

File # 14-308

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

IN THE MATTER OF
ROBERT QUINN LEE
(102404)

AND

ROBERT Q. LEE PERSONAL REAL ESTATE CORPORATION
(102404PC)

CONSENT ORDER

RESPONDENTS:	Robert Quinn Lee, Representative, One Percent Realty Ltd. Robert Q. Lee Personal Real Estate Corporation, One Percent Realty Ltd.
DATE OF REVIEW MEETING:	May 26, 2016
DATE OF CONSENT ORDER:	June 3, 2016
CONSENT ORDER REVIEW COMMITTEE:	C. Brown M. Leslie S. McGougan J. Nagy, Chair
ALSO PRESENT:	R.O. Fawcett, Executive Officer G. Thiele, Director, Legal Services J. Millerd, Legal Counsel for the Real Estate Council
PROCEEDINGS:	

On May 26, 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 Robert Quinn Lee and Robert Q. Lee Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Robert Quinn Lee, Robert Q. Lee 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 Robert Quinn Lee and Robert Q. Lee Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. The licences of Robert Quinn Lee and Robert Q. Lee Personal Real Estate Corporation be suspended for fourteen (14) days;
2. Robert Quinn Lee and Robert Q. Lee Personal Real Estate Corporation 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 this Order.

If Robert Quinn Lee or Robert Q. Lee 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 3rd day of June, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



J. Nagy, 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

**ROBERT QUINN LEE
(102404)**

AND

**ROBERT Q. LEE PERSONAL REAL ESTATE CORPORATION
(102404PC)**

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

The following agreement has been reached between Robert Quinn Lee ("Mr. Lee"), Robert Q. Lee Personal Real Estate Corporation and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Lee and Robert Q. Lee Personal Real Estate Corporation hereby consent to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that their licences be suspended for fourteen (14) days. Further, they agree 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. Further, Mr. Lee and Robert Q. Lee Personal Real Estate Corporation consents 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 them pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- B. As a basis for this Order, Mr. Lee and Robert Q. Lee Personal Real Estate Corporation acknowledge and agree that the facts set forth herein are correct:
1. Mr. Lee was at all relevant times licensed as a representative with One Percent Realty Ltd.
 2. Mr. Lee's licensing history is as follows:

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

Start Date	End Date	Brokerage	Licence Level	Licence Category
08/09/2003	Present	One Percent Realty Ltd. (X026835)	Representative	Trading, Rental
17/12/1998	08/09/2003	Royal Pacific Realty (Kingsway) Ltd. (X025459)	Representative	Trading, Rental
11/12/1998	16/12/1998	*** Unlicensed ***	N/A	N/A
02/07/1998	10/12/1998	Royal Pacific Realty (Kingsway) Ltd. (X025459)	Representative	Trading, Rental
28/06/1996	02/07/1998	Regent Park Fairchild Realty Inc. (Bby) (X022925)	Representative	Trading, Rental
30/08/1994	28/06/1996	Sutton Group Excel Realty Corp. (X017609)	Representative	Trading, Rental
11/12/1992	30/08/1994	Sutton Centre Realty Ltd. dba Sutton Centre Realty (X021249)	Representative	Trading, Rental

3. Mr. Lee became licensed as Robert Q. Lee Personal Real Estate Corporation on January 6, 2012.
4. This matter concerns Mr. Lee's conduct while acting as the listing representative for the seller of a property located on East 61st Avenue in Vancouver, British Columbia (the "Property").
5. On or about May 2, 2014, Mr. Lee received a call from another licensee, D.B. According to Mr. Lee, D.B. indicated that he may be writing an offer, and that he would be seeking his full commission. Mr. Lee states that D.B. further advised he was aware Mr. Lee's listing agreement did not provide for such a commission. Mr. Lee says that in accordance with his usual practice, he invited D.B. to forward the offer, including the request for additional commission, following which Mr. Lee would discuss the offer with his seller.
6. On or about May 5, 2014 Mr. Lee received another call from D.B., who advised that he had a written offer to purchase the Property.
7. Mr. Lee informed D.B. that the seller requested all offers by way of email or fax. D.B. did not forward an offer, provide any further information or contact Mr. Lee for the duration of that day.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

