

BC FINANCIAL SERVICES AUTHORITY

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
SBC 2004, c 42 as amended

AND

IN THE MATTER OF

CLAUDIU CAPRARU
(149671)

AND

CLAUDIU CAPRARU PERSONAL REAL ESTATE CORPORATION
(149671PC)

NOTICE OF DISCIPLINE HEARING

[This Notice has been redacted before publication.]

To: Claudiu Capraru and
Claudiu Capraru Personal Real Estate Corporation
c/o eXp Realty of Canada, Inc. dba eXp Realty
701 West Georgia Street
Vancouver, BC V7Y 1G5

TAKE NOTICE that the Superintendent of Real Estate (the "Superintendent") of the BC Financial Services Authority ("BCFSA") will hold a discipline hearing under Part 4 of the *Real Estate Services Act* ("RESA") on **March 11 – 14, 2024 commencing at 9:30 am** in the virtual Hearing Room at BCFSA's offices located at **600 – 750 West Pender Street, Vancouver, British Columbia** to determine whether your conduct contravened the RESA, the *Real Estate Services Regulation* (the "Regulation"), or the *Real Estate Services Rules* (the "Rules") in effect at the relevant time.

AND TAKE NOTICE that the allegations against you are as follows:

1. You committed professional misconduct within the meaning of section 35(1) and/or conduct unbecoming within the meaning of section 35(2) of the RESA in that:
 - a. you referred buyer clients to [Individual 1] also known as [Alias 1] and [Alias 2] ("[Individual 1]") from 2009 to 2017 when you knew or ought to have known that he was not a registered mortgage broker thereby putting your clients at risk, contrary to section 30(a) [*duty to act in the best interests of the client*] (formerly section 3-3(a)), section 33 [*duty to act honestly*] (formerly

section 3-4), and section 34 [*duty to act with reasonable care and skill*] (formerly section 3-4), of the Rules;

- b. you received or anticipated receiving remuneration in the form of a referral fee from [Individual 1] who you knew or ought to have known was not a registered mortgage broker, contrary to section 30(a) [*duty to act in the best interests of the client*] (formerly section 3-3(a)) and section 34 [*duty to act with reasonable care and skill*] (formerly section 3-4) of the Rules;
 - c. you submitted a mortgage application in February 2016 in relation to your purchase of a property located at [Property 1], Coquitlam (the "[Property 1]"), for which you represented yourself as the buyer:
 - i. with falsified income information, contrary to section 35(1)(c) [*deceptive dealing*] of the RESA and section 33 [*duty to act honestly*] (formerly section 3-4) of the Rules; and
 - ii. using the services of [Individual 1], who you knew or ought to have known was not a registered mortgage broker, contrary to section 33 [*duty to act honestly*] (formerly section 3-4) and section 34 [*duty to act with reasonable care and skill*] (formerly section 3-4) of the Rules;
 - d. you submitted a mortgage application in February 2016 in relation to your purchase of a property located at [Property 2], Maple Ridge (the "[Property 2]"), for which you represented yourself as the buyer:
 - i. with falsified income and savings information, contrary to section 35(1)(c) [*deceptive dealing*] of the RESA and section 33 [*duty to act honestly*] (formerly section 3-4) of the Rules; and
 - ii. using the services of [Individual 1], who you knew or ought to have known was not a registered mortgage broker, contrary to section 33 [*duty to act honestly*] (formerly section 3-4) and section 34 [*duty to act with reasonable care and skill*] (formerly section 3-4) of the Rules; and
 - e. you submitted mortgage applications in February 2016 for both [Property 1] and [Property 2] with false and misleading information about the occupancy status of each property indicating that each property would be owner-occupied, contrary to 35(1)(c) [*deceptive dealing*] of the RESA and section 33 [*duty to act honestly*] (formerly section 3-4) of the Rules.
2. You committed professional misconduct within the meaning of section 35(1) of the RESA in that:
- a. you failed to include the name and brokerage of the designated agent for the sellers in both the [Property 1] contract for purchase of sale dated January 25, 2016 and the [Property 2] contract for purchase and sale dated February 3, 2016, contrary to section 34 [*duty to act with reasonable care and skill*] (formerly section 3-4) of the Rules; and

- b. you failed and/or refused to respond to requests for documents and information related to the allegations against you, contrary to section 35(1)(e) [*failure or refusal to cooperate with investigation*] and section 37(4) [*must not withhold or refuse to provide information for investigation*] of the RESA.

AND FURTHER TAKE NOTICE that if the Superintendent finds you committed professional misconduct and/or conduct unbecoming, the Superintendent must make an order against you, and may also order you to pay enforcement expenses incurred by BCFSA, under sections 43 and 44 of the RESA.

AND FURTHER TAKE NOTICE that if you do not attend the discipline hearing, the Superintendent may proceed with the discipline hearing in your absence and may make findings and orders under sections 43 and 44 of the RESA without further notice to you.

AND FURTHER TAKE NOTICE that you are entitled, at your own expense, to be represented by legal counsel and to participate in the discipline hearing.

Dated this 7th day of March, 2023 at the City of Vancouver, British Columbia.

Superintendent of the BC Financial Services Authority

"JONATHAN VANDALL"

Jonathan Vandall
Delegate of the Superintendent of Real Estate
Province of British Columbia