

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

**AND**

**IN THE MATTER OF**

**LOUIS MAN KAM KWONG  
(065350)**

**AND**

**SUNRICH REALTY LTD. dba AMEX SUNRICH REALTY  
(X025048)**

**CONSENT ORDER**

RESPONDENT: Louis Man Kam Kwong, Associate Broker,  
Sunrich Realty Ltd. dba Amex Sunrich  
Realty

Sunrich Realty Ltd. dba Amex Sunrich  
Realty, Brokerage

DATE OF REVIEW MEETING: June 28, 2017

DATE OF CONSENT ORDER: June 28, 2017

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Q.C., Chair  
C. Geurts  
L. Hrycan  
S. Sidhu  
T. Styffe

ALSO PRESENT: E. Seeley, Acting Executive Officer  
G. Thiele, Director, Legal Services  
Sabinder Sheina, Legal Counsel for the  
Real Estate Council

PROCEEDINGS:

On June 28, 2017, the Consent Order Review Committee ("Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Louis Man Kam Kwong and Sunrich Realty Ltd. dba Amex Sunrich Realty.

**WHEREAS** the ASF, a copy of which is attached hereto, has been executed by the Council and by Louis Man Kam Kwong, Keke Ma on behalf of Sunrich Realty Ltd. dba Amex Sunrich Realty.

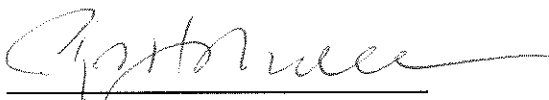
**NOW THEREFORE**, the Committee having made the findings proposed in the attached ASF, and in particular having found that Louis Man Kam Kwong and Sunrich Realty Ltd. dba Amex Sunrich Realty committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Louis Man Kam Kwong and Sunrich Realty Ltd. dba Amex Sunrich Realty each be reprimanded;
2. Louis Man Kam Kwong and Sunrich Realty Ltd. dba Amex Sunrich Realty each pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days of the date of this Order;
3. Louis Man Kam Kwong will not apply for licensing as a managing broker for a period of five (5) years from the date of this Order; and
4. Louis Man Kam Kwong and Sunrich Realty Ltd. dba Amex Sunrich Realty 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 Louis Man Kam Kwong or Sunrich Realty Ltd. dba Amex Sunrich Realty fails to comply with any term of this Order, the Council may suspend or cancel their licence without further notice to them, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 28th day of June, 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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**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
S.B.C. 2004, c. 42 as amended**

**IN THE MATTER OF**

**LOUIS MAN KAM KWONG  
(065350)**

**AND**

**SUNRICH REALTY LTD. dba AMEX SUNRICH REALTY  
(X025048)**

**AGREED STATEMENT OF FACTS,  
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

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The following agreement has been reached between Louis Man Kam Kwong ("Mr. Kwong"), Sunrich Realty Ltd. dba Amex Sunrich Realty (the "Brokerage") and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Kwong and Ms. Ma, as the current managing broker for the Brokerage, hereby consent to an Order to be made pursuant to sections 41 and 43 of the Real Estate Services Act (RESA) that:
- (a) each be reprimanded;
  - (b) each pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days of the date of the Order herein;
  - (c) Mr. Kwong will not apply for licensing as a managing broker for a period of five (5) years from the date of this Order;
  - (d) they are each jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of the Order herein; and
  - (e) if either of them fail to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel their licences without further notice to them pursuant to section 43(3) and 43(4) of the RESA.
- B. As a basis for this Order, Mr. Kwong and Ms. Ma as the current managing broker for the Brokerage acknowledge and agree that the facts set forth herein are correct:
- 1. Mr. Kwong was at all relevant times licensed as a managing broker with the Brokerage.

