



File # 13-081

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
S.B.C. 2004, c. 42
AND

IN THE MATTER OF

XIAO MING (ALBAN) WANG
(158367)

AND

ALBAN WANG PERSONAL REAL ESTATE CORPORATION
(158367PC)

CONSENT ORDER

RESPONDENTS:

Xiao Ming (Alban) Wang,
Representative, Interlink Realty, while
licensed with Sunrich Realty Ltd. dba
Amex Sunrich Realty

DATE OF REVIEW MEETING:

July 7, 2016

DATE OF CONSENT ORDER:

July 19, 2016

CONSENT ORDER REVIEW COMMITTEE:

D. Fimrite
C. Lindberg
C. Squires, Chair

ALSO PRESENT:

G. Thiele, Director, Legal Services
S. Sheina, Legal Counsel for the Real
Estate Council

PROCEEDINGS:

On July 7, 2016 the Consent Order Review Committee (the "Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Xiao Ming (Alban) Wang and Alban Wang Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Xiao Ming (Alban) Wang, Alban Wang Personal Real Estate Corporation and on behalf of the Council;

NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Xiao Ming (Alban) Wang and Alban Wang Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. The licences of Xiao Ming (Alban) Wang and Alban Wang Personal Real Estate Corporation each be suspended for a period of one year;
2. Xiao Ming (Alban) Wang and Alban Wang Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$10,000.00 within ninety (90) days of the date of this Order;
3. Xiao Ming (Alban) Wang register for and successfully complete the Real Estate Trading Services Remedial Education Course, as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by the Council;
4. Xiao Ming (Alban) Wang and Alban Wang Personal Real Estate Corporation pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500.00 within sixty (60) days from the date of this Order.

If Xiao Ming (Alban) Wang or Alban Wang Personal Real Estate Corporation fail to comply with any term of this Order, the Council may suspend or cancel their licences without further notice to them, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 19th day of July, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE


C. Squires, Chair
Consent Order Review Committee

Attch.

IN THE MATTER OF THE REAL ESTATE SERVICES ACT
S.B.C. 2004, c. 42

IN THE MATTER OF
XIAO MING (ALBAN) WANG
(158367)

AND

ALBAN WANG PERSONAL REAL ESTATE CORPORATION
(158367PC)

AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Xiao Ming (Alban) Wang, Alban Wang Personal Real Estate Corporation and the Real Estate Council of British Columbia (the "Council"),

- A. Mr. Wang and Alban Wang Personal Real Estate Corporation hereby consent to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* ("RESA") that they each be suspended for one year.
- B. Mr. Wang and Alban Wang Personal Real Estate Corporation further consent that they be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$10,000 within ninety (90) days of the Order.
- C. Mr. Wang further consents that he, at his own expense, will register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia, within the time period as directed by the Council.
- D. Mr. Wang and Alban Wang Personal Real Estate Corporation further consent that they be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order herein.
- E. Further, Mr. Wang and Alban Wang Personal Real Estate Corporation consent to an Order that if they fail to comply with any of the terms of the Order made out against them and set out above in paragraphs A through D, as applicable, a Discipline Hearing Committee may suspend or cancel their licences, without further notice to them pursuant to section 43(3) and 43(4) of the RESA.
- F. As a basis for this Order, Mr. Wang and Alban Wang Personal Real Estate Corporation acknowledge and agree that the facts set forth herein are correct;

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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1. Mr. Wang was at all relevant times licensed as a representative with Amex Sunrich Realty (the "Brokerage").
2. Mr. Wang's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Sunrich Realty Ltd, DbA Amex Sunrich Realty (X025048)	Representative	Trading	23/02/2010	To Present

3. Alban Wang Personal Real Estate Corporation's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Alban Wang Personal Real Estate Corporation	Personal Real Estate Corporation	Trading	02/06/2010	To Present

BACKGROUND

4. [REDACTED] (" [REDACTED] ") was incorporated on October 9, 2012. A Notice of Change of Directors was filed on December 10, 2012 naming FN and JT as the new directors. The office address was [REDACTED] Road, Richmond, BC.
5. [REDACTED], was incorporated on November 28, 2012. The registered office address was [REDACTED] Road, Richmond BC. The directors were FN and JT.
6. [REDACTED], dissolved on March 31, 2014.
7. A real estate advertising website called [www.\[REDACTED\].com](http://www.[REDACTED].com), which is predominantly in Chinese, allows the public to search MLS listings, open houses, showing appointment information and buyers and sellers agents. The website, [www.\[REDACTED\].com](http://www.[REDACTED].com), advertised its address as [REDACTED] Road, Richmond BC.
8. [REDACTED], FN and JT are not presently licensed and were not licensed in BC to provide real estate services at the relevant times.

