



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 -

GREG MANBECK

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, 24(1) and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$12,000.00 payable to RECO on or before April 18, 2018.

WRITTEN REASONS: *attached*

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. Greg Manbeck ("Manbeck") is and was at all relevant times, registered as a Salesperson.
2. Manbeck, at all relevant times, was employed by Brokerage A.

3. Manbeck, at all relevant times, acted as a listing Salesperson for a property municipally known as 1-A Crescent, City A (the "Property").
4. The "Complainant" is and was at all material times a registrant, representing his buyer clients.
5. On January 7, 2016, at or about 8:50 p.m., the Complainant submitted an offer (the "Complainant's Offer") to purchase the Property, on behalf of his buyer clients.
6. The Complainant's Offer was received in addition to others, thereby creating a multiple offer situation.
7. Manbeck represented the buyer in one of the competing offers.
8. The offer leading to the sale of the Property was signed and accepted by the sellers on January 7, 2016, (the "Sale Offer").
9. The offer leading to the sale of the property was signed and accepted by the sellers at approximately 9:30 p.m. to 10:00 p.m.
10. Manbeck represented both the buyer and seller in the Sale Offer and there was no commission reduction.
11. The sellers comments are as follows:

"I surely would have accepted the (Complainants Offer) should it have been presented – \$42,000 is a significantly better offer. I am very troubled that this offer came in on the 7th and it was never presented to us. The thing that amazes me is that we signed off on the Buyer A's offer (Sale Offer) on the 9th and the Buyers themselves signed on the 8th. I don't understand why the (Complainants Offer) wasn't presented as I was home during the period of the sale of my deceased mother's house. Knowing what we know now, I definitely feel that we were cheated out of a MUCH better offer."

12. Manbeck did not present the Complainant's Offer to the sellers, contrary to sections 3, 5, 24(1) and 38 of the Code.
13. Such further and other particulars as may be disclosed in anticipation of a hearing.

AGREED PENALTY

GREG MANBECK, the Respondent, be ordered to pay a penalty of \$12,000.00 on or before April 18, 2018.

By initials below, I, GREG MANBECK, 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, GREG MANBECK, 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, GREG MANBECK, 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, 24(1) and 38 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. GREG MANBECK is Ordered a Fine of \$12,000.00 payable to RECO on or before April 18, 2018.

[Released: February 28, 2018]