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

2. Mr. Kwong's licensing history is as follows:

<b><u>Start Date</u></b>	<b><u>End Date</u></b>	<b><u>Brokerage</u></b>	<b><u>Licence Level</u></b>	<b><u>Licence Category</u></b>
28/05/2016	Present	Amex Sunrich Realty (X025048)	Associate Broker	Trading, Rental
15/09/2015	27/05/2016	Amex Sunrich Realty (X025048)	Associate Broker	Trading, Rental
28/05/2014	15/09/2015	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental, Strata
28/05/2012	27/05/2014	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental, Strata
28/05/2010	27/05/2012	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental, Strata
28/05/2008	27/05/2010	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental, Strata
28/05/2006	27/05/2008	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental, Strata
09/02/2006	27/05/2006	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental, Strata
28/05/2004	09/02/2006	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental
28/05/2002	27/05/2004	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental
28/05/2000	27/05/2002	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental
28/05/1998	27/05/2000	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental
17/02/1997	06/10/1997	Amex International Realty Corp. (Rhmd) (X023862)	Managing Broker	Trading, Rental
28/05/1996	27/05/1998	Amex Sunrich Realty (X025048)	Managing Broker	Trading, Rental
17/02/1995	16/02/1997	Amex International Realty Corp. (Rhmd) (X023862)	Managing Broker	Trading, Rental
18/01/1994	16/02/1995	Amex International Realty Corp. (Rhmd) (X023862)	Managing Broker	Trading, Rental
02/12/1993	18/01/1994	Amex International Realty Corp. (Vanw8) (X023861)	Managing Broker	Trading, Rental
15/06/1993	02/12/1993	Amex International Realty Corp. (X022559)	Managing Broker	Trading, Rental
17/02/1993	15/06/1993	Aeon Realty Ltd. (X022470)	Associate Broker	Trading, Rental
08/01/1993	16/02/1993	Aeon Realty Ltd. (X022470)	Associate Broker	Trading, Rental
02/10/1992	08/01/1993	Realtrust Real Estate Corp. (X002541)	Managing Broker	Trading, Rental
22/03/1991	01/10/1992	New World Realty Ltd. (X020632)	Associate Broker	Trading, Rental
17/02/1991	19/03/1991	Keystone Realty Ltd. (X016344)	Associate Broker	Trading, Rental
01/10/1990	16/02/1991	Keystone Realty Ltd. (X016344)	Associate Broker	Trading, Rental
17/02/1989	01/10/1990	Keystone Realty Ltd. (X016344)	Representative	Trading, Rental
17/02/1987	16/02/1989	Keystone Realty Ltd. (X016344)	Representative	Trading, Rental

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

3. Sunrich Realty Ltd. dba Amex Sunrich Realty (the “Brokerage”) was at all relevant times licensed as a brokerage.
4. The Brokerage’s licensing history is as follows:

<b><u>Start Date</u></b>	<b><u>End Date</u></b>	<b><u>Brokerage</u></b>	<b><u>Licence Level</u></b>	<b><u>Licence Category</u></b>
15/10/2015	Present	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental
25/10/2013	15/10/2015	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental, Strata
25/10/2011	24/10/2013	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental, Strata
05/08/2011	24/10/2011	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental, Strata
25/10/2009	05/08/2011	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental, Strata
25/10/2007	24/10/2009	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental, Strata
09/02/2006	24/10/2007	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental, Strata
25/10/2005	09/02/2006	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental
25/10/2003	24/10/2005	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental
25/10/2001	24/10/2003	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental
25/10/1999	24/10/2001	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental
01/02/1999	24/10/1999	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental
25/10/1997	01/02/1999	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental
25/10/1995	24/10/1997	Amex Sunrich Realty (X025048)	Brokerage	Trading, Rental

5. On June 4, 2015, the Council received a complaint from the owner of a rental property located on Melville Street, Vancouver, BC (the “Property”). The complaint alleged among other things that the she had not been provided with a complete copy of the Property’s rental management records.
6. On November 20, 2010, the Brokerage and owner signed a management contract for managing the rental/leasing activities of the Property. The rental property manager was NC, a licensee with the Brokerage.

