

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

AND

IN THE MATTER OF

**CONG (ERIC) LI
(169658)**

AND

**ERIC C. LI PERSONAL REAL ESTATE CORPORATION
(169658PC)**

CONSENT ORDER

RESPONDENT: Cong (Eric) Li, Representative, 0929423
BC Ltd. dba Royal First Realty,
Eric C. Li Personal Real Estate
Corporation

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
K. Khoo
S. Sidhu
T. Styffe

ALSO PRESENT: E. Seeley, Acting Executive Officer
G. Thiele, Director, Legal Services
Esther Jeon, 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 Cong (Eric) Li, on his own behalf and on behalf of Eric C. Li Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by the Council and by Cong (Eric) Li, on his own behalf and on behalf of Eric C. Li Personal Real Estate Corporation.

NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Cong (Eric) Li and Eric C. 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. Cong (Eric) Li and Eric C. Li Personal Real Estate Corporation each be reprimanded;
2. Cong (Eric) Li and Eric C. Li Personal Real Estate Corporation be jointly and severally liable to 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. Cong (Eric) Li, at his 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
4. Cong (Eric) Li and Eric C. 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 Cong (Eric) Li or Eric C. 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 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*
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IN THE MATTER OF

**CONG (ERIC) LI
(169658)**

AND

**ERIC C. LI PERSONAL REAL ESTATE CORPORATION
(169658PC)**

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

The following agreement has been reached between Cong (Eric) Li ("Mr. Li"), Eric C. Li Personal Real Estate Corporation ("Eric C. Li PREC") and the Real Estate Council of British Columbia ("Council").

- A. Mr. Li, on his own behalf and on behalf of Eric C. Li PREC, hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (RESA) that:
 - a. they each be reprimanded;
 - b. they be jointly and severally liable to pay to the Council a discipline penalty in the amount of \$2,500 within ninety (90) days from the date of this Order;
 - c. at his own expense, Mr. Li shall register for and successfully complete the Real Estate Trading Services Remedial Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia within the time period as directed by the Council;
 - d. they 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 this Order; and
 - e. if they 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. Li and Eric C. Li PREC acknowledge and agree that the facts set forth herein are correct:
 - 1. Mr. Li was at all relevant times licensed as a representative with 0929423 BC Ltd. dba Royal First Realty.

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

Start Date	End Date	Brokerage	Licence Level	Licence Category
25/11/2016	Present	0929423 BC Ltd. dba Royal First Realty (X030377)	Representative	Trading
18/05/2016	24/11/2016	0929423 BC Ltd. dba Royal First Realty (X030377)	Representative	Trading
25/11/2014	18/05/2016	0929423 BC Ltd. dba Royal First Realty (X030377)	Representative	Trading

3. Mr. Li became licensed as Eric C. Li PREC on May 18, 2016, following the incident which gave rise to this complaint.
4. This matter relates to the conduct of Mr. Li while acting on behalf of the buyer (the "Buyer") in the purchase of a property located at [REDACTED], Richmond, B.C. (the "Property").
5. On June 9, 2015, the Buyer submitted an offer to purchase the Property which was subject-free and provided for a deposit of \$100,000, payable within 24 hours of acceptance.
6. There were several counter-offers between the sellers of the Property (the "Sellers") and the Buyer flowing from the original offer.
7. On June 27, 2015, the Sellers and the Buyer reached an agreement with respect to a contract of purchase and sale (the "Contract") which, among other terms, set out that a deposit of \$100,000 was payable "within one business day".
8. As June 27, 2015 was a Saturday, the \$100,000 deposit was due Monday, June 29, 2015 by midnight.
9. Mr. Li says that on June 29, 2015, the Sellers and the Buyer had a disagreement with respect to the completion and possession dates, causing the Buyer to withhold the deposit even though she had a bank draft for \$100,000 in hand.
10. On June 30, 2015, Mr. Li received an electronic copy of the \$100,000 bank draft from the Buyer. Mr. Li then sent the copy of the bank draft to the listing agent by text and gave the impression that he will submit the deposit into the brokerage trust account for the purposes of the sale. Mr. Li says his intention was to convey a message to the listing agent that *"if all goes well, I will deposit the bank draft"*.
11. Mr. Li believed that the Buyer was ready to submit the deposit to the brokerage trust account. However, instead of delivering the bank draft to Mr. Li, the Buyer returned the bank draft to her account and advised Mr. Li that she will submit the deposit when there is an agreement with respect to the completion and possession dates.
12. From about June 30, 2015 to about July 6, 2015, the Sellers and the Buyer continued to negotiate the completion and possession dates.

13. On July 7, 2015, the Sellers and the Buyer reached an agreement with respect to the completion and possession dates. An addendum to the Contract was signed by the parties to reflect the new dates.
14. On July 7, 2015, a \$100,000 deposit was received in trust, and an addendum to the Contract was signed by the Sellers and the Buyer confirming same.
15. On July 7, 2015, Mr. Li delivered a copy of the Contract to the brokerage.
16. On or about August 28, 2015, the transaction closed without incident.
17. Mr. Li says that when the Buyer did not submit the deposit when due, he sought the advice of his managing broker, Y.S., on how to deal with late deposits.
18. Y.S. says he was not aware of this transaction until the Contract and its addenda were submitted to the brokerage on July 7, 2015. Y.S. recalls that sometime before July 7, 2015, Mr. Li sought his advice on how to handle late deposits generally but he did not discuss the specifics of this transaction. Y.S. instructed Mr. Li that clients should always be advised to submit deposits on time and if they are late in doing so, they should be advised to seek legal advice on the potential risks associated with late deposits. Y.S. also advised Mr. Li that an addendum should be prepared and executed in order to "*keep the deal alive*". Mr. Li did as instructed.
19. Mr. Li says this transaction was his first deal as a licensee.
20. Mr. Li does not have a prior discipline history with the Council.

C. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts herein, and without making any admission of liability, Mr. Li, on his own behalf and on behalf of Eric Li PREC is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
 - (a) Mr. Li, as a representative of Royal First Realty, committed professional misconduct within the meaning of section 35(1)(a) of the RESA while representing the Buyer in the purchase of the Property. In particular:
 - (i) contrary to section 3-4 of the Rules, he failed to act with reasonable care and skill when he sent a copy of the Buyer's bank draft to the listing agent and gave the impression that he will submit the deposit into the brokerage trust account, when in fact he did not have the bank draft in hand and the Buyer was not prepared to submit the deposit due to ongoing disagreement with respect to the completion and possession dates;
 - (ii) contrary to section 3-2(1)(b) of the Rules, he failed to promptly provide the Contract to the brokerage; and

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

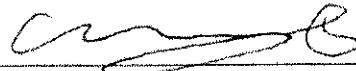
Page 4

(iii) contrary to section 3-2(2)(b) of the Rules, he failed to immediately notify his managing broker that the deposit was not received in accordance with the Contract.

2. Mr. Li and Eric C. Li PREC hereby waive their right to appeal pursuant to section 54 of the RESA.
3. Mr. Li and Eric C. Li PREC 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. Li and Eric C. Li PREC 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 CanLI, a website for legal research.
5. Mr. Li and Eric C. Li PREC 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.
6. 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.



Esther Jeon, Legal Counsel
Real Estate Council of British Columbia



Cong (Eric) Li on his own behalf and on behalf of
Eric C. Li Personal Real Estate Corporation

As to Part B only (Agreed Statement of Facts)

Dated 5th day of June, 2017

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

Dated 2 day of June, 2017