



**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:

REAL ESTATE COUNCIL OF ONTARIO

- AND -

MOHAMMAD HESAM-ZADEH

DISCIPLINE DECISION AND REASONS FOR DECISION

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 Penalty together with the Waiver of Hearing submitted by the Parties to this proceeding and provide the following Order:

FINDINGS: In violation of Sections 3, 4, 5 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$2,500.00 payable to RECO on or before March 21, 2018.

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. Mohammad Hesam-Zadeh is registered to trade in real estate and at all material times was employed by Brokerage A, ("Hallmark"); a brokerage registered under the Act.

2. On or about September 1, 2016, RECO received a complaint regarding Mohammad Hesam-Zadeh's professional conduct, with respect to a showing on or about August 21, 2016. The complainants, Seller A and Seller B ("Complainant A"), were the sellers of a property municipally known as; 1-A Street, City A (the "Property").
3. On or about December 14, 2016, RECO received a second complaint regarding Mohammad Hesam-Zadeh's professional conduct, with respect to a showing scheduled on or about August 21, 2016. The complainants ("Complainant B") and his wife, were buyer's clients of Brokerage A, and were represented by Mohammad Hesam-Zadeh.
4. On or about August 21, 2016, Mohammad Hesam-Zadeh scheduled a showing at for Complainant B at the Property. The said showing was scheduled to commence at 4:15 p.m.
5. On or about August 21, 2016, Complainant B, and his wife, attended at the Property for the said showing.
6. On or about August 21, 2016, at 4:00 p.m., Complainant A was outside moving cars and preparing to vacate the Property. Complainant B approached Complainant A and asked if she was an owner of the Property. Complainant B informed that they were waiting for their representative, Mohammad Hesam-Zadeh, to attend a showing appointment.
7. On or about August 21, 2016, at 4:30 p.m., Complainant A returned to the Property to get a vehicle.
8. On or about August 21, 2016, at 4:30 p.m., Complainant A observed Complainant B enter the Property. Mohammad Hesam-Zadeh was not present at the time when Complainant B and his wife entered the Property.
9. Complainant A proceeded to call the police and take pictures of Complainant B and his wife. Complainant A also took pictures of Complainant B's vehicle license plate.
10. Complainant A witnessed Mohammad Hesam-Zadeh arrive at the Property after Complainant B and his wife had entered the Property.

11. Mohammad Hesam-Zadeh permitted unsupervised access to the Property without the consent of Complainant A and/or their agent, thereby breaching sections 3, 4, 5 and 39 of the Code of Ethics.

12. Such further and other particulars as may be disclosed at or in anticipation of a hearing in this matter.

AGREED PENALTY

MOHAMMAD HESAM-ZADEH, the Respondent, be ordered to pay a penalty of \$2,500.00 on or before March 21, 2018.

By initials below, I, MOHAMMAD HESAM-ZADEH, 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, MOHAMMAD HESAM-ZADEH, 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, MOHAMMAD HESAM-ZADEH, acknowledge that I exercised 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, 4, 5, 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:

1. MOHAMMAD HESAM-ZADEH is Ordered a fine of \$2,500.00 payable to RECO on or before March 21, 2018.

[Released: September 27, 2017]