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

7. On or about February 18, 2014, NC's licence with the Brokerage was terminated and RC, another licensee with the Brokerage, became the new rental property manager of the Property.
8. On or about August 27, 2014, the complainant stated that she provided a 30 day termination notice to RC at the Brokerage, but did not receive a response from RC.
9. On October 9, 2014, the complainant stated she provided a second 30 day termination notice to RC at the Brokerage but did not receive a response from RC.
10. On June 19, 2015, the complainant sent a third 30 day termination notice to the attention of RC and Ms. Ma. At all relevant times, Ms. Ma, in addition to being the office manager at the Brokerage was also licensed as a representative in trading services.
11. The termination notice sent on June 19, 2015 was acknowledged and on or about July 28, 2015, RC and the complainant met with the tenants at the Property to sign a Property Management Services Transfer.
12. On or about November 6, 2015, the complainant was provided with rental records for the Property for the period 2013 to 2015. The complainant sent an email to the Brokerage requesting the rental records for the period between 2010 and 2013, which were still outstanding.
13. RC stated to Council staff that upon receipt of the termination from the complainant, he provided her with all copies of the rental records, including tenancy agreements, notices to the tenants and inspection reports. RC further stated that he was unable to locate the rental records for the Property for the period between 2010 and 2013.
14. Mr. Kwong, the managing broker, stated to Council staff that NC, the former rental property manager, kept some records at her home without his permission. He stated that although he tried to contact her in 2013 to have the records returned, he was unsuccessful. He also stated that he told Ms. Ma to follow up with NC.
15. Mr. Kwong also stated that he suffered a stroke in October 2013 and "authorized Ms. Ma to act on his behalf" because he was not able to return to work for a month. He further stated that Ms. Ma kept him informed about the Brokerage's business while he was away and was fully aware of the complainant's concerns.
16. Ms. Ma, stated to Council staff that when Mr. Kwong suffered a stroke in October 2013 she "got the authorization from Louis Kwong to assist him on his behalf to supervise the [Brokerage's] property management service".
17. Ms. Ma also stated she met with NC in January 2014 and was not able to secure the return of all rental property management records to the Brokerage.

## AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

18. Council staff contacted NC who stated she is not in possession of any of the Brokerage's rental property management records because she returned all records, documents and keys to the Brokerage.
19. At all relevant times, the Brokerage had another managing broker, who was licensed in trading services and rental property management.
20. Mr. Kwong, as managing broker, has a previous discipline history with the Council as follows:
  - A. June 11, 2015, consent order for committing professional misconduct within the meaning of section 35(1)(a) of RESA in that he:

### File #11-112

- contravened section 6(2)(c) of RESA and sections 3-1(1)(b) and 3-1(3)(a) of the Rules, in that he permitted the release of trust monies, in the amount of \$30,262.27, from the trust account to the general account of the brokerage without the written agreement of the parties as required by section 30(2)(b) of RESA;

### File #12-284

- contravened section 6(2)(c) of RESA and sections 3-1(1)(a) and (b) and sections 3-1(3)(a) and (b) of the Council Rules in that he failed to ensure that the brokerage maintained proper and up to date books, accounts and other records as required by section 25 of RESA;
- contravened sections 21(1)(a) and 35(1)(f) of RESA, by failing to comply with a Consent Order dated June 13, 2012 which suspended his license for seven (7) days, from August 8, 2012 to August 14, 2012, and by failing to immediately cease holding himself out as a licensee in that:
  - (I) on August 9, 2012, he was listed in the brokerage's website at [www.amexsunridge.com](http://www.amexsunridge.com);
  - (II) on August 9, 2012, he was referenced to a property listing (MLS F1206813) at [www.propertyfinders.ca](http://www.propertyfinders.ca); and
  - (III) on August 12, 2012, he was referenced as "The Witty Realtor" at [www.twitter.com](http://www.twitter.com).

### File #13-408

- contravened section 6(2)(b) and (c) of RESA and sections 3-1(1)(a) and (b) and 3-1(3)(a) of the Council Rules:
  - i. by failing to ensure that the brokerage kept proper books, accounts and other records in accordance with section 25 of RESA; and

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

- ii. by failing to ensure that licensees who were providing rental property management services were remunerated from either the trust account or commission trust account of the brokerage rather than from the general operating account.

On files 11-112, 12-284 and 13-408, it was ordered that Mr. Kwong's managing broker's license be cancelled within 90 days and that he not apply for licensing as a managing broker for a period of three (3) years; he be immediately eligible to be licensed as an associate broker; as a condition of relicensing as a managing broker, successfully complete the Broker's Licensing Course and pass the Broker's Licensing Examination; and pay enforcement expenses.

