

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

ARTI SOOD
(161406)

CONSENT ORDER

RESPONDENT: Arti Sood, Representative, Team 3000 Realty Ltd.

DATE OF REVIEW MEETING: April 3, 2019

DATE OF CONSENT ORDER: April 3, 2019

CONSENT ORDER REVIEW COMMITTEE: E. Mignosa (Chair)
E. Duvall
R. Hanson
N. Nicholson

ALSO PRESENT: E. Seeley, Executive Officer
D. Avren, Director, Legal Services
C. Davies, Legal Counsel for the Real Estate Council
A. Sood, Licensee

PROCEEDINGS:

On April 3, 2019, the Consent Order Review Committee (the "Committee") resolved to accept the Consent Order Proposal (the "Proposal") submitted by Arti Sood.

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

NOW THEREFORE, the Committee having made the findings proposed in the attached Proposal, and in particular having found that Arti Sood committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Arti Sood have her licence suspended for fourteen (14) days.
2. Arti Sood will not act as an unlicensed assistant during the time of her licence suspension;

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3. Arti Sood pay a discipline penalty to the Council in the amount of \$3,000 within ninety (90) days from the date of this Order;
 4. Arti Sood, at her own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course, as provided by Sauder School of Business at the University of British Columbia in the time period as directed by the Council; and
 5. Arti Sood pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Ms. Sood fails to comply with any term of this Order, the Council may suspend or cancel her licence without further notice to her, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 3rd day of April, 2019, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Elana Mignosa”

Elana Mignosa
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

**ARTI SOOD
161406**

CONSENT ORDER PROPOSAL BY ARTI SOOD

BACKGROUND AND FACTS

This Consent Order Proposal (the “Proposal”) is made by Arti Sood (“Ms. Sood”) to the Consent Order Review Committee (“CORC”) of the Real Estate Council of British Columbia (the “Council”) pursuant to section 41 of the *Real Estate Service Act* (“RESA”).

For the purposes of the Proposal, Ms. Sood and the Council have agreed upon the following facts:

1. Ms. Sood has been licensed continuously as a trading representative since 2011.
2. Ms. Sood was at all relevant times licensed as a representative with Team 3000 Realty Ltd., with whom she is still currently licensed.
3. Ms. Sood has been a member of the Society of Notaries Public of British Columbia (the “Society”) since 2014.
4. This matter arises out of:
 - a. Ms. Sood’s failure to notify the Council and her managing broker of two discipline proceedings conducted against her by the Society 2016 and 2017; and
 - b. Ms. Sood’s false/misleading statement in her licence renewal application in 2017 and false/misleading statements to the Council in 2018 in relation to her failure to give full particulars of all discipline proceedings against her by the Society.

Discipline proceedings by the Society

Power of Attorney

5. In early 2016, Ms. Sood was the subject of an investigation by the Society in connection with her preparation and handling of a power of attorney. During the period October–December

2015 Ms. Sood had prepared a power of attorney for a client and then later altered the power of attorney without written instructions (though she claims she had verbal instructions). She then registered the altered power of attorney at the Land Title Office in connection with the sale of her client's home.

6. On May 3, 2016, the Society served Ms. Sood with a Notice of Inquiry, requiring Ms. Sood to attend before a discipline committee of the Society (the "Power of Attorney Discipline Proceedings").
7. On June 10, 2016, Ms. Sood appeared before the discipline committee and was found guilty of professional misconduct pursuant to a Report of the Inquiry Panel dated July 27, 2016.
8. By Order dated October 19, 2016, the Board of Directors of the Society ordered a penalty which included a one-month suspension, a fine of \$2,500 plus costs, and a requirement to attend and speak at a notary workshop.
9. Ms. Sood appealed the Society's penalty decision, and the appeal was heard in the Supreme Court of British Columbia on January 9, 2017.
10. By written decision dated March 14, 2017, the Supreme Court of British Columbia dismissed Ms. Sood's appeal.
11. Ms. Sood applied to the Society for non-publication of the discipline decision, and on April 7, 2016 the Society denied Ms. Sood's application. On that same date, however, the Society waived the requirement for Ms. Sood to pay enforcement costs of the Society as well as the requirement to attend and speak at a notary workshop.
12. Ms. Sood did not notify the Council, nor did she notify her managing broker, of the Power of Attorney Discipline Proceedings.
13. In particular, she did not notify the Council or her managing broker of:
 - a. the Notice of Inquiry dated May 3, 2016;
 - b. the Report of the Inquiry Panel dated July 27, 2016; and
 - c. the Order of the Society dated October 19, 2016.
14. Ms. Sood paid the discipline penalty of \$2,500 on April 21, 2017, and she served her suspension during the period May 15 – June 11, 2017.

