

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
KAREN DIANE BOOS
(137603)

CONSENT ORDER

RESPONDENT: Karen Diane Boos, Representative with
Cascade Realty Ltd. dba Royal LePage
Cascade Realty

DATE OF REVIEW MEETING: July 11, 2018

DATE OF CONSENT ORDER: July 11, 2018

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Q.C.
G. Martin
R. Wong

ALSO PRESENT: E. Seeley, Executive Officer
L. Fong, Independent Legal Counsel
Alexander Bjornson, Legal Counsel for
the Real Estate Council

PROCEEDINGS:

On July 11, 2018, the Consent Order Review Committee ("Committee") resolved to accept the Consent Order Proposal ("COP") submitted by Karen Diane Boos.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Karen Diane Boos.

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

1. Karen Diane Boos be reprimanded;

-
2. Karen Diane Boos pay a discipline penalty to the Council in the amount of \$4,000 within ninety (90) days from the date of this Order;
 3. Karen Diane Boos, 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;
 4. Karen Diane Boos pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Karen Diane Boos 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 11th day of July, 2018 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

A handwritten signature in black ink, appearing to read "R. Holmes", with a long horizontal line extending to the right.

R. Holmes, Q.C., Chair
Consent Order Review Committee

Atch.

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

AND

IN THE MATTER OF

KAREN DIANE BOOS (137603)

CONSENT ORDER PROPOSAL BY KAREN DIANE BOOS

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Ms. Boos 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. Boos and the Council have agreed upon the following facts:

1. Ms. Boos (137603) has been licensed as a representative since 2003.
2. Ms. Boos was at all relevant times licensed as a representative with Cascade Realty Ltd. dba Royal LePage Cascade Realty (the "Brokerage").
3. On May 29, 2016 Ms. Boos, along with AB, Ms. Boos's managing broker, listed a Dawson Creek property for sale.
4. On or about June 24, 2016 the seller accepted an offer from a buyer (the "First Buyer"). The First Buyer's offer had a subject removal date of July 31, 2016.
5. After the offer was accepted, the First Buyer discovered from an inspection that repair work was required on the property. The First Buyer suggested to the seller that the sale price be reduced.
6. The seller and the First Buyer did not reach an agreement on a price reduction, but no documentation confirming the collapse of the transaction was provided by either the seller or the First Buyer.
7. On or about July 13, 2016 the seller accepted a second offer from a second buyer (the "Second Buyer").
8. On July 15, 2016 the representative for the First Buyer contacted Ms. Boos regarding the sale price. Ms. Boos took the position that the First Buyer's offer was no longer valid. The First Buyer's representative took the position that the First Buyer was still considering proceeding with the transaction.

9. On July 15, 2016, Ms. Boos and AB advised the seller to seek legal advice with respect to the two offers.
10. On July 22, 2016, the First Buyer provided a "collapse form" for the offer.
11. On August 15, 2016 the property transferred to the Second Buyer.
12. On August 31, 2016 the managing broker for the First Buyer filed a complaint with the Council. Prior to the Council investigating the complaint, neither Ms. Boos nor AB informed the Council that their client had accepted two offers.
13. A Notice of Discipline Hearing was issued on May 7, 2018 and served on Ms. Boos.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Ms. Boos committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that, when acting as the listing agent for a Dawson Creek property, she permitted two offers to be accepted on the Property, contrary to sections 3-3(a) and 3-4 of the Rules.


PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Ms. Boos 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. Boos be reprimanded.
2. Ms. Boos pay a discipline penalty to the Council in the amount of \$4,000 within ninety (90) days of the date of this Order.
3. Ms. Boos, 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.
4. Ms. Boos pay enforcement expenses in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
5. If Ms. Boos fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Ms. Boos's licence without further notice to her.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

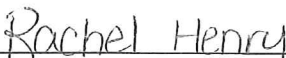
1. Ms. Boos acknowledges and understands that the Council may refer or decline to refer the Proposal to the CORC. If the Proposal is referred to the CORC, it may be accepted or rejected by the CORC. If the Proposal is rejected by the CORC, the matter may be referred to a disciplinary hearing.
2. Ms. Boos 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 she is making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Ms. Boos 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. Boos 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. Boos hereby waives her right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Boos 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. Boos in any civil proceeding with respect to the matter.



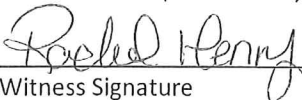
Karen Diane Boos

Dated 29, day of June, 2018

Signature of Ms. Boos witnessed on the above date by



Witness Name (Please Print)



Witness Signature