

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

AND

IN THE MATTER OF
JAMES KEVIN ADAMS
(149187)

CONSENT ORDER

RESPONDENT: James Kevin Adams, Trading Representative, Sage Executive Group
Real Estate

DATE OF CONSENT ORDER: July 16, 2020

CONSENT ORDER REVIEW COMMITTEE: Y. Amlani
N. Nicholson
S. Sidhu

COUNSEL: K. Ferguson, Legal Counsel for the Real Estate Council of
British Columbia

PROCEEDINGS:

On July 16, 2020, the Consent Order Review Committee ("CORC") resolved to accept the Consent Order Proposal (the "Proposal") submitted by James Kevin Adams ("Mr. Adams").

WHEREAS the Proposal, a copy of which is attached hereto, has been executed by Mr. Adams.

NOW THEREFORE, having made the findings proposed in the attached Proposal, and found that Mr. Adams committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* ("RESA") and sections 4-3, 4-6 and 4-7 of the Rules made under the RESA, pursuant to section 43 of the RESA the CORC orders that:

1. Mr. Adams pay a discipline penalty to the Council in the amount of \$5,000 which shall be payable in accordance with the following schedule:

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- a. Mr. Adams shall pay \$3,000 to the Council within three (3) months from the date of this Order; and
 - b. Mr. Adams shall pay \$2,000 to the Council within five (5) months from the date of this Order;
2. Mr. Adams, at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course, as provided by the Sauder School of Business at the University of British Columbia in the time period as directed by the Council; and
 3. Mr. Adams pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of this Order.

If Mr. Adams fails to comply with any term of this Order, the Council may suspend or cancel his licence without further notice to him, pursuant to sections 43(3) and 43(4) of the RESA.

Dated this 16th day of July, 2020 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Yasin Amlani”

Yasin Amlani
Consent Order Review Committee

Attch.

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

AND

IN THE MATTER OF

**JAMES KEVIN ADAMS
(149187)**

CONSENT ORDER PROPOSAL BY JAMES KEVIN ADAMS

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by James Kevin Adams ("Mr. Adams") to the Consent Order Review Committee ("CORC") of the Real Estate Council of BC (the "Council") pursuant to section 41 of the *Real Estate Services Act* ("RESA").

For the purposes of the Proposal, Mr. Adams and the Council have agreed upon the following facts:

1. Mr. Adams was at all relevant times licensed as a trading representative with Sage Executive Group Real Estate.
2. Mr. Adams's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Sage Executive Group Real Estate (X020716)	Representative	Trading	7/27/2018	
*** Unlicensed ***			7/26/2018	7/26/2018
Sage Executive Group Real Estate (X020716)	Representative	Trading	7/26/2016	7/25/2018
Sage Executive Group Real Estate (X020716)	Representative	Trading	7/15/2016	7/25/2016
*** Unlicensed ***			7/1/2016	7/14/2016
Fair Realty (X030174)	Representative	Trading	4/1/2016	6/30/2016
Re/Max Top Performers (X029867)	Representative	Trading	7/26/2014	4/1/2016
Re/Max Top Performers (X029867)	Representative	Trading	5/27/2014	7/25/2014
*** Unlicensed ***			5/23/2014	5/26/2014
Multiple Realty Ltd. (X011195)	Representative	Trading	7/26/2012	5/22/2014
Multiple Realty Ltd. (X011195)	Representative	Trading	7/26/2010	7/25/2012
*** Unlicensed ***			7/11/2010	7/25/2010
Multiple Realty Ltd. (X011195)	Representative	Trading	7/11/2008	7/10/2010

Multiple Realty Ltd. (X011195)	Representative	Trading	6/2/2008	7/10/2008
*** Unlicensed ***			4/25/2008	6/1/2008
Kootenay Cornerstone Realty Corp. (X028939)	Representative	Trading	10/18/2007	4/24/2008
First Trail Real Estate Ltd. (Cgar) (X028848)	Representative	Trading	7/25/2007	10/18/2007
*** Unlicensed ***			7/18/2007	7/24/2007
Rosling Real Estate (Nelson) Ltd. (X021637)	Representative	Trading	7/11/2006	7/17/2007

