



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 -

YINGGANG YANG a.k.a. ERIC YANG

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, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$8,500.00 payable to RECO on or before March 29, 2019.

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. Yang is registered as a salesperson and employed by Brokerage B, a registered brokerage under the Act. He was, at the relevant time, employed by Brokerage A, a registered brokerage under the Act.

2. In or around January 2017, Complainant A and Complainant B (“Complainants”) retained Yang to assist them in purchasing a residential property. On or about March 1, 2017, the Complainants entered into a written buyer representation agreement with Buyer A on behalf of Brokerage A.

3. In or around February 2017, Yang started an electronic messenger conversation group between himself, the Complainants and his two assistants to keep a record of the Complainants’ house search. During the course of the electronic messenger conversation, Yang and his assistant, Individual A, based on Yang’s direction and/or authorization, disclosed the lockbox code for various properties directly to the Complainants. The lockbox code disclosures are summarized in the table below.

<u>Date and Time Lockbox Code Disclosed</u>	<u>Individual who Provided Lockbox Code</u>	<u>Property</u>	<u>Listing Brokerage</u>	<u>Showing Appointment Time</u>
February 27, 2017 1:51 p.m.	Yang	1-A Street, City A	Brokerage C	February 27, 2017 2:30 p.m.- 3:00 p.m.
		6-A Street, City C	Brokerage D	February 27, 2017 2:00 p.m.- 3:00 p.m.
February 28, 2017 10:04 a.m.	Individual A	3-A Street, City A	Brokerage E	February 28, 2017 10:30 a.m.- 11:30 p.m.
		7-A Street, City A	Brokerage F	February 28, 2017 11:00 a.m.- 11:30 a.m.
February 28, 2017 3:04 p.m.	Yang	3-A Street, City A	Brokerage E	March 1, 2017 4:00 p.m.- 5:00 p.m.
March 1, 2017 10:52 a.m.	Yang	8-A Street, City B	Brokerage G	March 1, 2017 2:00 p.m.- 3:00 p.m.
		1-A Street, City A	Brokerage H	March 1, 2017 2:00 p.m.- 3:00 p.m.
		2-A Street,	Brokerage I	March 1, 2017

		City B		2:00 p.m.- 3:00 p.m.
March 1, 2017 12:59 p.m.	Individual A	3-A Street, City A	Brokerage E	March 2, 2017 4:00 p.m.- 5:00 p.m.
		4-A Street, City A	Brokerage H	March 2, 2017 3:00 p.m.- 4:00 p.m.
		9-A Street, City D	Brokerage J	March 1, 2017 3:00 p.m.- 4:00 p.m.

4. Yang stated that he disclosed or allowed the lockbox codes to be disclosed to the Complainants because they were close family friends, with whom he had a longstanding relationship.
5. Yang took full responsibility for the disclosures and acknowledged that they should not have been made. He stated that he would take steps to ensure that any unregistered assistants under his supervision be trained with respect to the disclosure of confidential information.

SUMMARY OF AGREEMENTS

It is agreed that Yang:

6. Disclosed and/or caused, lockbox codes to be disclosed for several properties to unauthorized individuals, thereby providing the unauthorized individuals with the opportunity to enter and view the properties unsupervised, contrary to sections 3, 5, 38 and 39 of the Code of Ethics.

AGREED PENALTY

YINGGANG YANG a.k.a. ERIC YANG, the Respondent, be ordered to pay a penalty of \$8,500.00 on or before March 29, 2019.

By initials below, I, YINGGANG YANG a.k.a. ERIC YANG, 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, YINGGANG YANG a.k.a. ERIC YANG, 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, YINGGANG YANG a.k.a. ERIC YANG, 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, 5, 38 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. YINGGANG YANG a.k.a. ERIC YANG is Ordered a Fine of \$8,500.00 payable to RECO on or before March 29, 2019.

[Released: October 12, 2018]