

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
AND
IN THE MATTER OF
JUNE EDNA MUXLOW
AND
G.C. MANAGEMENT (1991) LTD.

CONSENT ORDER

RESPONDENTS: June Edna Muxlow, Managing
Broker, G. C. Management (1991) Ltd.
G.C. Management (1991) Ltd.,
Brokerage

DATE OF REVIEW MEETING: December 18, 2007

DATE OF CONSENT ORDER: January 7, 2008

CONSENT ORDER REVIEW COMMITTEE: J. Whyte (Chair)
B. Brown
C. Chen
S. Sidhu

ALSO PRESENT: R.O. Fawcett, Executive Officer
S.J. Russell, RECBC Staff

PROCEEDINGS:

On December 18, 2007 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by June Edna Muxlow on her behalf and on behalf of G.C. Management (1991) Ltd., as submitted, which was a reprimand for June Edna Muxlow and a reprimand for G.C. Management (1991) 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 June Edna Muxlow on her behalf and on behalf of G.C. Management (1991) 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. G.C. Management (1991) Ltd. is reprimanded for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 7-7(1)(b) of the Council Rules in that it failed to file an Accountant's Report with the Council for the year ending April 30, 2007 on or before August 31, 2007.
2. June Edna Muxlow is reprimanded for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling her responsibilities as managing broker for the performance of the duties imposed on the brokerage by its licence within the meaning of section 6 (2)(b) of the *Real Estate Services Act* and by contravening sections 3-1(1)(a) and (b) and section 3-1(3) of the Council Rules (managing broker responsibilities) in that she failed to ensure that the said Accountant's Report was filed with the Council on or before August 31, 2007.
3. G.C. Management (1991) Ltd. and June Edna Muxlow 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 G.C. Management (1991) Ltd. and June Edna Muxlow 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 7th day of January, 2008 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

"Judi Whyte"

J. Whyte
Consent Order Review Committee, Chair

Attch.

File #07-145

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

IN THE MATTER OF

**JUNE EDNA MUXLOW
(147564)**

AND

**G.C. MANAGEMENT (1991) LTD.
(X028572)**

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

The following agreement has been reached among June Edna Muxlow (“June Muxlow”), G.C. Management (1991) Ltd. (“G.C. Management”) and the Real Estate Council of British Columbia (the “Council”).

- A. June Muxlow on behalf of G.C. Management hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that G.C. Management be reprimanded.
- B. June Muxlow hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that she be reprimanded.
- C. G.C. Management and June Muxlow hereby consent to an Order that they be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00 within sixty (60) days of the Order herein.
- D. G.C. Management and June Muxlow further consent to an Order that if they 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*.
- E. As a basis for this Order, G.C. Management and June Muxlow acknowledge and agree that the facts sets forth herein are correct:
 - 1. G.C. Management is licensed as a brokerage and has been since December 30, 2005.
 - 2. June Muxlow is currently licensed as a Managing Broker with G.C. Management and was so licensed at all material times. Her licensing history is as follows:

Dec 30/05 – Present

Managing Broker, G.C. Management

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3. The fiscal year end of G.C. Management was April 30, 2007. The Accountant's Report was due to be filed with the Council on or before August 30, 2007.
 4. A letter was sent from the Council to G.C. Management dated May 4, 2007 advising that the Accountant's Report was due to be received by the Council on or before August 30, 2007.
 5. A letter was sent from the Council to G.C. Management dated September 5, 2007 advising that if the report is not received within 30 days of the due date the matter would be forwarded to the Council's Legal Department for further action.
 6. A further letter was sent to G.C. Management from the Council dated October 9, 2007 advising that as a complete Accountant's Report was not received by August 31, 2007 the file was being forwarded to the legal department.
 7. On October 19, 2007 a Notice of Discipline Hearing was sent to G.C. Management and to June Muxlow.
 8. An Accountant's Report in a form acceptable to the Council was received from G.C. Management on November 29, 2007.
- F. Proposed Acceptance of Findings and Waiver
1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, G.C. Management and June Muxlow are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - (a) G.C. Management committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 7-7(1)(b) of the Council Rules in that it failed to file an Accountant's Report with the Council for the year ending April 30, 2007 on or before August 31, 2007;
 - (b) June Muxlow committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling her responsibilities as managing broker for the performance of the duties imposed on the brokerage by its licence within the meaning of section 6 (2)(b) of the *Real Estate Services Act* and by contravening section 3-1(1)(a) and (b) and/or 3-1(3) of the Council Rules (managing broker

responsibilities) in that she failed to ensure that the said Accountant's Report was filed with the Council on or before August 31, 2007.

2. G.C. Management and June Muxlow hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. G.C. Management and June Muxlow acknowledge that they have the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. G.C. Management and June Muxlow 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.
5. G.C. Management and June Muxlow 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.
6. The Agreed Statement of Facts and 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 agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding of any kind.

"Shelley Russell"

Shelley Russell, Legal Counsel
Real Estate Council of British Columbia

As to Part E only (Agreed Statement
of Facts)

Dated 5th day of December, 2007

"June Edna Muxlow"

June Edna Muxlow

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

Dated 3rd day of December, 2007

"June Edna Muxlow"

June Edna Muxlow on behalf of G.C.
Management (1991) Ltd.

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

Dated 3rd day of December, 2007