8. Later on the same day Mr. Lee received a call from a buyer who had previously written an offer on the Property which had not been accepted by the seller. Mr. Lee agreed to write a new offer for the buyer, but did not offer the buyer any agency.
9. On or about May 6, 2014 at approximately 11:00 a.m. Mr. Lee met with the seller who accepted the offer prepared by Mr. Lee (the "First Offer"), the details of which were as follows:

Purchase Price \$760,000
Deposit \$35,000 (24 hours after acceptance)
Completion: June 19, 2014
No Subject offer
10. Mr. Lee did not advise the seller prior to the seller accepting the First Offer that another offer could be coming in from D.B.'s buyer.
11. On or about May 6, 2014 at approximately 2:46 p.m. Mr. Lee received D.B.'s buyer's offer via email. Details of that offer ("D.B.'s Offer") were as follows:

Purchase Price \$750,000
Deposit: \$35,000 (24 hours after subject removal)
Completion: June 27, 2014
Subjects included: verifying a coach house could be built on the property, approving the title, approving the Property Disclosure Statement
12. Mr. Lee acknowledges that he should have informed D.B. that the seller had already accepted the First Offer.
13. On or about May 6, 2014 at approximately 9:06 p.m. Mr. Lee advised D.B. that D.B.'s Offer had been rejected by the seller based on the price, subjects, and a request for additional commission.
14. On May 7, 2014 Mr. Lee contacted D.B. and apologized to him for not being upfront with him, and advised him that the seller had accepted the First Offer before Mr. Lee received D.B.'s Offer.
15. On or about May 24, 2014, D.B.'s managing broker filed a complaint against Mr. Lee to the Real Estate Board of Greater Vancouver (the "Board") complaining that Mr. Lee did not disclose that there was another offer on the subject property.
16. On or about November 7, 2014 Mr. Lee signed a Consent Order with the Board wherein he admitted that he advised D.B. that the seller had rejected D.B.'s Offer, when in fact Mr. Lee had never presented that offer to the seller.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

17. Mr. Lee was required to pay a fine of \$10,000 to the Board within thirty (30) days of the Order and pay costs to the Board in the amount of \$2,000 and he was further required to complete CPE courses, Acting for Buyers and Sellers; Offering Agency to Demonstrate Realtor value and Multiple Offers.
18. On or about January 16, 2015 the Board forwarded the complaint to the Council.
19. Mr. Lee states that this was a very stressful period in his life as his first cousin (who was also his life-long best friend) was passing away due to terminal cancer. Mr. Lee was actively involved in caring for his cousin at his home in Nainaimo in his final weeks, and believes he was distracted by the stress and pressure of his duties in that regard at the time of the incident in question. Mr. Lee's cousin succumbed to his illness the week after the above-described events, on May 15, 2014. Mr. Lee deeply regrets the errors he made in this transaction and has been forthright and contrite in dealing with the Council.
20. Mr. Lee does not have a disciplinary record with the Council.

C. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Robert Quinn Lee, and Robert Q. Lee Personal Real Estate Corporation are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - (a) Robert Quinn Lee and Robert Q. Lee Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that, while acting as representative for the seller of the Property:
 - a. contrary to section 3-4 of the Council Rules, he failed to act honestly and with reasonable care and skill when he led another licensee to believe that the licensee's buyer's offer dated May 6, 2014 with respect to the subject property had been presented to the seller and rejected, when in fact that offer had never been presented to the seller; and
 - b. contrary to sections 3-3(a) and 3-3(f) of the Council Rules, he failed to disclose to his seller client prior to the seller accepting an offer that another licensee had indicated that his client wished to present an offer.
2. Mr. Lee and Robert Q. Lee Personal Real Estate Corporation hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER


3. Mr. Lee and Robert Q. Lee 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. Lee and Robert Q. Lee 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. Lee and Robert Q. Lee Personal Real Estate Corporation acknowledge and are aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the *Real Estate Services Act*, 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.



**Jennifer Millerd, Legal Counsel
Real Estate Council of British Columbia**

As to Part B only (Agreed Statement of Facts)

Dated 25 day of April, 2016



**Robert Quinn Lee on his behalf and
on behalf of Robert Q. Lee Personal Real
Estate Corporation**

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

Dated 22 day of April, 2016