

S/N 7/2016 – Failure to Obtain the Prior Written Consent of the Owners of Properties in Advertisements

Facts of Case

The Respondent, a registered salesperson, posted an advertisement online in respect of a property. In the said advertisement, the Respondent's mobile number stated therein was not the mobile number that he had registered with the Council for Estate Agencies ("CEA"), and he had also inaccurately stated therein the name and licence number of the estate agent he was a registered salesperson with.

The Respondent also posted four other advertisements online in respect of four different properties without obtaining the respective owners' consent prior to advertising the said properties.

Charges

The Respondent faced the following five charges:

Charge 1

For failing to correctly identify himself as he did not correctly state his contact number as registered with the CEA and the licence number of the estate agent he was with in his advertisement, by causing or allowing to be advertised a property in which was stated an unregistered mobile number and by providing inaccurate information on the estate agent he was a registered salesperson with, in contravention of paragraphs 12(2)(a) and 12(2)(b) of the Code of Ethics and Professional Client Care ("**Code**").

Charges 2, 3, 4 and 5

For failing to perform his work in accordance with applicable laws and in particular did fail to comply with paragraph 3.3.1(a) of the Professional Service Manual Practice Guidelines, by causing or allowing to be made four advertisements for four properties respectively without obtaining the prior written consent of the owner of the property, in contravention of paragraph 4(1) read with 4(2)(a) of the Code.

Outcome

Pursuant to a plea bargain, the Respondent pleaded guilty to Charges 2 and 5, with Charges 1, 3 and 4 taken into consideration for sentencing. The Disciplinary Committee imposed the following financial penalties on the Respondent:



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.

Charge 2: A financial penalty of \$3,000.

Charge 5: A financial penalty of \$3,000.

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