

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

AND

IN THE MATTER OF

MENELAOS ARTHUR PETROPOULOS-VARELIS
AKA MIKE HALLMARK
(154820)

AND

MIKE HALLMARK PERSONAL REAL ESTATE CORPORATION
(154820PC)

CONSENT ORDER

RESPONDENT: Menelaos Arthur Petropoulos-Varelis,
representative, Keller Williams Elite
Realty (Victoria), while licensed with
Camosun Properties Ltd. dba RE/MAX
Camosun

Mike Hallmark Personal Real Estate
Corporation

DATE OF REVIEW MEETING: February 22, 2017

DATE OF CONSENT ORDER: February 22, 2017

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Q.C., Chair
R. Gialloreto
S. Sidhu
L. Hyrcan
J. Daly

ALSO PRESENT: G. Thiele, Director, Legal Services
D. McKnight, Legal Counsel for the Real
Estate Council

PROCEEDINGS:

On February 22, 2017 the Consent Order Review Committee ("Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by

Menelaos Arthur Petropoulos-Varelis, on his own behalf and on behalf of Mike Hallmark Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Menelaos Arthur Petropoulos-Varelis, on his own behalf and on behalf of Mike Hallmark Personal Real Estate Corporation, and on behalf of the Council;

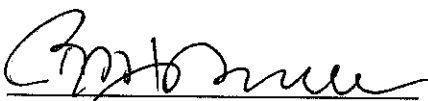
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Menelaos Arthur Petropoulos-Varelis committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Menelaos Arthur Petropoulos-Varelis and Mike Hallmark Personal Real Estate Corporation each be reprimanded;
2. Menelaos Arthur Petropoulos-Varelis and Mike Hallmark Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$3,000.00 within ninety (90) days of the date of this Order;
3. Menelaos Arthur Petropoulos-Varelis, at his own expense, shall 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 in the time period as directed by the Council; and
4. Menelaos Arthur Petropoulos-Varelis and Mike Hallmark 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 Menelaos Arthur Petropoulos-Varelis or Mike Hallmark 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 22nd day of February, 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

Attch.

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

AND

IN THE MATTER OF MENELAOS ARTHUR
PETROPOULOS-VARELIS AKA MIKE HALLMARK (154820)

AND

MIKE HALLMARK PERSONAL REAL ESTATE CORPORATION (154820PC)

AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTENCE OF FINDINGS AND WAIVER

The following agreement has been reached between Menelaos Arthur Petropoulis-Varelis AKA Mike Hallmark ("Mr. Hallmark") and Mike Hallmark Personal Real Estate Corporation and the Real Estate Council of British Columbia ("Council").

- A. Mr. Hallmark and Mike Hallmark Personal Real Estate Corporation hereby consent to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (the "Act") that they each be reprimanded and jointly and severally liable to pay a discipline penalty to Council in the amount of \$3,000.00 within ninety (90) days of the date of the Order herein.
- B. Mr. Hallmark and Mike Hallmark Personal Real Estate Corporation hereby consent to an Order made pursuant to sections 41 and 43 of the Act that they be jointly and severally liable to pay enforcement expenses of this Consent Order to Council in the amount of \$1,500.00 within sixty (60) days of this Order.
- C. Mr. Hallmark further consents that, at his own expense, he will register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business and the University of British Columbia within the time period as directed by Council.
- D. Mr. Hallmark and Mike Hallmark Personal Real Estate Corporation further consent to an Order that if they fail to comply with any of the terms of the Order as set out above, a Discipline Hearing Committee may suspend or cancel their licences without further notice to him pursuant to section 43(3) and 43(4) of the Act.
- E. As a basis for this Order, Mr. Hallmark and Mike Hallmark Personal Real Estate Corporation acknowledge and agree that the facts set forth herein are correct:
 1. Mr. Hallmark's licensing history is as follows:

MH

<u>Start Date</u>	<u>End Date</u>	<u>Brokerage</u>	<u>Licence Level</u>	<u>Licence Category</u>
09/30/2016	Present	Keller Williams Elite Realty (X032007)	Representative	Trading
09/30/2008	09/29/2016	Camosun Properties Ltd. Db RE/MAX Camosun (X000493)	Representative	Trading

