



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 -**

**SERGIO ENRIQUE MEDRANO**

---

**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 4, 5 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$3,500.00 payable to RECO on or before October 16, 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. Sergio Enrique Medrano ("Medrano") is registered as a salesperson under the Real Estate and Business Brokers Act, 2002 ("Act"). At the time of the violation, Medrano was employed

at Brokerage A, a brokerage registered under the Act. Medrano is currently employed by Brokerage B.

2. On or about June 29, 2017, Medrano contacted Brokerage C to book two showings for a property located at 1-A Street, City A ("Property").
3. Medrano was provided two showing times of 7:00 p.m. to 7:30 p.m. and 7:30 p.m. to 8:00 p.m. on June 30, 2017.
4. The appointments were confirmed and the lockbox code was sent to Medrano on the same day.
5. On June 30, 2017, at approximately 11:30 a.m., the salesperson showing the Property, Representative A, attended the Property. There was no appointment scheduled at this time. When Representative A approached the front door he noticed the lockbox was open and the key was missing. He knocked and was greeted by a male at the door.
6. The male stated that he came to see the property. Representative A inquired if his salesperson was with him and was advised that the unidentified male was a real estate salesperson himself.
7. Representative A requested a business card from the unidentified male so he could check his credentials as there was no showings scheduled at this time. The unidentified male then advised that he was provided the lockbox code from Medrano and showed Representative A the text message confirming the same.
8. Further investigation conducted by RECO revealed that the unidentified male was Individual A, a client of Medrano.

#### SUMMARY OF AGREEMENTS

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

1. On or about June 30, 2017, Medrano facilitated unauthorized access to the Property by providing the lockbox code to his client, contrary to sections 4, 5 and 39 of the Code of Ethics, Ontario Regulation 580/05.

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

Best interests

4. A registrant shall promote and protect the best interests of the registrant's clients.

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

SERGIO ENRIQUE MEDRANO, the Respondent, be ordered to pay a penalty of \$3,500.00 on or before October 16, 2020.

By initials below, I, SERGIO ENRIQUE MEDRANO, 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, SERGIO ENRIQUE MEDRANO, 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, SERGIO ENRIQUE MEDRANO, 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 4, 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. SERGIO ENRIQUE MEDRANO is Ordered to Pay a Fine of \$3,500.00 to RECO on or before October 16, 2020.

*[Released: March 31, 2020]*