



Real Estate Council of Ontario

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**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 -**

**AFSHIN NOOHI**

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**DISCIPLINE DECISION AND REASONS FOR DECISION**

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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:

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

**ORDER:** Fine of \$3,000.00 payable to RECO on or before July 31, 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. Noohi is a registered Broker under the Act, employed with Brokerage A and was so registered at all material times.
2. On July 24, 2016, Noohi had an appointment to view 1-A Street in City A (the "Property".) The appointment time was 1:00 p.m.

3. Due to a family emergency, Mr. Noohi provided his client with the lockbox code, in order that the showing would take place without Mr. Noohi being present.
4. At the conclusion of the showing, Mr. Noohi's clients were observed leaving the property alone, and unaccompanied by Mr. Noohi.
5. Noohi's conduct in this matter is in violation of sections 3 and 5 of the Code of Ethics, such that he provided his clients with a lock-box code and then allowed them to visit the Property unaccompanied by himself, or another registrant. Noohi failed to treat everyone in this transaction fairly, with honesty and with integrity, which is contrary to the Code of Ethics. Further, Noohi's conduct failed to demonstrate conscientious service to his clients, and further failed to demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

#### AGREED PENALTY

AFSHIN NOOHI, the Respondent, be ordered to pay a penalty of \$3,000.00 on or before July 31, 2018.

By initials below, I, AFSHIN NOOHI, 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, AFSHIN NOOHI, 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, AFSHIN NOOHI, 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 and 5 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. AFSHIN NOOHI is Ordered a Fine of \$3,000.00 payable to RECO on or before July 31, 2018.

*[Released: November 9, 2017]*