



Real Estate Council of Ontario

DISCIPLINE DECISION

**IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE
*REAL ESTATE AND BUSINESS BROKERS ACT, 2002, S.O. 2002, c. 30, Sch. C***

BETWEEN:

REGISTRAR UNDER THE *REAL ESTATE AND BUSINESS BROKERS ACT, 2002*

- AND -

HOOKEUN SIMEON JO

Subject to Rule 4.02 of the Discipline and Appeals Committee Rules of Practice (*REBBA 2002*), I, the Chair of the Discipline Committee (*REBBA 2002*) have reviewed and considered the Agreed Statement of Facts and Recommended Penalty together with the Waiver of Hearing submitted by the Parties to this proceeding and provide the following Order:

DATE OF DECISION: February 10, 2010

FINDINGS: In violation of Sections 3 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$5,000.00 payable to RECO within 120 days of sending this decision.

Successful completion of the Course II course and provide RECO with confirmation of successful completion within 120 days of sending this decision.

WRITTEN REASONS:

REASONS FOR DECISION

INTRODUCTION

This matter proceeded on the basis of an Agreed Statement of Facts and Penalty and Waiver of Hearing, pursuant to Rule 4.02 of the Rules of Practice (*REBBA 2002*).

The Agreed Statement of Facts and Penalty read:

AGREED STATEMENT OF FACTS AND PENALTY

1. Mr. Hookeun Simeon Jo (“Jo”) is a Member of the Real Estate Council of Ontario (“RECO”) and registered as a salesperson pursuant to the Real Estate and Business Brokers Act (the “Act”).
2. At all material times, Jo was registered with Brokerage A in City A, Ontario.
3. Seller B (the “Complainant”), a consumer, listed her property located at 1-B Street, in City A, Ontario (the “property”), with Brokerage B, with a Salesperson by the name of Seller Representative B, who is also a Registrant under REBBA 2002.
4. Seller Representative B, at all material times, was registered with Brokerage B.
5. On or about February 21, 2008, RECO received a complaint from the Complainant regarding Jo.
6. The Complainant states that on or about February 6, 2008, Jo had a scheduled appointment for a buyer client of his to view the property at approximately 5pm that evening.
7. Upon her return to the property, which was about 6pm that evening, the Complainant noticed that several exterior doors were unlocked, including the garage door, front and patio doors. The lights and the fireplace had also been left on.
8. The Complainant went through the house to check the other rooms, and upon returning to the front foyer, encountered a gentleman coming up the stairs from the basement.
9. The Complainant made enquiries of the gentleman and discovered that he was waiting for his Salesperson to return, as he had left to deal with another matter.

The Complainant advised the gentleman that his appointment was for 5pm, and as it was now 6pm she wished him to leave.

10. The Complainant states that she was concerned for herself and the safety of herself and her property. She states that she called Seller Representative B to advise him of the situation, he in turn spoke with the gentleman, who then left the property.
11. Jo provided a reply to RECO on April 4, 2008, in which he stated that he was juggling two clients that day. Jo also states that he arrived late to the showing of the Complainants' property and the buyer client did not arrive until 5:40p.m.
12. Jo admitted that he left the buyer client alone in the Complainants' property, because his other clients needed his help on another matter and did not speak English.
13. Such other facts as may arise prior to the hearing and the Manager of Complaints, Compliance and Discipline may advise thereof.

It is alleged that Jo acted unprofessionally when he:

- A. Left a Buyer client in the midst of a scheduled showing, to attend to another client without consent of the seller or her sales representative, or without making alternate arrangements with another registrant from his Brokerage.
- B. Left said Buyer client alone in the property of a Seller, potentially exposing the Buyer client, and/or the Seller and/or the Seller's personal and real property, to the risk of harm and/or damage, and/or loss.

It is alleged that Jo has breached the following Regulations of the REBBA Code of Ethics:

Section 3 Fairness, Honestly, Etc.

A registrant shall treat every person the registrant deals with in the course of a trade in real estate fairly, honestly and with integrity.

Section 39 Unprofessional Conduct

A registrant shall not, in the course of trading in real estate, engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant.

AGREED PENALTY:

Mr. Jo

- a. be ordered to pay a penalty of \$5,000.00 within 120 days of the date of the Decision of the Discipline Committee and
- b. takes and successfully completes the Course II, and provide RECO with the confirmation of successful completion within 120 days of the date of the Decision of the Discipline Committee.

By initials below, I, Hookeun Simeon Jo, acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions.

[Respondent's Initials]

By initials below, I, Hookeun Simeon Jo, agree, understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

[Respondent's Initials]

By initials below, I, Hookeun Simeon Jo, acknowledge that I was aware of my right to be represented by Counsel or agent in this matter.

[Respondent's Initials]

By signature below the Parties agree, acknowledge, understand and consent to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.

[The Agreed Statement was duly signed by the Parties.]

DECISION OF THE CHAIR

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee (*REBBA 2002*) concluded that the Respondent breached Sections 3 and 39 of the *REBBA 2002* Code of Ethics. The Chair of the Discipline Committee (*REBBA 2002*) is also in agreement with the joint submission of the Parties as to penalty and accordingly makes the following order:

That Mr. Jo be ordered to:

- a. pay a penalty of \$5,000.00 within 120 days of the date of the Decision of the Discipline Committee and
- b. take and successfully complete the Course II (OREA) and provide RECO with the confirmation of successful completion within 120 days of the date of the Decision of the Discipline Committee.