3. On or around September 2016, Mr. Adams and A.B. (“Mr. B.”) began leasing a property located on Okanagan Blvd in Kelowna (the “Kelowna Property”). At all material times, the Kelowna Property was owned by E.F. (“Ms. F.”) and her husband.
4. In 2017, Mr. Adams caused a website for “K-O Properties” (the “Website”) to be published online.
5. K-O Properties was not licensed to provide real estate services in British Columbia or in any other province.
6. Among other things, the Website:
 - a. advertised K-O Properties as “Your Kootenay & Okanagan Investment Property Management Experts”;
 - b. provided two addresses for K-O Properties: one of which was the Kelowna Property and the other of which was a property located in Castlegar. Both of these properties were personal residences;
 - c. advertised that K-O Properties could provide services in respect of “buying and selling properties”, “managing strata spaces”, “rental property management” and “designing attractive rentals”;
 - d. did not include the name or address of a licensed brokerage; and
 - e. listed Mr. B. as the contact for K-O Properties under the “Contact” section of the Website, even though Mr. B. was not licensed with the Council.
7. The Website was accessible to the public. However, the third-party website developer hired by Mr. Adams has advised the RECBC that “[Mr. Adams] most likely was not aware that [the Website] was live ... [Mr. Adams] may not have know the technical aspect of this situation and probably did not know that the site was public-facing”.
8. In or around May or early June 2017, Ms. F. became aware of and accessed the Website, upon which she observed that the Website listed the Kelowna Property as an address for K-O Properties.
9. In or around May or early June 2017, Ms. F. confronted Mr. Adams about the Website, after which Mr. Adams:
 - a. had the Website changed to remove the reference to the Kelowna Property address; and

- b. added a new name – B.E. (“Mr. E.”) – in the “Contact” section of the Website along with an Alberta phone number.
10. At all material times, Mr. E. was not licensed to provide real estate services in British Columbia.
11. Mr. Adams says that K-O Properties was a working prototype, which he planned to have fully running only after he was licensed to provide strata and rental property management services. Mr. Adams says that he caused the Website to be published so that he could “work out the bugs” and “see how it would work by having [his] friends interact with it”.
12. Mr. Adams took down the Website after the complaint was made to the Council.
13. There is no evidence that Mr. Adams provided property management services directly or indirectly, or that any real estate services were provided through K-O Properties or through the Website.
14. A Notice of Discipline Hearing was issued on February 12, 2020 and served on Mr. Adams.
15. Mr. Adams has no prior discipline history with the Council.

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the facts outlined herein, Mr. Adams proposes the following findings of misconduct be made by the CORC:

1. Mr. Adams committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that:
 - a. in or around June 2017 he published, or caused or permitted to be published, real estate advertising, being the website for “K-O Properties” (the “Website”), which was false and/or misleading in that it advertised rental property management services and strata management services for the Kootenay and Okanagan regions in circumstances when neither he nor anyone affiliated with the Website was licensed to provide such services in British Columbia; contrary to section 4-7 of the Council Rules,
 - b. the Website that he published, or caused or permitted to be published, did not display the licensee name of a brokerage in a prominent and easily readable way, contrary to section 4-6 of the Council Rules; and
 - c. the Website that he published, or caused or permitted to be published, advertised real estate services through a personal office, contrary to sections 4-3 and/or 4-6 of the Council Rules.

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Mr. Adams proposes that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the CORC, pursuant to section 43 of the RESA:

1. Mr. Adams pay a discipline penalty to the Council in the amount of \$5,000, which shall be payable in accordance with the following schedule:
 - a. Mr. Adams shall pay \$3,000 to the Council within three (3) months from the date of this Order; and
 - b. Mr. Adams shall pay \$2,000 to the Council within five (5) months from the date of this Order.
2. Mr. Adams, at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia in the time period as directed by the Council.
3. Mr. Adams pay enforcement expenses to Council in the amount of \$1,500 within two (2) months from the date of this Order.
4. If Mr. Adams fails to comply with any of the terms of this Order, a discipline committee may suspend or cancel Mr. Adams's licence without further notice to him.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Adams acknowledges and understands that the Council may refer or decline to refer the Proposal to the CORC. If the Proposal is referred to the CORC, it may be accepted or rejected by the CORC. If the Proposal is rejected by the CORC, the matter may be referred to a disciplinary hearing.
2. Mr. Adams acknowledges that he has been urged and given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing, and the execution and submission of the Proposal to the CORC; and, that he has obtained independent legal advice or has chosen not to do so, and that he is making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Mr. Adams acknowledges and is aware that the Council will publish the Proposal and the Consent Order or summaries thereof in its Report from Council newsletter, on the Council's website, on CanLII, a website for legal research and in such other places and by such other means as the Council in its sole discretion deems appropriate.
4. Mr. Adams acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the RESA, to appeal any decision of the Council, including any Consent Order made by the Council in relation to this matter.

5. Mr. Adams hereby waives his right to appeal pursuant to section 54 of the RESA.
6. If the Proposal is accepted and/or relied upon by the Council, Mr. Adams will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Mr. Adams from making full answer and defence to any civil or criminal proceeding(s).
7. The Proposal and its contents are made by Mr. Adams for the sole purpose of resolving the Notice of Discipline Hearing in this matter and do not constitute an admission of civil liability. Pursuant to section 41(5) of the RESA, the Proposal and its contents may not be used without the consent of Mr. Adams in any civil proceeding with respect to the matter.

“James Kevin Adams”

JAMES KEVIN ADAMS

Dated 30 day of June 2020