

THE REAL ESTATE COUNCIL OF BRITISH COLUMBIA

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
S.B.C. 2004, c. 42 as amended**

AND

IN THE MATTER OF

**GIUSEPPE NICOLA (JOE) PARENTE
159837**

AND

**JOE PARENTE PERSONAL REAL ESTATE CORPORATION
159837PC**

CONSENT ORDER

RESPONDENT: Giuseppe Nicola (Joe) Parente, while licensed with Team 3000 Realty Ltd. (Burnaby), Team 3000 Realty Ltd. (Vancouver), City Realty Ltd. dba RE/MAX City Realty, and Central Realty Ltd. dba RE/MAX Central

Joe Parente Personal Real Estate Corporation

DATE OF REVIEW MEETING: October 10, 2018

DATE OF CONSENT ORDER: October 25, 2018

DISCIPLINE COMMITTEE: L. Hrycan

ALSO PRESENT: D. Martin, Independent Legal Counsel
C. Davies, Legal Counsel for the Real Estate Council
S. Sheina, Legal Counsel for the Real Estate Council

PROCEEDINGS:

On October 25, 2018, the Discipline Committee (the "Committee") resolved to accept the Consent Order Proposal ("COP") submitted by Giuseppe Nicola (Joe) Parente, on his own behalf and on behalf of Joe Parente Personal Real Estate Corporation.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Giuseppe Nicola (Joe) Parente, on his own behalf and on behalf of Joe Parente Personal Real Estate Corporation.

NOW THEREFORE, the Committee having made the findings proposed in the attached COP, and in particular having found that Giuseppe Nicola (Joe) Parente and Joe Parente Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Giuseppe Nicola (Joe) Parente and Joe Parente Personal Real Estate Corporation each be reprimanded;
2. Giuseppe Nicola (Joe) Parente and Joe Parente Personal Real Estate Corporation be prohibited from applying for licences for a period of twenty-one (21) months from the date of this Order;
3. Giuseppe Nicola (Joe) Parente, at his own expense, register for and successfully complete the *Interpersonal Skills for the Workplace* course as provided by Douglas College or an equivalent course on respectful communication in the workplace approved by the Council prior to any application for licensing; and
4. Giuseppe Nicola (Joe) Parente and Joe Parente Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses in the amount of \$3,000 within sixty (60) days from the date of this Order.

If Giuseppe Nicola (Joe) Parente or Joe Parente Personal Real Estate Corporation fails to comply with any term of this Order, the Council may suspend or cancel their licences without further notice to them, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 25th day of October, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE DISCIPLINE COMMITTEE

"L. Hrycan"

L. Hrycan

Discipline Committee

Attch.

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CONSENT ORDER PROPOSAL

GIUSEPPE NICOLA (JOE) PARENTE AND JOE PARENTE PERSONAL REAL ESTATE CORPORATION

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Giuseppe Nicola (Joe) Parente ("Mr. Parente") and Joe Parente Personal Real Estate Corporation to the Discipline Committee of the Real Estate Council of British Columbia (the "Council") pursuant to section 41 of the *Real Estate Service Act* ("RESA").

The Proposal is made with respect to two separate discipline files involving Mr. Parente and Joe Parente Personal Real Estate Corporation.

For the purposes of the Proposal, Mr. Parente on his own behalf and on behalf of Joe Parente Personal Real Estate Corporation and the Council have agreed upon the following facts:

1. Mr. Parente (159837) has been licensed intermittently as a representative since 2010.
2. Joe Parente Personal Real Estate Corporation has been licensed since September 15, 2014.
3. Mr. Parente's licences were surrendered to the Council by his managing broker on November 15, 2017 and his licences expired on July 28, 2018.

File #16-502

4. This matter arises out of inappropriate and offensive communications from Mr. Parente to three individuals during the period 2014-2017.

