

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

IN THE MATTER OF

**RICHARD CHARLES PETERSEN
(011752)**

AND

**ACTION REALTY (1991) INC. dba RE/MAX ACTION REALTY
(X022075)**

CONSENT ORDER

RESPONDENT: Richard Charles Petersen, Managing
Broker, Action Realty (1991) Inc. dba
RE/MAX Action Realty

Action Realty (1991) Inc. dba
RE/MAX Action Realty, Brokerage

DATE OF REVIEW MEETING: December 8, 2016

DATE OF CONSENT ORDER: December 8, 2016

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Chair
S. Heath
G. Martin
M. Leslie
K. Khoo

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

PROCEEDINGS:

On December 8, 2016 the Consent Order Review Committee (the "Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Richard Charles Petersen, and Action Realty (1991) Inc. dba RE/MAX Action Realty.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Richard Charles Petersen, Action Realty (1991) Inc. dba RE/MAX Action Realty and on behalf of the Council;

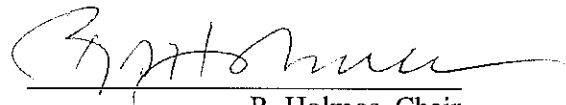
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Richard Charles Petersen, and Action Realty (1991) Inc. dba RE/MAX Action Realty committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that Richard Charles Petersen, and Action Realty (1991) Inc. dba RE/MAX Action Realty:

1. each be reprimanded;
2. be jointly and severally liable to pay a discipline penalty in the amount of \$5,000.00 to the Council within ninety (90) days from the date of this Order;
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 Richard Charles Petersen Richard Charles Petersen, and Action Realty (1991) Inc. dba RE/MAX Action Realty fail 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 8th day of December, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



R. Holmes, 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

**RICHARD CHARLES PETERSEN
(011752)**

AND

**ACTION REALTY (1991) INC. dba RE/MAX ACTION REALTY
(X022075)**

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

The following agreement has been reached between Richard Charles Petersen ("Mr. Petersen"), Action Realty (1991) Inc. dba RE/MAX Action Realty (the "Brokerage") and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Petersen and the Brokerage 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. Petersen and the Brokerage consent to be jointly and severally liable to pay a discipline penalty in the amount of \$5,000 to the Council within ninety (90) days from the date of the Order herein.
- C. Mr. Petersen and the Brokerage consent to be 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. Petersen and the Brokerage consent 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 licence without further notice to them pursuant to section 43(3) and 43(4) of the RESA.
- E. As a basis for this Order, Mr. Petersen and the Brokerage acknowledge and agree that the facts set forth herein are correct:
 - 1. Mr. Petersen 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. Petersen's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Action Realty (1991) Inc. dba RE/MAX Action Realty (X022075)	Managing Broker	Trading, Rental	23/03/1993	Present
Action Realty (1991) Inc. dba RE/MAX Action Realty (X022075)	Associate Broker	Trading, Rental	14/04/1992	23/03/1993
Energy Realty Ltd. dba Century 21 Energy Realty (X014557)	Managing Broker	Trading, Rental	12/03/1990	13/04/1992
Energy Realty Ltd. dba Century 21 Energy Realty (X014557)	Associate Broker	Trading, Rental	19/06/1989	12/03/1990
Energy Realty Ltd. dba Century 21 Energy Realty (X014557)	Representative	Trading, Rental	19/06/1985	18/06/1989
Jones Realty Corp. (X001697)	Representative	Trading, Rental	27/07/1981	19/06/1985

3. The Brokerage's licensing history is as follows

Brokerage	Licence Level	Licence Category	Start Date	End Date
Action Realty (1991) Inc. dba RE/MAX Action Realty (X022075)	Brokerage	Trading, Rental	04/07/1991	Present

4. On September 30, 2011, LT transferred her license as a representative to the Brokerage.
5. On August 4, 2010, LT had incorporated a Personal Real Estate Corporation, under the Business Corporation Act. However, LT had not licenced her Personal Real Estate Corporation with the Council as required by its legislation.
6. LT stated to Council staff that she had operated her Personal Real Estate Corporation since its incorporation in August 2010. LT further stated she was not aware she was required to licence her Personal Real Estate Corporation with the Council.
7. In response to Council's investigation, on August 29, 2014, the Brokerage provided LT's payroll summary that revealed the Brokerage had paid commissions to LT in the name of her unlicensed Personal Real Estate Corporation.
8. Mr. Petersen stated that when LT transferred to his Brokerage he was aware that she had a Personal Real Estate Corporation. He mistakenly assumed that she had registered it with the Council.
9. Mr. Petersen advised that he has reviewed the procedure of licensing Personal Real Estate Corporations with his Brokerage staff and licensees to ensure the error does not re-occur in the future
10. The owner of the Brokerage stated to Council that the Brokerage now has a system in place so that the situation does not occur again.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

