

## **S/N 7/2014 – Failing to Complete HDB Resale Checklist 7 Days Prior to Issuance of OTP and Failing to Give a Copy of OTP to Client**

### **Facts of Case**

The Respondent was engaged to sell a HDB flat by the owner.

The Respondent found a buyer for the flat. However, the Respondent did not go through the HDB Seller's Resale Checklist with his client before arranging for his client to sign the Option to Purchase (OTP). Under HDB procedure, sellers are required to complete the Resale Checklist seven (7) days before issuing an OTP to the buyers.

As this sale and purchase did not proceed, the Respondent assisted the owner to re-market the flat for sale. The Respondent found another buyer and arranged for his client to sign another OTP as well as an Estate Agency Agreement. However, after these documents had been signed by the owner, the Respondent failed to give a copy each to his client as soon as possible or at all.

### **Charges**

The Respondent was charged for the following offences:

#### **Charge 1 (Proceeded)**

For not being conversant and complying with HDB resale procedure as he had arranged for his seller client to issue an OTP for his HDB flat when the seller's resale checklist had not been completed, in contravention of paragraph 4(1) read with paragraph 4(2)(e) of the Code of Ethics and Professional Client Care.

#### **Charge 2 (Proceeded)**

For failing to give his client a copy of the OTP after his client had signed it, in contravention of paragraph 8(4) of the Code of Ethics and Professional Client Care

#### **Charges 3**

For failing to give his client a copy of the Estate Agency Agreement after his client had signed it, in contravention of paragraph 8(4) of the Code of Ethics and Professional Client Care

### **Outcome**

A plea bargain between the Respondent and CEA was reached whereby CEA proceeded with Charges 1 and 2, which the Respondent agreed to pleaded guilty to, with Charge 3 being taken into consideration for purposes of imposition of penalties.

**Charge 1:** Suspension of 1 month.

**Charge 2:** A financial penalty of \$1,000.

Fixed costs of \$1,000 were also imposed upon the Respondent.