked for an extension to “next week” to provide the documentation.

On July 4, 2022, [Auditor 1] advised that the extension was granted to July 11, 2022 to provide the December 2021 to May 2022 documentation. Nothing was received by the due date.

On July 12, 2022, [Auditor 1] sent a follow up email as nothing was received on July 11, 2022.

On July 13, 2022, H Wang advised that he has been ill and unable to attend the brokerage. He anticipated returning to the office on July 15 (Friday) or July 18 (Monday), advised the documents were ready and he would provide them when he returns to the office. Nothing was received from the brokerage or staff by July 18, 2022.

On July 20, 2022, an audit exit interview was held with [Auditor 1], H Wang, and [Auditor 2], Senior Auditor. [Auditor 2] inquired why the outstanding Accountant’s Report filings for the 2020 and 2021 fiscal year ends have not yet been filed. H Wang indicated that the books and records, especially the general account records, are not up to date, causing a delay in getting the records to the external accountant for review. [Auditor 2] advised that the brokerage should provide the reconciliations to the external accountants for review, and to provide the auditors with reconciliations for all accounts from December 2021 to May 2022, originally requested on June 28, 2022, and to include June 2022. H Wang advised that the books and records would be provided to the external auditor by the end of the month to begin preparing the Accountant’s Report filings and requested that the auditors provide an email to him confirming what records were required.

On July 21, 2022, [Auditor 1] sent an email to H Wang requesting for the documents for December 2021 to June 2022, including a response to one inquiry, with a deadline to respond by July 29, 2022. Nothing was received by the due date.

On August 5, 2022, [Auditor 1] sent a follow up email to H Wang, requesting the outstanding response by August 10, 2022.

On August 11, 2022, the Audit Report was issued and the request for the December 2021 to June 2022 bank statements, bank reconciliations, individual trust ledgers, and Trust Liability and Asset Reconciliations (TLAR) was noted as outstanding. A response was requested, along with the outstanding documentation by August 25, 2022. Nothing was received by the due date.

On August 26, 2022, [Audit Coordinator 1], Audit Coordinator, sent a follow up email requesting a response to the Audit Report without delay.

On August 31, 2022, [Audit Coordinator 1] sent an additional follow up email with a deadline of September 6, 2022, referencing section 21 of the Real Estate Services Rules.

On September 16, 2022, H Wang wrote to advise that his office accountant had caught COVID-19 and passed it on to others. He gave no timeline for response.

On September 26, 2022, legal counsel for the Superintendent of Real Estate sent a Non-Compliance Warning Letter to H Wang, demanding response to the Audit Report by October 11, 2022, the end of the Compliance Warning Period. H Wang was advised that if the contravention was not remedied by October 11, 2022, the Superintendent may impose administrative penalties, including a base amount and a daily penalty for each day or part day until compliance was

achieved, or proceed with a Notice of Disciplinary Hearing or other enforcement actions under RESA.

On October 5, 2022, H Wang provided partial responses to the Non-Compliance Warning Letter.

On October 7, 2022, [Auditor 1] sent an email to H Wang confirming that the December 2021 to June 2022 bank statements, bank reconciliations, individual trust ledgers, and Trust Liability and Asset Reconciliations and responses to the observations in the Audit Reports, along with requested documents, was due October 11, 2022 as set out in the Non-Compliance Warning Letter.

On October 11, 2022, Ohmproperty provided documents in response to the Non-Compliance Warning Letter but they were not fully responsive to the outstanding requests.

On October 12, 2022, H Wang advised that a response to the Audit Report dated August 11, 2022, would be provided within the week.

On October 14, 2022, H Wang's accountant uploaded documents to a link provided by [Auditor 1].

On October 21, 2022, legal counsel sent a follow-up to the Non-Compliance Warning Letter to H Wang, noting that responses to each observation in the Audit Report, including supporting documentation, as well as the December 2021 to June 2022 individual trust ledgers and TLARs, were still outstanding. Legal counsel further noted that several ledgers and reconciliations provided on October 11 and 14, 2022 did not satisfy the requests made, and that the correct ones remain outstanding. Legal counsel reminded H Wang daily penalties continued to incur until compliance was achieved.

On October 26, 2022, H Wang provided responses to all outstanding requests. Not all requested documents were provided but noted that several of the Trust Liability and Asset Reconciliation Reports remained outstanding and would be prepared by December 31, 2022 and that general account monthly reconciliations were still outstanding and would be prepared by January 31, 2023. Although the requested reconciliations were not provided, responses were provided that the Superintendent considers adequate to satisfy the obligations on H Wang and Ohmproperty under the Real Estate Services Rules, s 21.

\*The daily penalty is based on a daily penalty rate of \$250 multiplied by the number of penalty days i.e., the number of calendar days between the end of the Compliance Warning Period and the date compliance was achieved.

(collectively the "Contravention").

**Total administrative penalties: \$4,750.00**

**TAKE FURTHER NOTICE** you may respond to this Notice by requesting an opportunity to be heard as follows (a "Reconsideration Request"):

- a. *Time limit:* You must deliver any Reconsideration Request so that BCFSa receives it within thirty (30) calendar days of the date you received this Notice (the "Response Deadline").
- b. *Format:* A Reconsideration Request Form must be completed.

- c. *Content:* A Reconsideration Request should explain how you exercised due diligence to prevent contravention of the Designated Rules. You may also provide any other information you believe the Superintendent should consider.
- d. *Delivery:* A Reconsideration Request may be delivered by email to [APreconsiderations@bcfsa.ca](mailto:APreconsiderations@bcfsa.ca) and/or delivered to BCFSAs offices at 600 – 750 West Pender Street, Vancouver, BC V6C 2T8, Attention: Legal Services – Reconsiderations.

The date you received this Notice is the earliest date on which

- the Superintendent personally served you with the Notice (s 57(3)(a) or (b) of the RESA);
- the Superintendent provided “substituted service” by a method provided for in a court order (s 12 of the RESA); or
- the Superintendent provided this Notice to Canada Post for delivery to your mailing address (ss 18 and 19 of the Rules). This will normally also be the day it was emailed to you.

If BCFSAs receives your Reconsideration Request by the Response Deadline, the Superintendent will consider your Reconsideration Request, and may cancel or confirm the administrative penalties. If BCFSAs confirms an administrative penalty, payment is due immediately.

**TAKE FURTHER NOTICE** if you fail to deliver a Reconsideration Request by the Response Deadline, you are deemed to acknowledge your having contravened the specified Designated Rule (s 57(2)(d) of the RESA).

**TAKE FURTHER NOTICE** that unless you deliver a Reconsideration Request by the Response Deadline, you must pay the administrative penalties within thirty (30) calendar days of the date you received this Notice. The Reconsideration Request may be by email or otherwise in writing, and should attach or include information respecting the due diligence exercised to avoid the contravention, any extenuating circumstances that prevented compliance, and any other information that you wish BCFSAs to consider.

Dated this 16th day of November, 2022 at the City of Vancouver, British Columbia.

Superintendent of the BC Financial Services Authority

“CHRIS ELGAR”

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Per: Chris Elgar  
Delegate of the Superintendent of Real Estate  
Province of British Columbia