11. Mr. Petersen has a prior discipline history with the Council as follows:
- a) 05-434 Consent Order dated September 11, 2006 for contravening section 3-1(3)(b) of the Rules for failing to ensure that an Accountant's Report was filed with the Council. Mr. Petersen was reprimanded and ordered jointly and severally liable to pay enforcement expenses.
 - b) 12-457 Consent Order dated December 13, 2013 for contravening section 6(2)(b) of the RESA by failing to fulfill his responsibilities as managing broker and section 3-1(1)(a), (b) and 3-1(3) of the Rules for failing to ensure that an Accountant's Report was filed with the Council. Mr. Petersen was reprimanded and ordered jointly and severally liable to pay a \$1,000 discipline penalty as well as enforcement expenses.
 - c) 12-458 Consent Order dated June 17, 2014 for contravening section 6(2)(b) of the RESA by failing to fulfill his responsibilities as managing broker and section 3-1(1)(a), (b) and 3-1(3) of the Rules for failing to ensure that an Accountant's Report was filed with the Council. Mr. Petersen was reprimanded, ordered to pay a \$1,000 discipline penalty and enforcement expenses.
 - d) 12-236 Consent Order dated June 25, 2014 for contravening sections 6(2)(c) of the RESA and section 3-1(a)(c) of the Rules for failing to be actively engaged in the management of the brokerage and ensure an adequate level of supervision was in place for representatives who performed duties on behalf of the brokerage by delegating his responsibilities to a licensee who was not licensed as a managing broker which resulted in him not knowing that a transaction had collapsed and that the sellers were not advised that the keys had been given to the buyer by the licensee and that the buyer had taken possession of the property. Mr. Petersen was reprimanded and ordered to pay a discipline penalty in the amount of \$1,000, complete the Broker's Remedial Education Course and pay enforcement expenses.
12. The Brokerage has a prior discipline history with the Council as follows:
- a) 05-434 Consent Order dated September 11, 2006 for contravening section 7-7(1)(b) of the Rules for failing to file an Accountant's Report with the Council. The Brokerage was reprimanded and ordered jointly and severally liable to pay enforcement expenses.
 - b) 12-457 Consent Order dated December 13, 2013 for contravening section 7-7(1)(b) of the Rules for failing to file an Accountant's Report with the Council. The Brokerage was reprimanded and ordered jointly and severally liable to pay a \$1,000 in discipline penalty as well as enforcement expenses.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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. Petersen and the Brokerage are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - a) Mr. Petersen and the Brokerage committed professional misconduct within the meaning of section 35(1)(a) of the RESA between September 30, 2011 and August 26, 2014, when:
 - (i) Mr. Petersen, 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 7(3)(b) of the RESA and section 6-1 of the Rules;
 - (ii) Mr. Petersen failed to verify that the unlicensed Personal Real Estate Corporation was in compliance with the licensing requirements of the RESA, during which time it was providing real estate services for which it was being remunerated, contrary to his responsibilities pursuant to section 6(2) of the RESA and 3-1(1) and 3-1(3)(b) of the Rules; and
 - (iii) The Brokerage provided real estate services by a Personal Real Estate Corporation that was not licensed in relation to and engaged by the Brokerage, contrary to section 7(5)(a) of the RESA.
2. Mr. Petersen and the Brokerage hereby waive their right to appeal pursuant to section 54 of the RESA.
3. Mr. Petersen 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. Petersen 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. Petersen 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.

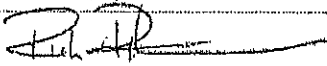
AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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.


Sabinder Sheina, Legal Counsel
Real Estate Council of British Columbia

As to Part E only (Agreed Statement of Facts)

Dated 30 day of November, 2016


Richard Charles Petersen on his behalf and
on behalf of Action Realty (1991) Inc. dba
RE/MAX Action Realty

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

Dated 30 day of November, 2016