FACTS

9. In or about September 2012 Mr. Wang stated he was approached by a former client who told him that he had a friend called FN who was in search of a realtor and that he had provided FN with Mr. Wang's contact information.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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10. Mr. Wang stated that a few days later, FN contacted him to say she was interested in investing in real estate in Greater Vancouver. She invited him to a meeting at her house on Comstock Road in Richmond.
11. Mr. Wang stated that at the meeting, FN told him that she was going to launch a real estate-related Chinese website called [REDACTED], headquartered in China. The website was almost operational and had attracted many potential buyers in China.
12. Mr. Wang stated he was given a demonstration of the [REDACTED] website that was completely in "Simplified Chinese" and displayed comprehensive housing data, including regional information such as school district, housing area, structure, price and number of days on the market, as well as a historical records of transactions.
13. Mr. Wang stated that FN told him that her company helped clients look for houses through the website.
14. Mr. Wang stated FN told him that she would introduce him to customers, almost all of whom had determined which properties they wanted to purchase. Mr. Wang would be required to arrange showings, draft the contracts for purchase and sale and present offers.
15. Mr. Wang stated after completion of property sales, he was required to remit 90% of the commission to [REDACTED].
16. Mr. Wang stated that he agreed to the arrangement because it was easy. Mr. Wang also stated that his name never appeared on any advertising for Vanfun.com and he was never issued with any business cards.
17. Mr. Wang further stated that between November 2012 and July 2013 he completed the following 17 property transactions for clients who were referred to him by FN or [REDACTED] staff:
 - (i) [REDACTED] W. Broadway, Vancouver
 - (ii) [REDACTED] Myhill Road, Richmond
 - (iii) [REDACTED] Spires Court, Richmond
 - (iv) [REDACTED] Road, Richmond
 - (v) [REDACTED] Street, Surrey
 - (vi) [REDACTED] Avenue E., Vancouver
 - (vii) [REDACTED] W. Broadway, Vancouver
 - (viii) [REDACTED] Glen Drive, Coquitlam
 - (ix) [REDACTED] W. Georgia, Vancouver
 - (x) [REDACTED] Timbercrest Drive, Port Moody
 - (xi) [REDACTED] Eden Place, West Vancouver
 - (xii) [REDACTED] Wildwood Lane, West Vancouver
 - (xiii) [REDACTED] Nanaimo Street, Vancouver
 - (xiv) [REDACTED] High Street, White Rock
 - (xv) [REDACTED] Rosamond Avenue, Richmond

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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(xvi) [REDACTED] Meadfield Court, West Vancouver

(xvii) [REDACTED] Richards Drive, Richmond

18. Mr. Wang stated that he remitted 90% of the commission, from the sale of each of the 17 properties identified in paragraph number 17, to [REDACTED]. Between January 28, 2013 and October 21, 2013, Mr. Wang paid [REDACTED] a total amount of \$208,881 directly from his Personal Real Estate Corporation account.
19. Mr. Wang stated that he did not allow unlicensed staff to provide real estate services on his behalf. Mr. Wang does admit that he occasionally allowed [REDACTED] staff to accompany clients to viewings but maintains that he made it clear that the listing agent was to conduct the showing.
20. Mr. Wang stated that he did not disclose to his clients from [REDACTED] that he had agreed to pay a referral fee to [REDACTED] with respect to the real estate transactions. Mr. Wang stated that he did not think he was obliged to do so.
21. Mr. Wang further stated that he did not disclose to his managing broker of his relationship and arrangement with [REDACTED]. Mr. Wang stated that he did not think he was obliged to do so.

