

**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 -

DONG-KWON SHIN (also known as MICHAEL SHIN)

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 \$ 7,500.00 payable to RECO on or before January 17, 2022.

Successful completion of the Real Estate Council of Ontario (RECO) “Compliance and Ethics in Real Estate, Part 2” course and provide RECO with confirmation of successful completion on or before January 17, 2022.

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. Dong-Kwon Shin also known as Michael Shin (“Shin”), who is registered as a salesperson under the Real Estate and Business Brokers Act, 2002 (“Act”).

2. Shin is employed by Brokerage A.
3. Representative A is a salesperson employed by Brokerage B. Representative A was the Seller's Representative for the Listing of a Property located at 1-A Street, City A ("Property") for Lease. The Property was currently tenanted and was noted by Representative A.
4. Individual A ("Tenant") was the tenant at the Property. He resided at the Property with his family and resided at Property while the Property was being marketed for Lease.
5. On or about February 25, 2020, Shin contacted Brokerage B to book a showing for the Property. He was provided a showing confirmation time for February 26, 2020 between the hours of 7:00 p.m. 7:30 p.m. to view the Property. He was also provided the lock-box code for the key at this time.
6. On February 26, 2020, during the scheduled showing time, the Tenant was on-site at the Property when a female came alone to the scheduled showing at approximately 7:20 p.m. She obtained the key from the lock-box in the lobby of the Property and proceeded to let herself in where she was greeted by the Tenant who asked if she was a "real estate agent" and her reply was "No".
7. The Tenant states that he let her in as he believed she could be a prospective tenant and proceeded to contact the listing salesperson, Representative A.
8. Representative A states that after the Tenant had contacted her regarding the incident, she attended the Property to change the lock-box code and advise both the landlord and the property management company of the unauthorized access by the unknown female.
9. Representative A also contacted Shin to inquire why he was not in attendance at the showing. Representative A states that Shin advised her that he had to go to his other job and sent his wife to take pictures as his client/prospective tenant was in Province A.
10. Shin did not receive any previous authorization to take pictures of the Property and/or authorization that it would be permissible to send his wife, Individual B (a non-registrant), while he was not in attendance.

SUMMARY OF AGREEMENTS

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

- A. Shin provided the lock-box code to a non-registrant and facilitated unauthorized access by a non-registrant, contrary to sections 3 and 39 of the Code of Ethics.
- B. Shin failed to obtain authorization from the Seller or Seller's Representative for permission to take pictures and/or video images of the interior of the Property, contrary to sections 3 and 39 of the Code of Ethics.

It is agreed that SHIN 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

DONG-KWON SHIN (also known as MICHAEL SHIN), the Respondent, be ordered to pay a penalty of \$7,500.00 on or before January 17, 2022.

In addition to the above penalty, the Respondent must enrol in the Compliance and Ethics in Real Estate, Part 2 provided by the Real Estate Council of Ontario (RECO), and provide proof of successful completion of the course on or before January 17, 2022.

By initials, I, DONG-KWON SHIN (also known as MICHAEL SHIN), 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, I, DONG-KWON SHIN (also known as MICHAEL SHIN), 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, I, DONG-KWON SHIN (also known as MICHAEL SHIN), acknowledge that I was aware of my right to be represented by Counsel or agent in this matter.

[Respondent's Initials]

By signature, 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. DONG-KWON SHIN (also known as MICHAEL SHIN) is Ordered a Fine of \$7,500.00 payable to RECO on or before January 17, 2022.
2. DONG-KWON SHIN (also known as MICHAEL SHIN) is Ordered to successfully complete the Real Estate Council of Ontario (RECO) "Compliance and Ethics in Real Estate, Part 2" course and provide RECO with confirmation of successful completion on or before January 17, 2022.

[Released: February 22, 2021]