

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
AND
IN THE MATTER OF
JASON RUSSEL MIDDLETON
AND
CORNERSTONE PROPERTIES LTD.

CONSENT ORDER

RESPONDENTS: Jason Russel Middleton, Managing
Broker, Cornerstone Properties Ltd.
Cornerstone Properties Ltd., Brokerage

DATE OF REVIEW MEETING: January 7, 2008

DATE OF CONSENT ORDER: January 10, 2008

CONSENT ORDER REVIEW COMMITTEE: J. Whyte (Chair)
C. Chen
A. Petrone
S. Sidhu

ALSO PRESENT: R.O. Fawcett, Executive Officer
B.K. Evans, RECBC Staff

PROCEEDINGS:

On January 7, 2008 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Jason Russel Middleton on his behalf and on behalf of Cornerstone Properties Ltd., as submitted, which was a reprimand for James Russel Middleton and a reprimand for Cornerstone Properties Ltd. As well they are jointly and severally liable to pay enforcement expenses of \$750.00 to the Real Estate Council within sixty (60) days from the date of this Order.

WHEREAS an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was executed by Jason Russel Middleton on his behalf and on behalf of Cornerstone Properties Ltd. and the Real Estate Council of British Columbia (“Council”), a copy of which is attached hereto:

NOW THEREFORE, the Council has made the following findings and orders the following penalties based on the Agreed Statement of Facts herein and Proposed Acceptance of Findings:

1. Cornerstone Properties Ltd. is reprimanded for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate*

Services Act in that from January 1, 2006 until on or about June 12, 2007 it provided real estate services through an unlicensed representative, namely Robert James Greene, contrary to section 7(5)(a) of the *Real Estate Services Act*.

2. Jason Russel Middleton is reprimanded for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he failed to ensure that a former representative with Cornerstone Properties Ltd., namely Robert James Greene, did not engage in activities which required licensing, contrary to section 6(2) of the *Real Estate Services Act* and section 3-1(1) of the Council Rules.
3. Cornerstone Properties Ltd. and Jason Russel Middleton are jointly and severally liable to pay enforcement expenses in the amount of \$750.00 to the Real Estate Council within sixty (60) days from the date of this Order.

If Cornerstone Properties Ltd. and Jason Russel Middleton fail to comply with any of the terms of the Order set out above, the Council may suspend or cancel their licences without further notice to them pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 10th day of January, 2008 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Judi Whyte”

J. Whyte
Chair

Consent Order Review Committee

Attch.

File No. 380-06

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
R.S.B.C. 2004, c. 42**

IN THE MATTER OF

**JASON RUSSEL MIDDLETON
(099160)**

AND

**CORNERSTONE PROPERTIES LTD.
(X017769)**

**AGREED STATEMENT OF FACTS, PROPOSED
ACCEPTANCE OF FINDINGS AND WAIVER**

The following agreement has been reached between Jason Russel Middleton (“Mr. Middleton), Cornerstone Properties Ltd. (“Cornerstone”) and the Real Estate Council of British Columbia (“Council”).

- A. Mr. Middleton hereby consents to an Order to be made pursuant to section 41 of the *Real Estate Services Act* (the “Act”) that he be reprimanded.
- B. Mr. Middleton, on behalf of Cornerstone, hereby consents to an Order to be made pursuant to section 43(2) of the Act that Cornerstone be reprimanded.
- C. Mr. Middleton, on his behalf and on behalf of Cornerstone, consents jointly and severally to pay enforcement expenses to the Real Estate Council in the amount of \$750.00 within sixty (60) days of the date of the order herein.
- D. If Mr. Middleton or Cornerstone fail to comply with any of the terms of the Order set out above, the Council may cancel their licences without further notice to them pursuant to section 43(3) of the Act.
- E. As the basis for this Order, Mr. Middleton and Cornerstone Properties Ltd. acknowledge that the facts set forth herein are correct:
 - 1. Cornerstone Properties Ltd. is duly licensed as a brokerage and has been so licensed since November 2, 1987.
 - 2. Mr. Middleton was at all relevant times the managing broker, president and a director of Cornerstone. Mr. Middleton’s licensing history is as follows:

Jun 11/92 - Jun 10/02	Representative, Cornerstone Properties Ltd.
Jun 11/02 – Aug 12/03	Associate Broker, Cornerstone Properties Ltd.
Aug 12/03 – present	Managing Broker, Cornerstone Properties Ltd.
 - 3. Robert James Greene, an unlicensed individual, commenced employment as an unlicensed property manager with Cornerstone on November 28, 2005. He enrolled in the Strata Management Licensing Course on January 3, 2006.

4. Mr. Greene started work on the course in late March 2006, when the course material was first made available to him.
5. Mr. Greene completed the assignment work for the course on or about December 15, 2006 but he failed the examination on January 25, 2007. He successfully rewrote the examination and he became licensed as a representative for strata management services on June 13, 2007.
6. While employed at Cornerstone, Mr. Greene has always worked as a property manager with various strata council clients, with Mr. Middleton overseeing Mr. Greene's activities.
7. From January 1, 2006 to June 12, 2007 (the unlicensed period), while Mr. Greene sometimes attended strata council meetings in the company of Mr. Middleton or another licensed individual, he also attended unaccompanied and, inter alia, presented property management reports to the strata councils, communicated directly at meetings and by way of correspondence with strata councils regarding strata management issues, distributed notices of hearings prepared and signed by him, negotiated contracts on behalf of the strata corporation and provided strata and property management services to Cornerstone strata council clients directly, on behalf of Cornerstone and its related maintenance service arm, Cornerstone Maintenance Services.
8. Mr. Middleton assures the Council that in the future Cornerstone will ensure all brokerage employees who conduct activities that require licensing will be indeed be licensed, despite the difficulties in finding licensed strata property managers.

F. Proposed Acceptance of Findings and Waiver

Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Jason Russel Middleton and Cornerstone Properties Ltd. are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:

1. Cornerstone Properties Ltd committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that from January 1, 2006 until on or about June 12, 2007 it provided real estate services through an unlicensed representative, namely Robert James Greene, contrary to section 7(5)(a) of the *Real Estate Services Act*.
2. Jason Russel Middleton, as managing broker for Cornerstone Properties Ltd., committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he failed to ensure that a former representative with Cornerstone Properties Ltd., namely Robert James Greene, did not engage in activities, which required licensing, contrary to section 6(2) of the *Real Estate Services Act* and section 3-1(1) of the Council Rules.

3. Mr. Middleton and Cornerstone hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
4. Mr. Middleton and Cornerstone acknowledge that they and each of them have been advised to obtain independent legal advice with respect to this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver and they have waived that right.
5. Mr. Middleton and Cornerstone acknowledge and are aware that the Council will publish the Consent Order and penalty herein in its Report from Council and on the Council's website.
6. Mr. Middleton and Cornerstone acknowledge and are aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the *Real Estate Services Act*, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver and Consent Order.
7. The proposed acceptance of findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such proposed acceptance of findings cannot be used in any other proceeding of any kind.

"Brian K. Evans"
Brian K. Evans, Legal Counsel
Real Estate Council of British Columbia

As to Part E only (Agreed Statement of Facts)

Dated 20th day of December, 2007

"Jason Russel Middleton"
Jason Russel Middleton

As to Parts A, C D, E, and F (proposed penalty, Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver)

Cornerstone Properties Ltd.

Per
"James Russel Middleton"
Jason Russel Middleton

As to Parts B, C D, E, and F (proposed penalty, Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver)

Dated 18th day of December, 2007.