- B. June 13, 2012 consent order for committing professional misconduct within the meaning of section 35(1)(a) of RESA in that he contravened sections 3-1(1)(a) and (b) and sections 3-1(3)(a) and (b) of the Council Rules in that he:
  - i. failed to ensure that the brokerage maintained proper and up to date books, accounts and other records as required by section 25 of RESA, and sections 8-2 and 8-3 of the Council Rules;
  - ii. failed to ensure that the brokerage provided the said complainants, no later than six weeks after the end of the month for which the statement under the required subsection was issued, a copy of that statement and the monthly reconciliation referred to in section 8-2(b) of the Council Rules in relation to that statement;
  - iii. failed to ensure that the brokerage acted only within the scope of authority, given by the strata, as required by section 3-3(1)(c) of the Council Rules in that:
    - (a) the brokerage refunded prepaid amounts for units 202, 204, and 206 without having first sought the strata's approval;
    - (b) the brokerage filed a T2 for the year ending July 31, 2007, on behalf of the strata without their review and approval;
    - (c) the brokerage continued to withdraw on behalf of the strata through automatic withdrawal system, strata fees from strata lot owners bank accounts for the months of March 2009 and April 2009 even though the brokerage's written services agreement with the strata corporation had ended February 28, 2009;
  - iv. failed to ensure that the brokerage provided the records belonging to the complainants as requested by the complainants by the February 28, 2009, the date that was four weeks following the date of termination as required by section 8-7.1(4) of the Council Rules;



**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

- v. failed to ensure that the complainants were provided financial statements and bank reconciliations in a timely fashion, as required by section 7-9(7)(b) of the Council Rules; and
- vi. failed to ensure that the brokerage's written service agreement, for the provision of strata management services, included the following clauses as required by sections 5-1(5.1)(a) through (f) of the Council Rules:
  - (a) an indication of where the brokerage will be holding one or more of (i) contingency reserve fund money, (ii) operating fund money, (iii) special levy money, (iv) other amounts, on behalf of the brokerage;
  - (b) any authority under section 30(1)(g) of the RESA for the brokerage to transfer amounts (i) between the brokerage trust accounts maintained under section 7-9(2) of the Council Rules for the strata corporation, or (ii) from such a brokerage trust account under section 7-9(2)(a) of the Rules to a pooled trust account from one or more strata corporations;
  - (c) the scope of authority of the brokerage or a related licensee when acting on behalf of the strata corporation, including any authority to (i) sign cheques or make disbursements on behalf of the strata corporation, (ii) enter into contracts on behalf of the strata corporation, and (iii) invest money held by the brokerage on behalf of the strata corporation;
  - (d) the timing, frequency and nature of accounting statements and other records to be provided by the brokerage to the strata corporation, in addition to those required to be provided under section 7-9(7) of the Rules;
  - (e) a description of the records that are to be kept by the brokerage on behalf of the strata corporation, including an indication of which, if any, of the records required under section 35 of the *Strata Property Act* that the brokerage will retain on behalf of the strata corporation;
  - (f) provision respecting the use and disclosure of information respecting the strata corporation, including the use and disclosure of personal information respecting the owners who are the members of the strata corporation; and
- vii. failed to ensure that a licensee with his brokerage, was licensed to conduct strata management services before she performed those services.

It was ordered that Mr. Kwong's managing broker's license be suspended for seven (7) days but he was immediately eligible to be licensed as an associate broker or representative; his brokerage was to be re-audited by the Council at his expense, after

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

six months and Mr. Kwong was to complete the Stata Management Remedial Education Course and pay enforcement expenses.

21. The Brokerage has a previous discipline history with the Council as follows:

- June 11, 2015 consent order for committing professional misconduct within the meaning of section 35(1)(a) of RESA in that it:

File #11-112

- contravened section 30(2)(b) of RESA in that it transferred the sum of \$30,262.27 from the brokerage trust account to the brokerage general account without a written agreement of the parties to the said transaction;

File #12-284

- contravened section 25 of RESA in that it failed to maintain proper books, accounts and other records as identified in an office and records inspection report by the Council dated January 3, 2013;

File #13-408

- contravened section 25 of RESA by failing to maintain proper books, accounts and other records as identified in office and records inspection reports dated October 21, 2013 and June 16, 2014; and
- contravened section 31 of RESA by paying remuneration to its licensees providing rental property management services directly from the general account from the brokerage instead of from its commission trust account.

