



Real Estate Council of Ontario

**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 -

HENDRA IRIAWAN OEY (a.k.a. HENDRA OEY)

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 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$6,000.00 payable to RECO on or before April 30, 2020.

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. Hendra Iriawan Oey (“Oey”) is registered as a salesperson under the Real Estate and Business Brokers Act, 2002. Oey is employed at Brokerage A.

2. Representative A, the (“Complainant”) in this matter, was employed as a salesperson by Brokerage B. Representative A was retained as the Listing Agent for 1-A Street, City A (“the Property”).
3. A showing was requested by Oey to view the Property on October 11, 2018. A viewing time of 3:15 p.m. – 4:15 p.m. was provided as well as the lock-box code to enter the Property.
4. On October 11, 2018, at the scheduled viewing time, 2 females attended the Property and proceeded to let themselves in using the lock-box that was available. While they were inside, a business card for Oey was placed on the counter for Representative A to find on his return to the Property. It was later discovered that the 2 females were Oey’s wife and Oey’s client.

SUMMARY OF AGREEMENTS

It is agreed that Oey failed to comply with the Code of Ethics as follows:

1. Oey facilitated unauthorized access by allowing his wife and client access to the Property that he was not present at to supervise, contrary to Sections 3 and 39 of the Code of Ethics.

It is agreed that Oey failed to comply with the following sections of the Code of Ethics:

Fairness, honesty, etc.

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

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

HENDRA IRIAWAN OEY (a.k.a. HENDRA OEY), the Respondent, be ordered to pay a penalty of \$6,000.00 on or before April 30, 2020.

By initials below, I, HENDRA IRIAWAN OEY (a.k.a. HENDRA OEY), 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, HENDRA IRIAWAN OEY (a.k.a. HENDRA OEY), 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, HENDRA IRIAWAN OEY (a.k.a. HENDRA OEY), 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 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. HENDRA IRIAWAN OEY (a.k.a. HENDRA OEY) is Ordered a Fine of \$3,500.00 payable to RECO on or before November 21, 2020.

[Released: December 9,2019]