

S/N 11/2021 – Bringing Disrepute to the Estate Agency Trade or Industry by Physically Assaulting Another Person While Attending a Viewing

Facts of Case

The Respondent was at all material times a registered salesperson.

Sometime in March 2020, the Respondent was engaged by a client to assist in sourcing for a property to rent. The Respondent came across the advertisement for the Property sometime in April 2020 and contacted the salesperson listed on the advertisement, H, to request for a viewing of the property on 6 April 2020.

At the material time, the owner of the Property had engaged another salesperson, E, to market the Property for rent and H was assisting E. At the material time, the Property was also tenanted by a company which was in the business of renting accommodation to expatriates in Singapore and the Property was occupied by sub-tenants. The director of the company was G, and he was informed by the owner's daughter-in-law to liaise with E for the viewing of the Property by a prospective new tenant on 6 April 2020.

On 6 April 2020, H arrived at the Property at around 11am and the occupants of the Property allowed her to enter the Property to make a video recording of the Property. Shortly thereafter, G and his wife arrived at the Property and G called E who informed him that she was waiting for the prospective new tenant to arrive at the Property. G then saw H recording a video of the Property through the balcony and spoke to her to ascertain her identity. H then left the Property and returned with the Respondent to view the Property.

While outside the Property, G asked H and the Respondent why the prospective new tenant was not present and stated that he was not prepared to continue with the viewing of the Property unless the prospective new tenant was present. The Respondent explained that he represented the prospective new tenant and insisted on entering the Property to conduct the viewing. G then said that would need to make a video recording of the Respondent and H entering the Property if they insisted on entering the Property.

G then started to film him entering the Property with his mobile phone which agitated the Respondent. He turned towards G and swung his right hand at G's face. G blocked the Respondent with his right hand and the Respondent swung his left hand at G, punching him on his face and causing G to stagger several steps backwards. Despite the attempts by H and G's wife to restrain the Respondent and deter him from further aggression, the Respondent continued to move towards G in an aggressive manner to grab him and/or his mobile phone. The Respondent only ceased his violent conduct when H managed to pull him into the lift.

Note: This case was referred to a CEA Disciplinary Committee (DC) before the operationalisation of the Estate Agents (Amendment) Act 2020 on 30 July 2021. With the Act amendments, the maximum financial penalty for disciplinary breaches has been raised and a DC can impose a higher financial penalty on errant offenders.

As a result of the Respondent's attack, G suffered a muscle tear on his inner cheek and incurred medical costs of \$240. G was also certified unfit for duty and was granted outpatient sick leave on 6 April 2020. He also incurred about \$200 to repair his mobile phone which was damaged when the Respondent attacked him.

Charge

The Respondent faced the following charge:

Charge

For bringing disrepute to the estate agency trade or industry while carrying out estate agency work while attending a viewing of the Property on behalf of his client by physically assaulting G by hitting and/or punching G on the face thereby causing injury to G, in contravention of paragraph 7(1) of the Code of Ethics and Professional Client Care.

Outcome

Pursuant to a plea bargain, the Respondent pleaded guilty to the Charge.

Charge: A financial penalty of \$4,000 and a suspension of 6 months.

Fixed costs of \$2,000 was also imposed on the Respondent.