



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 -**

**ANDRES MAURICIO RAMIREZ (trade name ANDRES RAMIREZ)**

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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 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$3,500.00 payable to RECO on or before December 31, 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**

It is agreed as follows:

1. Andres Mauricio Ramirez ("Ramirez") is registered as a salesperson under the Real Estate and Business Brokers Act, 2002. At all relevant times, Ramirez was employed at Brokerage A.

2. Representative A, the Complainant in this matter, was the Listing Salesperson and owner of a property located at 1-A Street, City A ("Property"). Representative A is employed by Brokerage B.
3. On or about July 19, 2019, Ramirez contacted Brokerage B to schedule a showing of the Property. Ramirez requested an appointment between the hours of 7:30 p.m. – 8:30 p.m. on July 20, 2019. The appointment was confirmed, and the lockbox code was provided to Ramirez by Brokerage B.
4. On July 20, 2019, at approximately 11:56 a.m., Representative A received a text message from a tenant who resided at the Property. The tenant advised that a group of people had arrived at the Property and let themselves in with the key from the lockbox. The tenant advised Representative A that none of the people who entered the property were a real estate salesperson.
5. The only appointment scheduled on July 20, 2019, was for Ramirez between 7.30 p.m. and 8.30 p.m.
6. Representative A contacted Ramirez directly to inquire if he had shown the Property before the scheduled time. Ramirez advised Representative A that he was not at the Property and that he would follow up with his clients regarding the incident later that evening during their scheduled showing.
7. Following the phone call, Ramirez sent a text message to Representative A stating that he had given his clients a photo of the listing of the Property along with the lockbox code and viewing instructions. Ramirez confirmed that his clients attended the Property without him before the scheduled appointment.

#### SUMMARY OF AGREEMENTS

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

- A. Ramirez facilitated unauthorized access to the property by providing his Clients the lockbox code and permitting his clients to attend the Property without a Salesperson during a time when there was no scheduled appointment for the Property, therefore violating Sections 3 and 39 of the Code of Ethics.

**It is agreed that Ramirez 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 with, in 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

ANDRES MAURICIO RAMIREZ (trade name ANDRES RAMIREZ), the Respondent, be ordered to pay a penalty of \$3,500.00 on or before December 31, 2020.

By initials below, I, ANDRES MAURICIO RAMIREZ (trade name ANDRES RAMIREZ), 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, ANDRES MAURICIO RAMIREZ (trade name ANDRES RAMIREZ), 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, ANDRES MAURICIO RAMIREZ (trade name ANDRES RAMIREZ), 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 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. ANDRES MAURICIO RAMIREZ (trade name ANDRES RAMIREZ), is Ordered a Fine of \$3,500.00 payable to RECO on or before December 31, 2020.

*[Released: June 23, 2020]*