

S/N 9/2017 – Advertising Properties Without Owners’ Consent, Advertising Without Available Properties and Failing to Be Correctly and Clearly Identified in Advertisements

Facts of Case

In or around August 2009, the Respondent set up an account with an online Mandarin portal (the “Portal”). Between 5 January 2016 and 3 February 2016, the Respondent posted 94 property listings on the Portal to advertise properties for rent in Singapore (the “Advertisements”).

The Respondent did not obtain the consent of the respective property owners to advertise their properties for rent in 15 of the listings.

The Respondent also advertised various properties for rent at various locations in 15 other listings, when she knew that she had no such properties available for rent at the locations stated.

At all material times, the Respondent did not identify herself by her real name in the Advertisement, which is the name she had registered with the Council for Estate Agencies (“CEA”) for purposes of performing estate agency work. Instead, she adopted a Mandarin alias in the Advertisements that was not her registered name with the CEA.

The dummy Advertisements were intentionally posted to market her services as a salesperson. Further, this large number of Advertisements were removed only after CEA’s investigations had begun.

Further, the Respondent did not state her CEA registration number or the licence number of her estate agent in the Advertisements.

Charges

The Respondent faced the following 32 charges:

Charges 1 to 15 (Proceeded on Charges 1, 3 and 7)

Advertising that 15 properties were available for rent, through the Advertisements on the Portal, without obtaining the consent of the respective property owners, in breach of paragraph 3.8 of the Practice Guidelines on Ethical Advertising, and in contravention of paragraph 4(1) read with paragraph 4(2)(a) of the Code of Ethics and Professional Client Care.

Charges 16 to 30 (Proceeded on Charges 16, 17 and 18)

Advertising that there were properties available for rent at various locations, through the Advertisements on the Portal, when she did not have any of the properties available for rent, in breach of paragraph 3.8 of the Practice Guidelines on Ethical Advertising, and in contravention of paragraph 4(1) read with paragraph 4(2)(a) of the Code of Ethics and Professional Client Care.

Charge 31

For failing to ensure that she was correctly and clearly identified in the Advertisements, by failing to state her name as registered with the CEA and using the Mandarin name “Kai Yue” instead, in contravention of paragraph 12(1)(a) read with paragraph 12(2)(a) of the CEPCC.

Charge 32 (Proceeded)

Failing to ensure that she was correctly and clearly identified in the Advertisements, by failing to state her CEA registration number and her estate agent’s licence number, in contravention of paragraph 12(1)(a) read with paragraph 12(2)(b) of the Code of Ethics and Professional Client Care.

Outcome

Pursuant to a plea bargain, the Respondent pleaded guilty to 7 charges (Charges 1, 3, 7, 16, 17, 18 and 32), while the remaining 25 charges (Charges 2, 4, 5, 6, 8 to 15, 19 to 30 and 31) were taken into consideration for sentencing.

The DC imposed the following financial penalties on the Respondent:

Charges 1, 3 and 7: A financial penalty of \$3,000 for each Charge.

Charges 16, 17 and 18: A financial penalty of \$1,500 for each Charge.

Charge 32: A financial penalty of \$4,000.

Fixed costs of \$1,000 was also imposed on the Respondent.