

File # 12-537

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

IN THE MATTER OF

XIN (SELENA) LI
(165108)

CONSENT ORDER

RESPONDENT: Xin (Selena) Li, Representative,
Regent Park Realty Inc.

DATE OF REVIEW MEETING: August 31, 2016

DATE OF CONSENT ORDER: August 31, 2016

CONSENT ORDER REVIEW COMMITTEE: D. Fimrite, Chair
M. Leslie
T. O'Grady

ALSO PRESENT: R.O. Fawcett, Executive Officer
G. Thiele, Director, Legal Services
S. Sheina, Legal Counsel for the Real
Estate Council

PROCEEDINGS:

On August 31, 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 Xin (Selena) Li.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Xin (Selena) Li and on behalf of the Council;

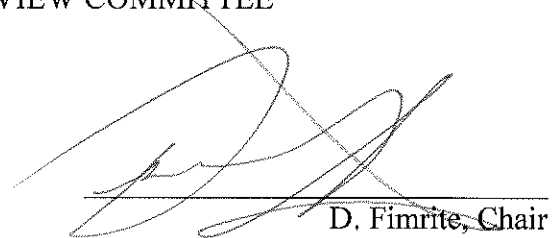
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Xin (Selena) Li committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that :

1. Xin (Selena) Li's licence be suspended for seven (7) months;
2. Xin (Selena) Li pay a discipline penalty to the Council in the amount of \$10,000.00 within ninety (90) days of the date of this Order;
3. Xin (Selena) Li, at her own expense, 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;
4. Xin (Selena) Li 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 this Order.

If Xin (Selena) Li fails to comply with any term of this Order, the Council may suspend or cancel her licence without further notice to her, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 31st day of August, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



D. Fimrite, 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

XIN (SELENA) LI
(165108)

AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Xin (Selena) Li ("Ms. Li") and the Real Estate Council of British Columbia (the "Council").

- A. Ms. Li hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* ("RESA") that she be suspended for seven (7) months.
- B. Ms. Li consents to pay a discipline penalty to the Council in the amount of \$10,000 within ninety (90) days of the Order.
- C. Ms. Li further agrees to, at her own expense, 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 within the time period as directed by the Council.
- D. Ms. Li further consents 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.
- E. Further, Ms. Li consents to an Order that if she fails to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel her licence without further notice to her pursuant to section 43(3) and 43(4) of the RESA.
- F. As a basis for this Order, Ms. Li acknowledges and agrees that the facts set forth herein are correct:
 - 1. Ms. Li was at all relevant times licensed as a representative in trading services with Regent Park Realty Inc. (the "Brokerage").
 - 2. Ms. Li's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
2012/09/14	Present	Regent Park Realty Inc.	Representative	Trading

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BACKGROUND

1. [REDACTED] was incorporated on October 9, 2012. A Notice of Change of Directors was filed on December 10, 2012 naming FN and JT as the new directors. The office address was [REDACTED], Richmond, BC.
2. [REDACTED] was incorporated on November 28, 2012. The registered office address was [REDACTED] Richmond, BC. The directors were FN and JT.
3. [REDACTED] dissolved on March 31, 2014.
4. A real estate advertising website called www.vanfun.com, which is predominantly in Chinese, allows the public to search MLS listings, open houses, showing appointment information and buyers and sellers agents. The website, www.vanfun.com, advertised its address as [REDACTED], Richmond BC.
5. [REDACTED], also known as vanfun.com, is a Chinese company's website which cooperated with [REDACTED]
6. [REDACTED], FN and JT are not presently licensed and have never been licensed in British Columbia to provide real estate services.

FACTS

7. On June 18, 2013, a complaint was filed by a licensee about Ms. Li's involvement with an unlicensed entity known as [REDACTED]
8. Between February 5, 2013 and July 3, 2013, Ms. Li was employed by [REDACTED] as a customer investment representative. She was paid \$2,000 every month.
9. Ms. Li stated in a letter to Council dated August 28, 2013, that her duties included:
 - (i) "Assist the manager to develop clients especially clients in China;
 - (ii) collect market information and promote our advantage spaces;
 - (iii) Promptly and positively reply the enquiry from clients to get more business;
 - (iv) Follow up the service and ensure every case operated smoothly
 - (v) Timely update the clients information;
 - (vi) Coordinating to solve the customer consultation, complaints and disputes".
10. About a month after she started working for [REDACTED], Ms. Li stated that the company referred some clients to her because they knew she was a licensee. In return, Ms. Li agreed to give [REDACTED] a 90% referral fee.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