KWANTLEN STREET

22. Mr. Wang stated that in or about August 2013, he was contacted by a staff member at [REDACTED] to arrange a showing for a client at Kwantlen Street in Richmond.
23. Mr. Wang was not able to accompany the client because he was ill and had a prior appointment. Instead, Mr. Wang stated that he instructed the [REDACTED] staff member to take the client to the appointment so the listing agent could conduct the showing.
24. After the showing the staff member told Mr. Wang the client wanted to make an offer. Mr. Wang prepared an offer and faxed it to the staff member at [REDACTED] for the buyer's signature. The contract was signed and faxed back to Mr. Wang who submitted the offer to the seller which was accepted.
25. Mr. Wang stated that he did not meet or speak with the buyer. The transaction did not complete due to a dispute between the buyer and the staff at [REDACTED].
26. In or around August 2013, Mr. Wang terminated his dealings and arrangement with [REDACTED] when he learned that [REDACTED] staff had impersonated him with respect to a real estate transaction.

DISCIPLINE HISTORY

27. Mr. Wang and Alban Wang Personal Real Estate Corporation have a previous discipline history with the Council. On June 7, 2012 they agreed to a consent

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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order proposal and were suspended for fourteen days and required to take real estate trading remedial education course and pay enforcement expenses in the amount of \$1,000. They contravened section 27(1)(a) of the RESA in failing to promptly pay deposits in twelve transactions to the brokerage in accordance with the contract of purchase and sale and contrary to section 3-2(1)(b) of the Council Rules they failed to promptly provide the managing broker with the original or a copy of the records for the said transactions.

G. Proposed Acceptance of Findings and Waiver

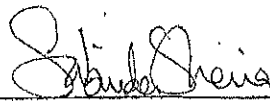
1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Mr. Wang and Alban Wang Personal Real Estate Corporation are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:

(i) Mr. Wang and Alban Wang Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the RESA, in that Mr. Wang:

- (a) paid remuneration in the form of referral fees to unlicensed brokerage, [REDACTED], (the "Unlicensed Brokerage") who was engaged in the business of soliciting clients for the purpose of offering real estate services. In particular, 17 clients were referred to him by the Unlicensed Brokerage in order to complete real estate services, including but not limited to, drafting contracts and closing transactions, contrary to section 6-1 of the Council Rules;
- (b) failed to disclose to the 17 referred clients from the Unlicensed Brokerages that he agreed to pay a referral fee to the Unlicensed Brokerage with respect to the real estate services that he was providing on their transactions, contrary to section 3-3(f) of the Council Rules;
- (c) failed to act honestly and with reasonable care and skill when he prepared an offer for a property on Kwantlen Street in Richmond, BC, on behalf of a purchaser who he never met, that was then signed by the buyer and which he then presented to the seller, contrary to section 3-(4) of the Council Rules;
- (d) provided real estate services other than on behalf of the brokerage in relation to which he was licensed when he provided real estate services on behalf of the Unlicensed Brokerage, contrary to section 7(3)(a) of the RESA;

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

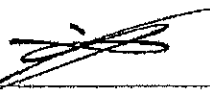
- (e) failed to keep his managing broker informed about his relationship and arrangements with the Unlicensed Brokerage, contrary to section 3-2(2)(a) of the Council Rules; and
 - (f) engaged in conduct unbecoming a licensee when he encouraged unlicensed activity by providing real estate services to the Unlicensed Brokerage and paid remuneration to them in the form of referral fees, contrary to section 35(2) of the RESA.
2. Mr. Wang and Alban Wang Personal Real Estate Corporation waive their right to appeal pursuant to section 54 of the RESA.
 3. Mr. Wang and Alban Wang Personal Real Estate Corporation acknowledge that they have a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
 4. Mr. Wang and Alban Wang Personal Real Estate Corporation acknowledge and are aware that the Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on the Council's website, and on CanLII, a website for legal research.
 5. Mr. Wang and Alban Wang Personal Real Estate Corporation acknowledge and are aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the RESA, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.
 6. The Agreed Statement of Facts and Proposed Acceptance of Findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding of any kind.



Sabinder Sheina, Legal Counsel
Real Estate Council of British Columbia

As to Part F only (Agreed Statement of Facts)

Dated 30 day of June, 2016



Xiao Ming (Alban) Wang on his behalf
and on behalf of Alban Wang Personal
Real Estate Corporation

As to Parts A, B, C, D, E, F and G,
(proposed penalty, Agreed Statement of
Facts, Proposed Acceptance of Findings
and Waiver)

Dated 28 day of June, 2016