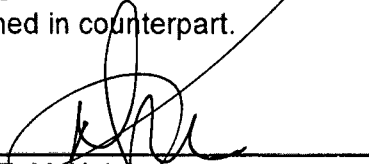
2. Mr. Hallmark became licensed as Mike Hallmark Personal Real Estate Corporation on September 4, 2015.
3. From September 30, 2008 until September 29, 2016, Mr. Hallmark was employed as a representative of Camosun Properties Ltd. Db RE/MAX Camosun (the "Brokerage").
4. Mr. Hallmark worked as a representative of the Brokerage under the business name Island House Sellers ("Island House"). Mr. H [REDACTED] also operated as a representative of the Brokerage under the business name Island House.
5. Mr. H [REDACTED] and Mr. Hallmark are related through marriage. Mr. H [REDACTED] is married to Mr. Hallmark's sister.
6. In April 2013, Mr. H [REDACTED] was acting as the agent of the seller in the sale of property located at [REDACTED] Aqua Court, Victoria, B.C. (the "Property").
7. The owner of the Property was a numbered company (the "No. Co."). An individual named D.B. was a director of the No. Co and was acting as the seller of the Property.
8. On June 16, 2013, D.B. entered into a Contract of Purchase and Sale with R.N. and Mr. Hallmark (the "Contract").
9. The Contract contained a Limited Dual Agency Agreement signed by D.B. and the buyer R.N. consenting to Mr. H [REDACTED] to act as a limited dual agent. As a representative of Island House, Mr. Hallmark was also implicitly acting as a dual agent.
10. As a representative of Island House, Mr. Hallmark was a designated agent of the seller, D.B.
11. The Exclusive Listing Contracts do not provide for a commission to be paid to a buyer's agent.
12. By email dated June 27, 2013, Mr. H [REDACTED]'s assistant confirmed that Mr. Hallmark is to receive 100% of the buyer's agent commission, 3% on the first \$100,000 and 1.5% on the balance.
13. A Disclosure of Interest in Trade, signed by D.B. disclosed that Mr. Hallmark was personally acquiring the Property and declares that Mr. Hallmark would receive

MAH

commission of \$6,975. This document was not submitted to the brokerage and does not contain the managing broker's signature as required.

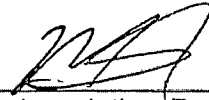
14. Mr. Hallmark says at the request of D.B., the parties signed a release and the deposit was returned to the buyer R.N. R.N. signed the release on July 4, 2015 and D.B. signed the release on July 23, 2013. The deposit was returned to D.B. on July 29, 2013.
 15. Mr. Hallmark says at the request of D.B., in July 2013, the parties signed a release agreement collapsing the transaction.
 16. Mr. Hallmark has no prior disciplinary history with Council.
- F. Proposed Acceptance of Findings and Waiver.
1. Based upon the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Mr. Hallmark is prepared to accept the following findings made against him by Council's Consent Order Review Committee, that he committed professional misconduct within the meaning of section 35(1) by contravening section 35(1)(a) of the Act, in that:
 - (a) In contravention of section 3-3(i) and section 3-3(j) of Council Rules, he failed to disclose a conflict of interest to all parties, when, as a member of Island House, he was acting as a limited dual agent for the seller and buyer and as a designated agent of the seller.
 2. Mr. Hallmark hereby waives his right to appeal pursuant to section 54 of the Act.
 3. Mr. Hallmark acknowledges that he has a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
 4. Mr. Hallmark acknowledges and is aware that Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on Council's website and on CanLII, a website for legal research.
 5. Mr. Hallmark acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the Act, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver and Consent Order. MH
 6. The Agreed Statement of Facts and Proposed Acceptance of Findings and Waiver contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. The Agreed Statement of Facts and Proposed Acceptance of Findings cannot be used in any other proceeding of any kind.

7. This Agreed Statement of Facts and Proposed Acceptance of Findings and Waiver may be signed in counterpart.



David T. McKnight,
Legal Counsel Real Estate Council
of British Columbia
As to Part E only (Agreed Statement of
Facts)

Dated: 17th day of February, 2017.



Menelaos Arthur Petropoulis-Varelis on
his own behalf and on behalf of Mike
Hallmark Personal Real Estate
Corporation As to Parts A, B, C, D, E an
F

(Agreed Statement of Facts, Proposed
Acceptance of Findings and Waiver)

Dated: 17th day of February, 2017.