11. On February 27, 2013, Ms. Li prepared a contract of purchase and sale ("Contract") for a property on Livingston Place in Richmond, on behalf of a buyer who had been referred to her by [REDACTED].
12. Attached to the Contract was a "Disclosure of Referral Fee Paid" form dated March 10, 2013 and signed by the buyer, that stated Ms. Li's Brokerage would pay a referral fee in the amount of 90% to [REDACTED].
13. After Ms. Li submitted the Contract to her Brokerage, DD, the managing broker of Regent Park Realty Inc. at the time, asked to meet with her. DD stated in a letter to Council dated August 26, 2013, that the reason for calling the meeting was to review the unusual amount of the referral fee.
14. DD stated to Council that Ms. Li told him that [REDACTED] was an investment company and that she was employed by them as an office worker. DD stated he advised Ms. Li, that in his view the referral fee was very high and that she must make sure that the referral was for a client name only and that [REDACTED] was not doing anything that would be construed as acting as a licensed realtor.
15. DD stated that he told Ms. Li that she should rethink the referral fee structure and make sure [REDACTED] was just making client introductions.
16. Between February 27, 2013 and June 10, 2013, Ms. Li wrote contracts of purchase and sale for clients, who were referred to her by [REDACTED], on the following eight properties:
 - (i) February 27, 2013 Livingston Place, Richmond
 - (ii) March 13, 2013 No. 3 Road, Richmond
 - (iii) March 28, 2013 Westminster Highway, Richmond
 - (iv) April 1, 2013 Demorest Drive, Richmond
 - (v) April 2, 2013 No. 2 Road, Richmond
 - (vi) April 3, 2013 McLure Avenue, Richmond
 - (vii) June 1, 2013 Selkirk Street, Vancouver
 - (viii) June 10, 2013 Lawson Drive, Richmond
17. The paperwork for each of the above eight properties included a completed Disclosure of Referral Fee Paid form which indicated 90% of the commission would be paid to [REDACTED].
18. The transactions completed for all eight properties listed above in paragraph 16.
19. Ms. Li's Brokerage directly paid to [REDACTED], referral fees in the amount of 90% of the commission that was earned on each of the above transactions. The total amount of referral fees that the Brokerage paid to [REDACTED] was \$83,001.64.
20. Ms. Li stated to Council that she made it very clear to the referred clients from [REDACTED] that she was licensed with Regent Park Realty, that she conducted most

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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of the showings, made all the representations and prepared all offers with respect to the eight properties.

21. On or about June 20, 2013, the Real Estate Board of Greater Vancouver contacted DD to inform him that Ms. Li appeared on a website called vanfun.com which they were investigating for publishing proprietary MLS data.
22. Printouts of vanfun.com advertising identified Ms. Li as part of the Vanfun Real Estate Team. The advertising included a biography of Ms. Li, her photograph and title of "professional real estate consultant".
23. At some date after June 2013, Ms. Li met with DD and told him she had not given her MLS access code to anyone at [REDACTED] and had nothing to do with the website or its contents. DD stated that he advised Ms. Li to resign from [REDACTED] and on July 3, 2013, Ms. Li resigned her position with [REDACTED].
24. Ms. Li stated to Council that she was not in control of [REDACTED] advertising and did not know until early to mid June 2013, that [REDACTED] was advertising her picture and name on the vanfun.com website as a real estate consultant.
25. Ms. Li further stated in her letter to Council dated August 28, 2013, that when she learned about the advertising, she realized that [REDACTED] was "providing illegal real estate services to the client and mislead the clients that all the listings on the website were from their own. And they also made brochure which showed that they can return money to the client in order to compete unreasonably".
26. Ms. Li stated that while she was working at [REDACTED], two other licensees, who she can identify by name, were also cooperating with [REDACTED]. She stated that "unlicensed individuals" from [REDACTED] would find properties for clients, make appointments with the seller's realtors, show the properties and explain the advantages and disadvantages. The licensees would then be responsible for making offers and negotiating the price. She also stated that the unlicensed individuals were paid \$2,000 per month and received between 2-5% after the deals were completed.
27. Ms. Li has fully cooperated with Council in the course of the investigation and has agreed to further assist the Council in matters where she has personal knowledge and information regarding [REDACTED].

G. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Xin (Selena) Li is prepared to accept the following findings if made against her by the Council's Consent Order Review Committee:
 - (a) she committed professional misconduct within the meaning of section 35(1)(a) of the RESA, in that, she :

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

- i. paid remuneration in the form of referral fees to [REDACTED] who were engaged in the business of soliciting clients for the purpose of offering real estate services. In particular, she paid 90% of her commission to [REDACTED] for clients they referred to her in order to close transactions for properties located on Livingstone Place, No. 3 Road, Westminster Highway, Demorest Drive, No. 2 Road, McLure Avenue, and Lawson Drive, in Richmond, BC and Selkirk Street in Vancouver, BC, contrary to section 6-1(1) of the Council Rules;
 - ii. provided real estate services other than on behalf of the brokerage in relation to which she was licensed when she provided real estate services on behalf of clients of [REDACTED], for properties located on Livingstone Place, No. 3 Road, Westminster Highway, Demorest Drive, No. 2 Road, McLure Avenue, and Lawson Drive, in Richmond, BC and Selkirk Street in Vancouver, BC, contrary to section 7(3)(a) of the RESA; and
 - iii. engaged in conduct unbecoming a licensee when she encouraged unlicensed activity by providing real estate services to [REDACTED] and paid remuneration to them in the form of referral fees, contrary to section 35(2) of the RESA.
2. Ms. Li waives her right to appeal pursuant to section 54 of the RESA.
3. Ms. Li acknowledges that she has a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Ms. Li acknowledges and is 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. Li acknowledges and is 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.

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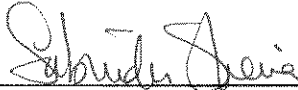
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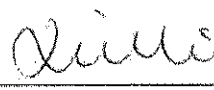
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AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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



Xin (Selena) Li

As to Part F only (Agreed Statement of Facts)

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

Dated 8 day of August, 2016

Dated 15 day of July, 2016