Communication with TM

5. On December 13, 2014, while he was licensed with Re/Max Central, Mr. Parente sent via Facebook Messenger to TM, a female licensee at a different brokerage, an inappropriate communication consisting of an offensive image of a sexual nature and not pertaining to real estate. At the time, Mr. Parente and TM were neither friends nor colleagues, and had never met.
6. On April 5, 2015, Mr. Parente sent further inappropriate communication to TM via Facebook Messenger, where he made a sexual comment about the December 13, 2014 image and attached three new offensive images.
7. On April 7, 2015, Mr. Parente exchanged emails with CM (his managing broker) and AN (TM's managing broker) regarding his inappropriate communications with TM.
8. On April 28, 2015, Mr. Parente issued a written email apology to TM through their respective managing brokers, acknowledging that he exercised poor judgment when communicating with TM.
9. In addition, Mr. Parente was instructed by CM to remove offensive material from his computer, phone and social media sites, and to cease all offensive communication.
10. On June 2, 2015, Re/Max Central surrendered Mr. Parente's licences to the Council and the reason cited to the Council was: "change brokerage". CM has advised the Council, however, that Re/Max Central made the decision to terminate its relationship with Mr. Parente due to his failure to take steps to address personal problems despite repeated instructions and encouragement by the brokerage to do so.
11. Mr. Parente then transferred his licences to Re/Max City, where he worked for just over one year.
12. Mr. Parente's licenses were surrendered to the Council by Re/Max City on July 29, 2016, and the reason cited was: "changing offices". The managing broker at Re/Max City, GW, has advised the Council however, that Mr. Parente was terminated due to "inappropriate behavior." This behavior included Mr. Parente's continued attempts to contact a past customer despite repeated requests by the customer and GW to cease communication, as well as Mr. Parente appearing to be intoxicated at a real estate social event.
13. Mr. Parente has advised the Council that his departure from Re/Max City was related to a commission dispute with his managing broker respecting a particular listing.

Communication with Mr. M

14. On July 29, 2016, Mr. Parente became licensed with Team 3000 Realty Ltd. located in Burnaby ("Team 3000 Burnaby").
15. In December 2016, in a misguided attempt at humour, Mr. Parente sent an inappropriate text message consisting of an offensive image of a sexual nature and not pertaining to real estate to Mr. M, his managing broker.
16. On December 25, 2016, Mr. M met with Mr. Parente to discuss the text message. Mr. Parente was warned that his relationship with the brokerage would be terminated if there was a reoccurrence of such behavior.

Communication with SM

17. In or around late 2015 or early 2016, while they were both walking their respective dogs, Mr. Parente met SM, a female who lived in or around his residential neighbourhood.
18. SM has advised the Council that she considered the possibility of asking Mr. Parente to assist her with a potential real estate purchase and consequently exchanged contact information with Mr. Parente.
19. Throughout the next several months, Mr. Parente sporadically sent SM unsolicited text messages not pertaining to real estate. SM became uncomfortable with the content of the messages, and asked Mr. Parente to stop communicating with her.
20. On February 14, 2017, after several months of no communication with SM, Mr. Parente sent SM a text message containing an offensive image of a lewd and sexual nature.
21. On that same day, SM contacted Team 3000 Burnaby and discussed the matter with Mr. Parente's managing broker, Mr. M.
22. Also on that same day, SM contacted the RCMP to make a complaint regarding Mr. Parente.
23. On February 15, 2017 Mr. Parente received a letter of formal caution from the RCMP, directing Mr. Parente to cease all direct and indirect communication with SM.
24. On February 15, 2017, Mr. Parente's licences were surrendered to the Council by Team 3000 Burnaby. The reason cited by his managing broker for the licence surrender was: "inability to adhere to company policy."
25. On March 9, 2017, SM filed a complaint with the Council.

File #16-649

26. This matter arises out of Mr. Parente's actions and behavior in April 2017 towards the tenants of a property for which he was the listing agent.

27. On March 3, 2017, Mr. Parente's licences were reinstated subject to numerous conditions related to supervisory conditions by the managing broker at his new brokerage, a branch of Team 3000 Realty Ltd. located in Vancouver ("Team 3000 Vancouver").
28. While licensed under conditions with Team 3000 Vancouver, Mr. Parente became the listing agent for a property located at XXXX Turner Street, Vancouver, BC (the "Property").
29. On or about April 23, 2017, the sellers of the Property advised the tenants of the Property, DM and CS, that the Property would be listed for sale, and that Mr. Parente would be making arrangements with them with respect to listing and showing the Property.
30. Mr. Parente spoke with DM by telephone and arranged for a visit on April 24, 2017 to discuss staging and showing the Property.
31. DM has advised the Council that while speaking with her, Mr. Parente offered to bring DM and CS some "weed" to which DM was shocked and surprised and thought Mr. Parente was joking. She declined, telling him that she and CS only drank wine.
32. Mr. Parente agrees that he spoke with DM by telephone on April 23, 2017, but denies that he offered to bring DM and CS some "weed" when making a visit to the Property.
33. On the evening of April 24, 2017, Mr. Parente visited the Property to meet with DM and CS.
34. In their complaint to Council, DM and CS stated that Mr. Parente's behavior during his visit was inappropriate and offensive in that:
 - he gave DM and CS a bag that contained a bottle of wine as well as a bag of marijuana;
 - he spoke in a loud, obnoxious manner, used profanities, and made racial slurs and offensive sexual remarks; and
 - he appeared to be intoxicated, and his behavior resulted in DM, CS, their two guests and their two young female children feeling uncomfortable and scared.
35. Mr. Parente's account of his attendance at the Property differs from that of DM and CS:
 - he admits that he brought DM and CS a bottle of wine, but denies that he brought a bag of marijuana;
 - he denies using profanities and making racial slurs and sexual remarks;
 - he admits that his behavior and comments could be perceived by others as being offensive and inappropriate.
36. After Mr. Parente left the Property, he continued to communicate with DM and CS by telephone, text and email throughout the remainder of the evening and into the early hours of the next morning. DM and CS have advised the Council that these communications were