Separation Agreement

15. In 2017, Ms. Sood was the subject of another discipline proceeding conducted against her by the Society (the "Separation Agreement Discipline Proceedings"). The allegation of misconduct arose from Ms. Sood's witnessing of a client's signature in a separation agreement in November 2016, contrary to the Rules of the Society.

16. On or about March 2, 2017, the Society served Ms. Sood with a Notice of Inquiry, requiring Ms. Sood to attend before a discipline committee of the Society.
17. On March 22, 2017, Ms. Sood appeared before the discipline committee.
18. Ms. Sood was found guilty of professional misconduct pursuant to a Report of the Inquiry Panel dated October 17, 2017.
19. Ms. Sood did not notify the Council, nor did she notify her managing broker, of the Separation Agreement Discipline Proceedings.
20. In particular, Ms. Sood did not notify the Council or her managing broker of:
 - a. the Notice of Inquiry dated March 2, 2017; and
 - b. the Report of the Inquiry Panel dated October 17, 2017.
21. This discipline matter is awaiting confirmation and penalty by the Board of Directors of the Society.

False/misleading statements to the Council

License renewal March 2017

22. On March 24, 2017, Ms. Sood submitted an online licence renewal application to the Council.
23. In answer to question 7 which states *“are you the subject of an investigation or disciplinary proceedings under real estate, insurance, mortgage broker or securities legislation, or by a professional body, in British Columbia or another jurisdiction? If yes, provide full particulars including any action taken by the Real Estate Council of BC”*, Ms. Sood checked “yes” and wrote by way of explanation: *“Notary Society Discipline hearing for Notarizing a Separation Agreement”*.
24. Ms. Sood did not refer to or provide particulars regarding the Power of Attorney Discipline Proceedings. She has advised the Council that she did not intend to mislead the Council and that the reason for the omission of the Power of Attorney Discipline in her answer is that she interpreted the question to be in relation to current investigations or discipline, while the power of Attorney Discipline had in her mind already concluded.

Communication with the Council

25. Following Ms. Sood’s license renewal application, Ms. Sood became the subject of an investigation by the Council.
26. During March-April 2017, Ms. Sood and the Council exchanged verbal and written communication regarding Ms. Sood’s discipline proceedings with the Society.

27. On April 10, 2017, Ms. Sood advised the Council of the Power of Attorney Discipline proceedings and provided full particulars.
28. On April 10, 2018, Ms. Sood became the subject of discipline proceedings by the Council.
29. In May 2018, the Council made further inquiries of Ms. Sood requesting information and documents related to her discipline proceedings at the Society.
30. On May 14, 2018:
 - a. Ms. Sood provided the Council with certain documents related to the Separation Agreement Discipline Proceedings, including correspondence from the Society dated January 10, 2017, the Notice of Inquiry dated March 3, 2017, and a draft proposed Agreed Statement of Facts dated March 17, 2017. However, she failed to provide a copy of the Report of the Inquiry Panel dated October 17, 2017.
 - b. Ms. Sood advised the Council that there were no findings arising from the Separation Agreement Discipline Proceedings, even though at the time she made this statement she was aware of and/or had been provided with a copy of the Report of the Inquiry Panel dated October 17, 2017 in which she had been found guilty of misconduct. Ms. Sood says that she interpreted “findings” as referring to penalty, and as of that date a penalty had not yet been ordered.
31. The Council followed up with Ms. Sood again on May 16 and May 31, 2018, requesting further information related to the Separation Agreement Discipline Proceedings.
32. On May 31, 2018, Ms. Sood advised the Council that she had not received any further information from the Society following the hearing held on March 22, 2017. This statement was false or misleading in that at that time she was aware of and/or had been provided with a copy of the Report of the Inquiry Panel dated October 17, 2017.
33. On July 26, 2018, in response to a further inquiry by the Council made on that same day, Ms. Sood provided the Council with a copy of the of the Inquiry Panel dated October 17, 2017.
34. Ms. Sood has advised the Council that she believed she had produced the Report of the Inquiry Panel dated October 17, 2018 at an earlier date, and her failure to produce it to the Council until July 26, 2018 was entirely inadvertent.

