

IN THE MATTER OF THE REAL ESTATE ACT, R.S.A. 2000, c. R-5

**AND IN THE MATTER OF JIANG ZHONG GU (a.k.a. JOHNNY GU)
Agent registered with Century 21 Bravo Realty**

INTRODUCTION

1. The Executive Director of the Real Estate Council of Alberta has undertaken an investigation to determine whether the conduct of **JIANG ZHONG GU (a.k.a. JOHNNY GU)**, an Agent registered with Century 21 Bravo Realty, is deserving of sanction, and to determine whether he breached the requirements of the Real Estate Act (hereafter "the Act"), the Rules prescribed pursuant thereto (hereafter "the Rules"), or the Code of Conduct prescribed pursuant thereto (hereafter "the Code of Conduct").

2. The Executive Director and **JIANG ZHONG GU (a.k.a. JOHNNY GU)** agree to resolve all matters against **JIANG ZHONG GU (a.k.a. JOHNNY GU)** on the terms and conditions set out herein.

AGREED STATEMENT OF FACTS

3. **JIANG ZHONG GU (a.k.a. JOHNNY GU)** ("Gu") was at all relevant times a licensed salesperson with Bravo Realty Ltd. o/a Century 21 Bravo Realty; he is currently licensed with Vision Realty Inc. o/a Century 21 Bravo Realty.

4. Gu was contacted by R.L. on or about October 19, 1999 further to an advertisement placed in a Chinese newspaper; R.L. advised Gu that he wished to purchase a home.

5. The advertisement in the Chinese newspaper included a photograph and a description of property owned by Z.H. at 3805 - 1st Street NE (the "property"). This listing agent for the property was J.D. of Comox Realty (1980) Ltd..

6. Gu did not have Z.H. permission to advertise the property in the Chinese newspaper either on or before October 19, 1999.

7. On or about October 20, 1999, an Offer to Purchase was prepared by Gu on R.L.'s behalf. Gu presented the Offer to Purchase to J.D. The Offer to Purchase was accepted by Z.H. making it an unconditional transaction.

8. On or about October 22, 1999, R.L. advised Gu that he would not be able to complete the transaction, and that he wanted the transaction cancelled and his \$3,000 deposit returned. Gu advised R.L. that the Offer to Purchase had been accepted, and that, if R.L. did not close the transaction on December 15, 1999, he would lose his \$3,000 deposit and he could be sued. Notwithstanding the foregoing, R.L. confirmed to Gu that he did not intend to complete the purchase of the property.

9. R.L. lost his \$3,000 deposit as a result of the foregoing.

10. Neither Gu, nor anyone else at Bravo Realty Ltd. o/a Century 21 Bravo Realty, confirmed in writing to J.D. , or anyone else at Comox Realty (1980) Ltd., that R.L. was not going to complete the purchase of the property until December 13, 1999, two days prior to the scheduled closing date of December 15, 1999.

11. During the course of this investigation, Gu was asked by RECA's investigator to produce a copy of the written authority provided to him by Z.H. which allowed Gu to advertise the property in the Chinese newspaper.

12. Gu provided the RECA investigator a copy of a handwritten note from Z.H. under which Z.H. had provided such authority to Gu, however, Gu altered that document by adding the date "October 2, 1999" to the handwritten note, when in fact the handwritten note was not signed by Z.H. until well after October 22, 1999 (i.e. - the date by which Gu would have known that R.L. was not going to complete the purchase of the property).

13. The purpose of adding "October 2, 1999" to the note was to deliberately deceive the RECA investigator, and to avoid a sanction for having advertised the property without Z.H.'s permission. Gu's conduct interfered with RECA's investigation into this matter.

CONCLUSION

14. Gu's conduct is deserving of sanction in that he:

- a) Advertised Z.H.'s property with Z.H.'s knowledge and consent, contrary to s. 4(b) of the Code of Conduct;
- b) Failed to cooperate with, and deliberately deceived, RECA's investigator, contrary to s. 7(d) of the Code of Conduct; and
- c) Failed to act professionally in dealings with other industry members, contrary to s. 7 of the Code of Conduct.

SETTLEMENT TERMS

15. Gu shall pay a fine of \$3,500 plus a further \$500 for costs of the Hearing Panel.

16. Gu agrees that, as a condition of his authorization to trade in real estate, he shall, within 6 months of ratification of this agreement by the Hearing Panel, successfully complete the Real Estate Institute of Canada's Ethical Principles and Professional Standards Course (REIC 2250), or such other course or courses as the Executive Director may direct in the event that the REIC 2250 course is not available within 6 months of ratification of this agreement.

17. Gu acknowledges that he has been given an opportunity to seek the advice of legal counsel, and acknowledges that he is agreeing to the terms of settlement of his own free will.

18. Gu is aware that a copy of the Consent Agreement will be placed on his file, and may be reviewed and considered in any future disciplinary proceedings.

19. Gu is aware that the Real Estate Council of Alberta may publish the contents of this Consent Agreement.

20. Gu hereby waives any rights which he may have under the Act or otherwise to a review, hearing, appeal or other judicial proceeding involving the matter referred to herein.

21. These settlement terms are intended to resolve all matters described herein and, subject to the approval of the Hearing Panel, the Executive Director will take no further action under the Act or before the courts in this regard.

IN WITNESS WHEREOF the undersigned agree and accept the terms and conditions of this settlement this 4 day of December 2002.

Signed and delivered
in the presence of

"V.W."
Witness to the signature
of Jiang Zhong Gu (a.k.a. Johnny Gu)

"Jiang Zhong Gu"
JIANG ZHONG GU (a.k.a. JOHNNY GU)

The Executive Director recommends to the Hearing Panel the proposed terms of settlement based on the Agreed Statement of Facts.

Real Estate Council of Alberta

Per: "Bob Myroniuk"

"S.C."
Witness to the signature
of Bob Myroniuk

Bob Myroniuk
Executive Director

Recommendation Approved ✓
Recommendation Denied _____

HAWLET OF SHELLWOOD JAC
DATED at the ~~City of Calgary~~, in the Province of Alberta this 23 day of DEC 2002.

Real Estate Council of Alberta

Per: "Lorne Clark"
Hearing Panel Chairperson

AFFIDAVIT OF EXECUTION

CANADA

I, V.W. _____ Of
(name of witness)

PROVINCE OF ALBERTA

the City of Calgary, in the Province of Alberta

TO WIT:

MAKE OATH AND SAY:

1.

THAT I was personally present and did see **JIANG ZHONG GU (a.k.a. JOHNNY GU)** named in the annexed instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.

2.

THAT the same was executed at the City of Calgary, in the Province of Alberta, and that I am the subscribing witness thereto.

3. THAT I know the said party and he is in my belief of the full age of eighteen years.

SWORN BEFORE ME at the City
of Calgary, in the Province of
Alberta this 4 day of
December 2002.

"R.S." _____

A Commissioner for Oaths in
and for the Province of Alberta

"V.W." _____

(signature of witness)