



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 -

DAVID THANH HUE HUONG

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

ORDER: Fine of \$2,500.00 payable to RECO on or before September 29, 2017.

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. David Thanh Hue Huong is registered to trade in real estate as a broker under the Act and is employed by Brokerage A, a brokerage under the Act.
2. On or about June 17, 2016 between 7:30 p.m. and 8:30 p.m., Huong had a showing scheduled for his clients to view a property located at 1-A Street, City A (the "Property").

3. Prior to his clients attending the Property, Huong sent a text message containing the lock box code, as well as the address, to his clients. Huong states that this was an inadvertence but he was in a rush and forwarded the instruction text that was received by his brokerage with this confidential information.
4. Huong's clients arrived at the Property before Huong and let themselves in using the lock box code that was texted to them earlier. Huong was not present at the showing.
5. Huong permitted unsupervised access to the Property without the consent of the Seller and/or their agent, thereby breaching sections 3, 5 and 39 of the Code of Ethics.
6. Huong put the Seller's home potentially at risk by allowing a non-registrant unrestricted access to the home without supervision by a registrant, thereby breaching Sections 3, 5 and 39 of the Code of Ethics.
7. Huong put his clients at risk of liability, injury and/or loss by allowing an unsupervised visit to the Property, thereby breaching Sections 3, 5 and 39 of the Code of Ethics.

AGREED PENALTY

DAVID THANH HUE HUONG, the Respondent, be ordered to pay a penalty of \$2,500.00 on or before September 29, 2017.

By initials below, I, DAVID THANH HUE HUONG, 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, DAVID THANH HUE HUONG, 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, DAVID THANH HUE HUONG, 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, 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. DAVID THANH HUE HUONG is Ordered a Fine of \$2,500.00 payable to RECO on or before September 29, 2017.

[Released: April 13, 2017]