On files 11-112, 12-284 and 13-408 it was ordered that the Brokerage be reprimanded; pay a discipline penalty in the amount of \$2,500; pay audit inspection costs in the amount of \$1,425; provide the Council with monthly trust account reconciliations and any documents requested by the Council; pay for any further inspections by the Council within 90 days; and pay enforcement expenses.

- On September 14, 2011, the Brokerage entered into a consent order for committing professional misconduct within the meaning of section 35(1)(a) of RESA in that it:
  - a. allowed Mr. [REDACTED] during the suspension period to continue to advertise his services on behalf of the brokerage on his personal website and continued to advertise his services on the brokerage website, contrary to section 3(1)(a), 7(5)(a), 20, 21(1)(a) and 35(1)(a) of the RESA,;
  - b. failed to monitor Mr. [REDACTED] compliance with the terms of his suspension in that both Mr. [REDACTED] personal website and the brokerage's website were continuing to

## AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

advertise Mr. [REDACTED] as a licensee providing real estate services on behalf of the brokerage despite the fact that his licence expired on March 29, 2010 and his licence was otherwise suspended effective from May 19, 2010 to July 17, 2010, contrary to sections 7(5)(a), 20, 21(1)(a) and 35(1)(a) of the RESA.

- It was ordered that the Brokerage be reprimanded and pay enforcement expenses.

### C. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Louis Man Kam Kwong and Sunrich Realty Ltd. dba Amex Sunrich Realty (the "Brokerage") are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:

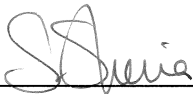
- a. Louis Man Kam Kwong committed professional misconduct within the meaning of section 35(1)(a) of the RESA, in his role as managing broker for the Brokerage, by not having control and conduct of the Brokerage's real estate business, including supervision of its licensed representatives who were providing property rental management services to the owners of the Property, in that he:
  - i. failed to ensure that rental property management records for the Property, as identified in section 8-6 of the Rules, between 2010 and 2013, were retained by the Brokerage;
  - ii. failed to provide the owner of the Property with rental property management records for period between 2010 and 2013, upon request of the owner, and no later than four (4) weeks following the date of termination of the service agreement; and
  - iii. delegated his managing broker responsibilities in rental property management to a licensee who was only licensed in trading services when there was another managing broker at the Brokerage who was licensed in both trading services and rental property management services,

contrary to sections 6(2) of the RESA and 3-1(1) of the Rules.

- b. The Brokerage committed professional misconduct within the meaning of section 35(1)(a) of the RESA, in that it:
  - i. failed to retain rental property management records for the Property, as identified in section 8-6 of the Rules between 2010 and 2013, contrary to section 8-6(1), 8-6(2) and 8-10 of the Rules; and
  - ii. failed to provide the owner upon request, with rental property management records for the period between 2010 and 2013, contrary to section 8-6(3) and 8-6(4) of the Rules.

**AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

2. Mr. Kwong and the Brokerage hereby waive their right to appeal pursuant to section 54 of the RESA.
3. Mr. Kwong and the Brokerage acknowledge that they have a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Mr. Kwong and the Brokerage acknowledge and are aware that the Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on the Council's website, and on CanLII, a website for legal research.
5. Mr. Kwong and the Brokerage 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 this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.
5. The Agreed Statement of Facts and Proposed Acceptance of Findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding of any kind.



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Sabinder Sheina, Legal Counsel  
Real Estate Council of British Columbia

As to Part B only (Agreed Statement of Facts)

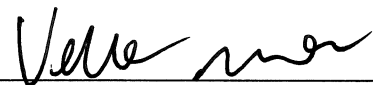
Dated 2 day of June, 2017



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Louis Man Kam Kwong

As to Parts A, B and C (proposed penalty, Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver)

Dated 1 day of June, 2017



\_\_\_\_\_  
Keke Ma on behalf of Sunrich Realty Ltd. dba Amex Sunrich Realty

As to Parts A, B and C (proposed penalty, Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver)

Dated 1 day of June, 2017