

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

AND

IN THE MATTER OF

PERRY KEITH FREEMAN
(112362)

AND

PERRY FREEMAN PERSONAL REAL ESTATE CORPORATION
(112362PC)

CONSENT ORDER

RESPONDENT:	Perry Keith Freeman and Perry Freeman Personal Real Estate Corporation, associate broker, Colliers Macaulay Nicolls Inc. dba Colliers International Kelowna, while licensed as a managing broker with Centre Group Commercial Realty Ltd. dba Commercial Realty Colliers International Centre Group
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. Hrycan J. Daly
ALSO PRESENT:	G. Thiele, Director, Legal Services S. Sheina, 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 Perry Keith Freeman, on his own behalf and on behalf of Perry Freeman Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Perry Keith Freeman, on his own behalf and on behalf of Perry Freeman Personal Real Estate Corporation, and on behalf of the Council;

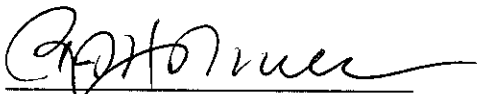
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Perry Keith Freeman committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that Perry Keith Freeman and Perry Freeman Personal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

1. each be reprimanded;
2. be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$1,500.00 within ninety (90) days of the date of this Order; and
3. 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 Perry Keith Freeman or Perry Freeman 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*
S.B.C. 2004, c. 42**

IN THE MATTER OF

**PERRY KEITH FREEMAN
(112362)**

AND

**PERRY FREEMAN PERSONAL REAL ESTATE CORPORATION
(112362PC)**

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

The following agreement has been reached between Perry Keith Freeman ("Mr. Freeman"), Perry Freeman Personal Real Estate Corporation and the Real Estate Council of British Columbia ("Council").

- A. Mr. Freeman and Perry Freeman Personal Real Estate Corporation hereby consent to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* ("RESA") that they each be reprimanded.
- B. Mr. Freeman and Perry Freeman Personal Real Estate Corporation also consent that they are jointly and severally liable to pay a discipline penalty to the Council in the amount of \$1,500 within ninety (90) days from the date of the Order herein.
- C. Mr. Freeman and Perry Freeman Personal Real Estate Corporation further consent that they are jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500.00 within sixty (60) days from the date of the Order herein.
- D. Further, Mr. Freeman and Perry Freeman Personal Real Estate Corporation consent to an Order that 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 his pursuant to section 43(3) and 43(4) of the RESA.
- E. As a basis for this Order, Mr. Freeman and Perry Freeman Personal Real Estate Corporation acknowledge and agree that the facts set forth herein are correct:
 1. At all relevant times, Mr. Freeman was licensed as the managing broker for Centre Group Commercial Realty Ltd. dba Colliers International Centre Group Commercial Realty ("Brokerage").

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

Start Date	End Date	Brokerage	Branch	Licence Level	Licence Category
13/09/2016	Present	Colliers Macaulay Nicolls Inc. (X033005)	Kelowna	Associate Broker	Trading, Rental, Strata
04/04/2016	13/09/2016	Centre Group Commercial Realty Ltd. (X024062)		Associate Broker	Trading, Rental, Strata
15/11/2005	04/04/2016	Centre Group Commercial Realty Ltd. (X024062)		Managing Broker	Trading, Rental, Strata
06/08/1996	15/11/2005	Centre Group Commercial Realty Ltd. (X024062)		Managing Broker	Trading, Rental
13/02/1995	06/08/1996	Centre Group Commercial Realty Ltd. (X024062)		Representative	Trading

