

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

**IN THE MATTER OF
IN THE MATTER OF LANNA LEA TUCKER
(155579)**

AND

**LANNA TUCKER PERSONAL REAL ESTATE CORPORATION
(155579PC)**

CONSENT ORDER

RESPONDENT:

Lanna Lea Tucker, Lanna Tucker
Personal Real Estate Corporation,
Representative, Energy Realty Ltd.
dba Century 21 Energy Realty

also while licensed as a
Representative with Action Realty
(1991) Inc. dba RE/MAX Action
Realty

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 Lanna Lea Tucker and Lanna Tucker Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Lanna Lea Tucker, Lanna Tucker Personal Real Estate Corporation and on behalf of the Council;

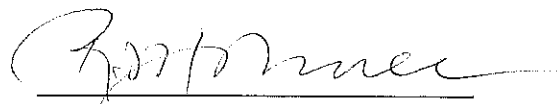
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Lanna Lea Tucker and Lanna Tucker Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders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

1. each be reprimanded;
2. be jointly and severally liable to pay a discipline penalty in the amount of \$4,500.00 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 Lanna Lea Tucker and Lanna Tucker Personal Real Estate Corporation 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

**IN THE MATTER OF LANNA LEA TUCKER
(155579)**

AND

**LANNA TUCKER PERSONAL REAL ESTATE CORPORATION
(155579PC)**

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

The following agreement has been reached between Lanna Lea Tucker ("Ms. Tucker"), Lanna Tucker Personal Real Estate Corporation and the Real Estate Council of British Columbia (the "Council").

- A. Ms. Tucker and Lanna Tucker 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. Ms. Tucker and Lanna Tucker Personal Real Estate Corporation consent to be jointly and severally liable to pay a discipline penalty in the amount of \$4,500.00 to the Council within ninety (90) days from the date of the Order herein
- C. Ms. Tucker and Lanna Tucker Personal Real Estate Corporation 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, Ms. Tucker and Lanna Tucker Personal Real Estate Corporation 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 licences without further notice to her pursuant to section 43(3) and 43(4) of the RESA.
- E. As a basis for this Order, Ms. Tucker and Lanna Tucker Personal Real Estate Corporation acknowledge and agree that the facts set forth herein are correct:
 1. Ms. Tucker was at all relevant times licensed as a representative with Energy Realty Ltd. dba Century 21 Energy Realty ("Century 21") and then with Action Realty (1991) Inc. dba RE/MAX Action Realty ("RE/MAX").

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

2. Ms. Tucker's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Energy Realty Ltd. dba Century 21 Energy Realty (X014557)	Representative	Trading	10/08/2016	Present
Action Realty (1991) Inc. dba RE/MAX Action Realty (X022075)	Representative	Trading	30/09/2011	09/08/2016
Energy Realty Ltd. dba Century 21 Energy Realty (X014557)	Representative	Trading	02/02/2010	30/09/2011
*** Unlicensed ***			01/09/2009	01/02/2010
Action Realty (1991) Inc. dba RE/MAX Action Realty (X022075)	Representative	Trading	26/08/2008	31/08/2009

3. Lanna Tucker Personal Real Estate Corporation's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Lanna Tucker Personal Real Estate Corporation (155579PC)	Personal Real Estate Corporation	Trading	26/08/2014	Present

- On February 2, 2010, Ms. Tucker transferred her license to Century 21.
- On August 4, 2010, Lanna Tucker Personal Real Estate Corporation was incorporated under the *Business Corporation Act*.
- On September 30, 2011, Ms. Tucker transferred her license from Century 21 to RE/MAX. There was no reference to her Personal Real Estate Corporation on her transfer application dated September 29, 2011.
- On July 3, 2012, Ms. Tucker submitted an Application for License Renewal to the Council. On Part B of the application, under the section that asks licensees to state "name other than your legal name (e.g. nickname, hyphenated last name) that you intend to use for advertising purposes, if any", Ms. Tucker wrote Lanna Tucker Personal Real Estate Corporation.
- On August 14, 2012, licensing staff left Ms. Tucker a voicemail advising that she could not use Lanna Tucker Personal Real Estate Corporation until it had been licensed with the Council. Ms. Tucker's license was renewed in her individual capacity as a licensee.
- On July 18, 2014, Ms. Tucker submitted her Application for License Renewal and signed the credit card payment section as Lanna Tucker, Lanna Tucker Personal Real Estate. Ms. Tucker's application was renewed in her individual capacity as a licensee.
- The Council's licensing department forwarded the file to the compliance department for

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

further investigation.

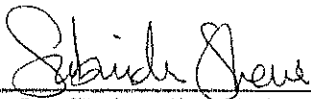
11. On August 29, 2014, in response to the Council's investigation, RE/MAX provided Ms. Tucker's payroll summary that revealed Ms. Tucker had been paid commissions in the name of Lanna Tucker Personal Real Estate Corporation.
12. On June 10, 2015, in response to the Council's investigation, Century 21 provided Ms. Tucker's payroll summary that revealed Ms. Tucker has been paid commissions in the name of Lanna Tucker Personal Real Estate Corporation.
13. On April 15, 2015, in a written response to Council's investigation, Ms. Tucker stated that she had been operating her Personal Real Estate Corporation since she incorporated it in August 2010 and was not aware that she needed to take additional steps to licence her Personal Real Estate Corporation with the Council.
14. Ms. Tucker states that she did not receive any communication or correspondence from Council in August 2012 letting her know that she could not use Lanna Tucker Personal Real Estate Corporation.
14. Ms. Tucker further stated that unbeknownst to her, Lanna Tucker Personal Real Estate Corporation was dissolved on January 28, 2013 because her accountant, who was managing her business correspondence, fled the country. Ms. Tucker retained a lawyer in order to restore her corporation under the *Business Corporation Act* and manage it "to prevent anything like this happening again."
15. Ms. Tucker also stated that she was not trying to carry on her business in a dishonest or malicious way but that this was "an innocent mistake" of what was required for her to operate her corporation.
16. Ms. Tucker has no prior discipline history with the Council.

E. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Lanna Lea Tucker and Lanna Tucker Personal Real Estate Corporation are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - (a) Lanna Lea Tucker and Lanna Tucker Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the RESA between August 4, 2010 and August 26, 2014, by providing real estate services and accepting remuneration through Lanna Tucker Personal Real Estate Corporation during which time Lanna Tucker Personal Real Estate Corporation was not licensed with the Council, contrary to sections 3(1)(a) and 7(3)(a) of the RESA.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

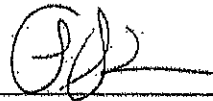
2. Ms. Tucker and Lanna Tucker Personal Real Estate Corporation hereby waive their right to appeal pursuant to section 54 of the RESA.
3. Ms. Tucker and Lanna Tucker Personal Real Estate Corporation acknowledge that they have a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Ms. Tucker and Lanna Tucker 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. Ms. Tucker and Lanna Tucker 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 other proceeding of any kind.



Sabinder Sheina, Legal Counsel
Real Estate Council of British Columbia

As to Part D only (Agreed Statement of Facts)

Dated 28 day of November, 2016



Lanna Lea Tucker on her behalf and on behalf of Lanna Tucker Personal Real Estate Corporation

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

Dated 28 day of NOVEMBER, 2016