inappropriate, erratic and unwanted. Mr. Parente disagrees with this characterization of these communications.

37. On April 25 and 26, 2017, DM and CS informed the sellers about Mr. Parente's behavior and actions. They explained that they were very offended by Mr. Parente and would be very uncomfortable with him continuing to be the listing agent of, and having access to, the Property.
38. Mr. Parente was removed as listing agent of the Property. He has advised the Council that he agreed to be removed due to difficulties he was experiencing with the tenants.
39. On May 1, 2017, DM filed a complaint with the Council.
40. On November 15, 2017, Team 3000 Vancouver surrendered Mr. Parente's licences to the Council, and the reason cited was: "unable to continue to supervise Joe Parente due to Joe Parente not meeting our office policies".
41. A Notice of Discipline Hearing was issued on June 26, 2018 and served on Mr. Parente on his own behalf and on behalf of Joe Parente Personal Real Estate Corporation.

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the Facts outlined herein, Mr. Parente and Joe Parente Personal Real Estate Corporation propose the following findings of misconduct be made by the Discipline Committee:

1. Mr. Parente and Joe Parente Personal Real Estate Corporation committed professional misconduct and conduct unbecoming a licensee within the meaning of sections 35(1) and (2) of the RESA when Mr. Parente:
 - a. sent inappropriate and offensive communications of a sexual nature to TM on December 13, 2014 and April 5, 2015;
 - b. sent inappropriate and offensive communication of a sexual nature to Mr. M in December 2016;
 - c. sent inappropriate and offensive communication of a sexual nature to SM on February 14, 2017;
 - d. acted in an inappropriate and unprofessional manner on April 24, 2017 in his capacity as a licensee when attending at the property located on Turner Street, Vancouver, BC by:
 - i. making comments that could be perceived by others as offensive, racial and sexual in nature;
 - ii. behaving in a manner that could be perceived by others as inappropriate and obnoxious while providing real estate services ;

- e. sent repeated communications via telephone, email and text messages to DM and CS on April 24 and 25, 2017, which were inappropriate and unprofessional in that they could be perceived by others as unwanted, harassing, and offensive in nature;

contrary to:

- i. section 35(2)(a) [best interests of the public]; and
- ii. section 35(2)(c) [brings real estate industry into disrepute].

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct Mr. Parente and Joe Parente Personal Real Estate Corporation propose that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the Discipline Committee, pursuant to section 43 of the RESA:

1. Mr. Parente and Joe Parente Personal Real Estate Corporation be reprimanded;
2. Mr. Parente and Joe Parente Personal Real Estate Corporation be prohibited from applying for licences for a period of twenty-one (21) months from the date of the Consent Order;
3. Mr. Parente must successfully complete the *Interpersonal Skills for the Workplace* course as provided by Douglas College or an equivalent course on respectful communication in the workplace approved by the Council prior to any application for licensing;
4. Mr. Parente and Joe Parente Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses in the amount of \$3,000 within sixty (60) days from the date of this Consent Order.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Parente and Joe Parente Personal Real Estate Corporation have been advised of and understand their right to obtain independent legal advice regarding the disciplinary process, including with respect to the execution and submission of the Proposal.
2. Mr. Parente and Joe Parente Personal Real Estate Corporation acknowledge and are 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.
3. Mr. Parente and Joe Parente Personal Real Estate Corporation acknowledge and are 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.

4. Mr. Parente and Joe Parente Personal Real Estate Corporation hereby waive their right to appeal pursuant to section 54 of the RESA.
5. The Proposal and its contents are made by Mr. Parente and Joe Parente Personal Real Estate Corporation 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. Parente and Joe Parente Personal Real Estate Corporation in any civil proceeding with respect to the matter.

“Giuseppe Nicola (Joe) Parente”

**GUISEPPE NICOLA (JOE) PARENTE on his own
behalf and on behalf of JOE PARENTE PERSONAL
REAL ESTATE CORPORATION**

Dated 15th day of October, 2018