These proceedings

35. A Notice of Discipline Hearing was issued on November 5, 2018 and served on Ms. Sood.
36. Ms. Sood has no prior discipline with the Council.

37. Since 2013, Ms. Sood has not been an active licensee.
38. On November 22, 2016, Ms. Sood completed an ethics course called "Unlocking the REALTOR Code." This course was taken at Ms. Sood's initiative following the hearing conducted on June 10, 2016 related to the Power of Attorney Discipline Proceedings.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Ms. Sood committed professional misconduct within the meaning of section 35(1)(a) of RESA in that:
 - a. she failed to promptly notify the Council in writing, and provide a copy of that notice to her managing broker, of the following disciplinary proceedings by the Society of Notaries Public of British Columbia:
 - i. related to her alteration of a Power of Attorney, resulting in:
 1. a Notice of Inquiry dated May 3, 2016; and
 2. an order of suspension of licence by Order dated October 19, 2016; and
 - ii. related to her witnessing a Separation Agreement, resulting in:
 1. a Notice of Inquiry dated March 2, 2017; and
 2. a Report of the Inquiry Panel dated October 17, 2017
 - contrary to section 2-21(2)(a)(ii) and (4) of the Rules; and
 - b. she made a false or misleading statement in her licence renewal application of March 24, 2017 when she answered "yes" to question 7 "*are you the subject of an investigation or disciplinary proceedings under real estate, insurance, mortgage broker or securities legislation, or by a professional body, in British Columbia or another jurisdiction? If yes, provide full particulars including any action taken by the Real Estate Council of BC*" and failed to provide particulars of the disciplinary proceedings referred to in subparagraph a(i) above; and
 - c. she made a false or misleading statement to the Council when, in respect of the disciplinary proceedings referred to in subparagraph a(ii) above,
 - i. she stated in an email dated May 14, 2018 that there were no findings arising from the hearing held before an inquiry panel on March 22, 2017 pursuant to the Notice of Inquiry; and

- ii. she stated in an email dated May 31, 2018 that she had not received any further information from the Society of Notaries Public following the hearing held on March 22, 2017

contrary to section 35(1)(g) of RESA.

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Ms. Sood 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. Ms. Sood's licence be suspended for fourteen (14) days;
2. Ms. Sood will not provide services as an unlicensed assistant during the time of her license suspension;
3. Ms. Sood pay a discipline penalty to the Council in the amount of \$3,000 within ninety (90) days of the date of this Order;
4. Ms. Sood, at her own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia within the time period directed by the Council;
5. Ms. Sood pay enforcement expenses in the amount of \$1,500 within sixty (60) days from the date of this Consent Order; and
6. If Ms. Sood fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Ms. Sood's licence without further notice to her.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Ms. Sood 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. Ms. Sood acknowledges that she 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 she has obtained independent legal advice or has chosen not to do so, and that they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.

3. Ms. Sood 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. Ms. Sood 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. Ms. Sood hereby waives her right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Sood 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 Ms. Sood in any civil proceeding with respect to the matter.

"Arti Sood"

ARTI SOOD

Dated 27th day of March, 2019

ADDENDUM

In the Proposal signed by Ms. Sood, paragraph 34 reads:

34. Ms. Sood has advised the Council that she believed she had produced the Report of the Inquiry Panel dated October 17, 2018 at an earlier date, and her failure to produce it to the Council until July 26, 2018 was entirely inadvertent.

Paragraph 34 should read:

34. Ms. Sood has advised the Council that she believed she had produced the Report of the Inquiry Panel dated October 17, 2017 at an earlier date, and her failure to produce it to the Council until July 26, 2018 was entirely inadvertent.