

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

**MENG KE (CLAIRE) LI
(169313)**

AND

**CLAIRE LI PERSONAL REAL ESTATE CORPORATION
(169313PC)**

CONSENT ORDER

RESPONDENT:	Meng Ke (Claire) Li, Representative, Pan Pacific Platinum Real Estate Services Inc. dba New Coast Realty Claire Li Personal Real Estate Corporation
DATE OF REVIEW MEETING:	October 18, 2017
DATE OF CONSENT ORDER:	October 18, 2017
CONSENT ORDER REVIEW COMMITTEE:	R. Holmes, Q.C., Chair K. Lonsdale S. Heath
ALSO PRESENT:	G. Thiele, Director, Legal Services Jennifer Clee, Legal Counsel for the Real Estate Council

PROCEEDINGS:

On October 18, 2017, the Consent Order Review Committee ("Committee") resolved to accept the Consent Order Proposal ("COP") submitted by Meng Ke (Claire) Li, on her own behalf and on behalf of Claire Li Personal Real Estate Corporation.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Meng Ke (Claire) Li, on her own behalf and on behalf of Claire Li Personal Real Estate Corporation.

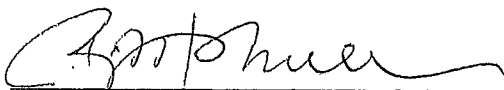
NOW THEREFORE, the Committee having made the findings proposed in the attached COP, and in particular having found that Meng Ke (Claire) Li and Claire Li Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders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

1. Meng Ke (Claire) Li and Claire Li Personal Real Estate Corporation each be reprimanded;
2. Meng Ke (Claire) Li and Claire Li Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$1,000.00 within ninety (90) days of the date of this Order; and
3. Meng Ke (Claire) Li and Claire Li Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount \$1,500.00 within sixty (60) days from the date of this Order.

If Meng Ke (Claire) Li or Claire Li 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 18th day of October, 2017, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



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

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CONSENT ORDER PROPOSAL BY MENG KE (CLAIRE) LI AND CLAIRE LI PERSONAL REAL ESTATE
CORPORATION

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Meng Ke (Claire) Li ("Ms. Li") and Claire Li Personal Real Estate Corporation to the Consent Order Review Committee (the "CORC") of the Real Estate Council of British Columbia (the "Council") pursuant to section 41 of the *Real Estate Services Act* ("RESA").

For the purposes of this Proposal, Ms. Li and Claire Li Personal Real Estate Corporation and the Council have agreed upon the following facts:

1. Ms. Li (169313) has been licensed as a representative since October 3, 2014.
2. Ms. Li became licensed as Claire Li Personal Real Estate Corporation (169313PC) on November 9, 2015.
3. Ms. Li was at all relevant times licensed as a representative with Pan Pacific Platinum Real Estate Services Inc. dba New Coast Realty (the "Brokerage").
4. On December 10, 2015, Ms. Li acted as the buyer's agent in relation to the buyer's purchase of property located at XXXX Turquoise Drive, Richmond, BC (the "Property"). The buyer, H.P., was the wife of Z.W., the owner and a director of the Brokerage, and was herself a shareholder of the Brokerage.
5. Ms. Li did not provide the seller or the seller's agent with a Disclosure of Interest in Trade form disclosing that she was providing trading services on behalf of H.P., an associate of the

Brokerage with whom she was licensed, prior to the buyer's offer being presented and accepted by the seller.

6. The Council discovered that Ms. Li had not delivered the Notice of Disclosure of interest in Trade form to the seller or the seller's agent, during an audit at the Brokerage.
7. In her response to the Council, Ms. Li advised that she was not aware at the time she wrote the offer that she was required to disclose to the seller in writing that her client, H.P., was an associate of the Brokerage with whom she was licensed.
8. Ms. Li has reviewed the definition of "associate" as set out in section 5-7 of the Rules, and her disclosure obligations as set out by section 5-9 of the Rules, and advised that she will ensure full disclosure in compliance with the Rules, in future transactions.
9. A Notice of Discipline Hearing was issued on May 31, 2017 and served on Ms. Li and Claire Li Personal Real Estate Corporation.
10. Ms. Li and Claire Li Personal Real Estate Corporation do not have a discipline history with the Council.
11. The seller has made no complaint to the Council regarding Ms. Li's failure to deliver the Disclosure of Interest in Trade form to him or his agent.

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the Facts outlined herein, Ms. Li on her own behalf and on behalf of Claire Li Personal Real Estate Corporation, proposes the following findings of misconduct be made by the CORC:

Ms. Li committed professional misconduct within the meaning of section 35(1)(a) of RESA and acted contrary to sections 3-4, 5-9(1)(b) and 5-9(5) of the Rules when, in her capacity as the buyer's agent for H.P. in the purchase of residential property located at 5XXX Turquoise Drive, Richmond, BC, she failed to provide a Disclosure of Interest in Trade form to the seller or the seller's agent that disclosed that H.P. was an associate of New Coast Realty, the brokerage with which she was licensed.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Ms. Li on her own behalf and on behalf of Claire Li Personal Real Estate Corporation 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:

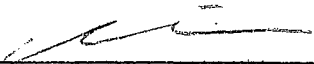
- a. Ms. Li and Claire Li Personal Real Estate Corporation be reprimanded;

- b. Ms. Li and Claire Li Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$1,000 within ninety (90) days of the date of the Order herein;
- c. Ms. Li and Claire Li Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses pursuant to section 44 of the RESA in the amount of \$1,500 within sixty (60) days from the date of the Order herein; and
- d. if Ms. Li and Claire Li Personal Real Estate Corporation fail to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel their licenses without further notice to them pursuant to section 43(3) and 43(4) of the RESA.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Meng Ke (Claire) Li 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. Meng Ke (Claire) Li 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. Meng Ke (Claire) Li 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. Meng Ke (Claire) Li 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. Li on her own behalf and on behalf of Claire Li Personal Real Estate Corporation hereby waives their right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Li on her own behalf and on behalf of Claire Li 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 Ms. Li on her own behalf and on behalf of Claire Li Personal Real Estate Corporation in any civil proceeding with respect to the matter.



Meng Ke (Claire) Li and Claire Li Personal Real Estate Corporation

Dated 28 day of Sep, 2017

Signature of Ms. Li on her own behalf and on behalf of Claire Li Personal Real Estate Corporation witnessed on the above date by



Witness Name (Please Print)



Witness Signature