3. Mr. Freeman became licensed as Perry Freeman Personal Real Estate Corporation on April 4, 2016.
4. On June 30, 2016, the Brokerage ceased to carry on business and its licence was terminated on September 13, 2016.
5. On or about September 16, 2010, MM, a licensee with the Brokerage incorporated a personal real estate corporation.
6. Mr. Freeman stated to Council in a letter dated July 23, 2015, as follows:
 - a. that the Independent Contractors Agreement with MM obligated MM to keep in good standing a valid Real Estate Licence, maintain his licence and comply fully at all times with all applicable laws and regulations, the code of ethics, and standards of practice of the appropriate real estate bodies;
 - b. that MM "advised us" that he had incorporated a personal real estate corporation in the fall of 2010;
 - c. that it was his understanding that MM had complied with all the requirements of incorporating and licensing a personal real estate corporation;
 - d. after MM advised that he was operating as a personal real estate corporation, he conducted his business in a fashion typical of that expected of a representative licensed as a personal real estate corporation; and
 - e. compensation was paid by the Brokerage to MM's personal real estate corporation for real estate services.
7. On or about March 28, 2012, MM renewed his representative license. MM's license renewal application was signed by Mr. Freeman in his role as a managing broker. A licensing application was not completed for MM's personal real estate corporation.
8. On or about March 28, 2014, MM again renewed his representative license. MM's licence renewal application was signed by an associate broker of the Brokerage, without Mr. Freeman's knowledge or authorization, since Mr. Freeman was out of

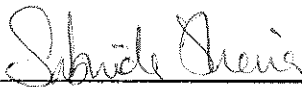
the office at the time. A licensing application was not completed for MM's personal real estate corporation.

9. On or about May 22, 2015, MM submitted an application to the Council to transfer his representative license and his personal real estate corporation to another brokerage. Council staff contacted MM the same day to inform him that his personal real estate corporation had never been licensed with the Council.
10. Mr. Freeman also stated to Council that he cannot explain why the contravention was not detected at the outset, "other than to say that the concept of incorporating and licensing [personal real estate corporations] was relatively new at that time."
11. On August 26, 2015, in response to Council staff's continuing investigation, Mr. Freeman stated :
 - a. that when he signed MM's application to renew his representative licence in March, 2012, he was unaware that the individual and personal real estate corporation licences had to be renewed together (i.e. same expiry dates);
 - b. he assumed that MM would present him with a license renewal application for his personal real estate corporation for his signature at a later date; and
 - c. that he was not "totally familiar with [personal real estate corporation's] licensing procedures in 2012" and MM was one of the first people at the Brokerage to incorporate a personal real estate corporation.
12. In March, 2014, when MM renewed his representative licence, Mr. Freeman states he "was much more familiar with the licensing policies and procedures for personal real estate corporation by that time" and he would have "picked up on the problem" and become aware of the contravention had he not been out of the office.
13. Mr. Freeman and Perry Freeman Personal Real Estate Corporation have no prior discipline history with the Council.

F. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Mr. Freeman and Perry Freeman Personal Real Estate Corporation are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - a) Mr. Freeman committed professional misconduct within the meaning of section 35(1)(a) of the RESA between September 16, 2010 and May 22, 2015, when:
 - (i) Mr. Freeman, as managing broker for the Brokerage, paid remuneration to an unlicensed personal real estate corporation for real estate services provided on behalf of the Brokerage, contrary to section 6-1 of the Rules; and

- (ii) Mr. Freeman, failed to verify that the unlicensed personal real estate corporation was in compliance with the licensing requirements of the RESA, during which time the unlicensed personal real estate corporation was providing real estate services for which it was being remunerated, contrary to section 6(2) of the RESA and 3-1(1) and 3-1(3)(b) of the Rules.
2. Mr. Freeman and Perry Freeman Personal Real Estate Corporation hereby waive their right to appeal pursuant to section 54 of the RESA.
 3. Mr. Freeman and Perry Freeman Personal Real Estate Corporation 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. Freeman and Perry Freeman Personal Real Estate Corporation 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. Freeman and Perry Freeman Personal Real Estate Corporation 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 civil proceedings.



**Sabinder Sheina, Legal Counsel
Real Estate Council of British Columbia**

**As to Part E only (Agreed Statement
of Facts)**

Dated 3 day of February, 2017



**Perry Keith Freeman on his behalf and on
behalf of Perry Freeman Personal
Real Estate Corporation**

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

Dated 3 day of February, 2017