



**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 -

ALI MOGHTADERI also known as ADAM MOGHTADERI

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 5 and 39 of the <i>REBBA 2002</i> Code of Ethics.
ORDER:	Fine of \$6,000.00 payable to RECO on or before September 24, 2019.

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. At all times, Ali Moghtaderi, also known as Adam Moghtaderi (“Moghtaderi”), was employed by Brokerage A, a brokerage under the Act.
2. On or about March 26, 2018, Moghtaderi contacted Brokerage B to book a showing for a property located at 1-A Street, City A (the “Property”).

3. Moghtaderi was provided a showing time of 11:30 a.m. on March 26, 2018. The lock-box code was provided to Moghtaderi at this time.
4. At approximately 8:00 p.m. on March 26, 2018, Moghtaderi's buyer clients attended the Property where they met Individual A ("Individual A"), who proceeded to let them into the Property. Individual A introduced himself as the person responsible for taking care of the Property. Once inside, Individual A questioned if they were present with their agent and was advised at this time that they were in possession of the lock-box code and that Moghtaderi was running late.
5. Individual A decided to stay for the viewing as he was unsure when Moghtaderi would be arriving and felt uneasy about leaving four individuals alone in the Property.
6. At no time did Moghtaderi attend the viewing of the Property and/or re-schedule the showing as was originally scheduled for 11:30 a.m. on March 26, 2018.

Moghtaderi breached the following sections of the Code:

On or about March 26, 2018, Moghtaderi facilitated unauthorized access to the Property by providing the lock-box code to his clients, contrary to sections 5 and 39 of the Code of Ethics.

Conscientious and competent service, etc.

5. A registrant shall provide conscientious service to the registrant's clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

Unprofessional conduct, etc.

39. 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

ALI MOGHTADERI (aka ADAM MOGHTADERI), the Respondent, be ordered to pay a penalty of \$6,000.00 on or before September 24, 2019.

By initials below, I, ALI MOGHTADERI (aka ADAM MOGHTADERI), 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, ALI MOGHTADERI (aka ADAM MOGHTADERI), 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, ALI MOGHTADERI (aka ADAM MOGHTADERI), 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 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. ALI MOGHTADERI (aka ADAM MOGHTADERI) is Ordered a Fine of \$6,000.00 payable to RECO on or before September 24, 2019.

[Released: March 19, 2019]